

## Personal injury **ATE** for the new era

Since the Jackson / LASPO Act changes in April 2013, it is clear from a legal expenses insurance perspective that as your Client is likely to be paying their own ATE premium, a 'one size fits all' approach is no longer appropriate and that policy features, benefits and value for money are now key.

That's why Keystone Legal has developed FlexProtect, a modular and easy to use ATE product that addresses the disbursement, adverse

costs & Part 36 risks inherent in the post-LASPO regime.

FlexProtect is a versatile ATE policy covering the key risk stages of a PI claim. Cover is available via 3 easy to use modules, and these 3 modules can be used in isolation or in conjunction with one another. All premiums are self-insured and are payable upon successful case conclusion.

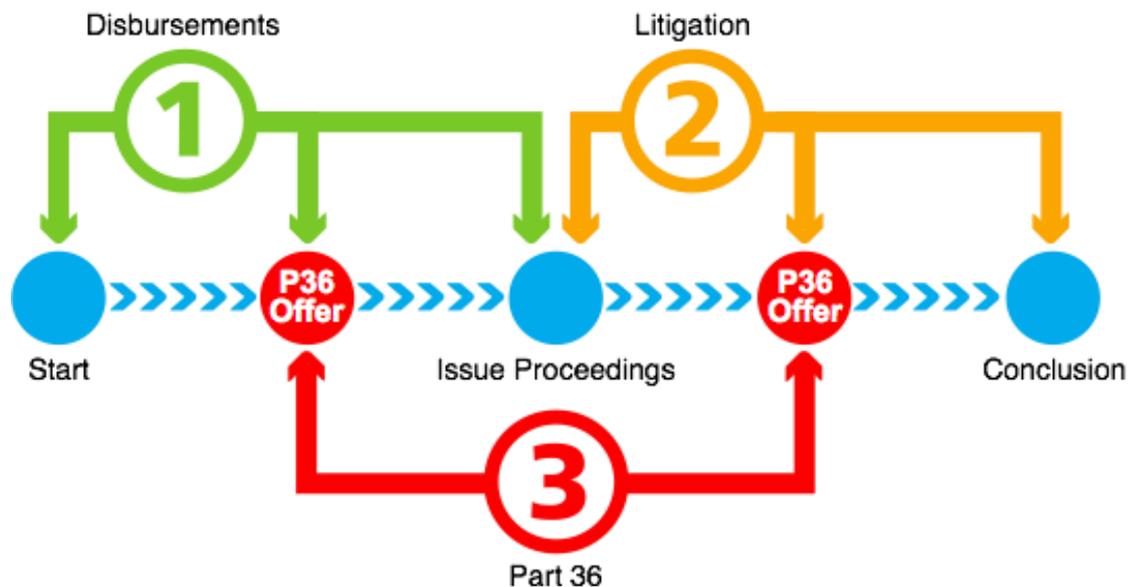
### FlexProtect - Good for your Clients, Good for You

FlexProtect's modular & tailored approach could make a real difference to both your Clients and your Firm in the post-LASPO / Jackson regime:

- FlexProtect is modular - your Clients are not paying for cover they **don't need**
- The defendant Part 36 offer is **guaranteed** - this is the least your Client will receive
- Keystone can arrange an **advance** of part of this guaranteed offer to your Client if required
- The Part 36 offer guarantee - together with the compensation advance facility - means your Firm can concentrate on running cases & doing the best for your Clients whilst **maximising** potential fee income
- Fast track premiums include IPT

Keystone's aim is to work more closely with Firms & we are able to tailor elements of the FlexProtect policy to suit your Firm's needs, experience, case mix and overall approach to risk management.

### FlexProtect & the PI timeline



The **FlexProtect** Modules – *you* decide where to start cover...

1 Module - 1 Disbursements			
Period covered	Brief description of cover	Fast track Premiums	Multi track Premiums
'Day 1' from start of case up to a defendant Part 36 offer OR Part 7 litigation	<ul style="list-style-type: none"> <li>£100,000 limit of indemnity (can be increased)</li> <li>Cover for disbursements</li> <li>For cases with prospects of success in excess of 50%</li> <li>Fast track premiums include IPT</li> </ul>	RTA - £40 EL - £85 PL/OL - £110 Local Authority Slip/Trip - £190 ID - Bespoke or scheme rate	RTA - £250 EL - £500 PL/OL - £500 Local Authority Slip/Trip - £500 ID, Clin Neg & other - Bespoke

2 Module - 2 Litigation			
Period covered	Brief description of cover	Fast track Premiums	Multi track Premiums
From litigation to a defendant Part 36 offer OR case conclusion	<ul style="list-style-type: none"> <li>Adverse costs &amp; litigation disbursements cover</li> <li>£100,000 limit of indemnity (can be increased)</li> <li>For cases with prospects of success greater than 50%</li> <li>Fast track premiums include IPT</li> </ul>	RTA - £165 EL - £240 PL/OL - £320 Local Authority Slip/Trip - £420 ID – Bespoke or scheme rate	<i>Due to March 2015's court fee increases, module 2 premiums are now quoted on a bespoke basis until further notice</i>

3 Module - 3 Part 36 (pre & post Issue)			
Period covered	Brief description of cover	Fast track Premiums *	Multi track Premiums
From a defendant Part 36 offer to case conclusion	<ul style="list-style-type: none"> <li>Full damages indemnity - we guarantee your Clients Part 36 offer</li> <li>Adverse costs cover</li> <li>£100,000 limit of indemnity (can be increased)</li> <li>Advance of compensation also available for Clients</li> </ul>	A maximum of <b>25% of the IMPROVEMENT</b> between the 1 <sup>st</sup> defendant Part 36 offer & final settlement *  Discounted by 50% if case settles pre-issue	<b>Bespoke</b> by case – a fixed premium or percentage of the monetary improvement over the defendant Part 36 offer  Discounted by 50% if case settles pre-issue

\* **Module 3 Fast track premiums are based on 25% of the increase between the first defendant Part 36 offer and the final settlement, but subject to the following maximum premium caps:**

- \* Claim settles for up to £4,999 = £250 premium cap
- \* Claim settles between £5,000 and £9,999 = £500 premium cap
- \* Claim settles between £10,000 and £14,999 = £750 premium cap
- \* Claim settles between £15,000 and £24,999 = £1,000 premium cap

Fast track premiums include IPT

For more information on FlexProtect:

Tel **01252 354100** Email [flexprotect@keystonelegal.co.uk](mailto:flexprotect@keystonelegal.co.uk) [www.flexprotect.me.uk](http://www.flexprotect.me.uk)

## Module 3 Multi track premium examples

The following examples are based on 'real world' cases to help illustrate how FlexProtect Module 3 premiums are bespoke for each case and can be flexible to ensure proportionality & best value. In very general terms, the higher the quantum, the lower the percentage premium (in some cases starting as low as 2 or 3%). All premiums quoted are exclusive of IPT.

### Example 1 – Multi track RTA Case

In this case, liability is fully conceded and there are no major causation issues. The defendant makes a Part 36 offer £40,000, with the claimants solicitor valuing the case at up to £50,000 in a best case scenario.

Keystone assesses the case and FlexProtect Module 3 cover is issued at a premium of 10% of the damages recovered in excess of £40,000, but with a maximum premium cap of £1,250. The claim settles for £47,500, an increase of £7,500, resulting in a premium of £750.

### Example 2 - Multi track PL case

Liability in this example is agreed, but the case has significant causation medical issues and, with the claimant being self-employed, there are various concerns relating to elements of special damages. The defendants make a Part 36 offer of £65,000. The value of the claim is estimated to be £100,000 in a 'best case' and £60,000 as a 'worst case' scenario.

After assessing the case, FlexProtect Module 3 cover is issued at a premium of 17.5% of the damages recovered in excess of £65,000, but with a maximum premium cap of £4,000. The case goes on to settle for £75,000, resulting in a premium of £1,750.

### Example 3 – Multi track case that loses

In this example, FlexProtect Module 3 cover is provided on an EL case at a premium of 7.5% of any increase over the defendants offer. The defendant Part 36 offer is £65,000, but this time the offer is not beaten and the case eventually settles for £60,000, with an adverse costs order of £10,000.

As well as covering the adverse costs of £10,000, the FlexProtect Module 3 policy also covers the damages shortfall of £5,000. As the FlexProtect premiums are self-insured, in this example there is no Module 3 premium to pay.

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