

# AFTER THE EVENT INSURANCE SOLUTIONS FOR COMMERCIAL LITIGATION



After the Event (ATE) insurance is a legal expenses insurance policy which can fully protect the claimant against their opponent's adverse costs. Furthermore, ATE insurance may also be extended to cover your clients' own disbursements including expert and counsel fees.

ATE insurance could generate additional fee income for your firm, as clients will have more cost certainty when raising a case. It could enable you to differentiate your firm from competitors by giving you access to an innovative insurance solution that can add value for your clients.

## HOW ATE INSURANCE COULD ADD VALUE FOR YOUR CLIENT

It can enable clients to enter into commercial litigation more confidently. They are safeguarded against the potential costs of losing and having to pay the other side's costs.

It can enable them to pursue recovery of bad debts, or settle disputes. Clients can enter into litigation that might otherwise be cost prohibitive.

ATE insurance offers clients the opportunity to pursue cases they otherwise may not be able to afford to do due to the risk of paying the opponent's costs. It can improve a client's financial profile by enabling them to litigate to recover bad debts.

## ATE CAN BE APPLIED IN CASES INVOLVING:

- Insolvency.
- Professional negligence.
- Property disputes.
- Construction disputes.
- Debt recovery.
- Contractual disputes.
- Contentious probate.
- Personal injury.
- Clinical negligence.

## HOW TO SPOT AN OPPORTUNITY

Many businesses and individuals will have commercial disputes at some point and may wish to enter into litigation. Likely sectors include:

**Insolvency practitioners:** Insolvency practitioners can often take over businesses that are owed a lot of money. However, they will have very limited funds with which to fight a legal action to recover these debts – especially as if they lose they may be required to pay the other side's costs. ATE insurance can protect insolvency practitioners against the costs of commercial litigation such as this.

**Customers with bad debt exposures:** You may become aware of a customer who has suffered a significant bad debt they are struggling to recover. ATE insurance may enable them to enter into litigation with greater cost certainty.

**Smaller businesses who may lack negotiating power:** ATE insurance can level the playing field, giving access to justice to small organisations who need to take on larger ones. This is because it can remove the adverse costs and risks of litigation.

**Individual claimant:** They may have contractual disputes but cannot afford the financial risk of entering into litigation or be intimidated by the financial strength of their opponent.

**Large corporates:** Can enable a financial/legal director to maximise their legal budget as ATE insurance reduces their exposure when entering into the litigation process.

## CONTACT US:

Call Marsh for details of the solutions available to your commercial litigation clients:

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