



KIPPEN CAMPBELL LLP

LEGAL EXPENSES INSURANCE – TICK THE BOX!

GOOD CLAIMS DROPPED

Sally and I have lost count of the number of times that clients have come to us with a case that has better than 50% prospects of success yet when the client is faced with the realistic costs of proceeding to either Tribunal or Court, they decide that they cannot afford to proceed. This is frustrating both for the client and the Solicitor as it usually means that someone, an Employer or Company, has escaped justice and potentially a large compensation claim due to the lack of funds of the individual concerned.

LEGAL EXPENSES INSURANCE

On the other hand, we always ask clients if they have a policy of legal expenses insurance and are frequently surprised at the number of people who have one but do not realise that they do!

Whilst it is important to get the right form of legal expenses insurance and to consider all of your requirements the general advice of “tick the box!” will apply to many, if not all, potential litigants when many good quality legal expenses insurance policies offer a year’s cover still for around £30.00 to £40.00.

I have attached a link to an article on the subject by “Which?” who describe themselves as “UK’s Consumer Champion”.

<https://www.which.co.uk/money/insurance/legal-expenses-insurance/legal-expenses-insurance-reviews-ady0v9f25nw8>

In my experience many legal expenses insurance policies cover not only the policy holder but the policy holder’s whole family living at home if it is a home insurance policy.

The possibility of cover can be found in home contents insurance, buildings insurance and car and motorcycle insurance policies.

Of course, the primary reason for buying these policies is to protect the home, the buildings or your car or motorcycle so it is important to make sure that the primary reason is adequately covered but once that is done then I would suggest always look for the potential of legal expenses insurance.

Many home insurance policies with legal expenses insurance provide cover for issues such as unfair dismissal or discrimination, protection of your home, protection of your consumer rights and for personal injury suffered in an accident that was not your fault.

RIGHT TO CHOOSE YOUR OWN LAWYER

Many clients, once they have legal expenses insurance, feel forced into a situation where they are asked by the Insurers and feel pressurised into using a Solicitor nominated by the Insurance Company.

Could I emphasise that you have absolute [freedom of choice to choose your own Solicitor](#) once you have legal expenses insurance.

Because the Insurance Company will have negotiated preferential rates with one or more firms of Solicitors, usually in the major cities, they will generally try to steer you to a Lawyer from their panel.

Feedback from clients who have been in this situation include the fact that they often feel that there is a conflict between the duties the panel lawyer owes to the Legal Expenses Insurer (LEI) and to them as the client, concerns that the panel lawyer will feel because they are being paid a fixed fee that they will not take as thorough an approach to the case as an independent lawyer might and, the most common, that the panel lawyer may not have the necessary experience or expertise to deal with complex cases.

Sally and I have a great deal of experience in Employment Law and acting for LEI's and are not on any panel of LEI Solicitors. We will always put your interests first.

Please therefore always insist upon your own choice of Solicitor if you wish to have a say in the selection of the person who will be conducting often the most important legal matter in your life.

Once you have considered all of the options, if you think you might be someone who could be affected by any of the issues referred to above but could not afford to run an expensive Employment Tribunal or Court case, then, **tick the box!**

For any advice or assistance on any of the matters raised above, please contact either myself or Sally as detailed below.

Kind regards

Steve

Steve McLaren sm@kcllp.co.uk

Sally McCartney sal@kcllp.co.uk

Telephone: 01738 635353