



HERA INDEMNITY

MAKING A DIFFERENCE

CHARTERED LEGAL EXECUTIVES PROFESSIONAL INDEMNITY INSURANCE PROPOSAL FORM

For an insurance quote please complete the CILEx proposal form and return to
Hera Indemnity at enquirieslondon@heraindemnity.co.uk



Hera Indemnity, 6 Bevis Marks, London EC3A 7BA
t +44 (0)20 7062 4020 w towergateinsurance.co.uk/hera-indemnity

Broker at **LLOYD'S**

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Professional Indemnity Insurance Application Form

CILEx Professional Indemnity Insurance Application Form 2015

Area of practice

Agency advocacy

Defined as all advocacy work, including attendance at a Court or Tribunal for the purpose of such advocacy, done on behalf of another insured practice.

Commercial/Corporate work – excluding work related to public companies

This is a broad category covering all commercial work, whether for sole traders, partnerships or companies. It includes but is not limited to mergers and acquisitions, corporate trusts, corporate insolvency and taxation.

Commercial/Corporate work for public companies

This covers all work relating to public limited companies, including mergers and acquisitions, corporate trusts, corporate insolvency and taxation.

Conveyancing – commercial

Acting on the acquisition, sale or financing of freehold or leasehold property where the client is acting in the course of a business. This includes the drafting of leases and related documentation.

Conveyancing – residential

Acting on the acquisition, sale or financing of freehold or leasehold property where the client is not acting in the course of a business.

Debt collection

Collection of undisputed or undefended debts. Debt recovery work that involves a dispute, including the defence of a debt action, should be classified as Litigious work other.

Employment – contentious

Advising and acting on disputes between employer and employee which arise from statute and/or contracts of employment.

Employment – non-contentious

General employment advice to employers and employees, including corporate support on transfer of businesses, employee benefits and drafting of contracts of employment and staff handbooks.

Financial advice and services where your entity has opted into regulation by the Financial Conduct Authority

This covers financial advice and services directly regulated by the Financial Conduct Authority under the Financial Services and Markets Act 2000. If you have indicated a percentage in this area, please provide full details on our separate financial services questionnaire.

Landlord and tenant

Dealing with the exercise of contractual rights under a lease whether acting for a landlord or a tenant, including rights of enfranchisement, Landlord and Tenant Act 1954 claims, rent reviews, rights to manage, possession and dilapidations. Does not include the creation/drafting of contractual rights.

Lecturing and related activities and expert witness work

This includes work involving the preparation for, and the presentation of, lectures, seminars, training and tuition whether for the purposes of professional skills training, continuing education or otherwise, and includes the provision of written material for publication.

Offices and appointments

This does not include appointment as an Officer or Director of a company but does include acting as a clerk to City Livery Companies, Dean and Chapters, Drainage Boards, Local Councils, Charities or School Governing Bodies; Diocesan Registrars, Archdeacon's Registrars or Provincial Registrars of the Provinces of the Church of England in respect of work covered by an Ecclesiastical Fees Order, provided that any such offices and appointments are undertaken in the course of private legal practice.

Parliamentary agency

Defined as all work done in the promotion of or opposition to primary or subordinate legislation.

Property management, valuations and real estate agency

This covers property management, valuations and real estate agency carried out by the practice but does not include any separate business providing these services that is outside the regulation of CILEx Regulation.

But please note that the aggregate must not be greater than an amount equal to £20,000 multiplied by the number of Principals.

Successor practice/Prior practice

The definition of successor practice in the Minimum Terms and Conditions is complicated. You may be a successor practice even though you did not intend to take on the liabilities of another practice when taking it over or merging with it and even if you specifically agreed that those liabilities would remain elsewhere.

Whenever a practice ceases 'being carried on as a discrete business', there is potential for the successor practice clause to take effect.

You may become a successor practice by holding out your practice 'expressly or by implication' as being the successor of or by incorporating the other practice(s), by taking on a majority of the Principals in the other practice as Principals in your firm, by taking on at least one such Principal as a Principal when the majority have not become Principals in another practice, by taking a sole practitioner or Recognised Body into your firm as a Principal, or by taking on a sole practitioner as an employee.

If your firm has done any of these things, at any time or is planning to do so, you may be a successor practice and should provide full details.

If you have previously been in Private Practice please ensure you make Insurers fully aware.

Application Form

Please provide a full answer to every question. A Principal or Authorised Person of the Entity must sign and date this form along with any separate sheets. If applicable please include with this form your financial accounts for the last two accounting periods and a sheet of your current headed notepaper.

Please note that the following questions are designed to provide us with the information necessary to decide whether, and if so, on what terms, to offer to provide insurance to your entity. Filling the form in fully and with adequate detail will ensure that we are in the best position to provide you with a quotation.

You should be aware that your answers to these questions do not amount to a notification to your current insurers of any claim against the entity or any circumstance that may give rise to a claim. If you have received a claim or are aware of any circumstances that may give rise to a claim you must inform your current insurer separately before the expiry of your current policy.

1. Your details

Authorised Entity name:

Please include all other names under which you practice and any other entities for which you are seeking cover including Trustee and/or nominee companies and/or incorporated Principals.

CILEx Regulation Registration Number:

Previous or any other Regulator Registration Number (SRA, CLC, ICA):

Date established:

Main office address:

Town:

County:

Postcode:

Main office telephone number:

Main office fax number:

Entity website:

Primary contact and email address:

Is your entity a Limited Liability Partnership or a Company registered at Companies House?

Yes

No

Do you have any branch offices for which you are seeking cover?

Yes

No

If yes, please provide details below. Use a separate sheet if necessary.

Address	Postcode	Is there a resident Principal or Authorised Person? If no, see question below

If there is no resident Principal or Authorised Person in a branch office, please explain how that office is supervised.

2. Prior practices (if applicable)

List the names of all prior practices to which this entity has become a Successor Practice in the last fifteen years. Please refer to the Prior Practice definition. Use a separate sheet if necessary.

Practice name	Date established	Date of succession

Have any of the listed practices reported any circumstances or claims in the last five years?

Yes No

If yes, please provide copies of claims information from other Insurers for all circumstances and claims reported.

3. Other mergers and acquisitions

Have you merged with or acquired any firm or entity that purchased run-off cover prior to the merger or acquisition with the result that you do not have a prior practice?

Yes No

If yes, please provide full details including the name of the firm or entity, their last completed proposal form and proof of run-off cover.

4. (a) The Authorised Entity

Please state total number of:

Equity Principals or Authorised Persons Salaried/Fixed Share Principals or Authorised Persons

Other Authorised Persons (including consultants)

Other non-authorised fee earners All other staff, incl. secretarial

Please state if none.

Please provide all information requested for every Principal, Authorised Person and Consultant who will be employed by your entity as at the inception date of the Policy. If you are a newly established practice, please enclose Curriculum Vitae for every Principal or Authorised Person in your entity, your Business Plan and a Cash Flow Statement. Corporate entities that are Principals should be named in Section 1 above and the personal details for the relevant individuals should be noted here.

Title (Mr/Mrs etc.)	Authorised Person's full name	Date of birth (DD/MM/YYYY)	Authorised Person's status (Principal/Assistant/ Member, etc.)	Full or part time (If part time state average hours worked per week)	CILEx Membership/ Roll number (As shown on practising certificate)	Number of years practising since authorised in England and Wales (Excluding career breaks)

4. (b) Office Holders and Accreditation

- i) Please provide the name and status of the person nominated as the Compliance Manager for Legal Practice Management for the Authorised Entity.

Name:

Status:

- ii) Please provide the name and status of the person nominated as the Compliance Manager for Finance and Administration Management for the Authorised Entity.

Name:

Status:

Does your entity have any quality accreditation?

Yes No

If yes, please provide details:

4. (c) Work for other firms or entities

Are any Principals or other Authorised Persons also Principals, Authorised Persons or employees of other law firms/entities or any other businesses?

Yes No

If yes, please provide details:

5. Outsourcing arrangements

Does your entity outsource any legal, secretarial or other work?

Yes No

If yes, please provide details:

Are your outsourcing arrangements fully compliant with the CILEx Code of Conduct?

Yes No

If yes, please provide details:

6. Practice fees

Where applicable, please provide gross fee income for the last three completed accounting periods and an estimate of gross fee income for the current accounting period, from your clients in the following territories.

	Year End Date (DD/MM/YYYY)	UK	USA/Canada	Elsewhere	Total
Estimated current year					
Last completed year					
Prior completed year (-1)					
Prior completed year (-2)					

If your entity has any fees from clients in USA/Canada or elsewhere please provide full details of these clients, the work undertaken for them and whether the work involved advice on UK, US, Canadian or other law (please specify).

Does any one client, group of clients or any referral source generate 20% or greater of your annual fees?

Yes No

If yes, please provide full details of these clients or referrers, the work undertaken and the fees earned/percentage generated.

7. Practising certificate and regulatory issues

- a) In the last ten years has any Principal or Authorised Person in the entity:
 - i) ever been refused a practising certificate?
Yes No
 - ii) ever been granted a conditional practising certificate?
Yes No
 - iii) been reprimanded, fined or otherwise sanctioned by the Disciplinary Tribunal?
Yes No
 - iv) practised in a firm or entity subject to an investigation or an intervention by a Legal Services Regulator?
Yes No
 - v) had an award made against him or her by the Legal Ombudsman or by the former LCS, CCS or OSS or entered into any regulatory settlement with a Regulator?
Yes No
 - vi) had a civil or criminal judgment against him or her?
Yes No
 - vii) been investigated by any regulatory body other than a Legal Services Regulator?
Yes No
 - viii) been (or is currently) the subject of an Independent Voluntary Arrangement (IVA) or other arrangement?
Yes No
 - ix) been (or is currently) the subject of a bankruptcy order?
Yes No

- b) Has the entity been the subject of any visit from CILEx Regulation in the last 12 months?
Yes No

- c) Has the entity been the subject of any visit or enquiry from the Forensic Investigation Unit in the past three years or has notice of any proposed visit or enquiry been given?
 Yes No
- d) Has the entity engaged in discussions or correspondence with CILEx Regulation at any time within the last 12 months regarding concerns about the financial stability of the entity?
 Yes No
- e) Has the entity or any prior practice or any present or former Principals, partners, members, directors, consultants, Authorised Persons or employees thereof:
- i) been convicted of (or charged with but not yet tried for) any criminal offence involving fraud or dishonesty?
 Yes No
 - ii) ever failed to meet any insurance premium, run-off premium or excess contribution in full or in part when requested, including any instalments due to premium finance companies in respect of such payments?
 Yes No
- f) Has the Compliance Manager reported any material breaches to CILEx Regulation in the last 12 months?
 Yes No

If you have answered yes to any of the above questions, please provide full details on a separate sheet and include a copy of all reports and relevant correspondence issued by the CILEx Regulation, Legal Ombudsman, the former LCS or CCS, Forensic Investigation Unit, Disciplinary Tribunal and/or any regulatory body.

- g) Do you agree to CILEx Regulation providing information or confirmation on any of the above issues to your Insurers?
 Yes No

8. Claims and circumstances

- a) Has your entity, or any prior practice, reported any circumstances or claims to any Insurer in the:

Insurance Year 2010	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Insurance Year 2011	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Insurance Year 2012	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Insurance Year 2013	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Insurance Year 2014	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Note

If, you answered yes to any of the insurance years, please provide with this form claims information from Insurers for all circumstances or claims reported since 01/01/2009.

- b) Have any circumstances or claims reported by your entity or any prior practice in the last five years arisen as a result of the dishonesty of any Principal, Authorised Person or employee of the practice?
 Yes No

If yes, please provide full details on a separate sheet including how each matter was resolved and the procedures/processes in place to avoid re-occurrence.

c) After making full enquiry of all Principals, Authorised Persons and employees in your entity, are you aware of any circumstances or claims that you have not reported to your current or any prior insurers?

Yes No

If yes, please explain on a separate sheet.

Please note that you have an obligation under your current professional indemnity insurance policy to notify these matters to your insurer and we shall ask you to confirm that you have done so before cover can be put in place.

9. Areas of practice

Where applicable, please provide the percentage of gross fees allocated to each area of practice in the last three completed accounting periods. If you are a new practice, estimate percentages for the coming year rounded to the nearest whole percent. For guidance please refer to definitions.

	Estimated for next year	Prior completed year (-1)	Prior completed year (-2)
1. Administering oaths, taking affidavits and notary public	%	%	%
2. Agency advocacy	%	%	%
3. Acting as an arbitrator, adjudicator or mediator	%	%	%
4. Children, mental health tribunal and welfare	%	%	%
5. Commercial litigation	%	%	%
6. Commercial/corporate work (excluding work related to public companies) (please complete section 10)	%	%	%
7. Commercial/corporate work for public companies (please complete section 10)	%	%	%
8. Conveyancing – commercial (please complete section 11)	%	%	%
9. Conveyancing – residential (please complete section 11)	%	%	%
10. Criminal law	%	%	%
11. Debt collection	%	%	%
12. Defendant litigious work for insurers, including defendant personal injury work	%	%	%
13. Employment – contentious	%	%	%
14. Employment – non-contentious	%	%	%
15. Financial advice and services where your practice is regulated by the FCA (please complete our Financial Services Questionnaire)	%	%	%
16. Intellectual property including patent, trademark and copyright (please complete section 9 (c))	%	%	%
17. Immigration	%	%	%
18. Landlord and tenant	%	%	%
19. Lecturing and related activities and expert witness work	%	%	%

20. Litigious work other than given in any other category (please complete section 9 (a))	%	%	%
21. Matrimonial/Family	%	%	%
22. Non-litigious work other than given in any other category (please complete section 9 (b))	%	%	%
23. Offices and appointments	%	%	%
24. Parliamentary agency	%	%	%
25. Personal injury (claimant) (please complete section 12)	%	%	%
26. Probate and estate administration	%	%	%
27. Property management, valuations and real estate agency	%	%	%
28. Town and country planning	%	%	%
29. Wills, trusts and tax planning	%	%	%
Total must equal 100%	%	%	%

Please provide:

a) Details of litigious work other **(see 20 above)**

b) Details of non-litigious work other **(see 22 above)**

c) Details of intellectual property work **(see 16 above)**

d) Any other details of your areas of practice that you consider to be relevant (e.g. specific client base, specialist or niche field)?

Yes No

If yes, please provide full details.

e) Has your entity ever accepted instructions for any class actions or other group litigation within the last 10 years?

Yes No

If yes, please provide full details.

10. (a) Commercial

In respect of commercial work, please provide estimated gross fee income for the next accounting period from:

Area	Gross fees non-public companies	Gross fees public companies
Mergers and acquisitions		
Debt issuance/securitisation		
Project financing		
Pension schemes		
Tax		
Regulation/compliance		
Other (please specify)		
Other (please specify)		
Other (please specify)		

10. (b) If applicable, please list the five largest matters over the last three years and fees earned in each case. If you are a new practice please list the likely five largest matters.

Area of work	Public or non-public company (please state)	Contract value	Fees earned	Year completed

11. Conveyancing

a) Has your entity undertaken or is likely to undertake any residential and/or commercial conveyancing amounting to more than 5% of gross fees in any one year?

Yes No

If no, please go to section 13.

b) Please state the number of fee earners in your practice who undertake or have undertaken conveyancing work.

	Estimated or last completed year	Prior completed year (-1)	Prior completed year (-2)
Principals			
Authorised Persons (excluding Principals)			
Non-qualified fee earners			

c) Please fill in the below table Estimates in relation to **residential conveyancing**.

	Estimated or last completed year	Prior completed year (-1)	Prior completed year (-2)
Gross fees			
Number of transactions			
Highest capital value			
Average typical capital value			
Percentage of total relating to remortgage work			

d) Please fill in the below table Estimates in relation to **commercial conveyancing**.

	Last completed year	Prior completed year (-1)	Prior completed year (-2)
Gross fees			
Number of transactions			
Highest capital value			
Average typical capital value			

e) In any year in the last six, have more than 5% of your conveyancing instructions originated from any one client or referrer, e.g. mortgage broker, developer, financial adviser, estate agent?

Yes No

If yes, please provide full details.

f) Has your entity acted or is likely to act for multiple (more than 3) purchasers in the same development or building? If yes, please provide details on a separate sheet.

Yes No

g) Where applicable, estimate what percentage of all your conveyancing instructions in each of the last three complete financial years relates to the purchase of buy-to-let properties.

Last completed year % Prior completed year (-1) % Prior completed year (-2) %

h) What identity checks do you carry out on conveyancing clients?

i) How do you comply with lender requirements on verification of identity?

j) If you do not meet a client prior to a transaction how do you establish identity?

k) What safeguards do you have in place to ensure that any information indicative of mortgage fraud (e.g. back-to-back transactions, discounts, incentives) is:

i) Identified?

ii) Reported to lender clients?

l) Does anyone other than a Principal or Authorised Person sign reports and/or certificates of title addressed to lenders?

Yes No

If yes, please provide full details.

m) Where applicable have you received any request for conveyancing files from lenders in the last 12 months?

Yes No

If so, please state the total number of individual files requested and the name/s of the lender/s

n) Has the entity or any prior practice in the last twelve months:

	Yes/No	Number
i) Undertaken residential or commercial surveys/valuations for lending purposes?		
ii) Advised on Equity Release Plans?		

o) Does the practice plan to do any of the above in the next twelve months?

Yes No

If yes, please provide full details.

p) Has your entity or any prior practice received referrals from a broker or marketing professional in relation to Right to Buy purchases?

Yes No

If yes, please estimate the number of referrals.

q) Where applicable, in the last 24 months have any clients for whom you conducted a Right to Buy purchase:

i) Requested their file?

Yes No

ii) Made or intimated a complaint or claim against your practice?

Yes No

If yes, please provide full details.

12. Personal injury

a) Please advise your current personal injury work by percentage.

Clinical negligence %

Occupational disease %

All other personal injury (e.g. RTA, employers'/public liability, etc.) %

How many open claimant personal injury cases does your practice currently have?

What was your average personal injury settlement over the last twelve months? £

What was your highest personal injury settlement over the last twelve months? £

b) Please estimate the percentage of personal injury work (claimant) you currently have in each of the following categories:

Small claims % Fast track % Multi track %

Please estimate the number of personal injury cases you currently have where the expected settlement exceeds £250,000

Please state the number of Authorised Persons in your entity who undertake or have undertaken personal injury work.

	Last completed year	Prior completed year (-1)	Prior completed year (-2)
Principals			
Authorised Persons (excluding Principals)			
Non-authorised fee earners			

c) Have your files been audited or has an audit been proposed by any underwriters or funders?

Yes No

If yes, please provide details, including copies of all correspondence relating to any audit or proposed audit.

d) Do you receive, or have you received, any time in the last three years, any commission or other financial incentive from any insurer?

Yes No

If yes, please provide details.

e) Please provide a copy of the standard letter that you have advising clients about the choice of funding options available and the impact of these options.

f) Do you use any particular provider for expert reports in more than 20% of your cases?

Yes No

If yes, please provide full details, including identity of provider, percentage of cases and background to the level of instructions.

g) What changes have you made in the way you source your work in response to the Jackson reforms?

h) What other changes has your entity made in response to the Jackson reforms?

13. Risk management

a) Do you currently provide or intend to provide 'unbundled legal advice'?

Yes No

If yes, please provide details of the areas of practice and how you manage or intend to manage the client engagement process with regard to the scope of the retainer in these cases.

b) Are regular file audits undertaken in each department including Principals' and Authorised Persons' files

Yes No

If yes, how many files are audited, how often and by whom?

c) Who is authorised to give undertakings on behalf of the entity?

d) Who is entitled to authorise payment from the client account?

e) At what threshold are two signatures required to authorise payment from the client account?

f) Does the entity provide professional services for any client in which any Principal or Authorised Person holds a partnership/directorship or has any other financial interest?

Yes No

If yes, are these services always carried out by a Principal or Authorised Person other than the Principal or Authorised Person connected with the client?

Yes No

If no, please provide details.

g) In response to the Mitchell case please explain how you ensure that all critical dates in the course of litigation are complied with, including full details as to how your diary system operates and what audits or checks are undertaken to ensure it is being used effectively?

h) Is there any further information relating to the risk management procedures or tools within your entity that you consider would be of interest to underwriters? (e.g. Rliance (for regulatory management), Completion Monitor (for conveyancing), Certainty (for wills))?

14. Financial Accounts

Where applicable, please provide a copy of the annual accounts for the practice for the last two complete financial years.

a) Please confirm the total fees outstanding to your practice as at the date of this application. £

b) What percentage of this amount was billed more than 90 days ago? %

c) What is the total unbilled work in progress as at the date of this application? £

d) Does the entity currently have an overdraft facility?

Yes No

If yes, what is the balance owing as at the date of this application? £

e) Does the entity have any loans or other borrowing from a third party?

Yes No

If yes, what is the amount owing and for what purpose were the funds raised?

f) Have Principals or Authorised Persons been required to provide personal guarantees in relation to any entity related loans/or debts?

Yes No

If yes, please provide full details?

g) Has the entity given any undertaking or guarantee in respect of professional practice loans to Principals or Authorised Persons acquiring an interest in the entity?

Yes No

If yes, please provide full details.

h) Please name the highest 3 fee earners in the entity for the last 2 years, the fees billed by each, and area of practice (aop).

Last Completed Year			
	Name	Fees	AOP
1			
2			
3			

Last Completed Year -1			
	Name	Fees	AOP
1			
2			
3			

15. Current coverage

a) Has any Insurer refused to offer your entity, or any prior practice, terms for professional indemnity insurance?

Yes No

If yes, please provide full details.

16. Requested cover

The minimum cover required is £2 million.

Limit of indemnity – please limit to a maximum of four choices

£2 million £3 million £4 million £5 million £6 million £7 million
 £8 million £9 million £10 million

Excess – please limit to a maximum of four choices

Nil £1,000 £3,000 £5,000 £10,000 £25,000
 £50,000 £75,000 Other – please specify £

Aggregate Excess (please refer to definitions for details of this coverage)

Do you require a quotation for Aggregate Excess?

Yes No Include both options

Please note that the aggregate (x3) excess must not be greater than an amount equal to £20,000 multiplied by the number of Principals in the firm.

17. Significant change

a) Is the entity planning any succession or merger with another practice within the next 12 months?

Yes No

If yes, please provide full details.

b) Has there been any significant change in your entity in the last year or do you expect any significant change in the coming year? For example, changes to areas of practice, number of fee earners, gross fees, opening or closure of branch offices, a merger or closure of your practice?

Yes No

If yes, please provide full details.

18. Other material information

Important notice

All material information must be disclosed as part of the proposal and before insurance commences. Material information includes any fact which we may reasonably wish to know in relation to our assessment of the risk, the exposure and in calculation of any appropriate premium. You must disclose all such information whether or not a specific question has been included in this application form.

Is there any other material information that may be relevant to this application?

Yes No

If yes, please provide full details.

19. Declaration

All personal data

TO BE GENERALISED

**Number of additional sheets included
with this application**

This form must be signed by a Principal or Authorised Person of the entity.

Signature	Print name
	Date

Information, including sensitive data as defined in the Data Protection Act 1998, that you provide (including information already received) may be held on a database and may be shared with other entities within any Insurer or broker to whom this Proposal form is provided. This information will be used for general insurance administration purposes, for offering renewal, for research and statistical purposes and for crime prevention. In the course of any Insurer or Broker performing their obligations to you, this information may be disclosed to agents and service providers appointed by the Insurer or Broker. From time to time industry regulators and auditors may require the Insurer or Broker to disclose some or all of the information for legal or regulatory purposes in the UK and abroad. This information may be transferred to any country including countries outside the European Economic Area for any of these purposes and for systems administration. Where you provide information relating to other individuals, you may only do so with their express consent. Information is only accepted on this understanding.

20. Document checklist

Before posting, please ensure that you have included the following documents:

- This form; fully completed, signed and dated.
- Copies of the entity's accounts for the last two financial years.
- A sheet of your entity's current headed notepaper.

And, if applicable, please provide the following:

- Claims information for all claims and circumstances reported to Insurers, by your entity and any prior practice.
- If you are a newly established entity, a Curriculum Vitae for every Principal and Authorised Person of the practice and your Business Plan and Cash Flow Statement.
- A copy of all reports issued by CILEx Regulation, the former LCS/CSS, Forensic Investigation Unit, Legal Ombudsman, Disciplinary Tribunal and/or any regulatory body.
- Any information provided on separate sheets.

CILEx Regulation Limited

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