



High risk practice areas for law firms

Litigation

Our team

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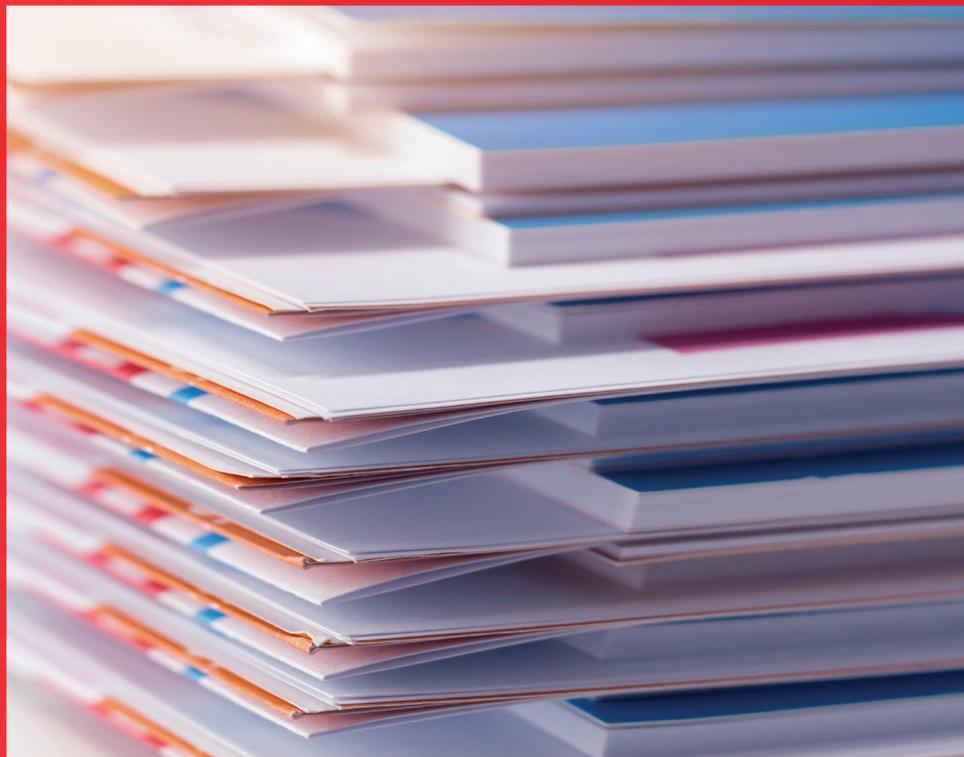


About Miller

Since Miller was founded in 1902, we have gone from strength to strength because of our unwavering focus on delivering an exceptional standard of service to our clients.

We are known for doing the right thing, delivering on our promises and working as one team.

Today, we are a leading specialist (re)insurance broking partnership, headquartered in London with more than 650 people across our UK and international operations.



Risk awareness and mitigation

Issue

Resolution

Missed procedural step leading to strike out or discontinuance and consequent resulting costs.

Using a robust diary system to make appropriate absence cover arrangements and ensuring formal applications for extensions of time are made in advance.

Failure to include all heads of loss leading to under settlement.

Taking thorough instructions at the outset of the claim and appropriately advising at the point of offer or proposed settlement.

Failure to report a settlement offer and either accepting or rejecting without proper instructions.

Processes in place to ensure the supervision of matters at key file points.

Failure to ensure consistency and truth of medical evidence in a personal injury context, leading to a finding of dishonesty on the part of a client, and a potential application for wasted costs against the Insured.

Undertake thorough investigations of the circumstances of a case and ensure pleadings are drafted accurately.



Miller is proud to hold Chartered Insurance Broker status, the industry gold standard awarded by the Chartered Insurance Institute (CII). This title demonstrates our professionalism, client focussed approach and commitment to excellent service standards.

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Common problems



Case study

The Insured was instructed to act in relation to multiple claims for personal injury stemming from a fire which occurred at a residential property in August 2016.

In June 2017, the Insured informed the Client that they would review prospects of success of the claim and submitted a Letter of Claim. The subsequent denial highlighted a number of different potential Defendants (in this case the manufacturers of solar panels and related equipment).

The Insured failed to take any further steps on the file until July 2019 when they obtained Counsel opinion on liability and defendants which advised prospects as being less than 50%.

Due to the delay, the Insured exposed itself to complaints and professional negligence claims in respect of loss of chance for failure to deal with the Client's instruction in a timely manner, only realising their error close to limitation expiry (August 2019), with insufficient time for the Claimants to obtain further information and to investigate.

Unfortunately, even though the prospect of success of the litigation were low, this was not the end of the story in so far as a potential claim against the Insured. The application of the loss of chance principles mean that a claim with limited prospect of success can be a successful claim against the Insured. The injuries claimed for were significant so that even after a discount for the lost chance was applied to the claim, the pay-out was still a substantial sum with associated costs.



Error

The Insured's failures include omitting to identify the correct defendants at an early stage and also neglecting to progress the file in a timely manner.

Risk management

The errors could have been avoided with the use of a case management system or creation of a limitation document/calendar which notes limitation deadlines and should feature 'reminder' dates to assist.

Management oversight is recommended on open matters without activity over significant periods, especially during potential periods of volatility at the Insured such as; long-term absence of a fee-earner, office moves or business/ IT re-organisation.