



IM Assurance

We have a long and distinguished history of helping clients bring and defend claims.

IM Assurance is a risk management tool for commercial claims. It's a combination of funding arrangements backed by insurance products where necessary.

It enables you to take an agreed approach to risk dependent on your risk appetite. This allows you to make the most of your financial resources and take the cost of litigation funding off your balance sheet, when appropriate.

Disputes cause disruption and inconvenience, so we work swiftly and proactively to ensure they're resolved as quickly as possible, whether that's through the courts, mediation or a commercial settlement. Lawyers' fees in dealing with commercial disputes can be notoriously unpredictable.

We want to minimise any uncertainty, and give our clients the clear and meaningful information they deserve, for their and their opponent's costs. Uncertainty around the cost of proceeding may result in otherwise meritorious claims not being brought. Payment by the hour isn't always the most efficient and cost-effective way to fund litigation. IM Assurance solves these dilemmas, and gives our clients a greater level of certainty.

Underpinning IM Assurance is our initial assessment of the merits of your case. Whether you're making or defending a claim, we'll carry out that initial assessment for a fixed fee, which we'll agree with you beforehand.

We'll then discuss how and when any further costs are to be met, and whether your liability for your own or your opponent's costs may be insured against, or funded in some other way. This decision will be based on a number of factors, including your prospects of success. Our aim is to make funding a case both flexible and transparent. The model proposed will work for you and add value to your business.

Funding options can include:

Hourly rates: The traditional measure for lawyers' costs is simple and clear in relevant cases, made certain by estimates, phase of work and cashflow.

Capped and fixed-fee options: A fixed fee is agreed for each phase of our work on your behalf. It's an agreed sum based on the level of work likely to be required for each phase.

Discounted conditional fee agreements (DCFA): A lower hourly rate or fixed amount is invoiced monthly during the course of the matter. On successful completion, we'd charge the balance of our fees, which are usually paid by your opponent.

Conditional fee agreements (CFA): Here, no fee is charged unless your claim is successful. Where the case is resolved in your favour (by settlement or at trial), we'd charge an "uplift" on our fees in return for the risk we've taken. This "uplift" is payable by you, and is usually deducted from the damages paid to you by your opponent.

After the event insurance (ATE): This enables you to insure against the risk of paying your opponent's costs. We'll put you in touch with a broker who can help you source an ATE insurance policy, which will enable you to hedge the risk of your potential liability to pay your opponent's costs if the claim is unsuccessful.

Before the event insurance (BTE): BTE is insurance you may have to cover the legal costs of your claim. We've over 20 years' experience in working with household name insurers. We're members of numerous panels, demonstrating our excellence in this area. We'd always urge clients to check whether they have the benefit of such policies at the outset.

Third-party funding: In appropriate cases, we can work with you and Litigation Funders to invest in your case in return for a share of the outcome, if you're successful.

Damages-based agreements (DBAs): In certain cases, we can consider a DBA. This is an agreement between a lawyer and their client, where the client agrees to pay their lawyer a percentage of sums recovered in a claim. The agreement would normally require payment in the event that the sums are recovered, either by settling the claim or after a trial.

IM Assurance offers a transparent range of pricing and funding options, providing clear and meaningful information to clients, allowing them to manage the costs of a dispute in an informed and confident manner.

To demonstrate this, we've provided some indicative models. Following your enquiry, we'll provide you with a bespoke proposal with our recommendations to help you to make an informed decision that best suits your requirements for risk and recovery.

The traditional model

The general rule regarding costs is that the unsuccessful party pays the successful party's costs. Specific advice will be given in individual cases. If successful, you'll normally only recover a percentage of the legal costs actually incurred.

This model is suited to those who are happy with high levels of risk.

	Win	Lose
Own legal costs	£250,000	£250,000
Opponent's cost	Nil	£250,000
Damages	£500,000	Nil
Legal costs recovered	£175,000	Nil
Net position	£425,000	-£500,000

The conditional or part-conditional model

	Win	Lose
Own legal costs (including success fee)	£315,000	£250,000
Opponent's costs	Nil	Nil as covered by ATE
ATE premium	£50,000	Nil
Damages	£500,000	Nil
Legal costs recovered	£175,000	Nil
Net position	£310,000	Nil

Key contacts

If you'd like to discuss this further, one of our team can discuss the specifics of your case.



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