



## Insurance Policyholders

### A Legal Service

Dealing with insurance issues is a challenge for both businesses and individuals. Complex claims processes and lengthy opaque documents detailing what the insurance will and won't cover create challenges for individuals and business to navigate carefully and precisely.

Here to help are an army claims professionals. Brokers, claims consultants and assessors provide first rate services to help bring clarity and peace of mind to policyholders. But occasionally, even with this help, a policyholder runs into difficulty.

### Difficulties

These difficulties come in different shapes and sizes. For example, a claim can be rejected or, a disagreement can occur about the extent of a policy cover. In some cases, dealing with the insurer, or just the time it takes going back and forth, heighten policyholder concerns that a pay-out won't materialise. All this comes at a very difficult time.

Most insurance products are well established. But often these are not wholly understood by anyone other than the insurance professionals. What's more, the way the insurance market is organised can often leave the policyholder lacking the service or the comfort required. And as if that wasn't enough to deal with, some insurance products (such as cyber) can be highly sophisticated and untested in a claims scenario.

These broad issues can create very specific problems. Such as disputes about what was explained to the insurers when the policy was taken out; disputes about whether a claim is covered full stop; uncertainty about what the wording of the cover means in plain English for the policyholder; doubt about whether the insurers' interpretation is correct; lack of clarity about

what evidence is needed to pay a claim; delays in insurers evaluating a claim or making a decision; and sometimes just plain old poor service.

Other concerns, especially in professional indemnity claims, are insurers who seem all too willing to overpay the claimant, with inevitable repercussions on the insured's claims record, and future cost of insurance.

But it doesn't end there. When insurers receive a large claim, they are sometimes quick to 'lawyer-up'.

Policyholders can find themselves defending a claim brought by a third party without insurers' help or, pursuing a third party to recoup the policyholder's losses. At times, pursuing a third party for the loss can be the only way to recoup losses if the insurer won't pay.

### Insurance Experience

One answer is to get technical specialist advice. Insurance is highly complex. How the law and the insurance sector operates need to be understood to help policyholders find appropriate commercial solutions. The policyholder needs to consider factors such as the market, how and by whom decisions are made, how to influence decision makers and the motivations behind insurer's line of enquiry.

But some of the bigger issues can be avoided. One option is for businesses to actively seek out a legal review of their policy terms and contracts to ascertain if they are "fit for purpose." Some contract terms expose policyholders to extra risk and onerous contract terms may fall within insurance exclusions. A review can give insights into problems before they arise and before they cause pain.

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## Service

We therefore offer services designed to address the needs of both individuals and business policyholders. Our services include:

- Advice about disputed claims, including wholly declined claims, interpretation of policy terms, and operation of the policy: So that the policyholder is armed with knowledge about its legal position and can have it properly addressed to receive its full entitlement
- Strategic advice or a second opinion about a claim: So that the policyholder is best placed to recover its entitlement and see that its business needs are best met, in a reasonable timescale.
- Pursuit of wrongly declined claims, through the courts or Ombudsman: If necessary, it may need court action or a complaint to the Ombudsman, to attain full entitlement

- Defence of an underlying claim against the policyholder when the insurance claim has been declined: This is necessary to prevent the policyholder being found liable and open to paying damages from its own resources in adverse court action taken against it by a third party
- Pursuit of a claim against a third party made necessary by an insurer's refusal to pay: In order to recoup the policyholder's losses
- Review of proposed policy terms: So that potential gaps in cover are identified and addressed before a claim arises

## Offering to Clients

As well as providing a service on a conventional hourly rates basis, we offer services designed to help policyholders access specialist legal advice when it is most needed:

- Policyholders with a declined claim introduced by preferred brokers or claims consultants-free report appraising position
- Fixed fee appraisal and advice available for declined claims not introduced by claims professionals
- Fixed fee appraisal and advice in respect of cover queries and procedural and strategic issues, where claim not declined
- Pursuit of claims against insurers and other third parties available on "no win no fee" basis, subject to satisfactory assessment of prospects

## Contact Information



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Cubism Law is an entrepreneurial law firm. A 'Super Boutique'. A disruptive business model that combines the values and agility of the small firm with the might and resource of the larger; without the downsides of either.