



Solicitors Professional Indemnity Insurance

Application Form 2010/11



THB Professional & Financial Risks
107 Leadenhall Street
London
EC3A 4AF
T: 020 7469 0100
F: 020 7621 0661
www.thbgroup.com

Definitions

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 covers all commercial and private company work, including 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 regulated by the Solicitors Regulation Authority

This covers financial advice and services regulated by the Solicitors Regulation Authority as a designated professional body under the Financial Services and Markets Act 2000.

Financial advice and services where your firm has opted into regulation by the Financial Services Authority

This covers financial advice and services directly regulated by the Financial Services 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 the Solicitors Regulation Authority.

Principal

A reference to a Principal covers a sole practitioner, a partner in a partnership, a member of a Limited Liability Partnership and a director of a limited company.

Requested cover

Aggregate excess

This additional benefit limits the total excess the firm will pay for the insurance year to three (3) times the selected per claim excess.

Cover Plus

This additional benefit provides coverage for both Employee Fraud and Dishonesty and Defence Reimbursement.

- **Employee Fraud and Dishonesty**

Provides cover for the misappropriation of the Firm's money and/or goods caused by any dishonest or fraudulent act committed by an Employee during the period of insurance or in the previous five years. Cover is limited to £1,000,000 for any one loss or all losses in the aggregate with the loss to be discovered and notified to us during the period of insurance. The excess selected on your policy will also apply to each and every loss recoverable under this endorsement.

- **Defence Reimbursement**

Cover compensating you for time spent after service of legal proceedings in connection with the conduct of the defence of a claim (at our request and with our express agreement). Payment is at a rate of £150.00 per hour for firms based in Greater London and £100.00 per hour if the firm is based outside Greater London. Cover is limited to 100 hours in respect of any one claim.

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 after 31 August 2000.

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.

Application form

Please provide a full answer to every question. A Principal of the practice must sign and date this form along with any separate sheets.

Please include with this form a sheet of your current headed notepaper, which can also be used to supplement areas where you may have insufficient space to answer a question.

1. Your details

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| Practice name |
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| 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. |
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| Solicitors Regulation Authority Registration Number |
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|------------------|
| Date established |
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| Main office address |
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| Postcode |

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| Preferred mailing address if different from main office address |
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| Postcode |

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| Main office telephone number |
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| Main office fax number |
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| Practice website |
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| Primary contact and email address |
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Is your practice a Limited Liability Partnership or a Company registered at Companies House? Yes No
Do you have any offices, other than the main office listed above, for which you are seeking cover? Yes No
If yes, please fill in the box below. Use a separate sheet if necessary.

| Address | Postcode | Is there a resident Principal? If no, see question below. |
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If there is no resident Principal in a branch office please explain how that office is supervised.

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2. Prior practices

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

| Practice name | Date established | Date of succession |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

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 Qualifying Insurers or the Assigned Risks Pool for all circumstances and claims reported since 01/10/2005.

Is the practice planning any succession or merger with another practice within the next 12 months? Yes No

If yes, please provide full details.

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3. (a) Solicitors details

Please provide all information requested for every Principal, Assistant and Consultant who will be employed by your practice as at the inception date of the Policy. If anyone listed is a Registered Foreign Lawyer or Registered European Lawyer, please note RFL or REL alongside solicitor status. If you are a newly established practice, please enclose a Curriculum Vitae for every Principal in your practice, your Business Plan and a Cash Flow Statement.

| Title (Mr/Mrs etc) | Solicitor's full name | Date of birth (DD/MM/YYYY) | Solicitor's status (Principal/Assistant etc.) | Full or part time | Roll number (As shown on practicing certificate) | Year of admission in England and Wales |
|-----------------------|-----------------------|-------------------------------|--|-------------------|---|--|
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3. (b) Legal Disciplinary Practices

Please provide all information requested for every Principal who is **not** a solicitor.

| Title (Mr/Mrs etc) | Full name | Date of birth (DD/MM/YYYY) | Role (e.g. HR/IT/Finance Director, barrister, legal executive, licensed conveyancer etc.) | Fee earner Yes/No | Full or part time | Regulatory body |
|-----------------------|-----------|-------------------------------|--|----------------------|-------------------|-----------------|
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3. (c) Work for other practices

Are any Principals or other fee earners also Principals, fee earners or employees of other law practices or any other businesses? Yes No

If yes, please provide full details.

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4. Other staff

Number of non-solicitor fee earning staff (please state if none):

Number of all other staff, including secretarial (please state if none):

5. Practice fees

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.

| | 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 practice 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).

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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, fees earned/percentage generated and the work undertaken.

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6. Practising certificate and Regulatory Issues

In the last ten years has any Principal or fee-earner in the practice:

- ever been refused a practising certificate? Yes No
- ever been granted a conditional practising certificate? Yes No
- been reprimanded, fined or otherwise sanctioned by the Disciplinary Tribunal? Yes No
- practised in a firm subject to an investigation or an intervention by the Law Society or Solicitors Regulation Authority? Yes No
- had an award for inadequate professional service made against him or her by the Legal Complaints Service (LCS) or the former CCS or OSS or entered into any regulatory settlement agreement with the SRA? Yes No
- had a civil or criminal judgement against him or her? Yes No
- been investigated by any regulatory body other than the Law Society or Solicitors Regulation Authority (e.g. FSA, Council of Licensed Conveyancers, ILEX)? Yes No

Has the practice been the subject of a monitoring visit from the Solicitors Regulation Authority in the last three years? Yes No

Has the practice 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

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 & relevant correspondence issued by the SRA, LCS, former CCS or OSS, Forensic Investigation Unit, Disciplinary Tribunal and/or any regulatory body.

7. Claims and circumstances

Has your practice, or any prior practice, reported any circumstances or claims to the Assigned Risks Pool or to Qualifying Insurers in the:

- Insurance Year 2005-2006 Yes No
- Insurance Year 2006-2007 Yes No
- Insurance Year 2007-2008 Yes No
- Insurance Year 2008-2009 Yes No
- Insurance Year 2009-2010 Yes No

Note

If yes to any of the insurance years, please provide with this form claims information from other Qualifying Insurers or the Assigned Risks Pool for all circumstances or claims reported since 01/10/2005 by your practice or any practice to which you are a successor practice

Have any circumstances or claims reported by your practice or any prior practice in the last five years arisen as a result of the dishonesty of any Principal 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.

After making full enquiry of all Principals and employees in your practice, 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.

8. Area of practice

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.

| | Last completed 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 8(a)) | % | % |
| 7 | Conveyancing – commercial (please complete section 8(b)) | % | % |
| 8 | Conveyancing – residential (please complete section 8(b)) | % | % |
| 9 | Criminal law | % | % |
| 10 | Debt collection | % | % |
| 11 | Defendant litigious work for insurers, including defendant personal injury work | % | % |
| 12 | Employment – contentious | % | % |
| 13 | Employment – non-contentious | % | % |
| 14 | Financial advice and services regulated by the Solicitors Regulation Authority | % | % |
| 15 | Immigration | % | % |
| 16 | Landlord and tenant | % | % |
| 17 | Lecturing and related activities and expert witness work | % | % |
| 18 | Litigious work other than given in any other category (please provide a breakdown on separate sheet) | % | % |
| 19 | Matrimonial/Family | % | % |
| 20 | Non-litigious work other than given in any other category (please provide a breakdown on separate sheet) | % | % |
| 21 | Offices and appointments | % | % |
| 22 | Parliamentary agency | % | % |
| 23 | Personal injury (claimant) (please complete section 8(c)) | % | % |
| 24 | Probate and estate administration | % | % |
| 25 | Property management, valuations and real estate agency | % | % |
| 26 | Town and country planning | % | % |
| 27 | Wills, trusts and tax planning | % | % |
| 28 | Commercial/corporate work for public companies (please complete section 8(a)) | % | % |
| 29 | Financial advice and services where your practice has opted into regulation by the FSA (please complete FSA questionnaire) | % | % |
| 30 | Intellectual property including patent, trademark and copyright (please provide full details on a separate sheet) | % | % |
| Total must equal 100% | | % | % |

Has your practice, or any prior practice, ever accepted instructions for any class actions or other group litigation? Yes No

If yes, please provide full details.

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8. (a) Commercial

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

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

Please list the five largest matters over the last three years and fees earned in each case.

| Area of Work | Public or non-public company. Please state. | Contract value | Fees earned | Year completed |
|--------------|---|----------------|-------------|----------------|
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8. (b) Conveyancing

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

| | Last completed year | Prior completed year (-1) | Prior completed year (-2) |
|-----------------------------|---------------------|---------------------------|---------------------------|
| Solicitors | | | |
| Other qualified fee earners | | | |
| Non-qualified fee earners | | | |

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

| | 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 | | | |

8. (b) Conveyancing (continued)

Please fill in the below table 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 | | | |

In any year in the last three, have more than 10% of your conveyancing instructions originated from any one development or from any one client or referrer, e.g. mortgage broker, developer, financial adviser, estate agent? Yes No

If yes, please provide full details.

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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) %

What identity checks do you carry out on conveyancing clients?

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

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

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Over the last three years what safeguards have you had in place to ensure that any information indicative of mortgage fraud (e.g. back to back transactions, discounts, incentives) is:

a) identified; and

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b) reported to lender clients?

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8. (b) Conveyancing (continued)

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

Yes No

If yes, please provide full details.

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On approximately how many occasions in the last 12 months have you received requests for conveyancing files from lenders?

Please provide full details including the name(s) of the lender(s).

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Has the practice or any prior practice in the last twelve months:

| | Yes/No | Number |
|--|--------|--------|
| a) undertaken residential or commercial surveys/valuations for lending purposes? | | |
| b) advised on Equity Release Plans? | | |

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

Yes No

If yes, please provide full details.

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8. (c) Personal injury

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?

 £

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

Small claims

 %

Fast track

 %

Multi track

 %

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

8. (c) Personal injury (continued)

Please state the number of fee earners in your practice who undertake or have undertaken personal injury work.

| | Last completed year | Prior completed year (-1) | Prior completed year (-2) |
|-----------------------------|---------------------|---------------------------|---------------------------|
| Solicitors | | | |
| Other qualified fee earners | | | |
| Non-qualified fee earners | | | |

Do you undertake work or accept any referrals from Claims Management Companies or referral networks? Yes No

If yes, please provide name(s) and full details.

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Does the practice vet personal injury cases for a third party? Yes No

If yes, please provide full details.

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What percentage of your current cases have ATE insurance? _____ %

Please provide the names of all ATE insurance providers you deal with or have dealt with in the last two years.

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Please name any ATE insurance provider that you place more than 20% of your business with and specify the percentage in each case.

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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.

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8. (c) Personal injury (continued)

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.

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Please provide a copy of any standard letter that you have advising clients about the choice of ATE insurer and any commissions, financial incentives or similar that you receive.

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.

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9. Risk management

Please provide the name and status of the person responsible for risk management in your practice.

Name

Status

Is your practice accredited with LEXCEL? Yes No

If yes, please provide date of accreditation

Are regular file audits undertaken in each department including Principals' files?

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

Yes No

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Who is authorised to give undertakings on behalf of the practice?

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Who is entitled to authorise payment from the client account?

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9. Risk management (continued)

Does the practice provide professional services for any client in which any Principal holds a partnership/directorship or has any other financial interest?

Yes No

If yes, are these services always carried out by a Principal/solicitor other than the Principal connected with the client?

If no, please provide details.

Yes No

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10. Current coverage

Has your practice, or any prior practice, ever been in the Assigned Risks Pool?

If yes, please provide full details.

Yes No

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

If yes, please provide full details.

Yes No

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Please provide details of your current insurance.

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| Current insurer |
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| Current broker |
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| Premium £ |
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| Limit £ |
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| Excess £ |
| Aggregate <input type="checkbox"/> Yes <input type="checkbox"/> No |

11. Requested cover

The minimum cover required is £2 million for sole practitioners and partnerships or £3 million for LLPs and incorporated practices registered at Companies House.

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 on this coverage)

Do you require a quotation for Aggregate Excess

- Yes No Include both options

12. Significant change

Has there been any significant change in your practice in the last year or do you expect any significant change in the coming year?

- Yes No

If yes, please provide full details.

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13. 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.

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14. Declaration

By signing this proposal form you consent to Thompson Heath & Bond Limited using the information we may hold about you for the purpose of providing insurance advice and where appropriate, assistance in relation to handling claims, if any, and to process sensitive personal data about you where this is necessary (for example criminal convictions). This may mean we have to give some details to third parties involved in providing insurance cover. These third parties may include insurance carriers, third-party claims adjusters, fraud detection and prevention services, reinsurance companies and insurance regulatory authorities. In the course of performing our obligations to you, this information may be disclosed to agents and service providers appointed by us, and to insurers, (which includes their re-insurers, legal advisers, loss adjusters or agents). Where such sensitive personal information relates to anyone other than you, you must obtain the explicit consent of the person to whom the information relates both in respect of the disclosure of such information to us and its use by us as set out above. The information provided will be treated in confidence and, where relevant, in compliance with the Data Protection Act 1998. You

This form must be signed by a Principal of the practice.

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| Signature |
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have the right to apply for a copy of your information (for which we may charge a fee) and to have any inaccuracies corrected.

I/We declare that the above statements and particulars are true, full enquiry having been made, and I/We have not omitted, suppressed or mis-stated any material facts which may be relevant to the Insurers consideration of this insurance proposal and undertake to inform the Insurer of any change to any material fact that occurs prior to the point at which the Insurance contract has been concluded and throughout the duration of the contract of insurance. I/We understand that the information I/We provide will be used by the insurer in determining acceptance of the application together with the price charged for the risk and the terms of any policy provided.

I/We understand that if my/our practice acquires, merges with or absorbs another practice during the period of Insurance, the Insurer will require similar information in relation to that practice and may charge an additional premium.

No. of additional sheets included with this application

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| Print name |
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| Date |
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15. Document checklist

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

- This form; fully completed, signed and dated.
- A sheet of your practice's current headed notepaper.

And, if applicable, please provide the following:

- Claims information for all claims and circumstances reported to Qualifying Insurers or the Assigned Risks Pool, by your practice and any practice to which you are a successor practice.

- If you are a newly established practice, a Curriculum Vitae for every Principal of the practice and your Business Plan and Cash Flow Statement.
- A copy of all reports issued by the SRA, LCS (formerly the CSS/OSS) Forensic Investigation Unit, Disciplinary Tribunal and/or any regulatory body.
- Any information provided on separate sheets.

If you would like assistance completing this form, please ring 020 7469 0100 and ask for a member of the solicitors team.

THB Professional & Financial Risks is a trading style of Thompson Heath & Bond Limited, authorised and regulated by the Financial Services Authority. Thompson Heath & Bond Limited is registered in England and Wales, company registration number 929224. Registered office Murray House, Murray Road, Orpington, Kent, BR5 3QY

