

Welcome to our Defendant Insurance Claims Handling Service

What is Defendant Insurance Claims Handling? It's the handling of Liability claims made to insurers from first notification up to and through the litigation process.

Our experience of working in the Legal Insurance market makes us an excellent choice for insurers – offering the best possible representation with an awareness of the needs of you, the Insurer and your policyholders.

We handle all claim values from minor loss small claims track cases through to large loss multi-track cases and understand Insurers' needs to contain and control the level of damages paid to Claimants and the need to reduce your legal spend in terms of your own costs and those of the Claimant.

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Overview of our Services

We have extensive experience within the practice of handling all aspects of personal injury claims both up to and after the commencement of proceedings including cases arising from: -

- Road traffic accidents
- Work related accidents
- Public liability accidents
- Fraud

We handle all claim values from minor loss small claims track cases through to large loss multi track cases and understand the needs of insurers to contain and control the level of damages paid to Claimants and the need to reduce their legal spend in terms of their own costs and those of the Claimant.

We are able to work to tight service level agreements that can easily be adapted to suit our clients' specific requirements. These ensure our insurer clients' and their policy holders receive a high level of service that meets their demands and expectations. We pride ourselves on providing a high quality legal service to both insurers and their policy holders. **An example of a typical service level agreement is attached.**

We are happy to work on a delegated authority basis or with insurers own claims handlers on a case by case basis seeking instructions, discussing tactics and agreeing courses of action to conclude cases. Our aim is to ensure our insurer client gets the best results possible on all cases and are always kept informed of developments on each case.

Our own experience of working in the insurance legal market makes us very well placed to provide insurers with the best possible representation. We are acutely aware of the needs of an insurer and our services are tailored to meet those needs. In addition our sophisticated case management system allows us to provide management information reports on all aspects of case management and to develop an online tracking process enabling our clients to view the progress of their claim.

We cover the whole of England and Wales having long established offices in both Bromley and Manchester.

Service Level Agreements

Defendant Insurance Claims Handling Services Standard Service Level Agreement

1. Introduction

1.1. This document sets out the minimum requirements that an Insurer can expect through using MTA Solicitors as a panel solicitor defendant claims handling services.

2. Quality and Service Standards

2.1. MTA will work within the following quality standards:-

Written acknowledgement of instructions by letter or email and take any initial action required to protect the insurer	Within 24 hours
Respond to all post within 7 working days.	7 working days
Respond to all urgent post on the day of receipts of within 24 hours	24 hours
Provide an initial Case Plan and overview in the format set out at working Appendix A to be sent to the Insurers file handler for discussion/agreement	within 10 of receipt of instructions
Make Part 36 offers on any litigated file within 21 days of the defence being entered such offer to reflect the minimum realistic value. In the event of Judgement already having been obtained offers to be made within 6 weeks of initial instruction	21 Days
Provide a quarterly case update confirming the position of the case to include action taken to date and further immediate action to be taken.	Quarterly
Notify the Insurer of any developments significantly affecting agreed tactics or the reserve within 10 working days of the days developments.	10 working
Provide Interim bills quarterly on all non fixed fee matters.	Quarterly
Notify the Insurer of any written complaint received from the policyholder within 1 working day of the complaint being received.	1 working day.

3. Reserving

3.1. MTA is aware that reserves are extremely important to Insurance Companies and we will do our best to ensure that the reserve advice you receive is accurate and correct from the information we have in our possession. Reserve advice will also be updated as further information is received.

3.2. MTA will be guided by the specific requirements of the Insurance Company and follow their reserving philosophy.

3.3 When advising on levels of reserve, a full break down will be providing confirming the constituent parts of each reserve. Reserving will be based on a high/low basis with the final reserve being the 'realistic value'.

4. Settlement of Cases

- 4.1. Our aim is for early resolution of all third party claims by either accelerating the liability debate or resolution of quantum.
- 4.2. We will explore all reasonable means to resolve cases at an earlier stage if it is to the Insurer's overall financial advantage to do so. We will take a pragmatic view and consider disposal at an earlier stage to avoid a risk of future adverse developments.
- 4.3. The philosophy of the Pre-Action Protocol and the CPR will be adopted in all cases to ensure progression of the case to an early resolution. Our collective actions and conduct will be taken in a manner which is conducive to early resolution of issues between the parties with the aim of settling the case without the need for a full trial, where possible.
- 4.4. At all times we will protect the best interests of the Insurer through early Part 36 offers or the use of tactical procedural steps to progress an action.

5. Case Management

- 5.1. MTA Solicitors will: -
 - 5.1.1 Ensure each case is logged onto our case management system and allocated a case reference number.
 - 5.1.2 Operate a diary system to ensure cases are managed effectively and the case handler is and remains at all times fully aware of the developments on each case and response quickly and efficiently to them.
 - 5.1.3 Provide an immediate update to the Insurer in the event of a reserve increase being required or a case deviating from any agreed path. This applies in particular when a detailed action plan has been agreed which we are responsible for implementing this plan and due to changes in the case such action is no longer appropriate or possible
 - 5.1.4 Use Counsel only where necessary and when agreed with the instructing Insurer
 - 5.1.5 Communicate effectively with the Insurer client to avoid misunderstandings and conflicting views on the handling of the file.
 - 5.1.6 When advising on liability and tactics, bear in mind the values at stake.
 - 5.1.7 Make early and effective use of Part 36 Offers to ensure the Insurer gains maximum costs protection.
 - 5.1.8 Make effective use of applications for specific disclosure and/or interim directions/Case Management Conferences (CMCs) to ensure cases proceed in accordance with our collective requirements.
 - 5.1.9 Ensure where practical all directions and court orders are complied with and where this is not possible apply to vary the direction or order to ensure we are able to comply.
 - 5.1.10 when required, provide copies of all procedural documents.
 - 5.1.11 MTA will ensure that only appropriate personnel manage the cases on behalf of the Insurer will be agreed and provided to the Insurer and updated annually or as required.

6. Account management

- 6.1. At all times David Green (CEO) or John Walker (Litigation Manager) will remain responsible for the relationship with the Insurer. An account manager

will also be appointed by MTA who will be responsible for managing the day to day activity on each case and take direct responsibility and supervision for the MTA case handlers managing the Insurer's work.

6.2. To ensure consistency of performance standards there will be audits and reviews of not less than 3 cases per fee earner per quarter. .

6.3. In the event that the Insurer has an issue with the MTA case handler this should be initially addressed at case level. In the event the issues cannot be resolved, the Insurer should contact their account manager, John Walker or David Green.

7. Billing

7.1. MTA Solicitors will agree a billing policy which suits both us and the Insurer client.

APPENDIX A

INITIAL/INTERIM CASE PLAN
Insured: Claim No: MTA File Handler: Claimant: Our Ref: Fee Earner: Cost Category: Date of Accident: Date of Previous Case Plan (if applicable): Indemnity Liability General Damages Special Damages Future Losses Potential Counterclaim Action Points Reserve (including all costs) Date Signed

Pricing Structure

On pricing we are flexible and offer a range of pricing models to suite the needs of our clients including Collective Conditional Fee Agreements. Our rates are competitive and reflect the volume and type of work we are asked to deal with. We

are happy to work under a fixed fee or a staged fee arrangement or on an hourly rate basis.

Glossary of Terms

Defendant: A person or institution against who an action is brought in a court of law; the person being sued or accused

Fraud: the use of dishonesty, deception. or false representation in order to gain a material advantage or to injure the interest of others.

Litigation: A legal proceeding in a court: a judicial contest to determine and enforce legal rights.

Proceedings: The beginning of a court action

Public Liability: is part of the law of tort which focuses on civil wrongs. An applicant (the injured party) usually sues the respondent