## LawWorks Professional Indemnity Insurance Application Form

### Notes on the Application Form

The Application Form (pages 4 – 8) is for cover under the LawWorks Professional Indemnity Insurance Scheme (PII Scheme) administered by LawWorks for pro bono projects approved by LawWorks. A broad definition of a ‘Pro Bono Project’ (Project) is applied by LawWorks based on the Joint Pro Bono Protocol’s (Protocol) definition of ‘pro bono legal work’.

The information in this Application Form will be used by LawWorks to determine whether the proposed Project is eligible for professional indemnity insurance cover for the lawyers and paralegals who may work on the Project.

#### Background on the PII Scheme

LawWorks has taken out an insurance policy with Travelers (the Policy) that provides professional indemnity (PI) insurance cover for lawyers and paralegals carrying out or involved in pro bono legal services. A copy of the Policy is available on request – key terms of the Policy are included below. Please read the Policy carefully as it includes terms and conditions, including exclusions from cover.

LawWorks has paid the Policy premium and there is no application fee or charge to any of the persons insured. LawWorks will also be financially responsible for any excess that is payable in the event of a claim.

The LawWorks Professional Indemnity Insurance Scheme is a ‘safety net’ policy, and cover will only extend to circumstances where there is no other applicable PI insurance for the Project. In some circumstances, other PI insurance may be available through applicable employers, law centres or advice agencies.

#### Criteria for approval of a Pro Bono Project

It is entirely at LawWorks’ discretion whether to approve and provide insurance. The insurance will only be available to lawyers who work for or are employed by a LawWorks member firm or organisation.

In order for a Project to be approved by LawWorks an Application Form must be submitted that describes a Project that will provide ‘pro bono legal work’ as defined in the Protocol:

1. What is pro bono legal work?

1. When we refer to pro bono legal work we mean legal advice or representation provided by lawyers in the public interest including to individuals, charities and community groups who cannot afford to pay for that advice or representation and where public and alternative means of funding are not available.
2. Legal work is pro bono legal work only if it is free to the client, without payment to the lawyer or law firm (regardless of the outcome) and provided voluntarily either by the lawyer or his or her firm.

Where a proposed pro bono Project will provide advice or representation to a charitable or community organisation, LawWorks will have regard to whether the organisation works for the public good or whether the legal matter raises an issue of public interest which would not otherwise be pursued.

LawWorks maintains a Register of Approved Projects.

#### Responsibilities of the Supervising Lawyer

It is the responsibility of the Supervising Lawyer to hold a practising certificate and to supervise the work undertaken by the lawyers and paralegals working on the Project. The Supervising Lawyer must have at least two years post qualification experience (PQE). The Application Form must be signed by the Supervising Lawyer for the Project.

The responsibility to comply with the obligations of the Scheme and the Policy Schedule (see Declaration) will rest with the Supervising Lawyer. However, the Supervising Lawyer may choose to nominate a Primary Contact Person from within the Project team to liaise directly with LawWorks.

The Policy will provide professional indemnity insurance cover, subject to its terms and conditions, for all lawyers and paralegals who work on a Project provided their names are supplied to LawWorks.

The Policy has certain obligations and responsibilities which are set out in this Declaration and the Policy. Key amongst these is the obligation to notify LawWorks of any claim or circumstance, as soon as practically possible, which could lead to a claim or a potential claim, and also to co-operate with the insurer. As these obligations will apply once the approval is granted, the Supervising Lawyer should read the Policy and, if required, seek professional advice as to the protection the Policy affords prior to submitting the completed Application Form.

#### Who is covered by the insurance

The Policy outlines that:

“The Definition of INSURED shall include: …

b) in-house lawyers and/or law firms working on projects organised by, endorsed by or registered by the Insured

but solely in respect of those activities registered by or undertaken for and on behalf of the Insured and/ or their network of clinics affiliated with the Insured.

Notwithstanding the foregoing the POLICY excludes PROFESSIONAL BUSINESS undertaken by any volunteer with less than two year’s post qualification experience unless they have completed a standard training programme, such training is maintained and regular spot checks are carried out on a sample of their written work. Such checks are to be carried out by a:

a) Solicitor or barrister qualified in England and Wales;

b) Registered European lawyer; or

c) A qualified foreign lawyer

With over two years post qualification experience. “

#### Pro bono partnerships between in-house legal teams and law firms

Where an in-house legal team partners with a law firm to undertake pro bono legal work and the Supervising Lawyer for the project is a law firm lawyer, additional conditions apply.

The additional conditions are that:

* both the Supervising Lawyer and the in-house lawyer who is the Primary Contact Person must sign the declaration contained in the Application Form;
* LawWorks’ PI Scheme will only provide coverage to the in-house lawyers to the extent that the law firm’s PI insurance policy does not (i.e., as a ‘safety net’).

Please complete the following details.

**SUPERVISING LAWYER**

1. Full Name(s) of Supervising Lawyer(s) as it appears on their Practising Certificate:

2. Contact details of Supervising Lawyer(s):

 Title / Position:

 Email Address:

 Direct Phone Number:

 Mobile Number:

3. Details of Employer of Supervising Lawyer:

 Name of
Employer/Firm:

 Postal Address:

4. Please provide qualification details of the Supervising Lawyer(s):

 Date of Qualification:

 Practising Certificate
number:

**PRIMARY CONTACT PERSON**

5. Does the Supervising Lawyer wish to nominate another to be the Primary Contact Person? If so, please provide the details of the Primary Contact Person below:

 Full name:

 Title / Position:

 Email Address:

 Direct Phone Number:

 Mobile Number:

**OTHER LAWYERS AND PARALEGALS**

6. Is it proposed that other lawyers or paralegals (other than the Supervising Lawyer) will be working on the Project?

 Yes No

7. Names of other lawyers or paralegals proposed to be working on the Project ***(if known)***:

8. Have you had any claim made against you for professional negligence for any prior legal work undertaken?

 a. Yes No

 b. If you answered “Yes” to question 8(a), please provide details:

9. Are you aware of any matters, circumstances or facts that may give rise to a claim for professional negligence against you for any prior legal work undertaken?

a. Yes No

b. If you answered “Yes” to question 9(a), please provide details:

**THE PROJECT**

10. Is the Project being conducted in conjunction with other parties or agencies? If yes, please provide details of the partnership:

11. Please provide details of the name and description of the Project, such as the pro bono client and the type of legal work proposed to be undertaken. (Attach further details if necessary.)

12. Are any fees to be charged to the client for doing the pro bono legal work?

 Yes No

13. Is there any other professional indemnity insurance policy that may provide cover for any aspect of the legal work proposed to be undertaken as part of the Project?

 Yes No

 If no, briefly describe why professional indemnity insurance is not otherwise available:

14. What is the proposed start date for the Project?

**DECLARATION OF SUPERVISING LAWYER[[1]](#footnote-1)**

I,

*Insert your full name as it appears on your Practicing Certificate*

(**Supervising Lawyer**), apply for the above Pro Bono Project to be covered by the LawWorks Professional Indemnity Insurance Scheme and if the application is successful, I agree to:

* comply with the terms of the Policy;
* the terms and conditions of the scheme (see below)
* ensure compliance with the practising certificate requirements.

and to advise LawWorks as soon as practicable:

* if I am no longer able to supervise the legal work being undertaken on the Project;
* of any written or verbal demand or claim alleging professional negligence arising from the provision of legal services provided within the ambit of the Project made against any lawyer or paralegal who is working or has worked on the Project;
* if I become aware of any circumstance which could reasonably be expected to result in such demand or claim for professional negligence; and
* of the completion or closing date of any approved Project.

**Terms and conditions**

☐ I am authorised to enter into agreements on behalf of this Project and the organisation that runs it.

☐ I acknowledge that this Project is not run by LawWorks and LawWorks is not responsible for ensuring that appropriate systems and processes are in place to provide quality advice/representation. This responsibility remains with the Supervising Solicitor at all times.

☐ I confirm that this Project has in place appropriate systems to ensure the activities of the Project are delivered to a consistently high standard and is compliant with all relevant regulatory requirements. This responsibility remains with the Supervising Solicitor at all times.

☐ I agree that the Supervising Solicitor is responsible to satisfy themselves as to the compliance of any insurance policy, with the relevant regulatory rules as well as the terms themselves, including cover. I understand that LawWorks makes no representations which can be relied upon regarding the terms.

☐ I agree that the Supervising Solicitor will inform LawWorks as early as possible of any incident or circumstance that may give rise to a potential claim under the LawWorks’ PII policy when they arise.

☐ I acknowledge that coverage under this policy will be time limited – i.e., subject to annual review. The policy will be reviewed annually every March and can be withdrawn at any time where LawWorks is given cause for concern over the operation of the Project.

☐ I agree I have read and agree to the above LawWorks Terms and Conditions.

**Insurance Advice**

LawWorks is not an insurance broker and, as such, is unable to provide insurance advice or recommend the services of any particular insurance provider. Where a Project is covered by LawWorks’ PII policy neither LawWorks nor the Insurer will be able to provide any specific insurance advice as to the terms of LawWorks’ PII policy. The terms of LawWorks’ PII insurance policy are available on request for your reference.

Signed by the Supervising Lawyer: Date:

Signed by the Primary Contact Person (if applicable): Date:

#### PRIVACY STATEMENT

LawWorks is committed to protecting the privacy of the information you provide to us. We need to collect the information requested on this form to enable us to ascertain whether you are eligible for professional indemnity insurance cover under the Policy.

LawWorks may disclose the information we collect on this form to:

* our staff involved in carrying out our functions;
* contractors engaged by us in carrying out our functions; and
* Travelers in order to meet our obligations under the Policy.

We may also disclose the names of the law firm and the nature of the project through LawWorks’ publications including its website (with prior agreement).

By completing and returning this form you agree to us using and disclosing your information as set out above.

If the information provided on this form is personal information, you can ask us what personal information we hold about you and where necessary notify us of any changes so we can ensure the information we hold about you is accurate, complete and up to date.

This application form should be signed, dated and returned to LawWorks:

by email: rebecca.wilkinson@lawworks.org.uk

post: LawWorks
 National Pro Bono Centre
 48 Chancery Lane
 WC2A 1JF

**June 2019**

1. Where the Project is a partnership between a law firm and an in-house legal team **and** the Supervising Lawyer is a law firm lawyer, the in-house lawyer who is the Primary Contact Person must also sign the Supervising Lawyer Declaration. You may wish to include two copies the Declaration in your application – one signed by the Supervising Lawyer and the other signed by the Primary Contact Person. [↑](#footnote-ref-1)