



CLYDE&Co

# Legal services for Brokers

Market leaders, Broker specialists

November 2022

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## Market leaders, Broker specialists

We are proud associate members of BIBA and provide advice to insurers, brokers and policy holders across the globe.

### Our legal services include:

#### Casualty claims

- Personal Injury, including motor, employer liability and public liability
- Occupational Disease
- TPAs
- Health & Safety
- Regulatory

#### Speciality services

- Aviation
- Marine
- Professional indemnity and financial lines
- Business advisory
- Commercial law
- Employment law
- Cyber and Data Protection

We understand the Broker market, and are experts in providing efficient and effective claims solutions to reduce indemnity spend and manage cost of risk. We work with the broker community at all levels, from the global risk community to the SME markets, acting for global brokers, middle market and SME brokerages.

We understand the importance of supporting and enhancing the commercial partnerships between clients, brokers and insurers, and have a wide-ranging sector expertise.

## Market leaders, Broker specialists



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## Our services

We assist the insurance sector across all of its legal needs, providing advice, industry insight and value-added support

### Claims and litigation services

We handle claims globally across all business lines for insurers. Our team of broker experts understand the unique needs of this sector, from both broker and policyholder perspectives.

As the number one insurance law firm, our expertise ensures a reduction in overall indemnity spend and minimises any reputational and financial risks connected with liability claims.

Our dedicated team of experienced and sector specific lawyers are well supported by technology and use sector specific MI to manage and track performance. The claims services we offer include litigation services and a sector specific TPA Claims Management Service.

Our ethos is to work in close partnership with our clients in proactively implementing agreed strategies for all individual cases, resulting in a personal service for policyholders across a range of legal services.

In an evolving market, we constantly review our service provision to ensure it remains "best in class" and represents the best possible value for money. From the simplest of fast-track claims to the most complex and high-profile cases, we have the technical capabilities and specialist expertise to fully support our broker clients.

### Employers and Public Liability

We are the leading UK & Ireland claims litigation firm. Our expertise across injury types is further enhanced with dedicated subject matter groups in areas critical to the development and understanding of large loss claims; brain injury, spinal injury, amputation, chronic pain as well as issues relevant to claims and the wider market; care provision, deputyship, and actuarial influence.

Our cross-border capability and long-standing experience in these most significant claims have allowed us to compile a number of databases addressing, for example, life expectancy, vulnerable claimants and wider injury modelling. This expertise, market intelligence, data capture and progressive analysis culminates to provide customers with an outstanding range of expertise

Our national health and safety team regularly acts in high profile HSE & Criminal investigations, prosecutions, inquests and inquiries, and our clients recognise us as best in class when handling high profile matters.

## Our services

### Motor

We are one of the largest providers of defendant motor legal services in the UK and Ireland, acting for brokers requiring litigation support for motor insurance claims.

We provide an end-to-end service and can deal with claims from first notification stage to conclusion, and act on both pre-litigated and litigated matters. We handle claims of all value, ranging from small claim track through to motor large loss claims. Using the latest MI and business intelligence technology we provide analysis and identify new market trends. We also advise brokers in relation to process changes needed in advance of legal reforms, and we are constantly monitoring and updating our 'know your opponent' strategies. We provide regular training for broker teams and ad hoc advice periodically to broker claims team.

Our full package of motor legal advice and support extends beyond defendant claims services and covers road transport, regulatory advice, counter-fraud investigations, and the defence of RTA prosecutions across the UK jurisdictions. Our volume motor team liaise with our large loss team wherever it is considered that a claim has potential to significantly jump in value.

### Disease

Few firms can match the level of specialism across disease types and the number of dedicated disease lawyers that we offer across the UK and Ireland.

In the primary market we advise brokers and their policyholders on short tail claims relating to occupational stress, asthma, dermatitis, musculo-skeletal problems (such as upper limb disorder and cumulative back injuries), carbon monoxide poisoning and legionella infection, including managing the commercial, reputational and floodgates risks which frequently accompany such claims.

We handle specialist risks such as chronic pain, and also stress, abuse or bullying and harassment matters, in which our expert lawyers are able to navigate the complex and nuanced technical and policy coverage issues arising from the frequently overlapping jurisdiction of the civil courts and Employment Tribunal.

Further we have been advising clients as to claims defensibility and quantum strategy, as well as handling claims, relating to COVID-19 infection, including claims for Long COVID and have established a specialist COVID-19 team as well as creating a comprehensive hyperlinked reference guide containing links to all of the official guidance issued during the pandemic as a core tool for use in assessing claims.

Our disease lawyers in Scotland and Northern Ireland also handle pleural plaques claims made in these jurisdictions in addition to the full range of disease matters.

### End-to-end casualty claims management

Through our end-to-end lawyer-led solution, our qualified lawyers deliver an innovative and cost-effective pre-litigation and litigation service, providing one team handling all claims from each client; one consolidated management information portal with data captured on a single system; a lawyer as single point of contact; secure remote system access to key case information; integrated case management system. We can help identify and mitigate leakage and support business improvement through our data analytics tool, SearchLight. Overall this results in a reduction in the average claims costs, minimising litigation rate and achieving significant savings in claims costs.

## Our services

### Property Liability

Our property & liability team provides a comprehensive global solution covering straightforward property damage cases to highly complex construction and environmental liability cases.

Subrogated recoveries are a key part of the claims cycle for insurers. We often jointly pursue insured and uninsured losses either on a usual basis, or by way of a subrogation agreement whereby the recovery and costs are apportioned by agreement between insurer and insured. Insurance recovery is a specialised process that involves a combination of legal knowledge, commercial negotiation and litigation skills. Our team is recognised as a leader in this field and has a proven model and determination to achieve optimal results. We maintain a common global approach of robust early assessment of the merits of a case and efficient case management.

### Marine

Providing contentious and advisory services to all parties within the marine insurance business, we work with overseas insurers and the many syndicates, companies, captives, brokers, P&I clubs and loss adjusters which form the nucleus of the London marine market and their insureds.

We provide a comprehensive range of legal services, advising on hull, energy, cargo, liability, business interruption and reinsurance matters, and have developed a proven track record in advising on marine and energy claims issues.

We are able to offer advice on a wide range of marine insurance matters including recoveries, war and terrorism, shipbuilding & offshore construction, mortgagees' interests, yachts, loss of hire, pollution, scuttling and fraud, all aspects of marine casualties, and P&I, FD&D and charterers' liability.

### Aviation

To reflect the international nature of the sector, we have a network of experienced aviation lawyers in our offices across the globe. This means we can be on hand when and where our clients need us. We are alert and nimble, meaning we can respond to market innovations and incidents swiftly and constructively.

Our advice covers the full range of aviation issues including major loss, emergency response and liability, as well as non-contentious work including regulation, finance and employment. Beyond traditional aviation we are at the forefront of practice in the space and satellite insurance market, and we have established ourselves as the leading authority on the regulation of drones.

### Professional Indemnity

Our global professional indemnity team has a long-established reputation for successfully defending negligence claims against professionals, offering specialist advice on both high volume and high value claims. Our clients include accountants, actuaries, architects, bankers, brokers, engineers, financial advisors, IT professional, media professionals, medical practitioners, lawyers, surveyors and valuers. We have specialist teams focusing on each of the major professions, including a number of partners who specialise solely in lawyers' or accountants' liability, and are regarded as market leaders in these sectors.

Professional indemnity matters are increasingly transcending national boundaries and we have the global reach to handle complex multi-jurisdictional issues, with the appropriate on the ground experience to ensure that local rules and customs are taken into account. Our experience of monitoring and handling worldwide claims means we have the necessary foundation to offer practical assistance to local counsel and in expert selection.

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The world's leading firm in  
the field of aviation law.

Who's Who Legal



## Our services

### Regulatory & Safety, Health & Environmental (SHE)

With dedicated regulatory SHE experts located across the UK and Ireland, we are able to provide immediate advice, support and representation, drawing on our local knowledge of the police, inspectors, coroners and courts. Our highly regarded regulatory team delivers a full range of legal assistance across all sectors in the event of criminal and regulatory investigations, prosecutions and inquests..

We provide advice on all aspects of an incident including:

- coordinating with the police, regulatory body and coroner during their investigations
- legal privilege
- providing proactive advice on responding to enforcement notices
- HSE fees for interventions
- attending interviews under caution
- drafting written representations to regulatory bodies
- supporting and assisting employees who are required to provide statements to the police, regulatory bodies and the coroner

- addressing prevention of future deaths concerns in the context of an inquest – and any parallel regulatory investigation
- reputation management

Our free 24/7 emergency helpline and UK-wide presence means our lawyers can attend an incident site within hours managing the initial crisis response. Our team includes members with higher rights of audience to ensure that we reduce the costs of counsel and deliver value and costs savings to clients. We also provide crisis response services for major incidents, including technical, commercial and media response advice as a successful outcome will include mitigation of risks, minimising business disruption and protecting brand reputation wherever possible.

### Product liability and recall

Our global product liability & recall team has a worldwide reach, giving us a unique capability to advise on issues wherever they arise. We act for many household name manufacturers and retailers, often in conjunction with their insurers and broker, handling their most technical and sensitive claims.

We advise on issues including product safety and regulation, product recall and crisis response, product liability and recall insurance and subrogated recoveries. We act on both consumer and commercial claims, including actions across the supply

chain, class actions and group litigation. We work across the whole breadth of the supply chain, with particular specialism in cross-border and multi-jurisdictional issues.

### Emerging risks

Our Global Drones Group is the first of its kind in the market. The offering is in recognition that the legal and regulatory issues arising from the exponential growth in the use of drones and UAV transcend classic 'aviation' and demand a cross-sector legal offering. In an effort to address the myriad of issues being raised by drones and UAVs, the Group sits across the many sectors impacted and has a roll call of partners and senior lawyers across the world who are specialists in their fields, responsive to the unique issues that drones and UAVs are presenting in their sectors.

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Clyde & Co is an integral part  
of our team and one that  
adds real value to our  
business

Insurance Manager,  
FTSE 100 Corporation

## Our services

### How we can support your business

#### Corporate, Commercial and Regulatory

As long-standing specialists in the broker market, we advise brokers at every stage of their development; helping them to raise capital to start or grow their business, managing the issues around regulation, commercial operations or overseas development, helping with acquisitions (including renewal rights transactions) or disposals and, should the need arise, helping businesses to close their books and manage the resulting legacy. We have specialised expertise across the insurance sector.

We advise brokers on the following specific matters:

- Drafting commercial agreements between brokers and their suppliers
- Regulatory issues involving FSMA, FCA rules, ongoing relationship matters with the FCA and authorisation status
- Contractual matters, including TOBAs, agency agreements and AR agreements
- Transactional matters, including capital raising, restructuring and M&A
- Employment law, extending beyond

traditional commercial HR advice and offering a comprehensive risk management practice that applies to employment in its widest sense

- Data protection and security of information, including procedures to protect sensitive/confidential information
- General business services, including drafting policy wording, underwriting guides, forms of client communication and business terms

#### Cyber

Clyde & Co One is our global, locally tailored, cyber risk solution. Our team of dedicated cyber breach response specialists is one of the largest in the world.

We manage the full lifecycle of global cyber risks for clients. We can provide support whenever and wherever it is required to restore continuity and get businesses back to business as usual.

We assist clients on all cyber and related issues, from breach readiness audits to breach response, and through to successful resolution. In the event of a cyber incident, we would provide support with a flexible suite of services, ranging from initial legal advice to providing a comprehensive breach response.



Clyde & Co were at the hub of the response and project managed from the centre, engaged the necessary experts and drove the fight-back.

Global Company on the retrieval of stolen data

## Data, Digital & Innovations

### Clyde & Co Newton

Combining Clyde & Co's legal expertise with automated intelligence, to deliver the lowest overall indemnity spend for our clients.

The insurance industry is changing as never before. Digitalisation, big data, the potential of artificial intelligence, fierce competition, pent-up pressure to achieve growth and new regulations are all increasing the need for insurers to adapt at speed while extracting maximum value from the premiums they earn.

We have developed a series of innovative products as part of our new technology platform for casualty claims handling. As the biggest legal provider to the UK casualty market, with the largest data set, all our innovations draw on the deep experience of our legal, forensic and fraud teams, to provide automated solutions that span the claims lifecycle.

One of our leading products for brokers is Searchlight, our advanced data analytics and visualisation platform.

Through Searchlight, we proactively identify trends and emerging risks and provide Volumetric/KPI data to brokers on their portfolio of claims work, to assist with investigating location hotspots, areas of injury and settlement/reserving rates.

The Clyde & Co Newton offering also includes:

- Automation and Machine Learning – Combining machine learning with AI to automate routine claims processes.

- Calculation tools – A range of calculation tools to ensure quick and accurate claims handling.
- Data Extraction and Analytics – Deep dive analytics to enhance processes and decision-making

#### Product spotlights:

- Fraud Screen and Fraud Edge brings you enhanced fraud detection and risk profiling. They combine AI with market-leading counter-fraud expertise and opponent insight, making use of internal and external datasets or holistic fraud view.
- Claims Valuation Tool takes the time out of reviewing medical report and claim notification forms (CNF) to understand the value of a claim and the reason this value. Our advanced optical character and market reading technology can read any medical document and extract the relevant data with 99% accuracy.
- Loss of Earnings & Pension Calculator is an easy to use tool that will result in indemnity spend savings through more efficient operational processes, and quicker and more appropriate settlement offers.

## Insurance services for the Broker sector



Contingency



Employment  
Practices  
Liability



Healthcare



Professional  
Liability



Casualty



Energy



Liability



Property

## Sector specialisms

Our expertise working with brokers covers a wide range of sectors enabling us to tailor our support to suit the individual needs of your policyholders based on the industry in which they operate. We work alongside a range of global corporations, FTSE 250 companies, mid- sized businesses and SMEs.

### Construction and Engineering

- Instructions to negotiate and advise on procurement, appointments, project documentation, contract terms and conditions, collateral warranties, insurance arrangements and risk management.
- All types of dispute resolution in the industry, including adjudication, arbitration, mediation and litigation. Our comprehensive expertise covers an array of disputes, including professional negligence, insurance coverage, defects liability, loss, expense and delay, breach of contract, fee, final account and intellectual property as well as health and safety prosecutions and disciplinary matters.
- Regulatory matters, compliance issues and disputes arising from statutory duties and liabilities relating to environmental loss or damage, from first response through Environment Agency and local authority investigations to prosecutions.
- Deaths in custody relating to secure environments, transportation of prisoners and detainees, emergency services and other healthcare service providers.
- Civil litigation matters involving all aspects of allegations of negligence and misfeasance & allegations of breaches of Human Rights Act 1998
- Claims issued in the Royal Courts of Justice and at regional administrative courts, drafting pleadings and preparing supporting evidence and necessary representation for the court process.

### Facilities Management

- Immediate legal advice and representation wherever required, at police, HSE and local authority investigations.
- All aspects of food safety issues from Environmental Health Officer (EHO) investigations and Trading Standards prosecutions to dealing with civil claims from multiple claimants.

## Sector specialisms

### Health and Care

- Medical malpractice claims brought against healthcare professionals ranging from low value cases to ones of moderate severity, through to high value/complex claims often involving severe permanent neurological injury and disability.
- Extensive experience of representing healthcare professionals being investigated by their regulator, facing challenges as to their fitness to practise, including appearing before the GMC, MPTS, GDC, NMC, GOC, GPhC and HCPC.
- Cases of neglect, abuse and bullying within care homes, to managing claims effectively and protecting policyholders as far as possible from any potential reputational damage.
- Serious allegation of abuse, assault or any criminal prosecutions from a team which has specialist expertise in handling claims of historical physical and sexual abuse in care environments.
- Claims relating to medical and non-medical professionals including pharmacists, optometrists, dispensing opticians, GPs and complementary medicine practitioners, arising from mis-prescription of drugs, dental and optical treatment claims, inappropriate treatment, late or mis-diagnosis and medical devices claims.

- Claims arising out of the actions of an employed care worker or nurse.

### Leisure and hospitality

- Immediate legal advice and representation wherever required, at police, HSE and local authority interviews.
- All aspects of food safety issues from Environmental Health Officer (EHO) investigations and Trading Standards prosecutions to dealing with civil claims from multiple claimants.
- Handling claims arising from exposure to hazardous substances, landfills or contaminated watercourses.
- Anti-social behaviour, possession, drafting tenancy agreements and leases, and handling issues of access.
- Defendant claims services, road transport regulatory advice, policy coverage, counter-fraud investigations, recovery of insured and uninsured losses and defending RTA prosecutions.
- Investigating and defending casualty claims, with knowledge of the specific liability issues that arise, particularly in the leisure & hospitality sectors.
- Product-related disputes, recalls, prosecutions and reputation-sensitive matters on behalf of multi-national corporations, retailers, suppliers and their insurers.

- Travel and tour operator provider claims.

### Manufacturing

- Civil and regulatory issues in relation to consumer products arising in respect of liability, product management and group litigation, as well as health and safety prosecutions and commercial disputes.
- The management of uninsured or uncapped liabilities, advising and assisting with occupational health issues and review legal exposure in respect of products, supply chain and customers.
- Emergency incident and crisis management on hand to manage all the legal issues arising from serious incidents such as explosions, environmental incidents or employee fatalities.

### Property

- Instructions involving leasehold disputes, trespass actions, forfeiture, possession, disrepair, nuisance, compulsory purchase and multi-million pound property valuation litigation.
- A well-established and respected team that advising on claims involving all types of property insurance issues, including policy coverage, fire spread, subsidence, water damage, structural collapse, fraud, arson and business interruption claims.

## Sector specialisms

### Retail

- Immediate legal advice and representation wherever required, at police, HSE and local authority investigations.
- Handling claims arising from exposure to hazardous substances, landfills or contaminated watercourses.
- Advising on anti-social behaviour, possession, drafting tenancy agreements and leases, and handling issues of access.
- Defendant claims services, road transport regulatory advice, policy coverage, counter-fraud investigations, recovery of insured and uninsured losses and defending RTA prosecutions.
- Investigating and defending casualty claims, with knowledge of the specific liability issues that arise in the retail sector.
- Product-related disputes, recalls, prosecutions and reputation-sensitive matters on behalf of multi-national corporations, retailers, suppliers and their insurers

### Technology

- Data breach responses (including ICO Investigations and Enforcement), advising on contentious and non-contentious matters, working with a range of high-profile clients and their brokers.

- Hacking, extortion/ransomware, data breach, denial of service attack, theft of confidential information and business interruption. Our lawyers can deal with all of the legal issues in relation to a cyber claim.
- Contentious and non-contentious Intellectual Property matters across the entire Intellectual Property (IP) lifecycle, from development and licensing to infringement disputes; our IP specialists work with skill, passion and niche technical and commercial expertise.

### Transportation and logistics

- Bus and coach claims in both the civil and criminal courts, dealing with EL, PL and motor claims for bus and coach claims
- Employers' liability and public liability rail claims on behalf of train operators, ferry terminal owners, airports service companies, bus and coach companies and light rail.
- Aviation industry claims such as airside RTAs and claims brought by airport personnel including repetitive stress injury, upper limb disorders and cumulative back injuries, as well as cases of airside deafness arising from prolonged exposure to airport concourse noise, and aero toxicity claims.

### Utilities

- Personal injury claims arising out of slips and trips as a result of a variety of issues to include missing apparatus covers, defective covers and defective reinstatement, missing safety barriers around excavations in the highway.
- Defending claims brought by customers claiming business interruption or vexatious claims that do not fall for coverage under and insurance policy.
- Recoveries against a third party who is not co-operate, including deliberate tactics to frustrate the claims and other reasons, such as policy issues between the defendant and its insurer.
- Damage to third party property as a result of either work undertake or under Motor Trade policies cases
- Subsidence claims from water mains bursts to tree root damage we work closely with the customer, loss adjuster, engineer, arboriculturalist and insurer to resolve cases quickly
- Damage to vehicles from apparatus covers.
- Cable damage and or utility strikes.



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480

Partners

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2,400

Lawyers

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5,000

Total staff

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3,200

Legal professionals

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60+

Offices worldwide\*

\*includes associated offices

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