



Information and Application Pack

1st Class Legal (IS) Ltd
Mercury House
Shrewsbury Business Park
Shrewsbury
Shropshire
SY2 6LG

DX: 741104 Shrewsbury 17

Telephone
0845 2412076

Fax: 01743 341489

Bob Gordon
Managing Director & Senior Underwriter
Email: Bob@ateinsurance.com
Mobile: 07961 974161



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About Us

Welcome to 1st Class Legal (IS) Ltd.

We are highly respected After the Event Insurance and Funding underwriters with access to insurers, funders (including Allianz, one of the largest insurance and financial services Groups in the world) and a multitude of Insurance Services.

We are not just Brokers – we underwrite the cases in-house using our highly experienced legal underwriting team. With us you have direct access to the Underwriter for the case – this can make all the difference.

Our experience includes :-

- Underwriting of secure, affordable, cost effective ATE insurance with simple administration and reporting requirements.
- Designing and delivering a product that is tailor made for each specific case and not just a “one size fits all” policy.
- Working closely with firms of solicitors to deliver legal expenses policies that both the lawyer and the client understand and see the benefits of.
- Assisting both Businesses and Individuals across a multitude of case types (please view the Products and Services section) whether they are private paying or on a CFA.

1st Class Legal (IS) Ltd also provides a consultancy service regarding ATE insurance and funding for commercial litigation. This provides specialist advice and assistance to firms of solicitors and their clients who need to obtain protection against the costs consequences of the litigation they are involved in or are contemplating.

This is an important area for consideration. If the case fails both the client and the solicitor need to know exactly where they stand and the extent of their potential financial liabilities. Advice can be provided verbally over the telephone, in writing or face to face in our offices in Shrewsbury or at the solicitors’ or client’s location.

As Managing Director and Senior Underwriter, I have been involved with the ATE insurance market from its inception and am well known to many firms of solicitors. I have lectured widely on ATE insurance and funding issues, and am also regularly asked to provide expert witness reports relating to ATE insurance and funding for cases by both claimants and defendants.

1st Class Legal (IS) Ltd are able to assist with both ATE insurance and actual funding for commercial litigation, suitable cases. In many cases having the ability to fund the case all the way to trial if required is key and we also find that it “levels the playing field” between parties to litigation and encourages cases to settle. With the right funding in place from a world renown financial institution an opponent will know that they simply cannot make the case “go away” due to the lack of funds of the client.

Our philosophy is simple and straightforward. If the case can be insured and/or funded we will give you sensible terms that will also assist in the recovery of ATE premiums. If the case cannot be insured and/or funded then we will tell you why not.

We always encourage partners and fee earners to call us to discuss the case they are involved in. Often a short discussion can be of assistance to show what may be possible subject to the normal underwriting review.

Please complete the application form for the case you are handling and we will be pleased to provide you with our views on the options that are available for both ATE insurance and funding.

We look forward to being of assistance to you and your clients.

Bob Gordon

1st Class Legal (IS) Ltd.



Products and Services

We underwrite and offer After the Event (ATE) insurance cover for a multitude of cases including the following:

- **contractual disputes**
- **landlord and tenant and property disputes**
- **copyright and intellectual property disputes**
- **construction and engineering disputes**
- **professional negligence (clinical, accountants, solicitors, surveyors & others)**
- **partnership/company disputes**
- **commercial agency disputes**
- **banking and financial disputes**
- **insolvency related cases**
- **personal injury cases**

Cover is available (subject to acceptance) for:-

- **Claimants**
- **Defendants**
- **Cases being run under a CFA by solicitors and/or Counsel**
- **Cases not on a CFA**

Payment Options (subject to acceptance on each case):-

- **Full or partial payment of premium at inception.**
- **Stepped premiums – see information below.**
- **Possible deferred premiums – they are available in some circumstances.**
- **Part Deferred.**
- **Several scheme options also available especially in relation to personal injury and Clinical Negligence cases.**

Stepped Premiums involve purchasing the cover in tranches. This does not have an effect on the overall limit of indemnity available, but allows it to be put in place incrementally, with the following benefits:

The opponents would be put on notice that an ATE premium had been incurred as an additional liability that they would be being asked to pay on successful conclusion of the case. They would also be put on notice that if the matter does not settle further additional liability costs will then be incurred.

This approach gives the opponents the opportunity to settle the case before further additional liability costs are incurred and should a dispute arise over costs the information with regard to this can be placed before the Judge.

Staged cover therefore provides the client(s) with both an incentive for their opponent to settle the case at an early stage, and strong arguments regarding reasonableness when it comes to recovery of the premium.

The insurance cover can be raised as and when required, up to the maximum cover required.



After the Event Insurance

After the Event (ATE) insurance is taken when a case is underway or is contemplated. It protects the client from the risk of having to pay adverse cost orders and the costs of own disbursements should the case fail. The policy will normally also provide cover for the ATE premium itself and this can be claimed back if the case is not successful.

“I have a case in mind that requires after the event insurance options, what should I do?”

Option 1

If you have a case in mind you can contact **Bob Gordon or Jane Kelsall on 0845 241 2076** to discuss the merits of a case and what ATE insurance and funding options could be available.

Option 2

Alternatively you can complete 1st Class Legal’s Proposal Form enclosed within this document or request a copy to be emailed to you, and send the completed Form together with case documentation to 1st Class Legal (IS) Ltd, Mercury House, Shrewsbury Business Park, Shrewsbury, Shropshire, SY2 6LG or DX 741104 Shrewsbury 17. The application form can also be downloaded from the ATE insurance website at www.ATEinsurance.com.

There is normally an underwriting assessment fee of £117.50 (inc. VAT) payable on case submission to us. Please enquire if this would be applicable to your application.

“What documentation is required to assess my client’s case?”

To enable 1st Class Legal to process a case efficiently, the list of case documentation below is **an indication** as to the information required when we assess a case.

- An indication in percentage terms of how you merit your client’s chance of success e.g. 60% being a good chance.
- Case summary.
- Counsel’s Opinion if you already have one. This is not automatically required at this stage as the acting solicitor’s overview of the case is often sufficient.
- Pleadings (If any).
- Relevant Correspondence.
- Witness Statement(s) including from the client.
- Expert’s reports (If any).

Once a case is received at 1st Class Legal it is reviewed by underwriters to determine what, if any, ATE insurance terms and funding options (if applicable) are available. We then provide a competitive indication of terms for ATE insurance cover where possible and if we cannot offer terms we will say why not.

When terms are offered we will send you a detailed indication of terms, setting out the amount of cover offered, payment options, cost of the premium etc. and any comments raised relating to the case.

This should assist you when presenting the facts to your client and ensures your client is able to make an informed decision.

Please also remember you have full access to our FREE Advice Bureau should you require any additional assistance.

The time scale for processing a case from receipt of a completed proposal form and case documentation is normally 7 days.



Allianz Litigation Funding 1st Class Legal (IS) Ltd

- A new system for the funding of commercial litigation is now on line for cases in England & Wales – it is based on the use of contingency fees.
- The system is backed by Allianz - one of the largest insurance and financial services Groups in the world.
- The first true “professional funding” system with serious financial backing and the use of known and proportionate contingency fees.

How the system works:

1. The potential case is sent to 1st Class Legal with a completed After the Event (ATE) insurance and funding application form. The form can be downloaded from www.ATEinsurance.com.
2. 1st Class Legal will assess the case and if it is acceptable confirm what terms are available for ATE insurance for the matter and what funding terms are available.
3. If accepted for funding the case benefits from the following:
 - (a) Monthly finance of up to 50% of own solicitor’s costs – each case is assessed individually.
 - (b) 100% of own disbursements financed as required.
 - (c) The ATE insurance premium is funded in full.
 - (d) No interest is charged on this funding to either the client or the solicitors.
 - (e) Allianz will provide the funds to meet an application for Security for Costs if applicable.
4. If the case wins a contingency fee is payable to Allianz – this normally ranges from 20 – 25% pre-proceedings and 30% post proceedings of the value of the claim/award achieved up to a value of £340,000 and 20% on any balance. If the case is lost the client pays nothing. The solicitors handling the case will normally agree to accept the funded own costs they have already been provided with each month throughout the life of the case, and at no cost to the firm, as full settlement of own solicitor costs if they are not acting under a CFA. No interest is charged on the funding.

5. The system is available for litigation with a potential minimum value / award of £70,000 with no upper limit. For large value cases a cap on the contingency fee charged will often be agreed.
6. No automatic requirement to enter into a Conditional Fee Agreement by either solicitors or counsel.

Case example:

Contract dispute valued at £350,000 that requires own solicitors costs of £50,000 and own disbursements of £20,000 with opponent's costs of £80,000.

- a. £25,000 of the own solicitor costs financed directly to the solicitors on a monthly basis with no interest.
- b. The £20,000 own disbursements are financed in full as and when required.
- c. The client pays no ATE insurance premium and no other fees and knows exactly what will be deducted from his award if the case wins and is fully protected from costs exposure if the case loses.

If the case wins and settles for say, £300,000 the professional funder is paid a fee of £60,000 leaving the client with £240,000 having had the case funded all the way through without interest being charged and with the risk of losing having been covered.

If the case is lost – the client walks away having had both his own costs and those of the opponents, for which he would have been liable, fully funded and paid.

Please feel free to call us to discuss how the system works or to have an initial chat about a specific case.

For information contact:

Bob Gordon or Jane Kelsall
at;

1st Class Legal (IS) Ltd.

Tel: 0845 2412076

Fax: 01743 341489

DX: 741104 Shrewsbury 17

Authorised and regulated by the Financial Services Authority.



After the Event Insurance for Personal Injury (PI) cases

We are delighted to announce the launch of our PI scheme, **1st Class PI Cover**.

This scheme is primarily for multiple PI cases and offers competitive rates and quick turnaround in case processing times by our in house underwriting team – 24hrs from receipt of required documentation.

We understand the ATE Insurance market and the needs of solicitors and their clients and our aim is to meet your underwriting needs. 1st Class Legal will provide you with a fast, reliable, and flexible service.

This is a perfect time to review your current PI facilities and find out what is available to you for your clients.

Cover is available for:

- RTAs
- Slips & Trips
- Employer's Liability
- Public Liability
- Industrial Disease

Features of the cover:

The cover is available for fast-track pre-issue cases where the cover is to commence within 18 months from the date of the accident.

Benefits:

- Deferred and self insured premium – so there is no up front premium payable by the client, and the premium would only be payable upon a successful conclusion of the claim. If the claim is unsuccessful, then the policy is self-insuring and pays for itself.
- Up to £25,000.00 of cover (please contact Justine Harrison or Kerry Whitaker if you require a larger amount of cover).
- Cover for own disbursements – including Counsel's fees if Counsel is not on a CFA
- Cover for Opponent's costs
- No assessment fees
- Guaranteed 24 hour response
- Policy issued direct to your PC
- Straightforward short Proposal Form
- Excellent medical reporting facilities available if required

Benefits – continued:

- Free Advice Bureau, should you require any further assistance or additional information
- Cover available for “one off” cases under the standard scheme – you do not have to provide volume work provided your cases fit our criteria
- Automatic bespoke quote given if claim is unsuitable for the standard scheme, but suitable for bespoke cover
- Readily available data and MI for your case performance

Level of Cover

Cover is available up to £25,000.00 for own disbursements, own Counsel’s fees (if Counsel is not on a CFA), opponent’s costs, and it self insures the premium itself.

Deferred Premiums – Fast Track

- RTA - £395.00 + IPT
- EL - £750.00 + IPT
- PL/OL - £850.00 + IPT
- ID - £1450.00+ IPT

There is no delegated authority available, but we guarantee a response within 24 hours.

Proposal Form

Please contact Kerry Whitaker on 0845 2412076 or email: kerry@ateinsurance.co.uk for a PI Proposal Form to be emailed to you.

If you have a PI case for which you wish to ascertain ATE Insurance options, require further information, or want to review your current PI facilities, then please contact Kerry Whitaker on 0845 2412076 or complete the attached Proposal Form and send with a short case summary by email to kerry@ateinsurance.co.uk.



After the Event Insurance for Clinical Negligence cases

1st Class Legal (IS) Ltd have successfully negotiated a unique and exclusive Clinical Negligence ATE Policy that for the first time, breaks the “chicken and egg” scenario whereby a positive liability and causation report is normally required to be obtained at the client’s expense before an application can be made for ATE insurance.

The 1st Class Legal System

The 1st Class Legal system provides four stepped levels of cover:

1. Level 1 - £2000 report-only cover for a premium of £600 plus Insurance Premium Tax (IPT)
2. Level 2 - £8000 pre-issue cover for a premium of £2000 plus IPT
3. Level 3 - £40,000 post-issue cover for a premium of £11,000 plus IPT
4. Level 4 - £60,000 additional cover pre-trial for a premium of £21,000 plus IPT

In all cases the Policy covers the premium and any interest on a CCA loan taken out by the client to fund it and any disbursements if applicable and other funding options may be available. In every case the opponents will have the opportunity to settle the case before the next level of premium is incurred, and most cases so far have settled with only a premium level of £2,600 plus IPT having been incurred.

Who can apply?

Generally, the scheme is only available to solicitors who are members of either the Law Society Clinical Negligence panel and/or the AvMA (Action for Victims of Medical Accidents) referral panel and/or have specialise in and have extensive relevant experience of clinical negligence practice.

The following application criteria are required

1. Firms must obtain at either their own or the clients expense, full medical records which must be supplied fully collated with the application for cover.
2. A non-refundable assessment fee of £100 (plus VAT) is to accompany the application for cover. This fee will not be covered by the policy.
3. Firms are to produce a chronology and dramatis personae together with a 500-word maximum synopsis of the claim and detailed reasons why they consider that liability and causation is likely to be established.
4. State that in their professional opinion their client has a greater than 60% chance of success.
5. Provide an estimate of likely general damages together with appropriate quantum reports and provide a skeleton schedule of loss.

The Process

On receipt of the application for Level 1 cover and assessment fee, 1st Class Legal will assess the application and confirm acceptance or rejection within 10 working days. On acceptance of the application the premium of **£630** (inclusive of IPT) will be paid to 1st Class Legal within 5 working days.

Upon receipt of the Policy the Firm will instruct the medical expert – firms will be free to make the choice of medical expert used.

1st Class Legal will assess the report and if they consider it favourable will forward an invoice to the Firm for the pre-issue premium of £2,100 (Level 2) at which stage cover under the policy will be extended to a total of £10,000. The Firm will pay the pre-issue premium within 5 working days.

If 1st Class Legal decides that the report is not favourable, a claim will be made on the policy for the report-only cover premium and the expert report fee.

If the Firm is unable to settle the claim pre-issue, an application will be made for the Level 3 additional £40,000 cover (making a total of £50,000 of cover) to enable the claim to be taken to trial. This application must be supported by a maximum 1000-word synopsis of the arguments of both parties together with copies of all relevant correspondence.

The application will need to be supported by a statement from the Firm of the percentage chance of success.

1st Class Legal will assess the application for the final level of cover and, if satisfied, will issue an invoice for the post-issue premium of £11,650. The Firm will pay the post-issue premium within 5 working days.

If the matter proceeds and is not settled at a point 2 months before trial cover can be increased to level 4 to provide a further £60,000 of cover making a then total of £110,000 and the premium for this of £22,050 will then also be payable.

Funding of premiums

We are normally able to provide a deferred premium for the last two levels of cover.

Further Information

For further information please call Bob Gordon or Jane Kelsall on 0845 2412076 or email bob@ATEinsurance.com or Jane@ateinsurance.co.uk



Free Advice Bureau

1st Class Legal have a Free Telephone Advice Bureau which is open to solicitors, businesses and individuals to allow easy access to after the event insurance information, advice and cover, including funding options and various other legal services.

1st Class Legal are aware of the solicitor's duty of care obligations and understand the importance for a client to be able to have the opportunity to consider the after the event insurance options for their case, in order for them to consider protecting themselves against a potential loss, whether they are on a CFA or not.

This is where 1st Class Legal can help and the Free Advice Bureau has been a huge success in providing valuable support to all.

If you require any further information, assistance or wish to discuss the details of a case, **contact either Bob Gordon or Jane Kelsall on 0845 2412076 or email info@ateinsurance.com**, and one of our Underwriters will be happy to assist.

Free Training/Discussion sessions

Whether you are already familiar with the workings of After the Event insurance and the funding options available, or quite new to the market, why not consider the range of FREE training/discussion sessions available from 1st Class Legal.

These sessions can be structured to meet the Law Society's "Continuing Professional Development" (CPD) programme. Sessions can be tailored to address the individual/department/firms requirements and can be set accordingly.

The sessions offer up to date information on the ATE Insurance and Funding markets, including cost guidelines of premiums and what options are available for the various types of cases on a CFA or Non-CFA basis.

After each session Information Packs are provided for individual's future reference.

Mini training sessions over a lunch hour are very popular and time effective

contact either Bob Gordon or Jane Kelsall on 0845 2412076 or email info@ateinsurance.com, for further details.



1st Class Legal (IS) Ltd – General & Commercial ATE Litigation Insurance and Funding

Proposal for: (please tick) Insurance only: Funding only: Insurance and Funding

The solicitor handling the case, in conjunction with the client, should complete this form. It needs to be signed by both the solicitor and the client. No insurance will be in place until we have confirmed in writing acceptance of the risk, the premium has been paid and a valid policy and schedule of insurance has been issued by the authorised insurers. No funding will be in place until a funding agreement has been issued by the authorised funders and signed by all relevant parties.

The non-disclosure of any material fact may invalidate this insurance and/or funding. If you are in doubt if any fact is material it should be disclosed. No policy of insurance from the underwriters shall be in force until the proposal has been accepted in writing and a policy issues and the premium has been paid.

When completed this form should be returned to 1st Class Legal (IS) Ltd together with copies of correspondence with the opponent, experts reports, counsel's opinion, witness statements and particulars of claim and defence if applicable. A cheque for the underwriting assessment fee of £117.50 (inc. VAT) made payable to 1st Class Legal (IS) Ltd should accompany this form. Please contact us to ascertain if this fee applies to your application.

Section 1 – Client information (hereinafter referred to as the proposer)

1. Full name:

2. Address:

3. Telephone Number:

4. Date of birth or date business established:

5. Occupation/Profession/Nature of business:

6. National Insurance No (if applicable):

7. Is the proposer aware of any other legal expenses or related insurances that may be relevant to or potentially useable in relation to this dispute?

YES/NO

If Yes provide full details

Section 2 – Opponent details

1. Full name of opponent(s):

2. Address of opponent(s):

3. What is the legal entity of the opponent(s) – individual, limited company etc?

4. Do you have any reason to suspect that the opponent(s) will be unable to meet any award obtained in relation to this dispute? YES/NO If YES, give details.

Section 3 – The dispute

1. Please confirm which of the following categories the dispute falls into:

General Contract Dispute	
Professional Negligence	
Wills & Probate	
Director/Partnership Disputes	
Inheritance Related Cases	
Boundary Disputes	
Insolvency Related	
Judicial Reviews	
Defamation	
Landlord & Tenant	
Construction Related	
Injunctions/Declarations	
Other (Please specify)	

2. Is the proposer the claimant or defendant in this dispute?

3. Has the proposer/solicitor applied to any other insurer for cover in relation to this dispute? YES/NO

If YES, has the risk been declined?

4. Date of the incident that is giving rise to this dispute?

5. Are you satisfied that the dispute is within the time scales applicable under the relevant limitation provisions? YES/NO If NO, provide details

6. Date you were instructed?

7. Have proceedings been issued? YES/NO

If YES in what forum and when

8. Have any admissions of liability been obtained?

9. Have any Part 36 or other offers been made or received? YES/NO If YES give details

10. Do any pre-action protocols apply to this dispute and if so have they been fully complied with?

11. Has any form of alternative dispute resolution been attempted and, if so, what was the outcome?

12. Does the dispute require the services of an expert(s)? YES/NO If yes, please confirm which expert has been instructed or is proposed to be instructed and from what discipline

13. Has an advice from Counsel been obtained? YES/NO If YES please confirm from whom and enclose a copy of the advice. If NO, confirm if you intend to instruct Counsel

14. In your view, will the dispute involve any form of counterclaim? YES/NO

If YES give details

15. Have you entered into a Conditional Fee Agreement in relation to this dispute? YES/NO

If YES, please forward a copy of the CFA

Section 4 – Merits of the dispute

1. Please state your view of the merits of the dispute in percentage terms %
2. Provide a short overview of the dispute to date – continue in covering letter if required.
3. What are your reasons for the percentage merits stated?
4. What arguments would you use if you were acting for the opponent in this matter?
5. What is the minimum figure at which the proposer would agree to settle this dispute?
£

Section 5 – Solicitor details

1. Name of firm
2. Address of firm & DX
3. Name of solicitor handling this matter
4. Telephone Number
5. Your Reference
6. Email address

Section 6 – ATE Insurance required

1. Please confirm the level of cover required £

2. Please confirm if this matter is being handled using a CFA?

3. Is cover for counsel fees required or is counsel acting under a CFA?

If cover required:

What is your estimate of Counsel's fees to conclusion of this case £

4. What are your costs to date with regard to this matter? £

5. What are the disbursements costs to date? £

6. What is your estimate of your profit costs to the conclusion of this case? £

7. What is your estimate of future disbursements to the conclusion of the case? £

8. What is your estimate of the opponents' total costs including disbursements? £

Section 7 – Funding required (N.B. Only available for cases with a minimum likely financial award of £70,000.00)

1. Is funding required for this matter? YES/NO

If Yes:-

2. Is the proposer's claim for a financial remedy? YES/NO

If yes, please state the minimum likely damages £

If no, will success in the claim result in a financial benefit to the proposer? YES/NO

If yes, please state the minimum likely amount £

Please provide any available documentation in support of likely damages or financial benefit likely to flow from success.

3. Is there a likely counterclaim? YES/NO

If yes, please state likely amount £

4. Is funding required for:

Own Disbursements? YES/NO If yes, amount required £

Counsel's Fees? YES/NO If yes, amount required £

Own WIP? YES/NO If yes, amount required £

ATE Insurance premium? YES/NO

If ATE premium not provided through ourselves please state amount required £

Please confirm if this is a "stepped" premium, or whether it is for the level of indemnity required to case conclusion.

5. Is there likely to be a requirement for security for costs? YES/NO

If yes, please provide details.

Section 7- continued.

6. Do you believe the opponents' are likely to be able to meet any award of damages?

YES/NO

Please provide your reasons for this belief.

7. If ATE insurance has been or is being obtained elsewhere then please provide a copy of the policy and details of any special terms.

8. Please estimate length of time to case conclusion.

NB. If funding is required, please send proposal and supporting documentation electronically if possible as well as by way of hard copy.

Section 8 - Checklist of enclosed/available documents.

If you are unable to provide any of the below mentioned documents, please state brief reasons why.

Enclosed (Yes/No/Not (available)	Reason why not enclosed/not available
Case summary -----	
Advice from Counsel -----	
Inter party correspondence -----	
Expert reports -----	
Pleadings -----	
Witness statements.	

Section 9 – Additional Information

Please provide any further information that may assist in the underwriting of the case:

Section 10 – Declaration

I/we declare and affirm that all information provided by the proposer and the legal representative in this proposal form is true and correct to the best of our knowledge and belief and that no material facts or information have been withheld.

The information provided in this proposal form when taken with any other information provided to us shall form the basis on which a contract of insurance shall be issued if the case is accepted. No insurance shall be in force until the matter is accepted in writing and a policy has been issued and the premium paid.

Proposer’s Signature _____

Name in block capitals. _____

Date _____

Solicitor (Legal Representative) Signature _____

Name in block capitals _____

Date _____

1st Class Legal (IS) Limited

Suite C, Mercury House, Shrewsbury Business Park, Shrewsbury, SY2 6LG

Tel: 0845 2412076 Fax: 01743 341489 DX:741104 Shrewsbury 17

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Contact Us

Head Office

1st Class Legal (IS) Ltd.
Mercury House
Shrewsbury Business Park
Shrewsbury
Shropshire
SY2 6LG

Tel: 0845 2412076

Fax: 01743 341489

DX: 741104 Shrewsbury 17

Bob Gordon

Managing Director / Senior Underwriter

0845 2412076 – Mobile: 07961 974161

Email: Bob@ATEinsurance.com

Jane Kelsall

ATE & Funding Advisor / Underwriter

0845 2412076

Email: Jane@ATEinsurance.co.uk

Kerry Whitaker

ATE & Funding Advisor

0845 2412076

Email: Kerry@ATEinsurance.co.uk

Justine Harrison

ATE & Funding Advisor

08707 322233 – Mobile: 07983 423880

Email: Justine@1stclasslegal.com

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