



SOLICITORS' PII PROPOSAL FORM 2019

Should you wish to provide further detail in reply to any of the questions herein, please provide separately on your firm's headed notepaper.

1. YOUR FIRM DETAILS:

Name of Proposer/Partner to whom correspondence should be sent:

Name of Firm and any subsidiaries to be included in the Policy:

Office Address:
(If more than one please give each address to be included in this insurance together with % of fees generated from each branch office)

a) Telephone:

Office:	
Mobile:	

b) E-mail address for Professional Indemnity Contact:

E-mail:	
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c) Website address:

www:	
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d) Law Society Firm Number:

e) Date Firm Established:

f) Number of Partners:

g) Number of other Solicitors/Consultants:



1.1 With regard to any Partner or Principal in your firm:

- i. Is any Partner or Principal in your firm also a Partner or Principal in another solicitor's firm? **Yes / No**
- ii. Is any Partner or Principal in your firm involved in any other business activity? **Yes / No**
- iii. Does any Partner or Principal in your firm have a financial interest in any other business activity? **Yes / No**

If you have answered yes to any of the questions above, please provide full details, including number of hours worked, in respect of each relevant Partner or Principal on your letter head

- iv. Did any fee earner in your firm, including any Partner or Principal, obtain their first legal qualification outside the Republic of Ireland? **Yes / No**

If yes, please provide full details of each relevant fee earners' solicitors number, solicitor name and place of qualification on your letter head and attach an up-to-date CV for each person mentioned.

1.2 References – please answer the following questions with regard to your firm's current staff. If your firm currently has no staff, please answer the questions with regard to your firm's recruitment practices.

- i. Does your firm carry out full recruitment checks in respect of all Partners, Principals, consultants and employees? **Yes / No**
- ii. Do the recruitment checks include the taking up of written and/or verbal references? **Yes / No**
- iii. Do the recruitment checks include, where relevant, questions about an individual's claims record? **Yes / No**
- iv. Do the recruitment checks include enquiries as to whether an individual has a disciplinary record with, for example, the Law Society of Ireland, Solicitors Disciplinary Tribunal or any other relevant body? **Yes / No**

If you have answered no to any of the questions above, please provide full details on your letter head

2. GENERAL QUESTIONS

2.1 Has your firm, or any prior firm or Preceding Practice:

- 2.1.1 Been the subject of an investigation (for example, following a complaint) that has resulted in any adverse findings by the Law Society of Ireland, the Solicitors Disciplinary Tribunal, or any other recognised body? **Yes / No**
- 2.1.2 Received any inspection visits from the Law Society of Ireland? **Yes / No**
- 2.1.3 Been the subject of an Irish Financial Regulator or Central Bank of Ireland investigation or proceedings commenced by the Central Bank of Ireland? **Yes / No**
- 2.1.4 Failed to pay any insurance premium or excess contribution? **Yes / No**
- 2.1.5 Been declined professional indemnity insurance by any previous or existing insurer or applied to the Assigned Risks Pool? **Yes / No**

- 2.2 Has there been a material change in your firm in the last three years, including but not limited to legal entity, nature of work or location? **Yes / No**

- 2.3 Do you expect there to be any significant changes to or in your firm in the coming year, including any merger or consolidation with another practice? **Yes / No**

If you have answered yes to any of the questions above, please provide full details on your letter head



2.4 Is your business a solicitor's firm only?

Yes / No

If no, please provide full details of any non-regulated business (for example, a separately constituted financial services adviser operating outside of the Law Society of Ireland regulations) on your letter head

2.5 Has any present Partner, Principal, consultant or any other legal employee:

- 2.5.1 Been the subject of any investigation (for example, following a complaint) that has resulted in any adverse findings by the Law Society of Ireland, the Solicitors Disciplinary Tribunal, or any other recognised body? **Yes / No**
- 2.5.2 Been convicted of (or charged with but not yet tried for) any criminal offence involving fraud or dishonesty? **Yes / No**
- 2.5.3 Previously been, or currently be, the subject of a petition for bankruptcy or any judgments or decrees that remain unsatisfied, in whole or in part? **Yes / No**
- 2.5.4 Been refused a practising certificate, or granted a conditional practising certificate by the Law Society of Ireland? **Yes / No**
- 2.5.5 Been the subject of a finding of misconduct by the Solicitors Disciplinary Tribunal? **Yes / No**
- 2.5.6 Previously been a Partner, Principal or Consultant in a Firm that is now in the Run-off Fund? **Yes / No**

If you have answered yes to any of the questions above, please provide full details on your letter head

2.6 Employers Liability Renewal Date?

3. FEES:

Total Gross fees excl. VAT for the last 5 **completed** financial years:

<u>Year Ending</u>	<u>Ireland</u>	<u>USA/Canada</u>	<u>Elsewhere *</u>
dd/mm/yyyy	€	€	€
dd/mm/yyyy	€	€	€
dd/mm/yyyy	€	€	€
dd/mm/yyyy	€	€	€
dd/mm/yyyy	€	€	€

Estimate of forthcoming Gross fee income excl. VAT:

<u>Year Ending</u>	<u>Ireland</u>	<u>USA/Canada</u>	<u>Elsewhere *</u>
dd/mm/yyyy	€	€	€

*Where fees are disclosed *Elsewhere* please advise on your letterhead the countries where these fees are earned.



4. AREAS OF PRACTICE:

Please give a percentage breakdown in respect of your fee income

Acting as Arbitrator, Adjudicator or Mediator	%	Insolvency	%
Conveyancing - Commercial	%	Litigation and Arbitration (Other)	%
Conveyancing – PPR	%	Landlord and Tenant	%
Commercial and Corporate - Securities	%	Mergers and Acquisitions	%
Commercial and Corporate - Non-Securities	%	Patent	%
Criminal Law	%	Personal Injury – Defendant	%
Debt Collection (Judgment Debts over €10,000)	%	Personal Injury – Litigant	%
Defendant Litigious Work for Insurers	%	Tax	%
Employment	%	Wills, Trust and Probate	%
Family (Excluding Children)	%	Other Non-Litigious	%
Financial Advice and Services	%	Other Low Risk Work*	%
Immigration	%	Other Work (state nature of work and %)	%
Intellectual Property (Excluding Patent)	%	Total must equal 100%	%

*Low-risk work includes debt collection under €10,000, children, mental health tribunal, welfare, administering oaths and taking affidavits, lecturing and related activity, expert witness, and planning.

5. NATURE OF WORK – ‘NO FOAL, NO FEE’ ARRANGEMENTS:

- 5.1 Has your firm entered into ‘no foal, no fee’ type arrangements or any other form of conditional fee arrangements that have led to deductions from personal injury damages for solicitor/own client charges? **Yes / No**
If no, please move straight to question 6
- 5.2 Do you use a written risk-assessment procedure before accepting such arrangements? **Yes / No**
If no, please provide full details on your letter head
- 5.3 Does a Partner or Principal agree each ‘no foal, no fee’ type or conditional fee type arrangement before it is offered to your client? **Yes / No**
If no, please provide full details on your letter head

6. NATURE OF WORK – PERSONAL INJURY:

- 6.1 Has your firm been part of any referral network, claims management, or promotional group? **Yes / No**
If yes, please provide full details on your letter head
- 6.2 Please specify the largest and average settlements on behalf of any claimant in the last five years:

	AVERAGE	LARGEST
Personal injury settlement	€	€

- 6.3 Please estimate the number of personal injury cases you currently have where the expected settlement exceeds €250,000:



7. SUCCEEDING PRACTICE:

7.1 Does your firm's headed notepaper refer to any other firm or Preceding Practice(s)?
If yes, please provide full details and a copy of your letterhead:

Yes / No

7.2 Has your firm become a Succeeding Practice?
If you have answered yes, please complete question 7.3.

Yes / No

7.3 Please provide details of all Preceding Practices to which your firm is a Succeeding Practice:

NAME OF FIRM(S)	PRECEDING PRACTICE HAS RUN-OFF COVER IN PLACE	DATE ESTABLISHED	DATE OF SUCCESSION	NUMBER OF SOLICITORS WHO JOINED THE FIRM
	YES <input type="checkbox"/> NO <input type="checkbox"/>	dd/mm/yyyy	dd/mm/yyyy	
	YES <input type="checkbox"/> NO <input type="checkbox"/>	dd/mm/yyyy	dd/mm/yyyy	
	YES <input type="checkbox"/> NO <input type="checkbox"/>	dd/mm/yyyy	dd/mm/yyyy	

8. LEVEL OF COVER REQUIRED FOR 2019/2020

The statutory minimum cover is €1,500,000 each and every claim.

Please state your choice of limits of indemnity

€	€	€
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Please state your choice of excess each and every claim

€	€	€
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Please provide details of your current insurance placement:

TOTAL LIMIT OF COVER	EXCESS	INSURER	BROKER
€	€		

9. CONVEYANCING:

Did you issue undertakings to financial institutions in respect of commercial property transactions during the period 1st December 2009 to 30th November 2010?

Yes / No

If yes, how many?

Did you obtain additional cover for such transactions?

Yes / No

If applicable, how many such undertakings remain undischarged?



Please complete the following table in respect of conveyancing fees charged and undertakings issued by your practice.

Year	Principal Private Residential		Commercial		Number of undertakings that currently remain undischarged	
	Gross Fees €	Number of transactions	Gross Fees €	Number of transactions	PPR conveyancing	Commercial conveyancing
2019 (Estimate)						
2018						
2017						
2016						
2015						
2014						
				All other periods		
				Grand Total		

- (a) Are you aware of any disputes, questions or queries arising from the provision of Undertakings given or accepted by your firm? **Yes / No**
- (b) Have you received correspondence from any bank or financial institution threatening legal action or a report to the Law Society in relation to a delay or non-compliance with an Undertaking given by your firm? **Yes / No**
- (c) Are you aware of any actual or possible claim or circumstances against your firm arising from the transfer of any client assets to NAMA? **Yes / No**
- If yes to (a), (b) or (c) above, please provide details separately on your firm's headed notepaper.***
- (d) Have you, to the best of your knowledge and belief always followed Law Society Guidelines when issuing Undertakings? **Yes / No**

If no, please provide details separately on your firm's headed notepaper.



e) Please state the number of fee earners in your Practice who undertake or have undertaken conveyancing work.	2016/17	2017/18	2018/19
Solicitors			
Other qualified fee earners			
Non- Qualified fee earners			

f) Residential Conveyancing	2016/17 €	2017/18 €	2018/19 €
Highest Capital Value			
Average typical capital value			
Highest loan value			

g) Commercial Conveyancing	2016/17 €	2017/18 €	2018/19 €
Highest Capital Value			
Average typical capital value			
Highest loan value			

h) Does the firm have formal written procedures for money laundering and client identity checks? **Yes / No**

i) In the last ten years, have fees been received in connection with sub-prime loans? **Yes / No**
If yes, please state the approximate number of transactions and names of all subprime lenders

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j) Has your firm received any requests for conveyancing files or information from conveyancing files over the last six years from a lender or a lender's representative, other than in accordance with normal business (such as a standard audit)? **Yes / No**

i. If yes, how many?

ii. Have you reported such requests to your insurer? **Yes / No**
If no, please provide full details on your letter head

iii. Have any potential notifications made by you been declined by your insurer? **Yes / No**
If yes, please provide full details on your letter head

k) Have any file requests resulted in a claim being made against you? **Yes / No**

i. If yes, how many:



- ii. Have they been reported to your insurer?
If no, please provide full details on your letter head Yes / No
- iii. Have any claim notifications been declined by your insurer?
If yes, please provide full details on your letter head Yes / No
- l) Have you made a block notification to your current insurer or any other previous insurer of all claims and circumstances that have arisen out of requests for your conveyancing files by a particular lender or in respect of a particular fee earner?
If yes, please provide full details on your letter head Yes / No
- m) Are you aware of any disputes, questions or queries arising from the provision of undertakings given or accepted by your firm?
If yes, please provide full details on your letter head Yes / No
- n) Have you received correspondence from any financial institution threatening legal action or a complaint to the Law Society of Ireland or Solicitors Disciplinary Tribunal in relation to a delay or non-compliance with an undertaking given by your firm?
If yes, please provide full details on your letter head Yes / No

10. NATURE OF WORK – FINANCIAL SERVICES AND PERSONAL INSOLVENCY WORK:

- a) Has your firm or any Preceding Practice, within the last 6 years, ever sold a financial product or provided advice in connection with financial services where such activity is regulated by the Central Bank of Ireland?
If yes, a separate questionnaire will be required; this can be found on the Law Society Website or from our offices. Yes / No
- b) Has your firm or any Preceding Practice, within the last 6 years, ever established or administered any investment scheme or product which was offered to two or more individuals?
If yes, please provide details separately on you firm's headed notepaper Yes / No

c) Describe the financial advice and services provided by your firm:

- d) Does your firm hold escrow accounts in relation to investment-related services:
If yes, please describe what procedures are in place to prevent unauthorised withdrawals/inappropriate use of funds contained in such escrow accounts: Yes / No

- e) Does any individual in your firm provide services or intend to provide services as a personal insolvency practitioner under the *Personal Insolvency Act 2012*? Yes / No

If yes, please provide the names of the individuals authorised by the Insolvency Service of Ireland to carry out this work within your firm:



11. SIGNIFICANT CHANGE:

- (a) Has your firm undergone any significant changes in the past year, this includes any change in partners or significant fee earners, or significant change in the areas of practice the firm undertakes? **Yes / No**
 - (b) Is your firm considering or anticipating any significant change over the next 12 months? **Yes / No**
- If yes to (a) or (b) or above, please provide details separately on your firm's headed notepaper***

12. RISK MANAGEMENT:

- (a) Have you applied for, or achieved, any risk management or quality standard? **Yes / No**
If yes, please state which standard? _____
- (b) Does the firm have in place established procedures for the control of undertakings? **Yes / No**
If yes, please state which standard? _____
- (c) Does the firm have in place a critical dates diary system and are all key dates noted prominently on file? **Yes / No**
- (d) **Dual verification by your practice**
When your practice is transferring funds into bank accounts where a transfer has not previously been made, is verbal communication with the recipient (the source requesting funds transfer) made over a verified telephone number to approve the request? **Yes / No**
- (e) **Dual verification by clients and third parties**
When asking your clients or third parties to transfer funds to your practice, into bank accounts where a transfer has not previously been made, do you stipulate that they make verbal communication with your practice over a verified telephone number to approve the request? **Yes / No**

Cyber Insurance

- (f) Does the firm have a current Cyber Liability Policy in force? **Yes / No**
If Yes, does your Cyber policy specifically cover Cyber Crime?
- (g) If you are unsure, please advise who is the insurer of the Cyber Insurance policy? _____



13. CLAIMS AND CIRCUMSTANCES:

(a) Has your firm or any Preceding Practice made any claim or reported any circumstances to insurers in the last ten years?

Yes / No

If **yes**, please provide full details, including the amounts involved:

<u>Date Claim Made</u>	<u>Type of Claim</u>	<u>Open / Closed</u>	<u>Reserve (€)</u>	<u>Paid to Date (€)</u>	<u>Settled (€)</u>
dd/mm/yyyy					

Please provide a copy of the qualified insurer's claims summary for the relevant years.

(b) Is any Principal or Partner in your firm aware, after careful enquiry of all solicitors and employees of the firm, of any loss or claim or circumstance that may give rise to a loss being sustained or a claim being made against or involving any person or persons to be included in this insurance, their predecessors in practice, or any past partners, principals, directors or members, where such has not been previously notified to past or present insurers?

If yes, please provide details separately on you firm's headed notepaper



14. DUTY OF DISCLOSURE:

You must be aware of your duty of disclosure and the consequences of breaching this duty.

You must disclose to insurers any fact or circumstance which is known to you (or which ought to be known to you in the ordinary course of your business) and which is material to the risk. A fact or circumstance is material if it would influence the judgement of a prudent insurer in calculating the premium or determining whether he would accept the risk. If there is any doubt as to whether information is material it must be disclosed to insurers.

The obligation applies before the contract of insurance is concluded, during the contract period, at renewal, and on extension or amendment of the contract or the risk. In addition, the duty also applies to the claims process and to other situations where you are required to provide information to insurers.

Please contact us immediately for assistance if you are unsure whether information may be material or you have not disclosed full and accurate information.

DECLARATION & DUTY OF DISCLOSURE

Please read carefully the following statements prior to signing where indicated.

I/We hereby declare that:

I/We undertake to inform insurers of alterations to this proposal occurring before completion of a contract of insurance. I/We are satisfied that after careful enquiry of all Principals, consultants and employees, the above details are correct to the best of our knowledge and belief and that we have not suppressed or mis-stated any material facts. I/We understand that any fraudulent suppression or fraudulent mis-statements of any material facts will be reported by insurers to the Law Society of Ireland. I/We authorise prior insurers of the firm to release to O'Leary Insurances¹ any information that they may require including all claims information which may be requested by insurers pursuant to this proposal for insurance. I/We understand that the information I/we provide to insurers is for the purpose of providing insurance, underwriting, processing, claims handling, and preventing fraud.

I/We acknowledge that, by submitting this proposal, I/we hereby consent to insurers carrying out any enquiries into our financial standing (including, but not limited to, a credit search with one or more (licensed) credit reference or fraud prevention agencies) to check our identity and credit status. Such enquiries may be made either before or during the existence of the contract of insurance.

I/We acknowledge and agree that, by submitting this proposal, I/we hereby consent, in the event of the legal practice carried on by me/us ceasing during or on expiry of any period of insurance provided by insurers, to insurers requesting and obtaining data (including but not limited to personal data as defined in the EU's General Data Protection Regulation [Regulation 2016/679]) from relevant regulatory bodies and to insurers processing such data for purposes in connection with providing run off cover in accordance with the insurance policy conditions and/or regulatory requirements on such cessation.

Signed: _____
(Principal/Partner)

Date dd/mm/yyyy _____

¹O'Leary Insurances Ltd. is regulated by the Central Bank of Ireland. O'Leary Insurances (Dublin) Ltd. is regulated by the Central Bank of Ireland. O'Leary Insurances (Galway) Ltd. is regulated by the Central Bank of Ireland. O'Leary Insurances (Waterford) Ltd. is regulated by the Central Bank of Ireland.



O'Leary Insurances will process the information you provide in this form (collect, use and store) in a manner compatible with the EU's General Data Protection Regulation. The legal basis for processing is set out in our Privacy Notice available on our website www.olearyinsurances.ie. Information you provide in this Proposal Form will be used by O'Leary Insurances 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. In the course of performing our obligation to you, this information may be disclosed to agents and service providers appointed by us and/or Insurers, (which includes their re-insurers, legal advisers, loss adjustors 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 to 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 EU's General Data Protection Regulation [Regulation 2016/679]. O'Leary Insurances ensures that we facilitate data subject's rights in line with our data protection policy and the subject access request procedure outlined in that policy. Please refer to our Privacy Notice for full details on all Data Protection items outlined above.

The completion of this proposal does not bind the Practice or Insurers to effect a Contract of Insurance, but if a policy is issued, this Declaration Form, together with any other information supplied prior to inception shall form the basis of any Contract of Insurance effected thereon.

O'Leary Insurances Ltd. is regulated by the Central Bank of Ireland. O'Leary Insurances (Dublin) Ltd. is regulated by the Central Bank of Ireland. O'Leary Insurances (Galway) Ltd. is regulated by the Central Bank of Ireland. O'Leary Insurances (Waterford) Ltd. is regulated by the Central Bank of Ireland.