



IN-FOCUS

reducing the risk in commercial litigation

Has your business failed to pursue a legal claim against another party because of the cost and risk of doing so?

One of the effects of the current economic climate is an increase in the number of businesses believing that they are unable to pursue legal claims because of the cost of doing so, along with the risk of losing and facing a liability to pay the opponent's costs. The risk for many businesses is too large.

Blake Laphorn's IN-Focus service is a way of funding litigation and reducing risk to your business. It can help your business with commercial claims within a certain criteria and with a value of at least £25,000, including:

- contractual and commercial disputes
- professional negligence
- intellectual property disputes
- partnership disputes
- shareholder disputes
- sale of goods

what is IN-Focus?

The aim of IN-Focus is to provide a reduced risk approach offering cost protection for commercial litigation through the use of a part-funded Conditional Fee Arrangement backed by an insurance policy.

how does it work?

- **Initial review** – for an initial fixed fee we will complete a comprehensive review of the facts and risks involved in your claim using our Focus case analysis tool (details of which appear below) and assess the chances of success. We continue to control your risk with on-going case analysis, cost prediction and monitoring.
- **Sharing risk** – if we conclude the prospects of success are 65% or more, then we can agree to reduce our fees for the work we do for you by up to 50% in return for an agreed increase in those fees in the event of agreed success criteria being achieved.
- **Transferring risk** – additionally, where the prospects of success are 65% or more, we can, through IN-Focus, issue you with 'after the event' insurance cover, which will insure your business against the risk of having to pay the opponent's costs, and the out of pocket expenses we incur on your behalf, such as expert's fees, in the event that you lose the case. You will not be required to pay the insurance premium until the agreed success criteria are achieved.

benefits to your business of using IN-Focus

- The defendant will know that your business is taking action without having to pay 'full-fees' and therefore your solicitors and your ATE insurers have sufficient confidence in the claim; they are prepared to share with you the risk of pursuing it.
- The increased fees and insurance premium are generally recoverable from your opponent if you win.

Focus- controlling disputes

A priority for anyone involved in disputes is to identify as early as possible the risks involved, the potential cost both in terms of legal fees and management time, and the best practical outcome.

Focus is a system developed by Blake Lapthorn for managing disputes, giving you greater control of the process. Through Focus we will:

- identify the outcomes you seek
- identify the legal and factual issues involved
- where ever we can, quantify your chance of success; where we cannot we will tell you why
- select with you the realistic objectives
- identify and quantify with you the impact of the dispute on your business
- produce a case plan with a timetable for resolving the dispute, decision points and a budget. As the case progresses we will track fees against budget
- conduct a review with you at the conclusion of the case.

Focus encompasses:

First assessment of the facts of the case and prospects of success

Overview of the issues which may impact upon your business

Case planning and strategy

Undertake reviews at key decision points

Status review at the conclusion of the case.

Focus allows you to have a clear appreciation of the issues involved and to be fully informed of the progress of your case and your expenditure. We also provide an opportunity for reflection at the conclusion of the case.

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