

Can Harris & Harris act for you if you have Legal Expenses Insurance ?



In many cases the answer is "Yes". Legal Expenses Insurers will normally try to refer you to a firm on their panel. You don't have to accept that. The Financial Ombudsman says that this is one of the most common complaints about legal expenses insurance. He says, *"Policyholders take the view that only someone they have chosen will represent their interests vigorously and impartially. In many cases, they are unsure whether a solicitor chosen by the insurer will represent their interests, or the insurer's. And they frequently complain that the firm of solicitors chosen by the insurer is in a less convenient location than their preferred firm."*

Under the Regulation 6(1) Insurance Companies (Legal Expenses Insurance) Regulations 1990 you have the right to choose your own lawyer once legal proceedings are started. That is an absolute right at that point. In practice your Legal Expenses Insurers may agree that Harris & Harris can act for you from the start. Their proper concerns are that the lawyers you use have the necessary expertise and that their fees are reasonable. Harris & Harris would not take on your case if we did not have the necessary expertise and our charging rates costs are competitive. We can usually persuade Legal Expenses Insurers to instruct us, if that is what you want and you tell your insurers. If you bring all your paperwork and a Claim Form to us we will deal with it for you.

As the Financial Ombudsman says, *"Where policyholders have paid for legal advice before notifying the insurer of a claim, they will not unnaturally wish that same firm to continue with their case. However, their insurer may prefer that a solicitor from its own panel takes over the action. We do not always support insurers in this position. This is for two reasons. First, the current firm will already be familiar with progress to date and appointing a new firm will require duplication of effort and expense. Second, the replacement of the original firm may only be temporary, since it is highly likely the policyholder will insist on returning the case to them as soon as possible. We consider that insurers should take a pragmatic approach. Where one firm is already familiar with all the background and is dealing satisfactorily with the case, it will generally not be sensible for the insurer to involve another firm unless, for example, the new firm has superior expertise. Otherwise, insurers risk alienating their policyholders to little or no advantage."*

See the Financial Ombudsman's website at <http://www.financial-ombudsman.org.uk>