



LAW SOCIETY  
OF IRELAND

# 2019/2020 SOLICITORS' PROFESSIONAL INDEMNITY

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COMMON PROPOSAL FORM  
IRELAND

## CHECKLIST FOR REQUIRED ADDITIONAL DOCUMENTATION

1. Q1.1 If your firm is established less than two years, please provide a business plan and CVs for all Partners and Principals.
2. Q1.3 If a branch office has no resident Partner or Principal, please provide the CVs of the solicitors or registered lawyers based in the branch office.
3. Q2.1 If your firm's headed paper refers to any other firm or Preceding Practice that has not been included in Q1, please provide details and a copy of your letterhead.
4. Q3.4 If any fee earner, including any Partner or Principal, obtained their first legal qualification outside the Republic of Ireland, please provide an up-to-date CV for each relevant person.
5. Q4.1 Where applicable, please provide details and relevant reports if your firm or any prior firm or Preceding Practice has:
  - 4.1.1 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.
  - 4.1.2 Received any inspection visits from the Law Society of Ireland.
  - 4.1.3 Been the subject of an investigation by the Irish Financial Regulator or Central Bank of Ireland, or proceedings commenced by the Central Bank of Ireland.
  - 4.1.4 Failed to pay any insurance premium or excess contribution.
  - 4.1.5 Been declined professional indemnity insurance by any insurer or applied to the Assigned Risks Pool.
6. Q4.2 Please provide details and relevant reports if there has been a material change in your firm in the last three years, including but not limited to legal entity, nature of work or location.
7. Q4.3 Please provide details and relevant reports if you expect there to be any significant changes to or in your firm in the coming year, including any merger or consolidation with another firm.
8. Q4.5 Where applicable, please provide details and documentation where available if any present Partner, Principal, consultant or any other legal employee in your firm has:
  - 4.5.1 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.
  - 4.5.2 Been convicted of (or charged with but not yet tried for) any criminal offence involving fraud or dishonesty.
  - 4.5.3 Previously been, or currently is, the subject of a petition for bankruptcy or any judgments or decrees that remain unsatisfied, in whole or in part.
  - 4.5.4 Been refused a practising certificate, or granted a conditional practising certificate by the Law Society of Ireland.
  - 4.5.5 Been the subject of a finding of misconduct by the Solicitors Disciplinary Tribunal.
  - 4.5.6 Previously been a Partner, Principal or Consultant in a Firm that is now in the Run-off Fund?
9. Q9.1 If your firm or any Preceding Practice, within the last seven years, sold a financial product or provided advice in connection with financial services, where such activity is regulated by the Law Society of Ireland, the Central Bank of Ireland, the *Investment Intermediaries Act 1995* or any other financial services regulation legislation, a separate questionnaire will be required, which will be supplied on receipt of your completed proposal form or can be downloaded from the website at <http://www.lawsociety.ie/Solicitors/Practising/PII/>
10. Q11.2.2 If you have applied for or achieved any risk-management or quality standard, please attach a copy of your report.
11. Q13.3 Please attach your current claims report provided by the relevant participating insurer(s) or the Assigned Risks Pool. If this is not yet available, please provide claims/circumstances details on the attached supplementary claims form.
12. Q13.4 If any Partner or Principal in your firm is 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 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, please provide full details on a separate sheet.

## IMPORTANT NOTES

Common proposal form guidance notes should be read in conjunction with this form.

Please provide a full answer to every question and use supplementary sheets for questions where you may have insufficient space to answer a question. Some information, as directed and highlighted in **bold font** in the form, should be provided in the additional information section (section 16). Additional documentation to be provided with your proposal form is highlighted in **red font** in the form. The more information you provide, the more your broker will understand your firm to negotiate with the participating insurers on your behalf.

A Partner or Principal of your firm must sign and date this form, along with any supplementary sheets. In this form, the word 'Principal' means the sole practitioner or sole principal in your firm, and the word 'Partner' means a partner in your firm.

In this form, the terms "Preceding Practice" and "Succeeding Practice" are as defined in any applicable minimum terms and conditions.

## 1 YOUR FIRM'S DETAILS

- 1.1 Please list all practising titles, including associate companies, nominee companies and service companies. Please mark type against each: 'S' for Sole Practitioner/Sole Principal, 'P' for Partnership.

PRACTISING TITLE	TYPE	PRACTISING TITLE	TYPE

PRIMARY ADDRESS	DATE ESTABLISHED
	/ / <i>If less than two years, please provide business plan and CVs for all Partners or Principals.</i>
LAW SOCIETY FIRM NUMBER	PROFESSIONAL INDEMNITY CONTACT MR/MRS/MS
F	

- 1.2 Please list the town of any branch office for which cover is required, together with the percentage of fees generated from each branch office. If you have no branch offices, please tick 'none'.

None

LOCATION	RESIDENT PARTNER/ PRINCIPAL	%	LOCATION	RESIDENT PARTNER/ PRINCIPAL	%
		%			%
		%			%
		%			%
<b>PRINCIPAL OFFICE</b> (If no branch office, this should be 100%)		%			
<b>TOTAL FOR ALL</b> (Must equal 100% including principal office)		%			

- 1.3 Please provide full details of how each office is supervised.  
*If there is no resident Partner or Principal, please provide full details of same in section 16 and attach CVs of the solicitors or registered lawyers based in your branch office(s).*

## 2 SUCCEEDING PRACTICE

2.1 Does your firm's headed notepaper refer to any other firm or Preceding Practice(s) not listed above?

Yes No

*If yes, please provide full details in section 16 and a copy of your letterhead.*

2.2 Has your firm become a Succeeding Practice? Yes No

*If you have answered yes, please complete question 2.3.*

2.3 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 YOUR FIRM
	Yes No			
	Yes No			
	Yes No			

## 3. YOUR STAFF DETAILS

3.1 Please state the number of staff in your firm: ('FT' for full-time, 'PT' for part-time):

	2019 PT	2019 PT	2018 PT	2018 PT	2017 FT	2017 PT	2016 FT	2016 PT
Principals/Equity Partners								
Salaried Partners								
Solicitors and Consultants								
Legal Executives								
Other fee earners								
Other staff*								

\*Excluding cleaning, maintenance and other manual employees.

3.2 Please provide all information requested for each fee earner listed in the table above, even if you are a Sole Practitioner or Principal:

	SOLICITOR NUMBER (IF APPLICABLE)	FULL NAME	YEARS AS A PRINCIPAL OR PARTNER IN YOUR FIRM (IF APPLICABLE)	DATE QUALIFIED (IF APPLICABLE)
1.		(Principal)		/ /
2.				/ /
3.				/ /
4.				/ /

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

3.3.1 Is any Partner or Principal in your firm also a Partner or Principal in another solicitor's firm?

Yes No

3.3.2 Is any Partner or Principal in your firm involved in any other business activity?

Yes No

3.3.3 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 in section 16.***

3.4 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' solicitor number, solicitor name and place of qualification in section 16 and attach an up-to-date CV for each person mentioned.***

3.5 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.

3.5.1 Does your firm carry out full recruitment checks in respect of all Partners, Principals, consultants and employees?

Yes No

3.5.2 Do the recruitment checks include the taking up of written and/or verbal references? Yes No

3.5.3 Do the recruitment checks include, where relevant, questions about an individual's claims record? Yes No

3.5.4 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 yes to any of the questions above, please provide full details, including number of hours worked, in respect of each relevant Partner or Principal in section 16.***

## 4. GENERAL QUESTIONS

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

4.1.1 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

4.1.2 Received any inspection visits from the Law Society of Ireland? Yes No

4.1.3 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

4.1.4 Failed to pay any insurance premium or excess contribution? Yes No

4.1.5 Been declined professional indemnity insurance by any previous or existing insurer or applied to the Assigned Risks Pool? Yes No

4.2 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

4.3 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 questions 4.1, 4.2 or 4.3, please provide full details in section 16 including documentation where available.***

4.4 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) in section 16.***

- 4.5 Has any present Partner, Principal, consultant or any other legal employee:
- 4.5.1 Been the subject of any investigation (for example, following a complaint) that has resulted in any adverse finding by the Law Society of Ireland, the Solicitors Disciplinary Tribunal, or any other recognised body? Yes No
- 4.5.2 Been convicted of (or charged with but not yet tried for) any criminal offence involving fraud or dishonesty? Yes No
- 4.5.3 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
- 4.5.4 Been refused a practising certificate, or granted a conditional practising certificate by the Law Society of Ireland? Yes No
- 4.5.5 Been the subject of a finding of misconduct by the Solicitors Disciplinary Tribunal? Yes No
- 4.5.6 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 in section 16 including documentation where available.***

## 5. GROSS FEES (EXCLUSIVE OF VAT)

- 5.1 Do you have any US domiciled interests to be insured under this policy? Yes No
- 5.2 Do you have any other overseas domiciled interests to be insured under this policy? Yes No  
***If yes, please provide full details in section 16.***
- 5.3 Please provide gross fees exclusive of VAT for the last five completed accounting periods and an estimate for the current year:

	YEAR ENDING	REPUBLIC OF IRELAND	USA/CANADA*	ANY OTHER JURISDICTION*	TOTAL
Estimated current financial year (year ending 2019)	/ / 2019	€	€	€	€
Annual accounting period year ending 2018	/ / 2018	€	€	€	€
Annual accounting period year ending 2017	/ / 2017	€	€	€	€
Annual accounting period year ending 2016	/ / 2016	€	€	€	€
Annual accounting period year ending 2015	/ / 2015	€	€	€	€
Annual accounting period year ending 2014	/ / 2014	€	€	€	€

***\*Please also provide details of the work in section 16.***

- 5.4 Does any one client or group of clients generate 20% or more of your annual fees? Yes No  
***If yes, please provide full details section 16.***
- 5.5 Does your firm provide advice in relation to any law other than the law in the Republic of Ireland (including EU law to the extent that it forms part of the law in the Republic of Ireland)? Yes No  
***If yes, please confirm the jurisdiction under which the work is undertaken and state the gross fee income for the accounting period, together with full details of these activities, in section 16.***

## 6. TYPE OF WORK

6.1.1 Please provide a percentage breakdown of the gross fee income for the last accounting period into the following categories:

Acting as arbitrator, adjudicator or mediator	%	Litigation and arbitration (other)	%
Conveyancing – commercial	%	Landlord and tenant	%
Conveyancing – PPR	%	Mergers and acquisitions	%
Commercial and corporate – securities	%	Patent	%
Commercial and corporate – non-securities	%	Personal injury – defendant	%
Criminal law	%	Personal injury – litigant	%
Debt collection (judgment debts over €10,000)	%	Tax	%
Defendant litigious work for insurers	%	Wills, trust and probate	%
Employment	%	Other non-litigious	%
Family (excluding children)	%	Other low risk work*	%
Financial advice and services	%	Other work (state nature of work and %)	
Immigration	%		%
Intellectual property (excluding patent)	%		%
Insolvency	%		%
<b>Total (must equal 100%)</b>			<b>%</b>

\*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.

6.1.2 Are any substantial changes in the percentage amounts shown above anticipated during the next 12 months? Yes No  
If "Yes" please provide full details in section 16

6.2.1 Please estimate your firm's client base:

Construction	%	Privately held companies (other than above)	%
Entertainment and sport	%	Publicly held companies (other than above)	%
Financial institutions/banking	%	Other (please specify)	%
Government	%		%
Insurance	%		%
Private client	%		%

6.2.2 Are any substantial changes in the percentage amounts shown above anticipated during the next 12 months? Yes No  
If "Yes" please provide full details in section 16

## 7. NATURE OF WORK – 'NO FOAL, NO FEE' ARRANGEMENTS

7.1 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 8.

7.2 Do you use a written risk-assessment procedure before accepting such arrangements? Yes No  
If no, please provide full details in section 16.

7.3 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 in section 16.*

## 8. NATURE OF WORK – PERSONAL INJURY

8.1 Has your firm been part of any referral network, claims management, or promotional group? Yes No

*If yes, please provide full details in section 16.*

8.2 Please specify the largest and average settlements on behalf of any claimant in the last five years:

	AVERAGE	LARGEST
Personal injury settlement	€	€

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

8.4 Is a diary system in place to record, monitor and review key dates in relation to personal injury cases? Yes No

*If yes, please confirm the person in the firm with responsibility for maintenance of the key dates diary system*

## 9. NATURE OF WORK – FINANCIAL SERVICES AND PERSONAL INSOLVENCY WORK

9.1 Within the last seven years, has your firm or any Preceding Practice sold or assisted in the promotion of a financial product or provided advice in connection with financial services where such activity is regulated by the Law Society of Ireland, the Central Bank of Ireland, the *Investment Intermediaries Act 1995* or any other financial services regulation legislation? Yes No

*If yes, a separate questionnaire will be required, which will be supplied on receipt of your completed proposal form or can be downloaded from the website at [www.lawsociety.ie/PII](http://www.lawsociety.ie/PII)*

9.2 Describe the financial advice and services provided by your firm:

9.3 Does your firm hold escrow accounts in relation to investment-related services? Yes No

*If yes, please describe what procedures are in place to prevent unauthorised withdrawals/inappropriate use of funds contained in such escrow accounts:*



9.4 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:*

## 10. NATURE OF WORK – CONVEYANCING

10.1 Between 2009 and 2019, was more than 10% of your conveyancing turnover derived from a single source or referrer?

Yes No

*If yes, please provide full details in section 16.*

10.2 Please provide details of the gross fees derived from both PPR conveyancing and commercial conveyancing for the last five completed accounting periods and an estimate for the current year. Please complete the following table in respect of conveyancing fees charged and undertakings issued by your firm:

	PPR CONVEYANCING		COMMERCIAL CONVEYANCING		NUMBER OF UNDERTAKINGS THAT CURRENTLY REMAIN UNDISCHARGED	
	Gross fees	Number of transactions	Gross fees	Number of transactions	PPR conveyancing	Commercial conveyancing
Estimate for current year (2019)	€		€			
Last accounting period (2018)	€		€			
Annual accounting period ending 2017	€		€			
Annual accounting period ending 2016	€		€			
Annual accounting period ending 2015	€		€			
Annual accounting period ending 2014	€		€			
All other periods	N/A	N/A	N/A	N/A		

10.3 Has your firm given an undertaking in a situation where they are not in a position to fully discharge (including situations where your firm is not in receipt of stamp duty, or stage payment transactions)? Yes No

10.4 Please provide the following information for the last ten years:

Highest PPR transaction value	€	Highest commercial conveyancing transaction value	€
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10.5 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*

10.6 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

10.6.1 If yes, how many?

10.6.2 Have you reported such requests to your insurer? Yes No  
**If no, please provide full details in section 16.**

10.6.3 Have any potential notifications made by you been declined by your insurer? Yes No  
**If yes, please provide full details in section 16.**

10.7 Have any file requests resulted in a claim being made against you? Yes No

10.7.1 If yes, how many:

10.7.2 Have they been reported to your insurer? Yes No  
**If no, please provide full details in section 16.**

10.7.3 Have any claim notifications been declined by your insurer? Yes No  
**If yes, please provide full details in section 16.**

10.8 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?

Yes No  
**If yes, please provide full details in section 16.**

10.9 Are you aware of any disputes, questions or queries arising from the provision of undertakings given or accepted by your firm?

Yes No  
**If yes, please provide full details in section 16.**

10.10 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?

Yes No  
**If yes, please provide full details in section 16.**

10.11 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, please provide full details in section 16.**

10.12 Is any person in your firm a partner or principal with, a director of, or engaged with any client in any commercial partnership or venture that has as its primary objective investment in commercial or residential property? Yes No

**If yes, please provide full details in section 16.**

10.13 10.13.1 Did you issue undertakings to financial institutions in respect of commercial property transactions between 1 December 2009 and 30 November 2010? Yes No

10.13.2 If yes, how many:

10.13.3 Did you obtain additional cover for such transactions? Yes No  
*Please note that you may be asked for evidence by insurers that you have purchased this cover.*

## 11. RISK-MANAGEMENT PROCEDURES

Please answer 'yes' if you have implemented the relevant policy or procedure and can verify same if required.

Please answer 'no' if you have not implemented the relevant policy or procedure, or any part thereof in multi-part questions.

If your answer to any question is 'no', or 'yes' but qualified, please provide full details and explanations in section 16.

If the answer to any of the questions is no, but your firm is working toward achievement of this objective, please provide full details in section 16 on what your firm has done so far to achieve this objective, what your firm plans to do to fully achieve the objective, and within what time scale.

### General management

11.1 Does your firm have written risk management procedures and are these reviewed at least annually by a Partner or Principal?

Yes No

11.2 11.2.1 Have you applied for, or achieved, any risk management or quality standard? Yes No

11.2.2 If yes, **please attach a copy of your report**, and provide details below of:

The number of times your firm was audited and accredited in the last three years	
The standards you have applied for or achieved	
Any scores awarded	
The date(s) accreditation was achieved	
When your accreditation expires	

### New clients and new matters

11.3 Prior to acceptance of instructions, are new matters subjected to a written risk assessment that is signed off by a Partner or Principal to establish all of the following?

Yes No

- 11.3.1 Whether the matter is within your firm's capability, capacity and competence
- 11.3.2 Whether the matter has unusual or higher risk factors than normal
- 11.3.3 Whether there is adequate time to complete the work and meet any critical dates
- 11.3.4 Whether any difficult issues relating to the work and/or your client are identified, recorded and can be managed
- 11.3.5 Whether following a review of the potential exposure values, your firm's liability should be capped (where this is appropriate and can be agreed with your client)
- 11.3.6 Whether work will be refused or referred elsewhere where a full duty of care cannot be given, or there are unmanageable conflicts, potential conflicts or other risks

11.4 Does your firm have formal written procedures for engaging new clients that include all of the following?

Yes No

- 11.4.1 Issuing and acceptance of your firm's current terms and conditions
- 11.4.2 Defining the scope of the transaction
- 11.4.3 Where appropriate, limiting liability of your firm under section 44 of the *Civil Law (Miscellaneous Provisions) Act 2008*
- 11.4.4 Standard file-opening processes to capture all relevant client, owners, stakeholders and asset/liability details
- 11.4.5 Money laundering and client identity checks
- 11.4.6 Issuing a formal engagement letter capturing all the terms and conditions of the retainer

11.5 Are all new instructions reviewed to ensure that actual or potential conflicts of interest (either between your client and your firm, its Partners, Principals, consultants or employees) are:

- 11.5.1 Systematically identified? Yes No
- 11.5.2 Recorded? Yes No

- 11.5.3 Notified if relevant? Yes No
- 11.5.4 Managed appropriately in accordance with procedures and specific training on this subject? Yes No
- 11.6 Does the engagement letter explicitly state all of the following?  
Yes No
- 11.6.1 What work your firm will be conducting for your client (scope of instructions) including specific objectives
- 11.6.2 What your firm will not be doing for clients (that is, limitations to your remit, perhaps based on third party funding restrictions or referral source or other advisor involvement, or your client wishing to limit costs or remit generally)
- 11.6.3 Important dates and implications if these are missed.
- 11.6.4 What you expect your client to do and by when?
- 11.6.5 How long the matter is likely to take overall
- 11.6.6 The fee basis and how much it will cost in total (to include fees, disbursements, VAT and potential for other costs) and, if relevant, details of any fee-sharing or referral commissions and how this will be accounted for
- 11.6.7 Current terms and conditions of business (which may be a separate document)
- 11.6.9 Where appropriate, notification and information regarding your firm's limitation of liability under section 26A of the *Solicitors (Amendment) Act 1994*, as inserted by section 44 of the *Civil Law (Miscellaneous Provisions) Act 2008*, which has been agreed with your client
- 11.7 For insurance products or investments advised on and/or sold, does the engagement letter explicitly include all of the following?  
Yes No N/A
- 11.7.1 'Fair, clear and not misleading' financial services information
- 11.7.2 Status disclosure
- 11.7.3 Basis of advice
- 11.7.4 Demands and needs assessment
- 11.7.5 Correspondence suitability statement

### Supervision and training

Please note that sole practitioners are not required to complete the Supervision and Training section. Sole principals and partnerships are required to complete this section. If you are a sole practitioner firm, please tick the following box and move straight to the File Management section:

N/A

- 11.8 Do you operate a supervision system that includes all of the following?  
Yes No
- 11.8.1 A defined supervision structure with clear reporting lines that provides one or more named supervisors (the Principal, nominated Partners or other experienced advisors) for all personnel and for each field of law
- 11.8.2 Supervisors who are qualified to supervise in the assigned categories of work based on technical competence, experience and ability
- 11.8.3 Allocation and/or early review of new work by a Partner, Principal or supervisor
- 11.8.4 Setting aside a regular time slot to review workloads, check for progress and inactivity, prioritise work and to deal with problem cases
- 11.8.5 Agreed systems for reviewing incoming and outgoing correspondence, including post, DX, faxes and emails
- 11.8.6 Systematic indexing, filing, updating, using and sharing of precedents and professional information
- 11.8.7 Provision of training on identifying mortgage fraud to all Partners, Principals, consultants and employees who undertake conveyancing work
- 11.8.9 Direct supervision by a Partner or Principal of all PPR conveyancing transactions undertaken by the firm
- 11.9 Do frequent Partner or Principal meetings take place that deal with planning, monitoring and reviewing of training and supervision activities? Yes No
- 11.10 Have all solicitors in your firm fully complied with their annual CPD requirements? Yes No

### File management

- 11.11 Does your firm comply with all of the following?  
Yes No
- 11.11.1 Carry out frequent file audits of files, including the files of Partners or Principals

- 11.11.2 Use a formal file review form when auditing these files
- 11.11.3 Carry out frequent file progress monitoring on current files
- 11.11.4 Require supervisors to independently check on file progress as appropriate

11.12 Do you have set policies for the management of client files that require all of the following?

Yes No

- 11.12.1 Key information (such as critical dates, undertakings, risks and controls, plans and strategies) to be shown in a prominent position on the file
- 11.12.2 A summary list or plan identifying key stages and showing which are complete and which remain outstanding
- 11.12.3 The files to be kept in an orderly fashion in line with an agreed format and stored securely
- 11.12.4 Sensitive materials to be identified and recorded on the file along with any associated undertakings or conditions
- 11.12.5 Correspondence to be kept in date order and file kept up to date
- 11.12.6 Files and content to be identified consistently, be readily accessible and secure, whether in paper files and cabinets and/or electronic storage systems or shared drives
- 11.12.7 Client property to be identified, recorded on the file, stored and returned under secure conditions
- 11.12.8 Client confidentiality to be observed when managing client work, discussing client matters, taking files out of the office or providing information to third party service providers
- 11.12.9 Files to be archived securely for agreed periods and destroyed only with the approval of a Partner or Principal

11.13 11.13.1 Does your firm ensure that legible attendance notes confirming verbal instructions and/or written client instructions are held on the file with instructions confirmed in writing? Yes No

11.13.2 Do your firm's attendance notes include all of the following? Yes No

- 11.13.2.1 Requirements and objectives
- 11.13.2.2 Agreed billing and charge out arrangements, in a format and level of detail sufficient to comply with your firm's obligations under section 68 of the *Solicitors (Amendment) Act 1994*
- 11.13.2.3 Issues raised and advice given
- 11.13.2.4 Options and associated risks
- 11.13.2.5 Action your firm will take
- 11.13.2.6 Timescales to complete the action
- 11.13.2.7 Any action your client should take

11.14 Does your firm operate a system for recording, monitoring and reviewing key dates which includes a procedure for absenteeism?

Yes No

### Conclusion of matters

11.15 Is a review (using a checklist of defined criteria) completed when each case is concluded to ensure that all the following have been considered and dealt with?

Yes No

- 11.15.1 All undertakings have been discharged
- 11.15.2 Your client has been sent a letter advising that the matter has concluded, explaining the outcome and implications or other factors of note and, as appropriate, any need and timings for future review or action that your client should take
- 11.15.3 A copy of any final document(s) produced, signed and/or sealed where appropriate, is retained on the file
- 11.15.4 A final statement of account and fee note has been sent to your client
- 11.15.5 Any original documents, sensitive material, property or other assets have been returned and evidenced as such
- 11.15.6 Any client dissatisfaction or other outstanding problems have been resolved or, if not, reported as relevant
- 11.15.7 Any intentions for case publicity involving client details have been agreed with your client
- 11.15.8 All other concluding steps specific to work-type (such as registering and filing) and anything specific to your client's own service agreement have been completed

### Undertakings

11.16 Does your firm have established procedures for the control of undertakings that include all of the following? Yes No

- 11.16.1 Information to ensure that all staff understand what an undertaking is
- 11.16.2 The authority required for giving undertakings
- 11.16.3 How undertakings should be worded
- 11.16.4 Where undertakings should be recorded, for example, in a prominent position on the case file and in a central register
- 11.16.5 Timescales for confirming oral undertakings in writing
- 11.16.6 Maintenance of a central record of all undertakings given, discharged and not discharged

- 11.16.7 A systemic means of monitoring undertakings by a Partner or Principal to ensure all obligations are fulfilled in a timely manner
- 11.16.8 A systemic means of ensuring that the Law Society's guidelines on undertakings have been followed
- 11.17 If you have established procedures in place for the control of undertakings, when were these established?
- 11.18 11.18.1 Has any solicitor acting in your firm ever been involved in a transaction that was or is resting in contract?  
Yes No
- 11.18.2 If yes, has an undertaking been furnished to the lending institution? Yes No
- 11.18.3 If your firm has been involved in a resting-in-contract transaction that has subsequently been completed, has your firm received written confirmation from the relevant lending institution confirming that they have been released from the undertaking?  
Yes No

### Financial

- 11.19 To what monetary limit may cheques, or the electronic equivalent, be signed by a sole signatory?
- 11.20 Is anyone other than a Principal or equity Partner authorised to sign cheques? Yes No
- 11.21 Does your firm reconcile all bank accounts (client and office) at least once a month? Yes No
- 11.22 Has your firm complied with all its obligations under the *Solicitors Accounts Regulations*? Yes No

### Cybersecurity

- 11.23 Have measures, plans or controls been implemented within the firm to prevent or mitigate against fraud in the form of impersonation of your partners, directors, officers or employees (impersonation fraud) and impersonation of your suppliers/vendors (payment diversion fraud)?  
Yes No
- 11.24 Over the past 2 years has the firm faced one or more impersonation fraud attempts, payment diversion attempts or other fraud attempts involving impersonation of partners, directors, officers or employees?  
Yes No
- 11.25 Have your telephone call reception desks been warned about the dangers of providing names and contact details of finance department staff and partners to callers "phishing" for information?  
Yes No
- 11.26 How are fund transfers over €10,000 made? Are all instructions subject to authentication by the employee receiving the request by one of the following:  
Yes No
- 11.26.1 Making a call back to the requestor using a predesignated telephone number held on file for the purpose of call back
- 11.26.2 Verifying that the requestor has the authority to make such instruction
- 11.26.3 Prior to the payment request being actioned, ensuring supporting documentation of the payment transfer request is provided
- 11.26.4 Verifying that any signature provided on any written instruction or telefacsimile matches that held on file
- 11.26.5 For e-mail instructions, verifying the requestors work e-mail address has been used
- 11.26.6 For telex or telefacsimile, ensuring the test key/algorithm matches that held on file
- 11.27 With respect to vendors/suppliers are all requests for payment subject to verification that such vendor/supplier is owed such funds?  
Yes No
- 11.28 Prior to payment are payment details verified with the supplier with those held on file?  
Yes No
- 11.29 Does the firm have back-up and recovery procedures for all mission critical systems, data and information systems?  
Yes No

- 11.30 Is the firm aware of any erroneous, mistaken, improper, or unauthorised release, loss or disclosure of personally identifiable information in its care, custody, or control or anyone holding such information on behalf of the firm in the last 3 years?  
 Yes No  
**If yes, please provide full details in section 16.**
- 11.31 Has the firm ever received any claims or complaints with respect to allegations of invasion or injury to privacy, identity theft, theft of information, breach of information security, or been required (by law or own volition) to provide notification to individuals due to an actual or suspected disclosure of personal information?  
 Yes No  
**If yes, please provide full details in section 16.**
- 11.32 Does the firm have a cyber liability policy in place?  
 Yes No

## 12. COVER REQUIRED FOR 2019/2020

The statutory minimum cover for solicitors' professional indemnity insurance in this jurisdiction is €1.5 million each and every claim.

12.1 Please state your choice of limits of indemnity (up to a maximum of three):

€	m	€	m	€	m
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12.2 Please state your choice of excess each and every claim (up to a maximum of three):

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

TOTAL LIMIT OF COVER		EXCESS		INSURER	BROKER
€	m	€			

12.4 Has your firm, or any Preceding Practice, ever been provided cover by the Assigned Risks Pool? Yes No

### 13. CLAIMS AND CIRCUMSTANCES

13.1 Has your firm or any Preceding Practice made any claim or reported any circumstances to insurers in the last ten years?  
 Yes No

13.2 Please provide details of all claims and circumstances, including notifications, made to insurers that are dormant for each of the following years, including any firm referred to in Question 2.

*NOTE: Do not leave this section blank. If you have no claims or circumstances, please state 'no claims or circumstances'.*

INDEMNITY PERIOD	NAME OF PARTICIPATING INSURER/ ASSIGNED RISKS POOL	NUMBER OF CLAIMS/ CIRCUMSTANCES	CLAIMS/CIRCUMSTANCES ATTACHED
2009-2010			
2010-2011			
2011-2012			
2012-2013			
2013-2014			
2014-2015			
2015-2016			
2016-2017			
2017-2018			
2018-2019			

13.3 Please **attach your current claims report** provided by the above participating insurer(s) or the Assigned Risks Pool to this proposal form. If this is not yet available, please **provide claims/circumstances details on the attached supplementary claims form**.

13.4 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?

Yes No  
*If yes, please provide full details on a separate sheet.*

13.5 Are there any matters notified by your firm (or any Preceding Practice) to participating insurers or the Assigned Risks Pool that have not been accepted as an effective notification, or cover denied? Yes No  
*If yes, please provide full details in section 16.*

13.6 Please give details of all claims and circumstances not already notified to your insurers that may give rise to a claim. If none, please tick **None**

DATE OF CLAIM/ CIRCUMSTANCE	CLAIMANT'S NAME	TYPE OF WORK (EG CONVEYANCING, FAMILY, ETC)	ESTIMATED COST OF CLAIM

13.7 Please confirm that all claims and circumstances have now been notified to your current insurer: Yes No N/A

13.8 If yes, what date were they notified?



## 14. DUTY TO DISCLOSE MATERIAL INFORMATION

'Material information' is information that would influence an insurer in deciding whether a risk is acceptable and, if so, the premium terms and conditions to be applied. Insurers cannot avoid or repudiate claims for the cover required under the minimum terms but, if they later find you have not disclosed something material, they may charge an additional premium or, in the event of prejudice, seek recovery of the claim from you. For claims above the statutory minimum limit, failing to disclose such information could result in policy being rendered void so that claims would not be paid.

All material information must be disclosed to the insurer to enable terms to be negotiated and cover arranged. This is not limited to answering specific questions that may have been asked in this proposal form. Any changes that may occur or come to light after a quotation has been given must also be notified.

To ensure the cover is not prejudiced, please refer to your broker if there is any doubt as to what information needs to be disclosed. If your proposal is a renewal, it is likely that any change in facts previously advised to insurers will be material, and such changes should be highlighted. If you are in any doubt as to whether a fact is material, you should disclose it.

## 15. DECLARATION

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 Partners, Principals, consultants and employees of our firm, the above details are correct to the best of our knowledge and belief and that we have not suppressed or misstated any material facts. I/We understand that any fraudulent suppression or fraudulent misstatements of any material facts will be reported by insurers to the Law Society of Ireland. I/We authorise prior insurers of our firm to release to our broker any information that they may require, including all claims information that may be requested by insurers pursuant to this proposal for insurance. I/We understand that the information I/we provide will be passed to or used by our broker and by insurers 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 our broker or insurers or the Special Purpose Fund Manager requesting and obtaining data (including but not limited to personal data as defined in the *Data Protection Act 1988* and the *Data Protection (Amendment) Act 2003*) from relevant regulatory bodies, and to our broker or insurers or the Special Purpose Fund Manager 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.

I/We acknowledge that, by submitting this proposal, I/we hereby consent to our brokers or insurer providing, on request, the Law Society of Ireland with evidence of my/our insurance cover, and a copy of this proposal form and any accompanying documentation.

I/We have read and understood the attached guidance notes in full, and have consulted them while filling out this form.

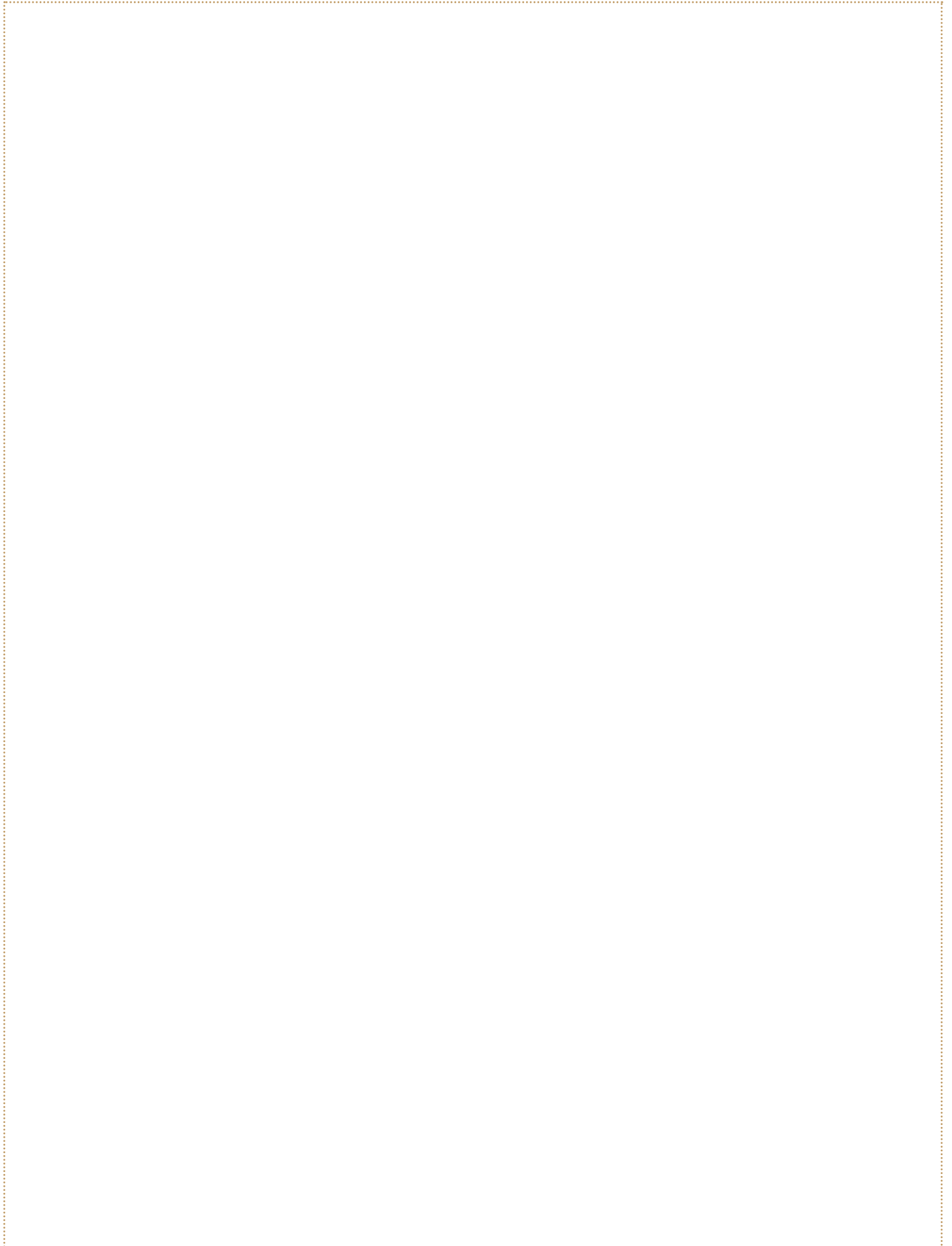
PRINT NAME	SIGNATURE OF PARTNER OR PRINCIPAL	DATE
		/ /

The completion of this proposal form does not bind the proposers or insurers to complete a contract of insurance but, if a policy is issued, this proposal form, together with any other information supplied prior to inception, shall form the basis of any contract of insurance effected thereon.

## 16. ADDITIONAL INFORMATION

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Please denote which question each item of additional information relates to.



16. ADDITIONAL INFORMATION (CONTINUED)

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Please denote which question each item of additional information relates to.

