

# Scottish Claims and Litigation

**We understand that Scotland's procedures and costs can be complicated and challenging for many insurers. We also understand that our insurer clients need an expert team, able to move quickly to handle Scottish claims and litigation that their own handlers may be less experienced with.**

**Our Scottish claims and litigation experts know that you need to balance high costs, in low value claims, and local expertise to handle high value claims. We have led the way in shaping the claims landscape in Scotland. Combining expert understanding and a commitment to innovation, as well as locally-based sector understanding, we're able to move quickly and efficiently, reducing claims leakage and ensuring that the same robust approach we provide across the rest of the UK continues north of the border.**

## How we do it

Operating as part of one of the largest insurance claims teams in the UK, we are recognised as one of the few firms to offer niche expertise and advice in all areas of Scottish claims and litigation. Our locally based, experienced lawyers work alongside specialists in other locations, providing a fully-integrated, UK-wide service.

We stand out because of our ability to leverage data differently from all of our competitors, leading to indemnity savings for our clients. We have pioneered the use of profiling and analytics in Scotland and have shaped the future landscape by persuading the government to regulate the CMC sector and alter legislation, thereby ensuring our clients' interests are protected in Scotland.

### Our insurance litigation expertise includes:

- Outsourced Pre-litigation claims handling
- Counter Fraud
- Employers Liability/Public Liability
- Disease claims
- Motor
- Household
- Catastrophic injury
- Recoveries
- Commercial insurance
- HSE/regulatory
- Fatal Accident Inquiries
- Medical Negligence

### Our award-winning team leads the market in Scotland

We're proud of our reputation for delivering the very best, expert claims and litigation service, across Scotland. We have been recognised for our market-leading approach in a number of recent awards. These include:

- **The Insurance Post Fraud Awards 2017** - Intelligence Team of the Year for the work that the Intelligence team have carried out tracking the migration of organised fraud into Scotland
- **Scott & Co Legal Awards 2018** - Innovation in Practice award for the use of data analytics and intelligence combined with profiling in identifying Scottish fraud.
- **Insurance Times Claims Excellence Awards 2018** - Counter Fraud Scotland won Fraud Prevention Solution of the Year for collaboration with industry bodies such as the ABI, IFED, IFB, Law Society of Scotland, Police Scotland and insurers to combat fraud in Scotland
- **The British Insurance Awards 2018** - Counter Fraud Scotland are finalists in the "Outsourced Partner of the Year" category
- **Scottish Legal Awards 2019 – Lawyer of the Year – Jill Sinclair**
- **Scottish Legal Awards 2019 – Legal Technology Award** - for the work done in using telematics to target fraud
- **LV= Supplier Awards 2019 - Best Fraud Public Awareness Award** – for the work Jill Sinclair and her team have done in disrupting fraudsters in Scotland.

### Examples of this work include:

- Disease - We successfully secured abandonment of court action against our clients with a valuation of £1.7m. Detailed investigations were carried out resulting in positive evidence from both the employers and expert witnesses, which ultimately lead to the action being abandoned.
- Pre-litigation outsource project – we developed a facility for a client to outsource their sub-£25k motor claims, which resulted in indemnity savings of more than £1 million in the first year.
- Construction site accident resulting in tetraplegia employers' liability claim worth £10m. The allegations raised complex issues of liability, negligent exposure, latency and causation. Detailed investigations were carried out resulting in positive evidence from both the employers and expert witnesses, which ultimately lead to the action being abandoned and a significant saving for the client.
- Catastrophic injuries to an aerial performing artist which required specific examination of the mechanics of the accident, the parties involved and use of numerous experts.

- Successful repudiation of numerous personal injury claims by our Scottish counter fraud team, which we have managed to defeat using our market-leading intel and bespoke strategies.

## Why DWF?

- The team has grown significantly in the last three years as we have invested heavily in creating a market-leading team in Scotland. More and more clients see the benefit of an integrated UK-wide service, which benefits from experts in the Scottish jurisdiction.
- We are committed to playing a significant role in leading the claims sector in Scotland. We have worked hard to influence the government on the new QOCS regime in Scotland, persuading them to regulate Claims Management Companies.
- We're known for our position at the forefront of the insurance sector. DWF is a member of the Forum for Insurance Lawyers (FOIL) and Andrew Lothian is the Chair of FOIL in Scotland.
- With a strong supporting team working for the insurance sector, we offer tailored and unique software packages designed to give insight into claims trends, opportunities and risks. This includes MI surrounding claim litigation, settlement costs, injury types and length of time to settle.

“ I have worked with the DWF team on their innovative Disrupt to Progress forums in Scotland and Northern Ireland, which has been a very useful opportunity to get together with DWF's legal experts, insurers and other stakeholders to discuss how to counter the impact of insurance fraud. Their events are well run and well attended, giving participants the opportunity to develop their knowledge and make new contacts with an interest in this field.

Under the leadership of Andrew Lothian, the insurance practice has been a leading law firm in the consideration of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill at the Scottish Parliament. DWF's written and oral evidence has been well presented and clearly aided the Justice Committee in its consideration of this important legislation.

**Alastair Ross FCIPR, Assistant Director, Head of Public Policy (Scotland, Wales & NI) Association of British Insurers (ABI)**

“ DWF Scotland has worked diligently to highlight, and prove, the clear issue of insurance fraud in Scotland. Their experience of the territory is proving to be valuable to our organisation as they tackle the attempts of the fraudulent few to move their activities north of the border.”

**Stuart Gee, Claims Manager (Counter Fraud Unit), Property & Casualty, MSAmIn**

“ Police Scotland (Economic Crime Unit West) was delighted to take part in the DWF Organised Fraud Forum. It is the first time we have collaborated directly with solicitors in Scotland with regard to insurance fraud and the forum allowed us to engage with key players in the Insurance industry to advise them what evidence is necessary for fraud prosecutions. We are keen to continue to work with DWF and insurers to combat fraud.”

**Bryan Butler, Detective Constable W4104, Economic Crime Unit, Specialist Crime Division, OCCT, Police Scotland**

## Contacts



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