

Name: [Redacted]

[Redacted]

1. Competency: 2

Learning Outcome: 2.1

Communicate legal issues using appropriate methods

2. Evidence provided:

Email to Insured with draft response to Claimant's solicitors

3. Outline how the evidence demonstrates you meet the outcome:

Methods of communication used:

I chose to communicate by way of email.

Why each was the most effective method of communication:

This is a matter where I was acting for my client (an insurance company) in the defence of a professional negligence claim against an Insured firm of solicitors ("the Insured"). The Claimant's solicitors were being unduly aggressive and trying to force the Insured to mediate, otherwise, they would issue proceedings. I was awaiting instructions from my client in respect of mediation.

In order to try and dissuade the Claimant's solicitors from issuing proceedings which would only increase costs, I drafted a robust "holding response" to the Claimant's solicitors. I required urgent approval of this draft response from the Insured before it could be sent, therefore, I elected to email the draft to the Insured. The Insured responded quickly with approval of the draft and the response was subsequently sent to the Claimant's solicitors.

In the circumstances, email was the most appropriate method of communication as it is instantaneous and it would allow the Insured the ability to consider the draft response in writing, as opposed to me explaining the contents of the draft on the telephone.

4. Reflection and evaluation: (what you learnt from the activity you undertook to meet the outcome).

I learnt the necessity to select the most efficient and appropriate method of communication given the situation. In this matter, I considered that communicating by email was the only viable option in the circumstances, due to the need to address matters quickly and seek urgent instructions from the Insured. The speed of email allowed me to act in the Insured's best interests and protect their position adequately.

5. Completion date: 5 June 2015

6. Signed: (applicant)

[Redacted Signature]

Date:

05/06/15

7. Signed: (supervisor)

[Redacted Signature]

Date:

7/7/15

[Redacted]

From: [Redacted]
Sent: 05 June 2015 15:10
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted]

Importance: High

Dear [Redacted]

Thank you for your email of 2 June 2015 in respect of the above matter.

I am currently considering the further information that you have provided.

In the meantime, I have received the attached email from [Redacted] and I have prepared a draft response (below) for your urgent approval. You will note that in my response, I have referred to seeking instructions in respect of mediation – I am referring to my need to seek instructions from [Redacted]. This also relates to my refusal to accept service of proceedings on behalf of [Redacted]. I do not want to accept service as it would not be appropriate for us as claims handlers to be on the record.

Dear [Redacted]

I refer to your emails of 18 May and 3 June 2015 in respect of the above matter.

I am currently seeking instructions in respect of your offer to mediate. However, in any event, the timescale you have provided is unreasonable.

It appears that you are preparing to issue proceedings in respect of this matter. May I point out that the issue and service of proceedings is entirely premature. For the avoidance of doubt, [Redacted] are not refusing to mediate and we reserve our rights to apply to the Court for an immediate stay of proceedings and a costs order against you to allow for negotiations under the Protocol to take place if proceedings are prematurely served.

I confirm that we are not instructed to accept service of proceedings on behalf of [Redacted]

Please confirm that you will await our response before taking any further steps.

Please let me know if you have any queries.

Kind regards

[Redacted]
[Redacted]
Senior Claims Handler
[Redacted]
[Redacted]
[Redacted]
[Redacted]