



Chances of *success*

What are the chances of success?

The law firm's first job is to look at the chances of your case being successful. This is sometimes called “**prospects of success.**”

For your legal expenses insurance to continue covering your case, it must have at least a 51% chance of success. In simple terms, this means the case must be more likely to succeed than fail.

To work this out, your legal representative will look at the information available, including any evidence and the details of your situation.

Once they have completed their assessment, they will explain the results and discuss the next steps with you.

Why do we assess the chances of success?

Your legal representative will check your chances of success because;

- It makes sure your case has a realistic chance of achieving the outcome you want
- It avoids putting you through a process that is unlikely to succeed
- It will make sure your legal expenses insurance continues to cover your case
- It helps you understand your options and decide on the best next steps
- Promotes fair use of the legal system

The assessment is part of your legal expenses insurance policy. It is based on the information available at the time, including the facts of your case and any supporting evidence.



Chances of success and chances of recovery

Your legal representative may mention both chances of success and chances of recovery.

These two phrases sound similar but mean very different things:

Chances of success:

This means how likely your case is to be successful.

Chances of recovery:

This means whether the other person or organisation is likely to do what they have been asked to do. For example, if you are awarded compensation, are they likely to pay it?

Sometimes a case has a good chance of success, but it may still be difficult to recover what you are awarded. For example, the other party may not have the money to pay, or they may be difficult to trace.

Your legal representative will look at both when assessing your case.

How long does it take?

It may take some time for your legal representative to review your claim and consider its chances of success. They will talk to you about how long this may take.

How long it takes can depend on:

- **How complex the case is**
- **The information and evidence available**
- **Whether any extra information is needed**
- **How quickly information is received.**



Once the review has been completed, your legal representative will explain:

- **Whether your case has at least a 51% chance of success.**
- **The reasons for their decision.**
- **What happens next and the options available to you.**

Who reviews the chances of success?

Your law firm will review the chances of your case being successful.

Claims handlers are not legally trained, so they cannot decide how likely a case is to succeed. Their role is to make sure your policy can provide cover, support the process, gather information and make sure your case reaches the right legal expert.

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What happens during the review?

Your legal representative will talk with you to understand your legal issue. They will ask you for any information you have about the dispute.

They will then consider whether your claim has a reasonable chance of success. For claims involving compensation, they will usually look at two things:

1. Is your claim likely to succeed?

Your legal representative will look at the facts of your case, the law that applies, and how similar cases have been decided by the courts.

2. If your claim succeeds, are you likely to achieve the outcome you are seeking?

If you are claiming compensation, your legal representative will consider whether you are likely to receive the money you are claiming for.

This may include looking at whether the other party can pay or whether they have insurance that covers the claim.

If your case is about protecting or enforcing your legal rights, such as recovering possession of a property you own, defending a claim against you, or stopping interference of your rights, this part of the assessment will usually be met.

You can expect your law firm to explain their decision to you clearly and openly.

What happens next?

If your case has a good chance of success, your legal representative can continue working on your case under your legal expenses policy.

If your case does not have at least a 51% chance of success, they will explain why and discuss any other options available to you. Cover under your policy for the claim will end at this point.

Helping you *move forward*