



**“ If lawyers do not take responsibility for making themselves more efficient, finance and procurement departments will do it for them”**

Trevor Faure, Global General Counsel  
of Ernst & Young.

At ORJ we pride ourselves on thinking differently and that means you should think differently about us

We think CFAs and ATE insurance should change the way you resolve disputes

We think CFAs and ATE insurance shouldn't simply be about risk management but should provide a platform for proactive recovery

And that changes our role from being a provider of last resort to a strategic member of your management team

At ORJ we channel the full potential of CFAs to your advantage

- **Reducing cost**
- **Increasing your opponent's risk with escalating effect**
- **Encouraging settlement even before court action**
- **Leaving you to make decisions and run your business**

## **ORJ Assist can have a positive effect on your business and its cash flow**

**"ORJ helped us recover nearly £4m working under a CFA. They are immensely capable lawyers, a match for anyone"**

John Unsworth, Hamilton Services.

**"ORJ provides results driven products that fit with business culture"**

David Mee, FD Avnet Technology Solutions.

**ORJ has been established for 30 years...**



### ■ Dispute Resolution

It has never been more important to choose an expert in dispute resolution. CFAs and ATE insurance products can reduce or extinguish your litigation costs risk, but can also be used by an opponent to substantially increase it. ORJ is raising the bar in the provision of CFAs for commercial disputes and has huge experience advising on the practical benefits of CFAs and ATE insurance.

### ■ Why ORJ?

- We act for some of the largest businesses in the UK
- Proven track record, conducting high value and complex cases
- Excellent team of experienced litigators
- A wide range of expertise
- Working under CFAs since 2004 (one of the first firms to present a commercial dispute to the Court of Appeal under a CFA: Finning v. Inveresk Plc)
- Sufficient resource to conduct even very large cases under CFAs.

**“Choosing lawyers for dispute resolution is important. In the UK, we choose ORJ”**

Juha Koivula, counsel Sandvik Mining and Construction.

*Please ask us for details of our clients' successes.*

# CFA?

## What is a “conditional fee agreement”?

- A CFA makes the payment of your legal fees wholly or in part conditional upon your legal team meeting your objectives
- As a reward for success your legal team can charge a premium, in addition to basic hourly rates (“success fee”), which is recoverable from your opponent.

## ORJ offers three distinct CFA products:

- **100% CFA.** All ORJ’s fees are contingent. This product is ideal for SMEs or individual businessmen with a just case
- **Discounted CFA.** Up to 50% of ORJ’s fees are made contingent. These reduce the cost of dispute resolution, place additional risk upon your opponent and are ideal in creating a forum for settlement in contested disputes
- **Discounted CFA with waiver.** A product for retained clients that provides a discounted CFA for every case and guarantees you won’t have to pay a success fee.

# ATE?

## What is “after the event” insurance?

- An insurance product that will pay your opponent’s legal costs if you lose your case
- It can also cover additional costs, such as barristers or experts
- There is no “up front” premium; it only becomes payable at the end of the case, if you are successful
- It is routinely recoverable from your opponent
- The cost of the premium is calculated as a percentage of the costs incurred at the time the case is resolved
- The product self insures. If you lose, your opponent’s legal costs will be paid, but you will not pay any premium.

**“ORJ provides us with discounted CFA products for all our cases. We find that means lower costs and quicker settlements.”**

Mustafa Abdulali, Insolvency Practitioner  
Moore Stevens Chartered Accountants.

**“ORJ’s 100% CFA put all of the financial pressure upon our opponent which they acknowledged brought them to the negotiating table.”**

Tim Staton, Testing Circle Limited.

## ■ A Simple Example

The **Claimant "C"** and the **Defendant "D"** are in dispute.

At the outset of the case, both parties estimate that their legal costs to trial will be **£50,000**.

C has been offered a Discounted CFA (the rate of discount and uplift being set at 50%) and ATE insurance.

## ■ If C rejects the Discounted CFA and ATE insurance:

In the event of defeat, C's liability for legal costs will be identical to D. Namely, the losing party will have to pay legal costs of £100,000.

**Legal costs of each party:**



**If D loses:**



**If C loses:**



## ■ If C enters the Discounted CFA, but rejects ATE insurance:

In the event of success, C has increased D's potential legal costs liability to £125,000, whilst if defeated, C's own legal costs exposure has been reduced to £75,000.

D's legal costs risk in defeat is now 60% higher than C's.

**Legal costs of each party:**



**If D loses:**



**If C loses:**



## ■ If C enters into the Discounted CFA and accepts ATE insurance:

In the event of success, C has now increased D's potential legal costs liability to £145,000, whilst if defeated, C's own legal costs exposure has been reduced to £25,000.

D's legal costs risk in defeat is now almost six times that of C.

**Legal costs of each party:**



**If D loses:**



**If C loses**



**"Taking ATE insurance was an obvious business decision but I had never heard of it before I instructed ORJ."**

Gordon Biggs, Bauromat (UK) Limited.

- CFA and/or ATE insurance products have an escalating impact upon the litigation costs risk because legal costs and the insurance premium increase throughout the duration of the case
- CFAs reduce the cash flow required to bring a claim
- CFAs produce a pressing incentive upon your opponent to settle.



## ■ The ORJ difference

Our primary objective is to see our clients achieve their objectives: to get the right result as quickly as possible. It's obvious to us that until we achieve that we should be prepared to defer our costs. We take responsibility to coordinate and gather evidence and to manage the case to a position where settlement can be achieved no matter how far apart the parties are at the outset. We are good at identifying the key tipping points in a dispute and maximising their effect. Working with our clients we impose additional risks on opponents, improving the speed and quality of resolution.

## ■ Universal application

1. Contract disputes
2. Shareholder's disputes
3. Professional negligence
4. Building and construction
5. Landlord and tenant
6. Intellectual property
7. Insolvency
8. Debt recovery

**"ORJ see the real issues very quickly and very clearly. Patrick Tedstone and his team are commercial litigators with a very commercial approach."**

**Mark Anderson Q.C.**

## ■ ORJ's commitment

At ORJ, we are innovative, thorough and serious about our obligations to you and your insurers.

Our interests in getting things right are aligned with your own.

**Our clients include some of the UK's largest companies...**

Now you have an understanding of CFAs and ATE Insurance, you are ready to:

- Choose your lawyers;
- Review and assess your prospects;
- Set your objectives;
- Devise a strategy.



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