

Recover

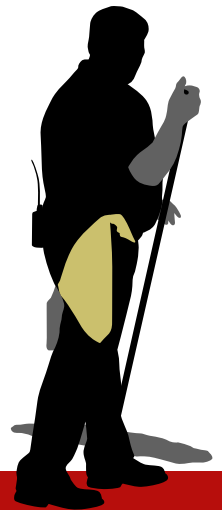
COMPENSATE NETWORK

Recover is the referral service from Digby Brown Solicitors for firms across Scotland and beyond to refer clients who need legal help surrounding a personal injury matter.

### **History and introduction**

Digby Brown opened its Edinburgh office in 1983. Beyond expansion from Glasgow, the office's primary purpose was to create a PH (Parliament House) department to progress cases in the Court of Session. We built a reputation for efficient and thorough court procedures and started acting as a correspondent for many firms across Scotland. The Edinburgh office grew and so did our "Correspondent Department".

The Correspondent Department thrived and in 2010, we formalised the service offered to firms into the Compensate Personal Injury Network (CPIN).



## Introducing Recover

Many things changed in March 2020. Many things have never gone back or recovered since the pandemic. How clients act today versus what they did before the lockdown has changed out of all recognition. The way law firms interact with their clients, and in turn, Digby Brown has also changed and we recognised we needed a new approach.

Recover is our response to this change of behaviour - an all-new service – a more proactive approach to any firm that wishes to refer a personal injury matter to Digby Brown.

Recover is about ensuring your client receives the best legal advice concerning their personal circumstances – even if that is simply getting answers.

Recover offers us the ability to communicate with you at every stage of a case's progression (once the client signs an approval mandate) and you can choose how often you wish to receive these communications.

Beyond the referral process and helping your client, Recover is taking the next step to being a truly valuable resource for you.





## The bottom line – why us?

Why refer the case to us versus doing it yourself or referring it to another?

**Expertise.** It is a given that we know what we are doing when dealing with a personal injury matter. We have specialist departments that cover every type of circumstance and injury, from product law, foreign nationals working in Scotland, or Scottish people working abroad to extensive experience in asbestos-related diseases – the list goes on and on. Our Serious Injury department, based in Glasgow, has over 40 years of experience dealing with brain, spinal or limb loss cases.

We have the only dual APIL accredited spinal and brain injury specialists in Scotland and we have more Law Society of Scotland accredited PI specialists than any other firm in Scotland.

Our excellence has long been recognised – we are the only Scottish firm in our specialist area to be consistently top ranked for Personal Injury by both the Chambers & Partners and Legal 500 independent guides to the UK legal profession over the last 15 years.

In 2020 our Serious Injury Team was named as Catastrophic Injury Team of the Year, which we are incredibly proud

because this wasn't just Scotland, this was across the whole of the UK and in 2021 they were recognised by the Scottish legal Awards as Litigation Team of the Year. The firm has won multiple awards especially for our work in the community – supporting key charities in Scotland for those affected by brain and spinal injuries.



**Funding.** The most important aspect of any personal injury case is funding. Making it risk-free for the client and robust enough to fund all outlays to properly prepare a case for going to court.

**Reputation.** We are not talking about brand recognition, even though that should be reassuring for your clients. We are talking defenders – specifically insurance companies. Simply put, insurers target firms that do not regularly pursue personal injury cases.

It is about something other than how good you are at doing the job; it is the tactics they employ when dealing with firms not set up to challenge insurers robustly - whether delaying, ignoring or hideously under-valuing cases. We know this because we see the files from hundreds of cases where they have done precisely that.

In 2023/24 Digby Brown recovered £160 million for clients. Partnership. As you will see from the rest of this document, we are genuinely trying to provide a competitive, financially rewarding and innovative service. We want to encourage you to engage with us, the more you give, the more you get, and if that is only one enquiry every five years – that is fine.

## Recover offering

Your fair partnership agreement means from the offset in each successful case, we promise:

- you will incur no outlays
- there will be a minimum payment fee set at £400 plus VAT for every eligible case we accept
- a fee of a minimum of 20% and potentially rising to 30% of the Compensate success fee we achieve
- any work which you have carried out on the case will be paid as part of the judicial fees
- peace of mind regarding client best practices and zero risk to your firm.

More important than that is our commitment to the client to get the best outcome, which matters to them and you. A happy client is a retained client for you.



## How does Recover work?

We have based Recover on a tried and tested rewards scheme. The more you give, the more you get. We have also based this on enquiries rather than converted cases. Why? Simply because we want to encourage you to engage with us.

### Your core package

For the majority of firms, Recover offers the ability to pass on the odd enquiry that falls out with your core legal services. It will allow firms and individuals within firms to engage with us as much or as little as they like while maintaining the ability to refer work and stay up to date on how cases progress.

You will receive:

### • Case updates

With each referred case and your client's permission, we will provide frequent milestone updates on all cases. This ensures that you can keep your position as a trusted legal adviser with your client by doing so. If you have yet to provide your communication preferences, you can do so by emailing [recover@digbybrown.co.uk](mailto:recover@digbybrown.co.uk).

### • Financial remuneration

As mentioned, a minimum fee threshold of £400 plus VAT or 20% referral fee of our success fee, if greater, to a maximum of £50,000.

## What do we define as an enquiry?

Digby Brown receives a lot of direct enquiries regarding personal injury. We try to identify how the potential client has heard about us wherever possible. Often, we discover the enquirer was told to contact us by a law firm in the Network. In the past we didn't always find out, so we couldn't keep the referring firm informed or remunerated if the case concluded.

We want to change this and ensure all firms who refer work keep up to date with how the case progresses and be financially rewarded. We would like to define what an enquiry looks like.



# refer@digbybrown.co.uk

## How to refer a case

Wherever possible we would like member firms to utilise **refer@digbybrown.co.uk**. We have built a system behind this email address which will capture the key pieces of information. The name and contact details for your client/referral and the name of the referring firm. Once you send the email you will immediately receive a confirmation from us – it's in the system.

Alternatively, you can speak to your normal contact in Digby Brown either through email or directly. They will log the referral and in turn you'll receive acknowledgement of the enquiry.

## Your referral communication

Your firm has complete control over how often you receive updates. We will email you in the following weeks to allow you to customise your communication preferences. We value flexibility and aim to make updates as easy as possible for you, your firm and your clients.

We can gather all referred cases into a single report to simplify the process. We understand that not all cases can have the same level of detail and we promise to only provide updates with the client's consent after evaluating the case.

# Enquiry types and what we recognise as core personal injury legal work

What we define as personal injury is expansive and can come in many shapes and forms however to try and categorise work, we can offer the following core areas which we accept as an enquiry.

**Road traffic collisions** – anyone involved in a road related injury that wasn't their fault, drivers, passengers, other road users including cyclists and pedestrians. Cases involving uninsured drivers, collisions where the driver cannot be traced or collisions where it is not clear who is at fault.

**Accidents at work** – of any description.

**Occupiers and Public liability cases** – although public liability cases specifically slips and trips are less likely to be successful, we are well placed to investigate and assess.

**Product liability** – a significantly complicated area of law and covering a huge gamut of types of cases from food poisoning to defective products.

**Asbestos-related or industrial disease** – this is still rising in terms of numbers of people affected. Worryingly we are seeing more and more younger people who are being affected because of exposure through failure to repair or degenerating materials in old buildings.

**Accidents abroad and foreign nationals working in Scotland** – Our specialist foreign and travel department has native speakers in Polish, Romanian, Spanish, French, Russian, Italian and German.

**Historical abuse** – Digby Brown will always seek to investigate and help anyone who has suffered historical abuse. We will always look to a civil recourse for those

seeking compensation. We do **not** offer referral fees for either CICA (Criminal Injuries Compensation Authority) Claims or Scottish Government Redress Claims as both of these services are capped and provide limited fee payment structure.

**Serious injury** – Spinal, brain and limb loss are all defined as serious injuries and are dealt with in our Glasgow office. These types of enquiries are handled from the start at Partner level. Anyone referring this type of case will automatically receive a minimum referral fee of **25%** when the case successfully settles.

**Fatal** – In the tragic circumstances of a fatal claim the lead case will receive a minimum referral fee of **25%**. Many fatal claims are not recognised until the family of the deceased seeks help from their family solicitor to deal with the estate and executory. Digby Brown can work closely with your firm to establish the facts.

**Clinical negligence** – By far the greatest number of enquiries we receive in one specific category is clinical negligence. Although we are happy to receive these types of enquiries as well as pay a referral fee for cases taken on. We do not count these as part of your enquiry loyalty scheme. We take on a very small percentage of all cases we assess and do not recognise enquiries which haven't gone through the NHS complaints procedures.



## Share of success fee

For any successful cases that were ongoing before the launch of Recover, your share of the success fee will be honoured at the pre-agreed percentage. From the 1st of July, your new remuneration offer will begin and any successful case will be at your new success fee based on your Recover Premium Level.

If you honour a higher percentage due to the case type – serious injury, this will be counted as a one-off fee when the case settles.

Should your firm increase its offering and transition to a new Premium package, your account will automatically upgrade for any new referrals from that time. All ongoing cases before this point will be awarded at your earlier offer.

## Payment

Once the case settles we will inform you of the settlement amount and the fees due to you. Once these fees are paid, we will ask you to provide us with an invoice and we will seek to pay the fees within 14 days of receiving your invoice.

## Minimum and maximum fees

Any case referred which successfully settles will be paid at the minimum of £400 plus VAT or if the amount is greater between 20-30% of the Digby Brown success fee charged on the damages awarded.

**Maximum fee** – the maximum fee Digby Brown will pay a referring firm is £50,000.



## Contact details

Digby Brown Solicitors has seven offices across Scotland - if you would like to speak to a local contact about the merits of a case or just touch base please note the names and contact details below:

<b>Edinburgh</b>	Gordon Dalyell	T: 0131 319 8119	E: gordon.dalyell@digbybrown.co.uk
	Simon Hammond	T: 0131 319 8129	E: simon.hammond@digbybrown.co.uk
	Mairi Day	T: 0131 319 8132	E: mairi.day@digbybrown.co.uk
	Catriona Headley	T: 0131 319 8167	E: catriona.headley@digbybrown.co.uk
	Ashley Sturrock	T: 0131 319 8187	E: ashley.sturrock@digbybrown.co.uk
<b>Glasgow</b>	David Wilson	T: 0141 566 9410	E: david.wilson@digbybrown.co.uk
	Mark Gibson	T: 0141 566 9503	E: mark.gibson@digbybrown.co.uk
	David Nellaney	T: 0141 566 2353	E: david.nellaney@digbybrown.co.uk
	Diane Cooper	T: 0141 566 9511	E: diane.cooper@digbybrown.co.uk
<b>Ayr</b>	Damian White	T: 01292 438583	E: damian.white@digbybrown.co.uk
	Darrell Kaye	T: 0141 566 9522	E: darrell.kaye@digbybrown.co.uk
<b>Dundee</b>	Brian Castle	T: 01382 205913	E: brian.castle@digbybrown.co.uk
	Robert Kernaghan	T: 01382 205917	E: robert.kernaghan@digbybrown.co.uk
<b>Aberdeen</b>	Neil Davidson	T: 01224 608775	E: neil.davidson@digbybrown.co.uk
<b>Kirkcaldy</b>	Innes Laing	T: 01592 756793	E: innes.laing@digbybrown.co.uk
<b>Inverness</b>	Sam Cowie	T: 01463 227373	E: sam.cowie@digbybrown.co.uk

**refer@digbybrown.co.uk**



DIGBY BROWN   
because it matters...