

Subrogated Recovery

Insurance recovery is a specialised process that involves a combination of legal knowledge, commercial negotiation and litigation skills. Our team is recognised as a leader in this field and has a proven model and determination to achieve optimal results. We maintain a common global approach of robust early assessment of the merits of a case and efficient case management.

We are prepared to share in the risks of pursuing subrogation recoveries and this is reflected in the flexible fee arrangements that we can offer, as we understand subrogated recoveries are a key part of the claims cycle for insurers.

What sets us apart

- A team that boasts unrivalled experience and international reach
- Use of the widest range of negotiation and dispute resolution methods, supported and enhanced by the realistic threat of legal proceedings
- Flexibility in developing the most appropriate claims handling procedure for each client

Onshore Chinese law capability

In China, we have onshore Chinese law capability via Clyde & Co Westlink JLV, Clyde & Co's joint law venture with Chinese local law firm Westlink Partnership since 2013.

Clyde & Co Westlink JLV enables us to draw together Clyde & Co's international expertise with the full domestic Chinese law capability of Westlink Partnership for clients with an interest in China.

Our China qualified attorneys have rights of audience before the Chinese Courts and arbitration institutions and can advise on all facets of insurance disputes.

Effective approach

From first notification of a claim, we work closely with our clients to collect evidence, obtain security and consider jurisdictional and contractual options

to maximise recovery prospects and the recoverable amount. Our service to insurers often starts before subrogation.

Establishing an early understanding of the merits and issues assists in gaining the initiative and sets the foundation for a successful recovery.

The collection of evidence at the outset is a key element in the claims process. We can advise on what evidence is required from the assured at an early stage.

The use of our global network of offices and experience of working with other experts ensure effective collection of evidence before opportunities are lost. We work with clients in a variety of ways to manage claims and adopt a flexible approach.

Areas of services

We help you recover in the following areas:

- Aviation (carriage of goods / passenger by air)
- Cargo
- Financial Lines
- Liability (including product and public liability)
- Property
- Trade credit risk

No Win No Fee contingency fee arrangement

On the basis that we are instructed on a considerable amount of cases per year, and with a view to building a long-term business relationship with you, we are pleased to handle subrogation claims on a “no win, no fee” contingency fee basis at the pre-litigation stage. If we are able to settle a claim without the need to start legal proceedings, our fee will be 15% of the recovered amount, plus disbursements and VAT, and the specific contingency fee rate could be discussed on a case-by-case basis and depending on the claim amount and complexity of the matter.

For litigation or arbitration matters, we are able to continue charging on a contingency “no win no fee” basis on the condition that this is not prohibited by the applicable local laws. Otherwise, we are happy to discuss and agree on an acceptable fee arrangement for work to be done.

Our recent experience

- Acting for the Chinese subsidiary of a European insurer in pursuing various subrogation claims against local manufacturers in China.
- Acting for a Chinese insurer in pursuing a subrogation claim arising from cargo damages caused by carriage by air before a Shanghai Court.
- Acting for the Chinese subsidiary of a European insurer in pursuing a subrogation claim arising from cargo damages caused by inland carriage before Zhuhai Arbitration Commission.
- Acting for the Chinese subsidiary of a Korean insurer in pursuing a subrogation claim Before the Tianjin No.3 Intermediate Court.
- Acting for the Chinese subsidiary of a US Insurer in pursuing a subrogation claim based on joint and several liability arising from misrepresentation in securities before the Kunming Intermediate Court.
- Acting for the Chinese subsidiary of a US Insurer in pursuing a subrogation claim under cargo insurance before the Wuhan Maritime Court.
- Acting for a Swiss insurer in pursuing a subrogation claim against a local manufacturer in China.
- Defending a subrogation claim against an international carrier before the Shanghai Financial Court.



Key contacts



Victor Yang

Partner, Clyde & Co Westlink JLV
T: +86 21 6035 6108
E: victor.yang@clydeco.com



Qi'ang Chen

Senior Associate, Clyde & Co Westlink JLV
T: +86 21 6035 6102
E: qiang.chen@clydecowestlink.com