

Recent Developments and Expectations in the Legal Expenses Insurance in Turkey

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Abstract : An important issue to ensure justice is to simplify the right to seek justice. But there is a cost of seeking justice in civil law. It costs at least, attorneys' fees and judicial expenses during the beginning and in case of losing a trial. Indeed, most of the people refrain from seeking justice because of these expenses. Therefore, it is not inappropriate to say that the removal of obstacles staying on the way of seeking justice will increase the belief in justice. Legal expenses insurance is a private law contract of insurance in which the insurer is obliged to pay premiums of the insured, to provide the necessary services for the protection of legal interests of the insured person within the agreed scope. This type of insurance is being practiced in the Western world for a long time. The special rights, duties and obligations of the parties to a legal expenses insurance contract shall be governed by the Turkish Commercial Code (TCC) and the contractual agreements which are regularly closed in the form of general terms and conditions. If the number of the legal expenses insurance contracts concluded increase this will definitely improve the percentage of seeking justice before the courts. The general terms and conditions applicable in Turkey generally include litigation costs, referee fees, guarantee fund, enforcement costs, appeal costs borne decision corrections costs. In addition, besides the insured, other family members or the people specified in the policy are protected in the scope of personal/family legal expenses insurance. The commercial law disputes fall outside the scope of coverage in this insurance branch. The insured person chooses his own lawyer and the insurer is not allowed to give advice during the selection of a lawyer. In April 2015, the Prime Minister announced of a new era in the field of legal expenses insurance in Turkey and this announcement excited the insurance industry and legal community.

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