IN BRIEF

THIS ISSUE
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Special Issue

PROFESSIONAL LIABILITY FUND
www.osbplf.org

MALPRACTICE AVOIDANCE NEWSLETTER FOR OREGON LAWYERS

PLF COVERAGE, BOND GUARANTEES, AND JOINT CONTROL AGREEMENTS

Your Professional Liability Fund Coverage Plan includes a grant of coverage for acting in a special capacity. This coverage is for acts, errors, or omissions committed by you while acting as a personal representative, administrator, conservator, executor, guardian, special representative, or trustee (except a BUSINESS TRUSTEE). The full text of this coverage grant can be found in Section III, 3. of the PLF Plan. The PLF Plan can be viewed at our website, www.osbplf.org, and also on pages 95 and 96 of the 2003 Oregon State Bar Membership Directory.

If you are representing a conservator who will be bonded, read exclusion u, which states:

BOND AND SURETY EXCLUSION

u. This Plan does not apply to any CLAIM based upon or arising out of any bond or any surety, guaranty, warranty, joint control, or similar agreement, or any assumed obligation to indemnify another, or any costs connected to ORS 20.160, signed or otherwise agreed to by YOU or by someone for whose conduct YOU are legally liable. However, this exclusion will not apply if the CLAIM arises out of a COVERED ACTIVITY described in subsection 3 of Section III and the person against whom the CLAIM is made signs the bond or agreement solely in that capacity.

This exclusion means that an attorney who is representing a conservator has no coverage for claims that result from a bond that the attorney guarantees, and will have no coverage for claims arising out of a joint control or similar agreement signed by the attorney and the conservator. Attorneys acting as conservators do have coverage under the Plan. If you have questions about PLF coverage, contact Jeff Crawford at 503-639-6911, 1-800-452-1639, or e-mail jeffc@osbplf.org.

DISCLAIMER

THIS NEWSLETTER INCLUDES CLAIM PREVENTION TECHNIQUES THAT ARE DESIGNED TO MINIMIZE THE LIKELIHOOD OF BEING SUED FOR LEGAL MALPRACTICE. THE MATERIAL PRESENTED DOES NOT ESTABLISH, REPORT, OR CREATE THE STANDARD OF CARE FOR ATTORNEYS. THE ARTICLES DO NOT REPRESENT A COMPLETE ANALYSIS OF THE TOPICS PRESENTED AND READERS SHOULD CONDUCT THEIR OWN APPROPRIATE LEGAL RESEARCH.