



PLF CLAIMS COVERAGE, SERVICES, AND RESOURCES

This article explains the Professional Liability Fund Claims Made Plan for primary coverage and the resources available through the PLF.

COVERAGE PLAN

The PLF 2005 Claims Made Plan provides you with \$300,000 of primary coverage for legal malpractice claims, plus an additional \$50,000 of claims expense allowance. The limits of coverage and claims expense allowance – both of which are per claim and annual aggregates – are stated in Section VI of the PLF Claims Made Plan. The plan can be viewed on the PLF's Web site, www.osbplf.org. Select Primary Coverage, Primary Coverage Plan, and Complete 2005 Primary Claims Made Plan.

The \$50,000 in claims expense allowance is available for fees, costs, or expenses associated with the defense of a legal malpractice claim. Claims expenses that exceed the \$50,000 claims expense allowance are paid through the general limits of coverage grant that appears in Section VI.1.a. of the PLF Claims Made Plan.

Generally, one set of limits applies to “same or related claims.”

The definition section of the Plan (Section I) includes a full explanation of claims expense, claims expense allowance, excess claims expense, claim, plan year, same or related claims, and other terms used throughout the Plan.

“Claims Made” coverage requires a plan to be in place at the time a claim is made. Since there is often a delay between the time an error is made and the time a claim is filed, lawyers who leave private practice need coverage for claims made after their last year in practice. The PLF provides this protection by extending the coverage limits that remain after the lawyer’s last year in private practice. The coverage is called Extended Reporting Coverage (ERC) or “tail” coverage. The PLF provides this coverage free of charge to lawyers when they leave private practice.

If you have questions about PLF coverage, call the PLF and speak with Jeff Crawford or Ira Zarov at 503-639-6911 or 1-800-452-1639.

CONFIDENTIAL PROTECTION

The PLF is exempt from the public records law pursuant to ORS 9.080(2)(a). The confidentiality protections of the PLF can be found in PLF Bylaws 4.250 and 6.300. The PLF is exempt from Oregon Rule of Professional Conduct 8.3(e) [formerly DR 1-103(e)]. This exemption means that PLF claims attorneys, the PLF’s practice management advisors, and the Oregon Attorney Assistance Program (OAAP) attorney counselors are not required to report ethics violations to the Oregon State Bar. These confidentiality protections were created to facilitate accurate claims handling (by promoting full disclosure of claim-related facts) and to encourage attorneys to access the Practice Management Advisor Program and the OAAP. No information provided to the PLF is provided to the Oregon State Bar or to any other entity or person.

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.

CLAIMS ASSISTANCE

The PLF employs experienced claims attorneys who investigate, evaluate, negotiate, and oversee the defense of legal malpractice claims. The PLF also retains an experienced panel of defense attorneys. If you believe you have made a mistake, or if a claim is made against you, call the PLF. Discussing your concern or error with a claims attorney will not affect your standing with the PLF in any way. The PLF will answer your questions about the claims procedures and will provide you with objective professional assistance. Speaking with a claims attorney is a confidential way to be sure the claim against you is handled promptly and properly and to minimize potential damages, reduce stress, avoid isolation, improve repair potential, reduce the risk of ethics violations, retain coverage, and obtain assistance with decision making. There is no downside to contacting the PLF.

If you have a question about a malpractice claim, call a PLF claims attorney at 503-639-6911 or 1-800-452-1639.

OREGON ATTORNEY ASSISTANCE PROGRAM

The Oregon Attorney Assistance Program (OAAP) is a free, nonprofit, confidential assistance program for all Oregon lawyers. It is funded by the PLF. The OAAP provides assistance with (1) alcohol and chemical dependency; (2) burnout; (3) career change and satisfaction; (4) depression, anxiety, and mental health issues; (5) gambling and sexual addiction; (6) procrastination; (7) relationship issues; (8) stress management; and (9) time management. The OAAP provides one-to-one assistance with these issues and also facilitates addiction support groups, lawyers-in-transition groups, career workshops, depression groups, Al-Anon groups, retirement planning workshops, and recovery workshops. *In Sight*, the publication of the OAAP, provides educational information and program information about OAAP services.

All communication with the OAAP is strictly confidential pursuant to ORS 9.568; PLF Policies 6.150, 6.200, and 6.250; Oregon State Bar Bylaw Article 24; and ORPC 8.3(e). Accessing the OAAP will not affect a lawyer's standing with the PLF or the Oregon State Bar. No one outside the OAAP will be informed about requests for services.

OAAP attorney counselors Meloney Crawford Chadwick, Mike Long, Shari R. Gregory, and Michael Sweeney are all attorneys who have personal experience practicing law and who have personal experience or training in 12-step recovery, career change, stress management, and other areas covered by the program.

If you or a colleague needs assistance, call one of the attorney counselors at 503-226-1057 or 1-800-321-OAAP.

PRACTICE MANAGEMENT ADVISOR PROGRAM

The PLF Practice Management Advisor Program is a free service for all Oregon attorneys in private practice. The practice management advisors are available to visit your law office to help you implement office systems that reduce exposure to malpractice claims. A practice management advisor can review your existing office systems and discuss improvements in your office procedures, including docket control, tickler systems, conflict-of-interest systems, mail handling, billing, trust accounting, general accounting, time management, file management, client communications, computer software, and other practice management issues.

The practice management advisors are Dee Crocker, Beverly Michaelis, and Sheila Blackford. If you need help setting up your office or improving your office systems, call one of the practice management advisors at 503-639-6911 or 1-800-452-1639.

EDUCATIONAL MATERIALS

The PLF offers free practice aids, CLEs, and publications. If you are interested in more information about these materials, visit the PLF's Web site at www.osbplf.org and select Loss Prevention Material, or call the PLF at 503-639-6911 or 1-800-452-1639.

Practice Aids and Forms. The PLF has over 132 free practice aids in specific areas of law as well as in practice management. Topics include bankruptcy; business; client relations; closing your law office; conflicts of interest; construction liens; criminal law; docketing and calendaring; domestic relations; engagement letters; disengagement letters; nonengagement letters; entity formation; file management; financial management; guardianships and conservatorships; litigation; office manuals; office systems audit; opening or moving a law office; part-

nership and office sharing; probate and estate planning; real property; and workers' compensation. You can view, save, or print individual documents in PDF format or download the entire collection of forms in Word or WordPerfect for Windows.

CLE Seminars and Video Replays. The PLF and the OAAP present continuing legal education seminars throughout the year, including *Learning the Ropes*, a practical skills seminar for lawyers who are new to private practice. *Learning the Ropes* includes information on developing a successful practice, avoiding legal malpractice, an examination of ethical issues frequently raised in private practice, practical tips from judges, and presentations on setting up effective office systems.

CLEs on Audio and Video. The PLF provides its CLEs (available in four different formats) free of charge to lawyers whose principal offices are in Oregon. (A minimal fee is charged for materials and shipping if your office is located outside of Oregon.) DVDs and videotapes are part of a lending library and are available one program at a time. Subsequent requests will be processed once items are returned. Audiotapes and CDs are usually available immediately and are yours to keep.

Publications. *In Brief* is mailed to all Oregon lawyers in private practice. It provides practice management tips and information on avoiding malpractice in specific areas of law. *In Sight* is the publication of the Oregon Attorney Assistance Program and is mailed to all Oregon lawyers.

Handbooks. The PLF's handbooks, available free of charge to Oregon attorneys in private practice, include *A Guide to Setting Up and Running Your Law Office* (2003 Revision), *A Guide to Setting Up and Using Your Lawyer Trust Account* (2003 Revision), *Oregon Statutory Time Limitations* (2003 Revision), and *A Guide to Protecting Your Clients' Interests in the Event of Your Disability or Death* (1999 Revision).

If you have any questions about PLF coverage, services, or resources, call the PLF at 503-639-6911 or 1-800-452-1639.