

2006 Annual Report

Division/Section/Committee Title: Lawyer Professional Liability

Date: December 8, 2006

Chair: Briggs Cheney

Activities Undertaken Since Last Report:

I recently responded to President-Elect Jontz' request for a report on the LPLC's activity this last year and for my thoughts for next year. That letter summarizes the committee's efforts this last year and I am attaching a copy as part of my report.

By way of further comment, I make the following observations:

- I think the Commission and Supreme Court should be pleased by the decision to collect data regarding professional liability insurance. In the years I have been involved on the LPLC and during my tenure on the ABA's Standing Committee on Professional Liability this is the first occasion that I had a sense that we had some real insight into this important aspect of our profession.

- Not only does the state bar now have real data to work with, but the data has provided us concrete information on how to help members of the bar in terms of their decision making process in maintaining professional liability insurance.

- The challenge now is whether the state bar and this committee can convince the insurance marketplace to respond.

- Our committee is comprised of lawyers who have contacts in the professional liability market; admittedly on the *claims* side of the insurance equation. It is my hope that we can use those contacts to get the attention of the *underwriting* side of the equation. It will be important for the committee members to reach out and it may be a wise investment for the state bar to fund some travel expense for committee members to meet with members of the insurance industry.

Each of us has the ability to do some of this through certain professional meetings which many of us attend routinely. However, to the extent meeting with underwriting representatives of some companies would prove beneficial I am hoping the bar would reimburse some of those expenses. If we could convince one or two companies to provide what I have described in my letter to Dennis as "basic" policies, it might lead to other companies to follow suit.

As always, I am happy to respond to any questions the Commission may have or provide additional information.

Respectfully submitted:

LAWYER PROFESSIONAL
LIABILITY COMMITTEE

By: Briggs Cheney, Chair