



Professional Liability Insurance Table of Contents

Professional Liability Insurance

- Professional Liability Videos
 - Cyber Risk Series
 - Directors and Officers Series
- Professional Liability Insurance Tips
- III: Legal Aspects
 - Legal Aspects of Professional Liability
 - Legal Foundations of Professional Liability
 - Origins and Development of Professional Liability
 - Contractual Causes of Action
 - Elements of a Contractual Claim
 - Limitations upon Contractual Claims
 - Advantages of Contractual Claims for Plaintiffs
 - Contracts To Obtain Particular Results
 - Negligence & the Professional Standard of Care
 - Elements of a Cause of Action for Negligence
 - The Professional Standard of Care
 - Errors in Professional Judgment
 - Declining Importance of the "Locality" Standard
 - Statutory Application of Professional Standards
 - Expert Testimony in Determining the Standard of Care
 - Establishment and Termination of Professional Relationships
 - Informed Consent
 - Defenses to Professional Liability Claims
 - Statute of Limitations
 - Other Defenses to Professional Liability Claims
 - Sources of Standards for Professional Conduct
 - Codes of Professional Conduct and Ethics
 - Customary Practices within the Profession
 - Statutes and Regulations
 - Specialization as a Source of Liability
 - Expanding Areas of Professional Liability
 - Liability to Third Parties

- New "Professionals"
 - The Professional as "Deep Pocket"
 - Retaliatory Suits
 - Errors & Omissions Liability
 - Errors and Omissions of Insurance Agents
 - Conclusion
- Directors & Officers Liability Exposures
 - Basic Corporate Duties and Responsibilities
 - Duty of Diligence
 - Duty of Loyalty
 - To Whom Are These Basic Duties Owed?
 - Primary Defenses to Corporate Liability
 - Business Judgment Rule
 - Dissent
 - Reliance
 - Ratification
 - Liability Relief Statutes
 - Federal Securities Liability
 - The Securities Act
 - The Exchange Act
 - The Private Securities Litigation Reform Act
 - The Sarbanes-Oxley Act of 2002
 - Parallel Proceedings
 - Shareholder Derivative Lawsuits
 - Opt-Out Lawsuits
 - ERISA Stock Drop Litigation
 - Regulatory and Criminal Proceedings
 - Other Potential Sources of Liability
 - Change-of-Control Situations
 - Employment-Related Claims
 - Environmental Claims
 - Bankruptcy Issues
 - Cyber Liability
 - Guidelines for Directors and Officers
- Intro to Medical Professional Liability: Key Exposures & Issues
 - Physicians Professional Liability Exposures
 - Professional Liability Exposures
 - Evidentiary Rules and Procedures
 - Common Allegations of Medical Professional Liability
 - Defenses to Medical Professional Liability Claims

- Allied Health Care Professionals Liability Exposures
 - Legal Duties and Claims Applying to Allied Health Care Professionals
- Hospital Professional Liability Exposures
 - The Hospital Environment
 - The Professional Liability Exposure of Hospitals
 - Specific Acts of Negligence Alleged Against a Hospital
- Managed Care Professional Liability Exposures
 - Common Types of Managed Care Organizations
 - Key Exposures to Claims
 - Employer Exposures to Liability from Managed Care Organizations
 - ERISA's Effect on MCO Liability Exposures
- Current Issues in Medical Professional Liability
 - Patient's Bills of Rights Legislation
 - Telemedicine
 - Increased Outpatient Surgery
 - National Practitioner Data Bank Access Enhancement
 - Patient Privacy
 - Genetic Discrimination
 - Medicare Fraud and Abuse
- Conclusion
- Accountants Professional Liability Exposures
 - Breach of Duty: Legally Actionable Errors
 - Breach of Duty Legally Actionable Errors
 - Negligence
 - Negligent Misrepresentation
 - Fraudulent Misrepresentation
 - Silent Misrepresentation
 - Breach of Contract
 - Third-Party Liability: Who Can Sue the Accountant?
 - Negligent Misrepresentation
 - Fraudulent Misrepresentation
 - Negligence
 - Damages Recoverable
 - Causation Requirement
 - Vicarious Liability
 - Affirmative Defenses
 - Contributory/Comparative Negligence
 - Statute of Limitations
 - Disclaimers

- Securities Law Liability
 - Securities Act of 1933
 - Securities Exchange Act of 1934
 - RICO Liability
 - Multidisciplinary Practice
 - Conclusion
 - Attorney Legal Malpractice Exposures
 - Sources of Legal Malpractice
 - Attorney-Client Relationships
 - Ethical Obligations
 - Status as Officer of the Court
 - Exposures Unique to the Role of an Attorney
 - Potential Claimants
 - Clients
 - Nonclients
 - Adversaries
 - The Courts
 - Theories of Liability
 - Negligence
 - Intentional Torts
 - Fraud and Misrepresentation
 - Malicious Prosecution
 - Libel and Slander
 - Compounding of Exposure
 - Summary
 - Liability Exposures of ERISA Fiduciaries
 - Statutory Framework of ERISA
 - Who Is an ERISA Fiduciary?
 - ERISA's Functional Definition of Fiduciary
 - Specific ERISA Fiduciaries
 - The "Settlor Doctrine" and Its Impact on Fiduciary Status
 - Who Is an ERISA Fiduciary
 - Standards of Care of ERISA Fiduciaries
 - Act Solely in the Interest of the Beneficiaries
 - Act for the Exclusive Purpose of Providing Benefits
 - Act with Care and Skill of a Prudent Person in a Similar Capacity
 - Diversify Plan Assets
 - Act in Accordance with Plan Documents

- Prohibited Transactions
 - Party in Interest Prohibitions
 - Conflicts of Interest Prohibitions
 - Bases of Fiduciary Liability
 - Enforcement of Fiduciary Duties under ERISA
 - ERISA's Preemption of State Law Causes of Action
 - Specific Actions To Enforce Fiduciary Duties
 - Potential Consequences for Breaches of Duty
 - Fiduciary Liability Insurance
 - The Coverages of Typical Fiduciary Liability Policies
 - The Need To Cover Penalties Not Covered under the Standard Policy
 - The Special Problems of Real Estate
 - Ways of Avoiding ERISA Litigation
 - Avoid Conflicting Loyalties
 - Comply with Plan Documents
 - Ensure Investment Decision Compliance
 - Monitor Service Providers
 - Hiring and Paying for Counsel
 - Simultaneous Representation of Defendants
 - Conclusion
- IV: Practical Concerns
 - Practical Concerns in Professional Liability Insurance
 - Professional Liability Loss Control
 - Reasons for Controlling Loss Exposures
 - Damage to Professional Reputation
 - Disruption of Internal Productivity
 - Absorption of Deductibles/Self-Insured Retentions/Coinsurance
 - Future Premium and Deductible Level Increases
 - Avoidance of Cancellation or Nonrenewal
 - Exclusion of Coverage for Certain Claim Types
 - Cost of Potential Insurer Insolvency
 - Inability To Offer Competitively Priced Services
 - Reduced Coverage Availability
 - Professional Liability Loss Control Techniques
 - Develop a Clearly Defined Scope of Services
 - Commit Oral Agreements to Writing
 - Document All File Activity
 - Conduct Peer Reviews
 - Maintain Reasonable Workloads
 - Consult Specialists If Necessary

- Conduct Quality Control Audits
 - Encourage Continuing Professional Education
 - Avoid Making Warranties or Performance Guarantees
 - Require Alternative Dispute Resolution Approaches
 - Screen New Clients
 - Negotiate and Explain Fees in Advance
 - Bill Clients Monthly and Discuss Payment Problems with Them
 - Keep Clients Informed with Periodic Status Reports
 - Avoid Conflicts of Interest
 - Avoid the Appearance of Impropriety
 - Preserve Client Confidentiality
 - Conclusion: "Sell" Your Firm's Loss Control Program to Underwriters
- Underwriting Professional Liability Insurance
 - Rating Bases
 - Premiums Are Not Subject to Audit
 - Modification Factors in Pricing
 - Professional Specialty
 - Mix of Professional Specialties/Services
 - Practice Location
 - Type of Client
 - Type of Client Industry
 - Years of Professional Experience
 - Education and Training
 - Prior Claim History
 - Continuity of Insurer Relationships
 - Policy Limits
 - Deductible/Retention Level
 - Extent of Prior Acts Coverage
 - Loss Control Programs
 - Competition
 - Broker Representation
 - Conclusion
- The Application Form in Professional Liability Insurance
 - Information Contained in Applications
 - Significance of the Information within the Application
 - Information in the Application Becomes Part of the Policy
 - Info in the Application Is the Basis upon Which a Policy Is Written
 - The Truth of the Information Is Relied on by the Insurer
 - Warranties and Representations
 - What Constitutes a Warranty?

- What Constitutes a Representation?
 - Warranties versus Representations: The Distinctions Can Blur
 - The Materiality Standard
 - Remedies for Providing Material Misinformation or Material Omissions
 - Rescission
 - Reformation
 - Cancellation
 - Nonrenewal
 - Miscellaneous Issues Relating to Applications
 - Notice of Potential Claims
 - Severability Provisions
 - Insureds Duty To Update the Application
- Professional Liability Claims Management
 - Loss Reporting Principles
 - Special Investigative Guidelines
 - Litigation Management & Selection of Outside Counsel
 - Coverage Issues
 - Y2K Coverage Issues
 - Policyholder Relations
 - Settlement Sensitivity
 - Loss Prevention Services
 - Quantitative Measures of Claims Management Performance
 - Conclusion
- Managing D&O Liability Claims
 - Key Parties and Their Roles
 - The Insurer's Side
 - The Insured's Side
 - The Insurance Broker
 - The Claim Handling Process
 - Claims-Made and Reporting Issues
 - "Claim" Defined
 - Insurer-Insured Communications
 - Allocation Issues
 - Key Allocation Issues
 - Possible Solutions
 - Settlement Process Dynamics
 - Key Parties
 - Coverage Issues
 - Settlement Decision Issues
 - Conclusion

- Technical Aspects of Professional Liability Claims
 - Introduction
 - Professional Liability Claims Management
 - A Unique Area
 - The Need for Proactive Claim Handling
 - General Investigative Issues
 - Damages
 - Claim Handling Considerations for Specific Professions
 - Attorneys
 - Real Estate Brokers
 - Insurance/Agents Brokers
 - Accountants
 - Architects and Engineers
 - Claims-Made Coverage Issues
 - Types of Claims-Made Policy Forms
 - Key Dates in Claims-Made Policies
 - The Problems of Prior Acts and Claims-Made Coverage Triggers
 - Coverage Issues in Professional Liability Claim Handling
 - Professional Services Definitions
 - Policy Conditions
 - Policy Exclusions
 - Diminishing Limits Issues
 - The Problem of Nuisance Claims
 - Conflicts Caused by Diminishing Limits Issues
 - Trial Strategy Issues
 - Communication and Consent Issues
 - Conclusion
- Medical Professional Liability Claims Management
 - Overview
 - File Organization
 - Substantive Claim Handling and Development
 - Receipt of First Notice
 - Initial Investigation
 - Expert Reviews
 - Claim Resolution
 - Internal Reporting
 - Diary System
 - Reserving
 - Defense Counsel Guidelines
 - Conclusion

- Professional Liability Insurance Marketplace
 - Excess and Surplus Lines Market
 - Types of Risks Addressed by the Excess and Surplus Lines Market
 - The Size of the Excess and Surplus Lines Market
 - The Regulatory Environment for Excess and Surplus Lines
 - Distribution System for Excess and Surplus Lines
 - Solvency Issues
 - Insurance Exchanges
 - Insurance Exchanges versus Insurers
 - Lloyds of London
 - Captives, Risk Retention Groups, & Risk Purchasing Groups
 - Captives
 - Risk Retention Groups
 - Purchasing Groups
 - Financial Information Sources on the Alternative Market
- V: Markets
 - Professional Liability Insurance Markets
 - Aa-Diederich
 - ECC-Lloyd's
 - Markel-Russell
 - Sandhill-Zurich
- VII: Common Features
 - Common Features of Professional, EPL, and D&O Liability Policies
 - Coordinating Professional Liability Policy Forms with CGL Coverage
 - Insuring Agreements
 - Covered Services/Covered Acts
 - Covered Persons
 - Covered Organizations
 - Covered Territory
 - Covered Damages
 - Covered Defense Costs
 - Defense Procedures in Professional Liability Policies
 - Settling within Retention/Deductible--without Insurer Consent
 - Limits and Deductibles/Retentions
 - Limits
 - Related Claims Provisions
 - Exhaustion of Limits
 - Deductibles/Retentions
 - Deductibles versus Retentions
 - Operation of Deductibles and Retentions Depends on Policy Wording

- Anti-Stacking Deductible Provisions
 - Application of Retention to Multiple Coverage Agreements Provision
 - Aggregate Deductibles/Retentions
 - Reduced Deductible Amount Options
 - Coinsurance Provisions
 - Purpose and Operation of Coinsurance Provisions
- Conditions
 - Notice of Cancellation, Nonrenewal, and Premium/Coverage Change
 - Notice of Cancellation
 - Notice of Nonrenewal
 - Notice of Premium/Coverage Change
 - Subrogation Provisions
 - Standard Subrogation Provision Wording
 - Other Insurance Clauses
 - Purposes of Other Insurance Provisions
 - Excess Other Insurance Clauses: Standard Other Insurance Provision
 - Potential Other Insurance Provision Conflicts
 - Notice of Claim Provisions
 - Time in Which To Report a Claim
 - Avoiding Late Reporting and Claim Denials: Management Awareness
 - "Notice" to Agent or Broker Does Not Constitute "Notice"
 - Miscellaneous Provisions
 - Prohibition of Voluntary Payments and Settlements
 - Cooperation Clause
 - Legal Action Against the Insurer
 - Arbitration Provision
 - Nontransferability Provisions
 - Severability Provisions
 - Continuation of Coverage in Bankruptcy
 - Liberalization
 - Allocation
- Exclusions
 - Exclusion within/Not within the Policy Form
 - Variations in Wording between the Same Exclusion
 - A Bright Yellow Caution Flag: Beware of "Absolute" Exclusions
 - The (Perhaps) Unintended Effects of Absolute Exclusions
 - This Is Not Just "Theory"
 - How To Deal with "Absolute" Exclusions
 - A Troubling Question That Remains
 - Concluding Thoughts about Absolute Exclusions

- The Duty To Defend Is Broader Than the Duty To Indemnify
 - Defense Coverage When There Are Multiple Allegations
 - Uninsurable Exposure Exclusions
 - Intentional/Criminal/Fraudulent/Willful/Dishonest Acts
 - Illegal Personal Profit
 - Claims: Prior Periods, Previously Reported, and/or Known Incidents
 - Antitrust Violations
 - Return of Professional Fees
 - Losses from Commingling and Accounting Practices
 - Nonpecuniary Relief
 - Losses from Professional Guarantees
 - Notary Claims
 - Trademark, Copyright Infringement
 - Removable/Modifiable Exclusions
 - Failure To Maintain Insurance Exclusion
 - Contractual Liability Exclusion
 - Insured versus Insured Exclusion
 - Prior and Pending Litigation
 - Exclusions To Coordinate with Other Insurance
 - Employment Practices
 - Bodily Injury/Property Damage
 - Personal Injury
 - Related/Affiliated Entities
 - Claims from the Delivery of Related Professional Services
 - Workers Compensation
 - ERISA Responsibilities
 - Public Service Positions/Service for Another Entity
 - Pollution
 - Exclusions for Specialized Exposures
 - Conclusion
- Coordinating Professional, General, and Umbrella Liability Coverages
 - CGL Coverage
 - Coverage A: Coverage for Bodily Injury and Property Damage
 - Coverage B: Coverage for Personal Injury/Advertising Injury
 - Extent of Professional Liability Coverage in CGL Policies
 - Employment Practices Liability: Exclusions and Restrictions
 - CGL Professional Liability Exclusions
 - Gray Areas: CGL and Professional Liability Coverage
 - Coordinating CGL and Professional Liability Policies

- Umbrella Liability Coverage
 - Extent of Professional Liability Coverage in Umbrella Policies
 - Excess Professional Liability Coverage
 - Consolidating Coverage with One Insurer
 - Conclusion
- VIII: Coverage Triggers
 - Professional Liability Insurance Coverage Triggers
 - Claims-Made Provisions in Professional Liability: A Case Study
 - How Claims-Made Coverage Triggers Operate
 - The Two Types of Claims-Made Policies
 - The Importance of Claims "First Made" Language
 - Retroactive Date Requirements in Claims-Made Policies
 - The Effect of Retroactive Date Advancement
 - Applying Claims-Made Coverage Triggers
 - Conditions Precedent to Triggering Coverage
 - Coverage Application under the Medical Malpractice Example
 - Discovery Provisions: The Option To Report Potential Claims
 - Advantageous Uses of Discovery Provisions
 - Catch-22 Aspects of Discovery Provisions: To "Laundry List" or Not
 - When "Laundry Listing" Is Advantageous for the Insured
 - Complicating Factors in Claims-Made Coverage Application
 - When Does the Wrongful Act Take Place?
 - Potential Claims-Made Coverage Gaps and How To Avoid Them
 - Causes of Claims-Made Coverage Gaps
 - Retroactive Date Advancement
 - Cancellation or Nonrenewal by the Insurer or Insured
 - Change to an Occurrence Policy
 - Closing Coverage Gaps in Claims-Made Policies
 - Extended Reporting Periods
 - Runoff Provisions
 - Prior Acts Coverage
 - Rationale for Claims-Made Insurance
 - Increased Predictability of Claim Liabilities
 - Time Lags in Making Claims
 - The IBNR Problem
 - The Inflation Problem
 - Summary
 - Ease in Determining the Responsible Insurer
 - Complications from Occurrence Triggers: A Case Study

- Advantages and Disadvantages of Claims-Made Forms
 - The Insurer's Perspective: Pros
 - Marketing
 - Retention of Insureds
 - The Insurer's Perspective: Cons
 - Public Relations Problems
 - Exposure to Claims from a Number of Years
 - The Insured's Perspective: Pros
 - Lower Premium
 - Stable Market for Coverage
 - Coverage for Prior Acts
 - Insurer Solvency
 - Appropriate Limits
 - The Insured's Perspective: Cons
 - Lack of Continuity Assurance
 - Captive Customer
 - Coverage Needed after Retirement
- How Occurrence Coverage Triggers Operate
 - Occurrence Trigger Application
 - Advantages and Disadvantages of Occurrence Policies
 - Insurer's Perspective: Pros
 - Insurer's Perspective: Cons
 - Insured's Perspective: Pros
 - Insured's Perspective: Cons
 - Conclusion: Occurrence vs Claims-Made Choice Is Not Often Available
- Claims-Made Legal Precedent
 - What Constitutes a Claim?
 - The "Demand Requirement"
 - Expectation of a Claim Is Not a "Demand"
 - The Significance of Other Policy Language
 - "Laundry Listing" Does Not Trigger a Claim
 - What Is a Claim in the Absence of a Policy Definition?
 - The Reporting Requirement
 - The Majority Rule--Strict Application
 - Claims Made Near the End of a Policy Period
 - The Extended Reporting Period
 - Coverage for Prior Acts
 - Limitations on Prior Acts Coverage in the Policy
 - Limitations on Prior Acts Coverage in the Application
 - The Foreseeability Issue

- The "Notice Prejudice" Rule
 - The Majority Rule: No Showing of Prejudice Required
 - The Minority Rule: A Showing of Prejudice Is Required
 - Prescriptive Possibilities
 - The Need for a 60-Day Reporting Tail
 - The Need for a Notice of Potential Claim Provision
 - Conclusion
- X: Directors & Officers
 - Directors and Officers Liability Exposures
 - The Corporation and the Functions of Directors and Officers
 - What Is a Corporation?
 - The Functions of Directors and Officers
 - Common Law Duties of Directors and Officers
 - The Three Traditional Fiduciary Duties
 - The Duty of Good Faith: An Emerging Fiduciary Duty
 - Federal Securities Liability
 - The Securities Act of 1933
 - The Securities Exchange Act of 1934
 - The Sarbanes-Oxley Act of 2002
 - The Dodd-Frank Act
 - The Jumpstart Our Business Startups (JOBS) Act
 - Liability under Other Types of Statutes
 - Liability for Anticompetitive and Unfair Business Practices
 - Liability for Copyright/Patent/Trademark Infringement
 - Liability for Racketeering Activities
 - Liability for Mismanagement of Investment Company Funds
 - Liability for Mismanagement of Employee Benefit Plans
 - Liability for Failure To Collect and Remit Payroll Taxes
 - Liability for Safety Violations
 - Environmental Liability
 - Liability in Connection with Government Contracts
 - Liability in Connection with Bribery of Foreign Officials
 - Liability in Connection with Employment Laws
 - Liability Arising from Cyber Risks
 - Sources of Network and Privacy Breaches
 - Two Data Breaches and Their Impact on D&O Liability
 - Other Recent Cyber Threats
 - High-Profile Securities Class Action Caused by Cyber Security Breach
 - The SEC's Guidance Memo
 - What Should Be Included in a Disclosure?

- What Should Directors and Officers Do?
 - Primary Defenses to Corporate and Director Liability
 - The Importance of Minutes at Board Meetings
 - The Business Judgment Rule
 - Dissent
 - Reliance
 - Ratification
 - Corporate Indemnification of Directors and Officers
 - The Model Business Corporations Act
 - Permissive Indemnification
 - Mandatory Indemnification
 - Court-Ordered Indemnification
 - Advancement of Defense Costs
 - The Charter Option Statute
- Securities Class Action Claims
 - Specific Types of Securities Class Action Claims
 - Loss of Market Value: The Trigger for Securities Class Action Claims
 - Advantages of Securities Class Action for Plaintiffs
 - Verdicts: A Rarity
 - The Private Securities Litigation Reform Act
 - The Class Action Fairness Act of 2005
 - Securities Class Action Claim Data
 - Important Securities Class Action Case Holdings and Developments
 - Accounting-Related Claims
 - Financial Restatements
 - Allegations Involving Internal Control Weaknesses
 - Allegations Involving GAAP Violations
 - Recent Trends in Accounting-Related Claims
 - Merger and Acquisition-Related Lawsuits
 - Why M&A Situations Are Fraught with Peril for Directors and Officers
 - The Nature of M&A-Related Claim Allegations
 - Claims from Mergers and Acquisitions
 - Characteristics of M&A Litigation
 - Why Do a High Percentage of Merger Cases Settle?
 - Exceptions: Two Large Merger Objection Settlements
 - Potential "Solutions" to the M&A Litigation "Epidemic"?
 - Claims from the Subprime Mortgage Lending/Credit Crisis
 - Step One: Subprime Loans
 - Step Two: Securitization
 - Step Three: Credit Derivatives

- Leading Claim Allegations Against Corporate Directors and Officers
 - Investor Lawsuits
 - Claims and Settlement Trends
- Chinese "Reverse Merger" Litigation
 - What Is a "Reverse Merger"?
 - Number of "Reverse Mergers"
 - Characteristics of Reverse Merger Companies
 - Why Did Claim Activity Begin?
 - High Claim Frequency
 - Low Claim Severity
 - Why the Wave of Claims Has Subsided
- The LIBOR Scandal
 - LIBOR: The Basics
 - Emergence of the Scandal and Succeeding Events
 - Specific Allegations in Relation to the LIBOR Manipulation
 - LIBOR Litigation in the United States
- Claims from "Option Backdating"
 - What Are "Stock Options"?
 - Three Notable Options Backdating Settlements
- Claims from Bernie Madoff/Allen Stanford Investment Ponzi Schemes
 - The Bernard Madoff Scheme
 - Representative Settlements
 - Claims from the Stanford Financial Group Ponzi Scheme
- Claims from Private Equity Operations
 - What Is a Private Equity Group?
 - How Do Claims from Private Equity Deals Arise?
 - A Notable Recent Settlement
- IPO-Related Claims
 - How Does an IPO Work?
 - Types of IPO Claims
- Claims from Auction Rate Securities
 - What Are Auction Rate Securities?
 - What Went Wrong?
- Parallel Proceedings and Their Relation to Securities Class Actions
 - Special Issues Associated with Parallel Proceedings
 - Derivative Claims
 - Opt-Out Lawsuits
 - ERISA "Stock Drop" Litigation
 - Securities and Exchange Commission Enforcement Actions
 - FDIC Failed Bank Litigation Related to the Credit Crisis

- Underwriting Directors and Officers Liability Insurance
 - Underwriting Data
 - Annual Report
 - Proxy Material
 - Corporate Bylaws
 - Roster of Directors and Officers
 - Dun and Bradstreet Report
 - SEC Reports
 - Financial Situation
 - Profitability
 - Leverage
 - Accounting and Financial Reporting Practices
 - Liquidity
 - Stock Price Volatility
 - Industry/Competitive Position
 - Industry Competitive Position
 - Market Share
 - Competitive Structure of the Industry
 - Revenue Sources
 - Industry Group
 - Internal Company Factors
 - Merger and Acquisition Activity
 - Breadth/Concentration of Stock Ownership
 - Future, Company-Specific Risks
 - Public Offerings and Repurchases
 - Service Provider Relationships
 - Company Size
 - Company Age
 - Degree of Diversification
 - Degree of Centralization
 - Public Perception
 - Risk Management Program
 - Loss History
 - Composition and Operation of the Board of Directors
 - Degree of Control by the Chairman
 - Board Selection Criteria and Composition
 - Compensation Method of Management
 - Board Turnover
 - Assessing the Board's Knowledge of the Organization
 - Conducting Face-to-Face Meetings with Management

- Conclusion: The Art of D&O Underwriting
- Analysis of a D&O Liability Insurance Application
 - Applicant's Organizational Information (Question #1)
 - Insurance Information (Question #2)
 - Stock Ownership (Question #3)
 - General Organizational Information (Questions #4 - #10)
 - Insurance History (Questions #11 & #12)
 - Additional Information (Questions #13 & #14)
 - Severability (Question #15)
 - Additional Warranty Statements
 - State-Specific Notifications
 - Signature Section
 - Application
- Controlling Directors and Officers Liability Claims
 - General D&O Loss Control Techniques
 - Encourage Active Questioning and Appropriate Dissent
 - Consult with Legal Counsel and Outside Experts
 - Maintain Contact with Operating Managers
 - Avoid Embarrassing Corporate Actions
 - Require Review of the D&O Policy and Application
 - Monitor Insider Trading
 - Investigate Warning Signs
 - Do Not Manage to Artificial Indicators
 - Loss Control Techniques Involving Corporate Governance
 - Assure Independent Decision Making on the Board
 - Require a Minimum Level of Stock Ownership
 - Reform Option Related Compensation Practices
 - Separate the Roles of Board Chairman and CEO
 - Conduct "CEO-Free" Board Meetings
 - Periodically Evaluate Director Performance
 - Improve Audit Committee Effectiveness
 - Provide Directors with Relevant and Timely Information
 - Limit Time Devoted to Board Service
 - Avoid Conflicts of Interest
 - Eliminate Corporate Board "Interlock"
 - Declassify Your Board
 - Seek a Diverse Board
- Insurance Markets

- Public Company D&O Liability Coverage Analysis
 - D&O Policy Insuring Agreements
 - Directors and Officers Liability Coverage ("Side A")
 - Corporate Reimbursement Coverage ("Side B")
 - Entity Securities Coverage ("Side C")
 - Derivative Investigations Coverage ("Side D")
 - Covered Acts under D&O Policies
 - No Coverage for Bodily Injury and Property Damage
 - Covered Persons under D&O Policies
 - Coverage Only for Acts as a Director/Officer
 - "Automatic" Coverage for D&Os: Notice to Underwriter Not Required
 - Coverage of Non-Executive Officers
 - Coverage for Nondirectors/Nonofficers
 - Coverage of Past, Present, and Future Directors and Officers
 - Spousal Coverage
 - Coverage of Estates, Heirs, and Legal Representatives
 - Coverage of Directors and Officers for Outside Board Service
 - Covered Organizations under D&O Policies
 - Coverage of Newly Created/Acquired Entities
 - Automatic Coverage Termination in Large Mergers/Consolidations
 - Definition of "Claim"
 - Written Demand for Monetary or Nonmonetary Relief
 - Civil Proceeding Commenced by the Service of a Complaint
 - Criminal Proceeding Commenced by an Indictment
 - Administrative/Regulatory/Arbitration Proceeding Against Insured
 - Civil, Criminal, Administrative, or Regulatory Investigation
 - Request for Extradition or Arrest Warrant for any Insured Person
 - Covered Damages (or "Covered Losses") under D&O Policies
 - Items Excluded from "Covered Damages" Definition
 - "Covered Damages" Limited to Payment of Money Damages
 - Coverage of Punitive Damages
 - Definition of "Application"
 - Why Applications Are Important
 - What Is an "Application"?
 - Defense Cost Coverage and Defense Procedures
 - Covered Defense Cost Items
 - Defense Costs within Limits
 - Duty To Advance Defense Cost Provisions
 - Duty To Defend versus Nonduty To Defend Language

- Cooperation Clauses
 - Consent to Settlement Provisions
- Limits and Retentions Provisions
 - Policy Limits
 - Retentions
- Conditions
 - Severability
 - Cancellation
 - Subrogation
 - Priority (Order) of Payments Provisions
 - Presumptive Indemnification Provision
 - Other Insurance
 - Alternative Dispute Resolution Provisions
- Exclusions
 - Severability Provisions in D&O Policy Exclusions
 - Exclusion of Claims Caused by Dishonesty of Directors and Officers
 - Personal Profit Exclusion
 - Exclusion: Section 16(b), Securities Exchange Act of 1934
 - Return of Remuneration
 - Prior and Pending Litigation
 - Exclusion of Losses Insured by a Prior Policy
 - Failure To Maintain Insurance
 - ERISA Act Liability Exclusion
 - Bodily Injury/Property Damage/Personal Injury Exclusion
 - Pollution Exclusion
 - Insured versus Insured Exclusion
 - Inadequate Consideration ("Bump Up") Exclusions
 - Professional Services Exclusions
 - Wage and Hour Exclusion
- Coverage Triggers
 - Operation of Claims-Made Coverage Triggers
 - Retroactive Dates
 - Discovery Provisions
 - Extended Reporting Provisions
- Excess D&O Insurance Policies
 - Quota Share Excess D&O Programs
 - Coverage under Excess D&O Policies Two Basic Types
 - Underlying Limits of Liability
 - Limit of Liability Provision
 - Exhaustion/Depletion of Underlying Limits Provision

- Maintenance of Underlying Policies Provision
 - Notices Required To Be Given to the Excess Insurer
 - Exclusions in Excess D&O Policies
 - Warranty Clause
 - Integrated Excess Policies
- D&O Liability Exposures and Coverage for Privately Held Companies
 - Privately Held Companies Overview
 - Largest Privately Held Companies
 - Types of Privately Held Companies
 - Reporting and Other Requirements
 - D&O Liability Exposures of Privately Held Companies
 - 2005 Chubb Insurance Company Survey: A Landmark Study
 - Value of an "Insurance Company Partner" in Claim Situations
 - Case for Private Company D&O: 10 Claims Sources/Justifications
 - Employee Claims
 - Shareholder Claims
 - Claims by Miscellaneous Entities
 - Fiduciary Liability Claims
 - Ability To Attract Managerial/Board Talent and Expertise
 - Director/Officer Asset Protection
 - Personal Umbrella Policies: No Coverage for For-Profit Ventures
 - Company Balance Sheet Protection and Survival
 - If/When a Private Company Goes Public
 - Access to Credit
 - High Coverage Breadth at a (Relatively) Lower Price
 - Expansive Coverage Breadth: A Double-Edged Sword?
 - Crafting D&O Coverage for Private Companies
 - Option #1: The Packaged Approach
 - Exhibit Representative Packaged Approach: Declarations
 - Option #2: The Unbundled Approach
 - Structuring Policy Limits under Package Policies
 - Determining Individual Limits
 - Obtaining Higher Limits: Whether Packaged or Unbundled
 - 11 Key Provisions in Private Company D&O Policy Forms and How To Modify Them
 - Insured versus Insured Exclusion
 - The Major Shareholder Exclusion
 - The Family Exclusion
 - Increase Coverage Limits for Directors and Officers
 - Modify the Breach of Contract Exclusion
 - Modify the Securities Claims Exclusion

- Obtain Defense Coverage for Breach of Employment Contract Claims
 - Obtain Wage and Hour Defense Coverage
 - Consider the Need for Third-Party Liability Coverage
 - Obtain Severance Pay Exception Wording
 - Beware of Noncumulation Provisions in Fiduciary Liability Policies
- Documents & Checklists
 - Representative D&O Liability Insurance Policy
 - Representative D&O Liability Insurance Application
 - Coverage Checklist
- Financial Institution D&O Exposures and Coverage
 - Overview of the Banking and Thrift Industries
 - The Role of Banks
 - The Role of Thrifts
 - Banks and Thrifts Statistics
 - The Regulatory System
 - Statutory Enactments Following the Bank and Thrift Crisis
 - Current Trends in the Banking Industry
 - Mergers and Acquisitions
 - Expansion of Banking into New Activities
 - Common Legal Action Against D&Os of Financial Institutions
 - Actions Brought by a Receiver on Behalf of an Insolvent Institution
 - Lender Liability
 - CERCLA Liability
 - Employee Claims
 - Other Allegations Against Financial Institution Directors & Officers
 - Financial Institution D&O Insurance Coverage
 - Bankers Professional Liability Exposures
 - Exposures to Customers/Clients
 - Exposures to Third Parties
 - Services Covered by Bankers Professional Liability Endorsement
 - Adding BPL Coverage to a D&O Insurance Program
 - Covered Acts
 - Covered Organizations/Covered Persons
 - Exclusions
- Healthcare Organization D&O Liability Exposures
 - Managed Care Organizations
 - Types of Managed Care Organizations
 - The Aetna v. Davila Decision: The ERISA Preemption Issue
 - Liability from the Peer Review and Credentialing Process
 - The Significance and Process of Credentialing

- Liability to Patients from the Credentialing Process
 - Hospital Director Liability for Negligent Credentialing
 - Liability to Candidates Denied Staff Privileges
 - Liability from Mergers and Acquisitions
 - Antitrust Liability under the Clayton Act
 - Liability under the Federal Trade Commission (and Similar) Acts
 - Liability under State Statutes
- XI: Government & Nonprofit
 - Public Officials Professional Liability Insurance
 - Exposures
 - Functions and Powers of Municipalities and Counties
 - Municipal Government
 - County Government
 - The Erosion of Local Governmental Immunity
 - Sources of County and Municipal Liability
 - Antitrust Liability
 - Employment-Related Liability
 - Section 1983 Liability
 - Liability from Operational Activities
 - Denial of Equal Protection
 - Underwriting Public Officials Liability Insurance
 - Factors in Pricing
 - Modifying Factors
 - Managing Liability Losses under Public Officials Liability Policies
 - Generic Loss Control Techniques
 - Employment Practices Liability Loss Control Techniques
 - Coordinating Public Official Liability Policies with Other Insurance
 - Employment Practices Liability
 - Insurance Markets
 - Coverage Analysis
 - Covered Acts
 - Coverage of Employment Practices Liability Claims
 - Covered Persons and Entities
 - Excluded Entities
 - Exclusion of Professional Employees
 - Covered Damages and Losses
 - Coverage of Punitive Damages
 - Excluded Damages and Losses
 - Claim Settlement Procedures
 - Duty To Defend Provisions

- Defense Cost Provisions
 - Rationale for Defense in Addition to Policy Limits
 - Exclusions
 - Bodily Injury, Property Damage, Personal Injury
 - Law Enforcement Activities
 - Liability Resulting from Strikes, Riots, Civil Commotion
 - Injunctive Relief
 - Fiduciary Liability
 - Debt Financing
 - Employment Practices Liability Claims
 - Claims Associated with Professional Services
 - Claims from Land Use Planning or Zoning
 - Claims from Electromagnetic Radiation
 - Claims from Contracting for Services and Tax Issues
 - Coverage Triggers
 - Documents & Checklists
 - Coverage Checklist
- Police Professional Liability Insurance
 - Exposures and Insurance Coverage
 - Exposures Faced by Police Officers and Departments
 - Police Department Activities
 - Specific Police Professional Liability Exposures
 - Types of Claims Against Police Officers
 - Underwriting Police Professional Liability Insurance
 - Coordinating Police Professional Liability with Other Coverage
 - Insurance Markets
 - Essential Elements of Police Professional Liability Insurance
 - Covered Organizations and Persons
 - Covered Acts
 - Covered Damages and Losses
 - Claim Settlement Procedures
 - Duty To Defend Provisions
 - Defense Cost Provisions
 - Exclusions
 - Employment Practices
 - Deliberate Statutory Violations
 - Documents & Checklists
 - Coverage Checklist

- Nonprofit Directors and Officers Professional Liability Insurance
 - Nonprofit D&O Liability Exposures and Insurance Coverage
 - Nature of Nonprofit Organizations
 - The Lack of Ownership
 - Surplus: The Nonprofit "Equivalent" of Profit
 - Tax Treatment
 - Organized under State Law
 - Types of Nonprofit Corporations
 - Section 501(c): The Standard for Nonprofits
 - The Public Benefit Corporation
 - The Religious Corporation
 - The Mutual Benefit Corporation
 - Liability Exposures of Nonprofit Directors and Officers
 - Duties Owed to the Organization
 - Duties to Members
 - Duties to Employees
 - Duties to the General Public
 - Criminal/Civil Liability Exposures of Nonprofit Organization D&Os
 - Criminal Liability of Individual Directors and Officers
 - Civil Liability Exposures
 - Specific Types of Claims Against Nonprofit Organizations
 - Public Benefit Corporations
 - Religious Corporations
 - Mutual Benefit Corporations
 - Limitations on Liabilities of Nonprofit Directors and Officers
 - Common Law Protection Against Liability
 - Statutory Protection Against Liability
 - Indemnification from the Organization
 - Underwriting Nonprofit D&O Liability Insurance
 - Employment and Hiring Practices
 - Finances
 - Fund-Raising
 - Advice-Rendering/Professional Services
 - Exchange of Information
 - Membership Standards/Admissions Policies
 - Professional Staff
 - Indemnification Agreements
 - Antitrust Exposures
 - Product Certification Exposures
 - Insurance Program Sponsorship

- Controlling Nonprofit D&O Liability Losses
 - Employment-Related Claims
 - Antitrust Claims
 - Tenure-Related Claims
- Coordinating Nonprofit D&O Insurance with Other Coverages
 - Fiduciary Liability
 - Professional Liability
 - Media Liability
- Nonprofit Directors and Officers Liability Coverage Analysis
 - Nonprofit versus For-Profit D&O Policy Forms
 - Broader Coverage Compared to For-Profit Forms
 - Nonprofit D&O vs Association Professional Liability Coverage
 - Structure of Nonprofit D&O Policy Forms
 - Most Also Cover Employment Practices Liability
 - Many Also Cover Fiduciary Liability
 - Covered Acts
 - Coverage of Employment Practices Liability
 - Covered Persons
 - Coverage for Past and Future Service
 - Coverage of Outside Directorships
 - Coverage of Estates, Heirs, and Legal Representatives
 - Spousal Coverage
 - Covered Organizations
 - Value of Unrestricted Entity Coverage
 - Newly Acquired/Newly Formed Organizations
 - Covered Damages
 - Coverage for Punitive Damages
 - Exclusion of Various Enumerated Items
 - Defense Coverage Provisions
 - Coverage of Defense Costs
 - Definition of "Claim"
 - Duty To Defend and Claim Settlement Provisions
 - Advantages of Duty To Defend Policy Forms for Nonprofits
 - Claim Settlement Provisions
 - Limits and Deductibles
 - Limits
 - Deductibles
 - Conditions
 - Noncancellation/Nonrenewal
 - Warranty Provisions

- Exclusions
 - Exclusion of Professional and Paraprofessional Services
 - Insurance Company Operations
 - Specific Litigation and/or Events
 - Securities Claims
 - Sexual Abuse
 - Copyright, Intellectual Property Violations
 - Coverage Triggers
 - Operation of Claims-Made Coverage Triggers
 - Retroactive Dates
 - Discovery Provisions
 - Extended Reporting Periods
 - Documents & Checklists
 - Coverage Checklist
- Educators Legal Professional Liability Insurance
 - Introduction
 - Liability Exposures Covered by ELL Insurance
 - Absence of Separate Limits of Coverage
 - Board of Trustees/D&O/School Board Liability Claims
 - Educators Errors and Omissions Claims
 - Liability Limitation Statutes
 - Underwriting Educators Legal Liability Insurance
 - Employment Practices
 - Media and Dissemination of Information
 - Admissions and Financial Aid Standards and Procedures
 - Advice-Giving Services
 - Jurisdiction
 - Financial Condition
 - Claim History
 - Educators Legal Liability Loss Control
 - Employment-Related Claims
 - Coordinating Educators Legal Liability Insurance with Other Coverage
 - Bodily Injury/Personal Injury/Property Damage Liability
 - Fiduciary Liability
 - Professional Liability
 - Media Liability
 - Insurance Markets
 - Coverage Analysis
 - Covered Acts
 - Media Liability Coverage

- Vicarious Liability Coverage
 - Covered Persons/Covered Organizations
 - Insured Persons
 - Covered Entities/Organizations
 - Covered Damages
 - Covered Defense Costs
 - Settlement Procedure
 - Limits and Retentions
 - Limits
 - Retentions
 - Conditions
 - Cancellation and Nonrenewal
 - Mandatory Arbitration Provisions
 - Exclusions
 - Claims Reported under Prior Policies and Prior Litigation
 - Intentional Acts
 - Illegal Profit, Remuneration, Unjust Economic Advantage
 - ERISA Obligations
 - Claims by/Against Affiliated Institutions
 - Professional Services
 - Outside Directorships
 - Bodily Injury and Property Damage Liability
 - Claims Seeking Solely Injunctive/Nonmonetary Relief
 - Contractual Obligations
 - Coverage Triggers
 - Operation of Claims-Made Coverage Triggers
 - Retroactive Dates
 - Awareness Provisions
 - Extended Discovery Provisions
 - Conclusion
 - Documents & Checklists
 - School Board/Educators Legal Liability Coverage Checklist
- XII: Fiduciary
 - Introduction
 - Exposures
 - ERISA: The Basics
 - Fiduciaries as Defined by ERISA
 - Standards of Care Required of ERISA Fiduciaries
 - Fiduciaries versus Settlers
 - Bonding Requirements under ERISA

- Other Important Sections of ERISA
 - Exposures from Patient Protection and Affordable Care Act (PPACA)
 - United States v. Windsor and Its Effect on Employee Benefit Plans
- Two Types of Covered Benefit Plans under ERISA
 - Employee Pension Benefit Plans
 - Employee Welfare Benefit Plans
- Basic Requirements of ERISA Plans
 - Two Key Amendments to ERISA
 - Retiree Health Care Benefits Not Subject to ERISA Protections
 - The ERISA Preemption for Health Care Plans
- Types of Employee Pension Benefit Plans
 - Defined Benefit Pension Plans
 - Defined Contribution Plans
- 10 Largest Fiduciary-Related Class Action Claim Settlements of 2013
 - A Tabulation of Claim Sources
- Underwriting Fiduciary Liability Insurance
 - Factors in Pricing
 - Underwriting Factors
- Underwriting Fiduciary Liability Coverage: A Case Study
 - Notice Provision
 - Application Instructions
 - General Information
 - Specific Information
 - Notices
 - Material Change
 - Declaration and Signature
- Controlling Fiduciary Liability Losses
 - Minimize and, If Possible, Avoid Investments in Company Stock
 - Select and Evaluate Fiduciaries Carefully
 - Structure Benefit Plans with "Moderate" Fees
 - Conduct Periodic Audits
 - Use Experts To Design Plans
 - Fund Plans Adequately
 - Invest Prudently
 - Avoid Conflicts of Interest
 - Avoid Prohibited Transactions
 - Report and Disclose Plan Information as Required
- Coordinating Fiduciary Liability Insurance with Other Coverages
 - Fiduciary Liability versus Employee Benefits Liability
 - Employee Benefits Liability Coverage Endorsements

- Stand-Alone vs Packaged Approaches to Fiduciary Liability Coverage
- Insurance Markets
- Fiduciary Liability Coverage Analysis
 - Insuring Agreements
 - Fiduciary Liability Coverage
 - Managed Care Coverage
 - Coverage for Settlement Programs
 - Liability Coverage for Acts of Third Parties
 - Covered Persons/Covered Organizations
 - Omnibus "Insured" Wording
 - Important Coverage Extensions
 - Coverage for Acquisition of New Benefit Plans
 - Limitations on Coverage of Newly-Acquired Plans
 - Coverage for Other Types of "Status" Changes
 - Takeover of Insured and Its Plans
 - Cessation of a Subsidiary (and Its Plans)
 - Termination of a Plan Operated by an Insured
 - Covered Losses
 - Definition of "Claim"
 - Written Demand for Monetary or Nonmonetary Relief
 - Civil Proceeding Commenced by the Service of a Complaint
 - Criminal Proceeding Commenced by Filing of Charges
 - Formal Administrative or Regulatory Proceeding
 - Arbitration, Mediation, or Alternative Dispute Resolution Proceeding
 - Waive Statute of Limitations for Civil/Administrative Proceeding
 - Covered Territory
 - Covered Defense Costs
 - Defense within Policy Limits
 - Duty To Defend Provisions
 - Claims Settlement Procedures
 - Coinsurance Hammer Clause An Illustration
 - Limits and Deductibles/Retentions
 - Interrelated Claims Provisions
 - "Per Wrongful Act" Deductibles/Retentions
 - Application of Deductibles/Retentions to Defense Coverage
 - Conditions
 - Subrogation/Recourse
 - Severability
 - Exclusions
 - Severability Provisions in Fiduciary Liability Policy Exclusions

- Dishonesty
 - Personal Profit
 - Contractual Liability
 - Failure To Collect Contributions Owed to an Employee Benefit Plan
 - Claims from a Subsidiary Prior to Acquisition
 - Failure To Fund in Accordance with ERISA
 - Failure To Purchase or Maintain Insurance or Bonds
 - Benefits: Workers Compensation, Unemployment, Disability
 - Discrimination Not Related to ERISA Law
 - Benefits Payable to a Beneficiary
 - Bodily Injury and Property Damage
 - Exclusions Found in Other Types of Professional Liability Policies
 - Coverage Triggers in Fiduciary Liability Policies
 - Operation of Claims Made Coverage Triggers
 - Retroactive Dates
 - Discovery Provisions
 - Extended Reporting Provisions
 - Documents & Checklists
 - Sample Fiduciary Liability Application Form
 - Sample Fiduciary Liability Policy Form
 - Coverage Checklist
- XIII: Accountants
 - Exposures
 - Types of Services Provided by Accountants and Associated Claims
 - Audits
 - Limited Attestations
 - Reviews
 - Compilations
 - Bookkeeping
 - Forecasts and Projections
 - Tax Services
 - Multidisciplinary Services
 - Legal Duties Accountants Owe to Clients and Other Parties
 - Contractual Duties
 - Common Law Duties
 - Statutory Duties
 - Conclusion
 - Underwriting Accountants Professional Liability Insurance
 - Underwriting Accountants Professional Liability Insurance
 - Factors in Pricing

- Underwriting Accountants Case Study
 - Contact Information
 - General Applicant Information
 - Staff Information
 - Insurance Information
 - Nature of Firm's Services
 - Nature of Firm's Clients
 - Nature of Ancillary Professional Services Provided
 - Partnering Work Performed
 - Exposures from Investment Services
 - Exposures from Fiduciary Services
 - Owned/Controlled Entities Exposures
 - Loss Control and Quality Control
 - Prior Claims
 - Potential Claim Exposures
 - Notifications and Warranties Associated with the Application
 - SAFECO's Application: Accountants Professional Liability Insurance
 - Controlling Accountants Professional Liability Losses
 - Follow GAAP and GAAS Statement Guidelines
 - Cautiously Provide Services for Distressed Organizations
 - Reveal Adverse Information and Issue Disclaimers
 - Carefully Draft Engagement Letters
 - Use Effective Billing Procedures
 - Coordinating Accountants Professional Liability & General Liability
 - A Potential Coverage Gap
 - Insurance Markets
 - Coverage Analysis
 - Insuring Agreements
 - Covered Services/Covered Acts
 - Covered Persons/Covered Entities
 - Covered Organizations
 - Covered Territory
 - Covered and Excluded Damages
 - Covered Defense Costs
 - Claims Settlement Provisions
 - Limits and Deductibles
 - Limits
 - Deductible Provisions
 - Claim Mitigation/Deductible Reduction Provisions

- Conditions
 - Cancellation and Nonrenewal
 - Mandatory Arbitration Provision
 - Liberalization Provisions
 - Exclusions
 - Criminal/Willful Acts
 - Insured versus Insured
 - Claims Related to Beneficiaries/Distributees of Trusts and Estates
 - Contractual Liability
 - ERISA/Trustee and Fiduciary Claims
 - Antitrust Exclusion
 - Investment Advice and Sale of Investment Products
 - Employment Practices Liability
 - Controlled/Related Enterprise Exclusion
 - Bodily Injury and Property Damage
 - Notary Claims
 - Losses from Commingling and Funds Handling
 - Negligent Referral
 - Services Rendered but Not on Behalf of Named Insured Organization
 - Return of Professional Fees
 - Claims from the Delivery of Related Professional Services
 - Coverage Triggers
 - How a Claims-Made Coverage Trigger Functions
 - Retroactive Dates
 - Discovery Provisions
 - Extended Reporting Provisions
 - Documents & Checklists
 - Coverage Checklist
- XIV: Lawyers
 - Introduction
 - Exposures
 - Nature of the Legal Profession
 - Educational Background and Requirements
 - Licensing Requirements
 - Regulation of Lawyer Conduct
 - Professional Services
 - Professional Liability Claims Data
 - Basis for Claims Against Lawyers
 - Standards of Conduct and Duties of Care Governing Lawyer Conduct
 - Concept of Privity: Claims by Nonclients

- Vicarious Liability
- Exposures Arising from Selected Areas of Practice
 - Claims Arising from Litigation
 - Claims Arising from Nonlitigation Services
- Controlling Lawyers Professional Liability Losses
 - Docket Control
 - File Documentation
 - Client Contact
 - Internal Communication
 - Provide Conservative Advice Regarding Possible Case Outcomes
 - Screening Clients
 - Screening Cases
 - Nonengagement Letters
 - Use Effective Billing Procedures
 - Need for Outside Counsel or Referral
 - Conflict of Interest Situations
 - Continuing Education
- Underwriting Lawyers Professional Liability Insurance
 - Rating
 - Factors in Pricing
- Underwriting Lawyers Case Study
 - Preliminary Notice
 - Identification Information
 - Firm Name and Organizational Changes
 - Financial Information
 - Information Regarding Areas of Practice
 - Firm Management
 - Internal Policies and Procedures
 - Fee Collection and Complaint Procedures
 - Disciplinary Actions
 - Service for Related Organizations
 - Client Intake and Conflict Avoidance
 - Legal Opinions
 - Docket Control Procedures
 - Training and Supervision
 - Insurance Coverage and Claims History
 - Insurance Coverage History
 - Claim History
 - Potential Claims
 - Coverage Requested

- Warranty- and Coverage-Related Material
 - Fraud Warnings
 - Signature Section
 - Application pages 1-3
 - Application pages 4-6
 - Application: Lawyers Professional Liability Financial Supplement
- Insurance Markets
- Coverage Analysis
 - Covered Acts
 - "Professional Services" Definition
 - "Personal Injury" Definition
 - Covered Persons and Organizations
 - Named Insured
 - Partners
 - Of Counsels
 - Employees
 - Coverage for Independent Contractors
 - Coverage for Past Personnel
 - Coverage for Future Personnel
 - Coverage for Acts Prior to Joining an Insured Firm
 - Coverage for Heirs, Executors, Trustees
 - Predecessor Firm Coverage
 - Covered Territory
 - Worldwide Coverage Needed
 - Drawbacks of Providing Worldwide Coverage
 - Covered Damages/Covered Loss
 - Punitive Damages
 - Restitution of Fees
 - Fee Disputes
 - Sanctions, Fines, Penalties
 - Defense and Settlement Provisions
 - Definition of Covered Defense Costs
 - Defense Costs within Limits
 - Claims Settlement Procedures
 - Promise To Defend "False, Groundless, Fraudulent" Claims
 - No Duty To Defend Once Limits Exhausted
 - Consent to Settlement: The Hammer Clause
 - Claim Mitigation/Deductible Reduction Provisions
 - Limits and Deductibles
 - Limits

- Deductible Provisions
 - Conditions
 - Cancellation
 - Subrogation
 - Exclusions
 - Fraud, Dishonesty, Intentional, Criminal Acts
 - Investment Advice
 - Contractual Liability
 - ERISA Act Liability/Trustee and Fiduciary Claims
 - Insured versus Insured Exclusion
 - Claims Based on Public Service Positions
 - Securities-Related Claims
 - Trust Claims in Which Insured Is a Beneficiary
 - Notary Claims
 - Bodily Injury and Property Damage
 - Discrimination/Employment-Related Claims
 - Controlled/Related Enterprise Exclusion
 - Exclusions for Prior Acts
 - Patent, Copyright, Trademark Infringement Exclusion
 - Coverage Triggers
 - Two Types of Claims-Made Coverage Triggers
 - Retroactive Dates
 - Discovery Provisions
 - Extended Reporting Provisions
 - Implications of Extended Reporting Period Options
- Documents & Checklists
 - Coverage Checklist
- XV: Insurance Professionals
 - Introduction
 - Exposures
 - Agents versus Brokers
 - Nature of the Insurance Agency
 - Educational and Licensing Requirements
 - Associations and Professional Societies
 - Types of Insurance and Brokers
 - Independent Agents
 - Exclusive Agents
 - Specialized Agents
 - Other Services Performed by Agents and Brokers

- Insurance Agents' Legal Duties to Insureds
 - Duty To Procure Coverage
 - Prima Facia Case for Failing To Procure Insurance
 - Insured's Duty To Transmit Information to the Insurer
 - Agent's Duty To Review a Customer's Insurance Needs
 - Customer Service and Account Handling Duties
 - Duty To Place Coverage with a Solvent or Licensed Insurer
 - Legal Duties of Insurance Agents to Insurers
 - General Standards of Conduct
 - Duty To Communicate Information
 - Duties as an Underwriter
 - Statutory Duties
 - Summary of Actions Giving Rise to Claims Against Insurance Agents
 - Underwriting Insurance Agents/Brokers Professional Liability
 - Rating
 - Factors in Pricing
 - Underwriting Insurance Agents/Brokers Liability Case Study
 - Sample Application -- Page 1
 - Sample Application -- Page 2
 - Sample Application -- Page 3
 - Sample Application -- Page 4
 - Controlling Insurance Agents/Brokers Professional Liability Losses
 - Loss Control Techniques
 - Coordinating Professional and General Liability Policies
 - Bodily Injury, Property Damage, Personal Injury Exclusion
 - A Potential Coverage Gap
 - Closing the Gap
- Insurance Markets
- Coverage Analysis
 - "Dedicated" Insurance Agents Liability vs Miscellaneous Liability
 - Insurance Agents Professional Liability vs Insurance Agents E&O
 - Covered Services/Covered Acts
 - "Professional Services": Broad Scope of Covered Activities
 - Coverage for Personal Injury and Advertising Injury
 - Covered Organizations and Persons
 - Coverage for Past Personnel
 - Coverage for Independent Contractors
 - Coverage of Leased Employees
 - Coverage for Heirs, Executors, Trustees, and Legal Representatives
 - Spousal Coverage

- Coverage of Predecessor Firms
 - Coverage for Newly Acquired/Formed Entities
 - Covered Territory
 - Arranging Coverage for Acts Outside the United States
 - Definition of "Damages"/"Loss"
 - Covered Damages
 - Damages Not Covered
 - Coverage of Punitive Damages
 - Supplementary Payments Coverage
 - Defense Coverage Only
 - Coverage in Addition to Policy Limits
 - Coverage Not Subject to Policy Deductible
 - Covered Defense Costs
 - Agency Exposures and Defense Provisions
 - Policy Limits and Defense Provisions
 - Rationale for Defense Cost Provisions
 - Claims Settlement Procedures
 - Limits and Deductibles
 - Policy Limits
 - Deductible Provisions
 - Conditions
 - Exclusions
 - A Bright Yellow Caution Flag: Beware of "Absolute" Exclusions
 - This Isn't Just "Theory"
 - Repairing the Potential Damage
 - A Troubling Question That Remains
 - Concluding Thoughts about Absolute Exclusions
 - Exclusions Particular to Insurance Agents
 - Exclusions for Uninsurable Exposures
 - Exclusions for Exposures Covered by Other Policy Forms
 - Coverage Triggers
 - Operation of Claims-Made Coverage Triggers
- Documents & Checklists
 - Coverage Checklist
- Claims Adjusters E&O Insurance
 - Exposures
 - Underwriting
 - Rating

- Key Coverage Provisions
 - Insuring Agreement
 - Exclusions
 - Insurance Company E&O Liability Insurance
 - Exposures to Loss
 - Claims Handling
 - Safety Inspections
 - Miscellaneous Claims
 - Underwriting
 - Rating
 - Key Coverage Provisions
 - Covered/Persons Organizations
 - Covered Services
 - Covered Losses
 - Combined E&O/D&O Policies
 - Exclusions
- XVI: Healthcare Institutions
 - Introduction
 - Hospitals
 - Exposures
 - Hospital Environment
 - Hospital Types
 - Hospital Staffing
 - Hospital Licensing and Quality Standards
 - Professional Liability Exposure of Hospitals
 - Corporate Liability of Hospitals
 - Statutory Liability of Hospitals
 - Vicarious Liability of Hospitals
 - Ostensible Agency Liability of Hospitals
 - Specific Acts of Negligence Alleged Against a Hospital
 - Effect of Tort Reform on Damages
 - Underwriting Hospital Professional Liability
 - Patient Mix
 - Type of Hospital
 - Employee Mix
 - Outsourcing of Hospital Departments
 - Accreditation
 - Staff Physicians
 - Hazardous/High-Risk Procedures
 - Teaching/Training Facilities

- Medical Equipment
 - Special Exposures: Medical and Nonmedical
 - Risk Management and Quality Assurance Program
 - Loss History
- Underwriting Hospital Professional Liability Case Study
 - Supporting Documentation
 - General Information
 - Exposure Data
 - General Liability/Excess/Umbrella Program
 - Claims History
 - Application Warranty and Risk Management Statement
 - Fraud Warnings
 - Sample Health Care Liability Application Pages 1-3
 - Sample Health Care Liability Application Pages 4-6
 - Sample Health Care Liability Application Pages 7-9
 - Sample Health Care Liability Application Pages 10-12
 - Sample Health Care Liability Application Addendum A
 - Sample Health Care Liability Application Addendum B
- Controlling Hospital Professional Liability Losses
 - Key Loss Control Areas
- Insurance Markets
- Coverage Analysis
 - Distinctive Features of Hospital Professional Liability Policy Forms
 - Combined CGL-Professional Liability Coverage
 - High Retentions/Self-Insurance Combined with Umbrella Policy
 - Channeling
 - Implications of Distinctive HPL Policy Features
 - Insuring Agreements
 - Professional Liability Coverage
 - General Liability Coverage
 - Employee Benefits Liability Coverage
 - Covered Persons/Covered Organizations
 - Named Insured
 - Insured Entity
 - Employees
 - Volunteers
 - Board or Committee Members
 - Medical Directors, Administrators, Department Heads, Chiefs of Staff
 - Joint Ventures/Partnerships
 - Legal Representatives

- Covered Territory
- Covered Damages/Covered Losses
 - Punitive/Exemplary Damages
 - Multiplied Damages
 - Fines, Penalties, Sanctions, Fees, Government Payments, Taxes
 - Amounts Owed to Medical Service Providers
 - Benefits under an Employee Benefit Plan
 - Nonmonetary Relief
 - Matters Uninsurable under Applicable Law
- Covered Defense Costs
 - Varying Coverage of Defense Costs under HPL Policies
- Defense Procedures
 - Who Controls the Defense of a Claim?
 - Claim Handling Issues
 - Advantages of Duty To Defend Policies
- Claim Settlement Provisions
 - Combination of Settlement Approaches under HPL Policies
 - Primary-Umbrella Insurer Conflicts in Claim Settlement Situations
- Limits and Deductibles
 - Limits Provisions
 - Related Acts Provisions
 - Deductible/Self-Insured Retention Provisions
- Conditions
 - Subrogation
- Exclusions
 - Separate HPL/CGL/EBL Exclusions
 - Exposures for Which Exclusions Are Not Specifically Written
 - Exclusions for the Professional Liability Insuring Agreement
 - Exclusions for General Liability Insuring Agreement
 - Exclusions for EBL Insuring Agreement
 - Exclusions Applying to All Insuring Agreements
- Coverage Triggers
- Documents & Checklists
 - Coverage Checklist
- Allied Healthcare
 - Exposures and Underwriting
 - Exposures Faced by Professionals
 - Specific Provider Exposures
 - Nurses
 - Dentists

- Emergency Medical Technicians (EMTs)
 - Pharmacists
 - Social Workers
- Underwriting Allied Healthcare
 - Rating Bases
 - Key Underwriting Factors
 - Case Study
 - Loss Control
- Insurance Markets
- Coverage
 - Two Types of Allied Healthcare Professional Liability Policies
 - Profession-Specific Policies
 - Policies Covering a Variety of Allied Healthcare Professionals
 - Profession-Specific and Generic Policies: Equivalent Coverage Breadth
 - Professional Liability and General Liability in One Form
 - Rationale for Covering Professional and General Liability in One Form
 - Professional or General Liability Claim Example
 - Drawing the Distinction: A Formula
 - Insuring Agreements
 - Coverage for Professional Liability Exposures
 - Coverage for General Liability Exposures
 - Covered Persons/Covered Organizations
 - Coverage for Activities on Behalf of the Named Insured
 - Exclusion of Physicians, Surgeons, Dentists
 - Named Insured
 - Employees
 - Independent Contractors
 - Students
 - Medical Directors
 - Covered Damages
 - Punitive Damages Excluded
 - Restitution/Return of Fees
 - Fines, Penalties, Fees, Taxes
 - Covered Territory
 - Rationale for Territorial Restrictions
 - The Need for Unrestricted, Worldwide Coverage
 - Claims Settlement Provisions
 - Coverage of Defense Costs
 - Implications of Defense Coverage in Addition to Policy Limits
 - Implications of Defense Coverage within Policy Limits

- Supplementary Payments Coverage
 - Application of Supplementary Payments to Policy Limits and Retentions
 - Limits and Deductibles/Retentions
 - Limits
 - Deductibles/Retentions
 - Conditions
 - Other Insurance Clauses
 - Exclusions
 - Intentional, Willful, Criminal, Fraudulent Acts
 - Contractual Liability
 - Warranties or Guarantees
 - Improper Billing
 - Injury Caused While Impaired
 - Claim While License Suspended
 - Sexual Acts
 - Medical Professions Other Than Those Stated within Declarations
 - Proprietorship Liability
 - Insured versus Insured
 - Privacy Violations
 - Exposures Covered by Other Policies
 - Coverage Triggers
 - Occurrence Coverage Triggers: A Marketing Tool for Insurers
 - Bottom Line: Occurrence Policies Offer Insurer Marketing Advantage
 - Documents & Checklists
 - Coverage Checklist
- Managed Care
 - Exposures
 - Characteristics of Managed Care Organizations
 - Cost Control Elements of MCOs
 - Types of Managed Care Organizations
 - Managed Health Care Industry
 - Industry Structure and Competitive Practices
 - Increasing Consolidation
 - Conversion to For-Profit Status
 - Specific Managed Health Care Organization Liability Exposures
 - Negligent Credentialing/Provider Selection
 - Network Development
 - Vicarious Liability
 - Utilization Review

- Warranties Regarding Quality
 - Financial Incentives
 - Clinical Patterns
 - Miscellaneous Errors and Omissions
 - Direct Professional Liability
- ERISA's Effect upon MCO Liability Exposures
 - Application of ERISA Preemption
 - Quality of Care Claims Are Not Preempted under ERISA
 - Provision of Benefits Claims Are Preempted under ERISA
 - "Mixed Claims": Quality of Care and Provision of Benefits
- Emerging Managed Care Organization Liability Exposures
 - Shift from Bodily Injury to Business Practices Litigation Claims
 - Significant Rise in Class Action Litigation
 - Explosion of Antitrust Claims
 - A "Flip" in Defense to Indemnity Ratio
 - Future Developments Impacting the MCO Exposure
 - MCOs as Medicaid and Medicare Drug Plan Purveyors
- Employer Exposures to Liability from Managed Care Organizations
 - Restriction of Choice
 - Employer as "Deep Pocket" in Claim Situations
 - Coverage of Employer Exposure for Managed Care
 - Employer Loss Control Approaches
- Managed Health Care Loss Control
 - Communication
 - Monitoring Health Care Delivery
 - Risk Transfer
- Managed Health Care Underwriting Case Study
 - General Information, Operations, and Structure
 - Credentialing/Provider Selection
 - Utilization Review
 - Claims Handling
 - Advertising/Marketing/Sales
 - Claims Information
 - Attachments
 - Signatures
 - Sample--Application for Managed Care Errors and Omissions Liability
 - Sample--Pages 1 and 2
 - Sample--Pages 3 and 4
 - Sample--Pages 5 and 6
 - Sample--Pages 7 and 8

- Sample--Pages 9 and 10
 - Sample--Pages 11 and 12
 - Coordinating Managed Health Care Professional Liability Coverages
 - Types of Managed Health Care Professional Liability Policies
- Insurance Markets
- Coverage
 - Covered Acts/Services
 - Managed Care Business Functions
 - Medical Information Protection
 - Vicarious Liability
 - Covered Entities/Covered Persons
 - Named Insured
 - Individual Insureds
 - Legal Representatives
 - Covered Damages
 - Punitive Damages
 - Covered Territory
 - Defense and Claim Settlement Procedures
 - Who Controls the Handling of a Claim?
 - Advantages of Duty To Defend Policies
 - Claim Settlement Provisions
 - Limits and Deductibles/Retentions
 - Limits
 - Deductibles/Retentions
 - Conditions
 - Exclusions
 - Rendering Medical Services
 - Employment Practices
 - Regulatory Agency Claims
 - Punitive Damages
 - Claims Involving Data Processing Systems
 - Business Operations Claims
 - Claims by Insureds
 - Claims Involving Financial Loss by Shareholders
 - Contractual Liability
 - Willful Criminal and Fraudulent Acts
 - Discrimination
 - Exclusions for Which Coverage Is Available under Other Policies
 - Coverage Triggers

- "Packaged" Policies for MCO Liability
 - Advantages of Package Policies
 - Disadvantages of Package Policies
 - Documents & Checklists
 - Coverage Checklist
 - Long-Term Care
 - Exposures
 - Types of LTC Facilities
 - Board and Care Homes
 - Assisted Living Facilities
 - Nursing Homes
 - Continuing Care Retirement Communities (CCRCs)
 - Medicare/Medicaid Coverage of Long-Term Care
 - Coverage under Medicare
 - Coverage under Medicaid
 - Combined Medicare/Medicaid Funding of LTC
 - Overview of the LTC Industry
 - Key LTC Industry Statistics
 - LTC Litigation/Loss Data
 - The LTC Industry Structure
 - The LTC Industry Economic Outlook
 - Population Projections
 - General and Professional Liability Exposures of LTC Facilities
 - General Liability Exposure
 - Professional Liability Exposure
 - Hybrid Exposures: General Liability or Professional Liability Claims
 - Staffing and Claims of Systemic Neglect
 - Failure To Assess/Inadequate Care Plan
 - Resident Falls
 - Improper Administration of Medication
 - Physical or Emotional Abuse
 - Elopement/Wandering
 - Statutory Claims
 - Classifying a "Hybrid" Claim as Either a GL or PL Claim
 - Rules To Distinguish GL and PL Claims
 - Underwriting
 - Specialty GL/PL Application for LTC Facilities
 - Applicant/Prospective Insured
 - Type of Professional Health Care Services Provided
 - Nursing Services

- Administration and Staffing Levels
 - Resident Population Data
 - Rules and Procedures
 - The Physical Plant
 - Risk Management Activities
- Other Documents
 - ACORD 125 Commercial Insurance Application
 - The LTC Facility's Operator License and Related Documentation
 - Current Financial Statements
 - Recent Loss Runs
 - Resume/CV of Key Management Personnel
 - State Survey
 - Plan of Correction
 - Quality Indicator Profile
 - Statistical Reports
 - Additional Miscellaneous Documentation
- Key Underwriting Factors
 - Profile of a High-Risk Facility
 - Profile of a Low-Risk Facility
 - Underwriting Lessons from Large Losses
 - Nontraditional Underwriting Factors
- Controlling Losses at Long-Term Care Facilities
 - Assessment/Care Plan
 - Wounds and Pressure Sores
 - Hydration and Nutrition
 - Resident Falls
 - Medication Errors
 - Physical or Emotional Abuse
 - Elopement/Wandering
 - General Concerns
 - Use of Arbitration Provisions in Admission Contracts
- Markets for GL/PL Insurance for LTC Facilities
 - Recent Market Conditions
- Coverage Options
 - Self-Insurance
 - Captive Insurance Companies
 - Risk Retention Groups
 - Joint Underwriting Association (JUA)
 - Other Forms of Noninsurance Risk Transfer
 - Traditional Insurance

- Sample Application for Institutional Care Facilities
 - Page 1 of 4
 - Page 2 of 4
 - Page 3 of 4
 - Page 4 of 4
- Insurance Markets
- Coverage Analysis
 - Definition of Insured
 - Emulation of Standard CGL Provisions
 - Special LTC Facility "Who Is an Insured" Provisions
 - Insuring Agreements--GL Coverage Part
 - Insuring Agreements--PL Coverage Part
 - Five Core HPL Coverages
 - "Arising Out of"
 - Coverages for Additional Services and Activities
 - Unique PL Coverages for LTC Facilities
 - LTC Facility vs HPL/Individual Physician Professional Liability
 - Professional Services Exclusion
 - Use of Defined Term Professional Services Greatly Restricts Coverage
 - Potential To Render Coverage Illusory
 - Exceptions Restoring Coverage
 - Other Exclusions
 - Sexual Abuse
 - Contractual Liability
 - Punitive Damages
 - Intentional and Criminal Acts Willful Violations of Statutes
 - Proprietorship Liability
 - Miscellaneous Exclusions
 - Limits and Retentions
 - Nonaccumulation Clause
 - High Retentions
 - Coordinating Coverages
 - CGL Professional Liability Exclusions
 - Excluding CGL Claims from the PL Coverage Part
 - Setting Appropriate Limits
 - Policy Conditions
 - Notice of Cancellation
 - Subrogation
 - Other Insurance

- Agent/Broker Section
 - Fraud Warning Section
 - Applicant Representation Section
 - Signature Section
 - Application Architects and Engineers PL (GSL 7776XXc ed. 02-2010)
- Controlling Design Professional Liability Losses
 - Loss Control Techniques
 - Contract Forms
 - Assumed Liabilities
 - Hold Harmless Agreements with Contractors
 - Proof of Insurance from Other Parties
 - Underwriting the Project Owner and General Contractor
 - Incident Reporting Procedures
- Coordinating Professional and General Liability Policies
 - Product-Related Exclusions: An Exception
- Insurance Markets
- Coverage
 - Covered Organizations and Covered Persons
 - Covered Organizations
 - Covered Persons
 - Covered Acts: A/E Policy Insuring Agreements
 - Coverage for "Professional Services"
 - Coverage for Pollution
 - Covered Damages/Covered Losses
 - Punitive Damages
 - Fines and Penalties
 - Return of Professional Fees
 - Defense Costs and Procedures
 - Defense Costs
 - Duty To Defend Language
 - Claims Settlement Procedures
 - Covered Territory
 - Rationales for Territorial Restrictions/Lack of Restrictions
 - Amending Territorial Restrictions
 - Policy Limits and Deductibles/Retentions
 - Policy Limits
 - Deductibles and Retentions
 - Other Types of Incentive Provisions
 - Supplementary Payments

- Conditions
 - Notice of Cancellation
 - Subrogation
 - "Other" Insurance
 - Severability Provisions
 - Miscellaneous Conditions
- Exclusions
 - Dishonest, Fraudulent, or Criminal Acts
 - Products Liability
 - Services Covered under Project Policies
 - Failure To Provide/Maintain Insurance, Bonds
 - Faulty Workmanship
 - Express Warranties and Guarantees
 - Claims Made Against the Insured by Related/Controlled Entities
 - Contractual Liability
 - Discrimination
 - Employment Practices Liability
 - Insured versus Insured Exclusion
 - Bodily Injury to an Employee (Workers Compensation Claims)
 - Patent, Copyright, Trademark Infringement
 - Liquidated Damages
- Coverage Triggers
 - Operation of Claims-Made Coverage Triggers
 - Retroactive Dates
 - Discovery Provisions
 - Extended Reporting Periods
- Project Professional Liability Insurance Coverage
 - The Project Owner's Perspective
 - Types of Project Coverage
 - Rating and Underwriting Procedures under Project Policies
 - Coverage Format
 - Advantages of Project Policies
 - Coverage for All Design Professionals
 - Continuity Assurance
 - Administrative Ease
 - High Limits
 - Reduction of Disputes
 - Disadvantages of Project Policies
 - Potentially Greater Cost
 - Disputes over Deductibles

- Possible Depletion of Limits
 - Owners Protective E&O Insurance Coverage
 - Coverage Description
 - Mechanics of Owners Protective E&O Coverage
 - Other Features of Owners Protective E&O Insurance
 - Advantages of Protective E&O Policies
 - Advantages for Owners
 - Advantages for Design Professionals
 - Alternatives to Protective E&O
 - Increase Design Professionals Policy Limits
 - Require Design Professionals To Buy Project Insurance
 - Cover the Project under an Owner Controlled Program
 - Hire Design Professionals with High Limits
 - Design-Build Professional Liability Insurance
 - Reasons for Excluding the "Build" Exposure
 - Documents & Checklists
 - Architects & Engineers Professional Liability Coverage Checklist
 - Contractors Professional Liability Coverage Checklist
- XVIII: Media Professionals
 - "Traditional" Media Liability Exposures and Insurance
 - Liability Exposures Faced by "Traditional" Media Companies
 - Distinctive Features of Claims Against Media Organizations
 - Intangible Damages
 - Difficulty in Negotiating Settlements
 - Available Defenses
 - Types of Claims Made Against Media Firms
 - Defamation
 - Invasion of Privacy
 - Newsgathering Torts
 - Intellectual Property Claims
 - Errors and Omissions
 - Media Liability Claim Statistics
 - Underwriting Media Liability Insurance
 - Factors in Pricing
 - Controlling Media Liability Losses
 - Obtain Hold Harmless and Indemnity Agreements
 - Secure Proof of Insurance
 - Issue Liability Disclaimers
 - Obtain Education in Copyright, Privacy, and Libel Law
 - Consult Legal Counsel

- Obtain Warranties from Freelancers
 - Obtain Written Releases from Outside Contributors
 - Obtain Written Releases from Models
 - Document the Accuracy of Information Published/Broadcast
 - Obtain Legal Advice before Aggressive Newsgathering Activities
 - Restrictions on Media Liability Coverage in CGL Policies
 - CGL Advertising and Personal Liability: Incidental Exposures Only
 - Coordinating Media Liability and General Liability Policies
 - Direct Bodily Injury or Property Damage Liability
 - Contingent Bodily Injury or Property Damage Liability
 - Closing the Gap Caused by BI/PD Exclusions in CGL Policies
- Insurance Markets
- Liability Insurance Policies for "Traditional" Media Businesses
 - Covered Acts
 - Types of Exposures Covered by Traditional Media Liability Policies
 - Covered Media Content
 - Covered Media Acts
 - Covered Media Perils
 - Covered Persons
 - Insureds
 - Named Insured
 - Coverage for Outside Activities
 - Coverage for Past Personnel
 - Coverage for Acts Committed Prior to Joining Insured Organization
 - Coverage for Legal Representatives
 - Coverage for Spouses
 - Spousal Coverage Definition That Includes Domestic Partners
 - Coverage for Independent Contractors
 - Covered Damages/Covered Losses
 - Coverage of Punitive Damages
 - Liability Assumed under Contract
 - Definition of Claim
 - Covered Defense Costs
 - Availability of Defense Coverage in Addition to Policy Limits
 - Rationale for Defense Cost Provisions
 - Implications of Defense Cost Provisions That Reduce Policy Limits
 - Insurers' Internal Claim Handling Costs Not Subject to Policy Limits
 - Claim Settlement Procedures
 - The Importance of Settlement Provisions
 - Consent to Settlement Amounts

- Right To Select Counsel
 - Covered Territory
 - Conditions
 - Retraction Provisions
 - Source Revelation Provisions
 - Exclusions
 - Fraudulent, Criminal Acts
 - Bodily Injury/Property Damage
 - Contractual Liability
 - Ownership Disputes
 - Mechanical Failure, Failure of Communications Network/Service
 - False Advertising
 - Patent Infringement
 - Exclusions Also Found in Other Professional Liability Policies
 - Traditional Media Liability Coverage Triggers
 - Why Media Liability Is Written on an Occurrence Basis
 - Occurrence Triggers: How They Operate
 - Advantages and Disadvantages of Occurrence Policies
- Documents & Checklists
 - Coverage Checklist
- Cyber and Privacy Loss Exposures
 - Demystifying Cyber and Privacy Insurance Coverage
 - Coverage Goes by Various Names
 - Confusion with Technology E&O Coverage
 - Cyber/Privacy and Technology E&O Policies Cover Similar Risks
 - Coverage of Property and Liability Exposures under Same Policy Form
 - Lack of Coverage Standardization
 - Menu-Driven Nature of the Coverage
 - Emerging Nature of the Exposure
 - Emerging Nature of the Coverage
 - Overlap with CGL, Professional Liability, and Property Policies
 - Miscellaneous Idiosyncratic Coverage Provisions
 - Third-Party Liability Exposures
 - Information Security Liability
 - Privacy Liability
 - Evolving Liability Standards for Data Breaches
 - Liability for Bodily Injury and Property Damage Arising from Cyberattacks
 - Content Liability Loss Exposures
 - First-Party Property Loss Exposures
 - Business Interruption

- Contingent Business Interruption
 - Extra Expense
 - Data Asset Loss
 - Cyber Extortion
 - Computer Fraud
 - Funds Transfer Fraud
 - Miscellaneous Crime Losses
- Emerging Cyber and Privacy Liability Exposures
 - Social Media
 - Cloud Computing
- Cyberspace and Privacy Liability Loss Control
 - Centralize Responsibility for Security
 - Deal Effectively with Data
 - Secure Servers
 - Create or Reevaluate Vendor Management Programs
 - Get a Handle on Lost Laptops
 - Do Not Forget Mobile Phone Security
 - Reducing Social Media Liability Exposures
 - Managing Threats from within the Organization Itself
 - Managing Threats from Outside the Organization
 - Employ E-Mail Security Techniques
 - Train Employees To Spot "Phishing" E-mails
- Contractually Transferring Cyber and Privacy Risks
- Underwriting Cyber and Privacy Liability Insurance
 - Pricing Cyber and Privacy Policies
 - Modification Factors
- Cyber and Privacy Gaps in "Standard" Forms: Separate Policies Needed
 - Two Key "Gaps" in Several Standard Insurance Policies
 - Coverage Gaps under CGL Forms
 - Coverage Gaps under Commercial Property Insurance Policies
 - Coverage Gaps under Commercial Crime Policies
- Cyber and Privacy Liability Insurance Coverage
 - Third-Party Liability Insuring Agreements
 - Information Security and Privacy Liability Coverage
 - Regulatory Defense and Penalties Coverage
 - Payment Card Industry Fines and Assessments
 - Website Media Content Liability Insuring Agreement
 - Cyber-Related Bodily Injury, Property Damage, and Remediation Costs
 - Bodily Injury and Property Damage Liability Coverage
 - Remediation Cost Coverage

- First-Party Property Coverage Insuring Agreements
 - Privacy Notification and Crisis Management Expense Coverage
 - Cyberextortion Coverage
 - Data Asset Coverage
 - Business Interruption Coverage
 - Computer Fraud Coverage
 - Funds Transfer Fraud Coverage
- Insured Organization and Insured Individuals
 - Named Insured and Subsidiaries
 - Insured Individuals
- Covered Damages/Covered Losses
 - Damages Not Covered
- Covered Territory
- Defense Cost Provisions
 - Defense Costs Reduce Policy Limits
 - Defense Costs Are Applied Against the Retention
- Defense and Settlement Procedures
 - The Duty To Defend
 - Consent to Settlement Provisions (The "Hammer Clause")
- Limits and Retentions
 - Limits
 - Deductibles/Retentions
- Exclusions
 - Criminal, Fraudulent, Intentional Acts
 - Bodily Injury and Property Damage Liability
 - Employment-Related Claims
 - Claims by Related Companies
 - Insured versus Insured
 - Contractual Liability Exclusion
 - Antitrust Violations
 - Unfair Trade Practices
 - Unlawful Collection of Personally Identifiable Information
 - Continuity Date
 - Employee Retirement Income Security Act (ERISA) Exposures
 - Patent, Software Copyright Infringement
 - Trading Losses
 - Mechanical and Electrical Failure
 - Broadcasting, Publishing, Advertising Exclusion
 - Professional Services
 - War, Insurrection, Invasion, Rebellion, Nationalization, Confiscation

- Failure To Follow Minimum Required Security Practices
 - Mold, Asbestos, Electromagnetic Radiation, Pollution Exclusion
 - Loss Involving Laptops or Other Portable Electronic Devices
 - Coverage Triggers
 - Cyber and Privacy Coverage under Businessowners Policies (BOP)
 - Businessowners Policy Eligibility
 - Insuring Agreement A: Replacement or Restoration of Electronic Data
 - Insuring Agreement B: Public Relations Expense
 - Insuring Agreement C: Security Breach Expense
 - Insuring Agreement D: Security Breach Liability
 - Insuring Agreement E: Extortion Threats
 - Insuring Agreement F: Business Income and Extra Expense
 - Insuring Agreement G: Website Publishing Liability
 - Limit of Liability
 - Deductibles
 - Exclusions
 - Coverage Triggers
 - Premium Credits Available for Pre- and Post-Breach Security Services
 - Using a BOP To Cover Cyber and Privacy Exposures
 - Cyber and Privacy Liability Insurance Coverage Checklist
- Technology Errors and Omissions Liability Exposures
 - Technology E&O Exposures
 - Technology Services & Miscellaneous Professional Liability Services
 - Technology Products
 - Media Content Liability Services
 - Network Security Liability
 - Privacy Liability
 - Extortion Threats
 - Crisis Management Expense
 - Business Interruption
 - Types of Companies Requiring Technology E&O Insurance Coverage
 - Underwriting Technology E&O Insurance
 - Pricing Technology E&O Policies
 - Other Key Underwriting Considerations
- Technology Errors and Omissions Liability Insurance Coverage
 - Covered Acts
 - Technology Services and Miscellaneous Professional Services Coverage
 - Technology Products Liability Coverage
 - Media Content Services Liability Coverage
 - Network Security Liability Coverage

- Privacy Liability Coverage
 - Extortion Threat
 - Crisis Management Expense Coverage
 - Business Interruption Coverage
 - Covered Persons and Organizations
 - Covered Organizations
 - Covered Persons
 - Covered Persons
 - Covered Damages
 - Damages Not Covered
 - Coverage of Punitive Damages
 - Defense Costs
 - Defense and Settlement Procedures
 - Consent to Settlement Provisions (The "Hammer Clause")
 - Limits and Retentions
 - Limits
 - Deductibles
 - Exclusions
 - Bodily Injury and Property Damage Liability
 - Contractual Liability
 - Guarantees
 - Advertising
 - Product Recall
 - Business Practice
 - Patent Infringement
 - Privacy
 - Governmental Action
 - Software Responsibility
 - Acts of God
 - Recovery of Profits, Royalties, and Fees
 - Coverage Triggers
 - Technology E&O Insurance Coverage Checklist
- XIX: Miscellaneous Professionals
 - Exposures
 - A Brief History of Miscellaneous Professional Liability Policies
 - Economic and Societal Changes Creating the Need for MPL Policies
 - Types of Nontraditional Professions Covered by MPL Policy Forms
 - Underwriting
 - Challenges in Underwriting Miscellaneous Professional Liability
 - Diversity of Exposures

- Pricing with Limited/Nonexistent Loss Data
 - Small Data Sets
 - Rapidly Changing Exposures
 - Pricing and Rating MPL Policies
 - Rating Base
 - Hazard Classes: The Key to Pricing MPL Policies
 - "Automatic" Modification Pricing Factors
 - Other Key Underwriting Considerations
 - Miscellaneous Professional Liability Underwriting Case Study
 - Analysis of Generic Miscellaneous Professional Liability Application
 - Analysis of a Profession-Specific Supplement to an MPL Application
 - Analysis of an Application for an Executive Search Firm
 - Conclusion
 - Sample Form--Cover-Pro Application
 - Sample Supplement Employment Agency, PEO, Temp Employment, Recruiter
 - Coordinating MPL and CGL Insurance Policies
 - Exclusions Added to CGL Policies
 - Exclusions in MPL Policies
 - Closing the Gaps for BI/PD/PI/AI Exposures
- Insurance Markets
 - Errors and Omissions
 - Miscellaneous Professionals
 - Other
- Coverage Analysis
 - An Overview of MPL Policies
 - The Restrictive Nature of MPL Forms
 - Covered Services/Covered Acts
 - Two Basic Areas of Coverage: Negligence and Personal Injury
 - Preventing Coverage Disputes and Coverage Declinations
 - Covered Organizations/Persons
 - Predecessor Firm Coverage: Firms Purchased or Merged with Insured
 - Supplementary Payments Coverage
 - Covered Territory
 - Unrestricted Worldwide Coverage
 - Act Anywhere, Claim in U.S., Its Territories, Possessions, or Canada
 - Covered Damages/Covered Losses
 - Punitive Damages
 - Fines and Penalties
 - Return of Professional Fees
 - Coverage of Remedial Services

- Intellectual Property Loss Exposures
 - Patent Infringement Exposures
 - Nonmonetary Exposures from IP Litigation
 - Infringement Abatement Exposure
 - Defense Cost Reimbursement Exposure
- Underwriting IP Insurance Coverage
 - Underwriting Infringement Abatement Coverage
 - Defense Cost Reimbursement Insurance
- Coordinating IP Insurance with Other Insurance Coverages
- Intellectual Property Insurance Coverage
- Infringement Abatement Insurance
 - Schedule of Covered Intellectual Property
 - Insuring Agreement
 - Key Policy Conditions
 - Insured Has Purchased Economic Benefit Endorsement
 - Insured Has Not Purchased Economic Benefit Endorsement
- Defense Cost Reimbursement Coverage
 - Schedule of Covered Manufactured Products
 - Insuring Agreement
 - Coverage for Damages Awarded Against the Insured
 - Key Policy Conditions
- Common Policy Provisions
 - Insureds
 - Coverage Trigger
 - Exclusions
 - Limits, Retention, and Coinsurance
 - Cancellation of Coverage
 - Policy Territory
 - Extended Reporting Periods
 - Arbitration Provisions
- Conclusion
- Intellectual Property Coverage Checklist
- Real Estate Brokers Liability Insurance
 - Exposures Faced by Real Estate Brokers
 - Services Performed by Real Estate Brokers
 - Licensing
 - Associations
 - Types of Claims Against Real Estate Brokers

- Underwriting Real Estate Brokers Liability Insurance
 - Rating
 - Specific Underwriting Considerations
 - Controlling Real Estate Brokers Liability Losses
 - Coordinating Real Estate Brokers and General Liability Policies
 - Coverage Gap? Designated Professional Services Endorsement, CG 21 16
 - Real Estate Brokers Errors & Omissions Liability Coverage Analysis
 - Covered Services/Covered Acts
 - Covered Persons/Covered Organizations
 - Covered Damages
 - Covered Defense Costs
 - Claims Settlement Procedures
 - Limits and Deductibles
 - Conditions
 - Exclusions
 - Coverage Triggers
 - Real Estate Brokers Liability Coverage Checklist
 - Real Estate Brokers Liability Insurance Markets
- Bankers Professional Liability Insurance
 - Exposures
 - Exposures to Customers/Clients
 - Exposures to Third Parties
 - Combination Policy Forms
 - Coverage
 - Covered Acts/Covered Services
 - Covered Organizations/Covered Persons
 - Covered Damages
 - Covered Territory
 - Covered Defense Costs
 - Claims Settlement Procedures
 - Limits
 - Retention Provisions
 - Conditions
 - Exclusions
 - Coverage Trigger
 - Underwriting
- Union Liability Insurance
 - Underwriting
 - Key Coverage Provisions
 - Covered Persons/Organizations

- Coverage Extension for Individual Labor Leaders
 - Covered Acts
 - Defense Coverage
 - Exclusions
- Seedsmen's E&O Liability Insurance
 - Seedsmen's E&O Insurance vs Product Liability Insurance
 - Exposures
 - Rating
 - Key Coverage Provisions
 - Insuring Agreement
 - Coverage for Seeds Sold during a Prior Policy Period
 - Coverage for Multiple Claims from the Same Seed Lot
 - Exclusions
- Environmental Consultants Professional Liability Insurance
 - Exposures
 - Types of Environmental Consultants
 - Types of Claims Against Environmental Consultants
 - Underwriting
 - Type of Consultant
 - Revenues
 - Major Modification Factors
 - Secondary Modification Factors
 - Loss Control
 - Coverage Coordination
 - Commercial General Liability
 - Architects and Engineers Errors and Omissions Liability
 - Contractors Pollution Liability
 - Pollution and Remediation Legal Liability (First/Third Party)
 - Pollution Legal Liability Insurance (Third-Party)
 - First Party Environmental Remediation Insurance
 - Forms Combining CGL and Specific Professional Exposures
 - Approaches to Environmental Consultants Professional Liability
 - Coverage: Key Aspects
 - Covered Acts/Services
 - Covered Damages
 - Covered Territory
 - Covered Defense Costs
 - Claims Settlement
 - Limits and Deductibles
 - Exclusions

- The Asbestos Exclusion
 - Coverage Triggers
 - Extended Reporting Provisions
 - Insurance Markets
- General Partners Liability & Ltd. Partnership Reimbursement Insurance
 - General Partners Liability vs Partnership Managers Liability
 - Nature of Limited Partnerships
 - Exposures to Claims
 - Underwriting Data
 - Coverage Coordination Issues
 - Key Coverage Provisions
- Mutual Fund and Directors & Officers E&O Liability Insurance
 - Exposures
 - Underwriting
 - Underwriting Data
 - Rating
 - Key Coverage Provisions
 - Covered Acts/Services
 - Limits of Liability
 - Covered Persons/Organizations
 - Coverage Extension for Research Firms
 - Exclusions
- Representations & Warranties Insurance
 - Representations & Warranties Associated with Corporate Transactions
 - Need for Representations & Warranties Insurance
 - Escrow Funds versus a Representations and Warranties Policy
 - Other Advantages of Representations & Warranties Policies
 - Advantages to a Seller
 - Advantages to a Buyer
 - Coverage Provided by Representations & Warranties Policies
 - Insuring Agreement
 - Insureds
 - Subrogation
 - Exclusions
 - Limits and Deductibles
 - Underwriting
 - Documents
 - Who Pays the Premium: the Buyer or the Seller?
 - Conclusion

- Loss Mitigation Underwriting
 - Situations in Which Loss Mitigation Underwriting Is Used
 - The Two Major LMU Structures
 - Claim Buyouts
 - Risk Transfer Arrangements
 - LMUs versus Loss Portfolio Transfers
 - Advantages for Insureds
 - Places a "Cap" on Liability
 - Offers Customized Financing
 - Obtaining Insurer Claim Management Expertise
 - Removing Impediments to M&A Transactions
 - Balance Sheet Cleanup
 - Types of Loss Situations in Which LMUs Have Been Applied
 - Underwriting
 - Developing a Value for the Litigation
 - Documents To Review
 - Pricing an LMU
 - LMU Agreements
- Tax Opinion Insurance
 - Tax Opinion Insurance versus Tax Insurance
 - Scope of Coverage under Tax Opinion Insurance
 - Applications of Tax Opinion Insurance
 - Tax Opinion Insurance in Action: A Practical Application
 - The Need for Tax Opinion Insurance Coverage
 - Advantages of Tax Opinion Insurance Coverage
 - Increase in Earnings
 - Avoidance of Maintaining Contingent Reserves
 - Reduction of Board Inertia
 - Loss Payable under Tax Opinion Insurance
 - Coverage Provided by the Policies
 - Pricing
 - Underwriting
 - Documents To Submit with the Application
- Travel Agents E&O Liability Insurance
 - Exposures
 - Underwriting
 - Rating
 - Key Coverage Provisions
 - Coverage of Additional Insureds
 - Exclusions

- XXI: Employment Practices Liability
 - Exposures
 - Common Law Exposures
 - Discrimination
 - Liability from "Ban-the-Box"/"Fair Chance" Legislation
 - Wrongful Termination
 - Sexual Harassment
 - Retaliation
 - Claims Arising from Social Media
 - Inappropriate Workplace Conduct
 - Statutory Law EPL Exposures
 - Fair Labor Standards Act of 1938
 - Equal Pay Act of 1963
 - Title VII of the Civil Rights Act of 1964
 - Age Discrimination in Employment Act (ADEA) of 1967
 - Pregnancy Discrimination Act of 1978
 - Worker Adjustment and Retraining Notification Act of 1988
 - Americans with Disabilities Act (ADA) of 1990
 - Americans with Disabilities Act Amendments Act of 2008 (ADAAA)
 - Family and Medical Leave Act (FMLA) of 1993
 - Uniformed Services Employment Reemployment Rights Act (USERRA) 1994
 - Genetic Information Nondiscrimination Act of 2008
 - Liability under State and Local Statutes
 - Fair Employment Practices Laws
 - Whistle-Blower Statutes
 - Public Policy Protection
 - Administrative Procedures
 - Key Employment Claim Data
 - EEOC Data
 - Employment Practice Liability Jury Award and Claim Settlement Data
 - Rating and Underwriting Employment Practices Liability Coverage
 - Rating Basis for EPLI Policies: Rate "Per Employee"
 - Jurisdiction
 - Industry
 - Size of Company
 - Use of Leased Employees
 - Union Employees
 - Profitability and Net Worth
 - Age of Firm
 - Mix of Exempt and Nonexempt Employees

- Claim History
 - Written Procedures
 - Termination Rates
 - Termination Procedures
 - Plans for Staff Reductions and Layoffs
 - Corporate Culture
 - Renewal Underwriting: Assessing Change
 - Underwriting Employment Practices Liability: A Case Study
 - Application Structure
 - Important, Unasked Questions
 - Concluding Thoughts
 - Beazley EPL Sure Application
 - Employment Practices Liability Loss Control
 - Effective Hiring
 - Online Searches of Job Candidates
 - Using Protective Legal Documents
 - Preventing Sexual Harassment Claims
 - Preventing Claims Associated with Special Employment Situations
 - Avoiding Misclassification Claims
- Insurance Markets
- Insurance Coverage
 - How EPLI Coverage Is Afforded by Insurers
 - Stand-Alone EPLI Policies
 - A Part of Management/Executive Liability Package Policies
 - How Does the Scope of Coverage Compare Across the Two Policies?
 - Covered Organizations
 - Coverage of the Corporate Entity
 - Coverage of Subsidiaries
 - Coverage of LLCs and LLPs
 - Coverage of Nonprofit Entities
 - Newly Acquired/Newly Formed Organizations
 - Acquisition of the Insured Organization
 - Covered Persons
 - Definition of "Employee"
 - Coverage for Workers Leased to Others
 - Spousal Coverage
 - Coverage of Heirs, Executors, Trustees, and Legal Representatives
 - Covered Acts
 - Discrimination
 - Wrongful Termination

- Harassment
 - Retaliation
 - Wrongful Employment Practices Act
 - Employee Privacy
 - Internet Wrongful Acts
- Third-Party Liability Coverage
 - Third-Party Liability Claims: Several High-Profile Examples
 - Need for Third-Party Liability Coverage: What Drives the Exposure?
 - Third-Party EPL Coverage
- Coverage for Wage and Hour Claims
 - The Wage and Hour Exclusion in EPLI Policies
 - Wage and Hour Defense Coverage Endorsements
 - Immigration-Specific Coverage Endorsements under EPLI Policies
- Covered Losses/Covered Damages
 - Excluded Losses/Excluded Damages
 - Coverage for Punitive Damages
- Definition of "Claim"
 - Coverage for Administrative Proceedings
- Claims Management Provisions
 - Claims Settlement Procedures
 - Duty To Defend Language versus Non-Duty To Defend Language
- Defense Cost Provisions
 - Defense Costs Reduce Policy Limits: The "Shrinking Limits" Factor
 - Insurer Internal Claims Handling Expenses Are Not "Defense Costs"
 - Additional Defense Coverage Limits
- Policy Limits, Deductibles, and Coinsurance
 - Policy Limits
 - Retentions/Deductibles
- Conditions
 - Arbitration Provisions
 - Other Insurance Provisions
 - Severability Provisions
- Exclusions
 - Criminal, Fraudulent, or Intentional Injury
 - Bodily Injury
 - Liability under Workers Compensation and Similar Laws
 - Contractual Liability
 - Americans with Disabilities Act
 - Wage and Hour Claims
 - Prior Knowledge of Potential Claim Incidents

- Claims Reported to Prior Insurers
 - Labor-Related Claims
 - Breach of Employment Contracts/Severance Pay
 - Compensation/Insurance Plan Benefits
 - Coverage Triggers
 - Operation of Claims-Made Coverage Triggers
 - Retroactive Dates
 - Discovery Provisions
 - Extended Reporting Periods
 - Coverage Checklist
- XXII: Physicians
 - Exposures
 - Practice of Medicine
 - Branches of Medicine
 - Medical Education
 - Licensing and Practice Requirements
 - Hospital/Staff Privileges
 - Medical Society Membership
 - Professional Medical Societies
 - Physicians Claim Data
 - Average and Median Indemnity Amount Trends
 - Large Claim Trends
 - Trends in Claim Causes
 - Overall Award Trends
 - Plaintiffs "Win Rate" in Medical Professional Liability Cases
 - Medical Professional Liability Insurance Liability Crisis
 - Effects on Physicians
 - Physician Specialties under Pressure
 - Medical Professional Liability Insurance Crisis: Potential Solutions
 - Help Efficient, Accessible, Low-Cost, Timely Healthcare Act, 2005
 - Stronger Policing of "Bad Docs"
 - Hospitals Offer "Free" Coverage to Physician Employees
 - Patient Compensation Funds
 - "Going Bare": Doctors without Insurance
 - Professional Liability Exposure of Physicians
 - Negligence Liability
 - Vicarious Liability
 - Statutory Duties
 - Special Duties Owed by Physicians
 - Evidentiary Rules and Procedures

- Common Allegations of Medical Professional Liability
 - Defenses to Medical Professional Liability Claims
- Underwriting Physicians
 - Physicians Professional Liability Rating
 - Modification Factors in Rating
 - Case Study
 - General Information
 - Educational Background
 - Board Certification or Eligibility
 - Physician Underwriting Information
 - Employee Information
 - Business Information
 - Notice of No Prior Acts Coverage
 - Fraud Statement and State-Specific Notices
 - Notice Regarding Incomplete or Incorrect Information
 - Signature Section
 - Authorization To Release Information
 - Authorization To Provide a Certificate of Insurance
 - Sample Application Form
- Controlling Physicians Professional Liability Losses
 - Patient Communication
 - Document Consent, Diagnosis, and Treatment
 - Do Not Conceal Error/Unexpected Results
 - Outline All Possible Outcomes
 - Develop Effective Billing Procedures
 - Consult with Specialists
 - Continuing Education
 - Avoid Treating Via the Telephone
 - Avoid Overbooking Appointments
 - Use Interpreters
 - Review Notes/Reports Immediately
- Coordinating Physicians Professional and General Liability Policies
 - CGL Policy Coverage Restrictions
 - Gray Coverage Areas
 - Combined CGL-Professional Liability Coverage A Partial Solution
- Insurance Markets
- Coverage Analysis
 - Covered Services/Covered Acts
 - Coverage for Acts of Insured Physicians
 - Coverage for Employees/Paramedical Personnel: Vicarious Liability

- Coverage for Peer Review Activities
 - Medicare Fraud and Abuse Coverage
- Covered Persons/Covered Organizations
 - Coverage for the Named Insured
 - Corporate/Partnership Coverage
 - Coverage of Employees
 - Coverage of Legal Representatives
 - Coverage of Temporary Substitute "Locum Tenens" Physicians
- Covered Territory
 - Coverage for Acts Committed Where Insured Is Licensed To Practice
 - Coverage for Acts Committed in and Lawsuits Filed in U.S.
 - Coverage for Worldwide Acts and Lawsuits Filed in U.S.
- Covered Damages
 - No Coverage for Fines, Penalties, or Punitive Damages
 - No Coverage for the Return of Professional Fees
- Covered Defense Costs
 - Defense Provided in Addition to Policy Limits
 - Defense Provided within Policy Limits: "Shrinking Limits" Policies
- Claim Settlement Provisions
 - Insurer Cannot Settle Claims without Insured's Consent
 - Insurer Can Settle Claims without Insured's Consent
 - Standard "Hammer Clause" Settlement Provision
 - Claim Settlement Provisions and National Practitioner's Data Bank
 - Claim Settlement Provisions: An Assessment
- Covered Supplementary Payments
 - Supplementary Payments Covered in Addition to Policy Limits
 - No Deductible/Retention Applicable to Supplementary Payments
- Limits and Deductibles
 - Limits
 - Deductible Provisions
- Conditions
 - Notice of Cancellation
 - Notice of Nonrenewal
 - Subrogation
 - Other Insurance
 - Mandatory Practice Change Notice Provisions
- Exclusions
 - Exposures Not Excluded but Not Covered
 - Obligation To Defend within Exclusionary Language
 - Four Types of Exclusions

- Exclusions for Uninsurable Exposures
 - Claims Involving Specific Medical Practices
 - Claims Involving Business Practices or Relationships
 - Claims Covered by Other Policies
- Coverage Triggers
 - Operation of Claims-Made Coverage Triggers
 - Retroactive Dates
 - Awareness Provisions
 - Extended Reporting Periods
 - ERP Provisions in Physicians Professional Liability: Implications
- Conclusion
- Documents & Checklists
 - Coverage Checklist