

Insurance Compliance Worksheet

Identifies Professional Liability Insurance Compliance Options

Oregon Professional Liability Insurance Requirements

Each year, attorneys practicing law in the State of Oregon, must comply with the insurance mandate through one of the following pathways: 1) by purchasing and maintaining professional liability insurance coverage from the Oregon State Bar Professional Liability Fund (PLF); or 2) request an exemption from the PLF because the attorney meets the eligibility requirements for one of the PLF's exemptions. Temporary Practice Applicants must also meet Oregon's Insurance Requirement (defined in Section A below)

Temporary Practice Applicants can achieve compliance through one of the following: 1) by purchasing professional liability insurance through the PLF; or 2) qualify for an exemption from the insurance requirement. Regulatory Counsel's Office (RCO) will review each Temporary Practice Application and other submitted materials to assess each applicant's compliance with the Oregon Insurance Requirement. RCO will not issue an Authorization Notice to any Applicant, unless and until, the Applicant's submission confirms compliance with the Temporary Practice Rule. Sections A & B below will provide an overview of Oregon's Insurance Requirements, including relevant exemption criteria.

- A. Oregon Insurance Requirements:** The PLF Primary Coverage Plan is the policy that offers the minimum coverage terms required for Oregon attorneys, the critical terms of which include: (1) no deductible; (2) policy limits of \$300,000 aggregate of all claims; and (3) an additional \$75,000 claims expense allowance (for defense costs) for claims made against the covered attorney during the plan period ("Required Insurance Coverage"). As currently used in the Temporary Practice Application and any related RCO documents, such as this Worksheet, the term "Oregon Insurance Requirements" means the requirement that a Temporary Practice Applicant will obtain, at a minimum, the Required Insurance Coverage through the PLF.
- B. Exemptions from PLF Coverage:** A Temporary Practice Applicant may qualify for an exemption from RCO if any of the following statements are true:
- B.1 Applicant is employed by the U.S. government; the State of Oregon; a federally-recognized American Indian Tribal Government; a county, regional, or city government; or any other government body, board, or commission;
 - B.2 Applicant is employed as in-house counsel for a business entity or non-profit organization. The key terms to this exemption are "in-house" and "employed." This exemption is not available to independent contractors who work exclusively for one corporate client. If an applicant is unsure, they should consult with their employer about their classification, as they are a party to the Temporary Practice Application as well.
 - B.3 Applicant is employed, or is an independent contractor for, a legal aid or public defender organization and that organization has purchased an insurance policy that covers their practice. This exemption applies to employees of a private law firm that exclusively provides legal aid or public defender services.
 - B.4 Once it is determined an applicant requires coverage or qualifies for an exemption, the applicant will receive a "Pre-Qualified Notice" with instructions on how to obtain coverage through the PLF or file the required exemption.

C. Questions and Analysis for your Pathway Selection:

To select your pathway to compliance, first answer the questions presented in C.1 and C.2, and read all of the analysis provided in C.3. Finally, depending on the pathway selected, you may need to gather the necessary supporting documentation and submit it with your Temporary Practice Application.

C.1 Will you be engaged in the private practice of law in Oregon should this application be approved?

Yes No

C.2 Will you be employed in one of the following roles? Yes No

(a) as an attorney, who works exclusively for a government agency or instrumentality of a government agency;

(b) as in-house counsel, who works exclusively for one client that is a business entity or non-profit organization; or

(c) as an attorney for a legal aid or public defender organization and the organization will purchase an insurance policy that covers your practice (independent contractors for such organizations qualify as well).

C.3 The following paragraphs (a) – (c) provide analysis of your answers to C.1 and C.2, and mandate the steps required to establish your compliance with the Oregon Insurance Requirements:

- (a) If “Yes” to C.1 and “No” to C.2 - you must obtain professional liability coverage through the PLF. Once RCO determines you are qualified, you will receive a letter explaining how you are to obtain PLF coverage. Note that you cannot practice until RCO has proof of PLF coverage and you receive an authorization notice from RCO.
- (b) If you answered “No” to C.1 and “Yes” C.2, you may request an exemption from the insurance requirement; however, the request for an exemption must be confirmed by RCO. To receive the necessary confirmation, you must draft a narrative of your current practice and employment to establish your eligibility for the exemption. If you are new to the position that qualifies for this exemption, you may want to confirm the facts stated in your narrative with your employer before submission. Submit your completed narrative with your Temporary Practice Application. Follow the instructions in the SmartSheet form for proper order and naming nomenclature.; and
- (c) If you answered “No” to both C.1 and C.2, DO NOT submit an application as it appears that you do not qualify for a temporary license. Positions such as these would not perform enough legal work to give the applicant the experiential learning experience in Oregon law that this license was intended to provide.