

## Lawyers Professional Liability Insurance Application

A Claims Made and Reported Policy

**PLEASE INCLUDE A COPY OF YOUR CURRENT LETTERHEAD**

### GENERAL INFORMATION

“Applicant” refers to firm and each lawyer named in Application.

1. Firm Name: \_\_\_\_\_ Website Address: \_\_\_\_\_
2. Principal Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_
3. Primary Contact: \_\_\_\_\_ Email address: \_\_\_\_\_
4. Firm Telephone No. \_\_\_\_\_ Mobile No. of Contact: \_\_\_\_\_ Fax No.: \_\_\_\_\_

LIST ALL LAWYERS IN THE FIRM	FLORIDA BAR NUMBER	HIRE DATE	YEARS IN PRIVATE PRACTICE	BOARD CERTIFIED BY THE FLORIDA BAR	LIST TOP 3 COUNTIES THAT YOU PRACTICE IN <u>30% OR MORE</u> AND THE % IN EACH	% OF PRACTICE OUT OF STATE
Name: _____ Email: _____ *Relationship: _____				Yes <input type="checkbox"/> No <input type="checkbox"/>	1- _____ % 2- _____ % 3- _____ %	
Name: _____ Email: _____ *Relationship: _____				Yes <input type="checkbox"/> No <input type="checkbox"/>	1- _____ % 2- _____ % 3- _____ %	
Name: _____ Email: _____ *Relationship: _____				Yes <input type="checkbox"/> No <input type="checkbox"/>	1- _____ % 2- _____ % 3- _____ %	
Name: _____ Email: _____ *Relationship: _____				Yes <input type="checkbox"/> No <input type="checkbox"/>	1- _____ % 2- _____ % 3- _____ %	
Name: _____ Email: _____ *Relationship: _____				Yes <input type="checkbox"/> No <input type="checkbox"/>	1- _____ % 2- _____ % 3- _____ %	
Name: _____ Email: _____ *Relationship: _____				Yes <input type="checkbox"/> No <input type="checkbox"/>	1- _____ % 2- _____ % 3- _____ %	
Name: _____ Email: _____ *Relationship: _____				Yes <input type="checkbox"/> No <input type="checkbox"/>	1- _____ % 2- _____ % 3- _____ %	

\***Relationship:** **S** = Sole Proprietor; **O** = Officer/Partner; **E** = Employee/Associate; **OC** = Of Counsel; **IC** = Independent Contractor

\*\*If the firm has an “Of Counsel” or “Independent Contractor” Attorney not listed on the application, please provide the name(s) and a copy of the professional liability Declarations page for each lawyer not listed.

### REQUESTED COVERAGE

5. **Effective Date Requested (as of 12:01 a.m.):** \_\_\_\_\_ (Backdating not permitted)

**6. Limits of Liability Requested (Per Claim/Total Limit):**

- |  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> \$100,000/\$300,000     | <input type="checkbox"/> \$250,000/\$500,000     | <input type="checkbox"/> \$500,000/\$1,000,000   | <input type="checkbox"/> \$1,000,000/\$1,000,000 |
| <input type="checkbox"/> \$1,000,000/\$2,000,000 | <input type="checkbox"/> \$2,000,000/\$2,000,000 | <input type="checkbox"/> \$2,000,000/\$4,000,000 | <input type="checkbox"/> \$3,000,000/\$3,000,000 |
| <input type="checkbox"/> \$4,000,000/\$4,000,000 | <input type="checkbox"/> \$5,000,000/\$5,000,000 | <input type="checkbox"/> Higher Limits           |  |

7. **Deductible Requested:** ☐ \$2,500    ☐ \$5,000    ☐ \$10,000    ☐ \$15,000    ☐ \$25,000    ☐ \$50,000    ☐ \$100,000

8. Is the Applicant currently insured? ☐ Yes ☐ No

9. Does Applicant seek prior acts coverage? ☐ Yes ☐ No

**If Applicant seeks prior acts coverage, the current Declarations page must be provided to confirm dates of coverage.**

**10. Applicant's history of professional liability insurance carried during the past five (5) years:**

Insurance Company

## Limits of Liability

Policy Period

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11. If the Applicant is a sole practitioner, please provide the name of the lawyer who will contact your clients with pending matters in the event of an unplanned extended absence. Name: \_\_\_\_\_  
Florida Bar # \_\_\_\_\_

12. Is any lawyer “of counsel” or “independent contractor” to the Applicant firm other than those named in Question 1? If yes, please provide the name(s) and a copy of the professional liability Declarations page for each lawyer not listed. ☐ Yes ☐ No

13. Does the Applicant firm (or any Applicant lawyer) have any other law partner, associate, or employed lawyer other than those named in Question 1? If yes, please attach an explanation. ☐ Yes ☐ No

14. How many lawyers have left the firm in the past 3 years? \_\_\_\_\_

**15. Indicate the number of non-lawyer employees in the firm.** Clerks: \_\_\_\_\_ Paralegals: \_\_\_\_\_ Legal assistants: \_\_\_\_\_ Others: \_\_\_\_\_  
(There is no additional charge for non-lawyers)

**16. How did you hear about Florida Lawyers Mutual Insurance Company? (Please check all that apply.)**

- ☐ Advertisements (print or digital)
  - ☐ Article/resource published by Florida Lawyers Mutual
  - ☐ CLE
  - ☐ Direct referral from The Florida Bar
  - ☐ Emails from or about Florida Lawyers Mutual
  - ☐ Event (virtual or in-person)
  - ☐ Florida Lawyers Mutual Website
  - ☐ Florida Lawyers Excellence App
  - ☐ Flyer or letter

- ☐ Google search
  - ☐ Local/voluntary bar association
  - Name of bar: \_\_\_\_\_
  - ☐ Social Media
  - ☐ The Florida Bar website, events, or publications
  - ☐ Word of mouth
  - ☐ Other \_\_\_\_\_

## **FIRM & RISK MANAGEMENT**

17. Are all Applicant lawyer members in good standing with The Florida Bar? If no, please attach explanation. ☐ Yes ☐ No
18. Are all Applicant lawyers in compliance with Articles 5-1.1 and 5-1.2 of the Rules regulating Trust Accounts? ☐ Yes ☐ No  
If no, please attach explanation.
19. Does the Applicant:
- a. maintain at least one calendar with a backup-up system? ☐ Yes ☐ No
  - b. have established procedures for identifying potential or actual conflicts of interest? ☐ Yes ☐ No
  - c. use Engagement letters (e.g., retention letters, contract letters, fee letters, etc.)? ☐ Yes ☐ No
  - d. use Non-Engagement letters (e.g., decline letters, turndown letters, etc.)? ☐ Yes ☐ No
  - e. use Disengagement letters (e.g., closing letters)? ☐ Yes ☐ No
- If no, please attach explanation.
20. Has the firm filed suit against a client to collect unpaid fees in the past 3 years? ☐ Yes ☐ No  
If yes, please provide collection practices, dates, and the outcome of each suit.
21. Does any Applicant lawyer own or operate a separate title company? ☐ Yes ☐ No  
If yes, please provide a copy of the professional liability Declarations page for the title company.
22. Does any Applicant lawyer engage in business ventures with clients? ☐ Yes ☐ No  
If yes, please attach a description of the client's business, position, ownership interest, and insurance coverage.
23. Does any Applicant lawyer serve on the board of directors of a client of the Applicant firm? ☐ Yes ☐ No  
If yes, please attach explanation describing the position, length of time, and proof of D&O insurance coverage.
24. Has any Applicant lawyer entered into any contract or agreement, oral or written, guaranteeing the result of any professional service rendered by the Applicant lawyer or by any person under their direct control or supervision? If yes, please attach an explanation, provide a copy of the agreement, and describe the relationship to the person under the lawyer's control or supervision. ☐ Yes ☐ No

## **DISCIPLINE & CLAIMS HISTORY**

25. Has any Applicant lawyer had any professional liability insurance declined, canceled, nonrenewed, or accepted only on special terms? ☐ Yes ☐ No  
If yes, please attach explanation of the reasons given and circumstances, along with any relevant documents.
26. Has any Applicant lawyer:
- a. been the subject of a grievance complaint in the past five years? ☐ Yes ☐ No
  - b. ever been the subject of an admonishment, reprimand, or other disciplinary action by any bar association, court, or administrative agency? ☐ Yes ☐ No
- If yes, please attach explanation of the reasons given and circumstances, along with any relevant documents.
27. Has any Applicant lawyer been charged with a crime? If yes, please attach explanation and relevant documents. ☐ Yes ☐ No
28. Has any professional liability claim(s) or suit(s) been made against the Applicant firm or any predecessor firm or any Applicant lawyer within the past five (5) years? ☐ Yes ☐ No  
If yes, please complete a Supplemental Claim form (available on our website or from your underwriter).
29. Does any Applicant lawyer know of any circumstance, act, error, or omission that could result in a professional liability claim(s) against the Applicant firm or any predecessor firm or any Applicant lawyer? ☐ Yes ☐ No  
If yes, please complete a Supplemental Claim form. Any such claims are not covered under this policy.

## PRACTICE AREAS

### 30. Describe the nature of the Applicant firm's practice:

- a. Does any Applicant lawyer handle **class actions or mass tort**? ☐ Yes ☐ No If yes, please answer the following:
1. If the Applicant firm or Applicant lawyer handles **defense** class action or mass tort matters:
    - a. Please describe the nature of any such matters handled in the past 5 years or anticipated in the future: \_\_\_\_\_
    - b. What would the venue be for handling a malpractice claim should one arise? \_\_\_\_\_
  2. If the Applicant firm or Applicant lawyer handles **plaintiff** class action or mass tort matters:
    - a. Please describe the nature of any such matters handled in the past 5 years or anticipated in the future: \_\_\_\_\_
    - b. Is the Applicant firm or Applicant lawyer lead counsel in these matters: ☐ Yes ☐ No
    - c. Size of the class: \_\_\_\_\_
    - d. Current status or outcome: \_\_\_\_\_
    - e. What would the venue be for handling a malpractice claim should one arise? \_\_\_\_\_
- b. Please indicate the percentage of the firm's gross receipts or billable dollars during the preceding twelve (12) months next to each Area of Practice below. *If this is a new practice, please estimate the areas and percentages.*
- c. For Practice Areas that are bold and shaded, please provide a full description of your practice.

### AREA OF PRACTICE GRID SHOULD TOTAL 100%

Provide a full description of Practice Area(s) in BOLD and SHADED

Area of Practice	Percentage	Area of Practice	Percentage
Administrative/Government Law		<b>Estate/Probate/Trusts/Wills</b>	
Admiralty- Plaintiff		Family Law	
Admiralty - Defense		Immigration Law	
Anti-Trust/Trade Regulation		Investment/Counseling/Money Management	
Appellate Law		Labor Law/Employment Law	
Banking Law		Mediator/Arbitrator	
Bankruptcy Law/Proceedings		<b>Patent Law</b>	
Class Action		<b>Personal Injury - Plaintiff</b>	
Collections/Consumer Claims		Personal Injury- Defense	
<b>Civil Litigation/Commercial- Plaintiff</b>		Public Utilities	
Civil Litigation/Commercial- Defense		<b>Real Estate Law</b>	
Communications (FCC/FPSC)		<b>Securities Law -</b> Please Complete Supplemental Application	
Copyright Law		<b>Sports Law</b>	
Corporate Law		<b>Tax Law</b>	
Criminal Law		Trademark Law	
<b>Entertainment Law</b>		Workers Compensation- Claimant	
Environmental Law		Workers Compensation -Employer/Carrier	
ERISA/Employee Benefits		<b>Other</b>	

## **NOTICE TO APPLICANT - PLEASE READ CAREFULLY**

To avoid loss of coverage, it is imperative that all known circumstances, acts, errors, or omissions that have resulted in or could be the basis of a professional liability claim against you, your firm, or a predecessor firm, have been reported to your present insurer within the period specified in your present policy.

### **AUTHORIZATIONS, CERTIFICATIONS, WAIVERS & CONFIRMATIONS**

Each lawyer and the firm(s) named in this application is an "Applicant". Applicant requests and authorizes any voluntary or mandatory bar association, present or prior professional liability insurance carrier, or other information providers to release and deliver to Florida Lawyers Mutual Insurance Company ("FLM") any claims, underwriting, or other information having a bearing upon acceptability as a professional liability insurance risk and consents to FLM conducting whatever underwriting investigation it deems necessary to determine insurability. Each Applicant authorizes the transmission of any information by mail, fax, or any electronic means.

Applicant waives confidentiality of any disciplinary complaints filed against him or her for the sole purpose of allowing any voluntary or mandatory bar association to advise FLM of such disciplinary matters and the status thereof.

Applicant understands that FLM has the absolute discretion to accept or reject this application. Rejection of this application does not represent any reflection upon any Applicant personally nor upon the qualifications or abilities of any Applicant. Applicant further agrees that if this application is rejected, the reason(s) for its rejection will not be disclosed. Applicant waives any right to obtain any information or material(s) from FLM about the rejection of this application.

Each Applicant certifies to FLM that:

- (a) This application and all supplements and replies to underwriter inquiries are true, accurate, and complete;
- (b) Applicant does not know of any circumstance, act, error, or omission that has resulted in or could be the basis of a professional liability claim against any Applicant, Applicant's firm, or any predecessor firm, that has not been disclosed in writing to FLM (*if this representation cannot be made, please complete a Supplemental Claim form*);
- (c) No material fact has been suppressed or misstated in this application, supplements, or replies to underwriter inquiries;
- (d) Applicant will immediately notify FLM, in writing, of any material changes in the information contained in this application, supplements, or replies to underwriter inquiries that occur before the policy effective date, and acknowledges that any changes may result in withdrawal of an offer to insure, or an adjustment to the premium and/or terms and conditions of the policy; and
- (e) This application shall be the basis of the contract between Applicant and FLM and shall be deemed a part thereof.

The undersigned Applicant is authorized to sign on behalf of and bind each Applicant. Delivery of this signed application does not constitute an insuring agreement between Florida Lawyers Mutual Insurance Company and Applicant.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of officer, partner, or owner

\_\_\_\_\_  
Print the name of the officer, partner, or owner signing the application

IN ACCORDANCE WITH FLORIDA STATUTE 817.234 YOU ARE ADVISED THAT ANY PERSON WHO KNOWINGLY AND WITH INTENT TO INJURE, DEFRAUD, OR DECEIVE AN INSURER FILES A STATEMENT OF CLAIM OR AN APPLICATION CONTAINING ANY FALSE, INCOMPLETE, OR MISLEADING INFORMATION IS GUILTY OF A FELONY OF THE THIRD DEGREE.

***Florida Lawyers Mutual Agent: Kimberly Cooper License # E038882***

## DESCRIPTION OF PRACTICE AREAS

The following descriptions are intended solely to assist in completing the application. Nothing herein shall be held to vary, alter, waive or extend any of the terms, conditions, provisions, agreements or limitations of any policy issued by Florida Lawyers Mutual Insurance Company.

- A. **Administrative/Government:** Includes the law governing government entities, their political subdivisions, agencies, regional and metropolitan authorities, and other public entities including, but not limited to, their rights and duties, financing, public housing and urban development, election law and school law.
- B. **Admiralty:** Includes matters arising under the Carriage of Goods by Sea Act (CGSA), Hater Act, Jones Act and federal and state maritime law including, but not limited to, the carriage of goods, collision and other maritime torts, general average, salvage, limitation of liability, ship financing, ship subsidies, and the rights of injured sailors. This category includes litigation of such matters.
- C. **Antitrust/Trade:** Includes the rendering of advice concerning matters arising under the Sherman Act, Clayton Act, Federal Trade Commission Act, Hart-Scott-Rodino Antitrust Improvements Act, Robinson-Patman Act, and state antitrust statutes including restraints of trade, unfair competition, monopolization, price discrimination, and restrictive practices. This category includes litigation of such matters.
- D. **Appellate:** Includes all aspects of evaluation, preparation and participation in the appeal of lower court orders and decisions including, without limitation, the preparation of motions, briefs and delivery of oral arguments.
- E. **Banking:** Includes all aspects of state and federal banking laws, rules and regulations in connection with the representation of financial institutions excluding matters covered by the Real Estate and Corporate/Business Organization categories.
- F. **Bankruptcy:** Includes all aspects of the federal bankruptcy law, including, but not limited to, personal and business bankruptcies, reorganizations, liquidations, receiverships, and the rights, obligations and remedies of trustees; state insolvency laws; attachment, garnishment, replevin and repossession proceedings. This category includes litigation of such matters.
- G. **Collections/Consumer Claims:** Includes all aspects, including trial practice, of collection of consumer debt and other accounts and all aspects of special consumer protection including sales practices, credit transactions, secured transactions and warranties; matters arising under the Equal Credit Opportunity Act, the Fair Credit Reporting Act, the Magnuson-Moss Act, the Truth in Lending Act, state statutes such as the "little FTC" acts, and other analogous federal and state statutes. Activities involving tenant's rights are included in the category Real Estate. Matters involving personal injury to a consumer would be included in the Personal Injury/Property Damage category.
- H. **Commercial/Civil Litigation:** Includes all aspects of civil trial practice in state and federal courts for all subject matters other than practice areas specifically listed elsewhere.
- I. **Communications:** Includes all aspects of practice before the Federal Communications Commission (FCC) and applicable Florida regulatory agencies.
- J. **Copyrights/Patents/Trademarks:** Includes all aspects of the registration, protection and licensing of patents, trademarks or copyrights; practice before federal and state courts in actions of infringement and other actions; the prosecution of applications before the United States Patent and Trademarks Office; counseling with regard to the law of unfair competition as it relates to patents, trademarks and copyrights.
- K. **Corporate/Business Organization and Transactions:** Includes all aspects of the formation, operation, sale and dissolution of corporations, partnerships (general and limited), agency and other forms of business organizations. Includes the negotiation and preparation of sales agreements, agency agreements and other commercial transaction documents, including financing where real estate is not the major subject.
- L. **Criminal:** Includes the prosecution or representation of persons accused of crimes at all stages of criminal proceedings in federal or state courts. This category includes juvenile matters, traffic offenses, misdemeanors and "white collar" crimes.

- M. **Entertainment/Sports Law:** Includes all aspects of representing athletes, entertainers, owners, contractors or other parties involved in the entertainment and/or sports business, including, without limitation, the preparation and negotiation of contracts and related documents. This category includes litigation of such matters.
- N. **Environmental Law:** Includes all aspects of practice involving environmental laws, rules and regulations. This category excludes environmental matters included in the Real Estate practice area.
- O. **ERISA/Employee Benefits:** Includes all aspects of practice involving the Employee Retirement Income Security Act (ERISA) and other directly related federal and state statutes. This category includes litigation of such matters.
- P. **Estate/Probate/Trust/Wills:** Includes legal services dealing with all aspects of the analysis and planning for the conservation and disposition of estates. Estate and gift tax matters, both federal and state, are included in taxation rather than here. The preparation of legal instruments in order to effectuate estate plans; administering estates, including tax-related matters both federal and state; trust planning, guardianships, custodianships and conservatorships; and litigation of such matters.
- Q. **Family Law:** Includes all aspects of legal work relating to domestic relationships including but not limited to prenuptial and postnuptial agreements, separation and divorce, alimony and child support, child custody matters and adoption. This includes litigation of such matters.
- R. **Immigration:** Includes obtaining and retaining permission to enter and remain in the United States including, but not limited to, such matters as visas, change of status, deportation and naturalization, representation of clients before courts and governmental agencies, and protection of aliens' rights.
- S. **Investment Counseling/Money Management:** Includes all aspects of financial investment transactions and rendering of asset investment advice.
- T. **Labor/Employment:** Includes all aspects of employment relations (public and private) including, but not limited to, unfair labor practices, collective bargaining, contract administration, the rights of individual employees and union members; all matters arising under the National Labor Relations Act (Wagner Act), Labor Management Relations Act (Taft-Hartley Act), Labor Management Reporting and Disclosure Act (Landrum-Griffin Act), Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, Occupational Safety and Health Act (OSHA), and other federal statutes and analogous state statutes; practice before the National Labor Relations Board, analogous state boards, federal and state courts, and arbitrators. This category includes litigation of such matters.
- U. **Personal Injury/Property Damage:** Includes the representation of parties (plaintiff or defendant) in actions to recover for personal injury, wrongful death, or property damage resulting from intentional or unintentional acts, negligence, and other causes. Also includes libel and slander actions, medical malpractice and product liability suits where any form of personal injury or property damage is involved.
- V. **Public Utilities:** Includes all aspects of representing clients on public utility issues including practice before governmental agencies or offices having regulatory authority over the providers of public utilities.
- W. **Real Estate:** Includes all legal work relating to real property transactions and litigation of such matters, including but not limited to real estate conveyances, title searches and property transfers, mortgages, foreclosures, condemnation and eminent domain, zoning and land use planning, property taxes, real estate development and financing. This category includes environmental matters pertaining to real property transactions as herein described.
- X. **Securities (SEC):** Includes all activities involved with or related to the Securities Act of 1933, the Securities Exchange Act of 1934, and State Securities Statutes. Also covers advice about or preparation or registration (state or federal) of securities such as stocks, bonds, or interest in business. Included within this category are proxy statements, exchanges of securities and insider sales. This category includes proceedings and hearings before securities regulatory agencies but not litigation of such matters in state and federal courts.
- Y. **Taxation:** Includes all matters arising under the Internal Revenue Code, state and local tax laws and foreign tax laws, including counseling with respect thereto, and practice before federal and state courts and governmental agencies. Estate taxes and gift taxes are included herein rather than under the Estate, Probate, Trusts, Wills category; however, real property taxes are included under the Real Estate category.
- Z. **Workers' Compensation:** Includes all legal work relating to workers' compensation claims, regardless of any other area of law which may be involved, i.e. longshoremen's compensation claims would be included here and not in Admiralty Law.
- AA. **Arbitration/Mediation:** Includes legal work performed by a third person, whether selected in a manner provided by law or agreement, for dispute or conflict resolution.
- ZZ. **Other:** All other practice areas not specifically described above.