

PROFESSIONAL LIABILITY INSURANCE POLICIES COMPARISON CHART - 2016-2017

	CLIA (see exhibit 2)	Alberta	Ontario	B.C. (Note 1)	Quebec Lawyers	Quebec Notaries
GENERAL / DECLARATIONS / INSURING AGREEMENTS						
# OF LAWYERS	6,577	6,288 (estimate)	25,500 (estimate)	7,200 (estimate)	14,400 (estimate)	3,300 (estimate)
Policy Type	Claims Made	Claims Made	Claims Made	Claims Made	Claims Made	Claims Made
Policy Period	July 1 - July 1	July 1 - July 1	January 1 - December 31	January 1 - January 1	April 1 - March 31	January 1 - January 1
LEVY/PREMIUM	\$1,776 (average)	\$4,550	\$2,950 (base) + Real Estate and/or Civil Litigation Levy Surcharges + Claims History Levy Surcharges	\$1,800 Includes Trust account theft	\$950	\$3,950
PART-TIME LEVY PREMIUM	n/a	n/a	50% of Base Premium Other charges and surcharges apply	50% of Premium	n/a	n/a
POLICY LIMIT	\$1,000,000	\$1,000,000	\$1,000,000 Subject to various sublimits (e.g. retired lawyers)	\$1,000,000	\$10,000,000 \$1,000,000 interjurisdictional \$1,000,000 for property damage	\$1,000,000
ANNUAL AGGREGATE LIMIT	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	none	\$2,000,000
LIMIT INCLUSIVE OF COSTS	yes	yes	yes	yes	no Costs and interest over and above	no
INDIVIDUAL DEDUCTIBLE	\$5,000	\$5,000	\$5,000 (base) Optional: nil to \$25,000	\$5,000 first claim \$10,000 each add'l claim (within 3 year period)	no deductible	\$3,000 (optional \$5,000)
DEDUCTIBLE APPLIES TO DAMAGES ONLY (including repair)	yes	no	optional	yes	no deductible	yes
OBLIGATION TO DEFEND BEYOND EXHAUSTION OF LIMITS	no limit of liability includes Defense Costs	no limit of liability includes Defense Costs	no	no	yes Defense Costs outside the limit of liability	no
DEFINITIONS						
INSURED (see Additional Insured, Individual Insured, Insured)	Member (incl. Former & Exempt) Partners (Past & Present) Law Firm (Past & Present) Administrative Employee Law Society	Member (incl. Former & Exempt) Partners (Past & Present) Law Firm (Past & Present) Administrative Employee (incl. LSO) ALIA Law Society	Lawyer (incl. Former) Unnamed Lawyer Law Partnership Law Corporation	Member (incl. Former) MDP Partner (incl. Former) Partners (Past & Present) Law Firm (Past & Present) Supporting Employees	Individual (incl. heirs & successors) Company or LLP	Individual (incl. heirs & successors) Company or LLP
COVERS FORMER AND EXEMPT MEMBERS (if insured at date services provided)	yes	yes	yes Coverage varies	yes Errors while insured Pro bono services	yes	yes
CLAIM	Fundamentally the same across all jurisdictions: includes all claims and insureds into one occurrence, error, or claim if arising from one error, omission, or negligent act.					substantially similar
PROFESSIONAL SERVICES	Fundamentally the same across all jurisdictions					substantially similar
DAMAGES	Fundamentally the same across all jurisdictions					substantially similar

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EXCLUSIONS						
CLAIMS INSTITUTED OUTSIDE CANADA OR U.S.	Not excluded	Not excluded	Not excluded Must be less than 10% of time or billings outside Canada or claim must be brought in Canada	Not excluded No duty to defend, if no defense provided then reimbursement for own defense	Not excluded Limited to \$1,000,000	Not covered
CLAIMS ARISING FROM OFFICE OUTSIDE HOME PROVINCE	Not excluded	Not excluded	Excluded If lawyer is practicing member of that jurisdiction	Not excluded Unless practice contravenes other law society's rules	Not excluded Limited to \$1,000,000	Not excluded
CLAIMS ARISING FROM OFFICE OUTSIDE CANADA	Excluded	Excluded	Not excluded Must be less than 10% of time or billings outside Canada or claim must be brought in Canada	Not excluded Unless practice contravenes other law society's rules	Not Excluded Limited to \$1,000,000	Not excluded
PRACTICE OF NON-CANADIAN LAW (Coverage to practice as Member of Non-Canadian Law)	Excluded Also excludes Quebec	Excluded	Not covered	Excluded	Not covered	
DISHONEST, FRAUDULENT, CRIMINAL ACTS	Excluded Except for innocent parties	Excluded Except for innocent parties	Excluded Except for sublimited innocent party coverage (\$250,000, with optional buy-up)	Excluded Except for innocent parties and coverage for theft or misappropriation of trust funds through coverages B and C	Excluded Except for innocent parties and coverage for theft or misappropriation of trust funds through coverage C (fidelity)	Excluded Except for innocent parties
INJURY TO PERSON	Excluded Does not exclude mental	Excluded Does not exclude mental	Excluded	Excluded	Not excluded	Not excluded
PHYSICAL DAMAGE TO PROPERTY	Excluded	Excluded	Excluded	Excluded	Not excluded	Not excluded
DIRECTOR OR OFFICER LIABILITY	Excluded Other than Law Society	Excluded Other than for ALIA and Law Society	Not covered	Excluded	Excluded	Excluded Except for innocent parties
CYBER RISKS	Excluded under the basic E&O policy. First and third party cyber coverage (privacy, breach notification, data rectification and extortion costs) included at different limits based on firm size as separate mandatory cyber coverage section	Excluded Excludes both virus and network	Excluded Broad exclusion followed by reintroduction of limited (\$250,000) coverage specific to privacy and trust accounts	Excluded Excludes 3rd Party malware or malicious code exposure	Not excluded Silent on coverage, potentially limited to \$1,000,000 based on property damage limitation	Excluded Excludes virus, network, and equipment
PERSONAL/FAMILY INTEREST/BUSINESS EXCLUSION	Not excluded	Partially excluded Where interest over 50%, ineligible portion of claim equal to interest	Excluded Where interest over 10%	Excluded Where interest 10% or management or control (test-based)	Excluded Where wholly owned or management or control	Excluded
TRUST PROTECTION INDEMNIFICATION / COMPENSATION FUND	Excluded under the basic coverage policy. Included as seepage mandatory coverage.	Excluded for Part B of ALIEX policy	Partial Exclusion - sublimited to \$500,000 per Claim under Endorsement #7	Excluded under Part A	Included	Included
CONDITIONS						
OTHER INSURANCE	Proportionate share within Canada (excl. Quebec) Excess otherwise	Proportionate share within Canada Excess otherwise	Proportionate share within Canada Excess otherwise	Proportionate share within Canada Excess otherwise	Proportionate share within Canada (\$1,000,000 limit outside Quebec) Excess otherwise	Different text with same effect
INTERJURISDICTIONAL COVERAGE	As agreed	As agreed	As agreed	As agreed	Subject to a sublimit of \$1,000,000	None

Note that the content of the provisions are common in some aspects but may differ in other aspects.

Note 1: The policy now provides three different types of cover: Part A - Professional Liability (for negligence); Part B - Trust Protection (for dishonest appropriation); Part C - Trust Shortage Liability (for reliance on fraudulent certified cheques).

The actual underlying policies are available upon request.

Insurers:

Alberta: Alberta Lawyers Insurance Exchange ("ALIEX")

British Columbia: The LSBC Captive Insurance Company Ltd. ("LIF")

Ontario: Lawyers' Professional Indemnity Company ("LawPRO")

Quebec Lawyers: Fonds d'assurance responsabilité professionnelle du Barreau du Québec ("The Barreau")

Quebec Notaries: Le Fonds d'assurance-responsabilité professionnelle de la Chambre des notaires du Québec

All others: Canadian Lawyers Insurance Association ("CLIA")