

WSR 21-13-065
RULES OF COURT
STATE SUPREME COURT
[June 4, 2021]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO APR 26—) NO. 25700-A-1357
INSURANCE DISCLOSURE)

Equal Justice Washington, having recommended the adoption of the proposed amendment to APR 26—Insurance Disclosure, and the Court having considered the suggested amendment;

Now, therefore, it is hereby

ORDERED:

That the suggested amendment as shown below is rejected.

DATED at Olympia, Washington this 10th day of June, 2021.

Johnson, J.
Madsen, J.
Owens, J.
Stephens, J.
Gonzalez, C.J.
Yu, J.
Montoya-Lewis, J.

SUGGESTED AMENDMENT
ADMISSION AND PRACTICE RULES (APR)
APR 26 - INSURANCE DISCLOSURE

APR 26
INSURANCE DISCLOSURE

(a) Unless exempted under section (b) of this rule, Each active lawyer member of the Bar who is to any extent engaged in the private practice of law shall must certify annually in a form and manner approved by the Bar by the date specified by the Bar (1) whether that the lawyer is covered by engaged in the private practice of law; (2) if engaged in the private practice of law, whether the lawyer is currently covered by professional liability insurance at a minimum limit of \$250,000 per occurrence/\$500,000 annual aggregate; and (3) whether the lawyer intends to maintain insurance during the period of time the lawyer is on active status in the current licensing period engaged in the practice of law; and (4) whether the lawyer is engaged in the practice of law as a full-time government lawyer or is counsel employed by an organizational client and does not represent clients outside that capacity;

(b) A lawyer is exempt from the coverage requirement of section (a) of this rule if the lawyer certifies to the Bar in a form and manner approved by the Bar that the lawyer is not engaged in the practice of law or the lawyer's practice consists exclusively of any one or more of the following categories and that the lawyer does not represent any clients outside of that service or employment:

- (1) Employment as a government lawyer or judge;
(2) Employment by a corporation or business entity, including nonprofits;
(3) Employee or independent contractor for a nonprofit legal aid or public defense office that provides insurance to its employees or independent contractors;

(4) Mediation or arbitration; and

(5) Volunteer pro bono service for a qualified legal services provider as defined in APR 1 (e) (8) that provides insurance to its volunteers.

(c) Each active lawyer who certifies coverage under section (a) of this rule must, reports being covered by professional liability insurance shall certify in a form and manner prescribed by the Bar, notify the Bar in writing within 30 10 days if the insurance policy providing coverage lapses, is no longer in effect, or terminates for any reason.

(b)-(d) The information submitted pursuant to this rule as to the existence of coverage will be made available to the public by such means as may be designated by the Bar, which may include publication on the website maintained by the Bar.

(e)-(e) Any active If a lawyer of law who is required to certify coverage under section (a) of this rule who fails to comply with this rule by the date specified by the Bar or fails to maintain the coverage required throughout the licensing period, the lawyer may be ordered suspended from the practice of law by the Supreme Court until such time as the lawyer complies, and the Court orders the lawyer's reinstatement to active status.

(f) A lawyer who has certified the existence of professional liability insurance coverage under section (a) of this rule must provide proof to the Bar, upon request, of the existence of the certified coverage, including a copy of any applicable insurance policy and other relevant information. A lawyer who has not complied with a request under this section for more than 30 days may be ordered suspended from the practice of law by the Supreme Court until such time as the lawyer complies with the request and the Court orders the lawyer's reinstatement to active status.

(g) Supplying false information in a certification under section (a) or (e) of this rule or in response to a request for information under section (f) of this rule, or failure to provide timely notice under section (c) of this rule, may shall subject the lawyer to appropriate disciplinary action.