

**2015**

**Missouri**

# **Legal Malpractice Insurance Report**

**Statistics Section  
June 2016**



**DIFP**

**Jeremiah W. (Jay) Nixon**  
Governor

Department of Insurance,  
Financial Institutions &  
Professional Registration

**John M. Huff**  
Director

**MISSOURI  
LEGAL  
MALPRACTICE  
INSURANCE  
REPORT  
2015**

**Department of Insurance, Financial Institutions & Professional Registration  
Statistics Section  
June 2016**

***Also Available from DIFP***

**Reports:** The following reports are also available:

- *Missouri Market Share Report*
- *Missouri Real Estate Malpractice (Closed Claim Report)*
- *Missouri Legal Malpractice (Closed Claim Report)*
- *Missouri Products Liability (Closed Claim Report)*
- *Missouri Medical Malpractice Insurance Report*
- *Missouri Health Maintenance Organization Report*
- *Missouri Life, Accident & Health Supplement Report*
- *Missouri Property and Casualty Supplement Report*
- *Missouri Commercial Liability Report*
- *Missouri Mortgage Guaranty Report*
- *Missouri Uninsured Automobile Report*

**Databases:** for data requests, contact the Statistics Section at 573-751-3163. Some data are available for a fee.

- *Medicare Supplement Experience Data*
- *Property and Casualty Supplement Data*
- *Missouri Zip Code data for homeowners/ dwelling fire, farmowners (dwelling only, mobile home, earthquake, and private passenger automobile insurance.*

Many reports, including this complaint report, are available at no cost on the DIFP website, at <http://insurance.mo.gov/reports/>. For paper copies, inquire with the Statistics Section at the above number.

The Department of Insurance, Financial Institutions & Professional Registration is an Equal Opportunity Employer.

## DEFINITION OF TERMS

**Indemnity Paid:** The sum of all payments made during the year for the benefit of insurance claimants, before reinsurance has been ceded and/or assumed. These payments include amounts paid in the current year for claims arising from coverage in prior years and exclude amounts which will be paid in future years for claims arising from the current year. Hence, this item is not a measure of the actual cost of current coverages, but only of current cash flows.

**Loss Adjustment Expenses:** The cost involved in an insurance company's adjustment of losses under a policy.

**Direct Premiums Written:** The dollar amount charged when a policyholder contracts for insurance coverage before reinsurance has been ceded and/or assumed.

**Direct Premiums Earned:** The part of premium attributable to the coverage already provided in a given period before reinsurance has been ceded and/or assumed.

**Direct Losses Incurred:** The sum of direct losses paid plus an estimate at the close of the year of the amounts to be paid in the future for all claims arising from the current and all prior years, minus the corresponding estimate made at the close of business for the preceding year. Incurred losses reported include estimated amounts unpaid for incurred-but-not-reported (IBNR) claims.

**Loss Ratio:** The dollar amount of direct losses incurred divided by the dollar amount of premiums earned for the particular line of business being analyzed, expressed as a percentage. This is an accounting representation of the portion of each premium dollar which is needed to honor a company's promise to pay claims.

## **LEGAL MALPRACTICE INSURANCE REPORT EXECUTIVE SUMMARY**

This report summarizes the legal malpractice insurance experience in Missouri from 2006 to 2015.

The charts, graphs and tables in this report are limited to closed claim information and were constructed from data collected by the Department of Insurance, Financial Institutions & Professional Registration as required by Section 383.077 RSMo. The premium and loss data, obtained from the Missouri Page 19 Supplement to the companies' annual statements are presented in the final section.

In 2015, the loss ratio for legal malpractice insurance in Missouri was 72 percent. For the 10-year period of claims closed<sup>1</sup>, 550 (24 percent) were closed with payment. Claims closed in 2015 totaled 179, a 14 percent decrease from the previous year. The average payment was \$156,550.

The cost to an insurer for settling legal malpractice cases (called loss adjustment expense, consisting of legal fees, claim adjustment costs and related items) has fluctuated over the past 10 years. In 2015, the average loss adjustment expense for all claims closed with payment was \$87,574 compared to \$139,056 in 2014.

Indemnity amounts are categorized by claim characteristics, including:

- Area of law in which the insured was retained by the claimant.
- Major activity in which the lawyer was engaged at the time the alleged error or omission occurred.
- Alleged error or omission that was the most significant reason for making the claim.
- The legal disposition of the claim at the closing date.
- The number of years the insured had been in practice at the time of the alleged error or omission.
- The relationship of the insured to the claimant.

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<sup>1</sup> Claims closed may have resulted from incidents in any previous period.

By area of law, the largest share of claims closed in 2015 (37 of 179) was initiated by plaintiffs in *bodily injury/property damage - plaintiff*. The largest proportion of all claims closed in 2015 under the major activity code occurred during *commencement of action or proceeding*. Of all claims paid during 2015, 64 percent were settled *before trial or hearing* on the alleged malpractice.

Ninety-two percent of losses in 2015 occurred among attorneys with *more than 10 years of practice*. The insured's relationship to the claimant is partitioned into four subclasses: *free legal service, non-client, member of pre-paid legal plan and client other than free service or prepaid legal plan*. Eighty-four percent of 2015 claims occurred in the category of *client other than free legal service or member of pre-paid legal plan*.

Only 12 companies reported writing legal malpractice insurance in Missouri for 2015. Of these, the Bar Plan Mutual Insurance Company was by far the largest, with over 65 percent of the legal malpractice insurance market in this state.

This report was compiled using information submitted by insurance companies. As a result, the accuracy of this report is dependent upon the correctness of each company's data. Copies of this report will be made available in Braille, large print or on audio cassette upon request. Any questions regarding this report should be addressed to the Statistics Section, Department of Insurance, Financial Institutions & Professional Registration, P.O. Box 690, Jefferson City, MO 65102-0690.

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**TEN YEAR  
SUMMARY  
(2006-2015)**



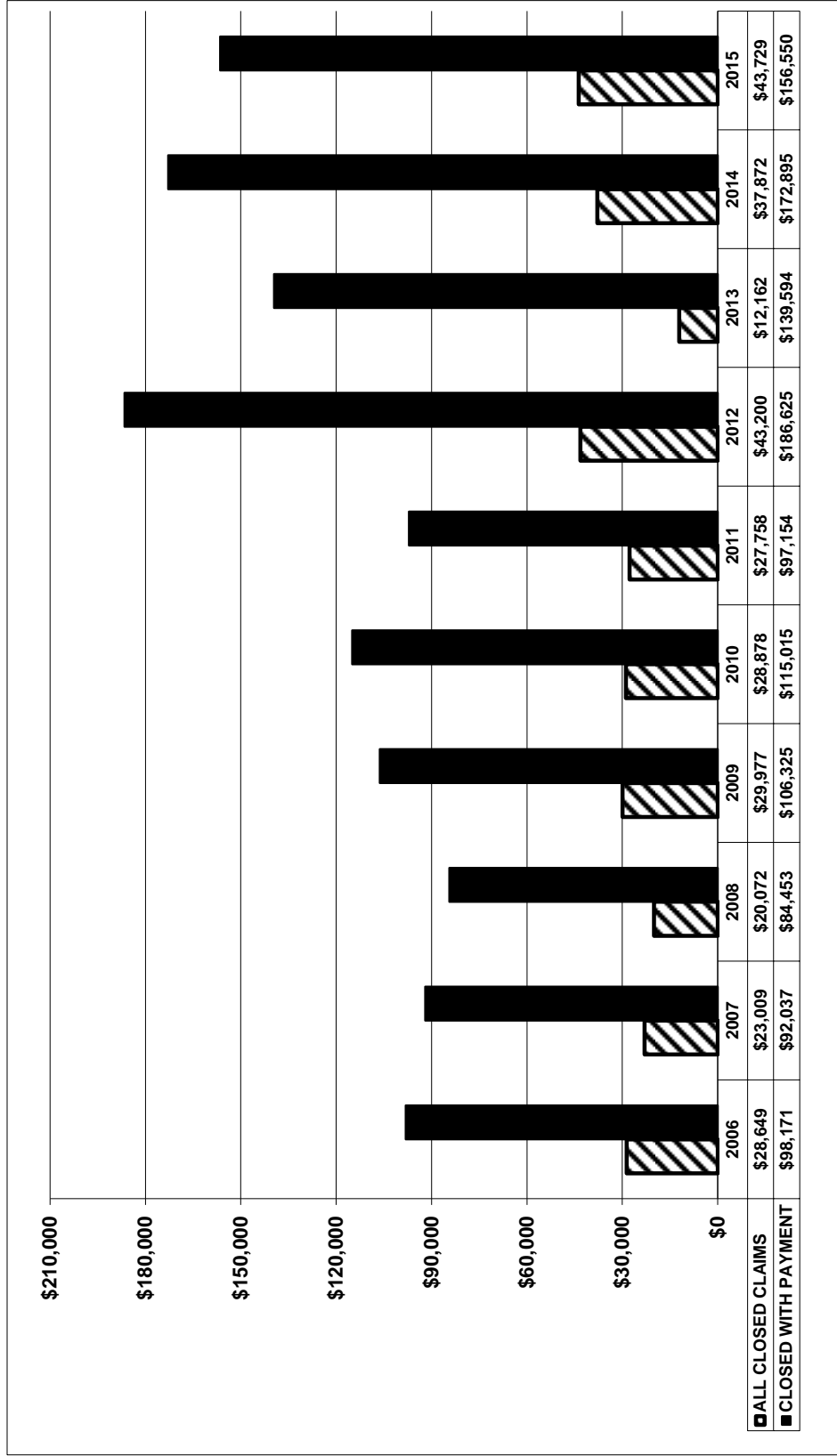


**LEGAL MALPRACTICE EXPERIENCE  
TEN YEAR SUMMARY  
(2006-2015)**

CLOSED CLAIMS	NUMBER OF CLAIMS	PERCENT OF CLAIMS	TOTAL INDEMNITY PAID	AVERAGE INDEMNITY PAID	TOTAL LOSS EXPENSES PAID	AVERAGE LOSS EXPENSE PAID
All Closed Claims	2,295	100.0%	\$66,062,385	\$28,785	\$47,450,578	\$20,676
Closed with Payment	550	24.0%	\$66,062,385	\$120,113	\$27,100,337	\$49,273
Closed without Payment	1,746	76.0%	\$0	\$0	\$20,350,241	\$11,655
Claims Settled Through Court Proceedings	236	10.3%	\$7,957,437	\$33,718	\$14,906,939	\$63,165
Court Proceedings Resulting in Payment	32	1.4%	\$7,957,437	\$248,670	\$4,922,882	\$153,840

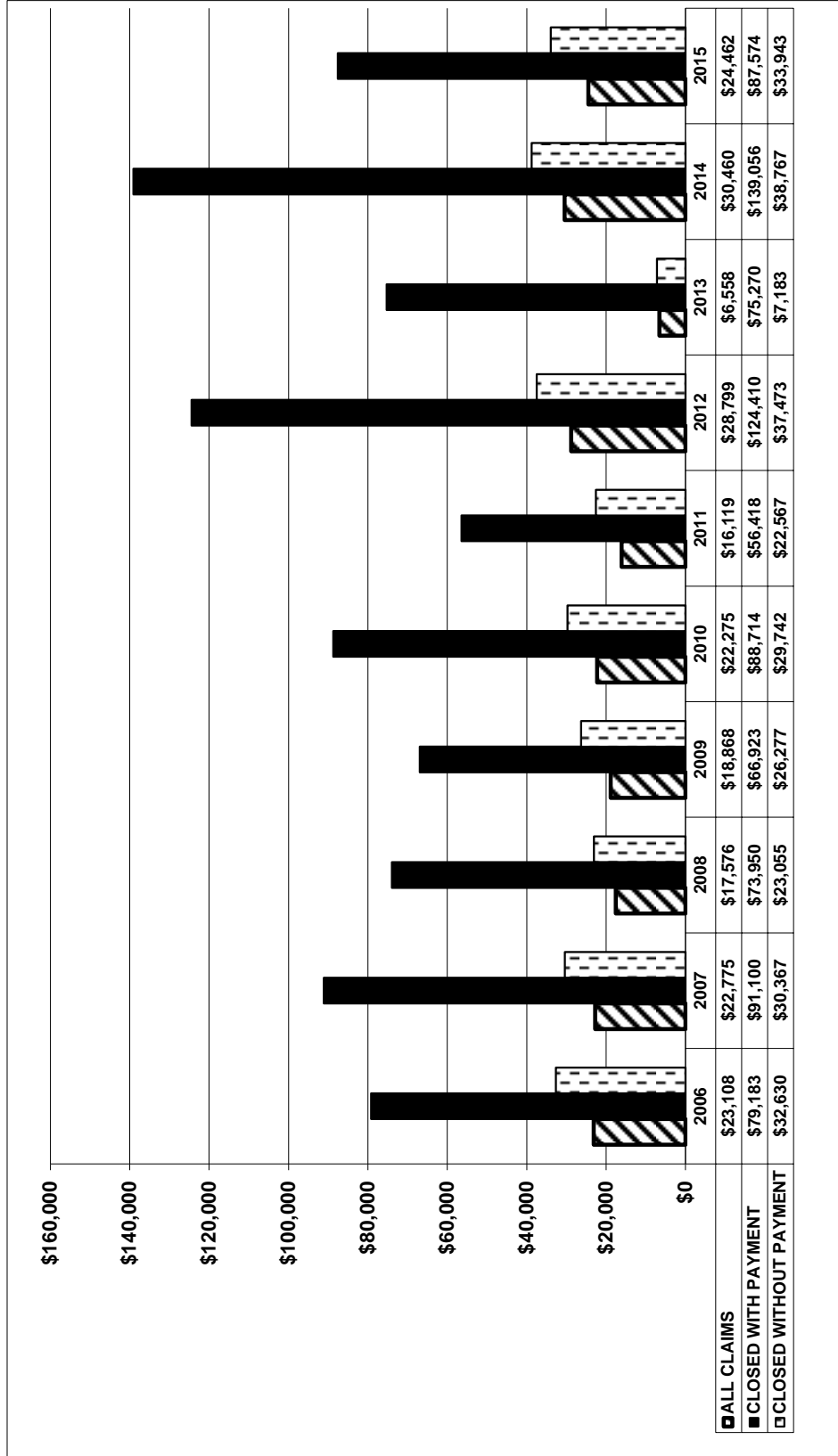
# MISSOURI LEGAL MALPRACTICE INSURANCE

## AVERAGE PAID CLAIM



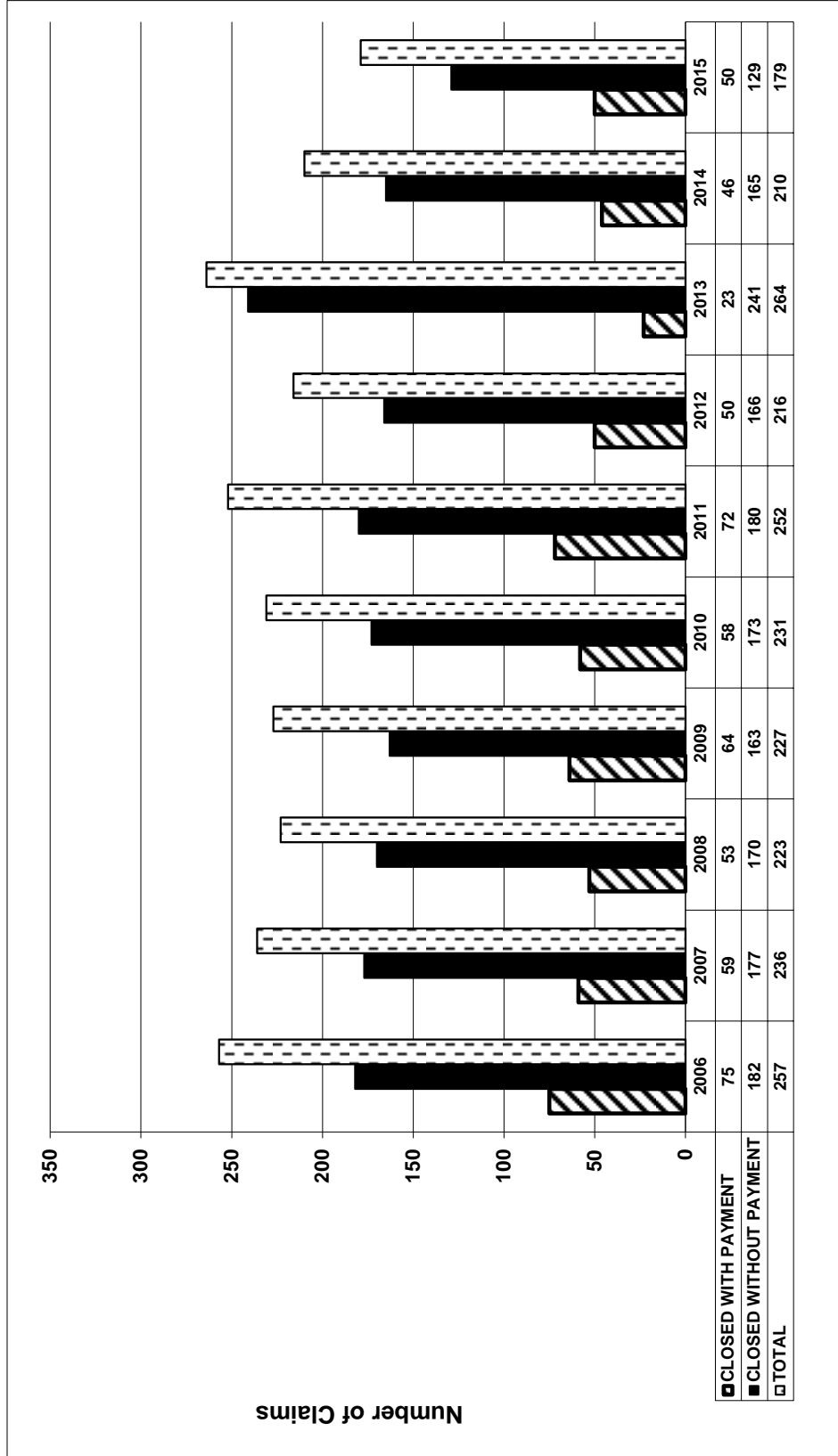
# MISSOURI LEGAL MALPRACTICE INSURANCE

## AVERAGE PAID LOSS ADJUSTMENT EXPENSE



# MISSOURI LEGAL MALPRACTICE INSURANCE

## CLAIM COUNT 2006-2015



**TEN YEAR SUMMARY  
&  
2015 SUMMARY  
BY  
AREA OF LAW**



# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 2006-2015

AREA OF LAW	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BI/PD - PLAINTIFF	510	168	30.55%	\$144,159	\$24,218,643	36.66%	\$23,675
COLLECTION & BANKRUPTCY	355	63	11.45%	\$47,232	\$2,975,619	4.50%	\$11,104
REAL ESTATE	269	54	9.82%	\$109,443	\$5,909,896	8.95%	\$10,879
FAMILY LAW	266	57	10.36%	\$81,921	\$4,669,509	7.07%	\$13,790
ESTATE, TRUST & PROBATE	241	59	10.73%	\$101,829	\$6,007,883	9.09%	\$21,189
CORPORATE & BUSINESS ORGANIZATION	111	21	3.82%	\$174,061	\$3,655,281	5.53%	\$12,874
BUSINESS TRANSACTION/COMMERCIAL LAW	98	31	5.64%	\$205,349	\$6,365,815	9.64%	\$64,024
WORKERS COMPENSATION	76	21	3.82%	\$49,900	\$1,047,902	1.59%	\$14,126
CRIMINAL	74	7	1.27%	\$39,709	\$277,963	0.42%	\$10,343
BI/PD - DEFENDANT	64	14	2.55%	\$189,484	\$2,652,782	4.02%	\$42,370
LABOR LAW	52	15	2.73%	\$122,436	\$1,836,535	2.78%	\$25,561
CIVIL RIGHTS & COMMISSION	51	9	1.64%	\$60,033	\$540,294	0.82%	\$8,642
CONSUMER CLAIMS	23	5	0.91%	\$124,900	\$624,499	0.95%	\$39,416
TAXATION	19	4	0.73%	\$299,875	\$1,199,500	1.82%	\$21,414
LOCAL GOVERNMENT	18	4	0.73%	\$215,293	\$861,172	1.30%	\$28,240
CONSTRUCTION (BUILDING CONTRACTS)	17	7	1.27%	\$245,413	\$1,717,892	2.60%	\$49,834
PATENTS, TRADEMARKS, COPYRIGHTS	15	4	0.73%	\$196,875	\$787,500	1.19%	\$171,240
SECURITIES (S.E.C.)	15	2	0.36%	\$83,750	\$167,500	0.25%	\$21,737
GOVERNMENT CONTRACTS & CLAIMS	8	2	0.36%	\$52,500	\$105,000	0.16%	\$3,567
IMMIGRATION & NATURALIZATION	7	1	0.18%	\$100,000	\$100,000	0.15%	\$13,539
ENVIRONMENT	4	1	0.18%	\$330,000	\$330,000	0.50%	\$5,661
ADMIRALTY	2	1	0.18%	\$11,200	\$11,200	0.02%	\$0
<b>TOTAL</b>	<b>2,295</b>	<b>550</b>	<b>100.00%</b>	<b>\$120,113</b>	<b>\$66,062,385</b>	<b>100.00%</b>	<b>\$20,676</b>



**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
CLAIMS CLOSED IN 2015**

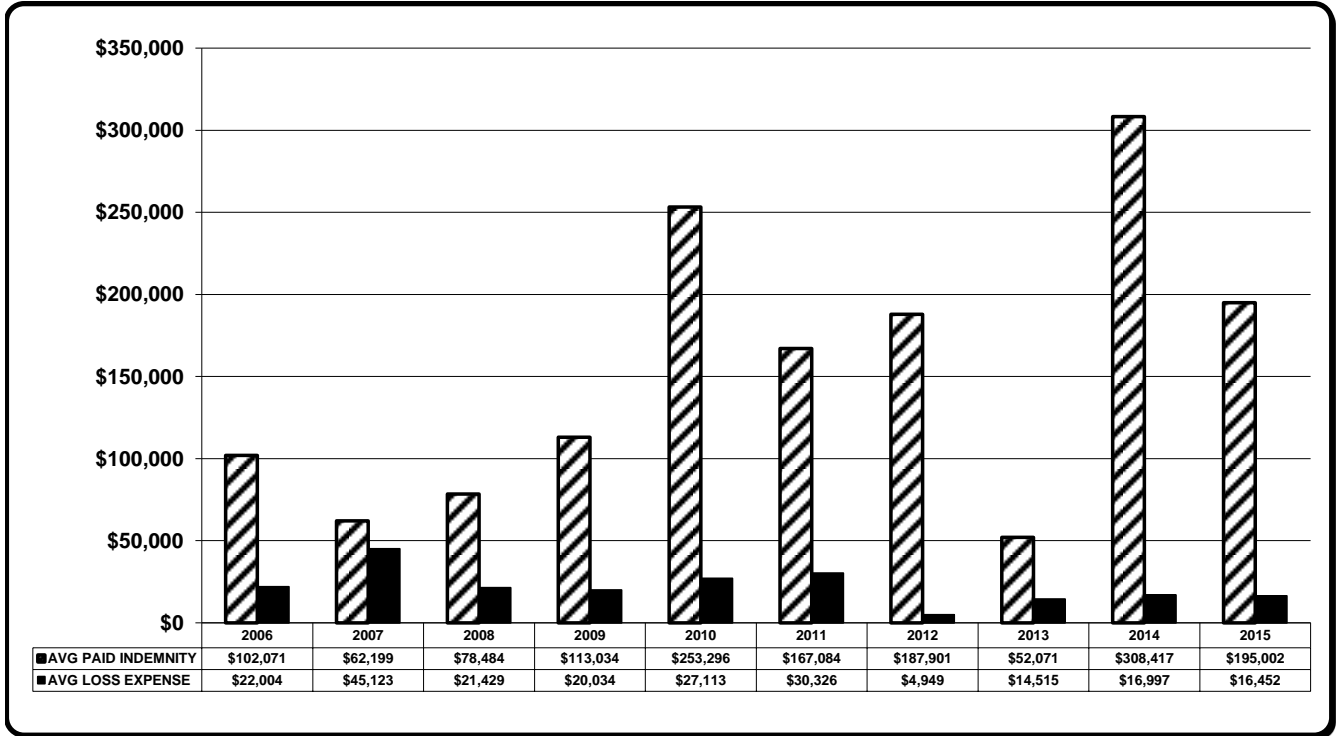
AREA OF LAW	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BI/PD - PLAINTIFF	37	15	30.00%	\$195,001	\$2,925,023	37.37%	\$16,452
COLLECTION & BANKRUPTCY	36	6	12.00%	\$22,370	\$134,218	1.71%	\$11,134
ESTATE, TRUST & PROBATE	21	5	10.00%	\$236,000	\$1,180,000	15.08%	\$32,196
REAL ESTATE	18	5	10.00%	\$182,750	\$913,750	11.67%	\$18,293
FAMILY LAW	15	5	10.00%	\$42,600	\$213,000	2.72%	\$9,110
CORPORATE & BUSINESS ORGANIZATION	12	2	4.00%	\$90,000	\$180,000	2.30%	\$24,269
WORKERS COMPENSATION	9	1	2.00%	\$417,000	\$417,000	5.33%	\$2,277
BUSINESS TRANSACTION/COMMERCIAL LAW	8	4	8.00%	\$147,500	\$590,000	7.54%	\$126,182
LABOR LAW	6	3	6.00%	\$167,333	\$502,000	6.41%	\$35,214
CRIMINAL	4	1	2.00%	\$10,000	\$10,000	0.13%	\$624
TAXATION	3	0	0.00%	N/A	\$0	0.00%	\$17,552
BI/PD - DEFENDANT	2	0	0.00%	N/A	\$0	0.00%	\$0
GOVERNMENT CONTRACTS & CLAIMS	2	1	2.00%	\$75,000	\$75,000	0.96%	\$8,633
LOCAL GOVERNMENT	2	1	2.00%	\$125,000	\$125,000	1.60%	\$48,828
PATENTS, TRADEMARKS, COPYRIGHTS	2	1	2.00%	\$562,500	\$562,500	7.19%	\$261,303
CIVIL RIGHTS & COMMISSION	1	0	0.00%	N/A	\$0	0.00%	\$1,998
CONSUMER CLAIMS	1	0	0.00%	N/A	\$0	0.00%	\$0
<b>TOTAL</b>	<b>179</b>	<b>50</b>	<b>100.00%</b>	<b>\$156,550</b>	<b>\$7,827,491</b>	<b>100.00%</b>	<b>\$24,462</b>

**TRENDS  
OF THE TOP TEN  
AREAS OF LAW  
OF 2015**

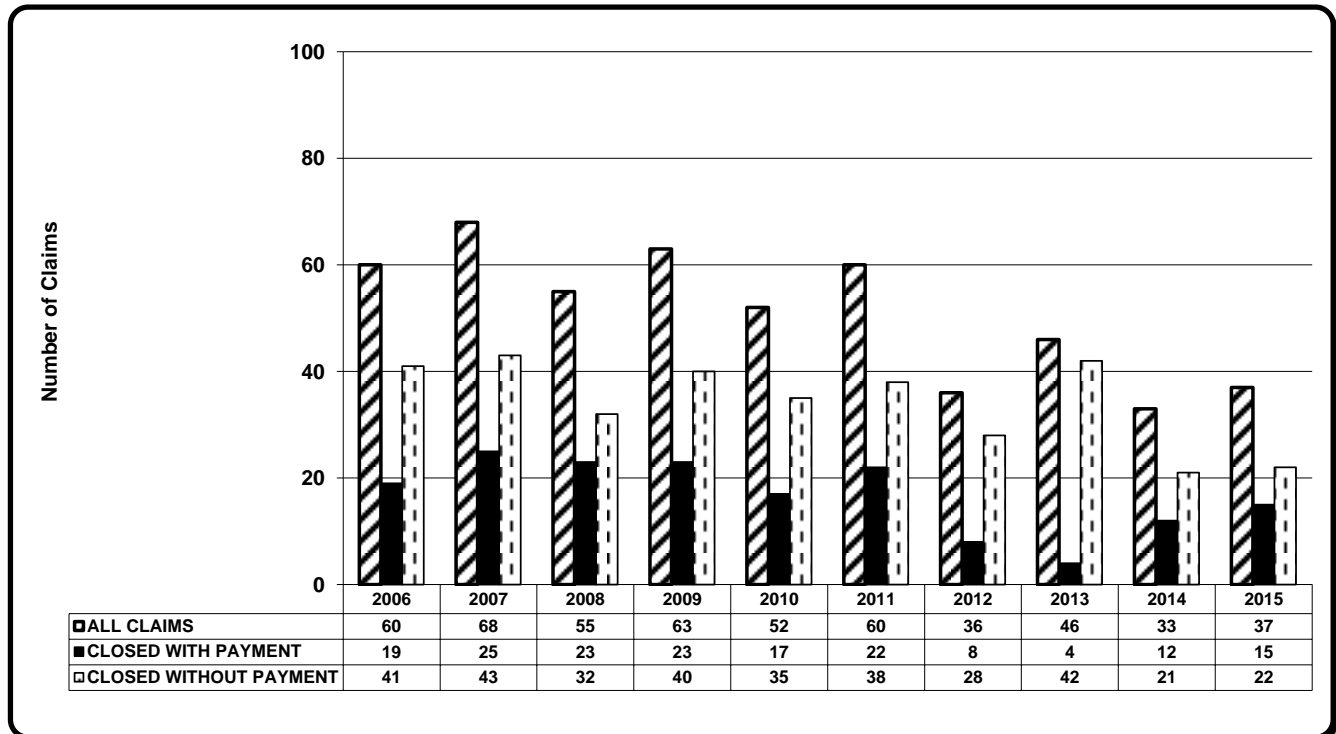


## BI/PD - PLAINTIFF

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

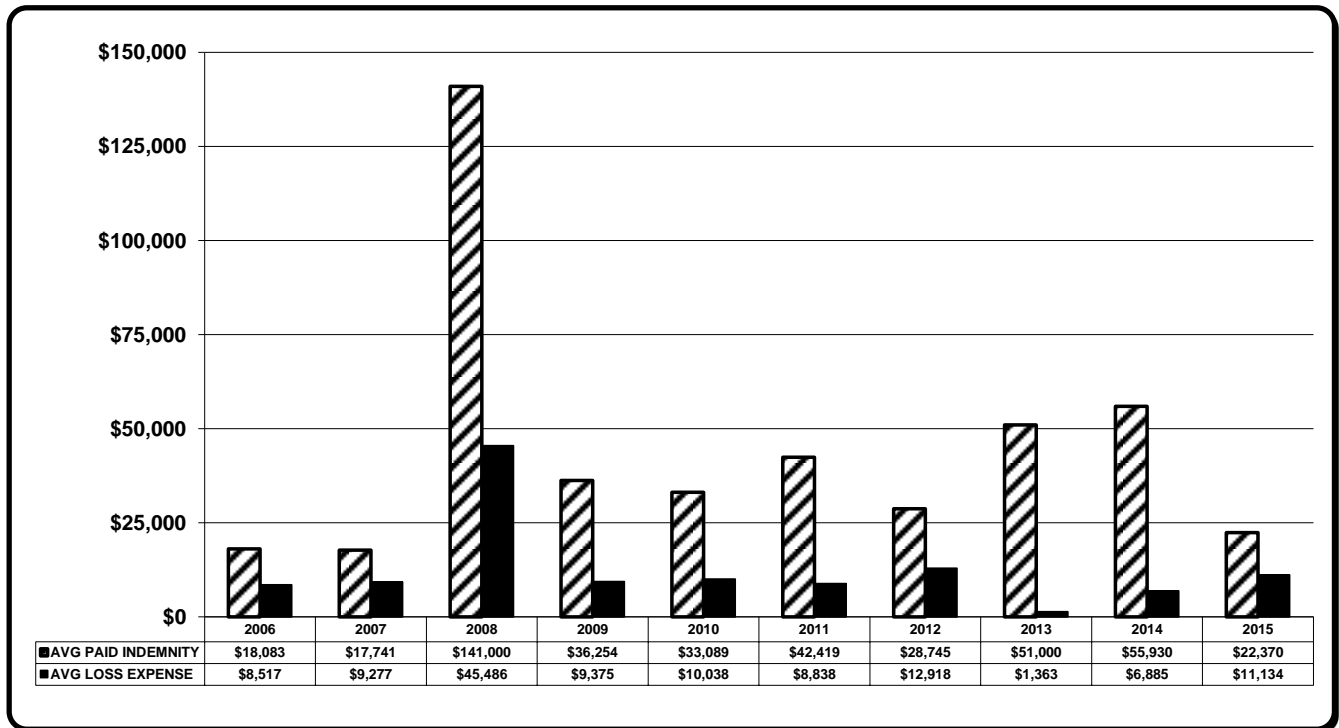


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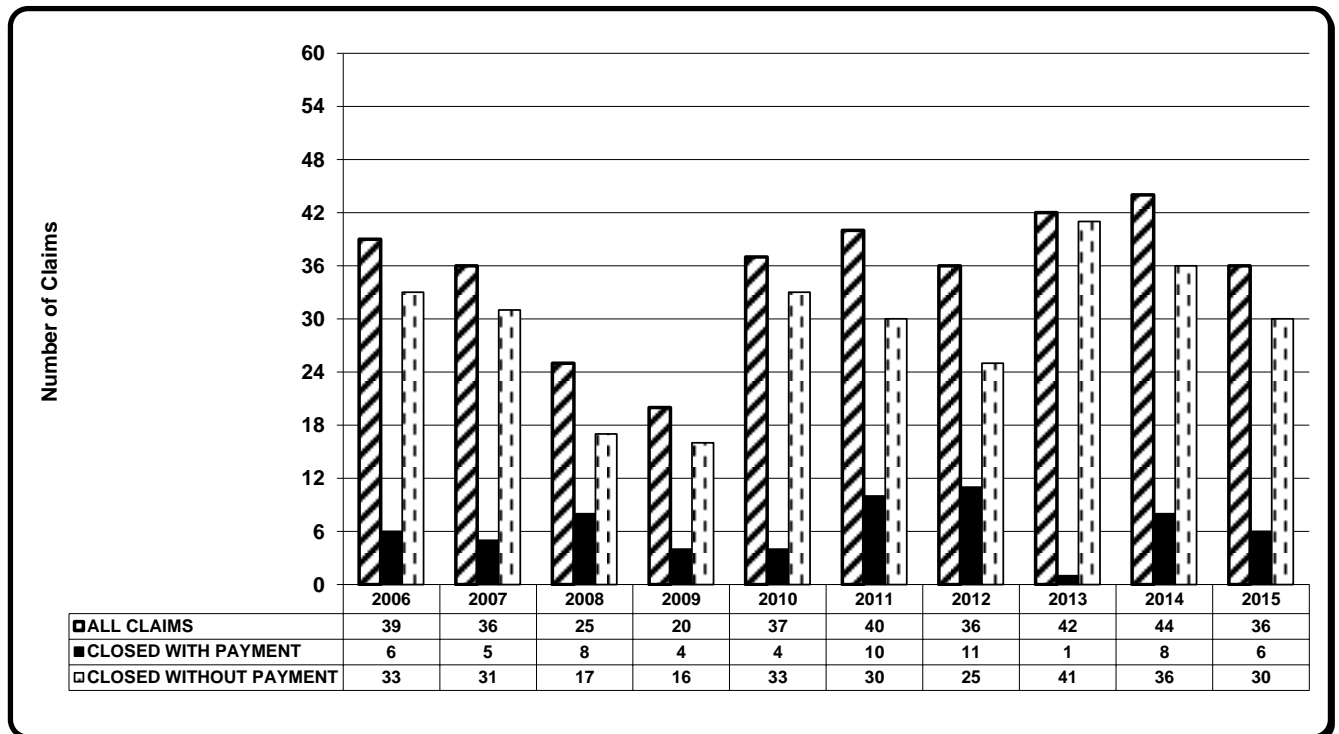


## COLLECTION

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

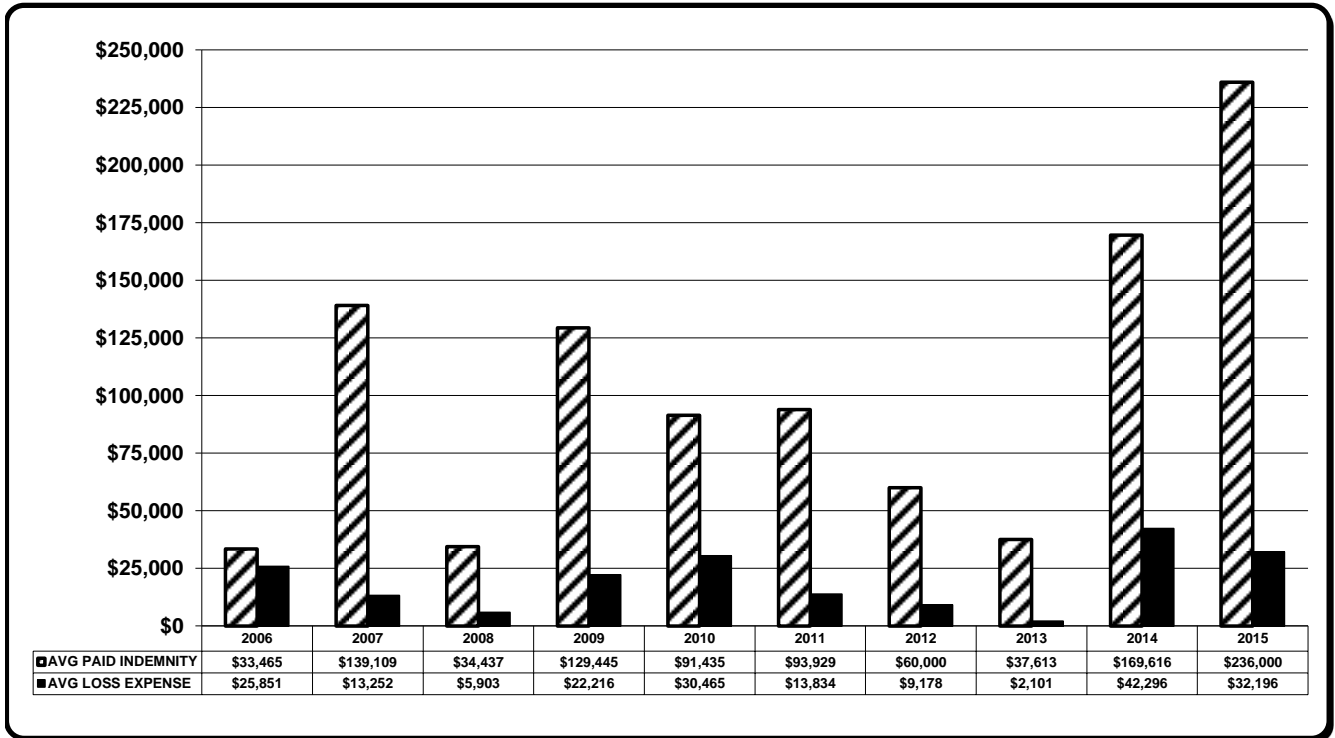


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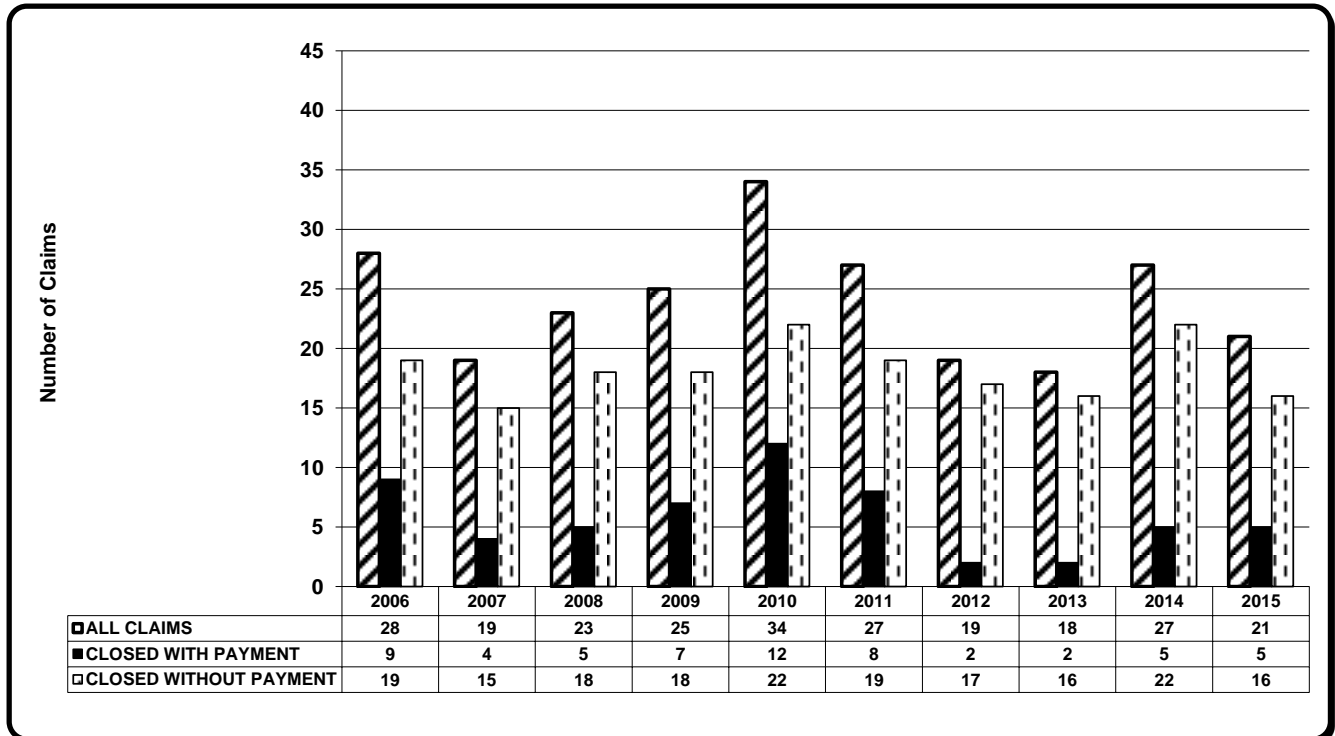


## ESTATE, TRUST & PROBATE

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

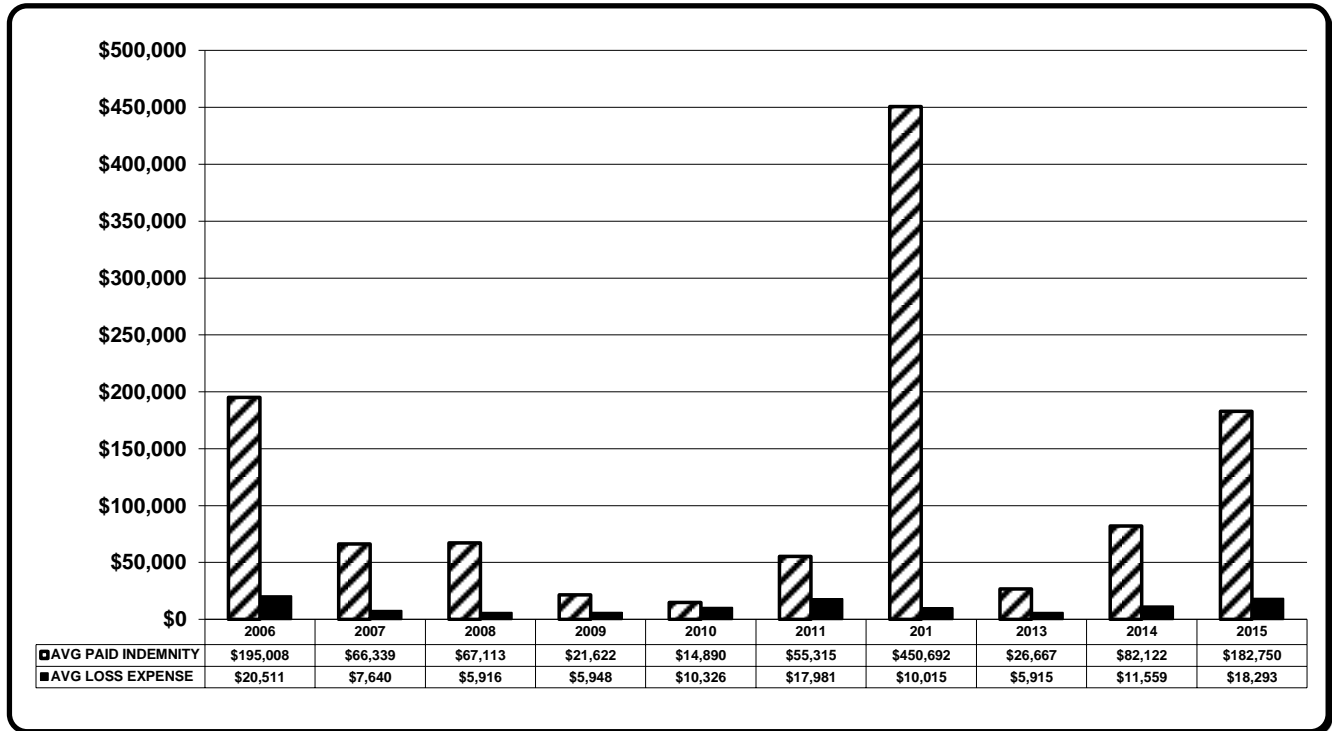


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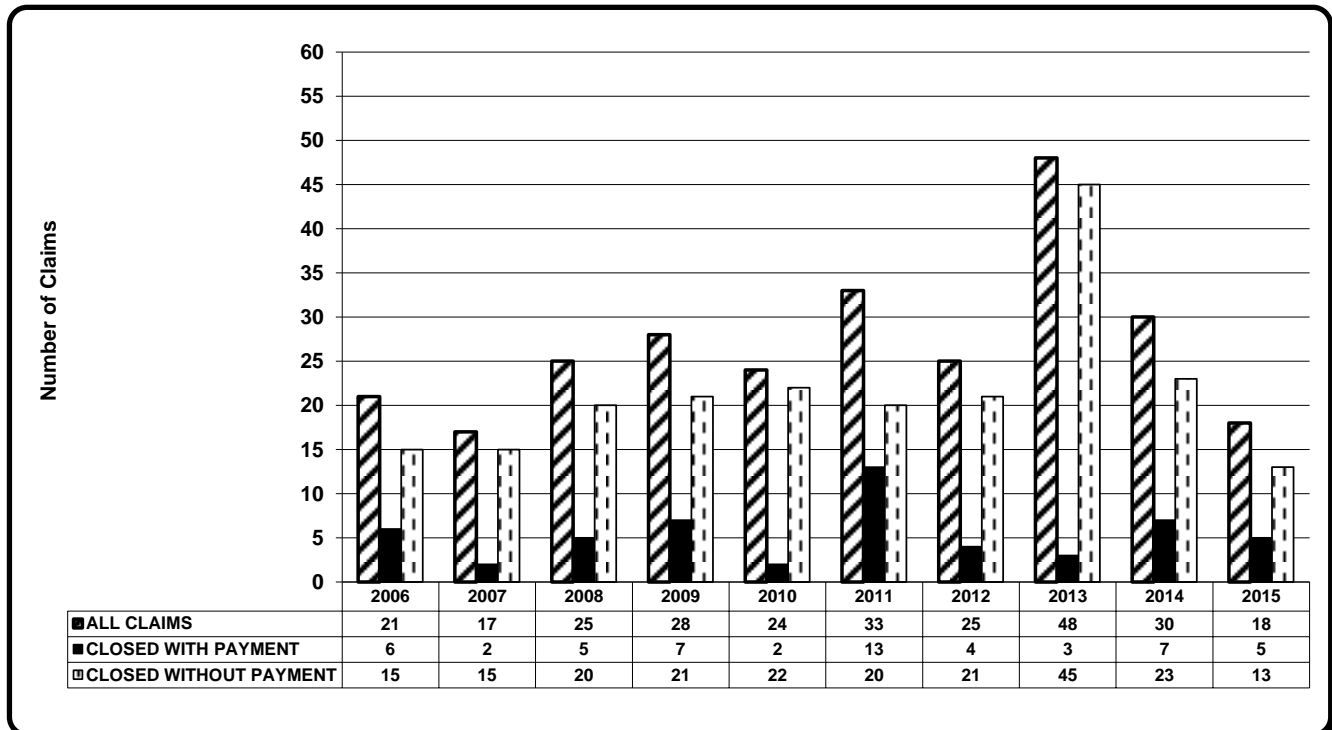


## REAL ESTATE

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

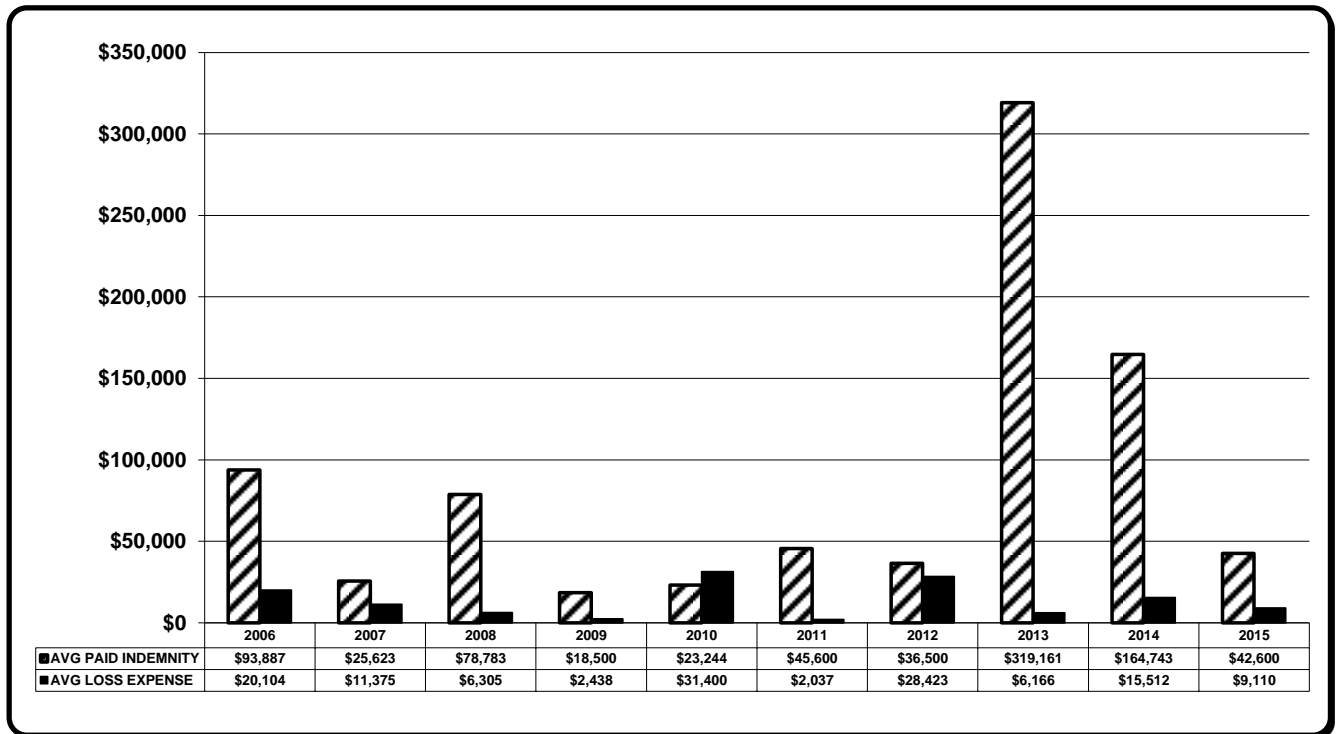


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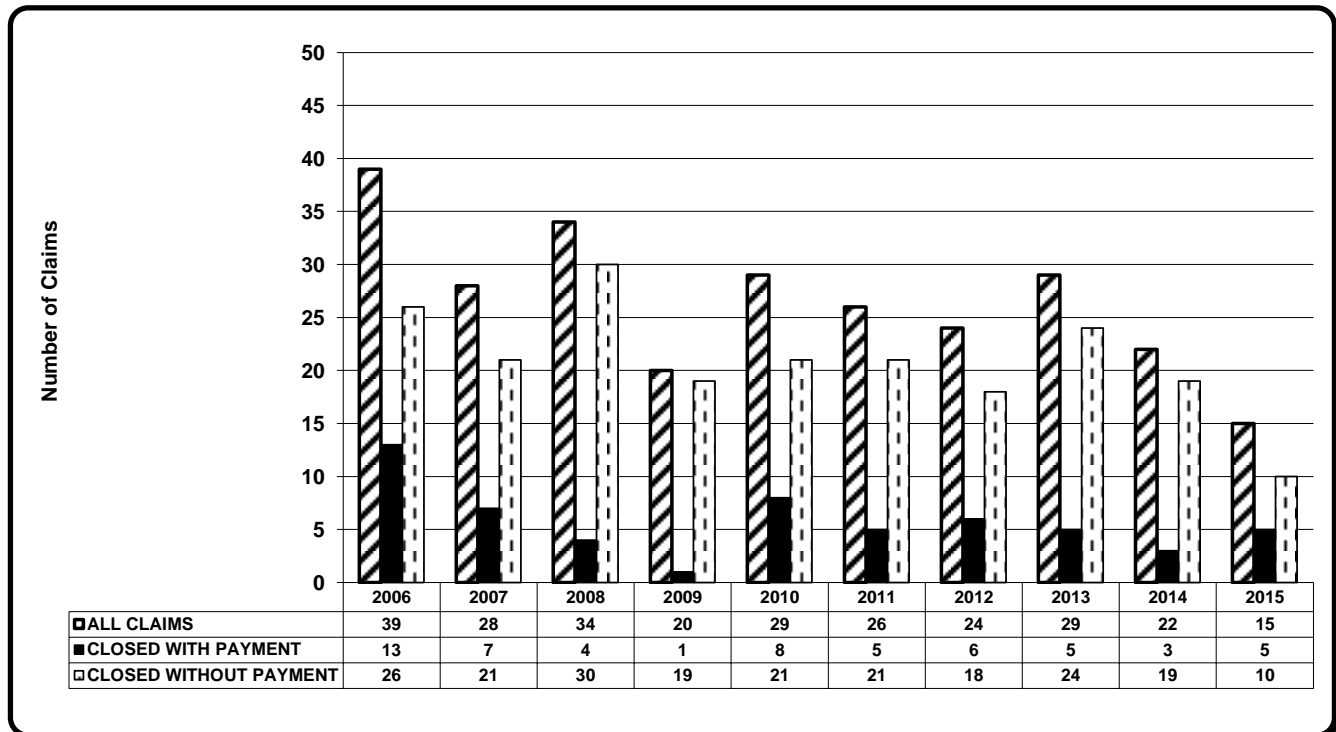


## FAMILY LAW

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



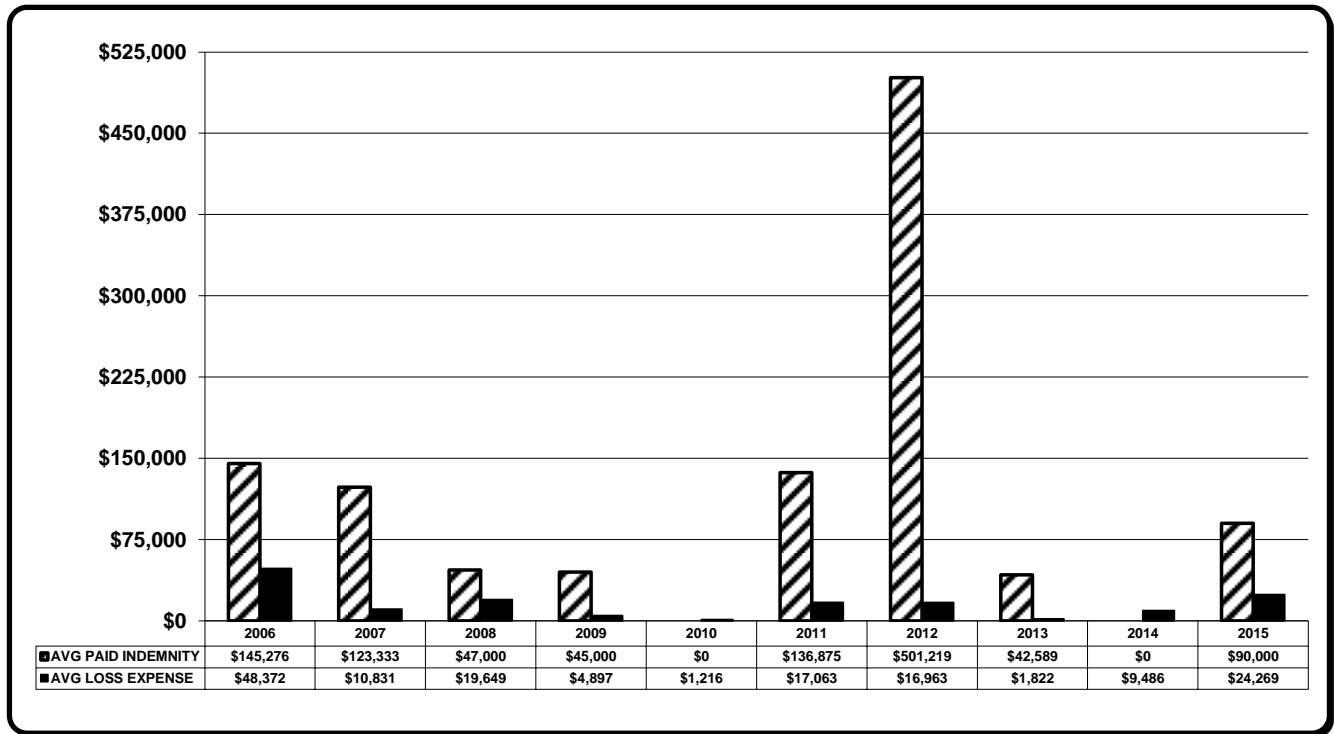
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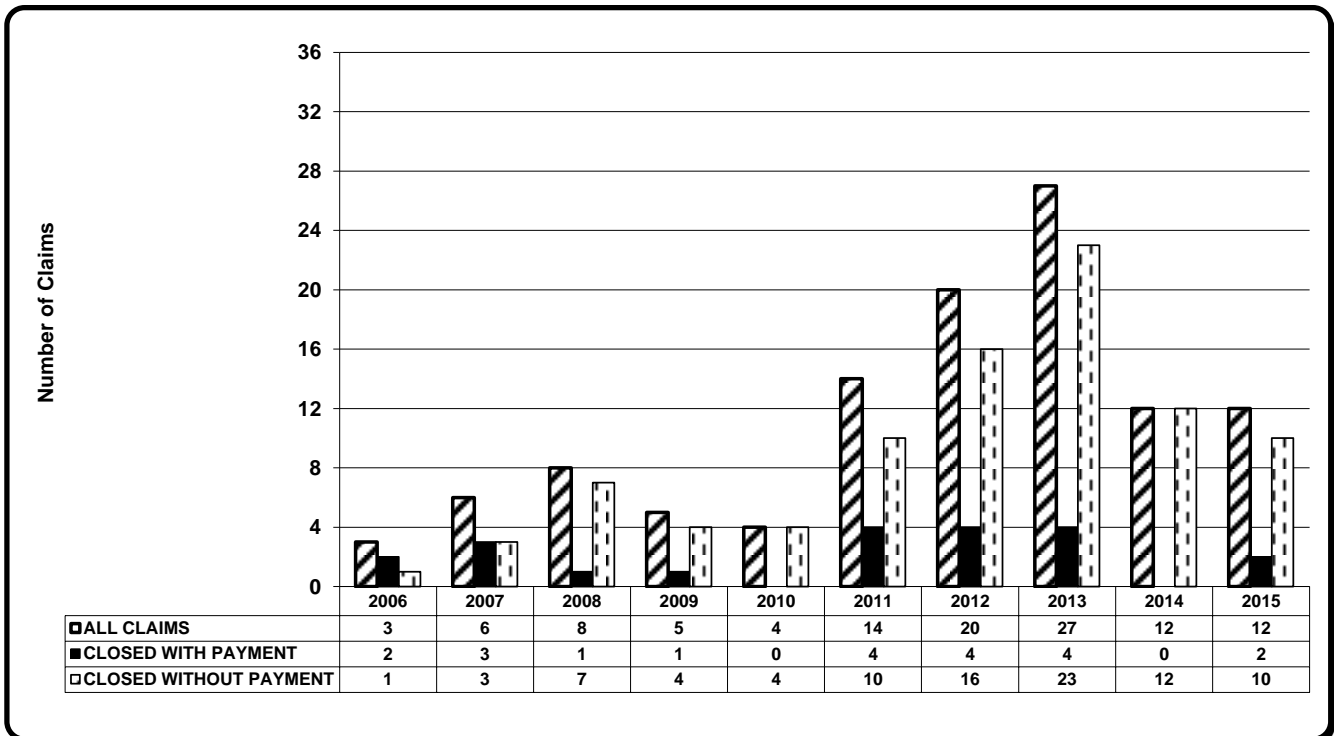


## CORPORATE & BUSINESS ORGANIZATION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

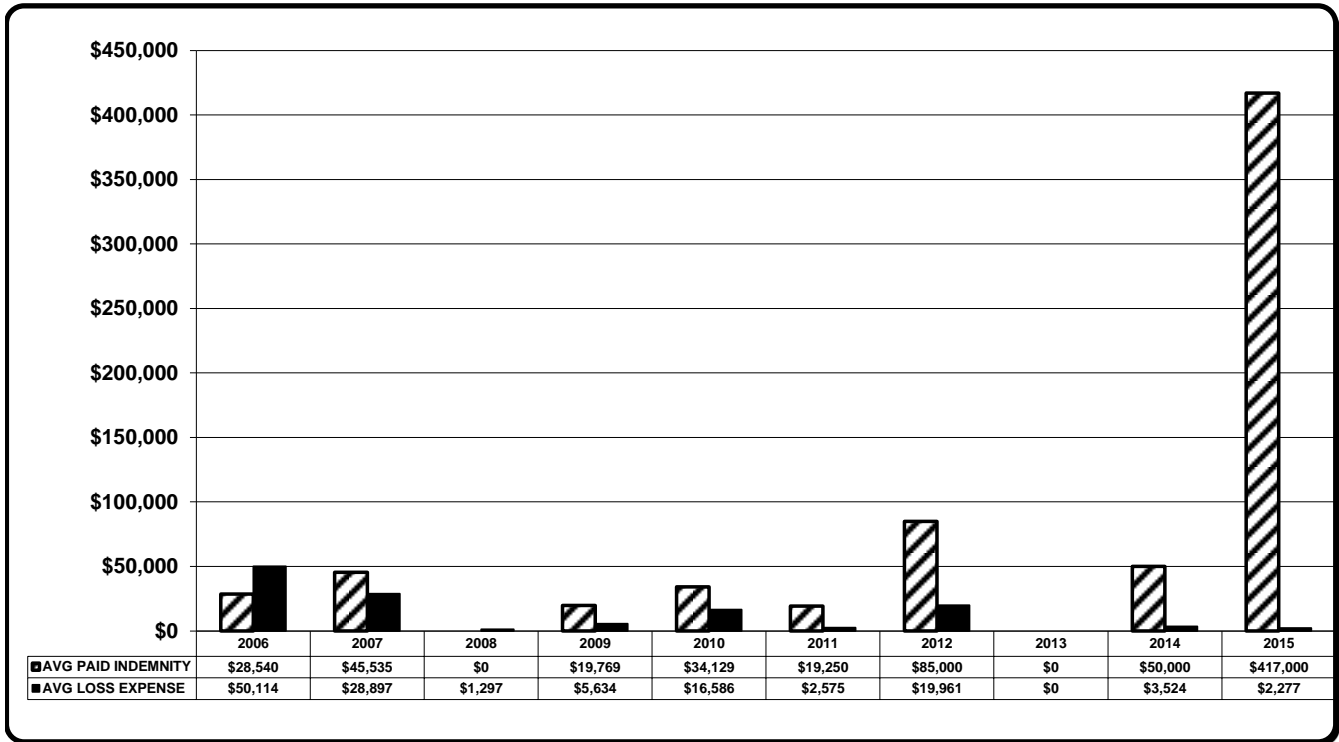


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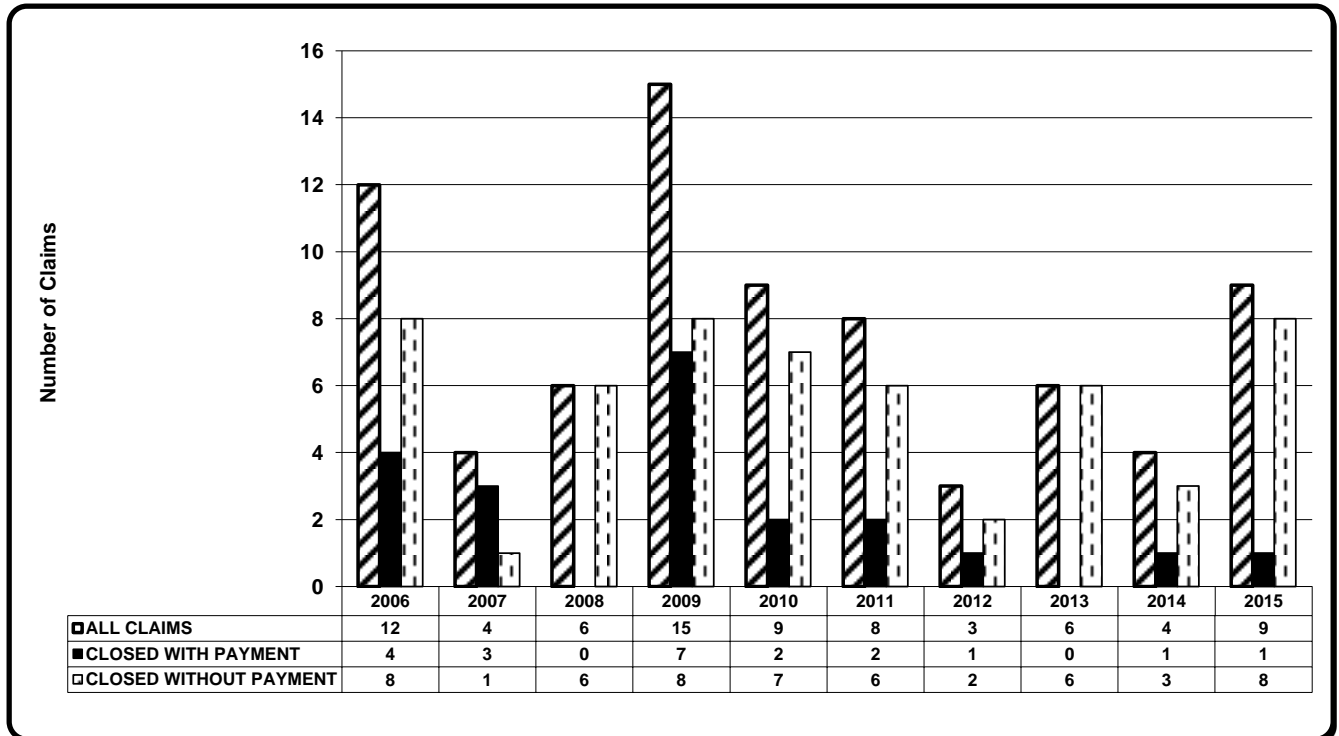


## WORKERS COMPENSATION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

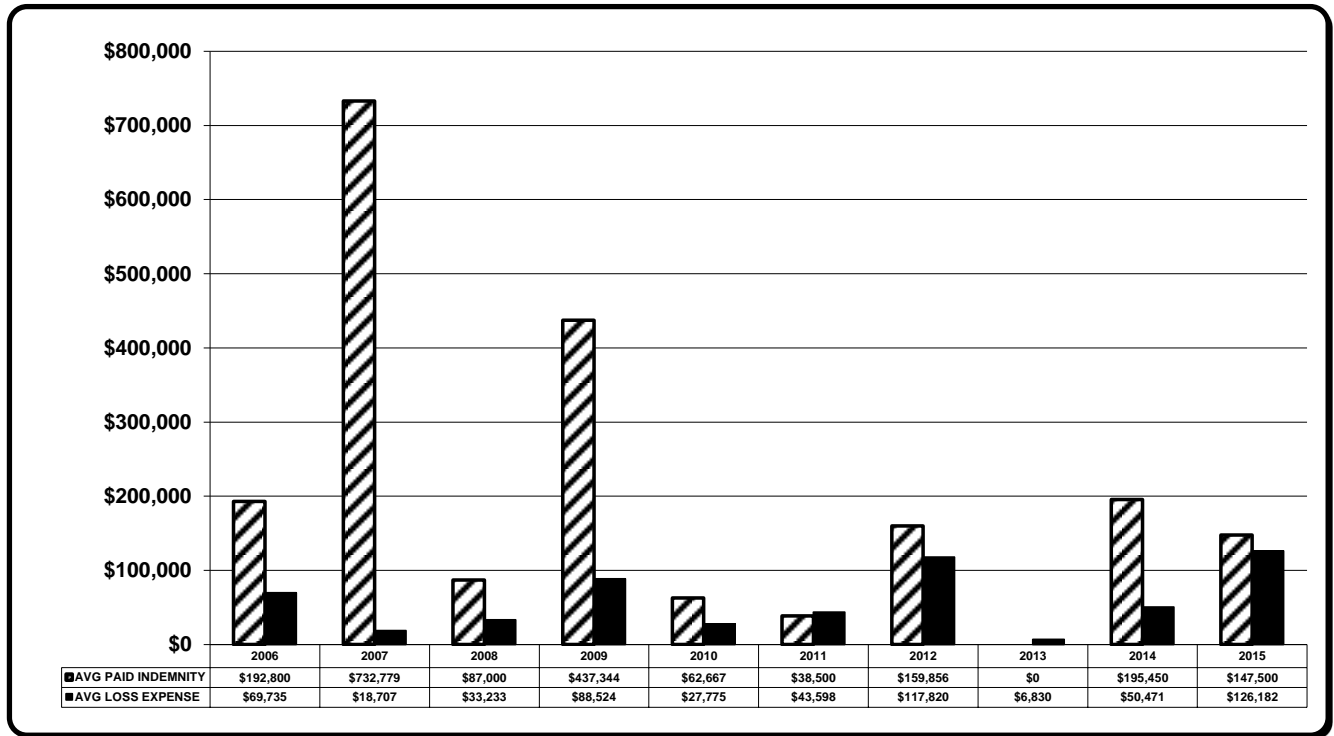


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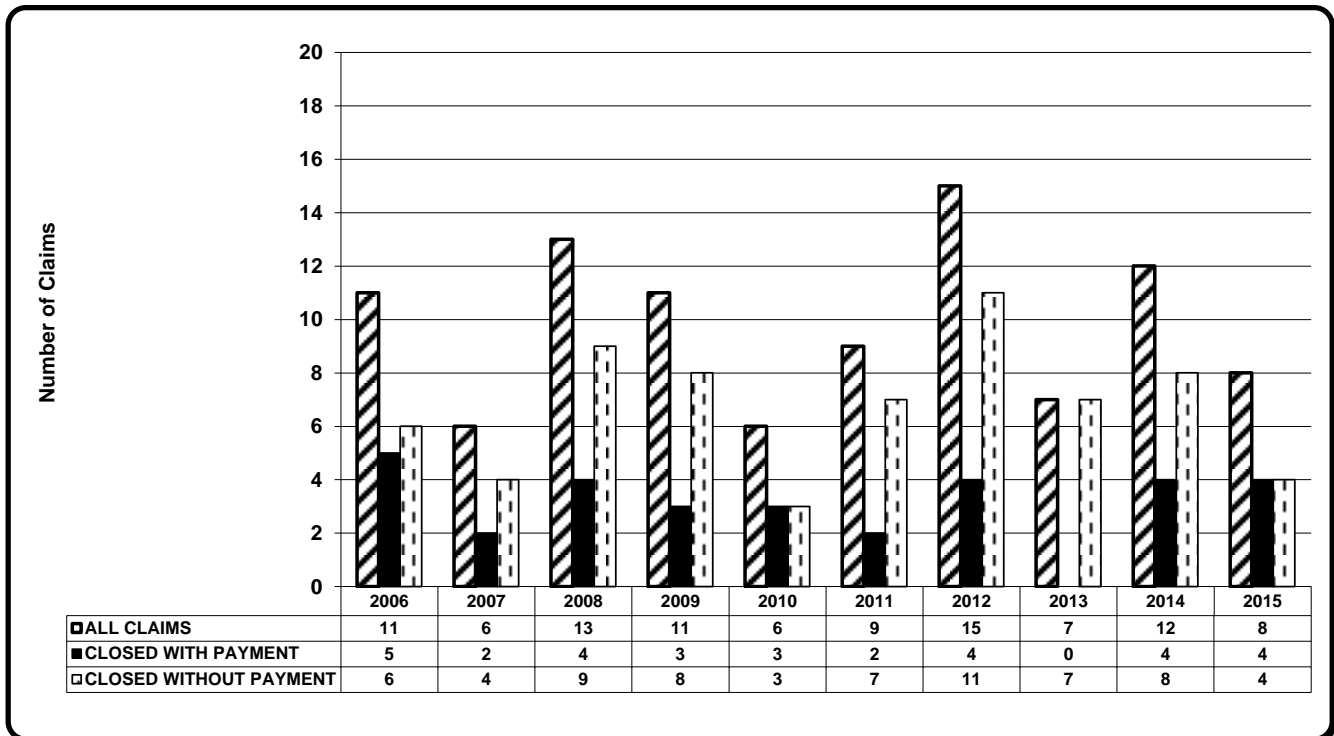


## BUSINESS TRANSACTION/COMMERCIAL LAW

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

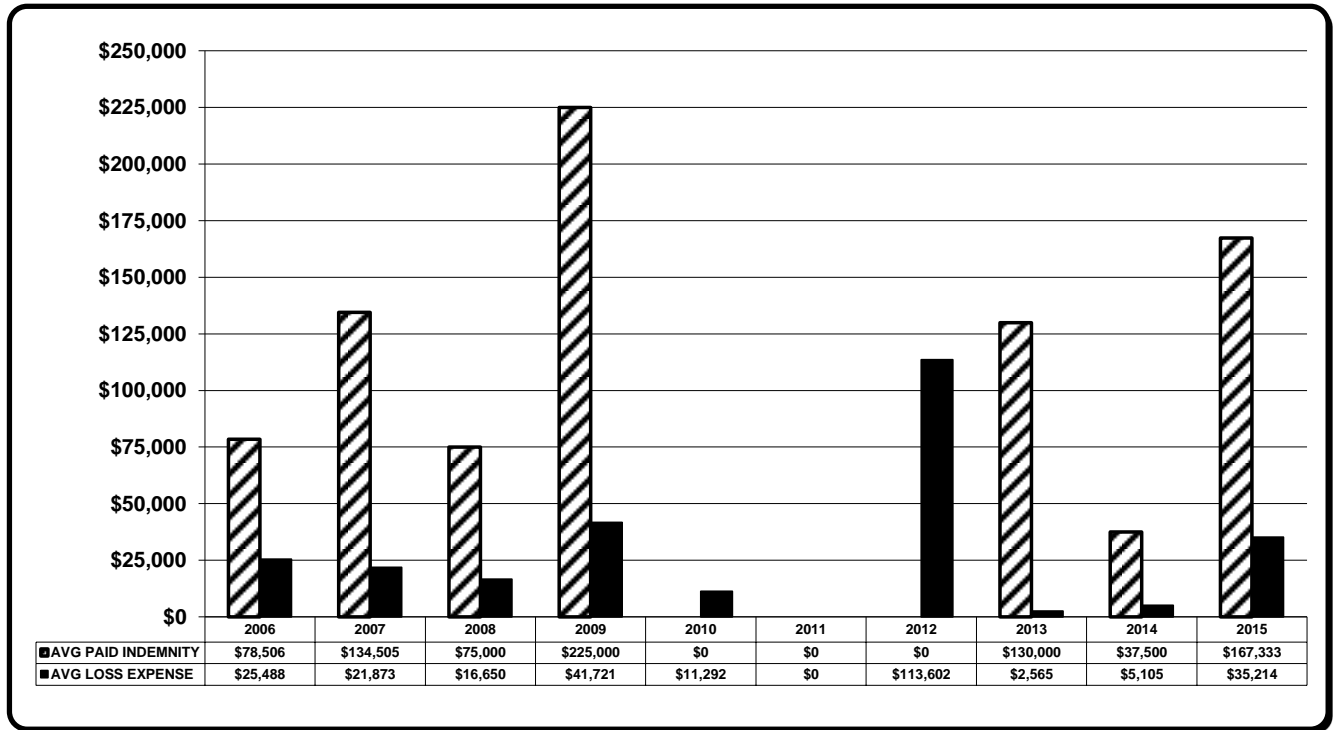


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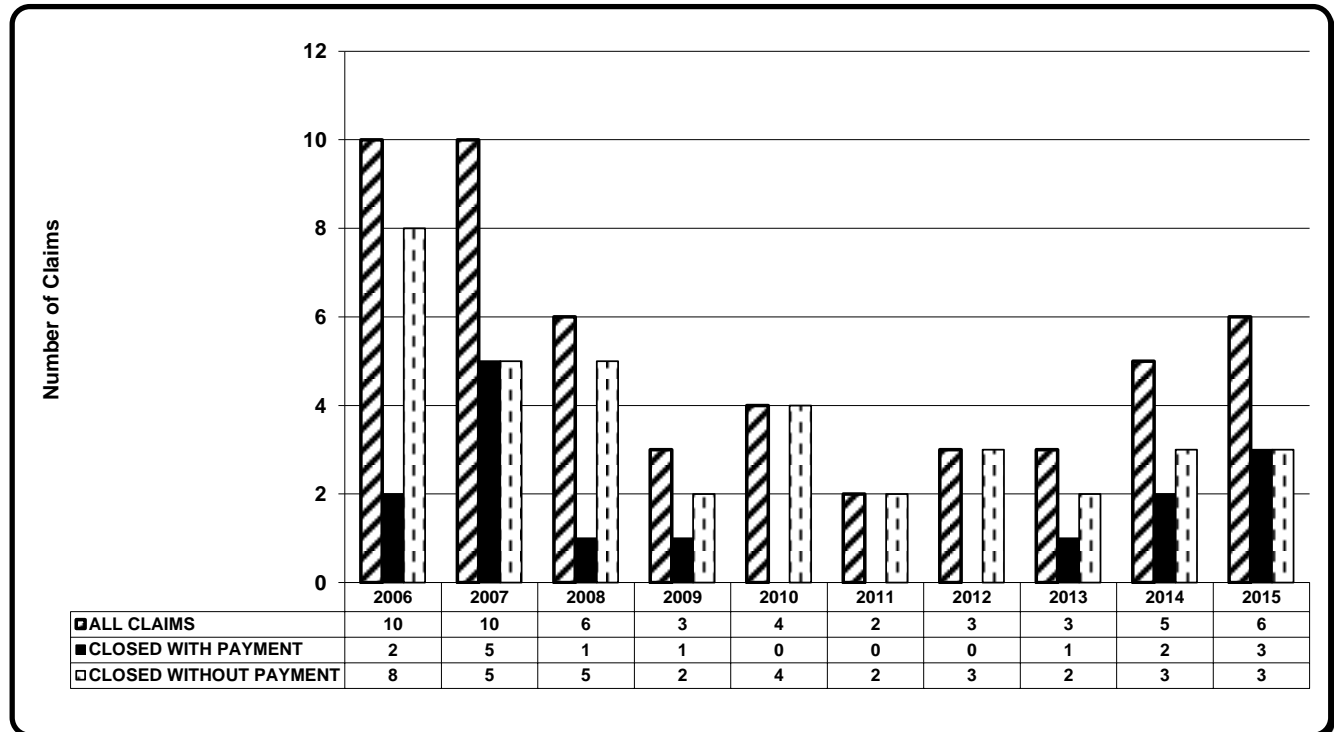


## LABOR LAW

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

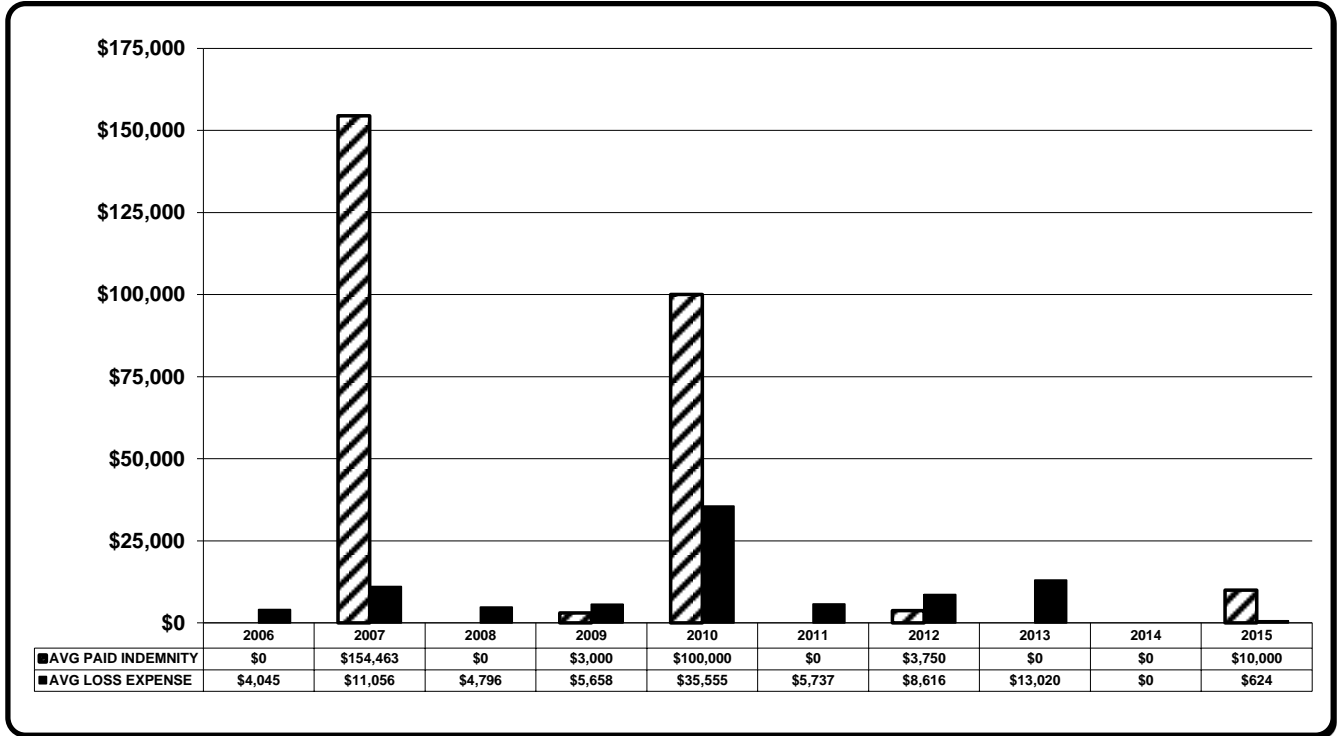


## CLAIM COUNT

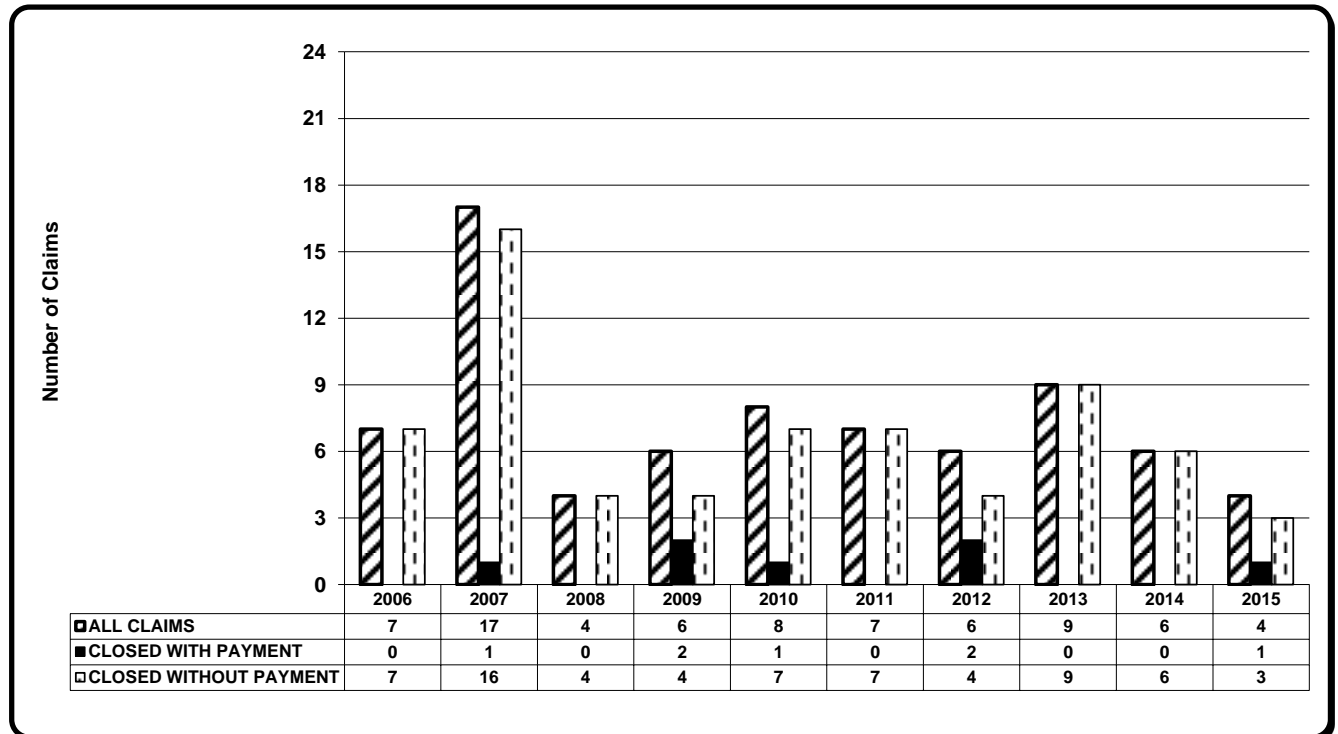


## CRIMINAL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



## CLAIM COUNT



**TEN YEAR SUMMARY  
&  
2015 SUMMARY  
BY  
MAJOR ACTIVITY**



**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
FOR YEARS 2006-2015**

MAJOR ACTIVITY CODE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
COMMENCEMENT OF ACTION OR PROCEEDING	694	161	29.27%	\$92,297	\$14,859,769	22.49%	\$15,656
OTHER	585	105	19.09%	\$96,008	\$10,080,802	15.26%	\$12,051
PRE-TRIAL, PRE-HEARING	211	62	11.27%	\$117,087	\$7,259,399	10.99%	\$31,002
PREPARATION, TRANSMITTAL OR FILING	197	67	12.18%	\$94,857	\$6,355,413	9.62%	\$25,405
SETTLEMENT AND NEGOTIATION	137	38	6.91%	\$179,303	\$6,813,495	10.31%	\$25,579
CONSULTATION OR ADVICE	126	36	6.55%	\$215,148	\$7,745,334	11.72%	\$42,793
TRIAL OR HEARING	87	22	4.00%	\$336,071	\$7,393,561	11.19%	\$39,426
INVESTIGATION, OTHER THAN LITIGATION	75	21	3.82%	\$82,173	\$1,725,639	2.61%	\$23,514
POST TRIAL OR HEARING	63	11	2.00%	\$77,820	\$856,025	1.30%	\$13,066
APPEAL ACTIVITIES	47	9	1.64%	\$58,779	\$529,010	0.80%	\$23,278
OTHER WRITTEN OPINION	33	6	1.09%	\$223,142	\$1,338,853	2.03%	\$26,915
EXPARTE PROCEEDINGS	17	5	0.91%	\$73,201	\$366,007	0.55%	\$35,750
TAX REPORTING OR PAYMENT	12	4	0.73%	\$93,520	\$374,078	0.57%	\$30,793
REFERRAL TO ANOTHER PROFESSIONAL	9	2	0.36%	\$145,000	\$290,000	0.44%	\$12,934
TITLE OPINION	2	1	0.18%	\$75,000	\$75,000	0.11%	\$0
<b>TOTAL</b>	<b>2,295</b>	<b>550</b>	<b>100.00%</b>	<b>\$120,113</b>	<b>\$66,062,385</b>	<b>100.00%</b>	<b>\$20,676</b>



**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
CLAIMS CLOSED IN 2015**

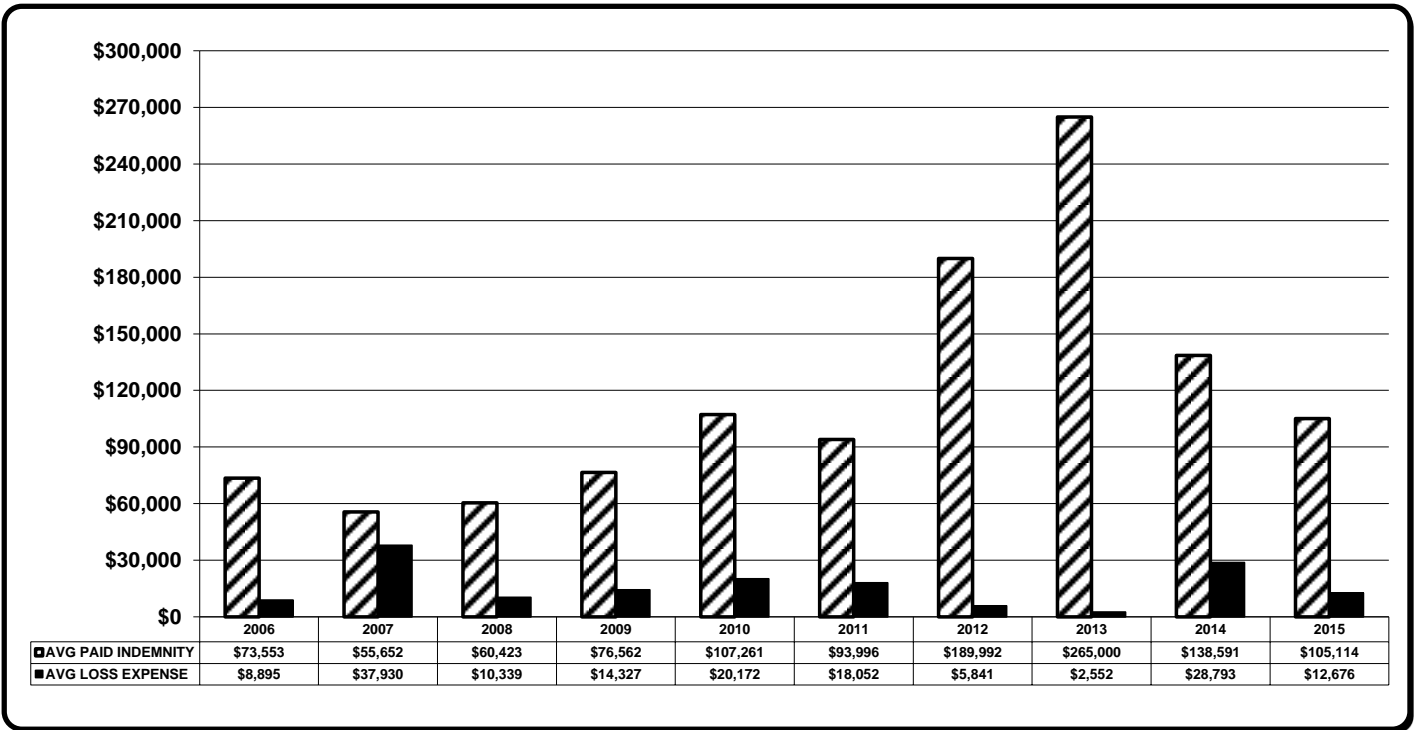
MAJOR ACTIVITY CODE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
COMMENCEMENT OF ACTION OR PROCEEDING	57	16	32.00%	\$105,114	\$1,681,826	21.49%	\$12,676
OTHER	45	12	24.00%	\$183,125	\$2,197,500	28.07%	\$16,372
SETTLEMENT AND NEGOTIATION	15	4	8.00%	\$37,500	\$150,000	1.92%	\$6,799
PREPARATION, TRANSMITTAL OR FILING	13	3	6.00%	\$128,500	\$385,500	4.92%	\$15,562
OTHER WRITTEN OPINION	12	1	2.00%	\$150,000	\$150,000	1.92%	\$35,975
CONSULTATION OR ADVICE	9	4	8.00%	\$202,750	\$811,000	10.36%	\$85,890
PRE-TRIAL, PRE-HEARING	8	4	8.00%	\$161,250	\$645,000	8.24%	\$83,885
TRIAL OR HEARING	6	3	6.00%	\$497,222	\$1,491,665	19.06%	\$96,035
TAX REPORTING OR PAYMENT	4	1	2.00%	\$25,000	\$25,000	0.32%	\$15,760
APPEAL ACTIVITIES	3	0	0.00%	N/A	\$0	0.00%	\$666
INVESTIGATION, OTHER THAN LITIGATION	3	0	0.00%	N/A	\$0	0.00%	\$2,164
REFERRAL TO ANOTHER PROFESSIONAL	2	2	4.00%	\$145,000	\$290,000	3.70%	\$45,822
EX PARTE PROCEEDINGS	1	0	0.00%	N/A	\$0	0.00%	\$0
POST TRIAL OR HEARING	1	0	0.00%	N/A	\$0	0.00%	\$0
<b>TOTAL</b>	<b>179</b>	<b>50</b>	<b>100.00%</b>	<b>\$156,550</b>	<b>\$7,827,491</b>	<b>100.00%</b>	<b>\$24,462</b>

**TRENDS  
OF THE TOP TEN  
MAJOR ACTIVITY  
OF 2015**

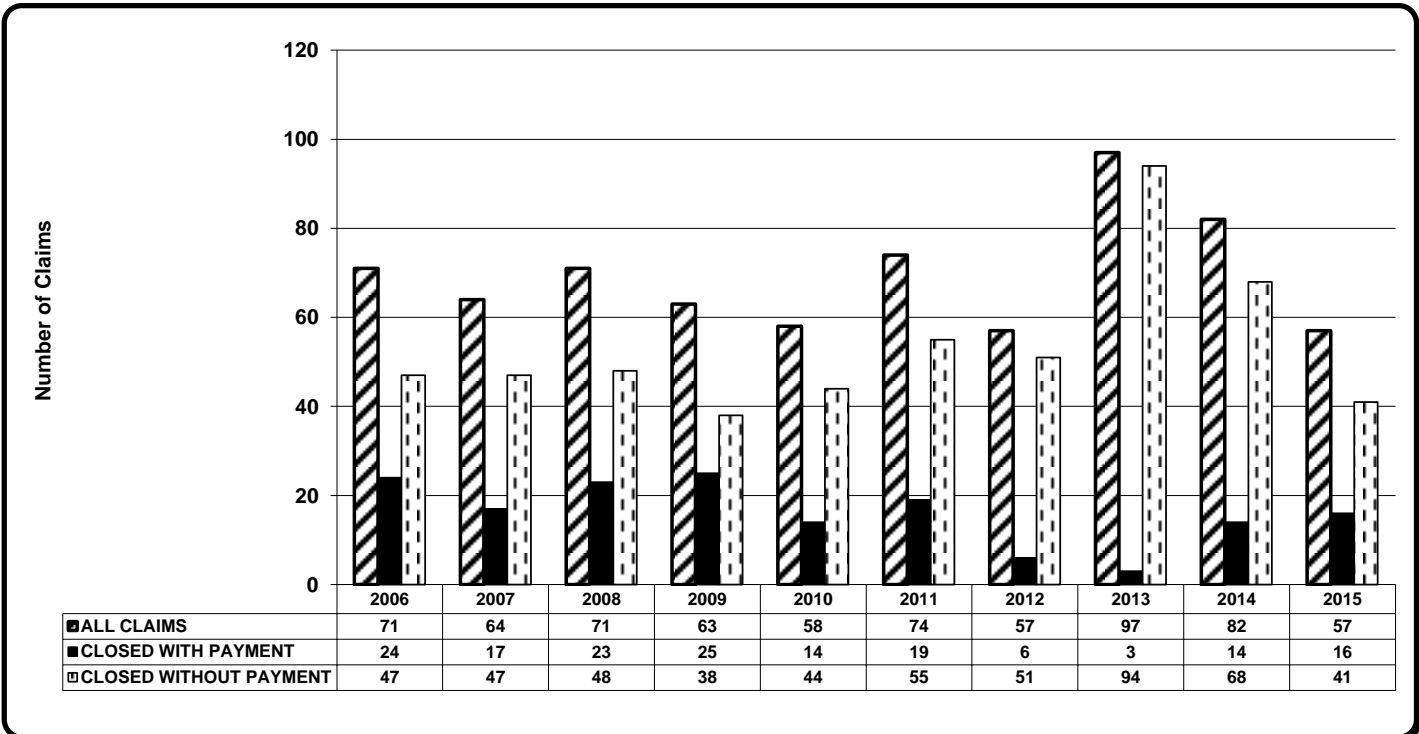


## COMMENCEMENT OF ACTION OR PROCEEDING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

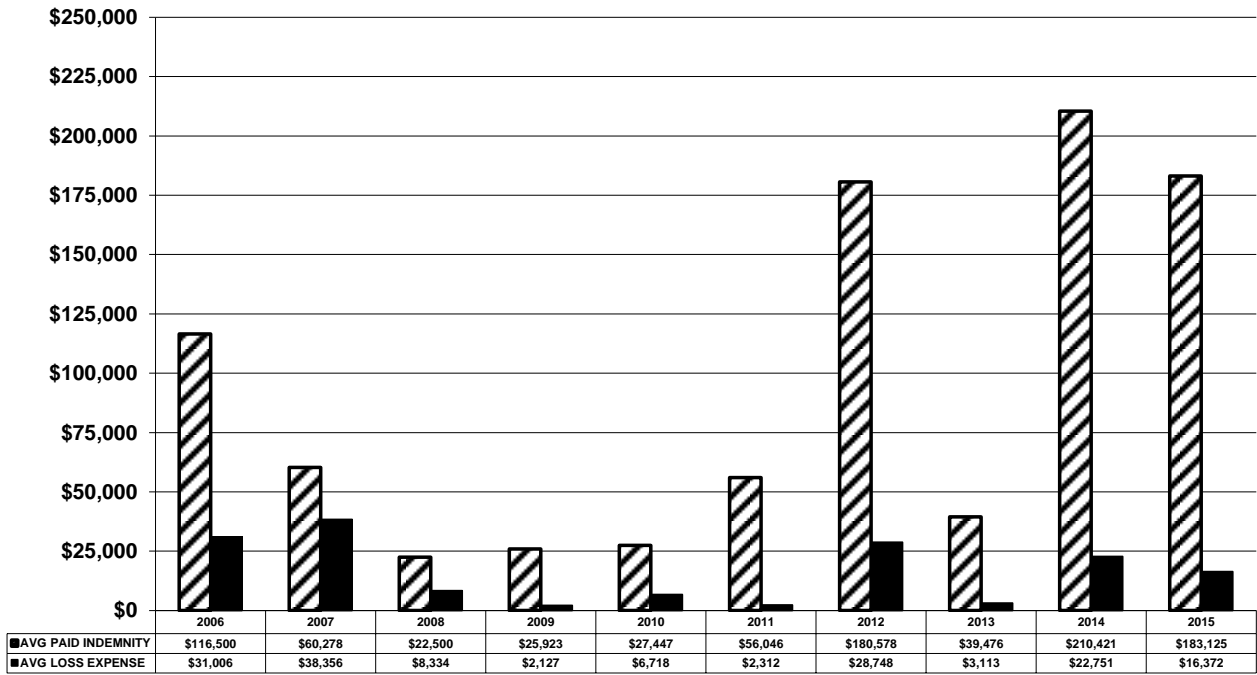


### CLAIM COUNT

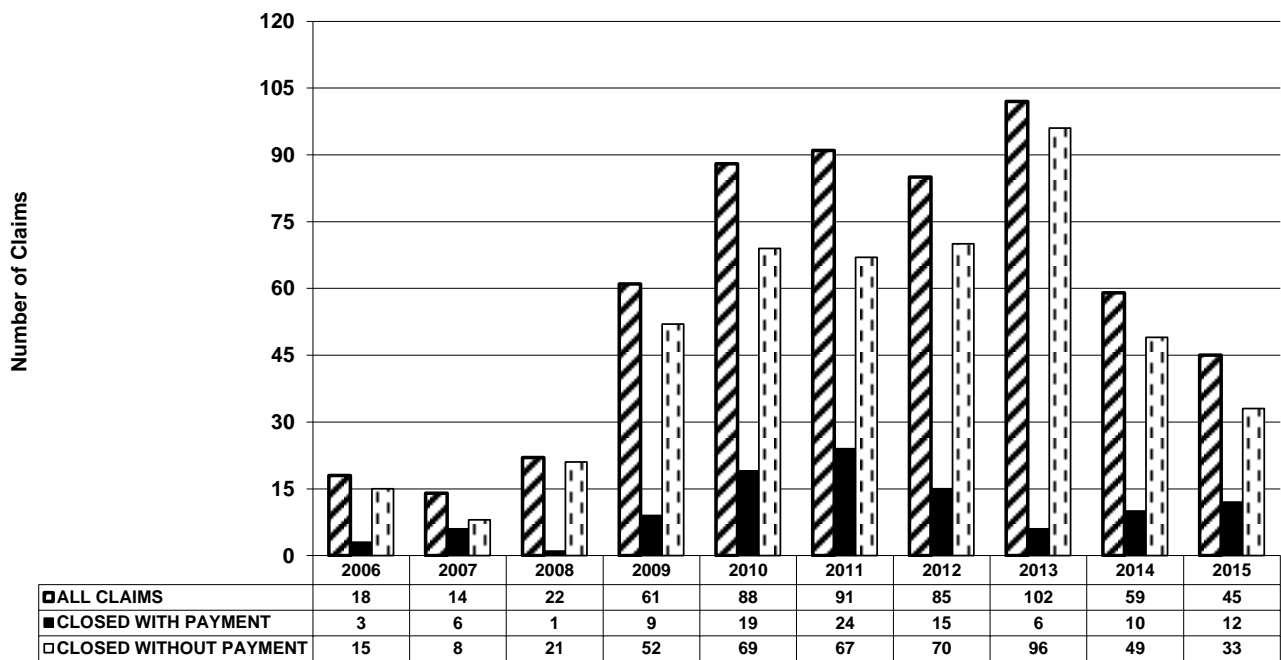


## OTHER

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

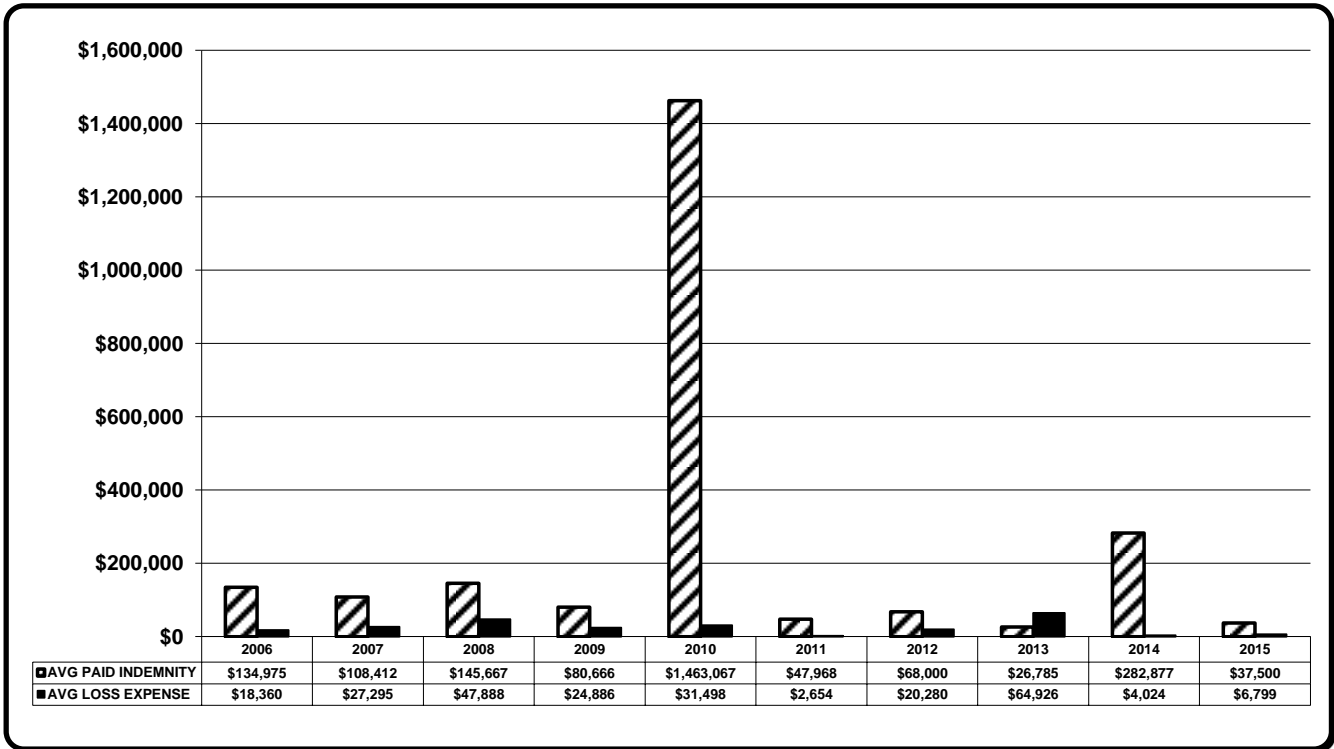


## CLAIM COUNT

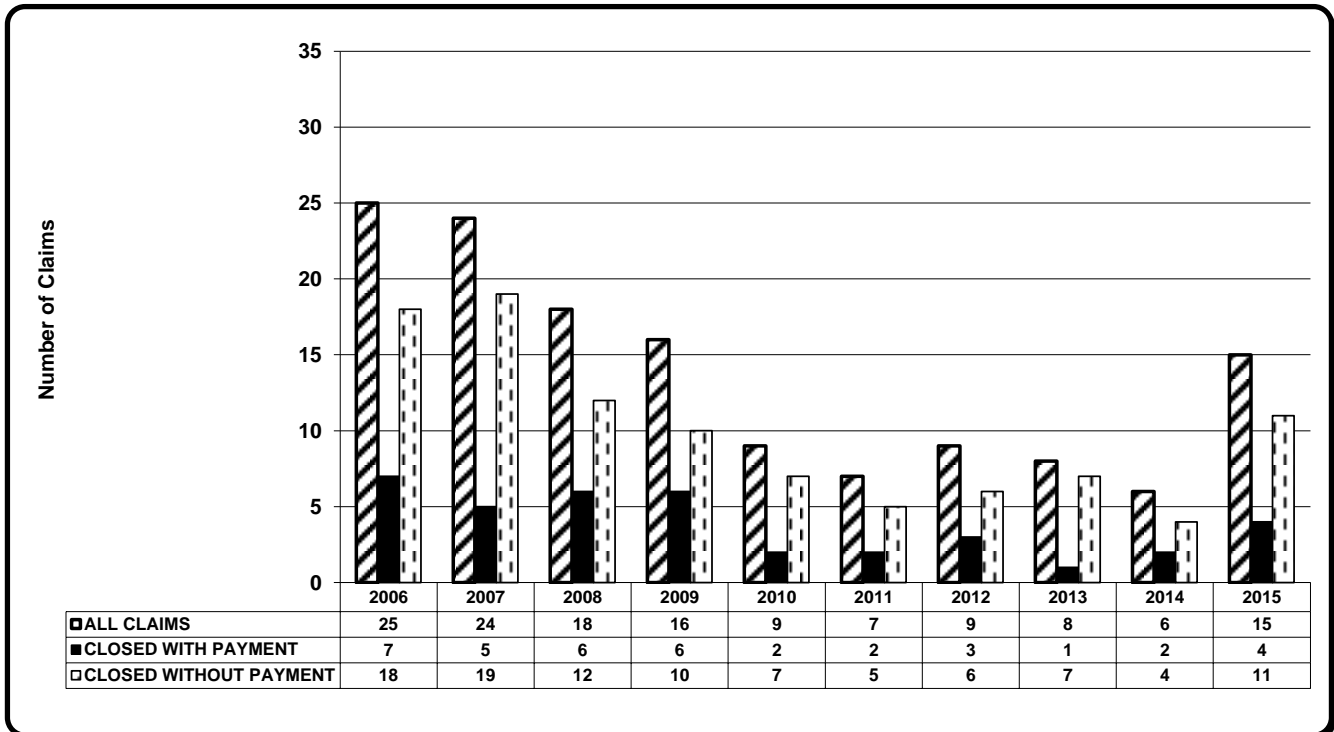


## SETTLEMENT & NEGOTIATION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

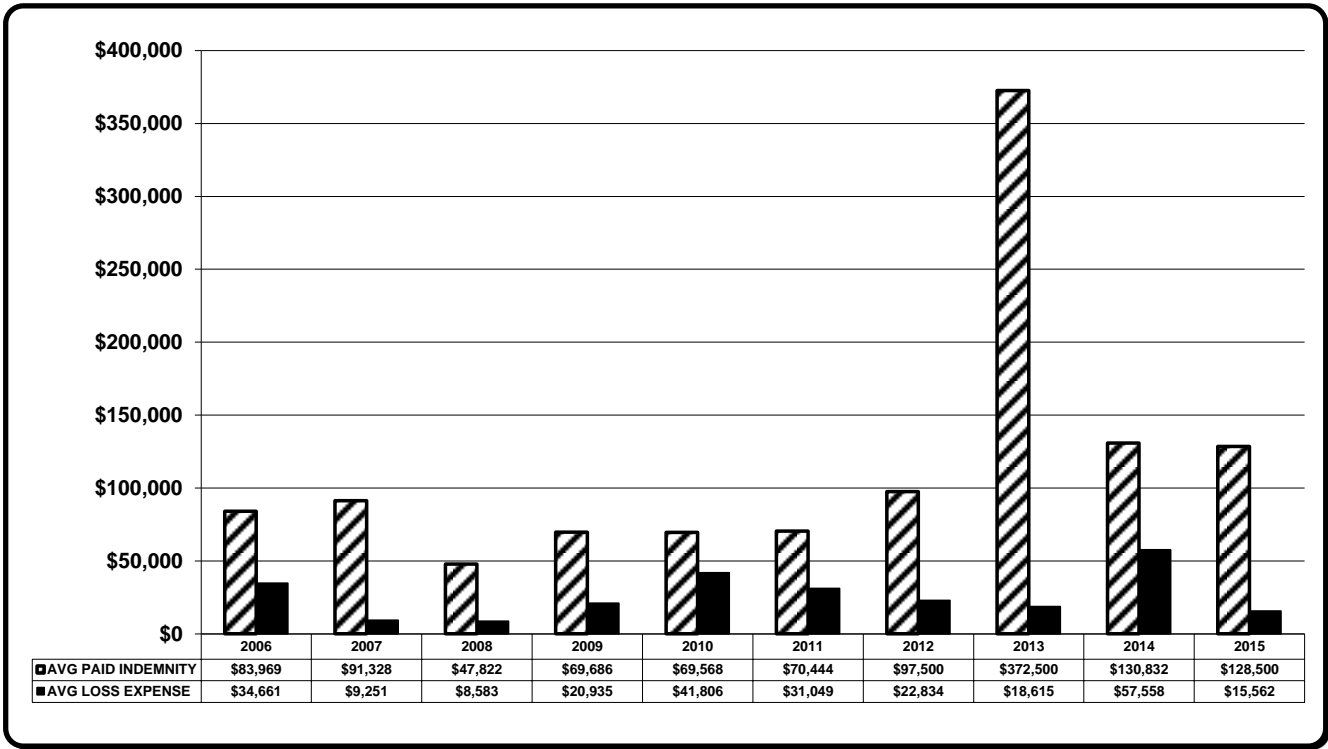


### CLAIM COUNT

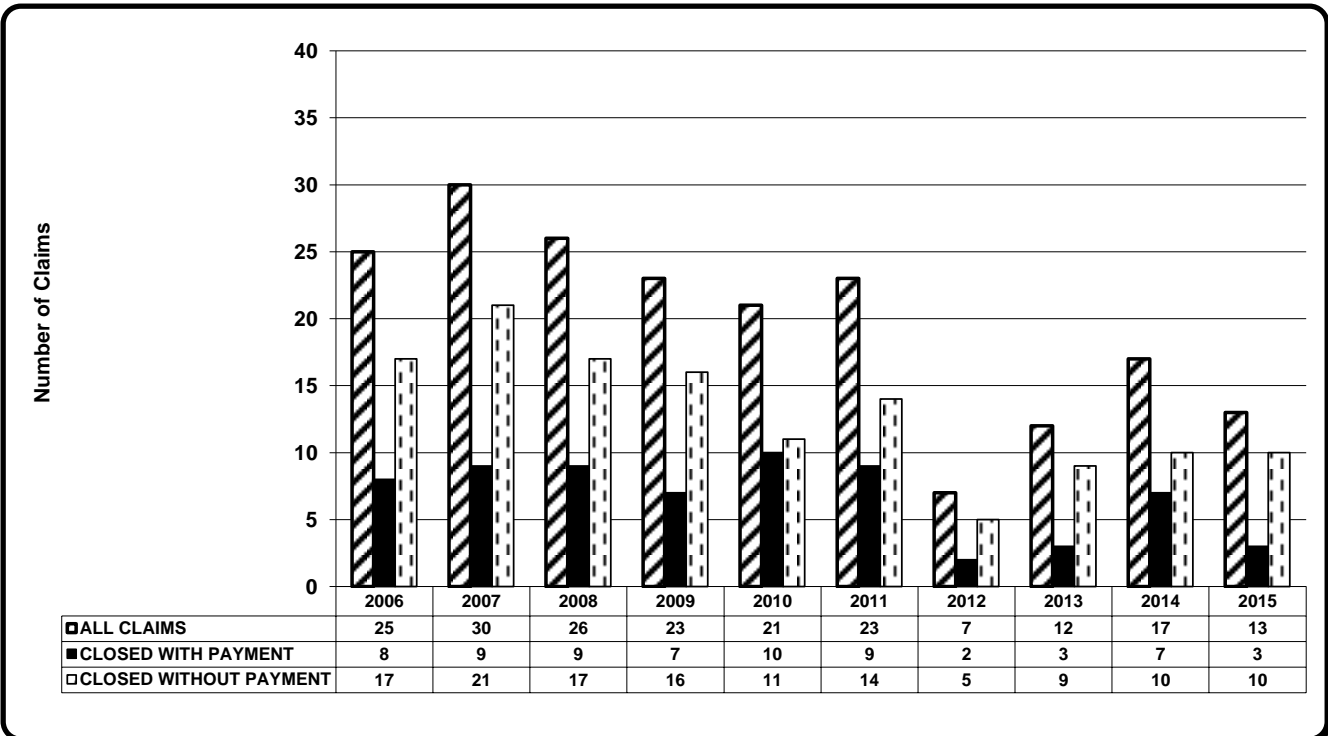


## PREPARATION, TRANSMITTAL OR FILING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

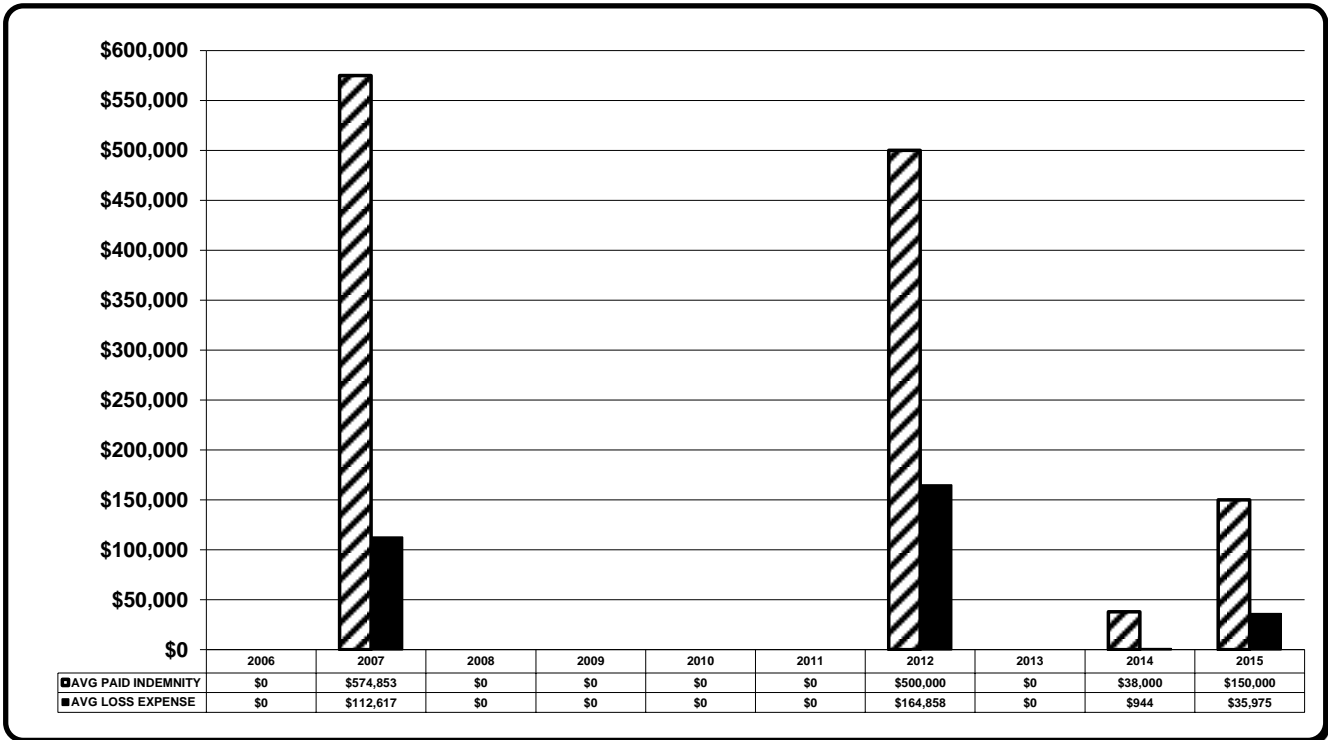


### CLAIM COUNT

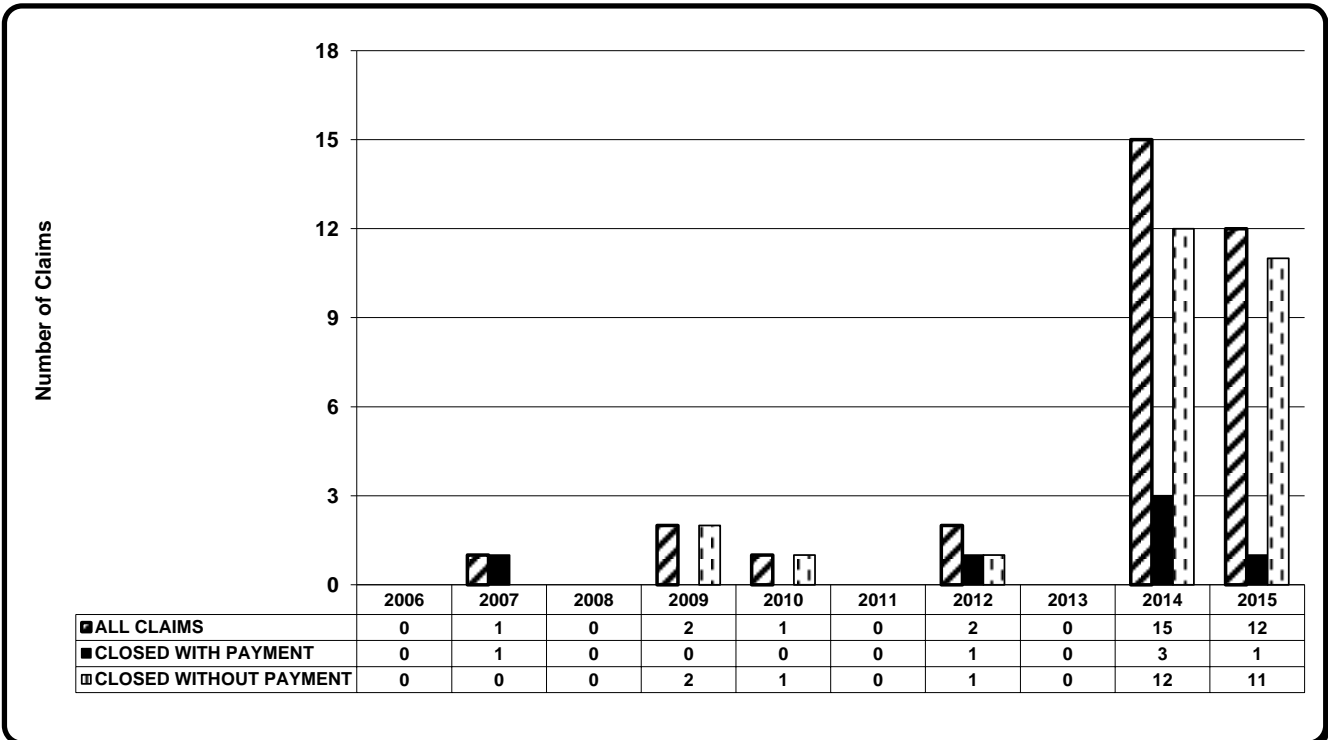


## OTHER WRITTEN OPINION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



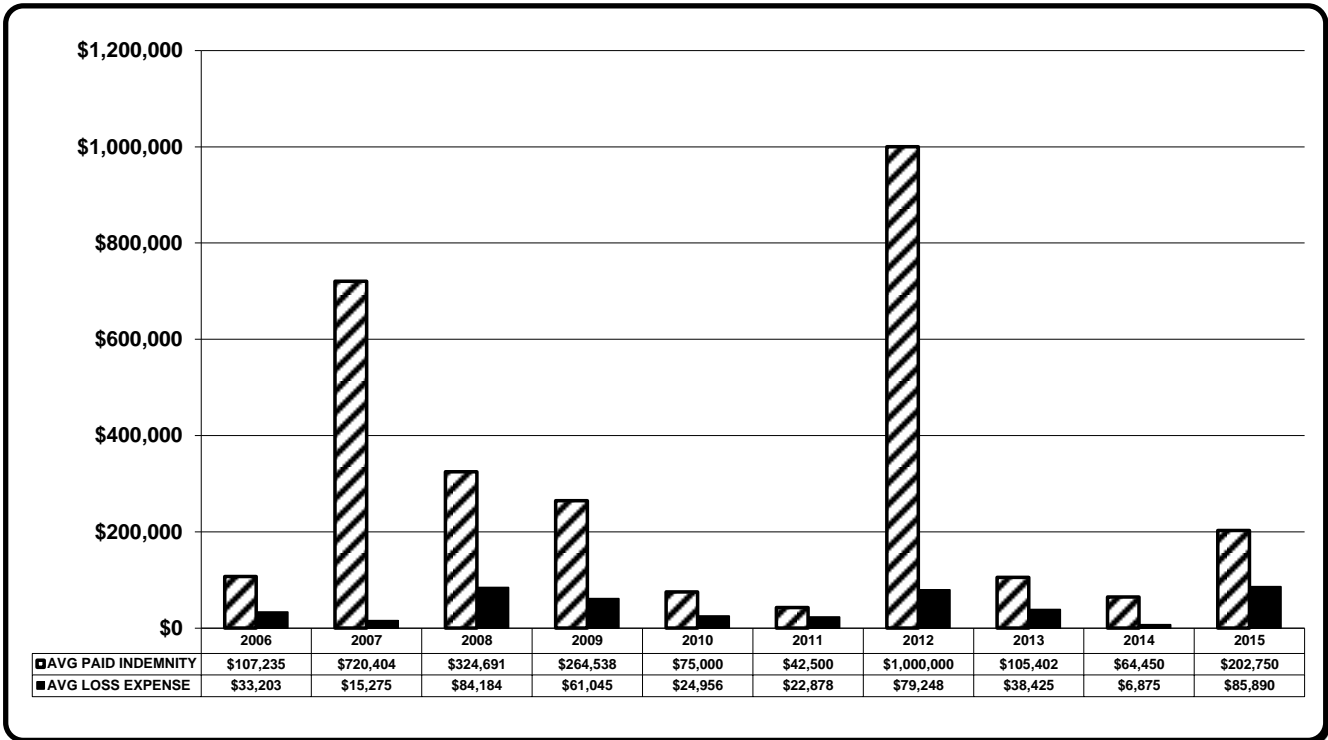
### CLAIM COUNT



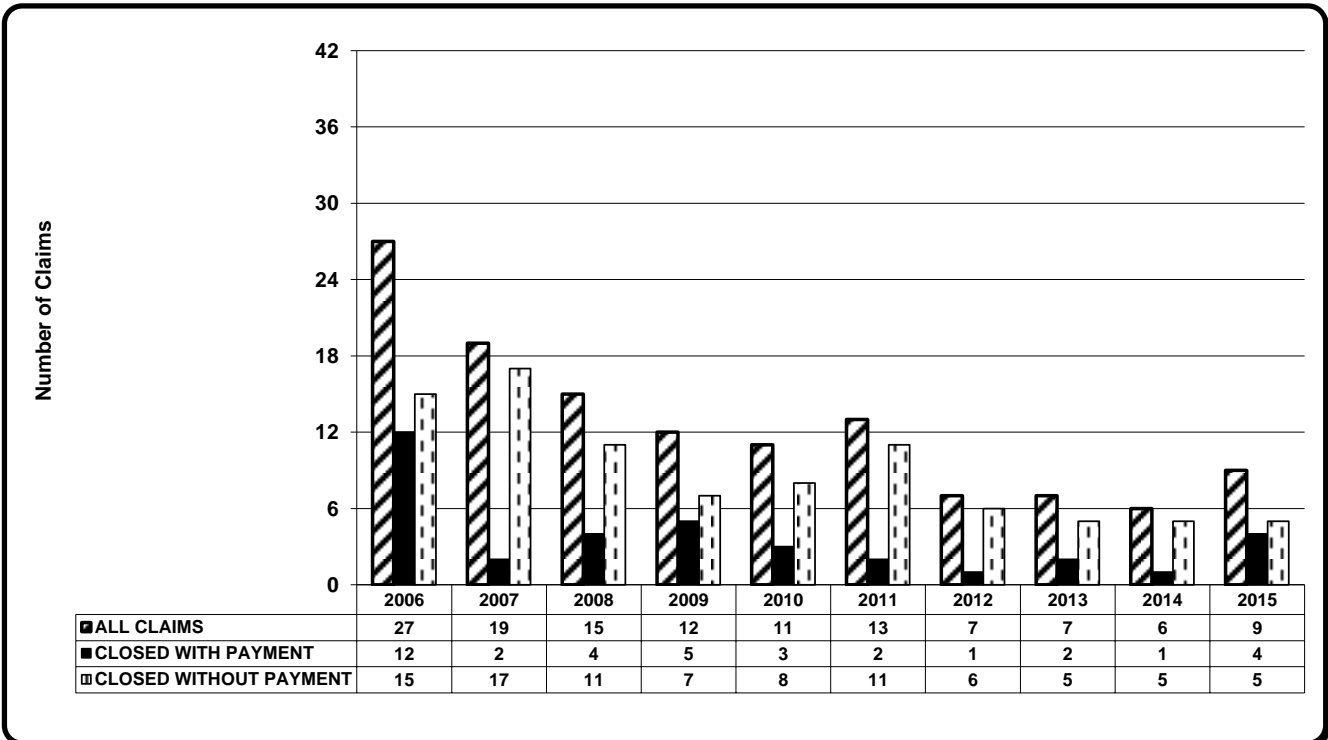


## CONSULTATION OR ADVICE

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

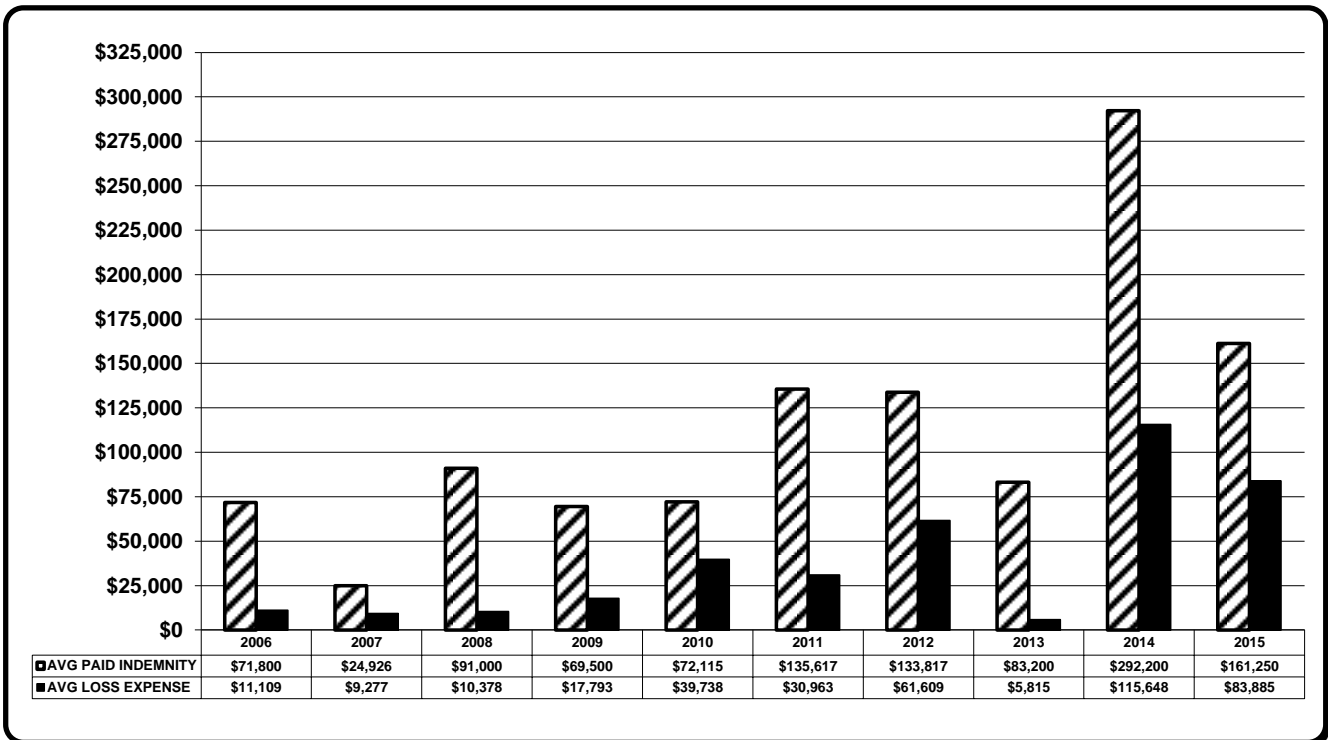


## CLAIM COUNT

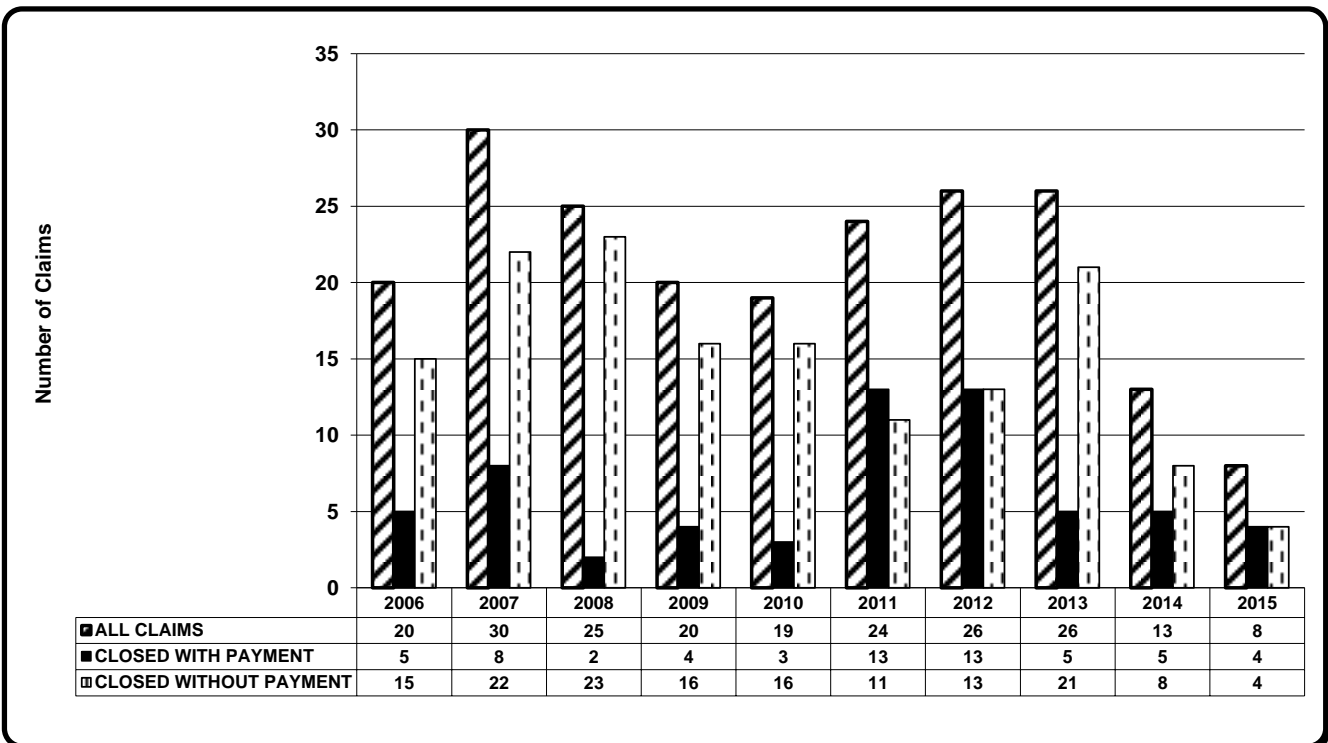


## PRE-TRIAL, PRE-HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

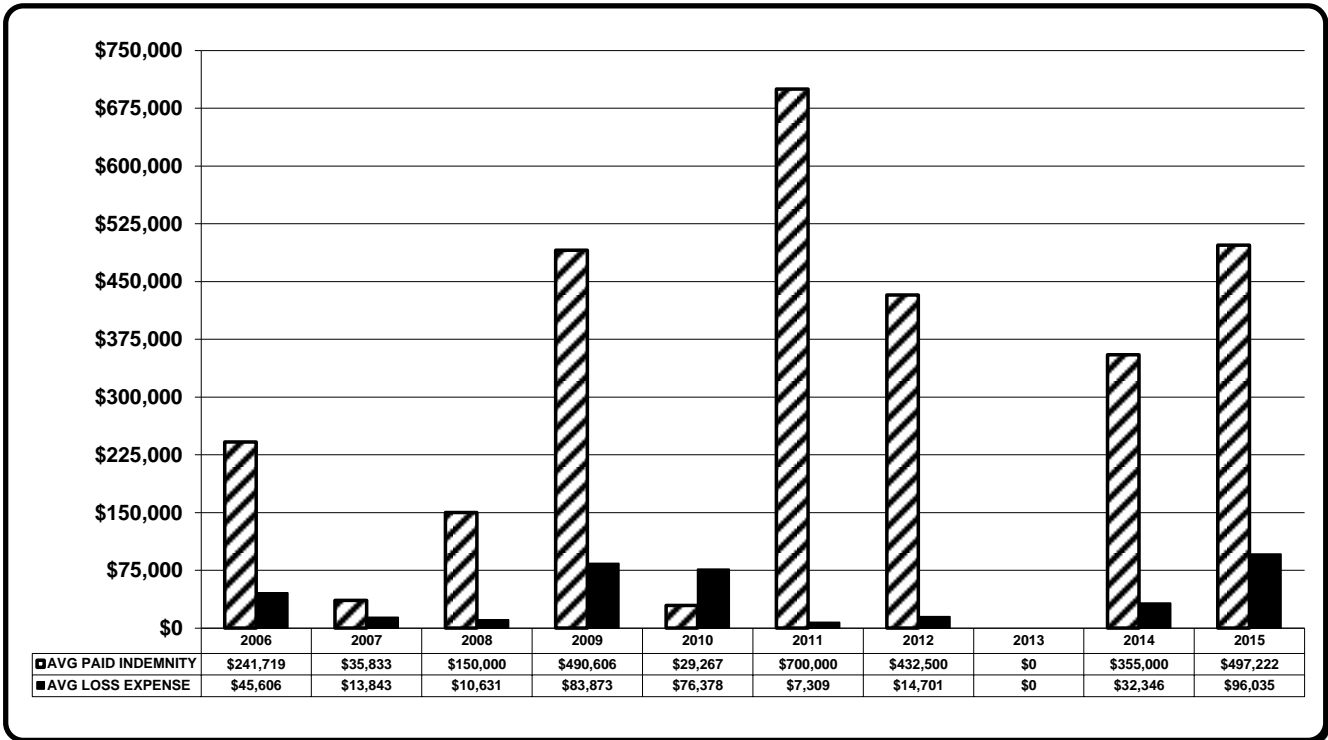


### CLAIM COUNT

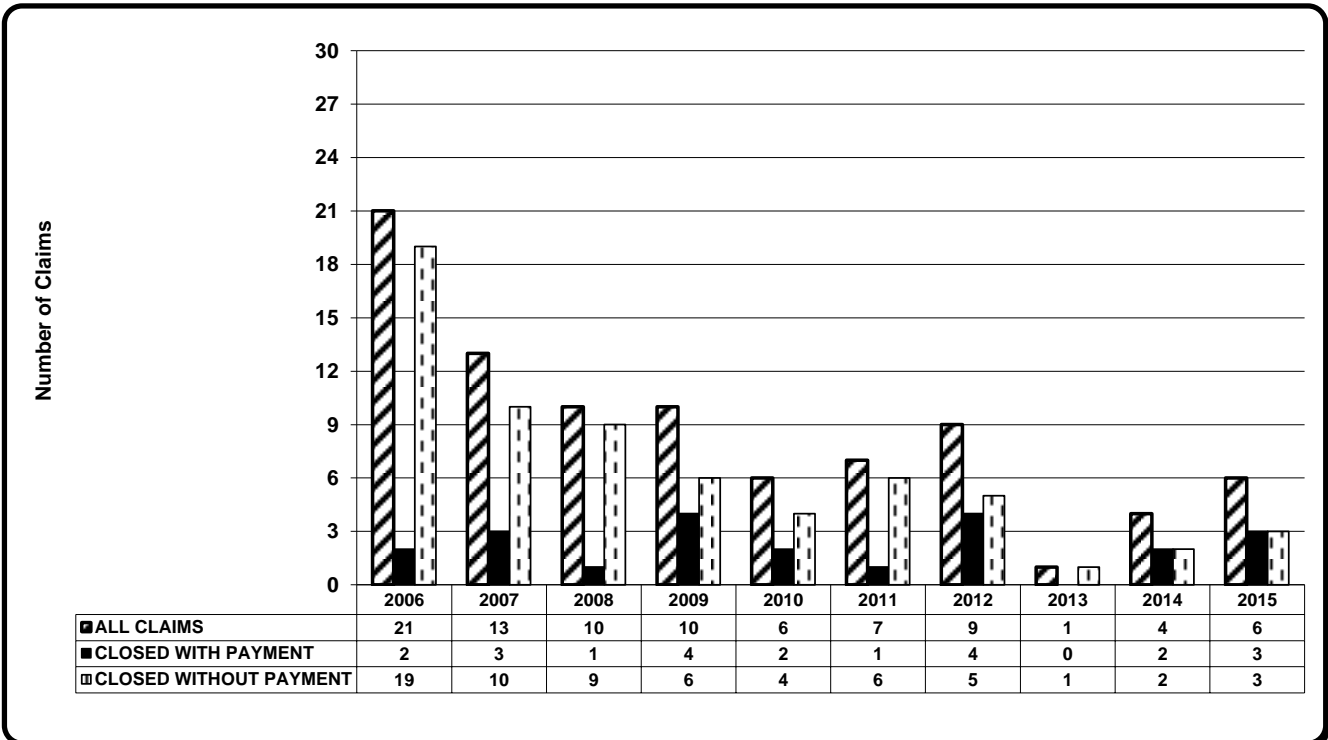


## TRIAL OR HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

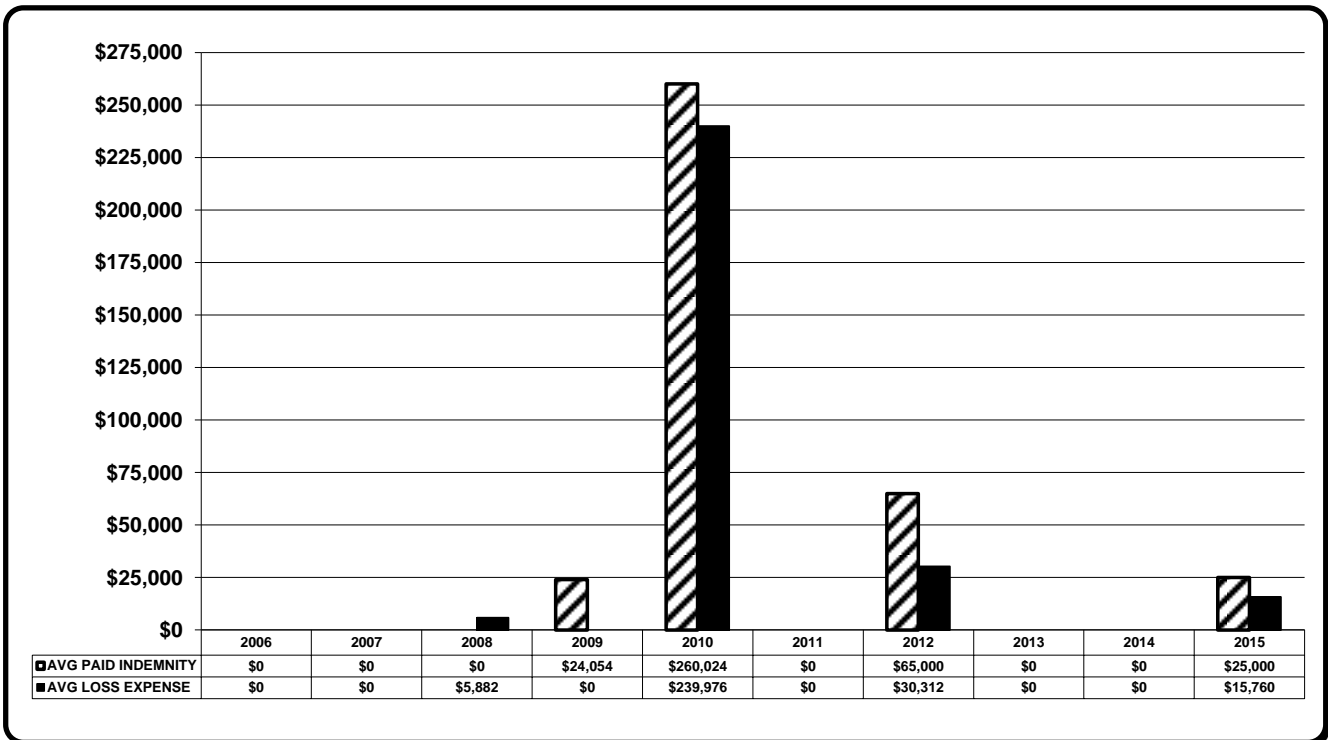


## CLAIM COUNT

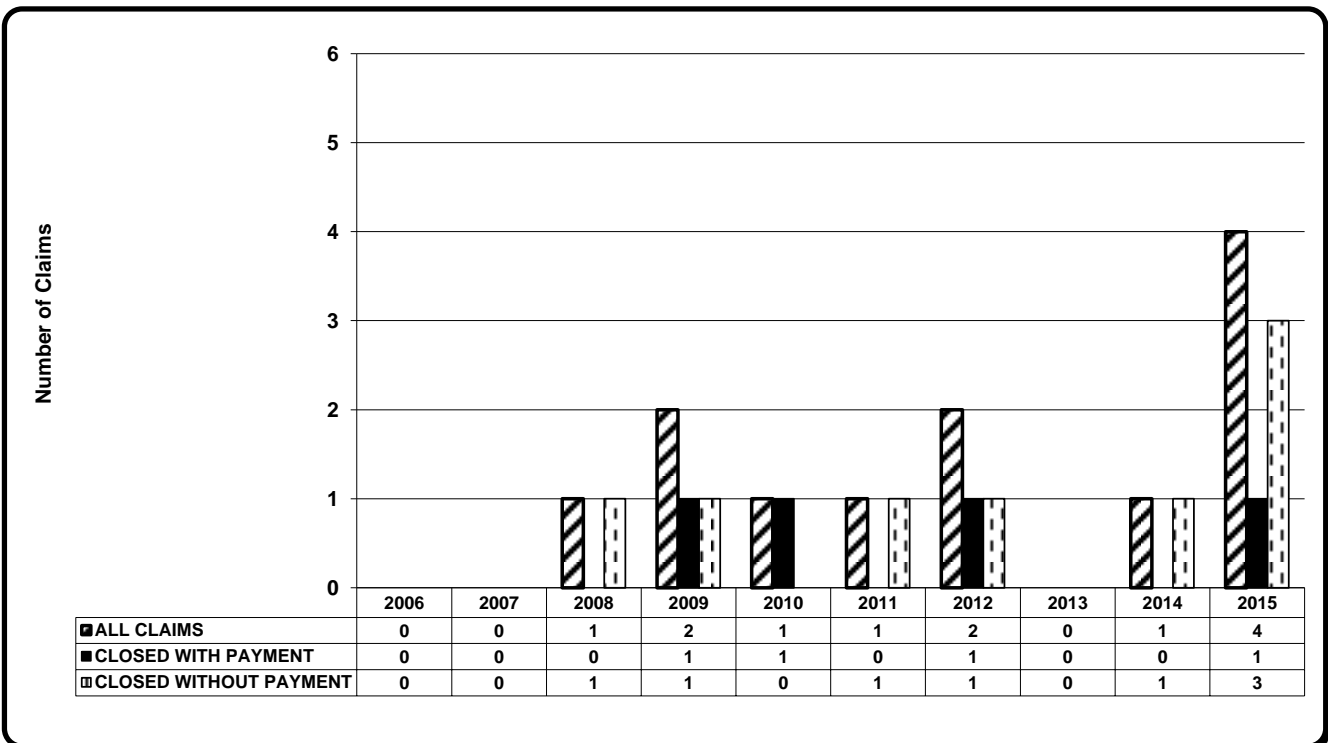


## TAX REPORTING OR PAYMENT

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

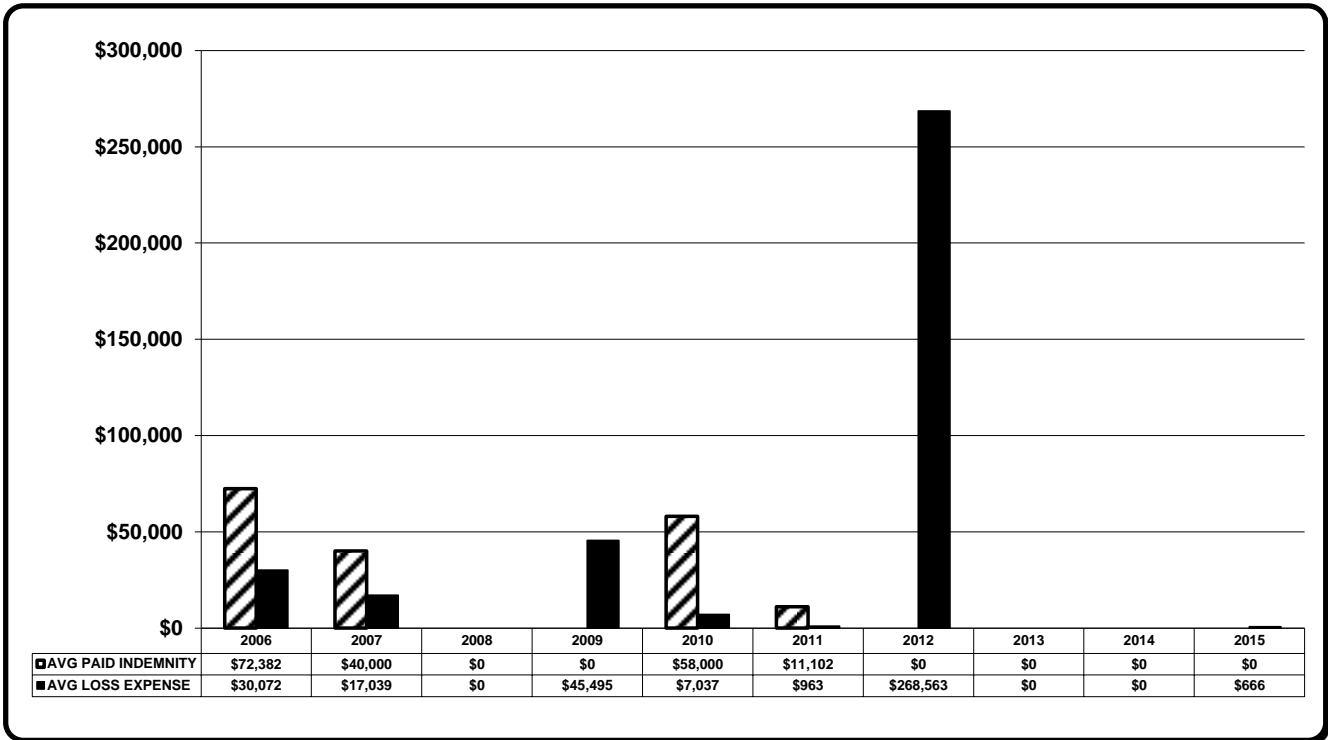


### CLAIM COUNT

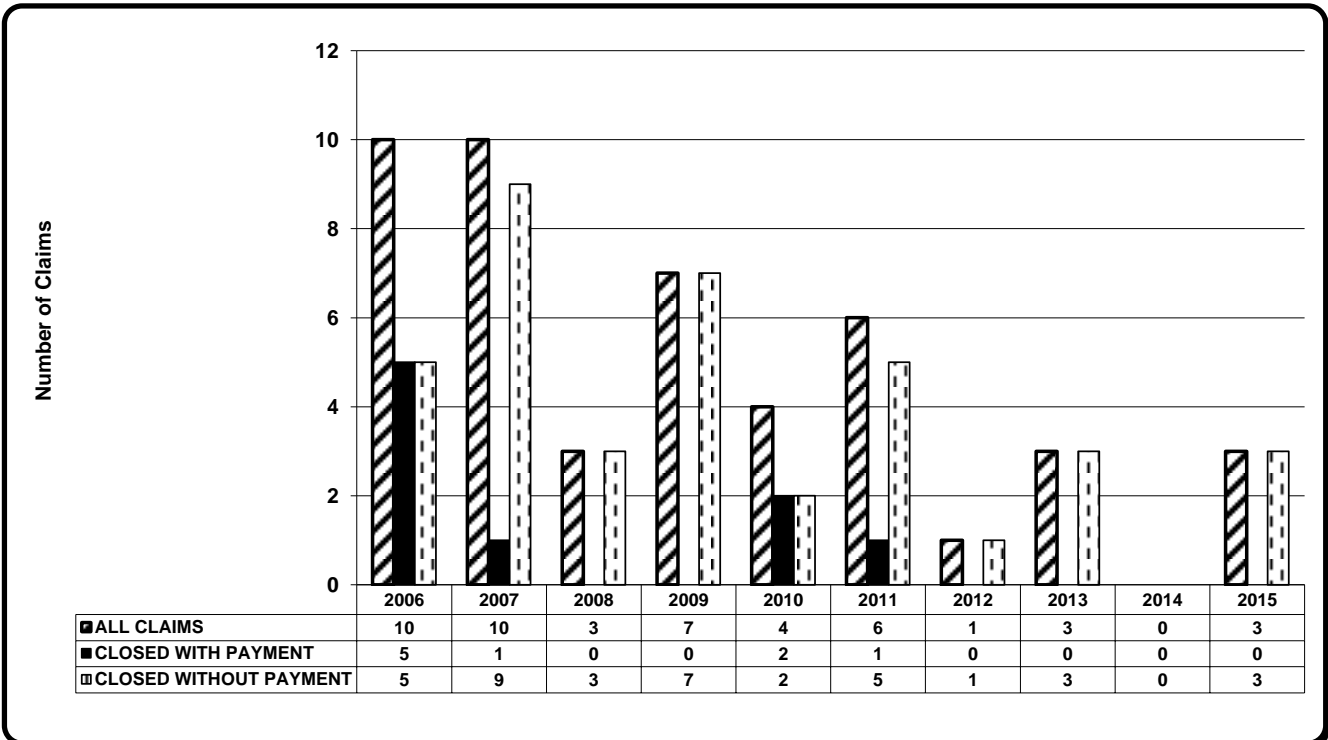


## APPEAL ACTIVITIES

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



## CLAIM COUNT



**TEN YEAR SUMMARY  
&  
2015 SUMMARY  
BY  
ALLEGED ERRORS OR OMISSIONS**



# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 2006-2015

ERROR OR OMISSION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
OTHER	577	70	12.73%	\$81,456	\$5,701,935	8.63%	\$11,731
FAIL TO ASCERTAIN DEADLINE CORRECTLY	282	76	13.82%	\$153,641	\$11,676,711	17.68%	\$15,994
PLANNING OR STRATEGY ERROR	246	71	12.91%	\$195,954	\$13,912,752	21.06%	\$30,247
FAIL TO KNOW OR PROPERLY APPLY THE LAW	170	54	9.82%	\$109,311	\$5,902,795	8.94%	\$26,664
INADEQUATE INVESTIGATION	122	34	6.18%	\$133,348	\$4,533,835	6.86%	\$35,880
PROCRASTINATE OR LACK OF FOLLOW-UP	119	31	5.64%	\$98,590	\$3,056,276	4.63%	\$18,587
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	108	17	3.09%	\$202,214	\$3,437,640	5.20%	\$21,001
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	98	26	4.73%	\$53,080	\$1,380,080	2.09%	\$15,225
FAILURE TO REACT TO CALENDAR	80	32	5.82%	\$73,113	\$2,339,615	3.54%	\$7,273
MALICIOUS PROSECUTION OR ABUSE OF PROCESS	78	17	3.09%	\$36,931	\$627,833	0.95%	\$23,682
FRAUD	76	16	2.91%	\$88,079	\$1,409,256	2.13%	\$32,673
FAILURE TO CALENDAR PROPERLY	68	43	7.82%	\$83,514	\$3,591,101	5.44%	\$17,843
CONFLICT OF INTEREST	63	18	3.27%	\$271,214	\$4,881,855	7.39%	\$75,017
CLERICAL ERROR	47	12	2.18%	\$27,477	\$329,726	0.50%	\$9,268
FAIL TO OBTAIN CLIENTS CONSENT	47	7	1.27%	\$67,143	\$470,000	0.71%	\$18,331
VIOLATION OF CIVIL RIGHTS	37	4	0.73%	\$101,250	\$405,000	0.61%	\$11,017
ERROR IN MATHEMATICAL CALCULATION	16	7	1.27%	\$52,094	\$364,659	0.55%	\$19,712
LIBEL OR SLANDER	15	1	0.18%	\$15,000	\$15,000	0.02%	\$5,073
ERROR IN PUBLIC RECORD SEARCH	14	5	0.91%	\$73,021	\$365,106	0.55%	\$22,170
FAIL TO ANTICIPATE TAX CONSEQUENCES	14	3	0.55%	\$455,000	\$1,365,000	2.07%	\$20,626
IMPROPER WITHDRAWAL FROM REPRESENTATION	14	5	0.91%	\$55,742	\$278,710	0.42%	\$14,910
LOST FILE, DOCUMENT OR EVIDENCE	3	1	0.18%	\$17,500	\$17,500	0.03%	\$31,020
NOT SPECIFIED	1	0	0.00%	N/A	\$0	0.00%	\$0
<b>TOTAL</b>	<b>2,295</b>	<b>550</b>	<b>100.00%</b>	<b>\$120,113</b>	<b>\$66,062,385</b>	<b>100.00%</b>	<b>\$20,676</b>



# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS CLAIMS CLOSED IN 2015

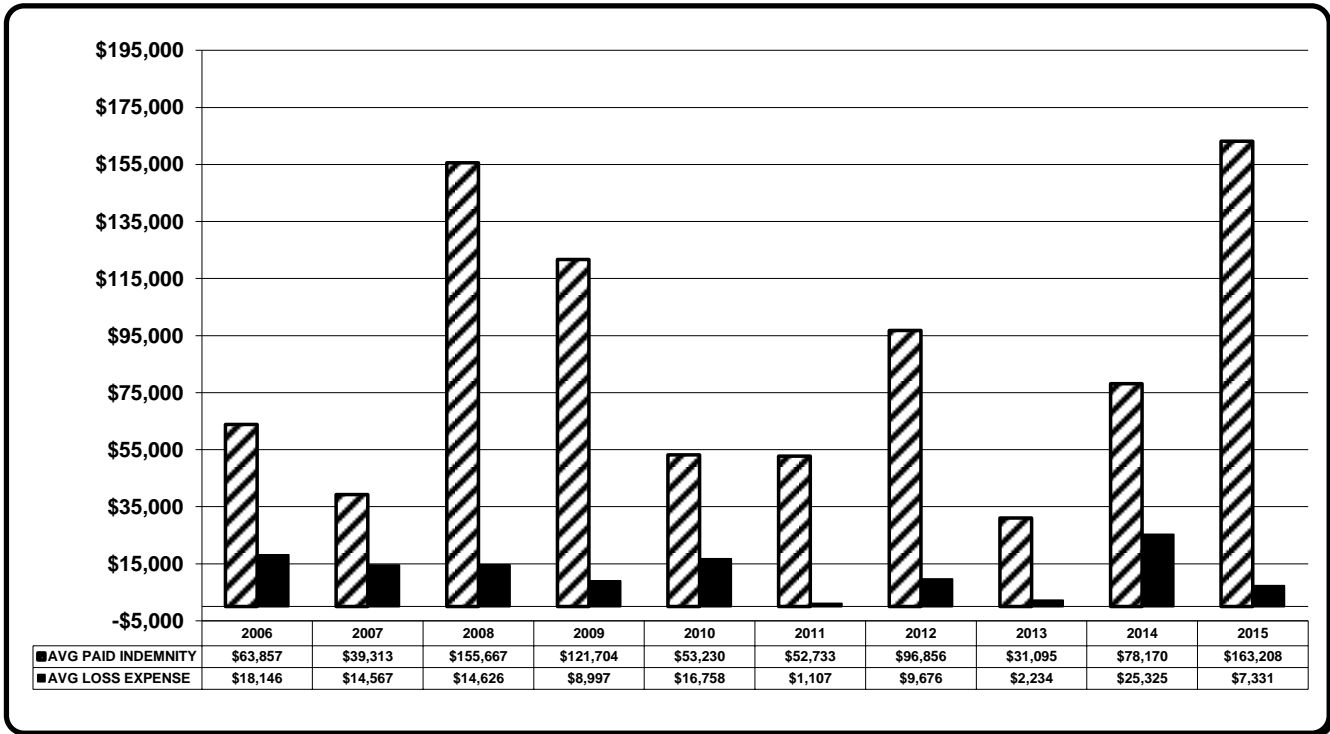
ERROR OR OMISSION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY		TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
				PAID PER CLAIM	PER PAID CLAIM			
OTHER	51	6	12.00%	\$163,208	\$979,250	12.51%	\$7,331	
FAIL TO ASCERTAIN DEADLINE CORRECTLY	24	7	14.00%	\$222,738	\$1,559,165	19.92%	\$3,793	
FAIL TO KNOW OR PROPERLY APPLY THE LAW	14	4	8.00%	\$199,625	\$798,500	10.20%	\$43,061	
FRAUD	12	4	8.00%	\$153,516	\$614,063	7.84%	\$59,242	
PLANNING OR STRATEGY ERROR	11	4	8.00%	\$211,250	\$845,000	10.80%	\$55,241	
CONFLICT OF INTEREST	9	5	10.00%	\$200,500	\$1,002,500	12.81%	\$52,434	
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	8	2	4.00%	\$54,250	\$108,500	1.39%	\$37,113	
INADEQUATE INVESTIGATION	8	1	2.00%	\$75,000	\$75,000	0.96%	\$24,396	
FAILURE TO CALENDAR PROPERLY	7	6	12.00%	\$159,976	\$959,858	12.26%	\$35,602	
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	6	4	8.00%	\$44,500	\$178,000	2.27%	\$10,983	
FAIL TO OBTAIN CLIENTS CONSENT	6	1	2.00%	\$350,000	\$350,000	4.47%	\$18,604	
PROCRASTINATION OR LACK OF FOLLOW-UP MALICIOUS PROSECUTION OR ABUSE OF PROCESS	6	2	4.00%	\$21,328	\$42,655	0.54%	\$3,082	
CLERICAL ERROR	5	2	4.00%	\$137,500	\$275,000	3.51%	\$76,419	
FAILURE TO REACT TO CALENDAR	3	1	2.00%	\$30,000	\$30,000	0.38%	\$0	
FAILURE TO ANTICIPATE TAX CONSEQUENCES	3	0	0.00%	N/A	\$0	0.00%	\$0	
LIBEL OR SLANDER	2	0	0.00%	N/A	\$0	0.00%	\$22,387	
ERROR IN MATHEMATICAL CALCULATION	2	0	0.00%	N/A	\$0	0.00%	\$3,276	
IMPROPER WITHDRAWAL FROM REPRESENTATION	1	0	0.00%	N/A	\$0	0.00%	\$147,260	
	1	1	2.00%	\$10,000	\$10,000	0.13%	\$2,494	
<b>TOTAL</b>	<b>179</b>	<b>50</b>	<b>100.00%</b>	<b>\$156,550</b>	<b>\$7,827,491</b>	<b>100.00%</b>	<b>\$24,462</b>	

**TRENDS  
OF THE TOP TEN  
ERRORS OR OMISSIONS  
OF 2015**

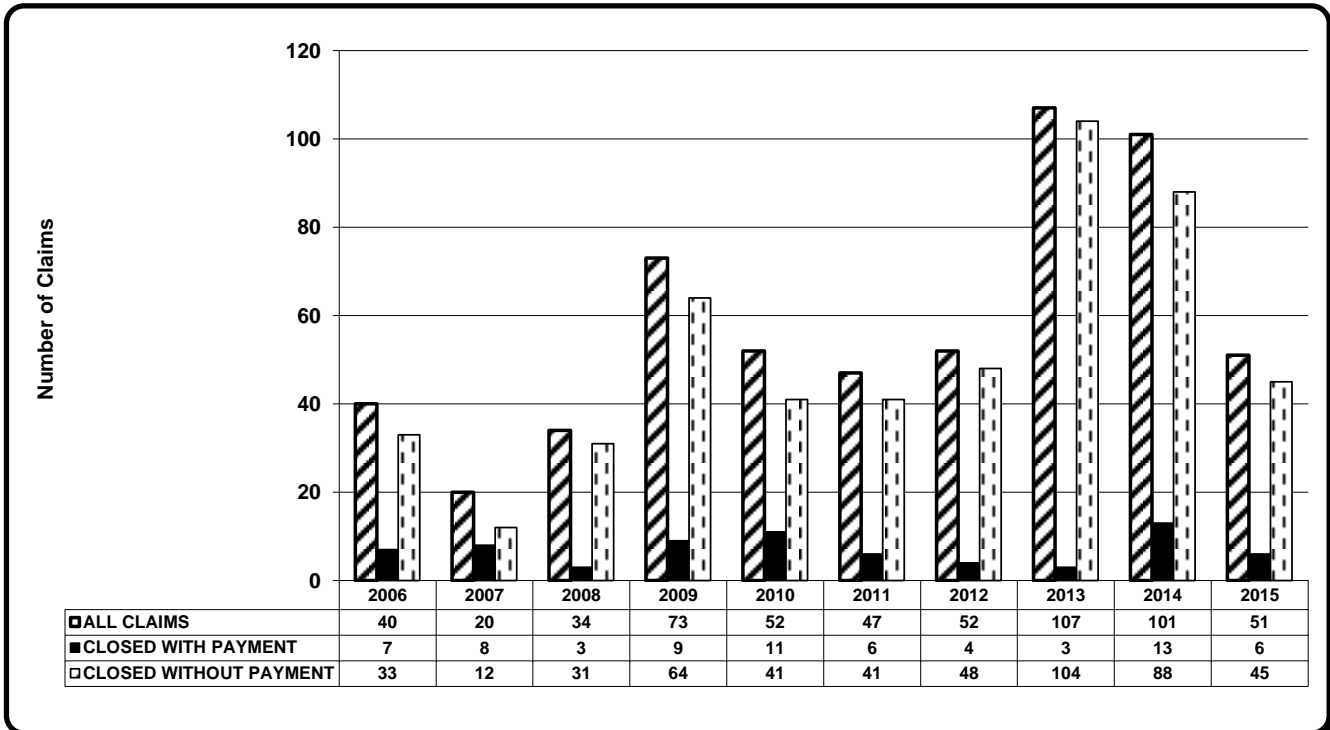


## OTHER

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

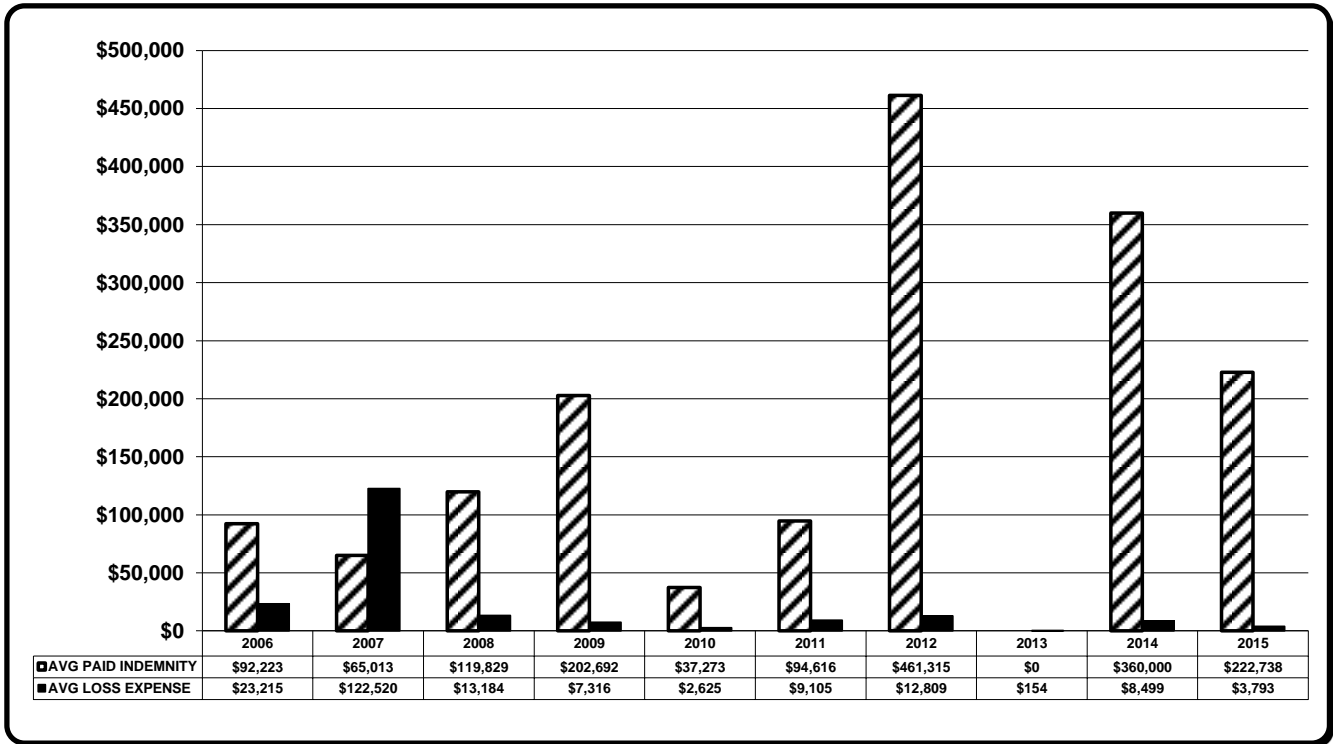


## CLAIM COUNT

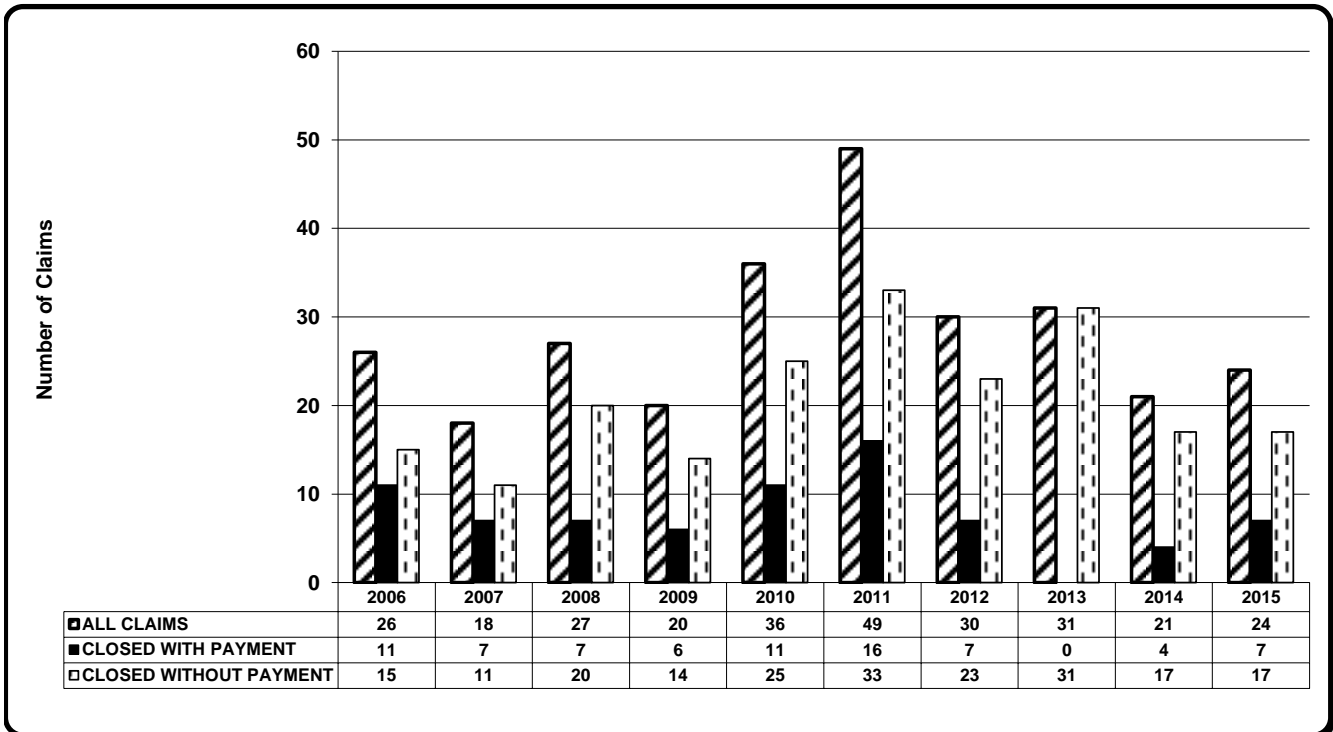


## FAILURE TO ASCERTAIN DEADLINE CORRECTLY

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

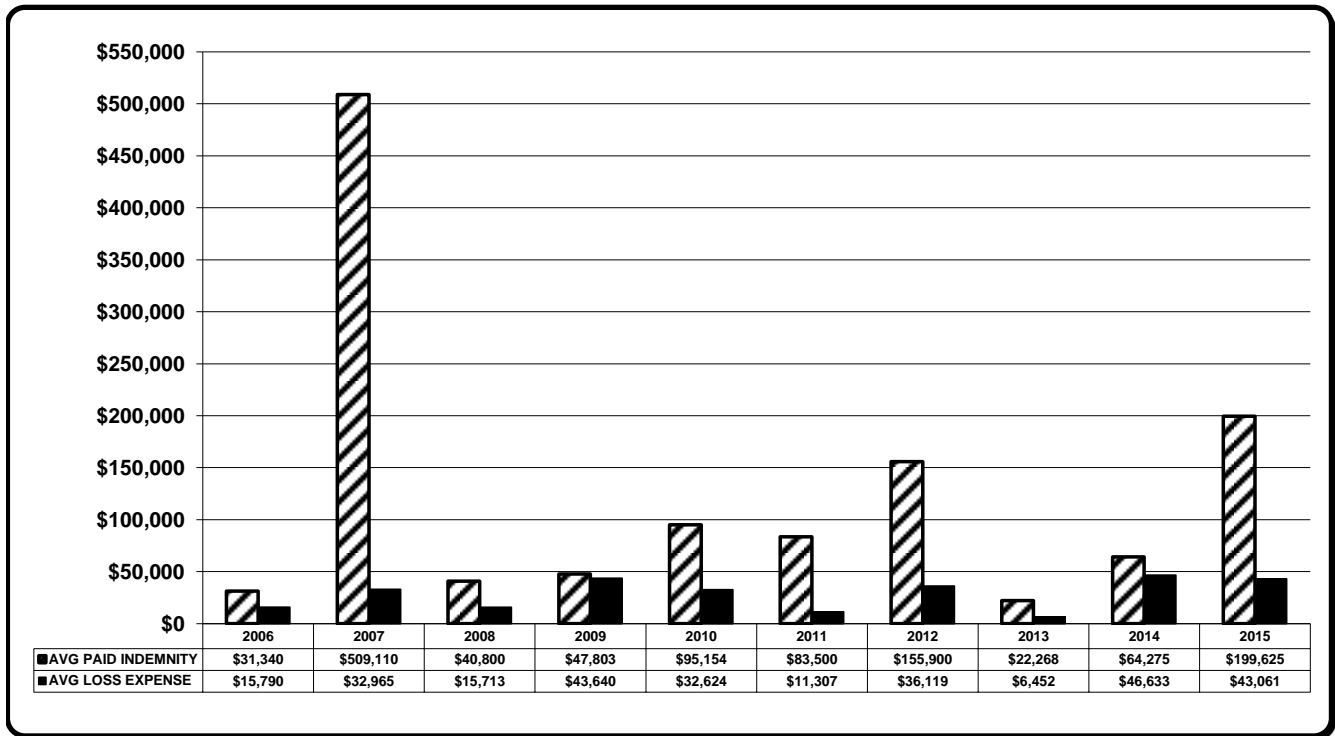


### CLAIM COUNT

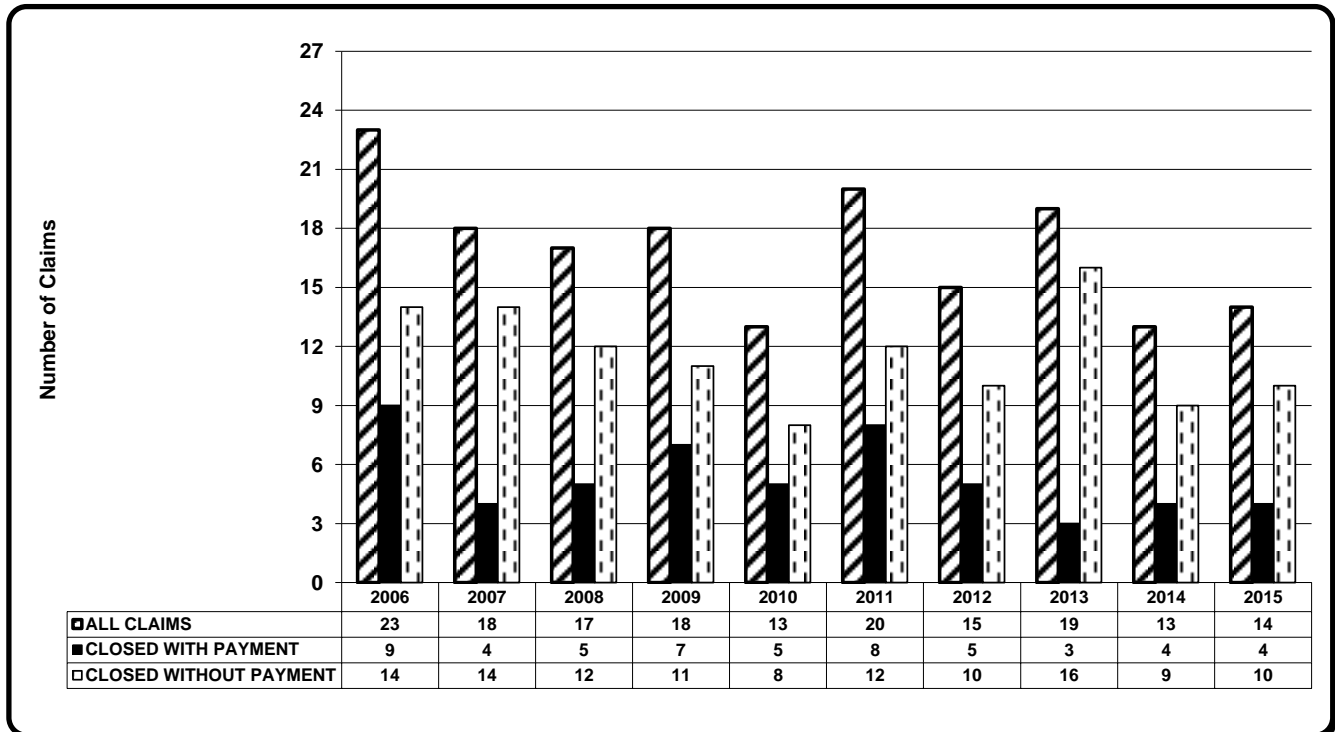


## FAILURE TO KNOW OR PROPERLY APPLY THE LAW

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

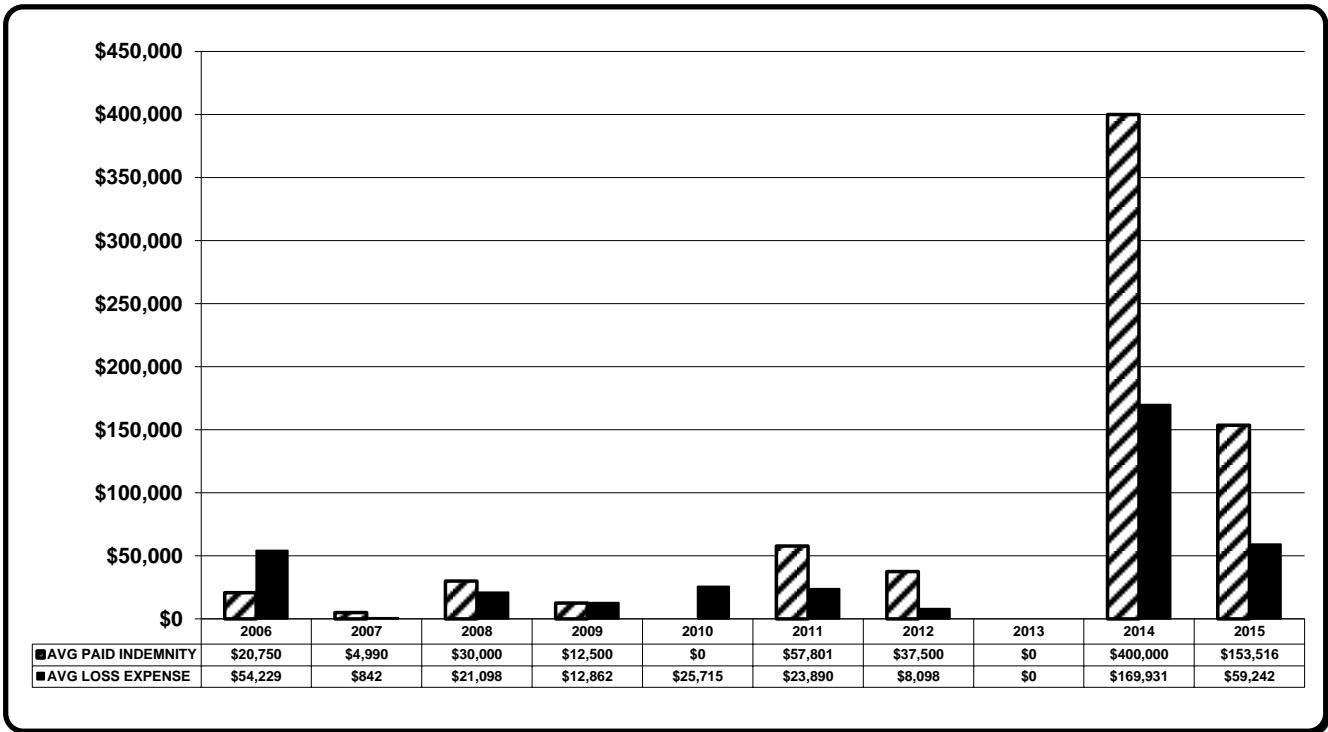


### CLAIM COUNT

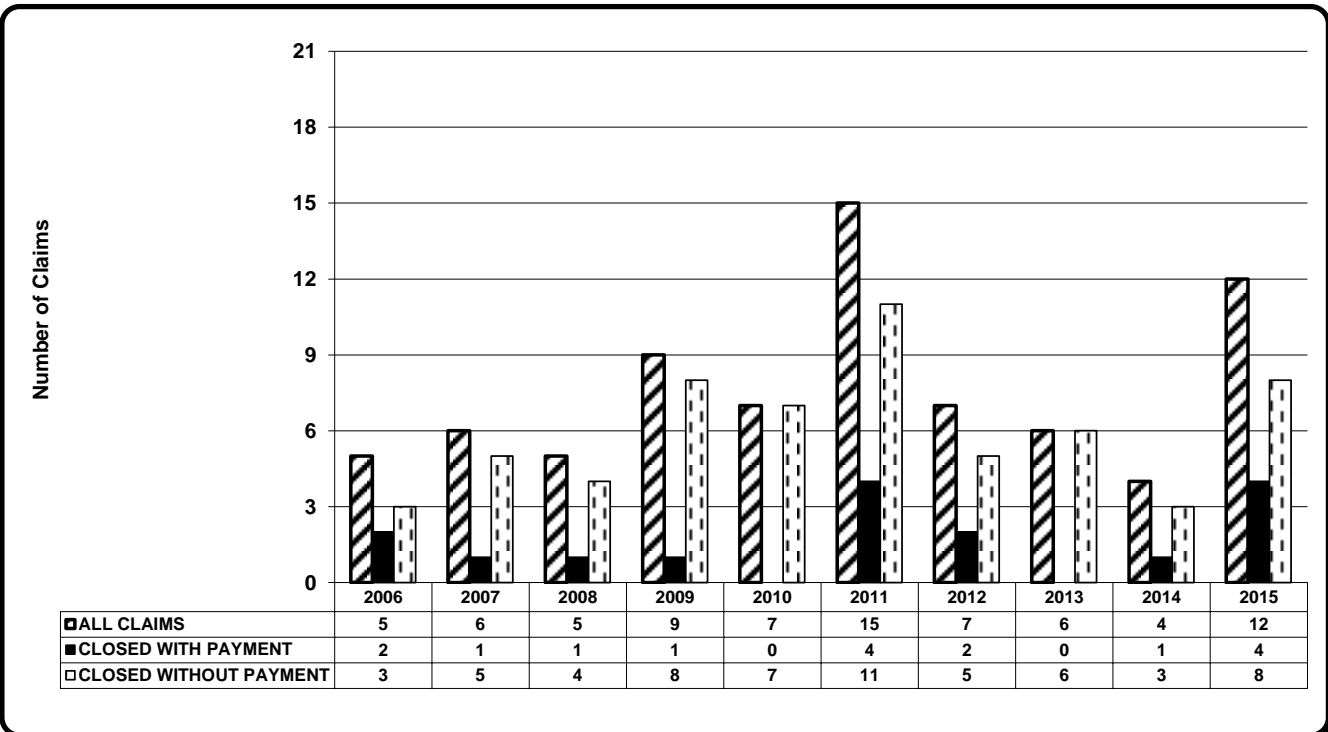


## FRAUD

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

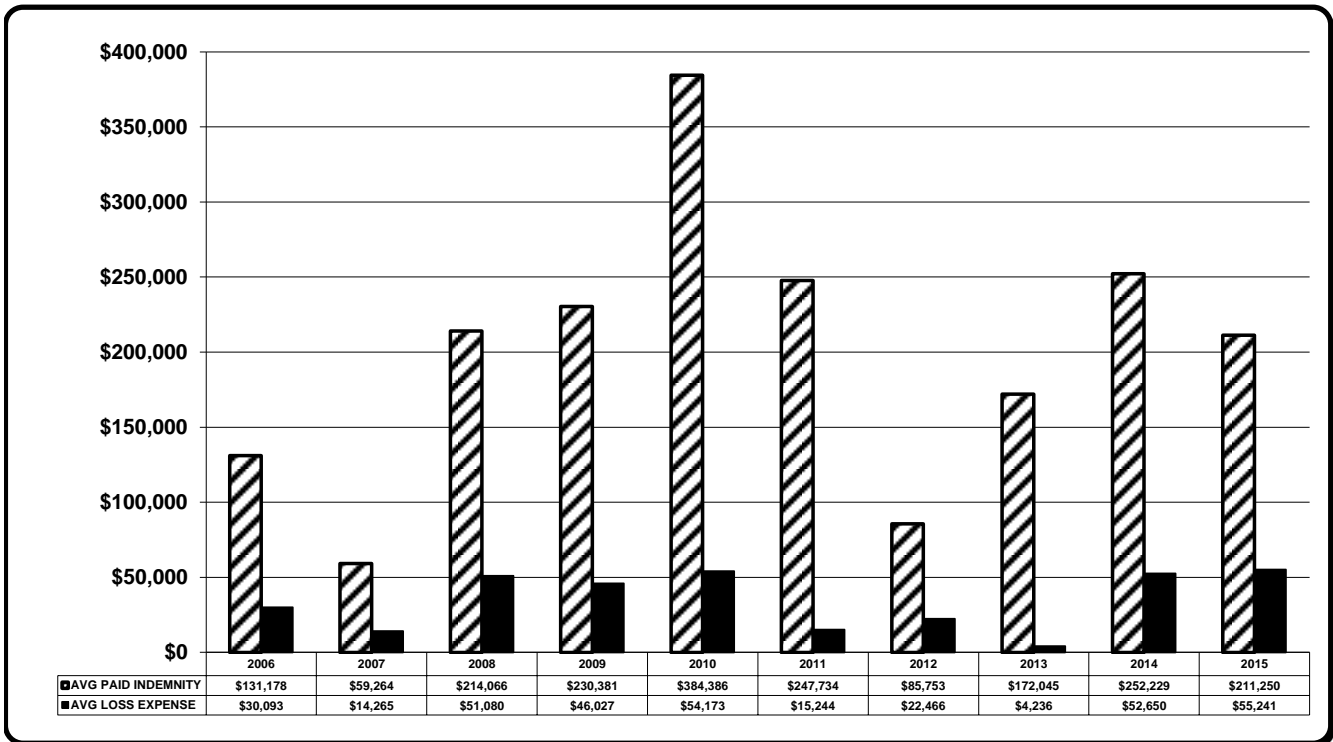


## CLAIM COUNT

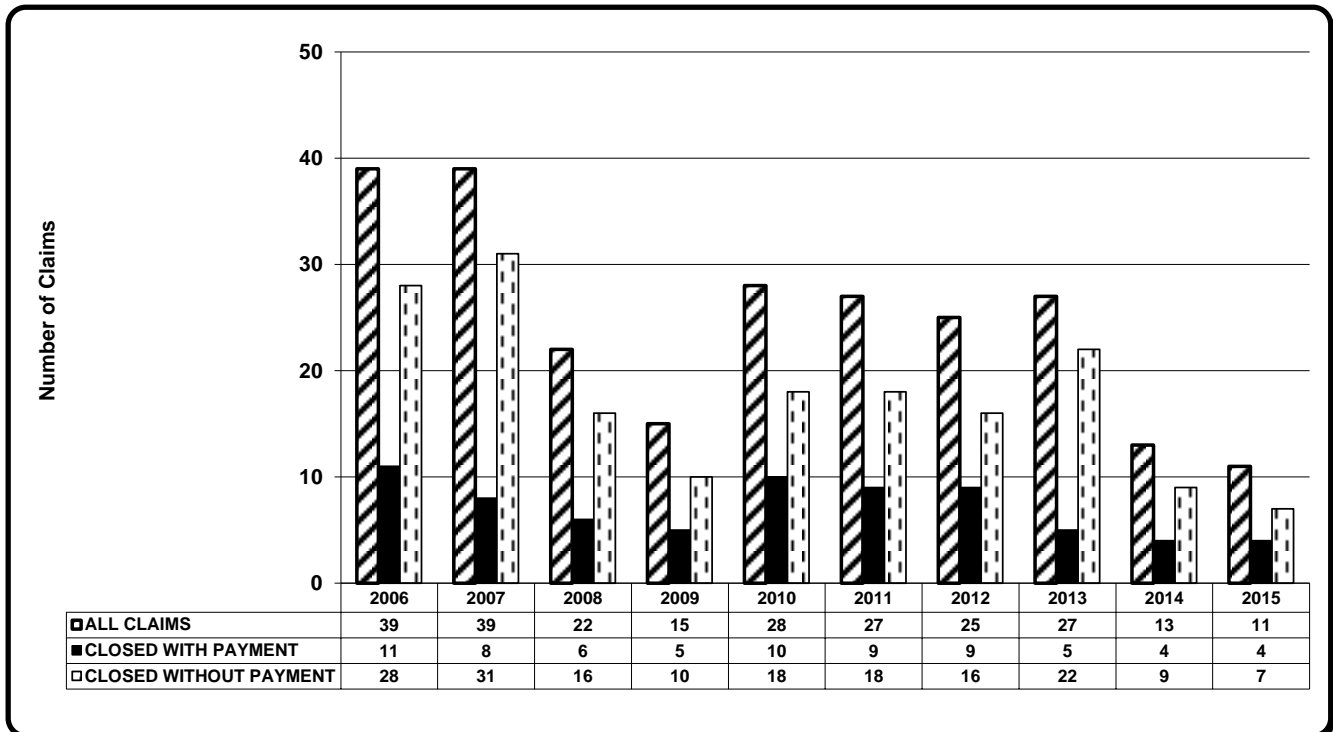


## PLANNING OR STRATEGY ERROR

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



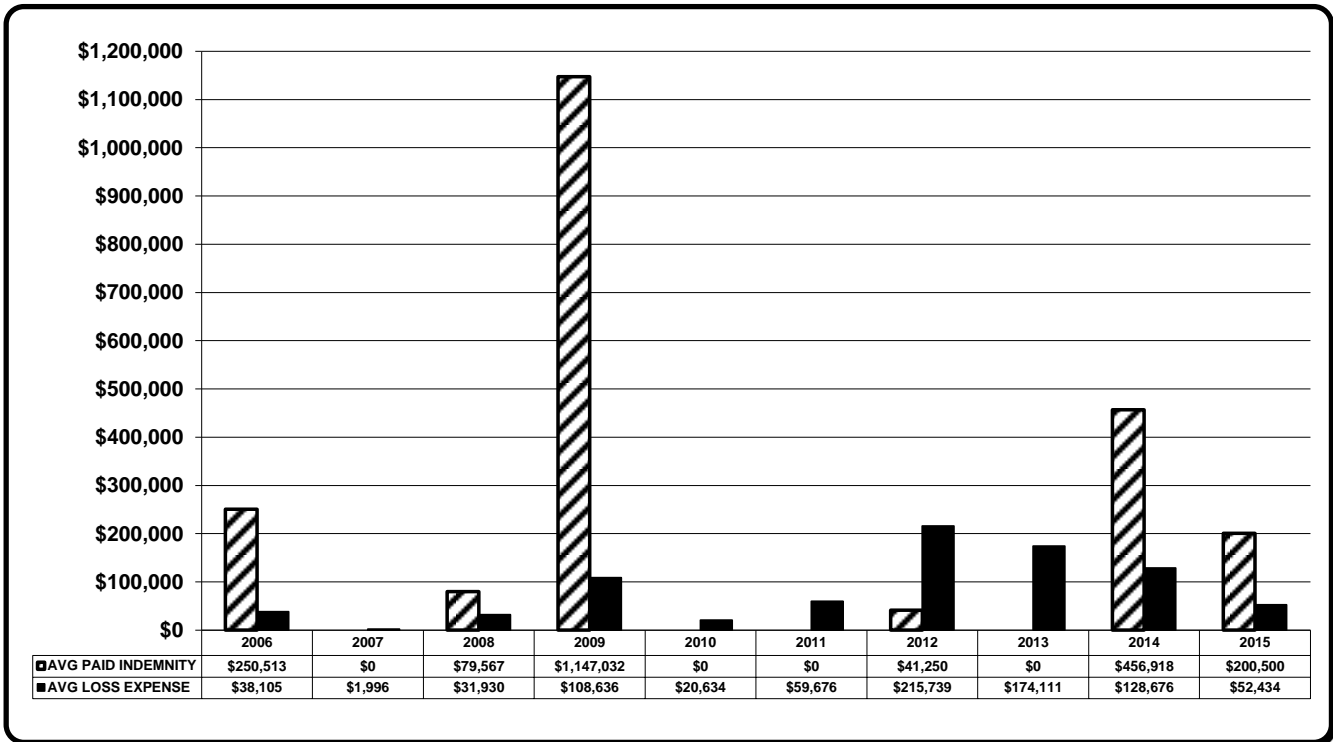
### CLAIM COUNT



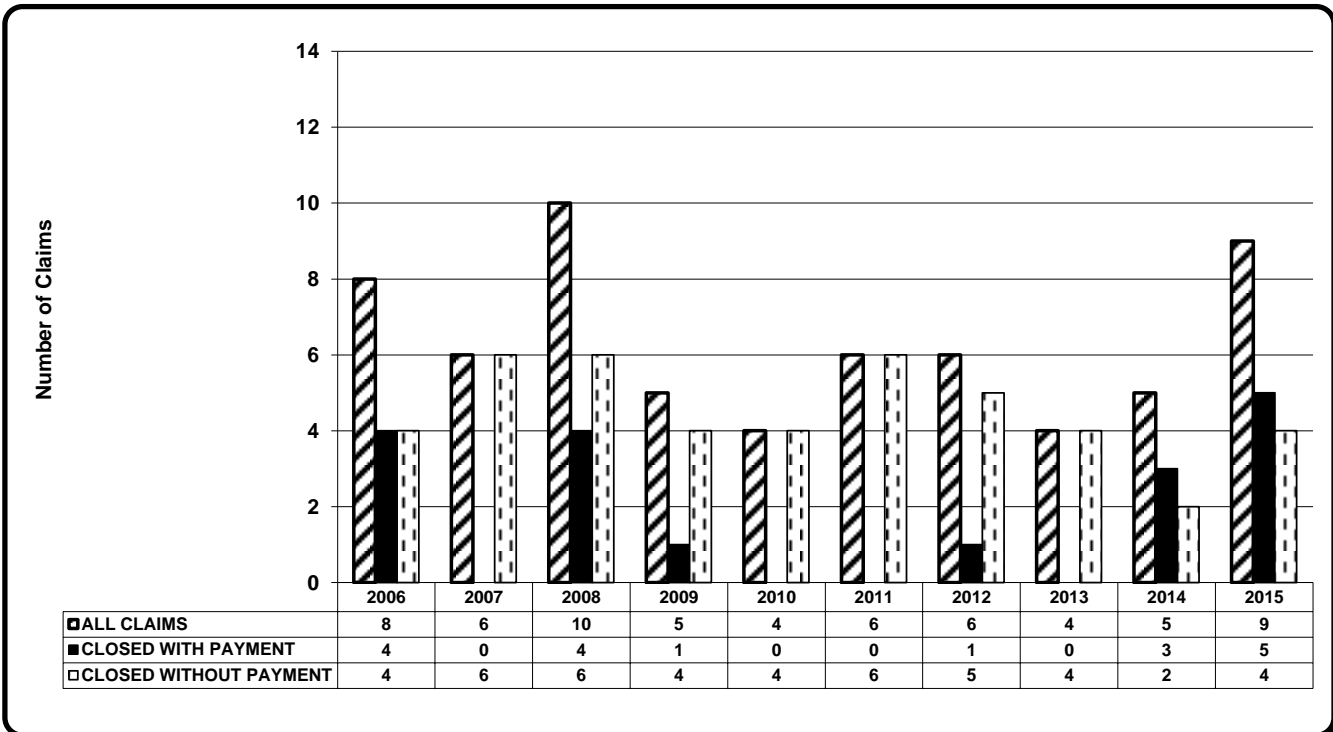


## CONFLICT OF INTEREST

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

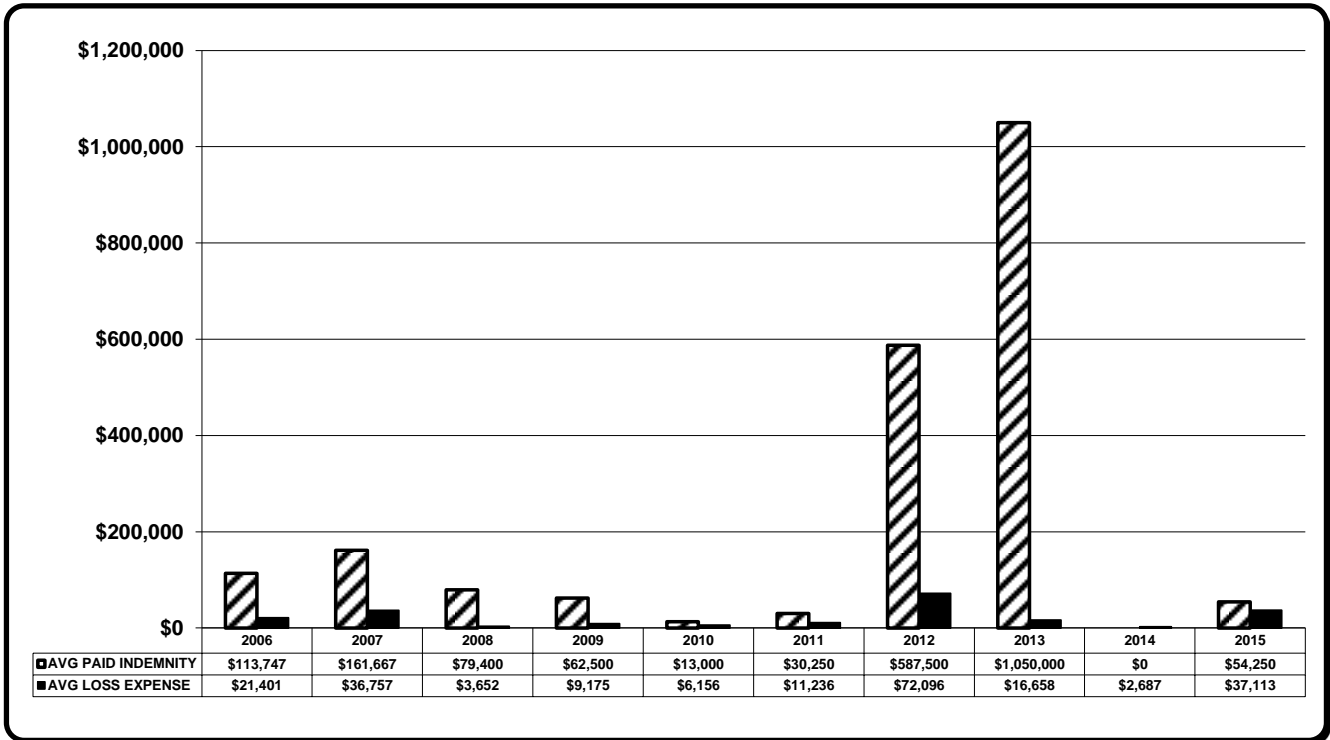


### CLAIM COUNT

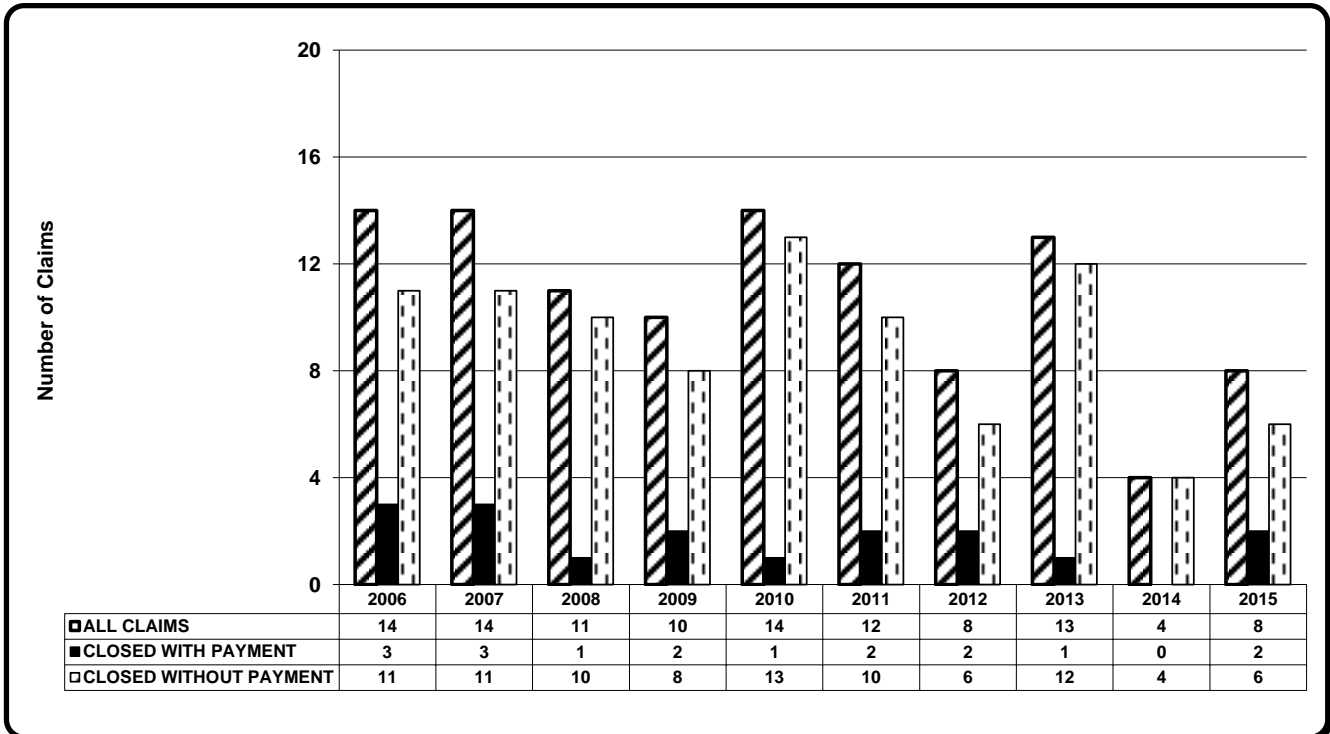


## FAILURE TO FOLLOW CLIENTS INSTRUCTIONS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

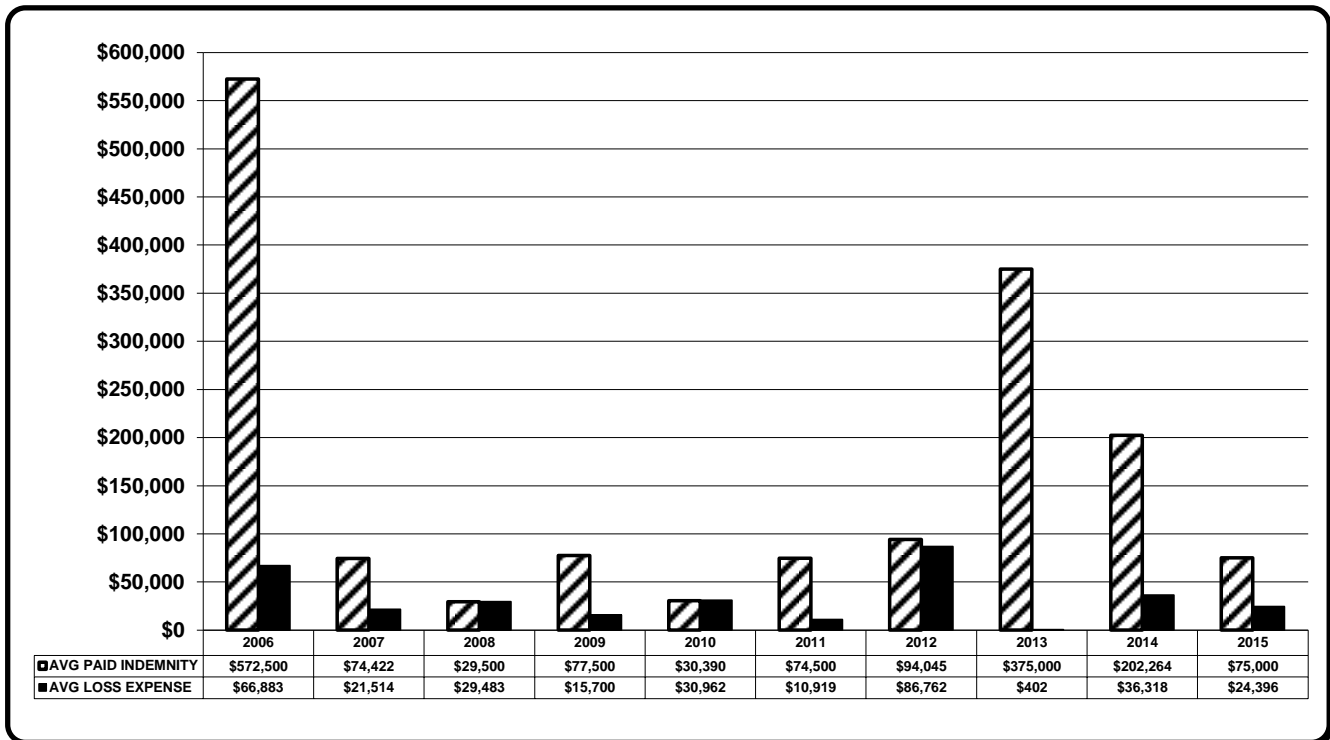


### CLAIM COUNT

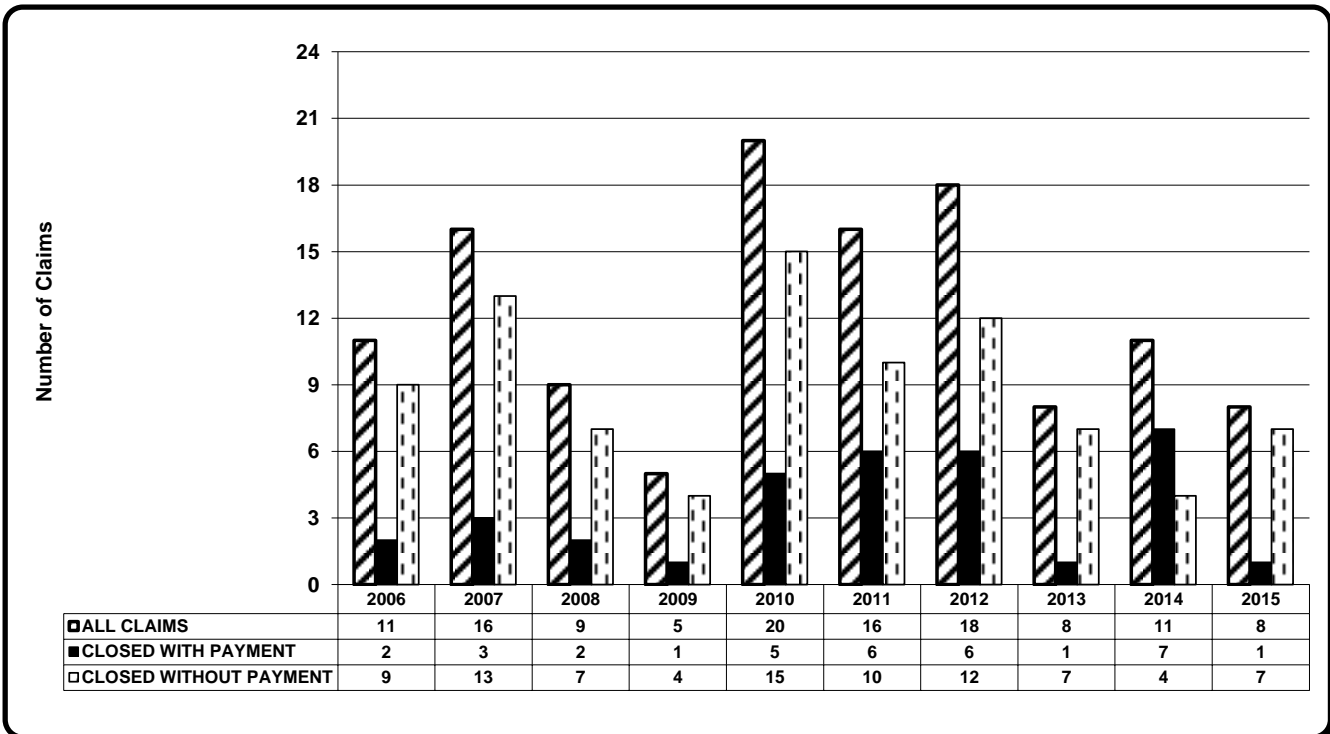


## INADEQUATE INVESTIGATION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

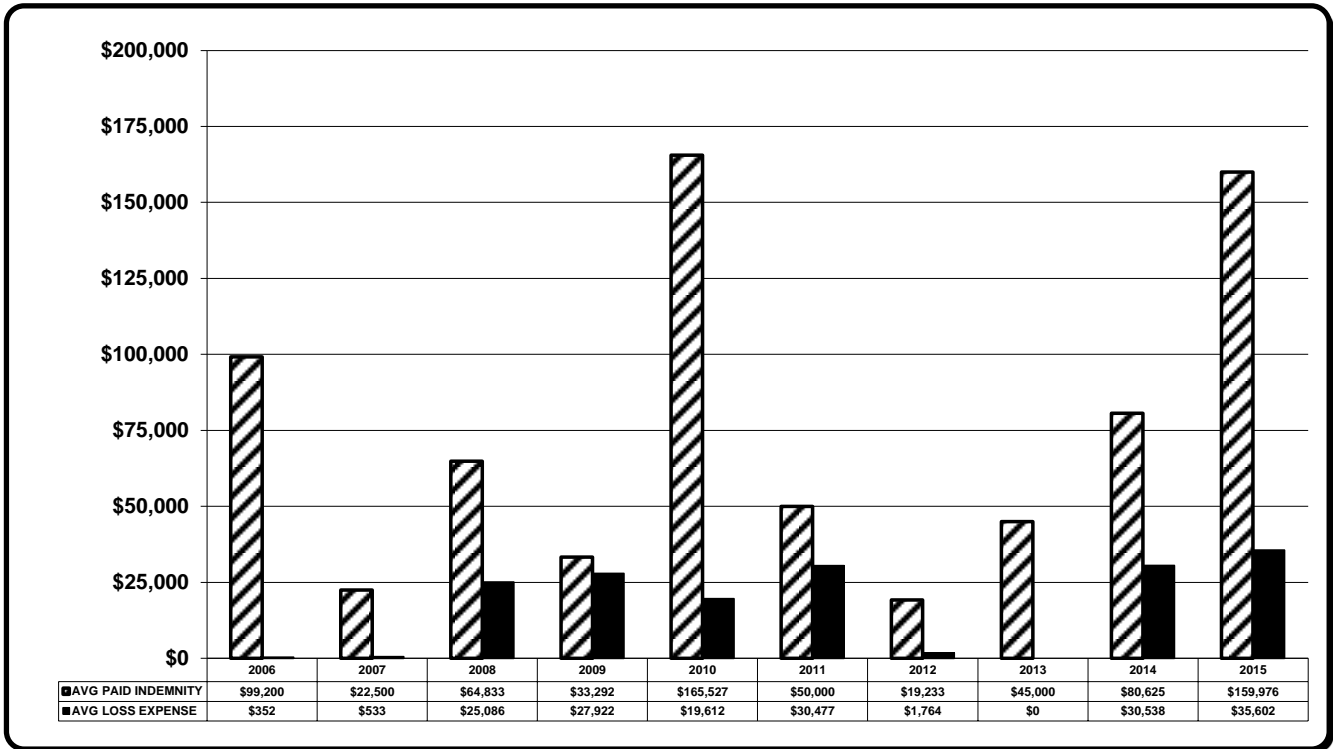


### CLAIM COUNT

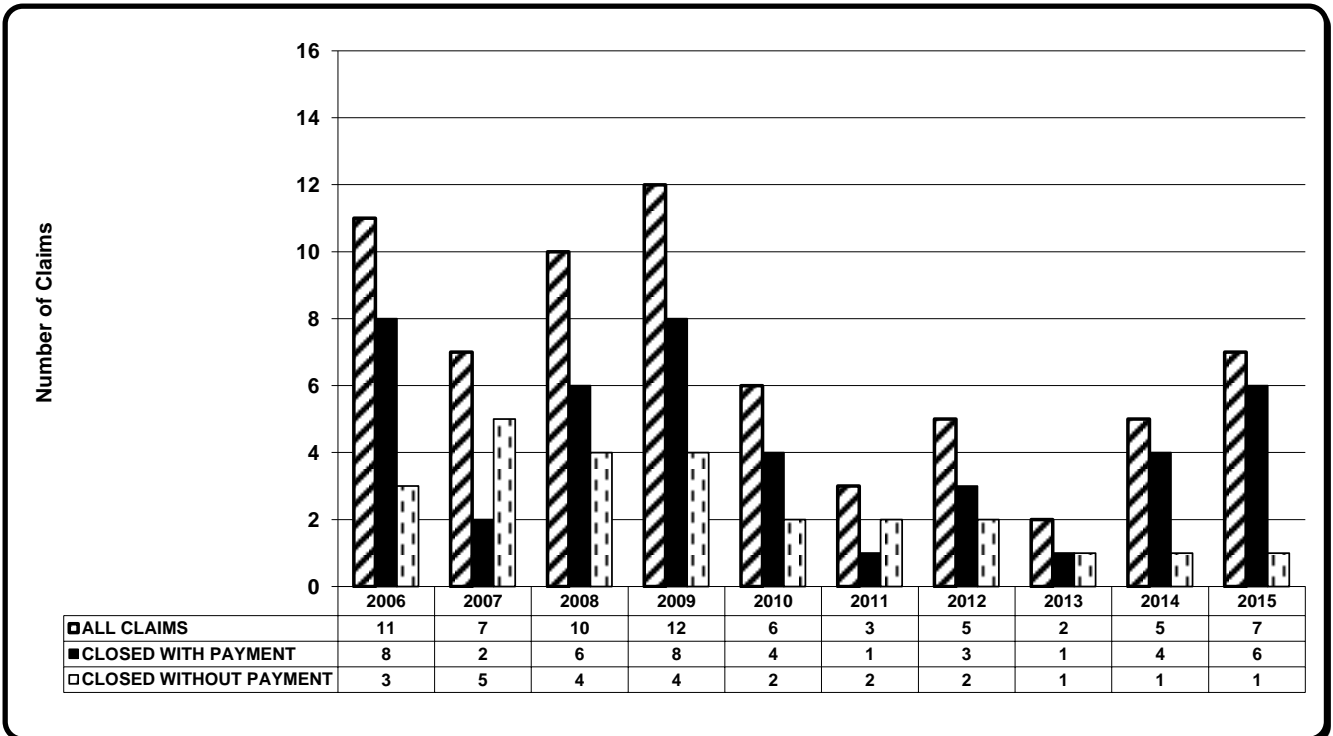


## FAILURE TO CALENDAR PROPERLY

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

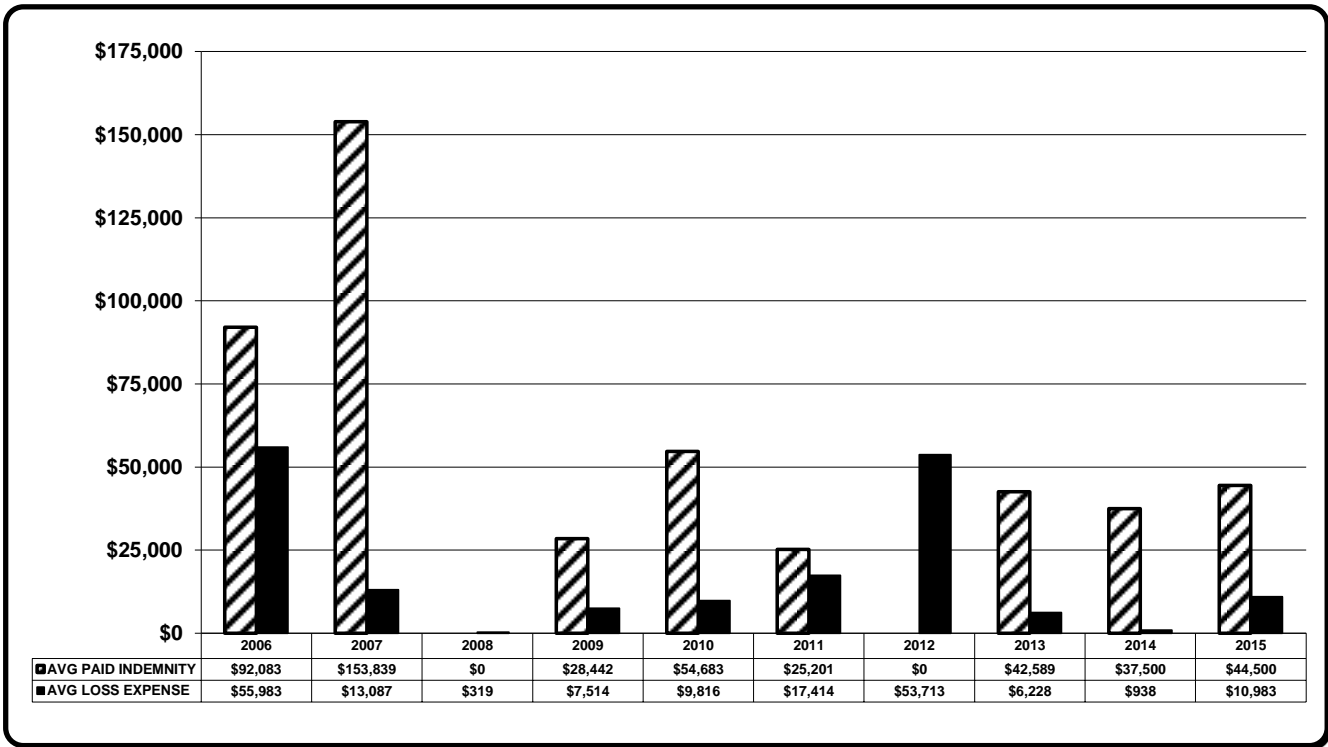


### CLAIM COUNT

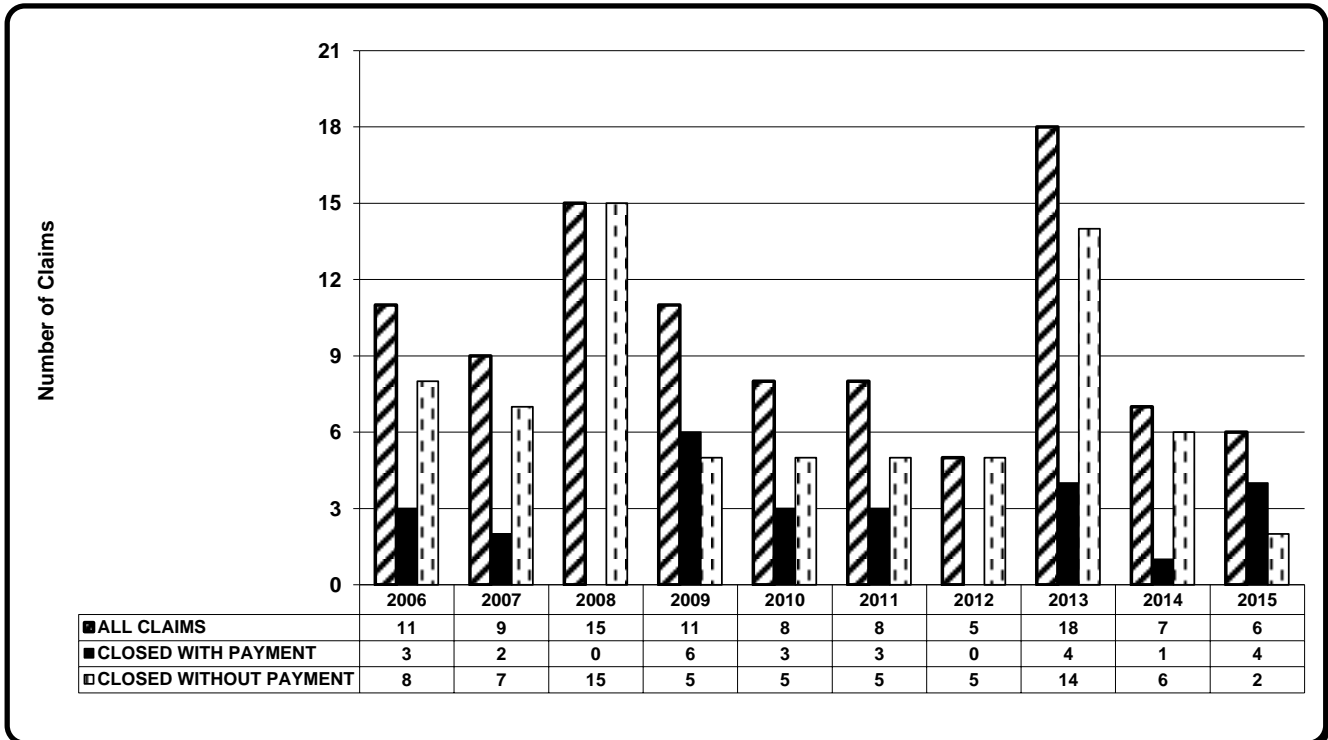


## FAILURE TO FILE DOCUMENTS WITH NO DEADLINE

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT



**TEN YEAR SUMMARY  
&  
2015 SUMMARY  
BY  
CLAIM DISPOSITIONS**



**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
FOR YEARS 2006-2015**

CLAIM DISPOSITION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE		TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
				INDEMNITY PAID PER PAID CLAIM	INDEMNITY			
BEFORE TRIAL OR HEARING	944	320	58.18%	\$128,255	\$41,041,749	62.13%	\$31,092	
BEFORE FILING SUIT OR DEMANDING HEARING	905	198	36.00%	\$86,178	\$17,063,199	25.83%	\$3,110	
CLAIM OR SUIT ABANDONED	201	0	0.00%	N/A	\$0	0.00%	\$1,488	
AFTER APPEAL	65	5	0.91%	\$523,173	\$2,615,867	3.96%	\$94,076	
DURING TRIAL OR HEARING	54	11	2.00%	\$172,339	\$1,895,730	2.87%	\$55,053	
AFTER TRIAL OR HEARING, BEFORE JUDGMENT	51	5	0.91%	\$133,977	\$669,885	1.01%	\$37,414	
AFTER JUDGMENT, BEFORE APPEAL	50	8	1.45%	\$304,339	\$2,434,715	3.69%	\$54,315	
DURING APPEAL	16	3	0.55%	\$113,747	\$341,240	0.52%	\$74,705	
DURING REVIEW PANEL	9	0	0.00%	N/A	\$0	0.00%	\$8,761	
<b>TOTAL</b>	<b>2,295</b>	<b>550</b>	<b>100.00%</b>	<b>\$120,113</b>	<b>\$66,062,385</b>	<b>100.00%</b>	<b>\$20,676</b>	



**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
CLAIMS CLOSED IN 2015**

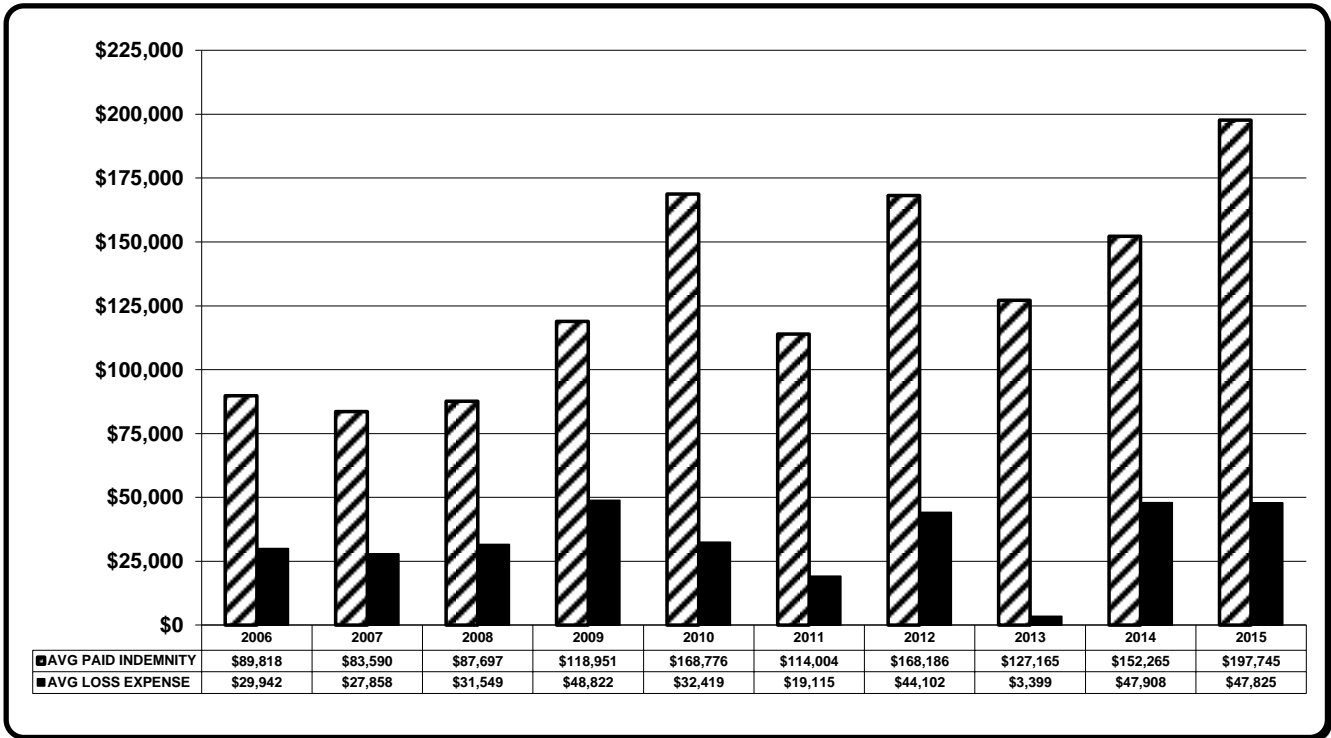
CLAIM DISPOSITION	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
BEFORE TRIAL OR HEARING	77	32	64.00%	\$197,745	\$6,327,836	80.84%	\$47,825
BEFORE FILING SUIT OR DEMANDING HEARING	73	18	36.00%	\$83,314	\$1,499,655	19.16%	\$4,574
CLAIM OR SUIT ABANDONED	16	0	0.00%	N/A	\$0	0.00%	\$79
AFTER APPEAL	5	0	0.00%	N/A	\$0	0.00%	\$35,975
AFTER JUDGMENT, BEFORE APPEAL	4	0	0.00%	N/A	\$0	0.00%	\$13,888
DURING TRIAL OR HEARING	2	0	0.00%	N/A	\$0	0.00%	\$33,388
DURING APPEAL	1	0	0.00%	N/A	\$0	0.00%	\$0
DURING REVIEW PANEL	1	0	0.00%	N/A	\$0	0.00%	\$58,848
<b>TOTAL</b>	<b>179</b>	<b>50</b>	<b>100.00%</b>	<b>\$156,550</b>	<b>\$7,827,491</b>	<b>100.00%</b>	<b>\$24,462</b>

**TRENDS  
OF THE TOP EIGHT  
CLAIM DISPOSITIONS  
OF 2015**

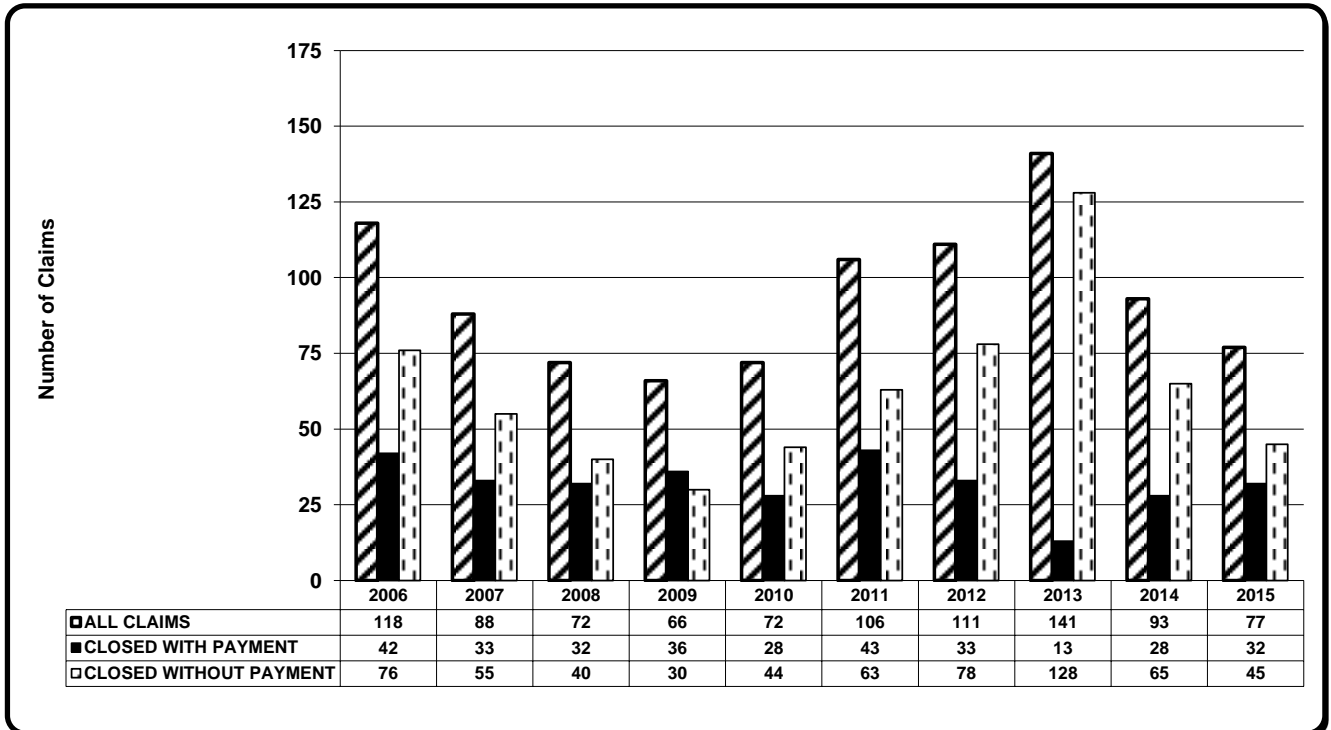


## BEFORE TRIAL OR HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

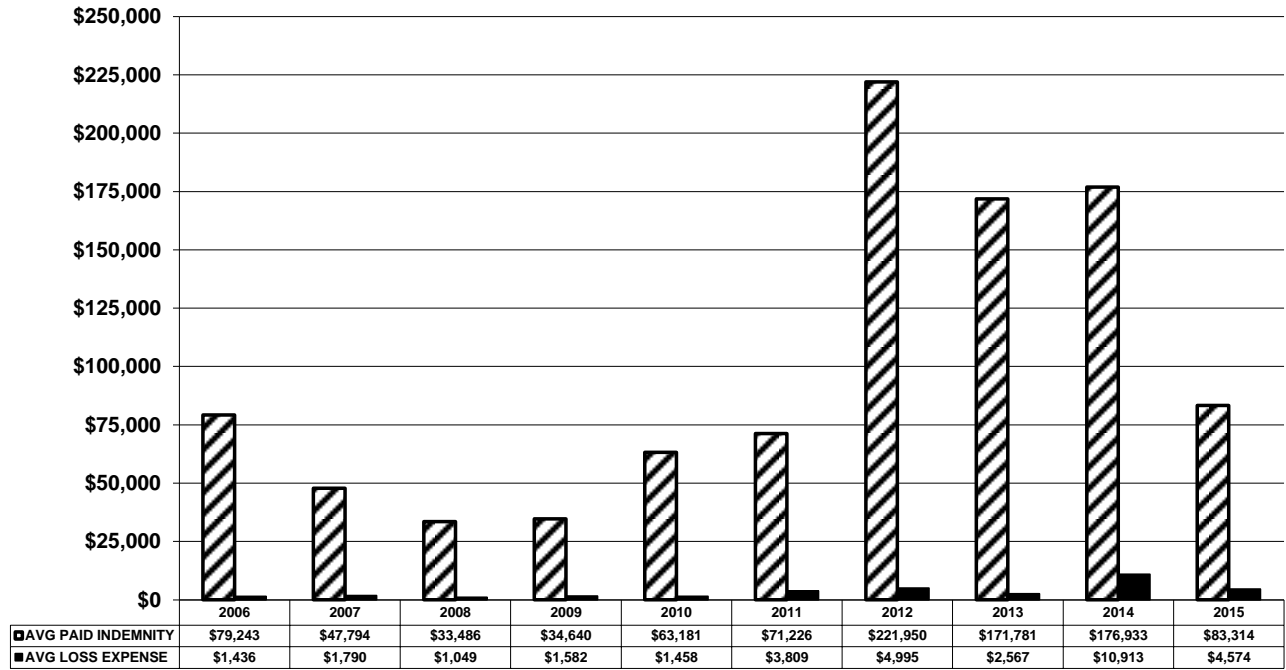


### CLAIM COUNT

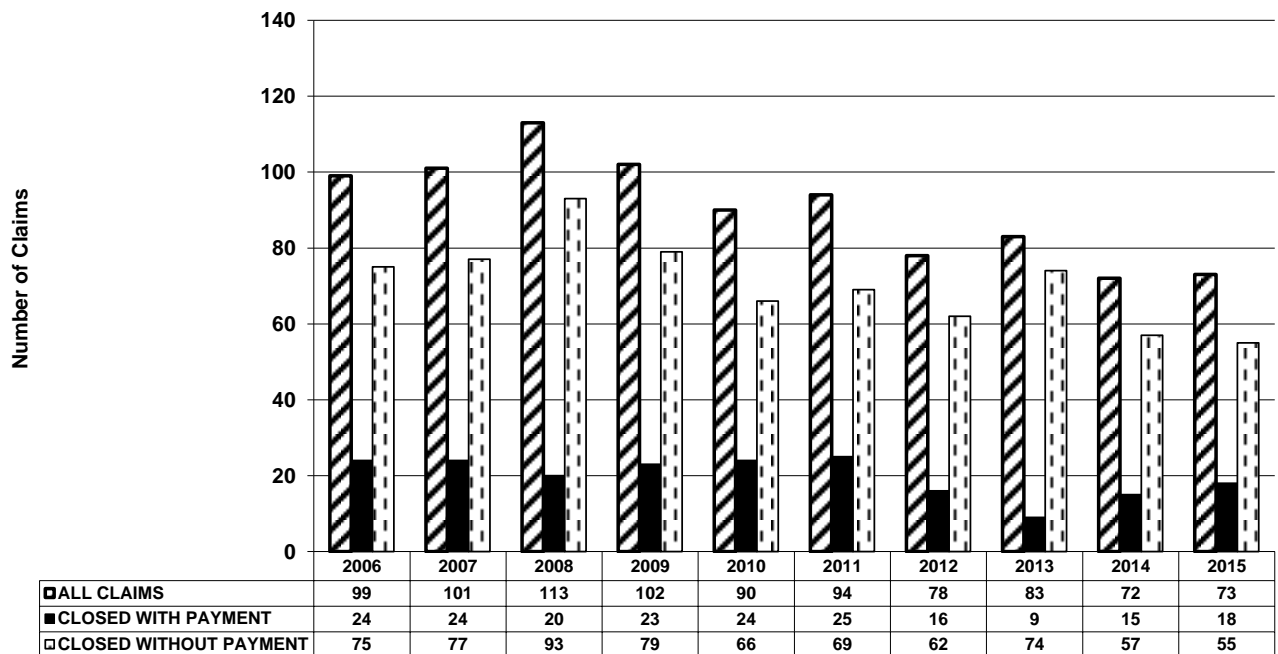


## BEFORE FILING SUIT OR DEMANDING HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

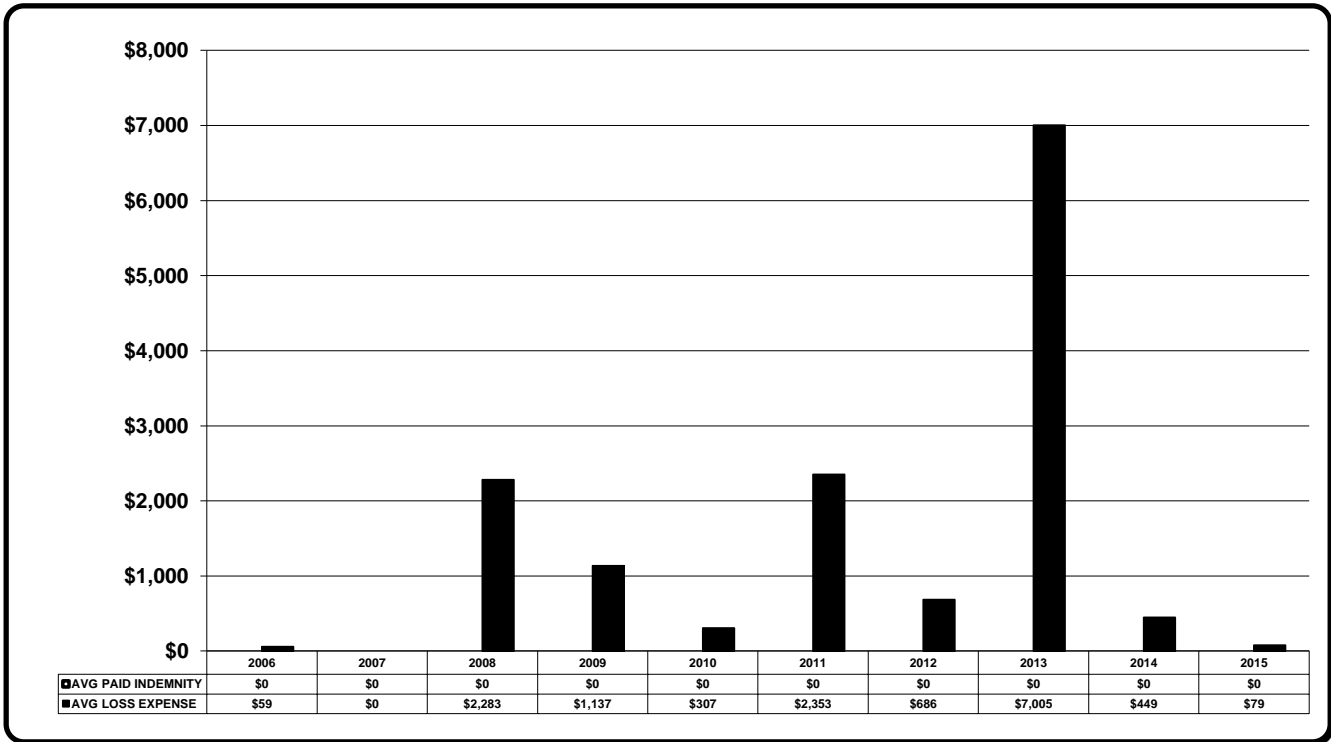


### CLAIM COUNT

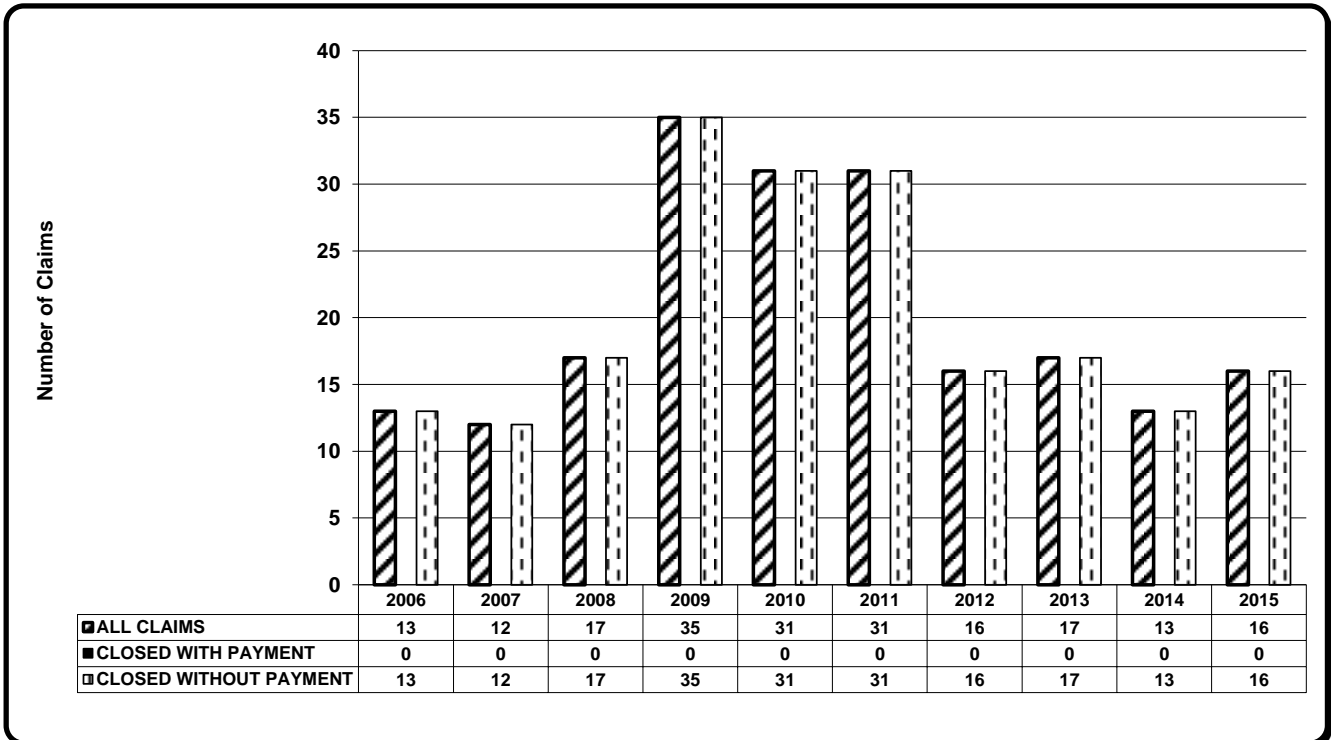


## CLAIM OR SUIT ABANDONED

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

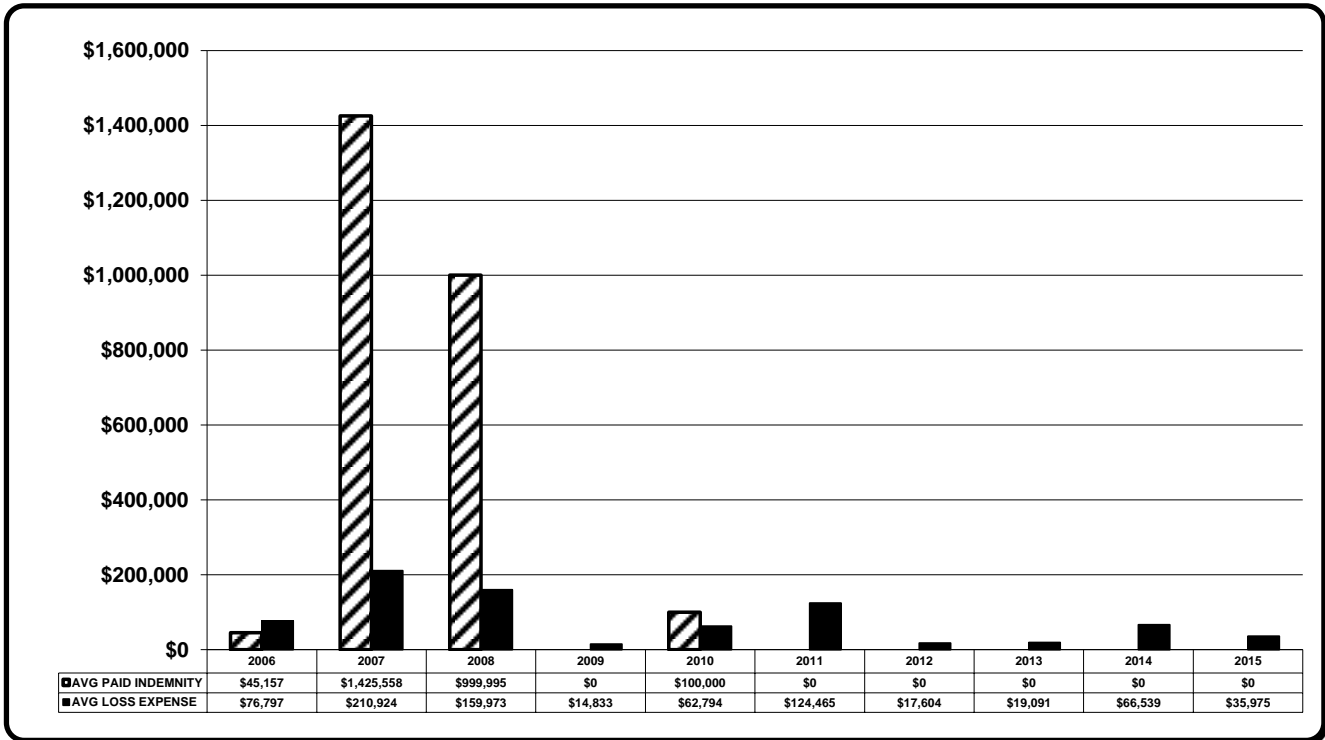


## CLAIM COUNT

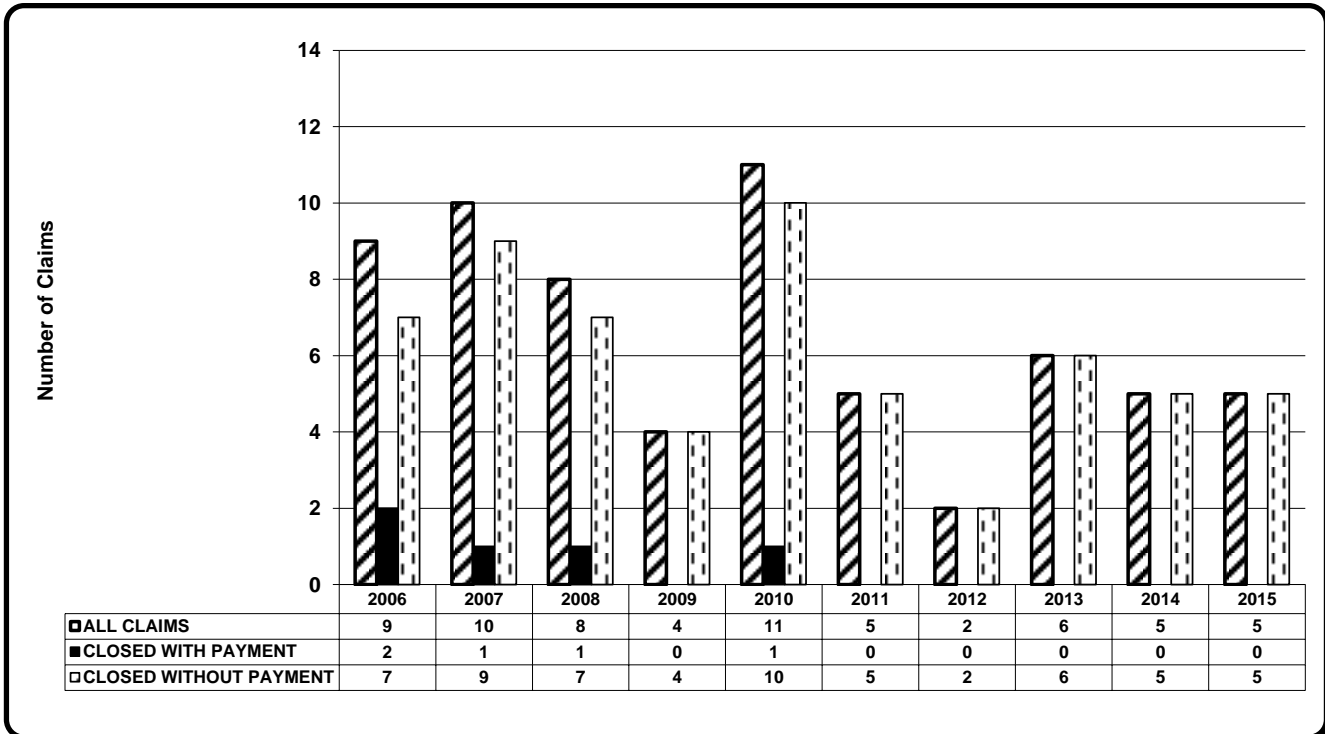


## AFTER APPEAL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

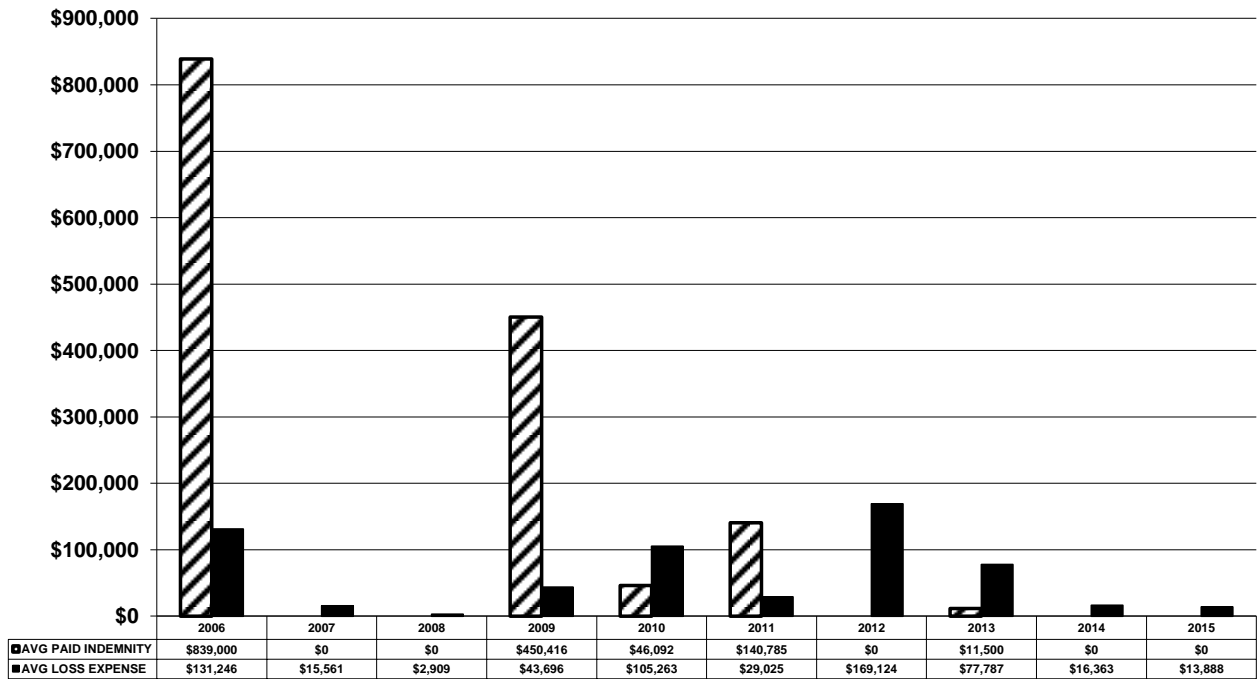


### CLAIM COUNT

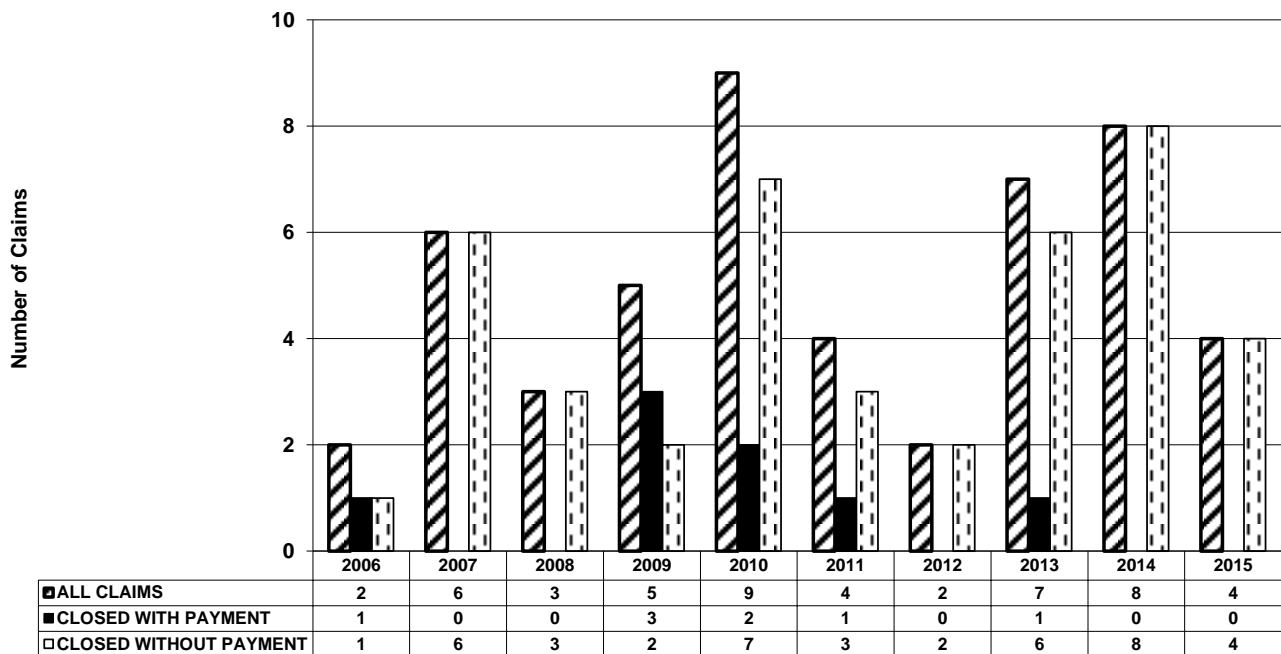


## AFTER JUDGMENT, BEFORE APPEAL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



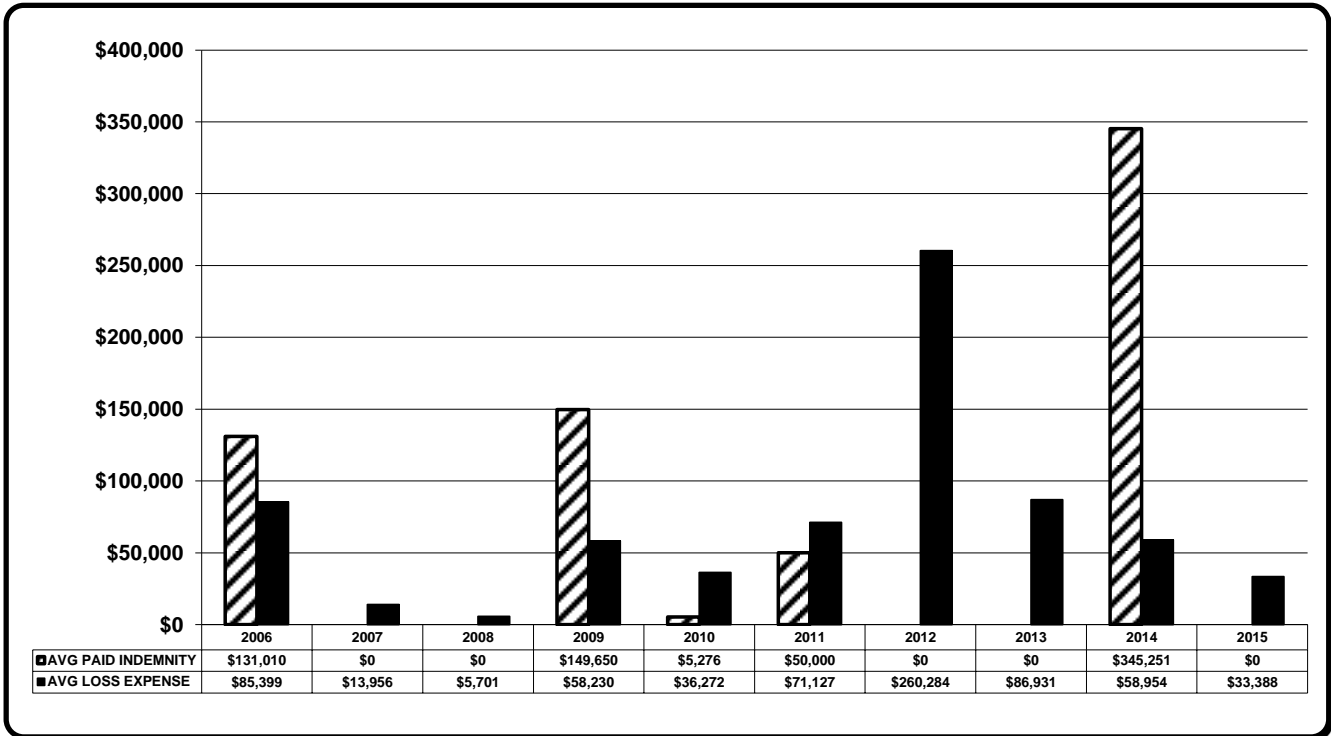
### CLAIM COUNT



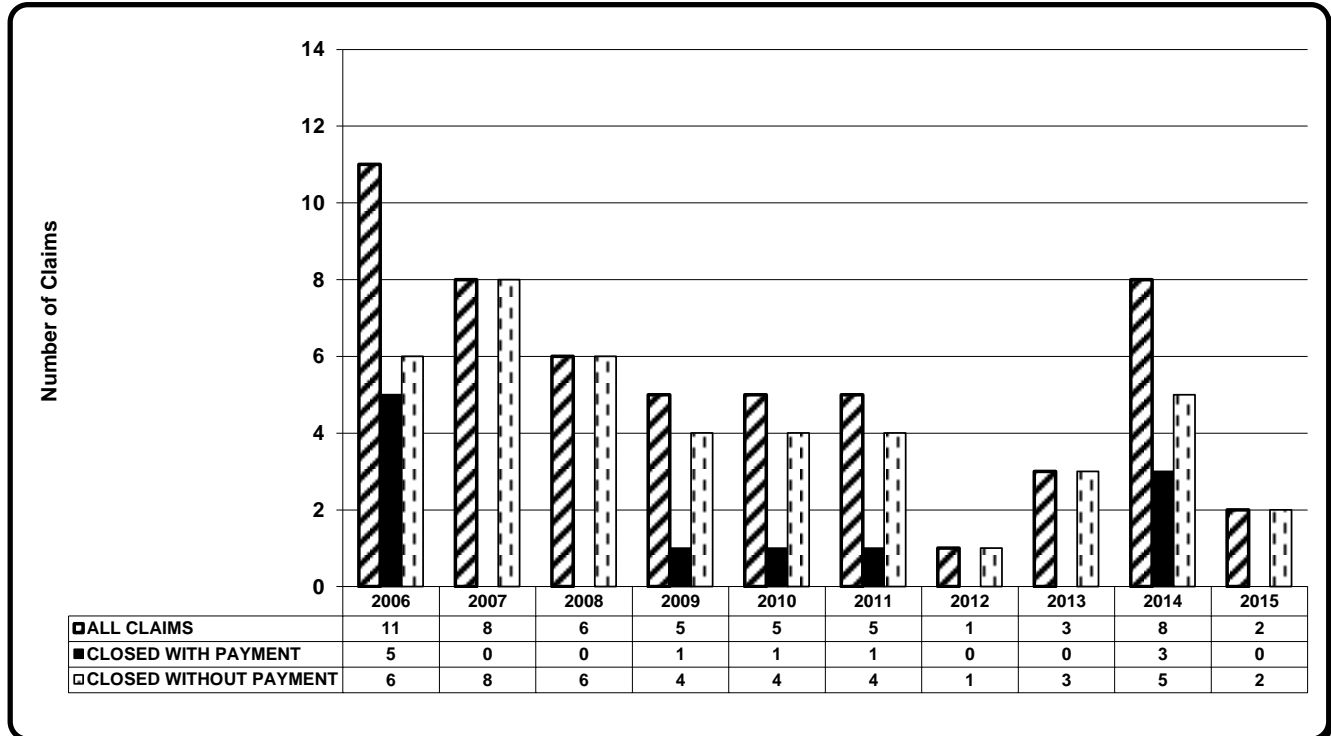


## DURING TRIAL OR HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

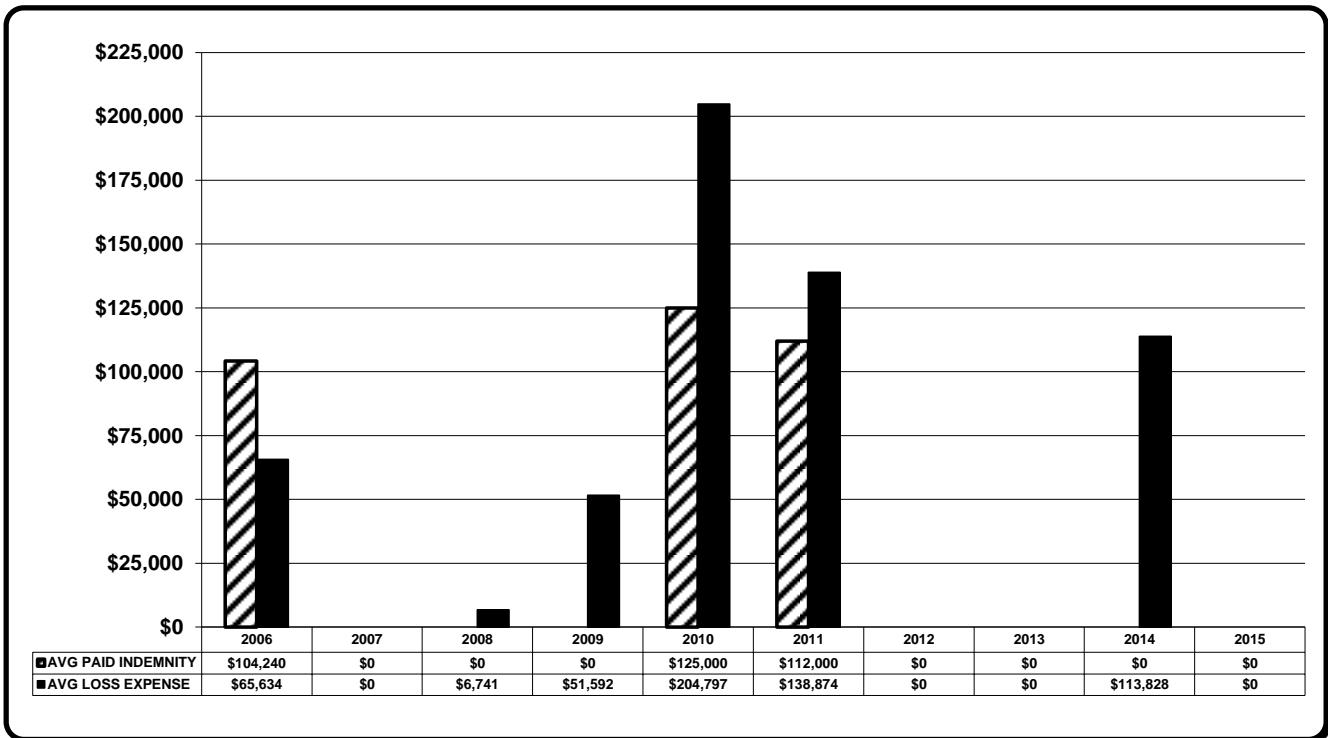


### CLAIM COUNT

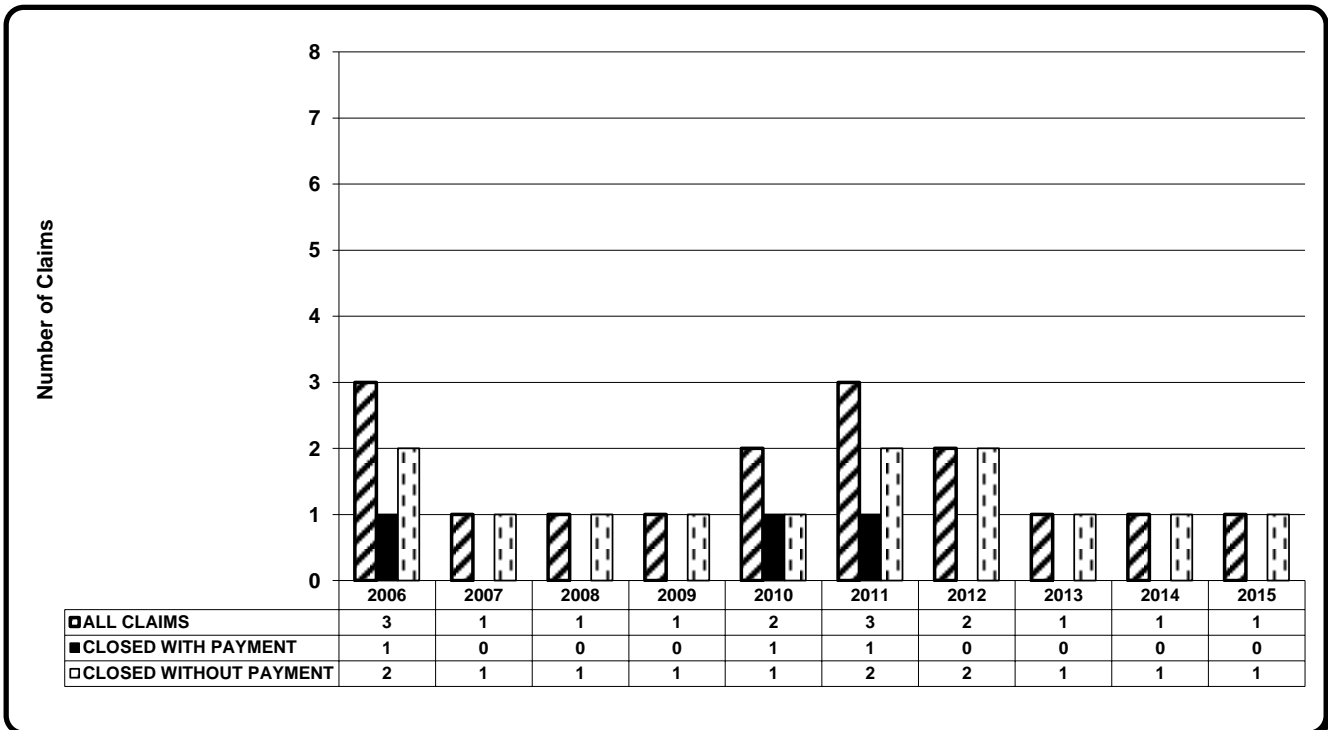


## DURING APPEAL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

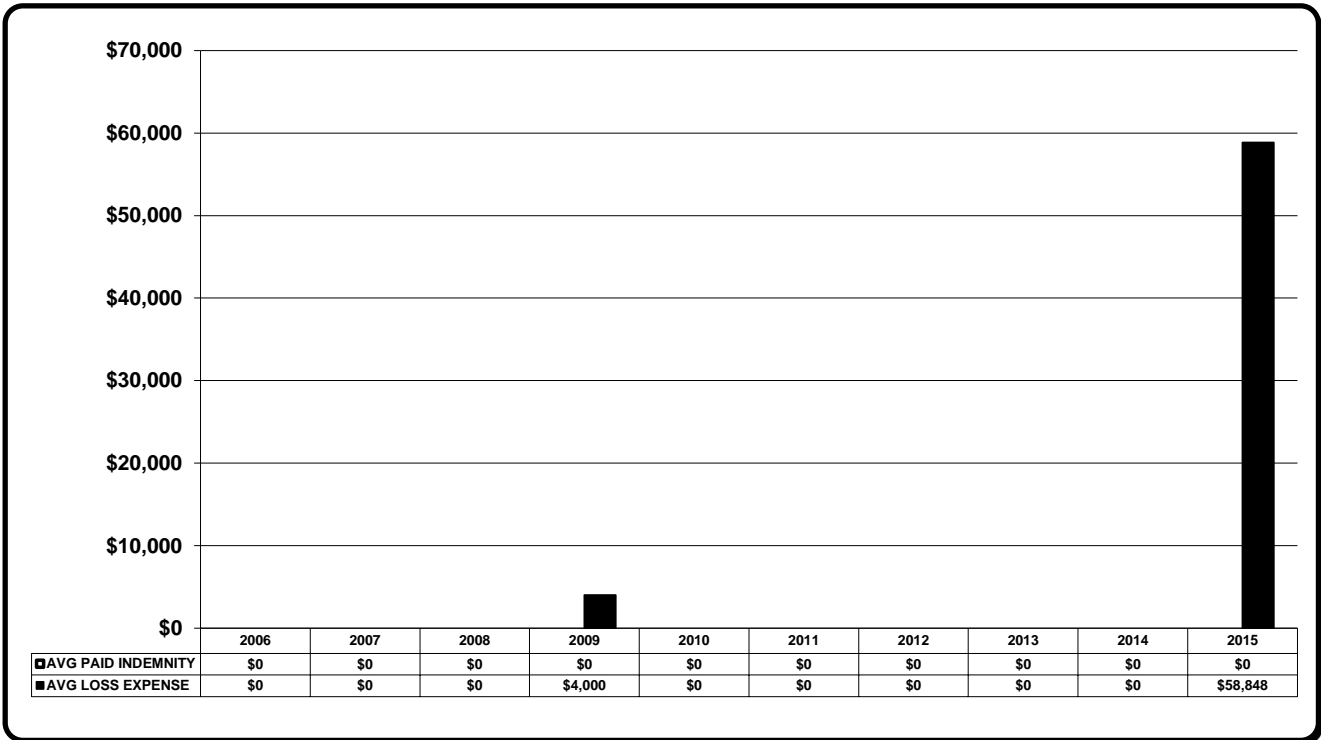


## CLAIM COUNT

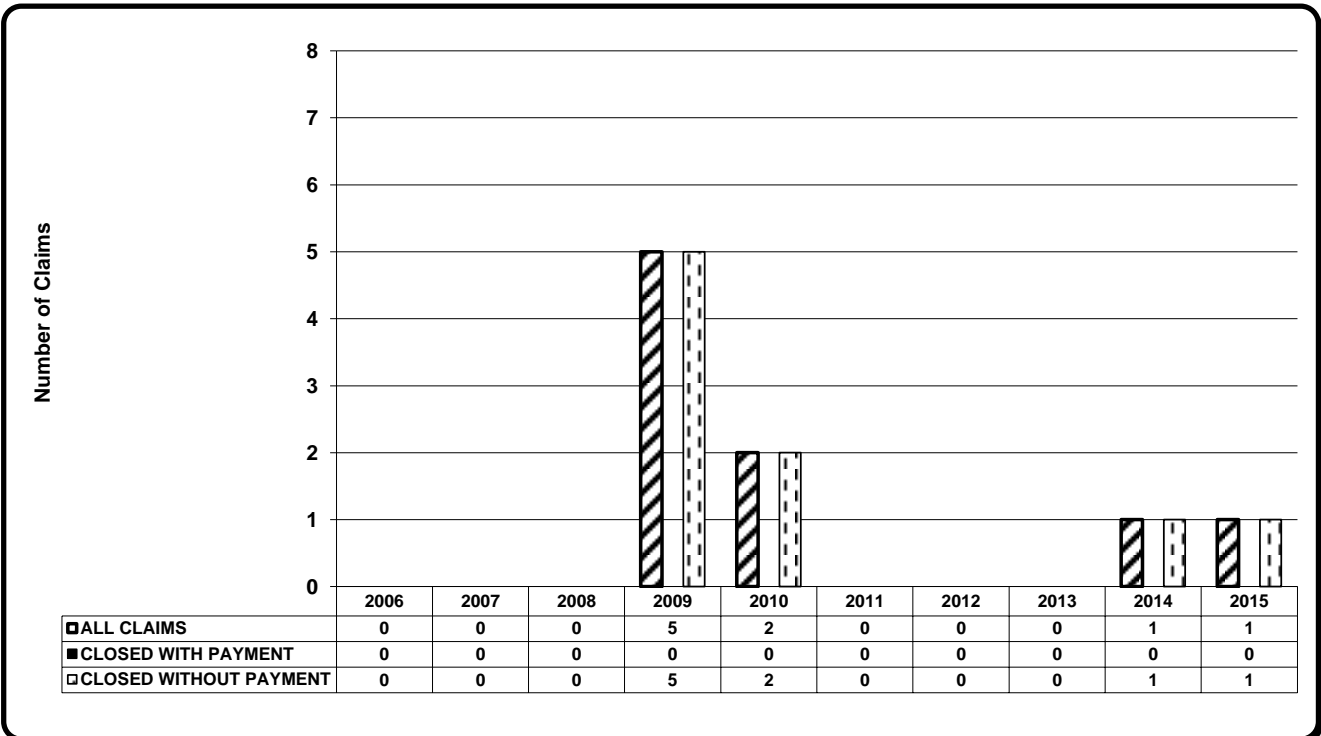


## DURING REVIEW PANEL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT



**TEN YEAR SUMMARY  
&  
2015 SUMMARY  
BY  
YEARS ADMITTED TO PRACTICE**



**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
FOR YEARS 2006-2015**

YEARS ADMITTED TO PRACTICE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
OVER 10 YEARS	2,183	513	93.27%	\$120,855	\$61,998,835	93.85%	\$21,017
4 TO 10 YEARS	91	32	5.82%	\$91,819	\$2,938,200	4.45%	\$15,488
UNDER 4 YEARS	21	5	0.91%	\$225,070	\$1,125,350	1.70%	\$7,681
<b>TOTAL</b>	<b>2,295</b>	<b>550</b>	<b>100.00%</b>	<b>\$120,113</b>	<b>\$66,062,385</b>	<b>100.00%</b>	<b>\$20,676</b>

**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
CLAIMS CLOSED IN 2015**

YEARS ADMITTED TO PRACTICE	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
OVER 10 YEARS	171	46	92.00%	\$154,837	\$7,122,491	90.99%	\$24,374
4 TO 10 YEARS	7	3	6.00%	\$121,667	\$365,000	4.66%	\$28,242
UNDER 4 YEARS	1	1	2.00%	\$340,000	\$340,000	4.34%	\$13,129
<b>TOTAL</b>	<b>179</b>	<b>50</b>	<b>100.00%</b>	<b>\$156,550</b>	<b>\$7,827,491</b>	<b>100.00%</b>	<b>\$24,462</b>

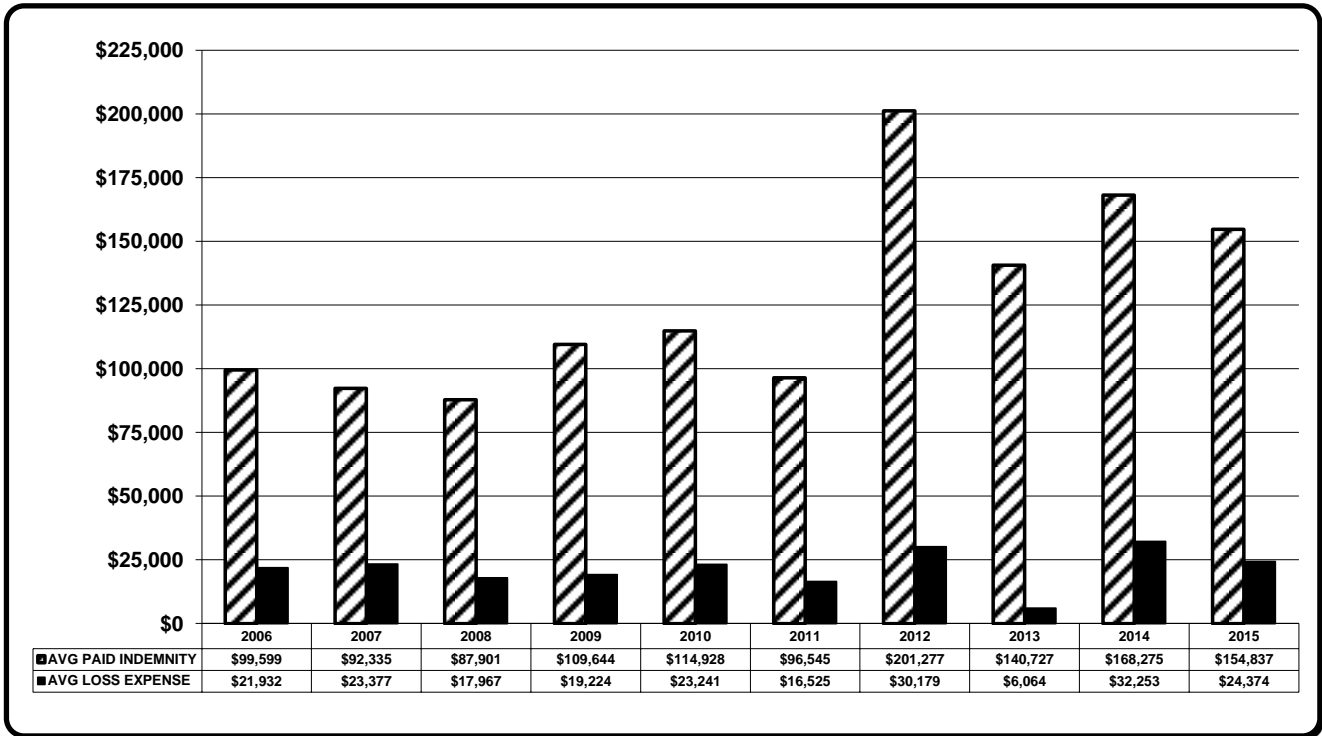
**TRENDS  
OF  
YEARS ADMITTED TO PRACTICE  
FOR 2015**



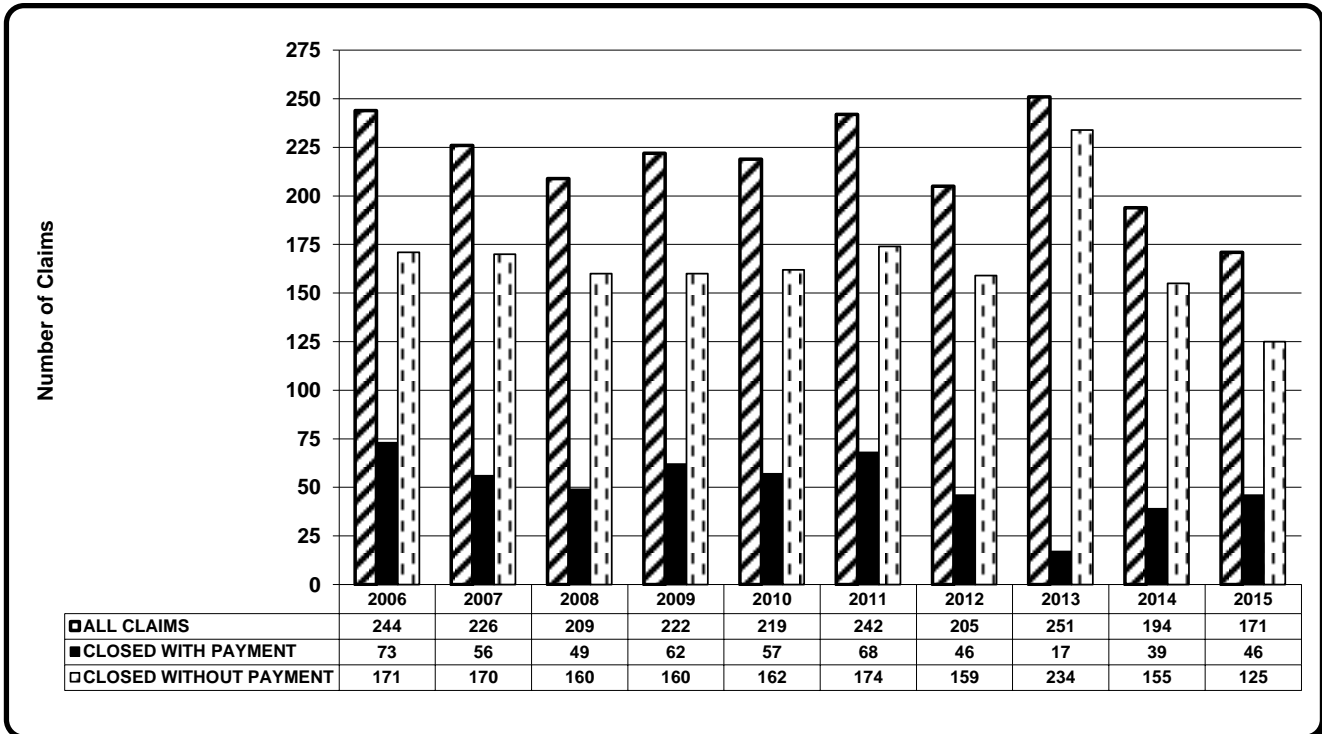


## OVER 10 YEARS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

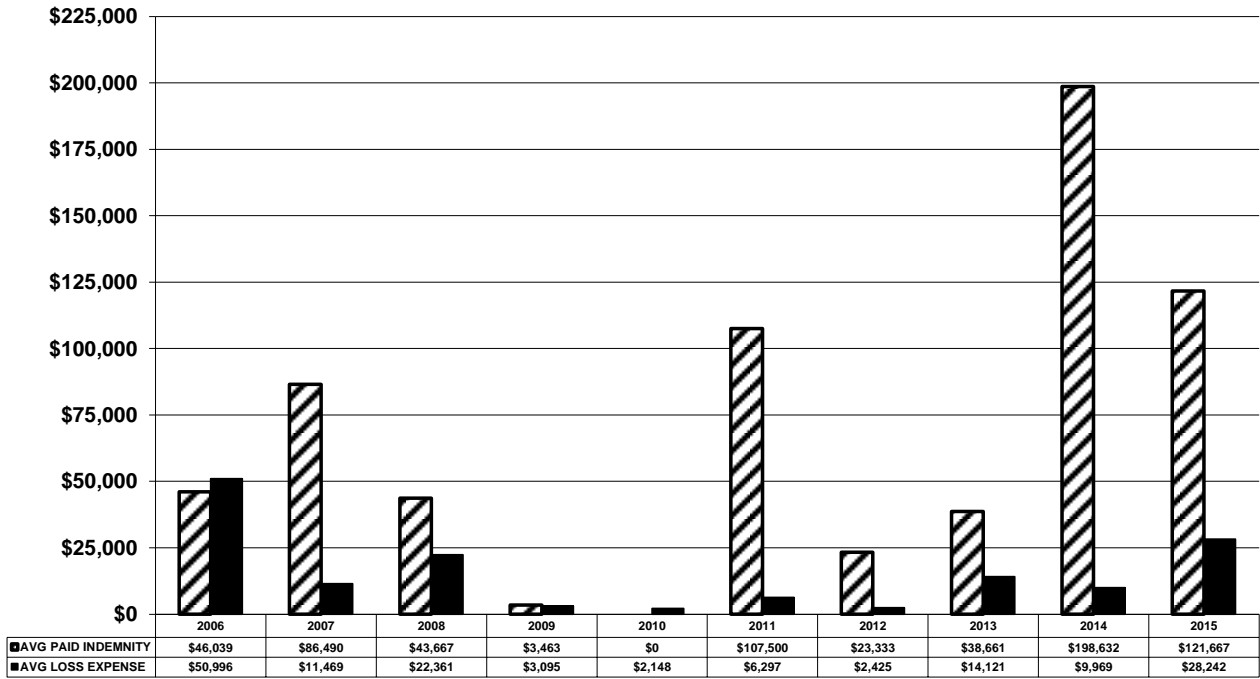


### CLAIM COUNT

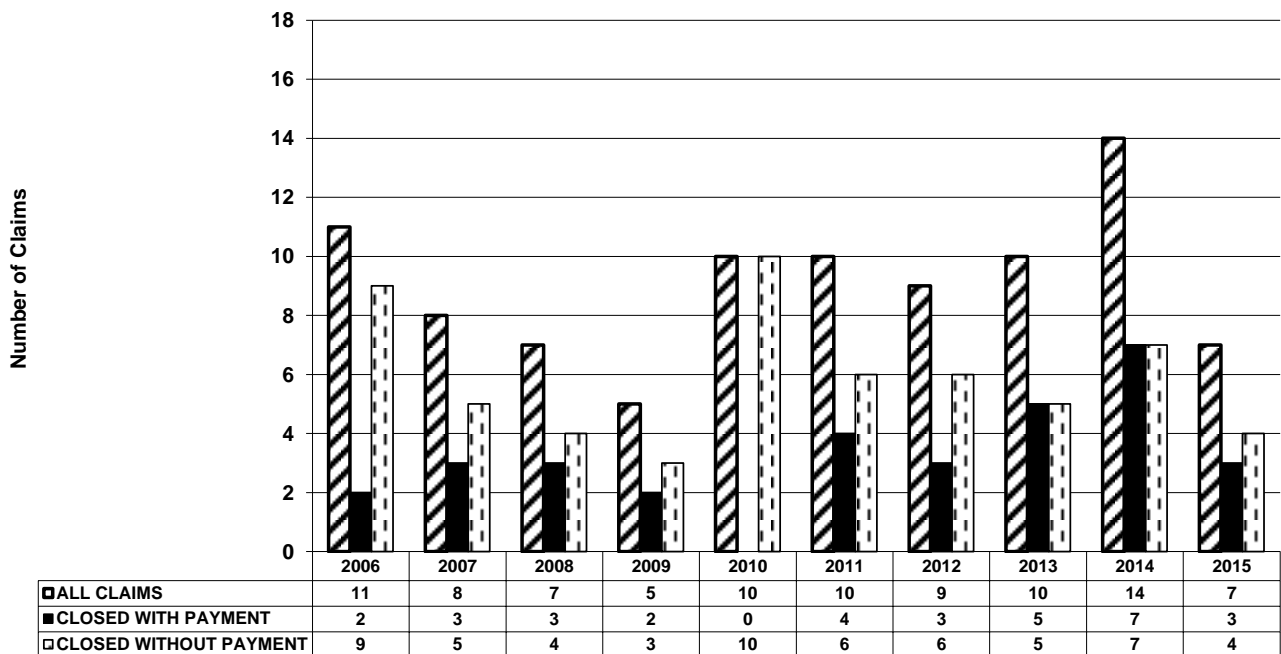


## 4 TO 10 YEARS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

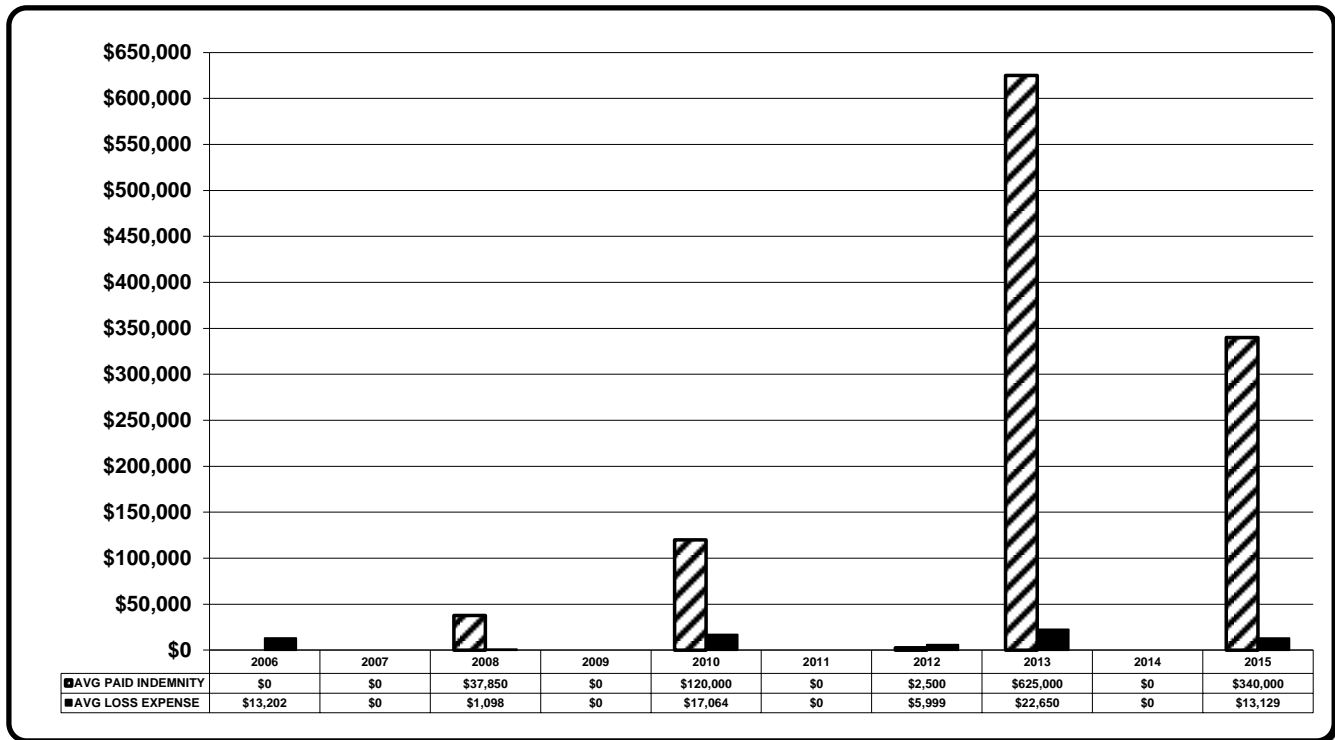


### CLAIM COUNT

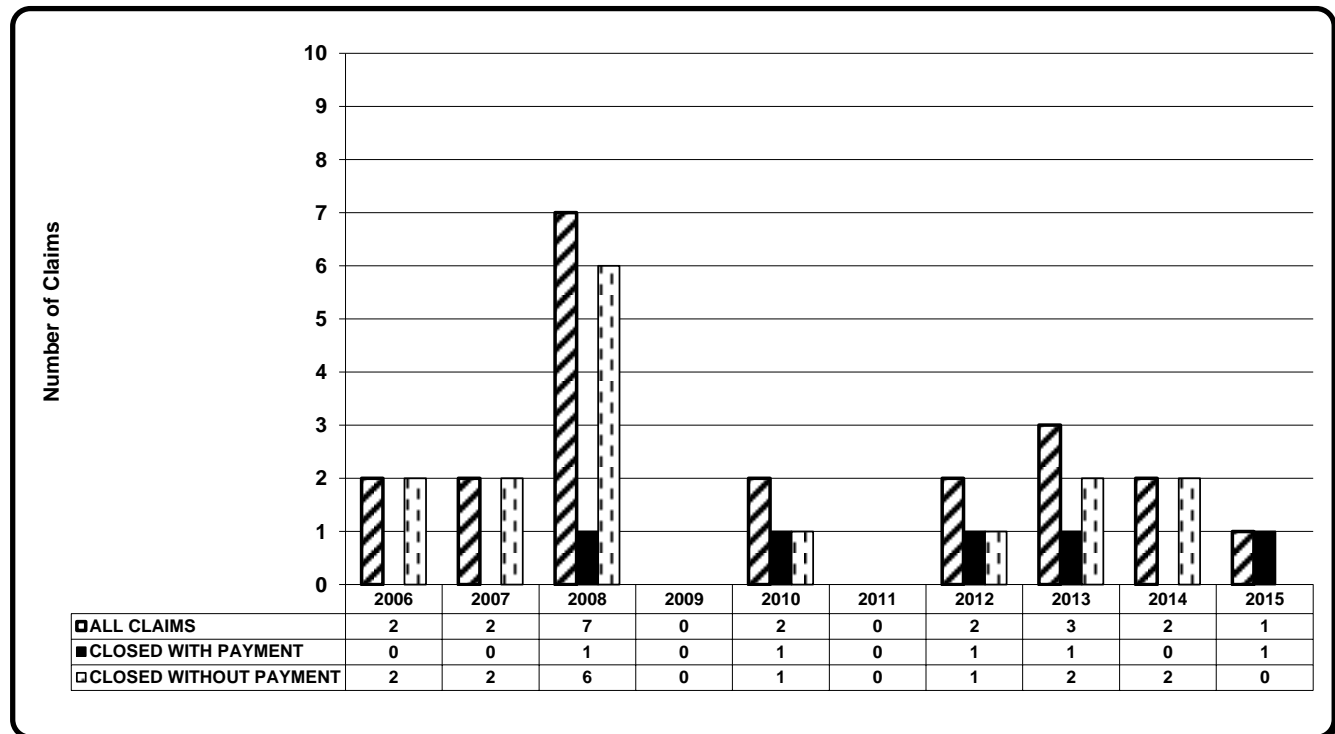


## UNDER 4 YEARS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT





**TEN YEAR SUMMARY  
&  
2015 SUMMARY  
BY  
INSURED/CLAIMANT RELATIONSHIP**



**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
FOR YEARS 2006-2015**

INSURED'S RELATIONSHIP TO THE CLAIMANT	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
CLIENT OTHER THAN ABOVE	1,659	462	84.00%	\$128,286	\$59,268,081	89.72%	\$22,915
NON-CLIENT	624	85	15.45%	\$75,886	\$6,450,304	9.76%	\$13,217
MEMBER PRE-PAID LEGAL PLAN	8	3	0.55%	\$114,667	\$344,000	0.52%	\$72,719
FREE LEGAL SERVICE	4	0	0.00%	N/A	\$0	0.00%	\$151,454
<b>TOTAL</b>	<b>2,295</b>	<b>550</b>	<b>100.00%</b>	<b>\$120,113</b>	<b>\$66,062,385</b>	<b>100.00%</b>	<b>\$20,676</b>



**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
CLAIMS CLOSED IN 2015**

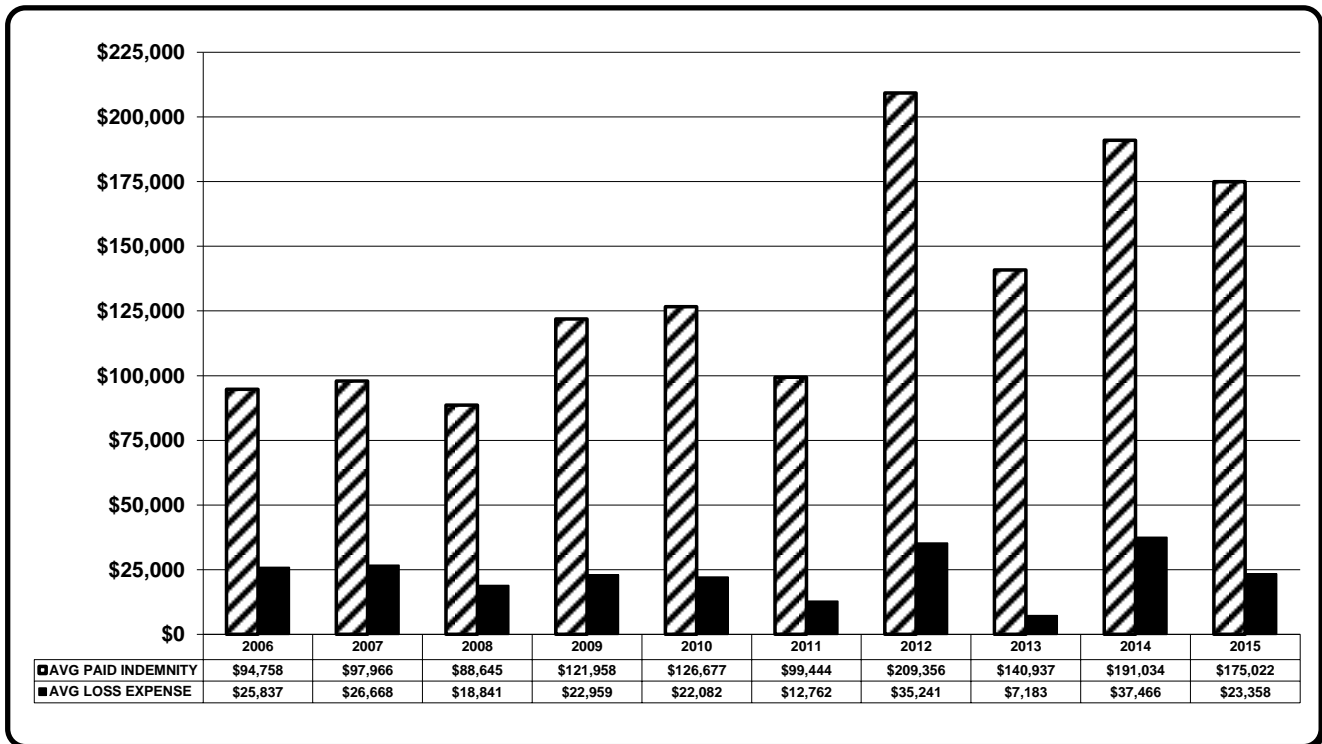
INSURED'S RELATIONSHIP TO THE CLAIMANT	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
CLIENT OTHER THAN ABOVE	132	42	84.00%	\$175,022.10	\$7,350,928	93.91%	\$23,358
NON-CLIENT	46	7	14.00%	\$67,509.00	\$472,563	6.04%	\$28,073
MEMBER PRE-PAID LEGAL PLAN	1	1	2.00%	\$4,000.00	\$4,000	0.05%	\$4,145
<b>TOTAL</b>	<b>179</b>	<b>50</b>	<b>100.00%</b>	<b>\$156,549.82</b>	<b>\$7,827,491</b>	<b>100.00%</b>	<b>\$24,462</b>

**TRENDS  
OF  
INSURED/CLAIMANT  
RELATIONSHIP  
FOR 2015**

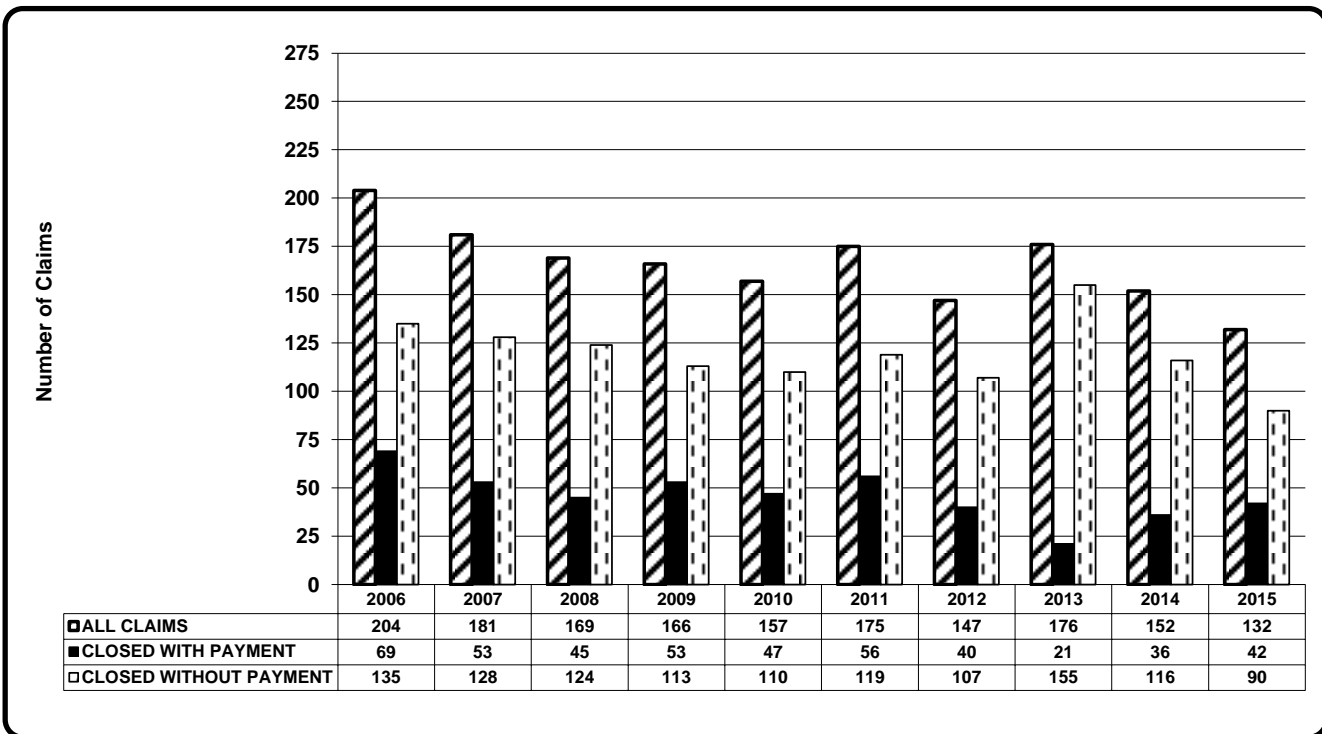


## CLIENT OTHER THAN FREE LEGAL SERVICE OR MEMBER OF PRE-PAID LEGAL PLAN

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

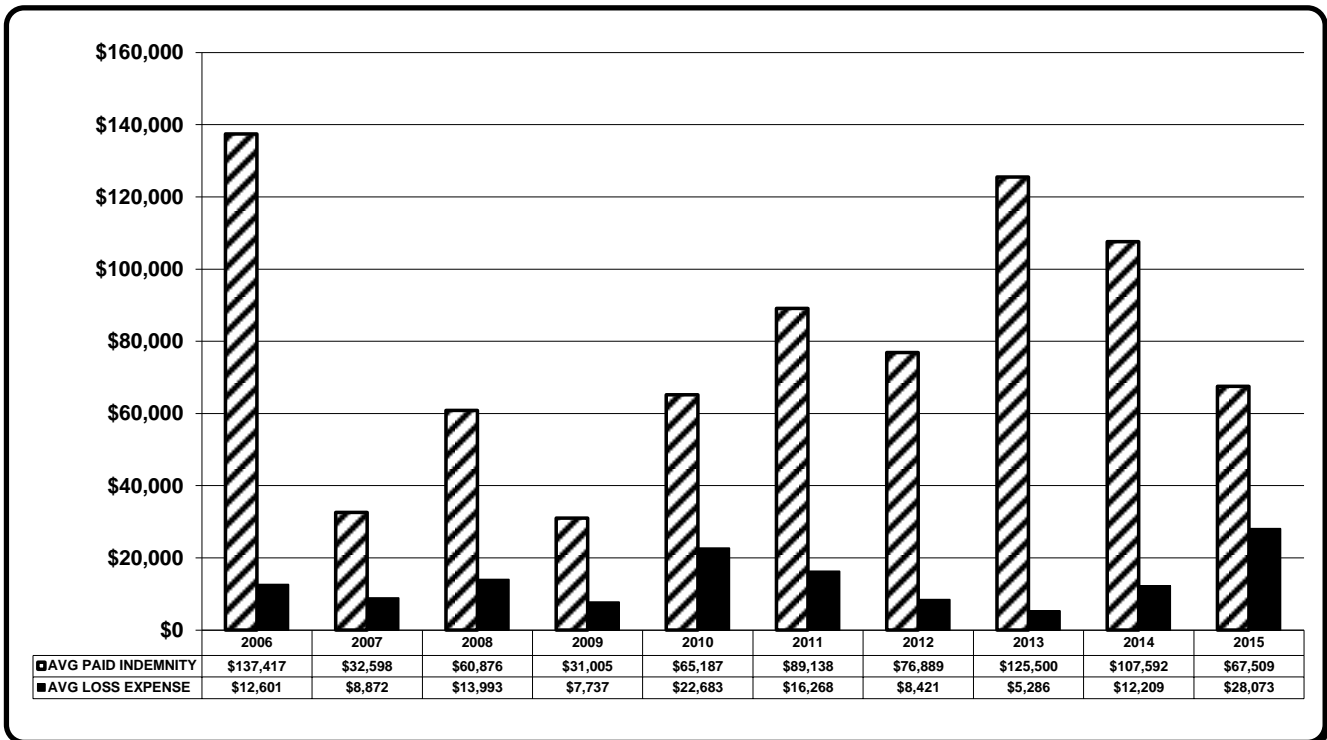


### CLAIM COUNT

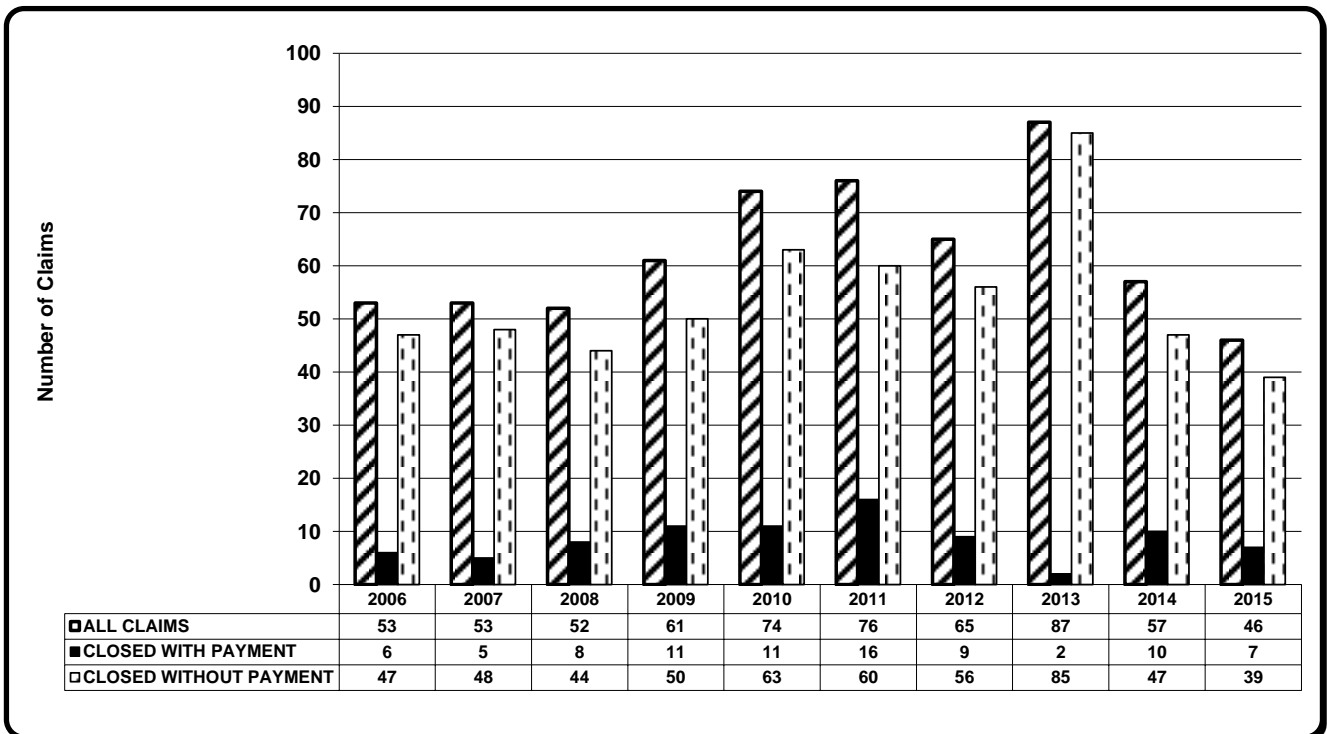


## NON-CLIENT

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

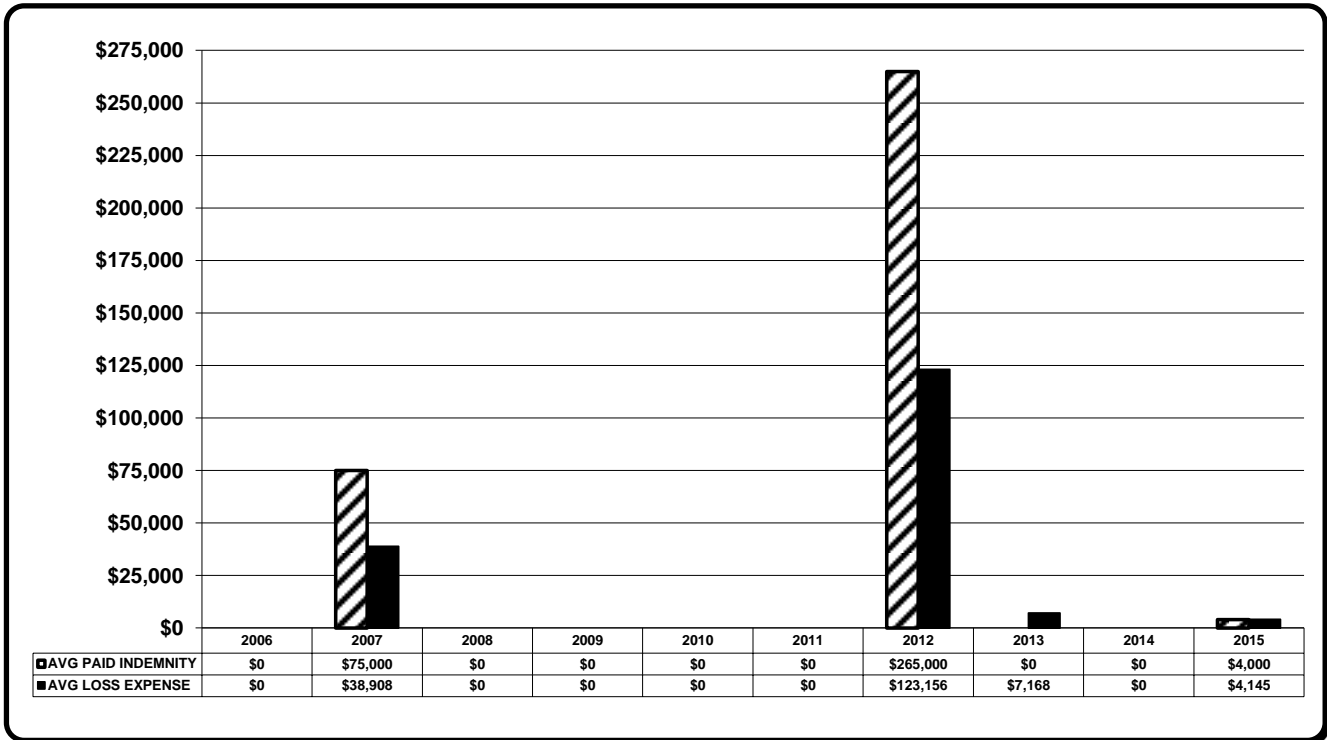


### CLAIM COUNT

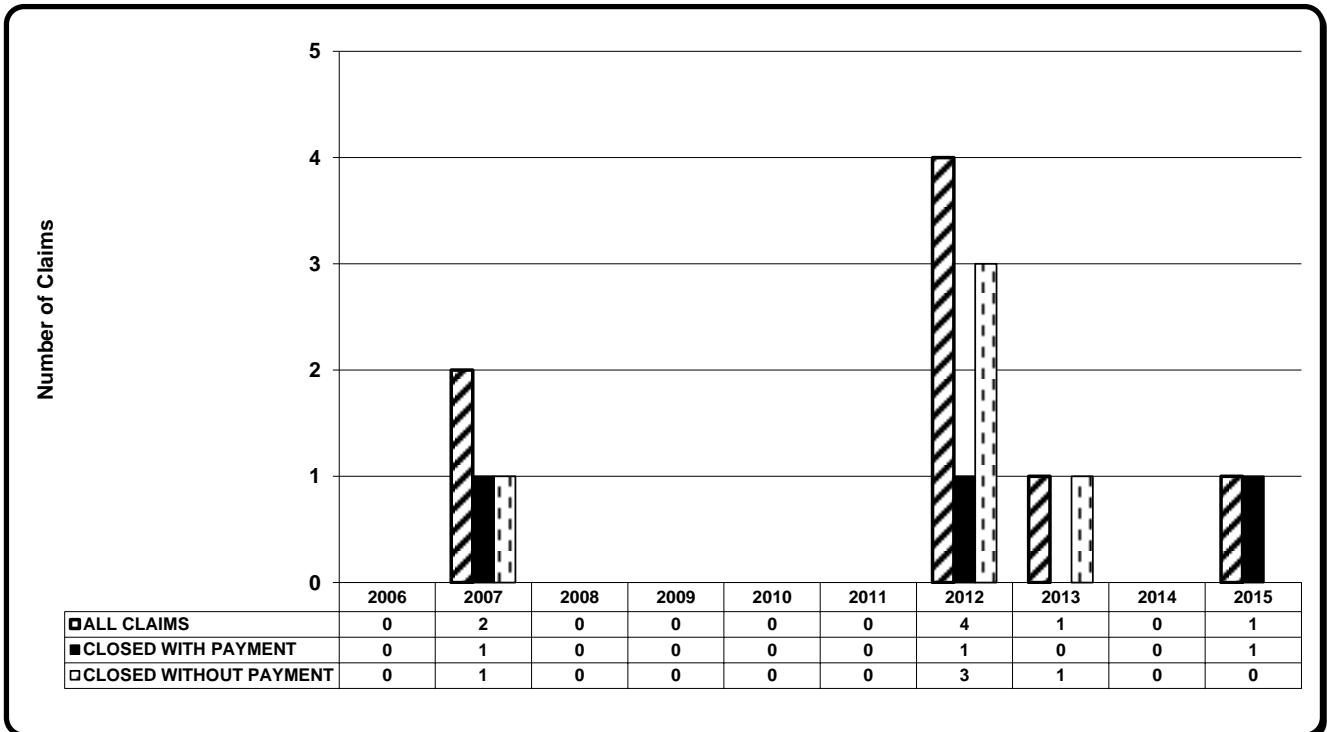


## MEMBER PRE-PAID LEGAL PLAN

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT





# **PREMIUM AND LOSS DATA**





**PAGE 19 SUPPLEMENT  
LEGAL MALPRACTICE EXPERIENCE  
WITH MARKET SHARE**

**2015 EXPERIENCE**

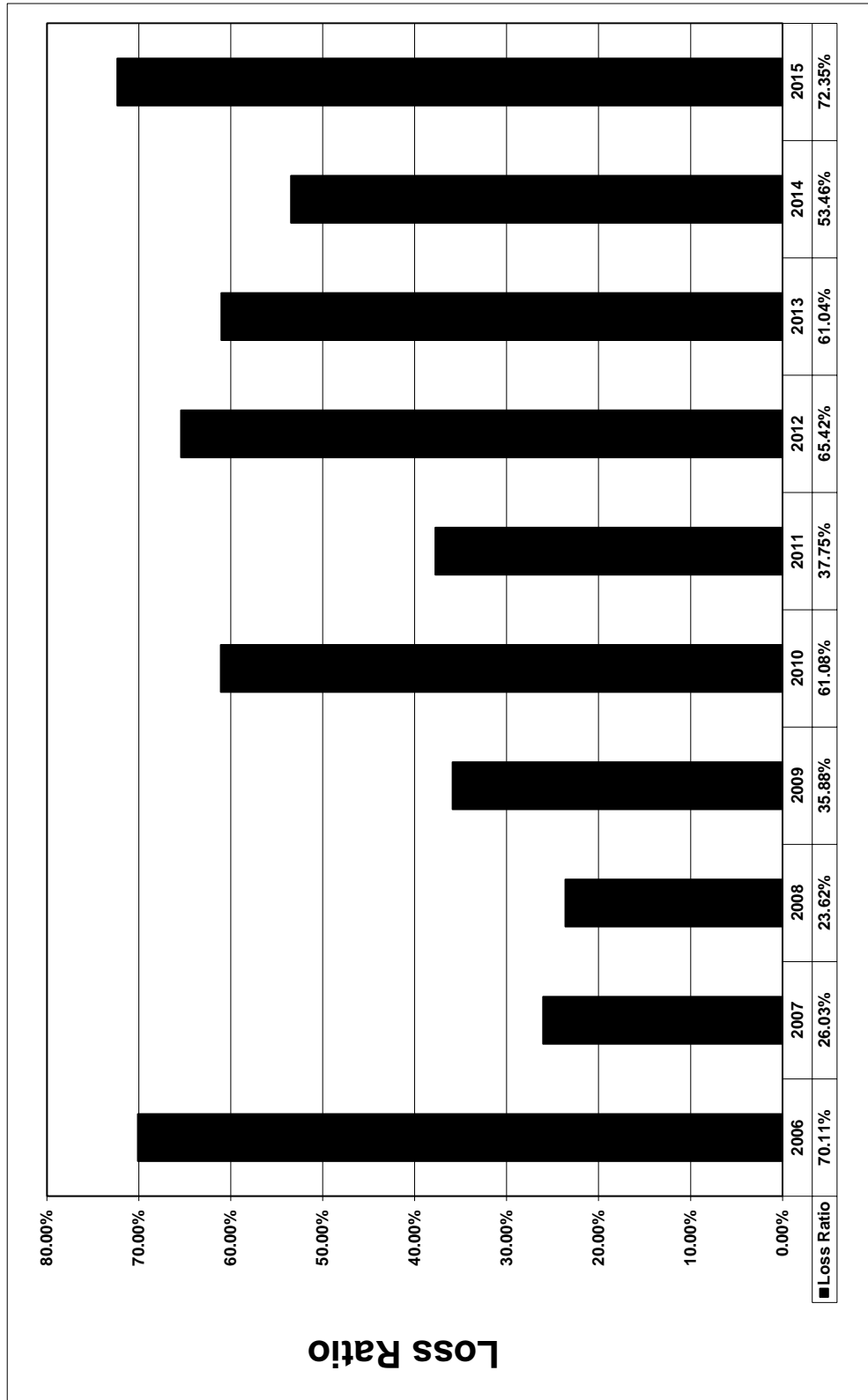
NAIC Company Code	Company Name	Market Share	Written Premium	Earned Premium	Incurred Losses	Loss Ratio
29513	BAR PLAN MUTUAL INSURANCE COMPANY THE	65.31%	\$10,745,219	\$10,841,665	\$5,223,057	48.18%
20443	CONTINENTAL CASUALTY COMPANY	21.39%	\$3,519,903	\$3,410,875	\$3,734,153	109.48%
22292	HANOVER INSURANCE COMPANY THE	5.60%	\$920,525	\$1,073,799	\$227,424	21.18%
32450	ALPS PROPERTY & CASUALTY COMPANY	3.54%	\$582,913	\$501,291	\$9,944	1.98%
37273	AXIS INSURANCE COMPANY	1.27%	\$208,643	\$111,643	(\$5,448)	-4.88%
29459	TWIN CITY FIRE INSURANCE COMPANY	1.05%	\$171,959	\$175,302	(\$24,990)	-14.26%
19518	CATLIN INSURANCE COMPANY INC	0.79%	\$130,027	\$127,564	\$0	0.00%
31194	TRAVELERS CASUALTY AND SURETY COMPANY OF AMER	0.74%	\$121,227	\$113,823	\$60,000	52.71%
22322	GREENWICH INSURANCE COMPANY	0.12%	\$18,941	\$18,726	\$10,715	57.22%
22241	MEDMARC CASUALTY INSURANCE COMPANY	0.11%	\$17,662	\$22,554	\$2,696	11.95%
11000	SENTINEL INSURANCE COMPANY LTD	0.07%	\$11,788	\$10,988	\$0	0.00%
29424	HARTFORD CASUALTY INSURANCE CO	0.02%	\$3,652	\$3,990	\$0	0.00%
12831	STATE NATIONAL INSURANCE COMPANY INC	0.00%	\$0	\$0	(\$1,000)	N/A
15865	NCMIC INSURANCE COMPANY	0.00%	\$0	\$0	(\$706)	N/A
16691	GREAT AMERICAN INSURANCE COMPANY	0.00%	\$0	\$0	\$85,539	N/A
21970	BEDIVERE INSURANCE COMPANY	0.00%	\$0	\$0	\$579,365	N/A
22136	GREAT AMERICAN INSURANCE COMPANY OF NEW YORK	0.00%	\$0	\$0	\$251,801	N/A
22730	ALLIED WORLD INSURANCE COMPANY	0.00%	\$0	\$0	\$1,074,918	N/A
25585	PROFESSIONALS DIRECT INSURANCE COMPANY	0.00%	\$0	\$0	\$646,212	N/A
	<b>TOTAL</b>	<b>100.00%</b>	<b>\$16,452,459</b>	<b>\$16,412,220</b>	<b>\$11,873,680</b>	<b>72.35%</b>

**PAGE 19 SUPPLEMENT  
LEGAL MALPRACTICE EXPERIENCE**

**TEN YEAR SUMMARY**

<b>YEAR</b>	<b>Written Premium</b>	<b>Earned Premium</b>	<b>Incurred Losses</b>	<b>Loss Ratio</b>
2006	\$17,435,456	\$16,719,059	\$11,720,958	70.11%
2007	\$17,727,731	\$17,152,684	\$4,464,212	26.03%
2008	\$16,324,591	\$16,766,853	\$3,959,872	23.62%
2009	\$15,787,723	\$15,994,807	\$5,738,199	35.88%
2010	\$14,955,313	\$15,124,731	\$9,238,427	61.08%
2011	\$14,269,499	\$14,608,084	\$5,514,132	37.75%
2012	\$15,356,950	\$15,088,454	\$9,871,352	65.42%
2013	\$15,843,263	\$15,221,120	\$9,291,232	61.04%
2014	\$16,725,395	\$16,787,627	\$8,975,108	53.46%
2015	\$16,452,459	\$16,412,220	\$11,873,680	72.35%
<b>10-YEAR TOTAL</b>	<b>\$160,878,380</b>	<b>\$159,875,639</b>	<b>\$80,647,172</b>	<b>50.44%</b>

PAGE 19 SUPPLEMENT  
 LEGAL MALPRACTICE EXPERIENCE  
 TEN YEAR LOSS RATIO SUMMARY



## **Insurance Consumer Hotline**

Contact DIFP's Insurance Consumer Hotline  
if you have questions about your insurance policy  
or to file a complaint against an  
insurance company or agent:

**difp.mo.gov**  
**800-726-7390**



# **DIFP**

Department of Insurance,  
Financial Institutions &  
Professional Registration

Harry S Truman Building, Room 530  
301 W. High St.  
PO Box 690  
Jefferson City, MO 65102

**JUNE 2016**