2008

Missouri Legal Malpractice Insurance Report

DIFP

Department of Insurance
Financial Institutions &
Professional Registration

MISSOURI LEGAL MALPRACTICE INSURANCE REPORT 2008

Department of Insurance, Financial Institutions & Professional Registration
Statistics Section
June 2009

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2. ***Missouri Department of Insurance Annual Report***
   summary information: http://www.insurance.mo.gov/aboutMDI/annual_report.htm

3. ***Missouri Life, Accident & Health Supplement Data***
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    summary information http://www.insurance.mo.gov/reports/ppauto.pdf

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    summary information: http://www.insurance.mo.gov/reports/hmo/index.htm

Databases: For more information: http://www.insurance.mo.gov/reports/index.htm#aggdata

1. Medicare Supplement Experience Data
2. Commercial Liability Experience Data
3. Missouri **Zip Code Insurance Data** for:

   - Homeowners/Dwelling Fire,
   - Farmowners (dwelling only),
   - Mobile Home,
   - Earthquake, and
   - Private Passenger Automobile

Some data is available to the public for a fee by special request only. For additional information, contact the **Statistics Section at (573) 751-4126**.

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 1999 to 2008.

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 2008, the loss ratio for legal malpractice insurance in Missouri was 24 percent. For the 10-year period of claims closed[1], 666 (27 percent) were closed with payment. Claims closed in 2008 totaled 231, a .04 percent decrease from the previous year. The average payment was $84,453.

The cost to an insurer for settling legal malpractice cases (called loss adjustment expense, consisting of legal fees, claims adjustment costs and related items) has fluctuated over the past 10 years. In 2008, the average loss adjustment expense for all claims closed with payment was $75,404, compared to $59,236 in 2007.

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.

[1]Claims closed may have resulted from incidents in any previous period.

By area of law, the largest share of claims closed in 2008 (60 of 231) was initiated by plaintiffs in *personal injury and property damage cases.* The largest proportion of all claims closed in 2008 and in the past 10 years involved alleged errors or omissions that occurred during the *commencement of the legal action or proceeding*. Of all claims paid during 2008, 38 percent were settled *before filing suit or demanding a hearing* on the alleged malpractice.

Ninety-two percent of losses in 2008 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 legal service or pre-paid legal plan*. Eighty-five percent of 2008 claims occurred in the category of *client other than free legal service or member of pre-paid legal plan.*

Only ten companies reported writing legal malpractice insurance in Missouri for 2008. Of these, the Bar Plan Mutual Insurance Company was by far the largest, with over 80 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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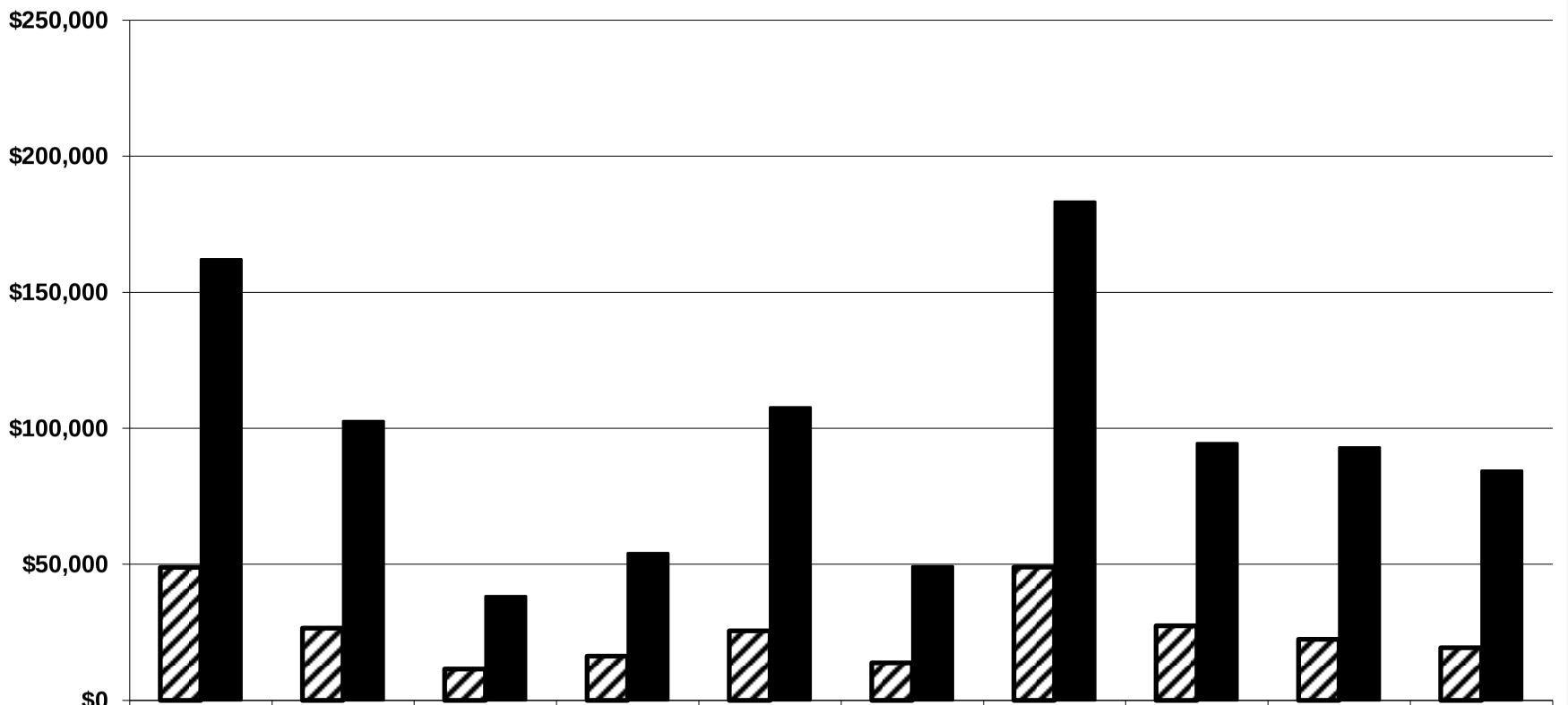
TEN YEAR SUMMARY (1999 - 2008)

LEGAL MALPRACTICE EXPERIENCE
TEN YEAR SUMMARY
(1999 – 2008)

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	2,460	100.0%	$66,320,541	$26,960	$40,564,558	$16,490
Closed with Payment	666	27.1%	$66,320,541	$99,580	$23,713,181	$35,605
Closed without Payment	1,794	72.9%	$0	$0	$16,851,377	$9,393
Claims Settled Through Court Proceedings	210	8.5%	$8,877,618	$42,274	$9,889,184	$47,091
Court Proceedings Resulting in Payment	34	1.4%	$8,877,618	$261,106	$3,999,341	$117,628

MISSOURI LEGAL MALPRACTICE INSURANCE

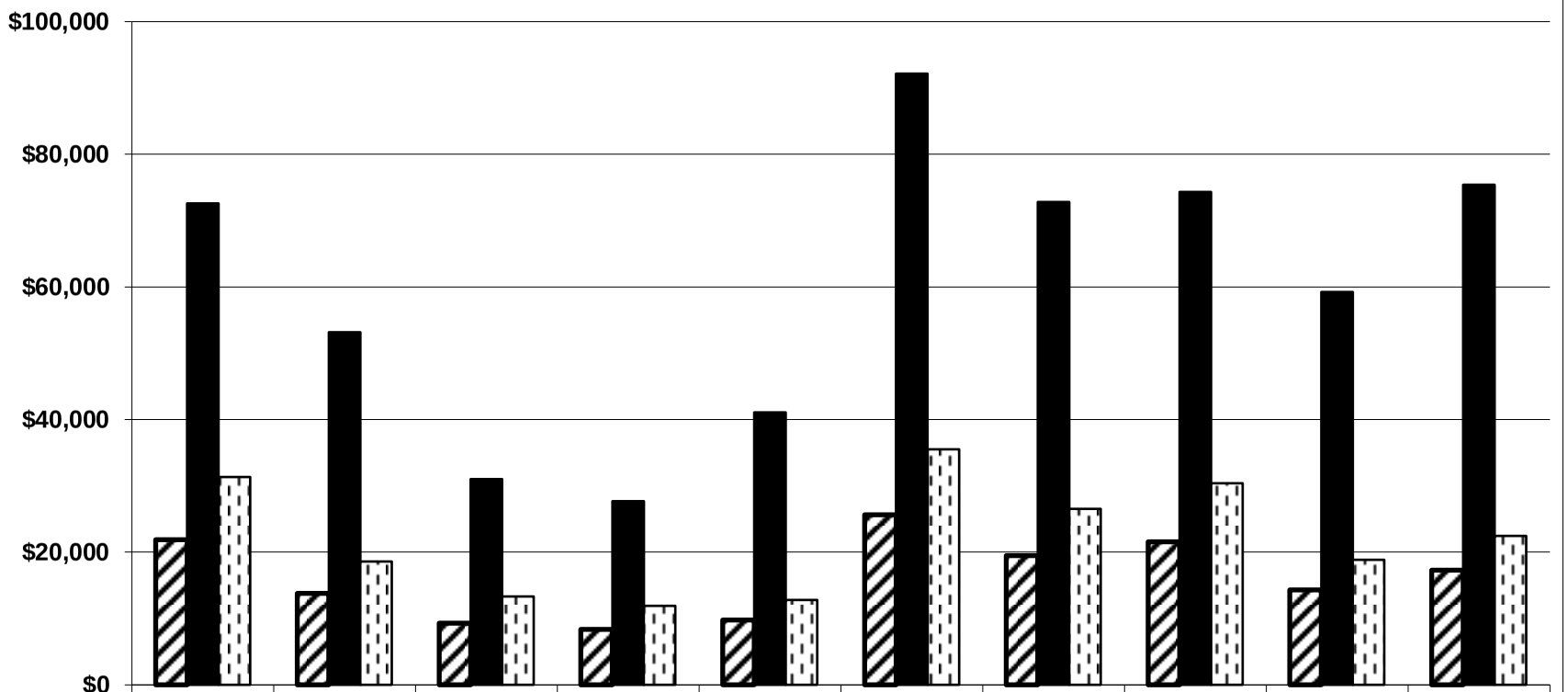
AVERAGE PAID CLAIM



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLOSED CLAIMS	$48,911	$26,602	$11,497	$16,294	$25,568	$13,710	$48,986	$27,451	$22,472	$19,377
CLOSED WITH PAYMENT	$162,151	$102,666	$38,322	$54,145	$107,720	$49,316	$183,326	$94,553	$92,988	$84,453

MISSOURI LEGAL MALPRACTICE INSURANCE

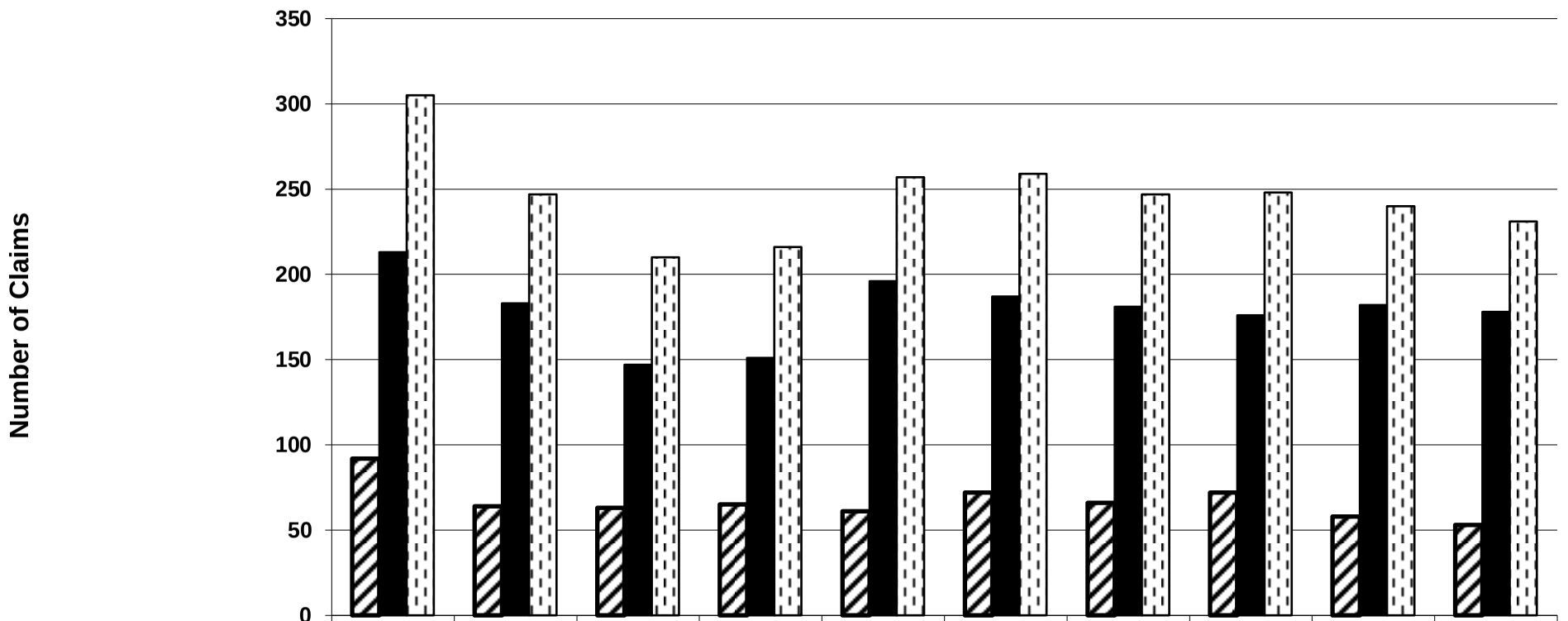
AVERAGE PAID LOSS ADJUSTMENT EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	$21,896	$13,776	$9,306	$8,332	$9,750	$25,620	$19,454	$21,577	$14,315	$17,300
CLOSED WITH PAYMENT	$72,591	$53,168	$31,020	$27,687	$41,079	$92,160	$72,803	$74,321	$59,236	$75,404
CLOSED WITHOUT PAYMENT	$31,354	$18,594	$13,294	$11,918	$12,785	$35,484	$26,547	$30,404	$18,877	$22,452

MISSOURI LEGAL MALPRACTICE INSURANCE

CLAIM COUNT 1999 - 2008



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
CLOSED WITH PAYMENT	92	64	63	65	61	72	66	72	58	53
CLOSED WITHOUT PAYMENT	213	183	147	151	196	187	181	176	182	178
TOTAL	305	247	210	216	257	259	247	248	240	231

TEN YEAR SUMMARY
&
2008 SUMMARY
BY
AREA OF LAW

LEGAL MALPRACTICE INSURANCE
INDEMNITY ANALYSIS
FOR YEARS 1999 – 2008

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	659	255	38.29%	$63,504	$16,193,606	24.42%	$10,711
COLLECTION & BANKRUPTCY	298	65	9.76%	$65,548	$4,260,636	6.42%	$12,723
FAMILY LAW	298	60	9.01%	$45,393	$2,723,586	4.11%	$7,595
ESTATE, TRUST & PROBATE	276	73	10.96%	$72,589	$5,299,023	7.99%	$13,077
REAL ESTATE	179	40	6.01%	$195,355	$7,814,211	11.78%	$13,134
BUSINESS TRANSACTION/COMMERCIAL LAW	141	42	6.31%	$159,341	$6,692,328	10.09%	$30,902
WORKERS COMPENSATION	100	36	5.41%	$38,400	$1,382,390	2.08%	$10,210
BI/PD - DEFENDANT	96	20	3.00%	$326,230	$6,524,600	9.84%	$47,420
CRIMINAL	95	11	1.65%	$46,065	$506,713	0.76%	$8,358
CORPORATE & BUSINESS ORGANIZATION	80	17	2.55%	$89,449	$1,520,639	2.29%	$23,942
CIVIL RIGHTS & COMMISSION	55	10	1.50%	$93,004	$930,044	1.40%	$13,567
LABOR LAW	38	10	1.50%	$97,704	$977,035	1.47%	$18,122
CONSUMER CLAIMS	37	6	0.90%	$55,608	$333,649	0.50%	$18,341
LOCAL GOVERNMENT	19	1	0.15%	$27,500	$27,500	0.04%	$12,685
PATENTS, TRADEMARKS, COPYRIGHTS	17	4	0.60%	$291,250	$1,165,000	1.76%	$83,762
TAXATION	17	4	0.60%	$92,500	$370,000	0.56%	$24,727
SECURITIES (S.E.C.)	14	3	0.45%	$3,061,399	$9,184,198	13.85%	$302,049
IMMIGRATION & NATURALIZATION	11	4	0.60%	$94,008	$376,030	0.57%	$23,412
GOVERNMENT CONTRACTS & CLAIMS	10		0.00%	N/A	$0	0.00%	$403
CONSTRUCTION (BUILDING CONTRACTS)	8	2	0.30%	$11,604	$23,208	0.03%	$2,224
ANTITRUST	5	1	0.15%	$3,945	$3,945	0.01%	$25,118
ENVIRONMENT	4		0.00%	N/A	$0	0.00%	$3,255
ADMIRALTY	3	2	0.30%	$6,100	$12,200	0.02%	$1,757
TOTAL	2,460	666	100.00%	$99,580	$66,320,541	100.00%	$16,490

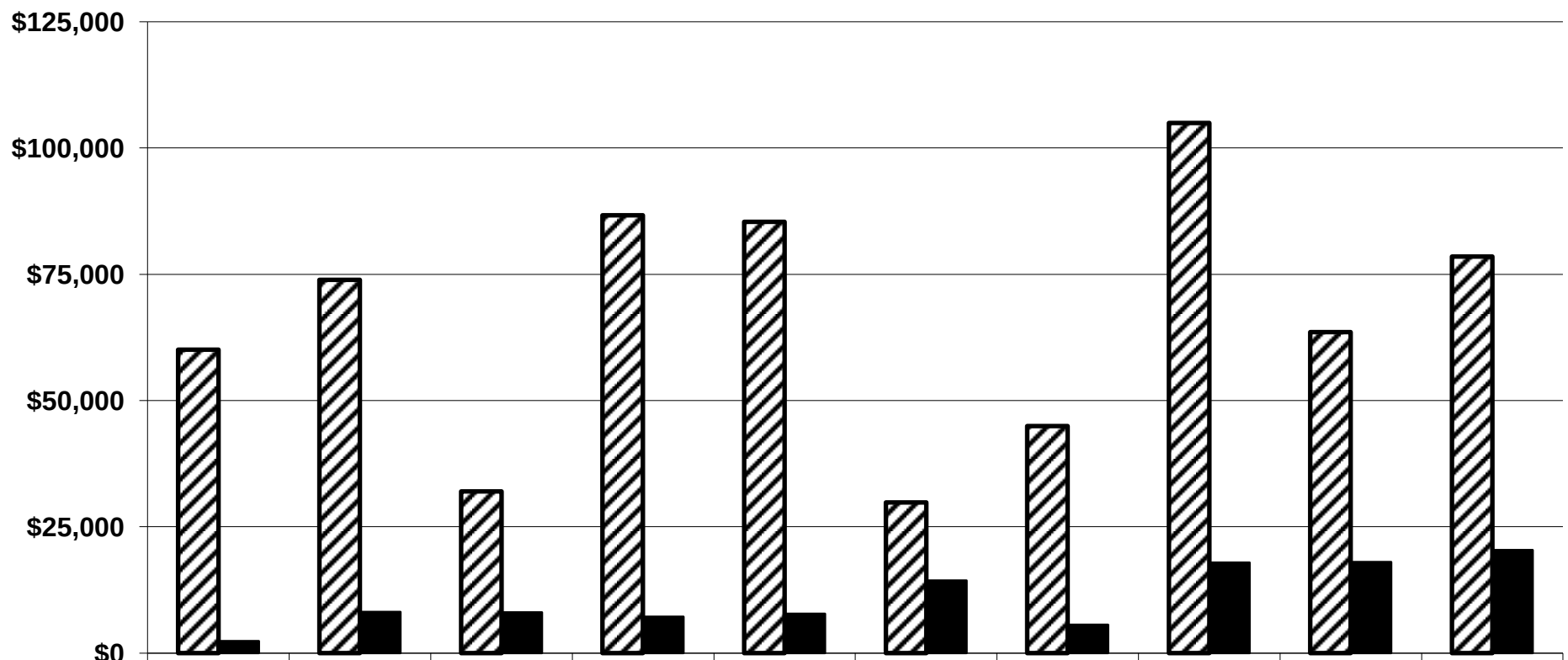
LEGAL MALPRACTICE INSURANCE
INDEMNITY ANALYSIS
CLAIMS CLOSED IN 2008

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	60	23	43.40%	$78,484	$1,805,141	40.33%	$20,403
FAMILY LAW	33	4	7.55%	$78,783	$315,130	7.04%	$6,496
COLLECTION & BANKRUPTCY	27	8	15.09%	$141,000	$1,127,999	25.20%	$42,191
REAL ESTATE	27	5	9.43%	$67,113	$335,567	7.50%	$6,247
ESTATE, TRUST & PROBATE	24	5	9.43%	$34,437	$172,184	3.85%	$5,657
BUSINESS TRANSACTION/COMMERCIAL LAW	12	4	7.55%	$87,000	$348,000	7.77%	$36,003
CORPORATE & BUSINESS ORGANIZATION	8	1	1.89%	$47,000	$47,000	1.05%	$19,649
BI/PD - DEFENDANT	7	0	0.00%	N/A	$0	0.00%	$13,339
LABOR LAW	6	1	1.89%	$75,000	$75,000	1.68%	$16,650
WORKERS COMPENSATION	6	0	0.00%	N/A	$0	0.00%	$1,297
CIVIL RIGHTS & COMMISSION	4	1	1.89%	$100,000	$100,000	2.23%	$31,436
CRIMINAL	3	0	0.00%	N/A	$0	0.00%	$6,394
ENVIRONMENT	3	0	0.00%	N/A	$0	0.00%	$4,340
LOCAL GOVERNMENT	3	0	0.00%	N/A	$0	0.00%	$2,948
PATENTS, TRADEMARKS, COPYRIGHTS	3	0	0.00%	N/A	$0	0.00%	$0
TAXATION	2	0	0.00%	N/A	$0	0.00%	$211
CONSTRUCTION (BUILDING CONTRACTS)	1	0	0.00%	N/A	$0	0.00%	$0
CONSUMER CLAIMS	1	1	1.89%	$149,999	$149,999	3.35%	$156,832
IMMIGRATION & NATURALIZATION	1	0	0.00%	N/A	$0	0.00%	$0
TOTAL	231	53	100.00%	$84,453	$4,476,020	100.00%	$17,300

TRENDS
OF THE TOP TEN
AREAS OF LAW
OF 2008

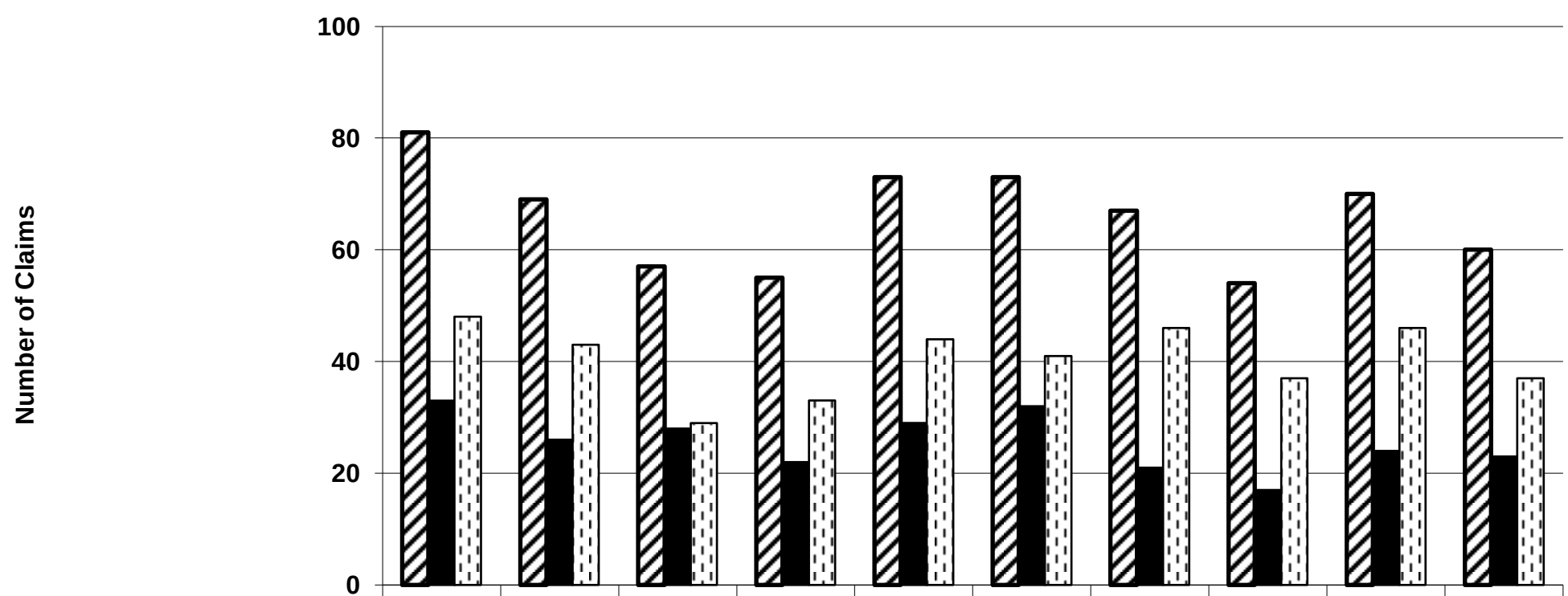
PERSONAL INJURY/PROPERTY DAMAGE - PLAINTIFF

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$60,034	$73,894	$32,001	$86,660	$85,368	$29,817	$44,976	$104,962	$63,537	$78,484
AVG LOSS EXPENSE	$2,378	$8,151	$8,065	$7,202	$7,791	$14,370	$5,615	$17,915	$18,031	$20,403

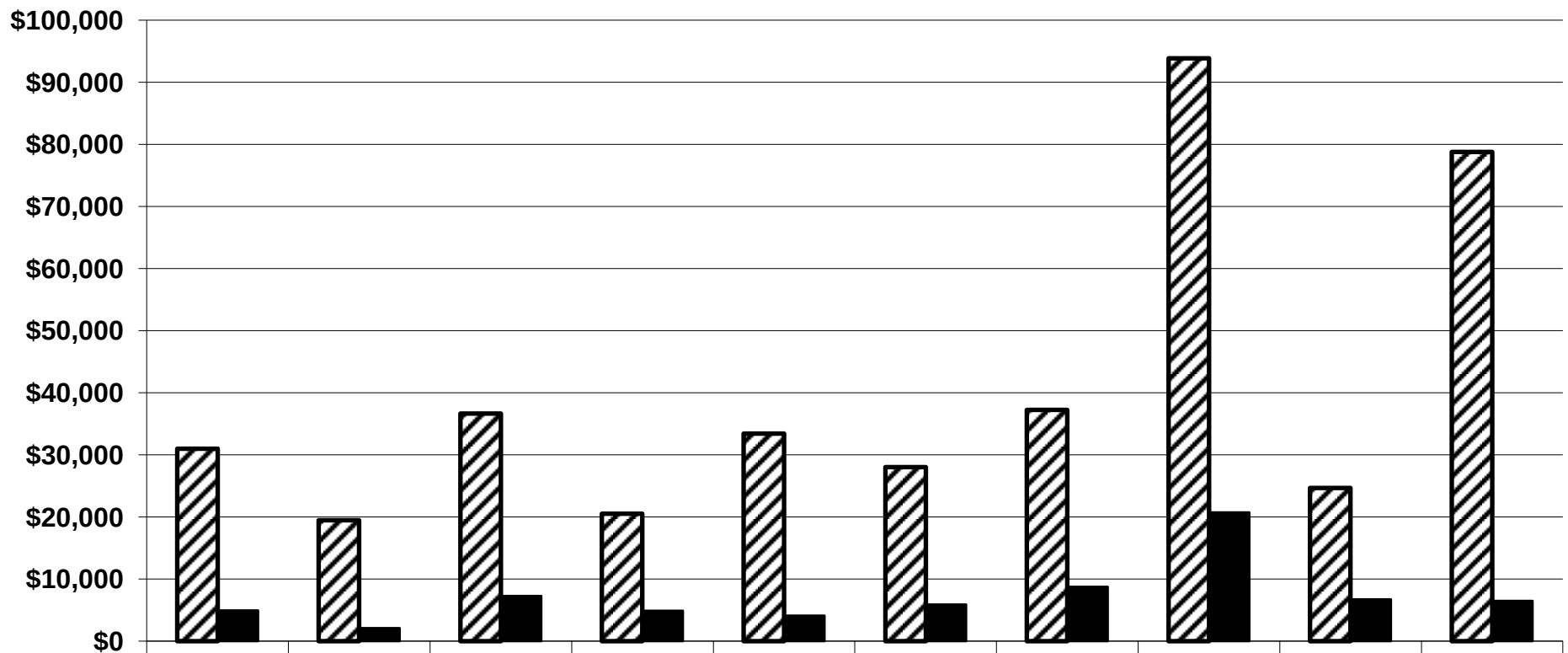
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	81	69	57	55	73	73	67	54	70	60
CLOSED WITH PAYMENT	33	26	28	22	29	32	21	17	24	23
CLOSED WITHOUT PAYMENT	48	43	29	33	44	41	46	37	46	37

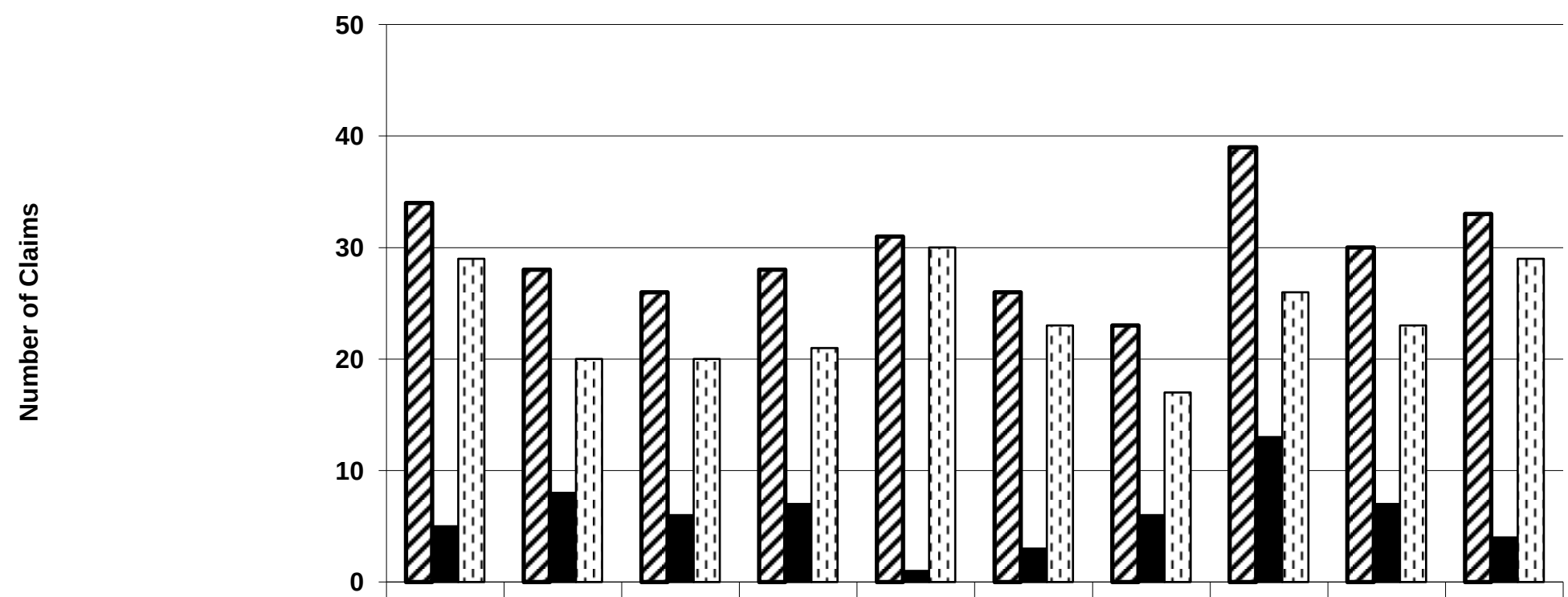
FAMILY LAW

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$31,000	$19,508	$36,667	$20,500	$33,423	$28,020	$37,224	$93,887	$24,647	$78,783
AVG LOSS EXPENSE	$4,957	$2,111	$7,288	$4,907	$4,121	$5,912	$8,769	$20,745	$6,745	$6,496

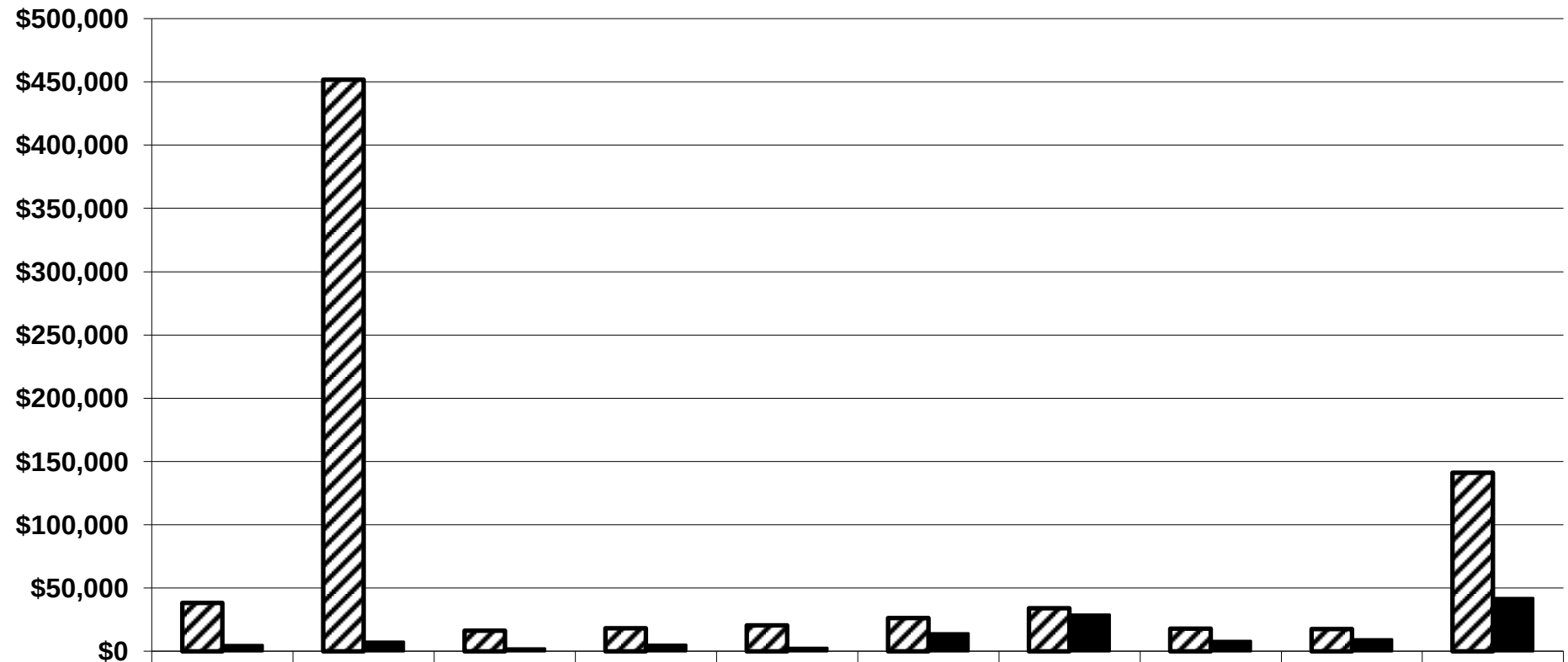
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	34	28	26	28	31	26	23	39	30	33
CLOSED WITH PAYMENT	5	8	6	7	1	3	6	13	7	4
CLOSED WITHOUT PAYMENT	29	20	20	21	30	23	17	26	23	29

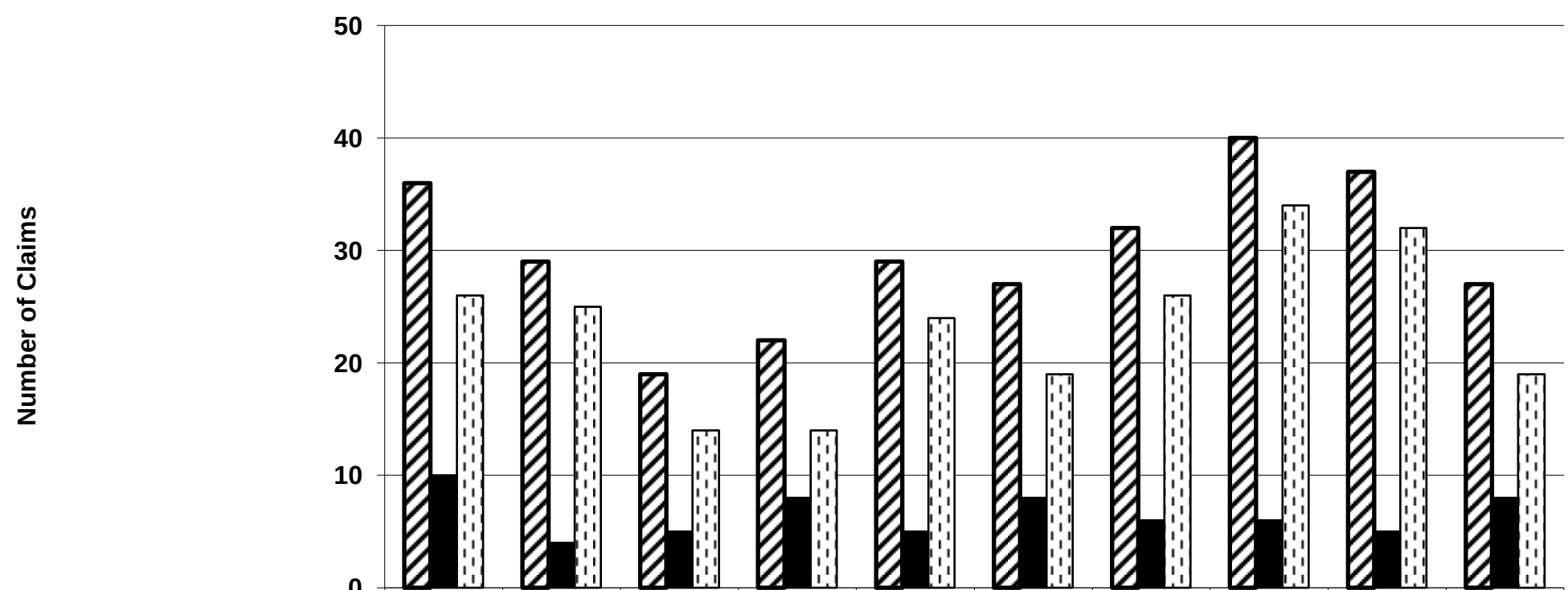
COLLECTION & BANKRUPTCY

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$38,400	$451,541	$16,282	$18,414	$20,604	$26,179	$34,017	$18,083	$17,741	$141,000
AVG LOSS EXPENSE	$5,043	$7,711	$2,361	$5,276	$2,835	$14,327	$29,085	$8,304	$9,576	$42,191

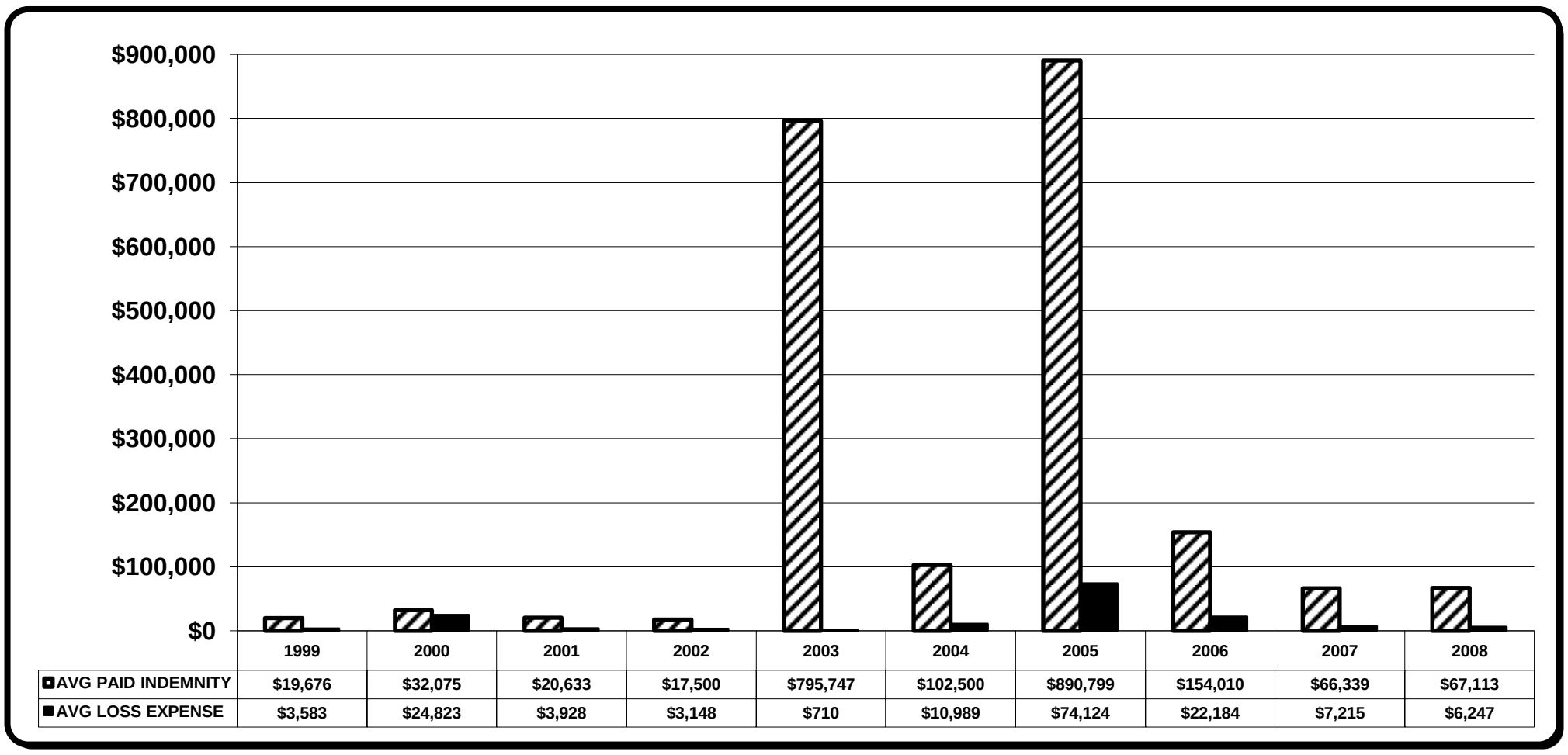
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	36	29	19	22	29	27	32	40	37	27
CLOSED WITH PAYMENT	10	4	5	8	5	8	6	6	5	8
CLOSED WITHOUT PAYMENT	26	25	14	14	24	19	26	34	32	19

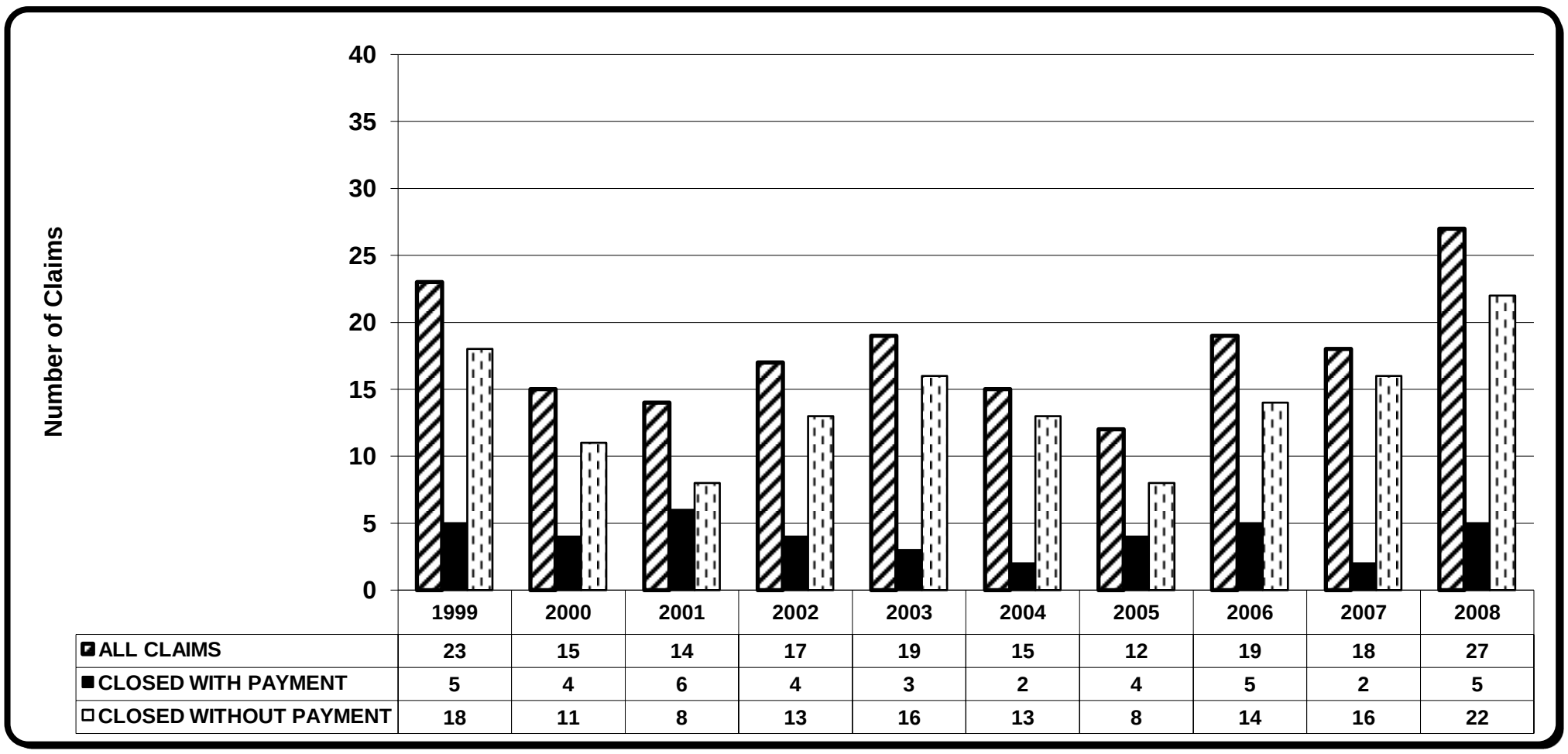
REAL ESTATE

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$19,676	$32,075	$20,633	$17,500	$795,747	$102,500	$890,799	$154,010	$66,339	$67,113
AVG LOSS EXPENSE	$3,583	$24,823	$3,928	$3,148	$710	$10,989	$74,124	$22,184	$7,215	$6,247

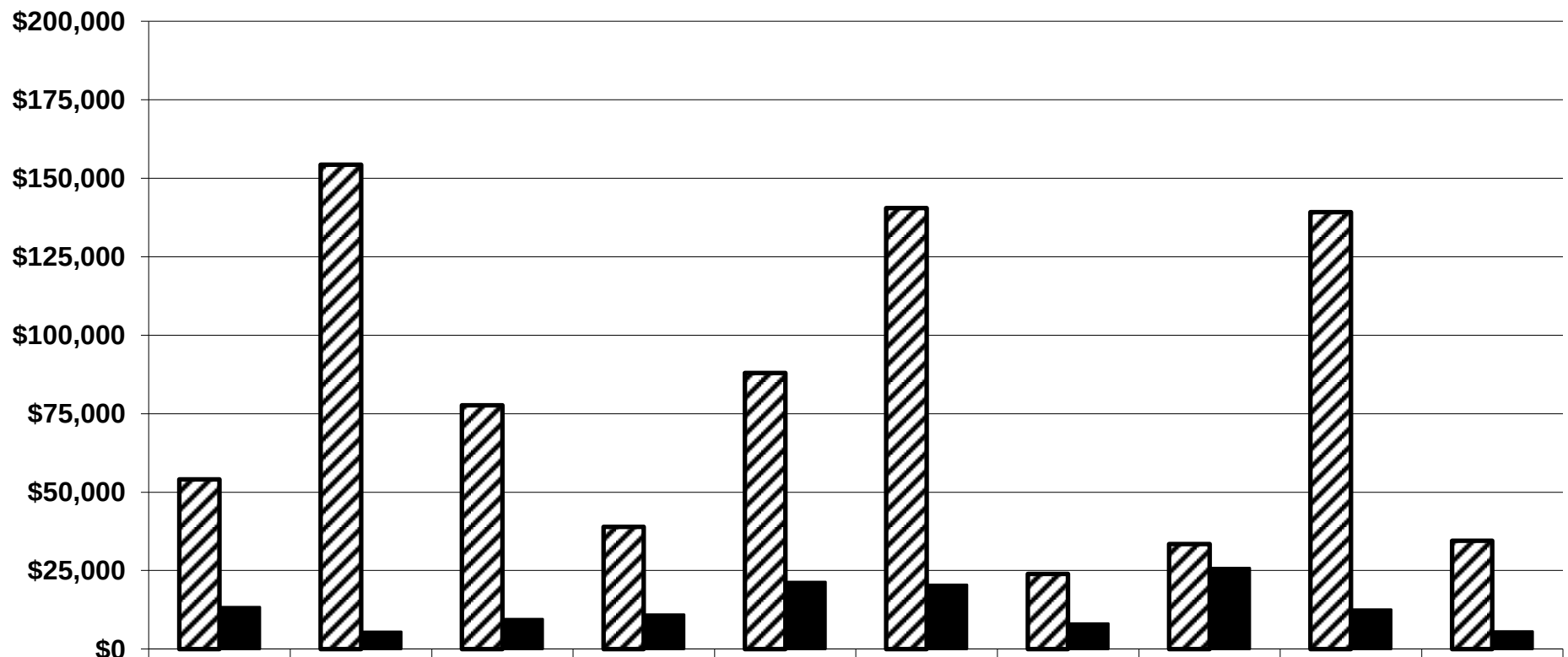
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	23	15	14	17	19	15	12	19	18	27
CLOSED WITH PAYMENT	5	4	6	4	3	2	4	5	2	5
CLOSED WITHOUT PAYMENT	18	11	8	13	16	13	8	14	16	22

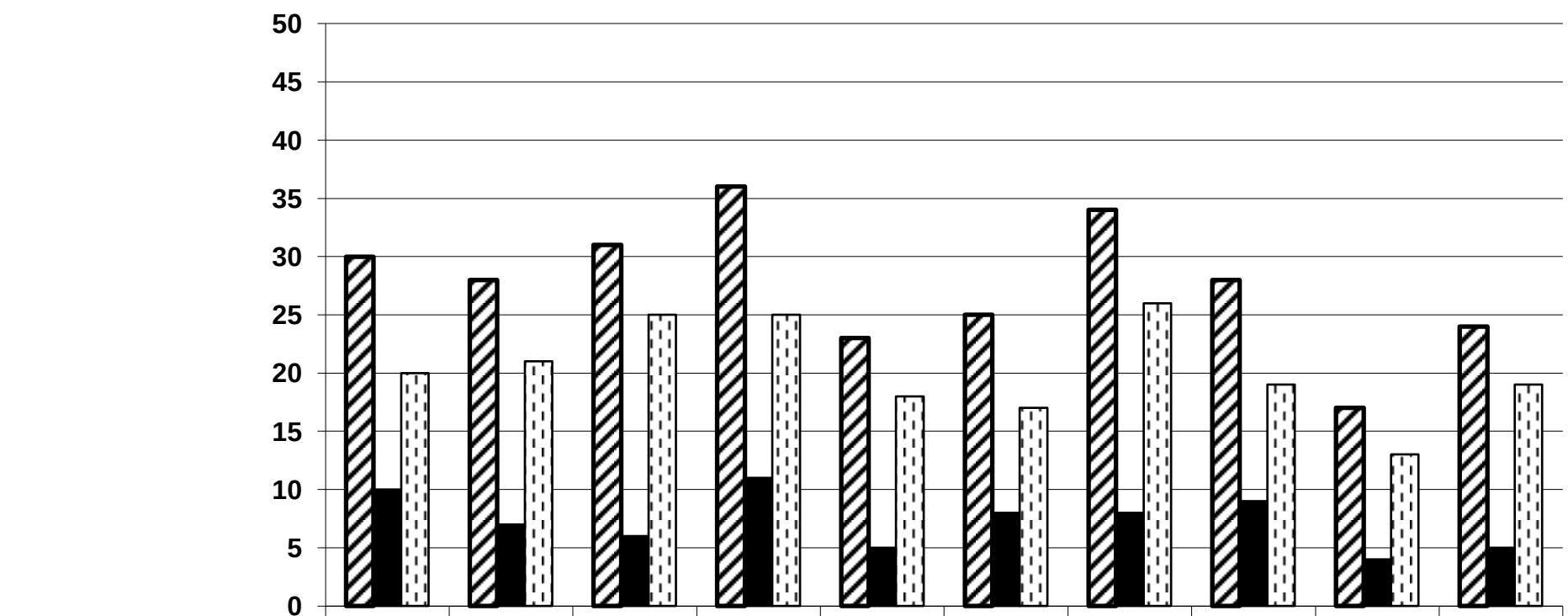
ESTATE, TRUST & PROBATE

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$54,100	$154,284	$77,603	$38,876	$87,951	$140,398	$24,005	$33,465	$139,109	$34,437
AVG LOSS EXPENSE	$13,406	$5,556	$9,592	$11,024	$21,419	$20,508	$8,173	$25,851	$12,621	$5,657

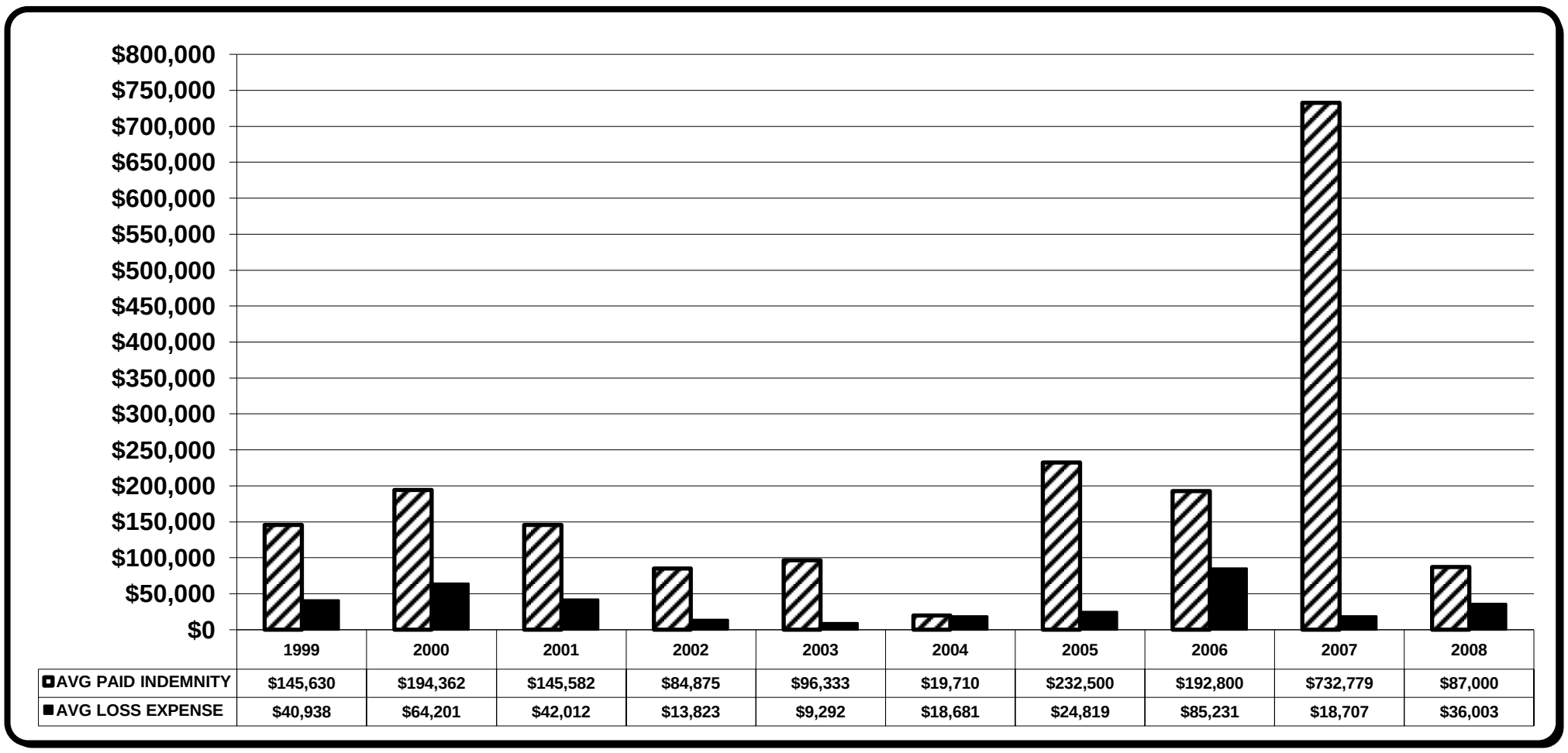
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	30	28	31	36	23	25	34	28	17	24
CLOSED WITH PAYMENT	10	7	6	11	5	8	8	9	4	5
CLOSED WITHOUT PAYMENT	20	21	25	25	18	17	26	19	13	19

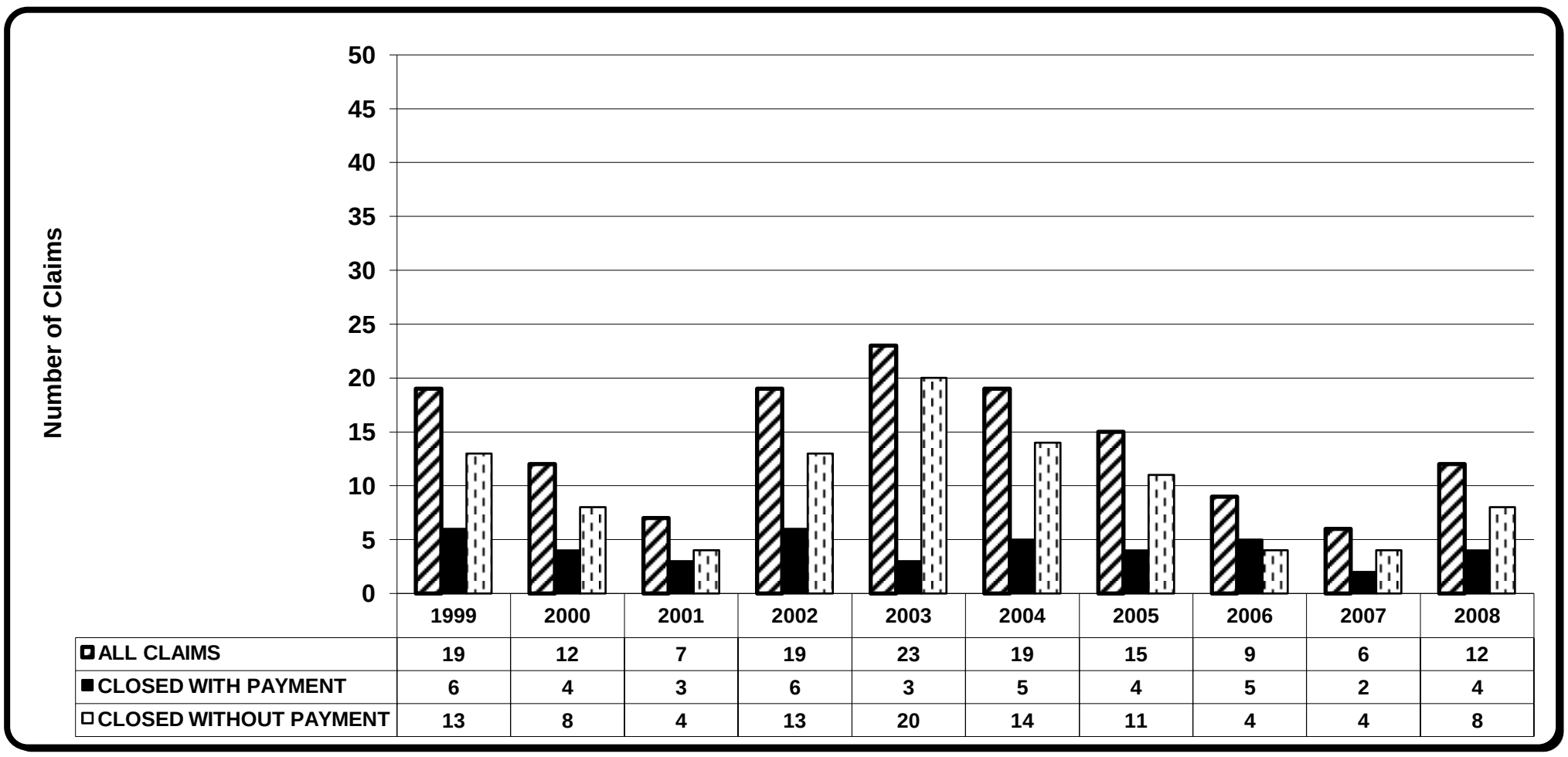
BUSINESS TRANSACTION/COMMERCIAL LAW

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$145,630	$194,362	$145,582	$84,875	$96,333	$19,710	$232,500	$192,800	$732,779	$87,000
AVG LOSS EXPENSE	$40,938	$64,201	$42,012	$13,823	$9,292	$18,681	$24,819	$85,231	$18,707	$36,003

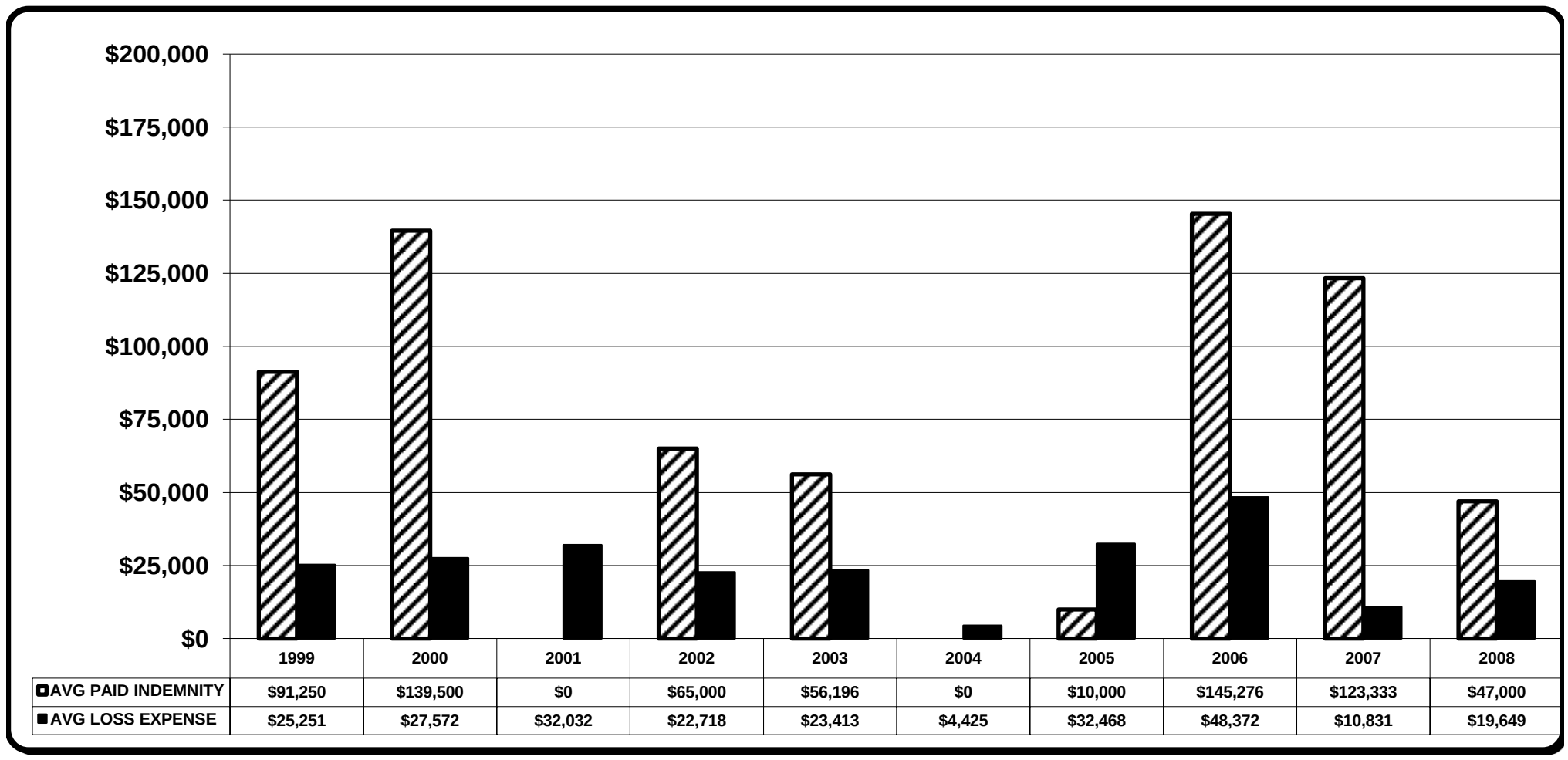
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	19	12	7	19	23	19	15	9	6	12
CLOSED WITH PAYMENT	6	4	3	6	3	5	4	5	2	4
CLOSED WITHOUT PAYMENT	13	8	4	13	20	14	11	4	4	8

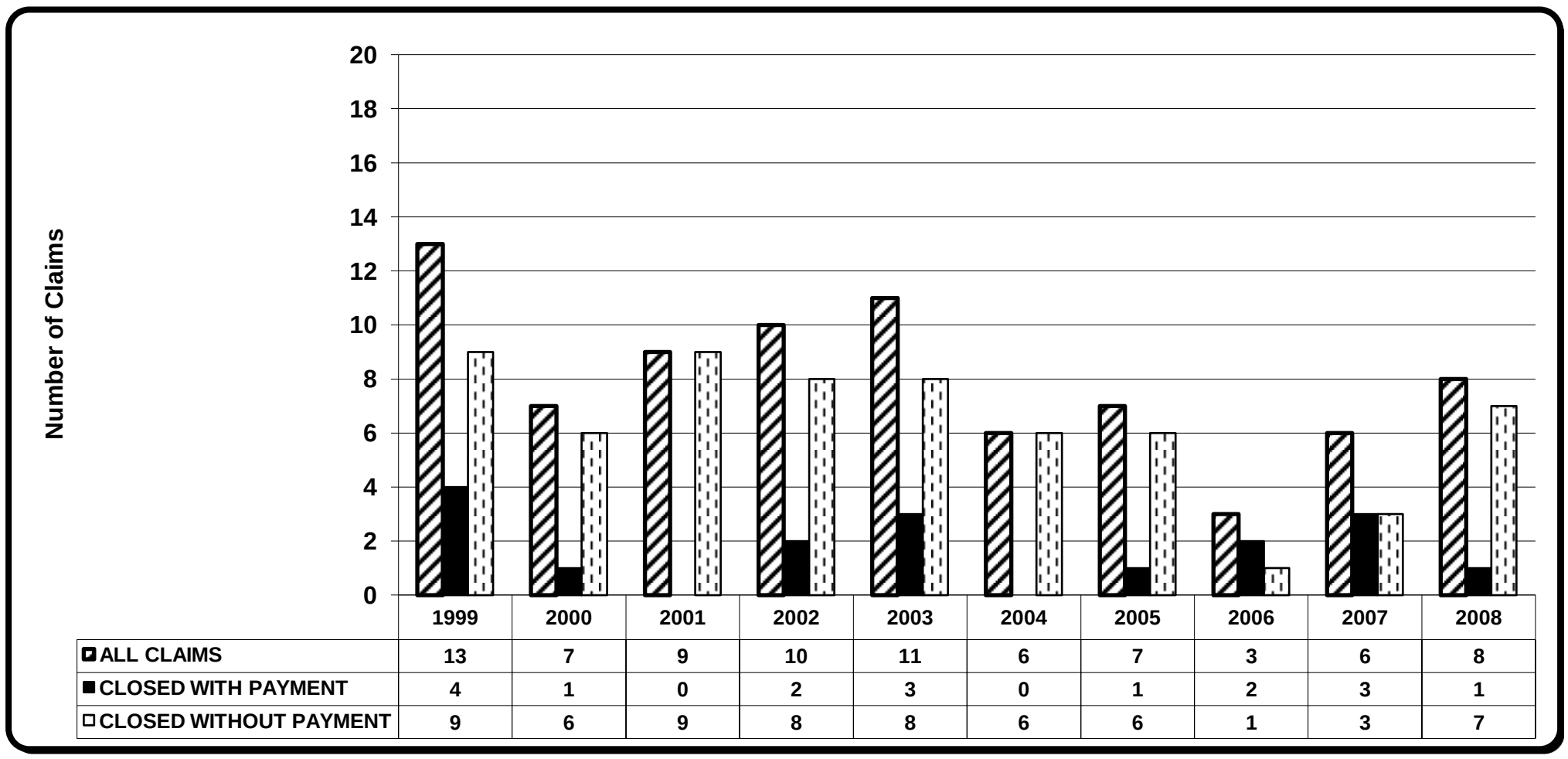
CORPORATE & BUSINESS ORGANIZATION

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$91,250	$139,500	$0	$65,000	$56,196	$0	$10,000	$145,276	$123,333	$47,000
AVG LOSS EXPENSE	$25,251	$27,572	$32,032	$22,718	$23,413	$4,425	$32,468	$48,372	$10,831	$19,649

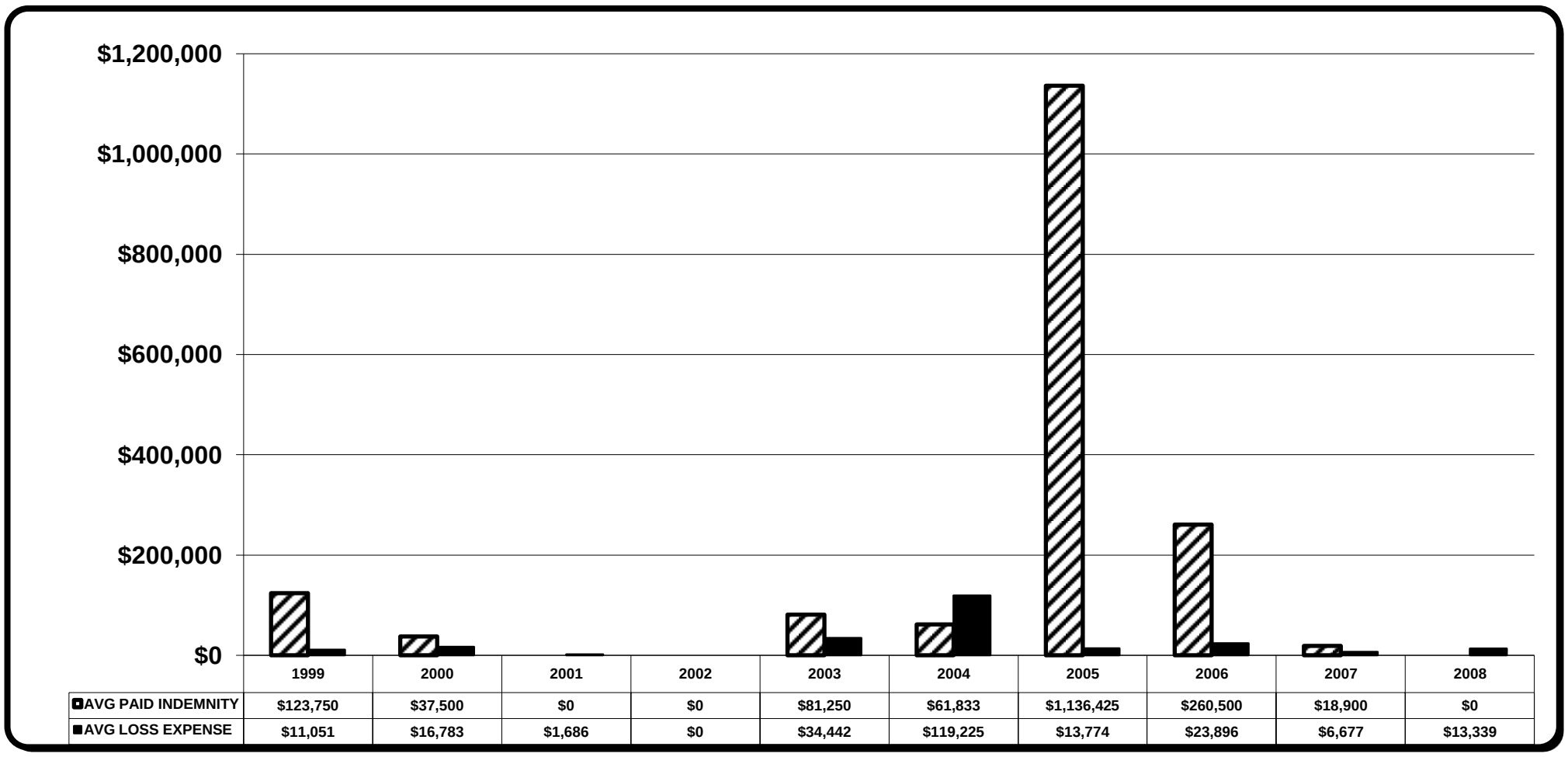
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	13	7	9	10	11	6	7	3	6	8
CLOSED WITH PAYMENT	4	1	0	2	3	0	1	2	3	1
CLOSED WITHOUT PAYMENT	9	6	9	8	8	6	6	1	3	7

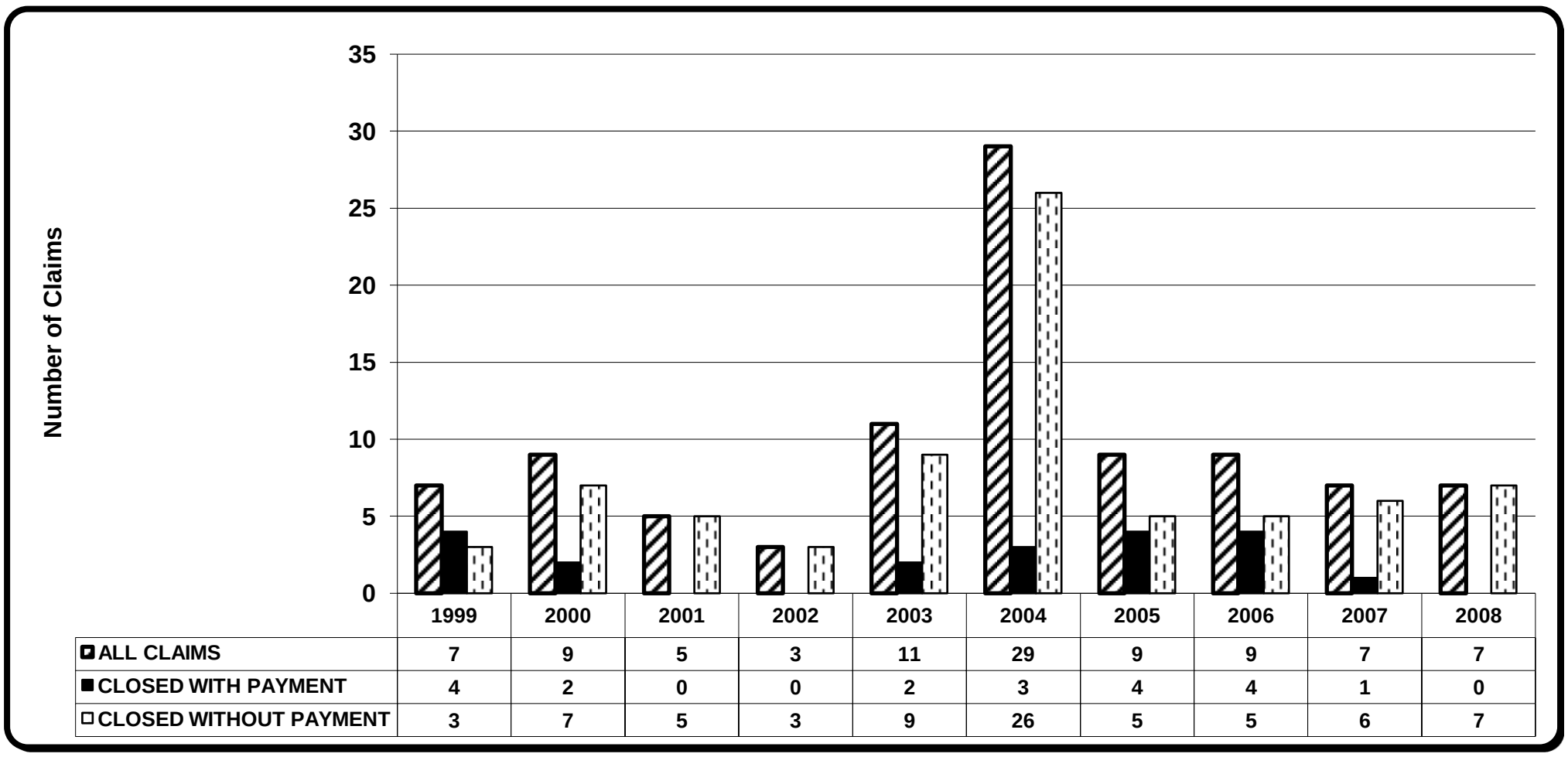
PERSONAL INJURY/PROPERTY DAMAGE - DEFENDANT

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$123,750	$37,500	$0	$0	$81,250	$61,833	$1,136,425	$260,500	$18,900	$0
AVG LOSS EXPENSE	$11,051	$16,783	$1,686	$0	$34,442	$119,225	$13,774	$23,896	$6,677	$13,339

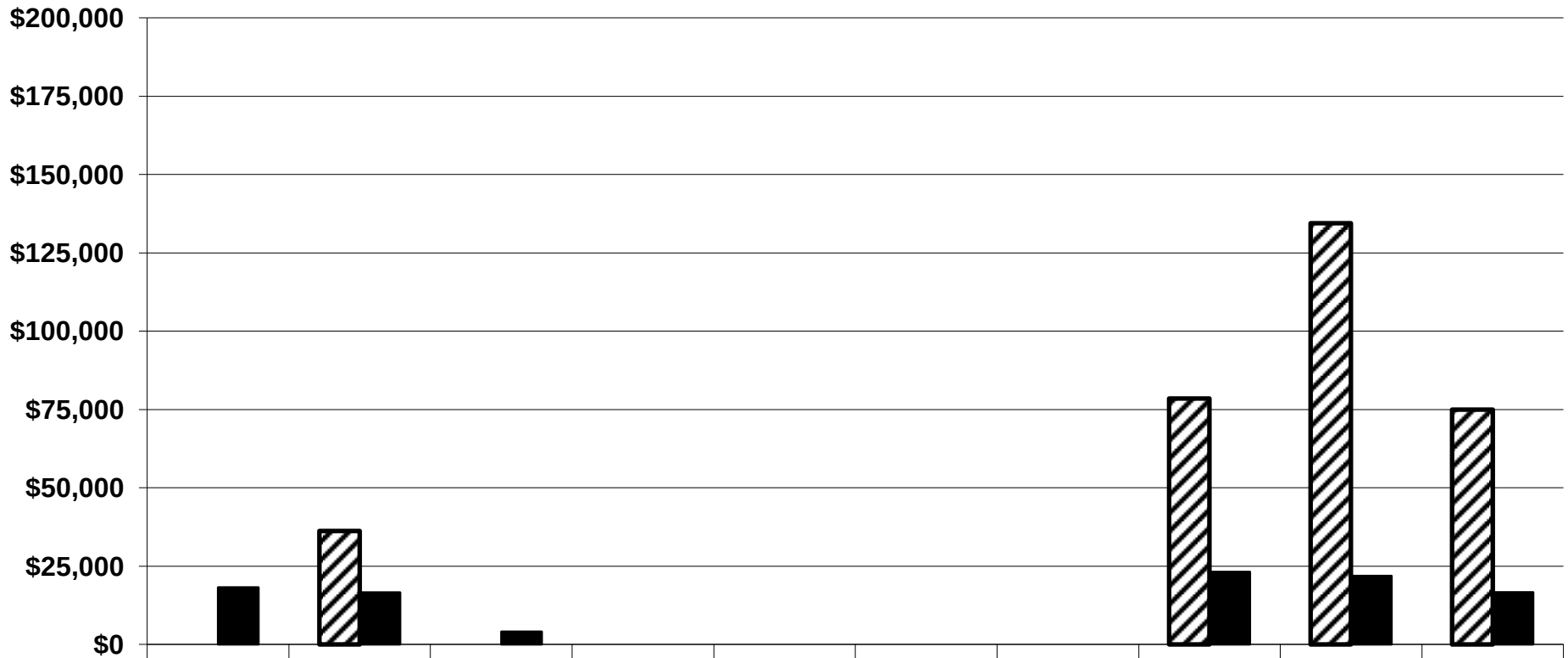
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	7	9	5	3	11	29	9	9	7	7
CLOSED WITH PAYMENT	4	2	0	0	2	3	4	4	1	0
CLOSED WITHOUT PAYMENT	3	7	5	3	9	26	5	5	6	7

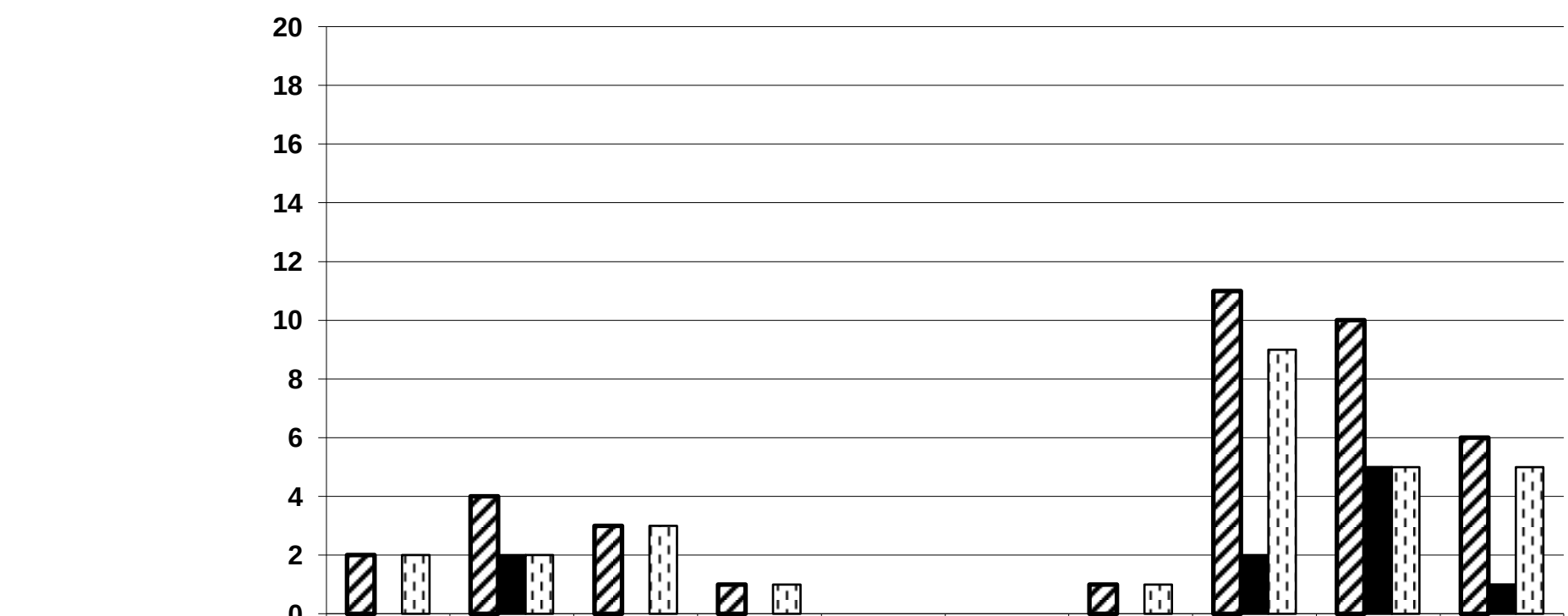
LABOR LAW

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$0	$36,250	$0	$0	$0	$0	$0	$78,506	$134,505	$75,000
AVG LOSS EXPENSE	$18,217	$16,604	$4,088	$0	$0	$0	$0	$23,171	$21,873	$16,650

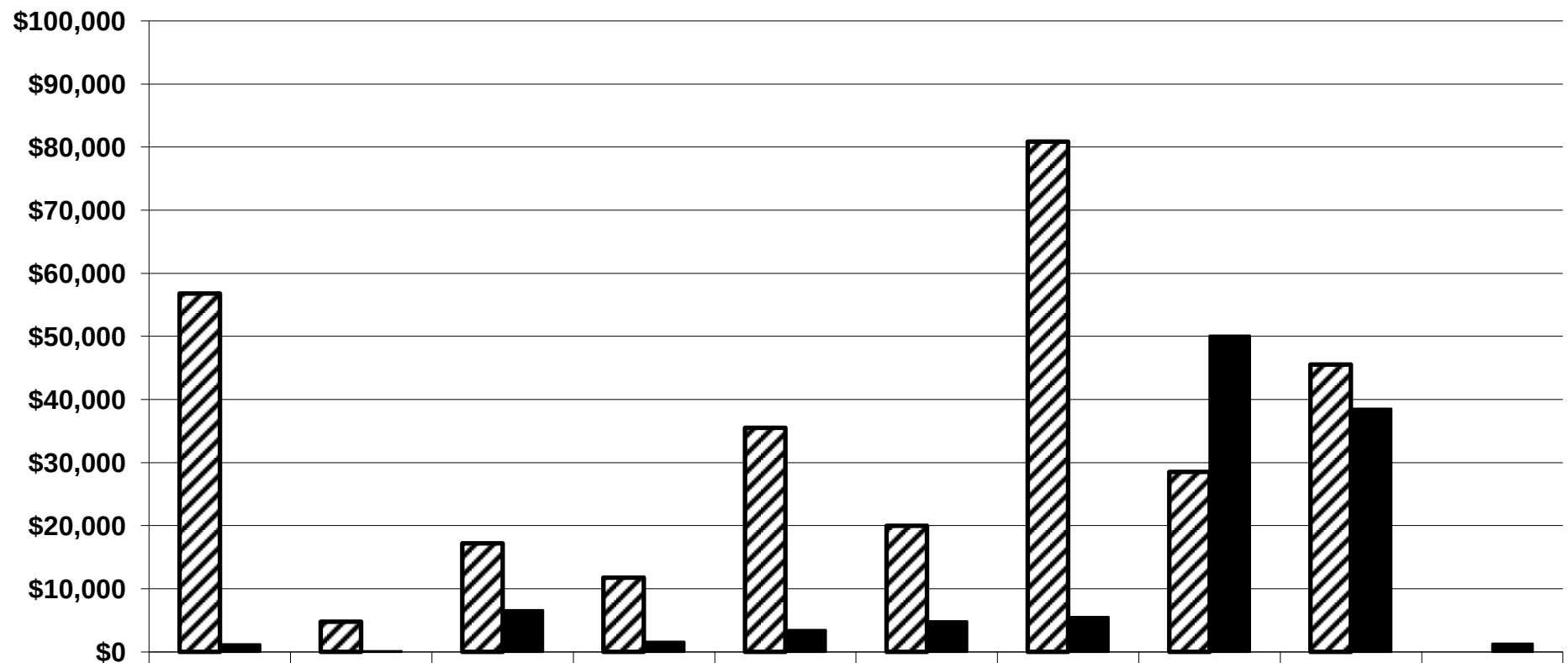
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	2	4	3	1	0	0	1	11	10	6
CLOSED WITH PAYMENT	0	2	0	0	0	0	0	2	5	1
CLOSED WITHOUT PAYMENT	2	2	3	1	0	0	1	9	5	5

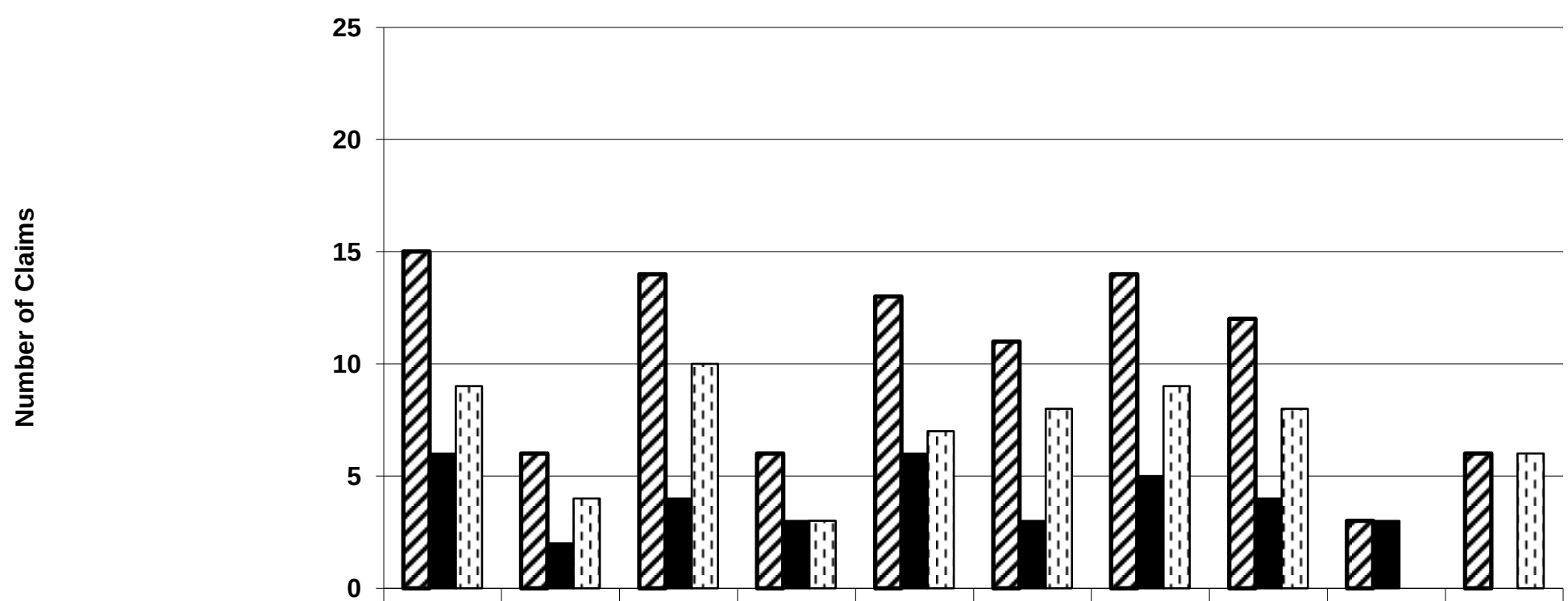
WORKERS COMPENSATION

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$56,807	$4,757	$17,182	$11,745	$35,489	$20,000	$80,875	$28,540	$45,535	$0
AVG LOSS EXPENSE	$1,197	$102	$6,607	$1,597	$3,462	$4,843	$5,526	$50,114	$38,530	$1,297

CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	15	6	14	6	13	11	14	12	3	6
CLOSED WITH PAYMENT	6	2	4	3	6	3	5	4	3	0
CLOSED WITHOUT PAYMENT	9	4	10	3	7	8	9	8	0	6

TEN YEAR SUMMARY
&
2008 SUMMARY
BY
MAJOR ACTIVITY

LEGAL MALPRACTICE INSURANCE
INDEMNITY ANALYSIS
FOR YEARS 1999 – 2008

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	672	238	35.74%	$81,604	$19,421,831	29.28%	$8,267
OTHER	328	68	10.21%	$69,486	$4,725,055	7.12%	$14,297
PREPARATION, TRANSMITTAL OR FILING	288	84	12.61%	$72,704	$6,107,114	9.21%	$15,643
SETTLEMENT AND NEGOTIATION	234	55	8.26%	$64,647	$3,555,565	5.36%	$14,550
PRE-TRIAL, PRE-HEARING	222	62	9.31%	$56,672	$3,513,649	5.30%	$11,378
CONSULTATION OR ADVICE	195	45	6.76%	$474,121	$21,335,449	32.17%	$64,911
INVESTIGATION, OTHER THAN LITIGATION	135	38	5.71%	$53,805	$2,044,594	3.08%	$10,686
TRIAL OR HEARING	134	25	3.75%	$111,403	$2,785,068	4.20%	$21,376
POST TRIAL OR HEARING	80	12	1.80%	$15,068	$180,811	0.27%	$5,435
EXPARTE PROCEEDINGS	76	23	3.45%	$37,485	$862,151	1.30%	$14,001
APPEAL ACTIVITIES	57	11	1.65%	$43,998	$483,976	0.73%	$9,481
TAX REPORTING OR PAYMENT	16	1	0.15%	$250,000	$250,000	0.38%	$35,084
REFERRAL TO ANOTHER PROFESSIONAL	11	1	0.15%	$465,000	$465,000	0.70%	$12,983
OTHER WRITTEN OPINION	6	1	0.15%	$574,853	$574,853	0.87%	$21,373
TITLE OPINION	6	2	0.30%	$7,713	$15,425	0.02%	$7,975
TOTAL	2,460	666	100.00%	$99,580	$66,320,541	100.00%	$16,490

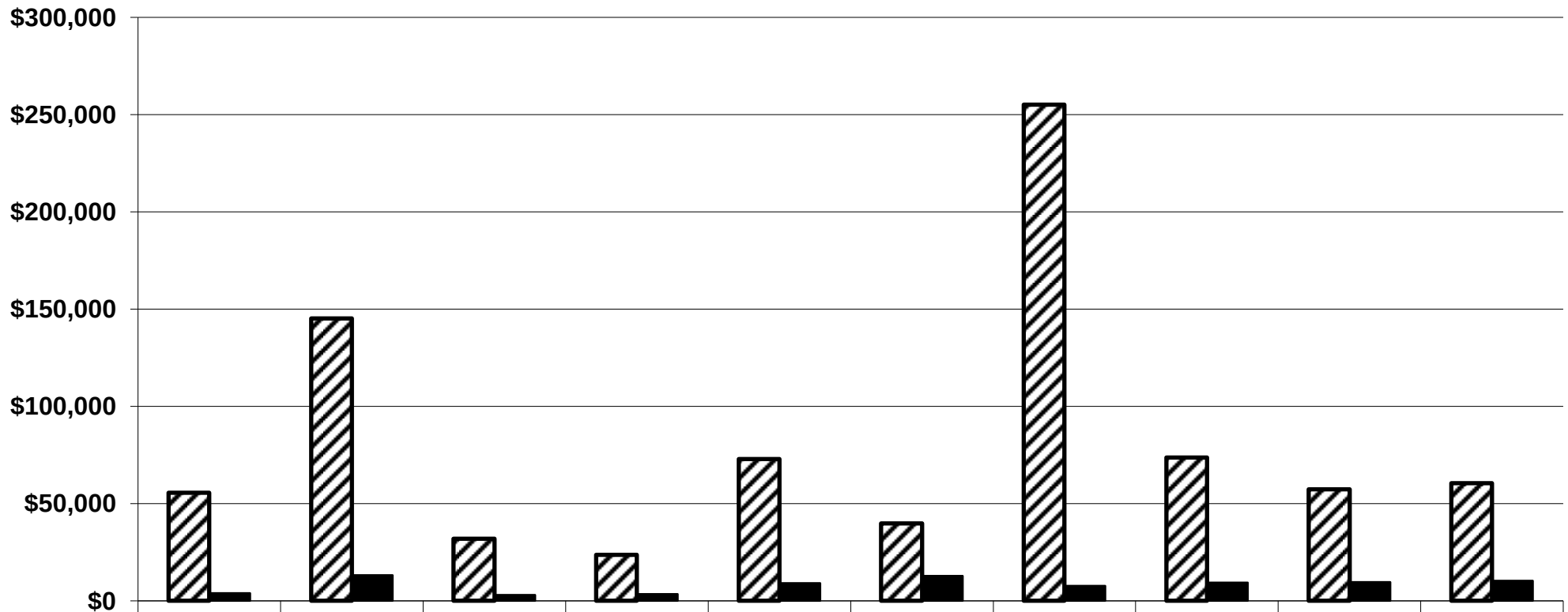
LEGAL MALPRACTICE INSURANCE
INDEMNITY ANALYSIS
CLAIMS CLOSED IN 2008

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	76	23	43.40%	$60,423	$1,389,724	31.05%	$10,234
PREPARATION, TRANSMITTAL OR FILING	27	9	16.98%	$47,822	$430,399	9.62%	$8,265
PRE-TRIAL, PRE-HEARING	25	2	3.77%	$91,000	$182,000	4.07%	$10,534
OTHER	23	1	1.89%	$22,500	$22,500	0.50%	$8,875
SETTLEMENT AND NEGOTIATION	18	6	11.32%	$145,667	$874,000	19.53%	$47,888
CONSULTATION OR ADVICE	16	4	7.55%	$324,691	$1,298,762	29.02%	$78,923
POST TRIAL OR HEARING	15	3	5.66%	$9,778	$29,335	0.66%	$6,619
INVESTIGATION, OTHER THAN LITIGATION	13	3	5.66%	$25,267	$75,800	1.69%	$8,334
TRIAL OR HEARING	10	1	1.89%	$150,000	$150,000	3.35%	$11,499
APPEAL ACTIVITIES	2	0	0.00%	N/A	$0	0.00%	$0
EXPARTE PROCEEDINGS	2	1	1.89%	$23,500	$23,500	0.53%	$29,592
REFERRAL TO ANOTHER PROFESSIONAL	2	0	0.00%	N/A	$0	0.00%	$7,792
TAX REPORTING OR PAYMENT	2	0	0.00%	N/A	$0	0.00%	$2,941
TOTAL	231	53	100.00%	$84,453	$4,476,020	100.00%	$17,300

TRENDS
OF THE TOP TEN
MAJOR ACTIVITY
OF 2008

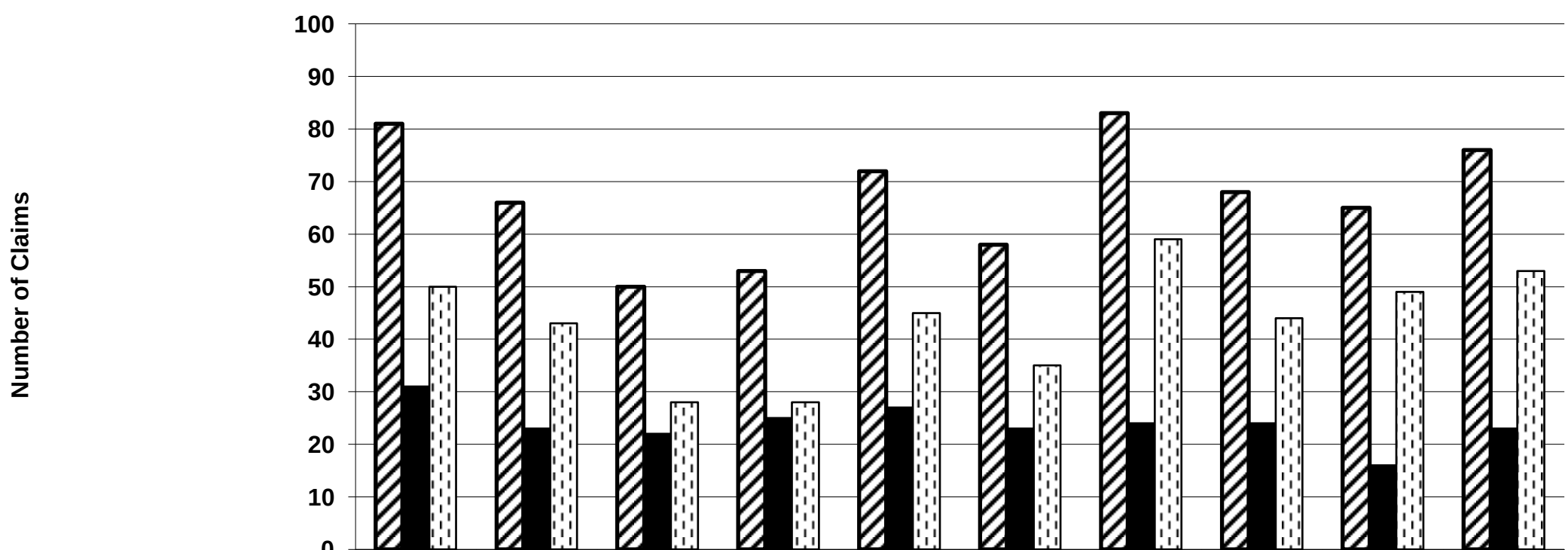
COMMENCEMENT OF ACTION OR PROCEEDING

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$55,464	$145,085	$31,884	$23,581	$72,772	$39,807	$255,129	$73,553	$57,250	$60,423
AVG LOSS EXPENSE	$3,866	$13,107	$2,938	$3,391	$9,012	$12,736	$7,617	$9,287	$9,559	$10,234

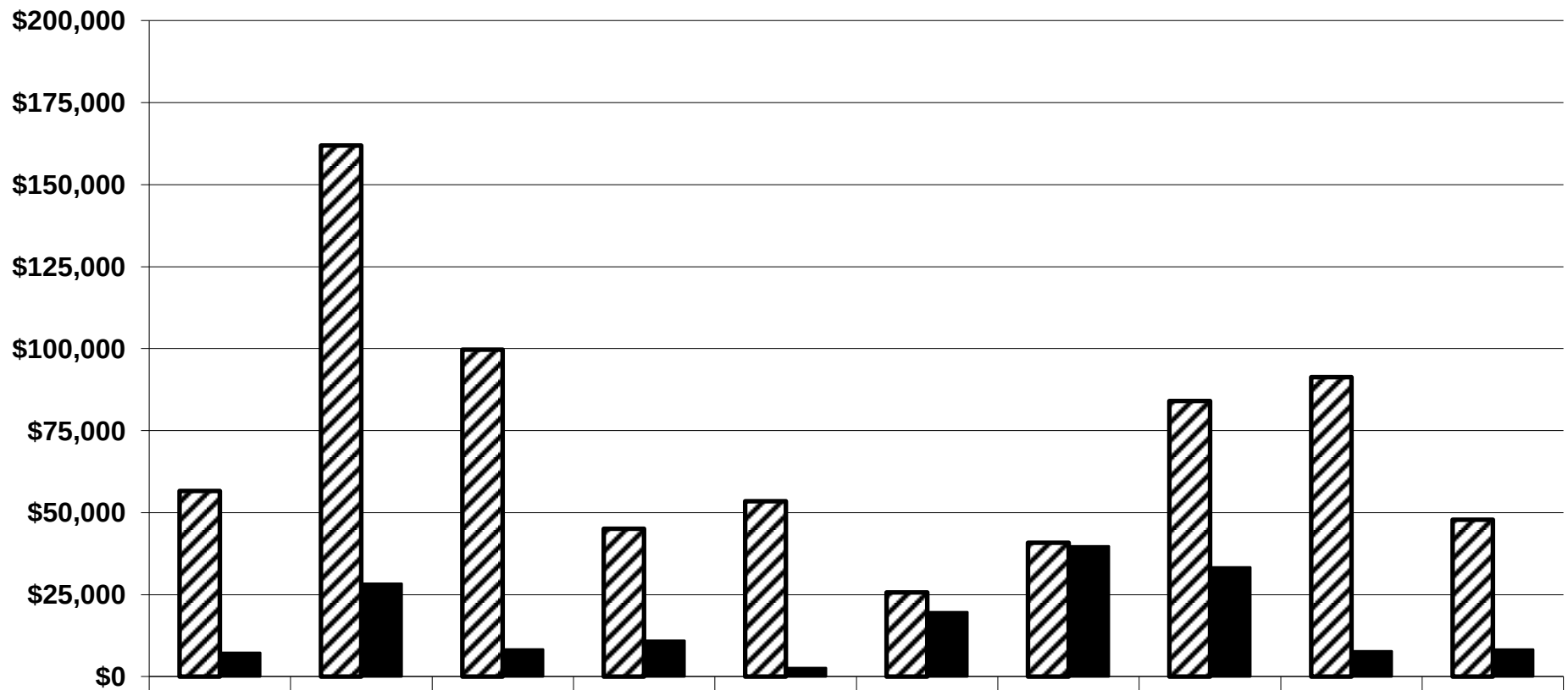
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	81	66	50	53	72	58	83	68	65	76
CLOSED WITH PAYMENT	31	23	22	25	27	23	24	24	16	23
CLOSED WITHOUT PAYMENT	50	43	28	28	45	35	59	44	49	53

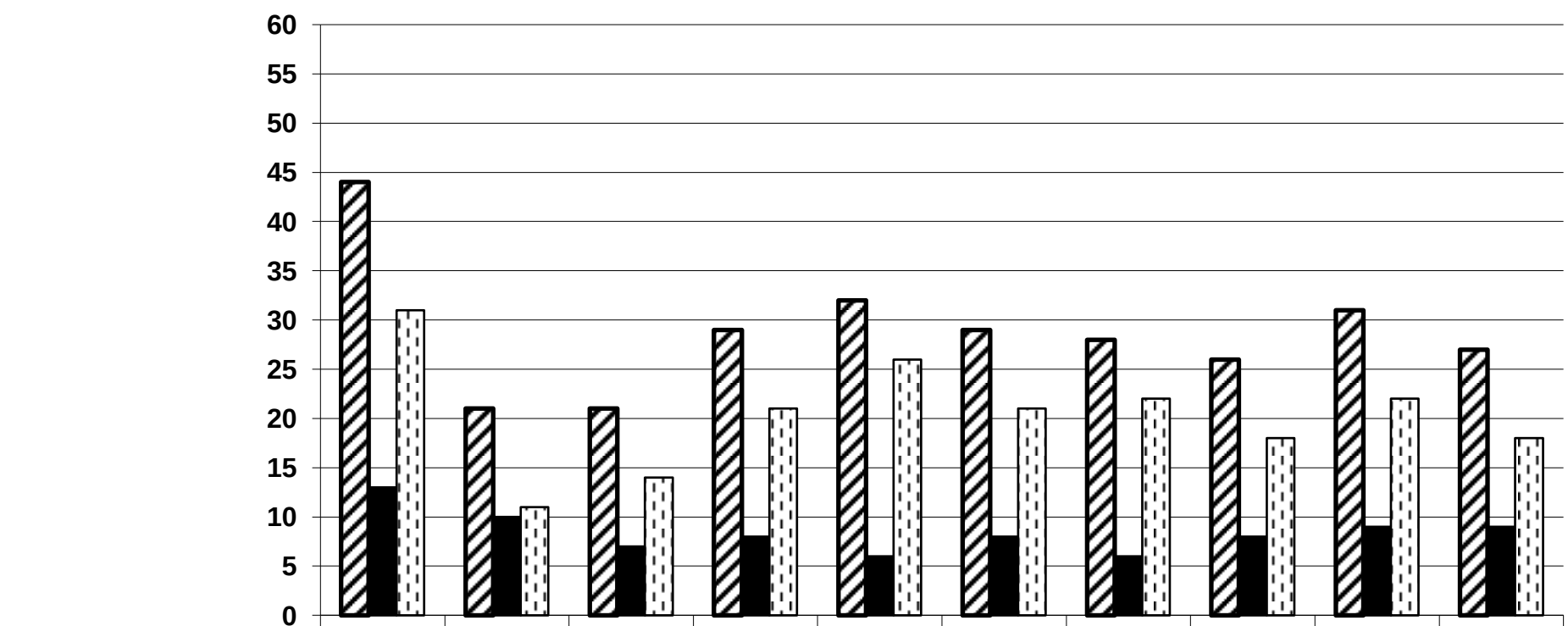
PREPARATION, TRANSMITTAL OR FILING

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$56,538	$161,918	$99,643	$45,023	$53,457	$25,706	$40,794	$83,969	$91,328	$47,822
AVG LOSS EXPENSE	$7,273	$28,345	$8,300	$10,962	$2,641	$19,666	$39,749	$33,328	$7,751	$8,265

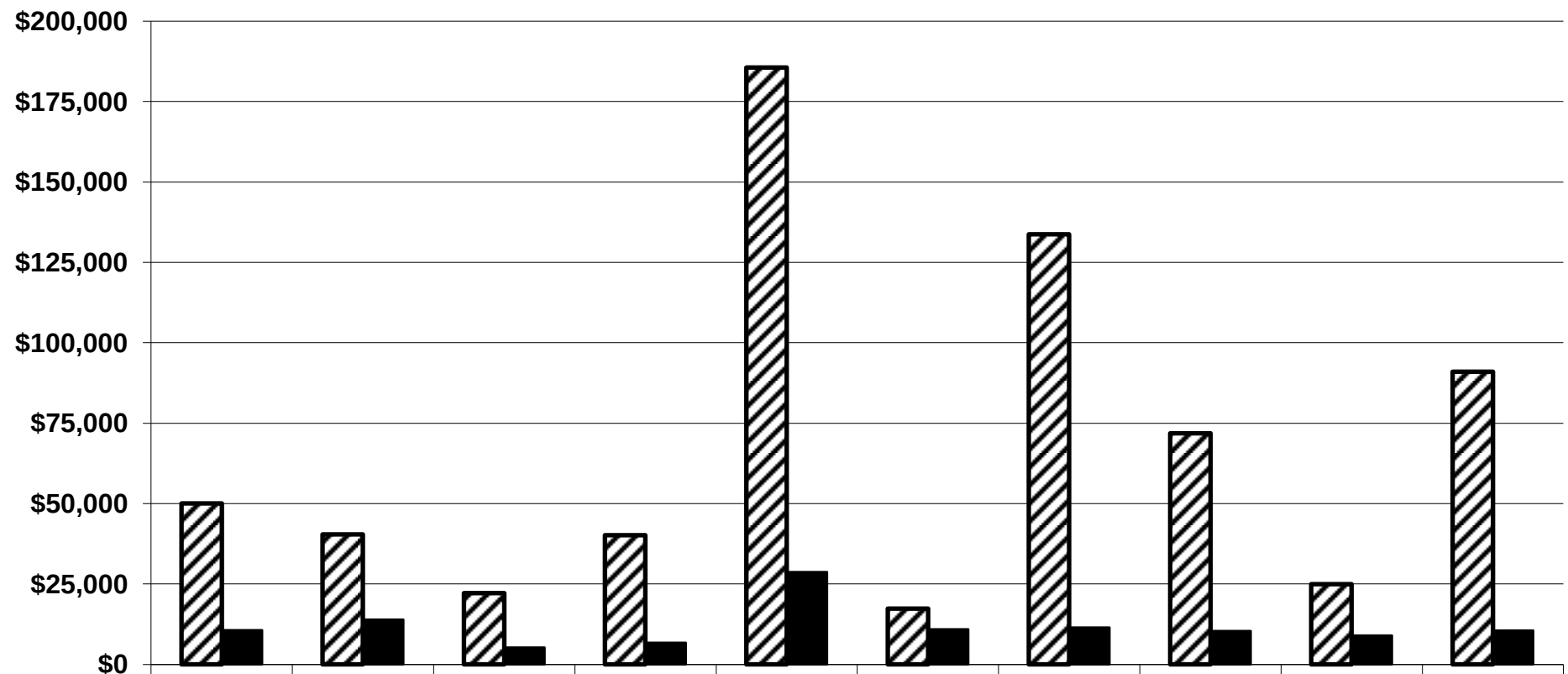
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	44	21	21	29	32	29	28	26	31	27
CLOSED WITH PAYMENT	13	10	7	8	6	8	6	8	9	9
CLOSED WITHOUT PAYMENT	31	11	14	21	26	21	22	18	22	18

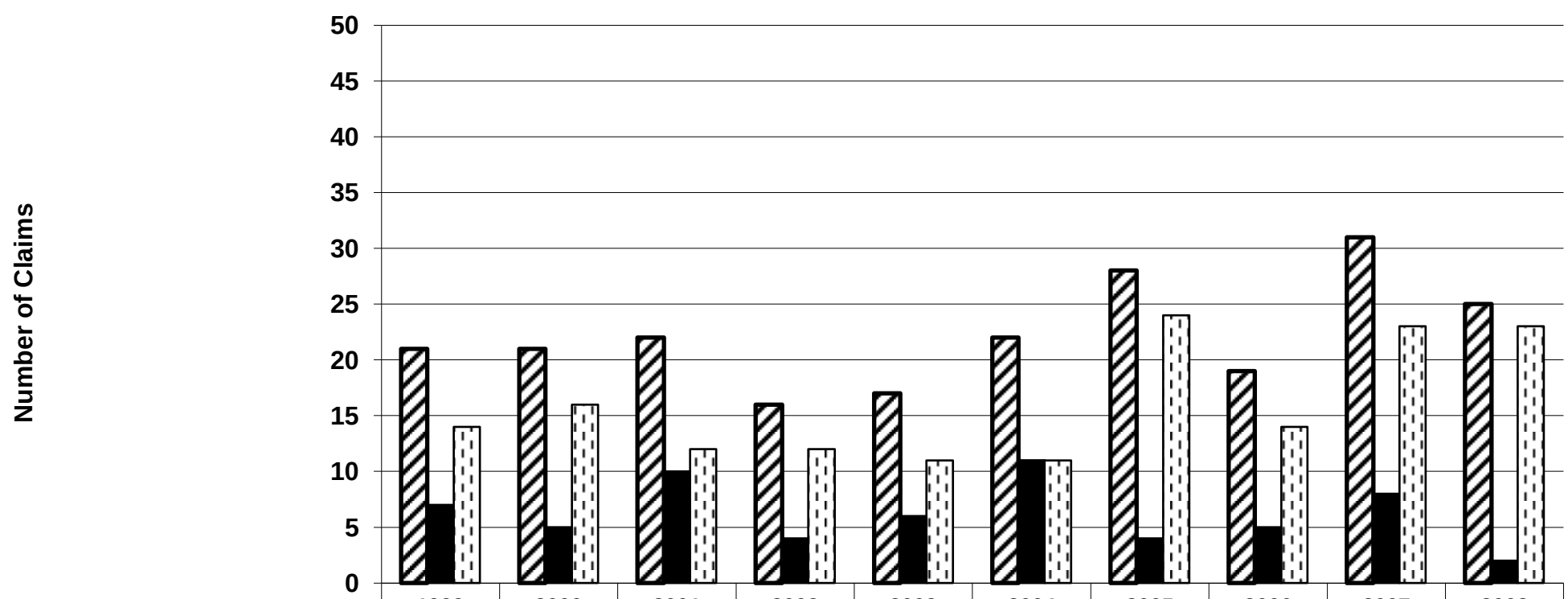
PRE-TRIAL, PRE-HEARING

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$50,064	$40,412	$22,093	$40,125	$185,583	$17,346	$133,750	$71,800	$24,926	$91,000
AVG LOSS EXPENSE	$10,634	$13,922	$5,238	$6,716	$28,701	$10,908	$11,454	$10,377	$8,978	$10,534

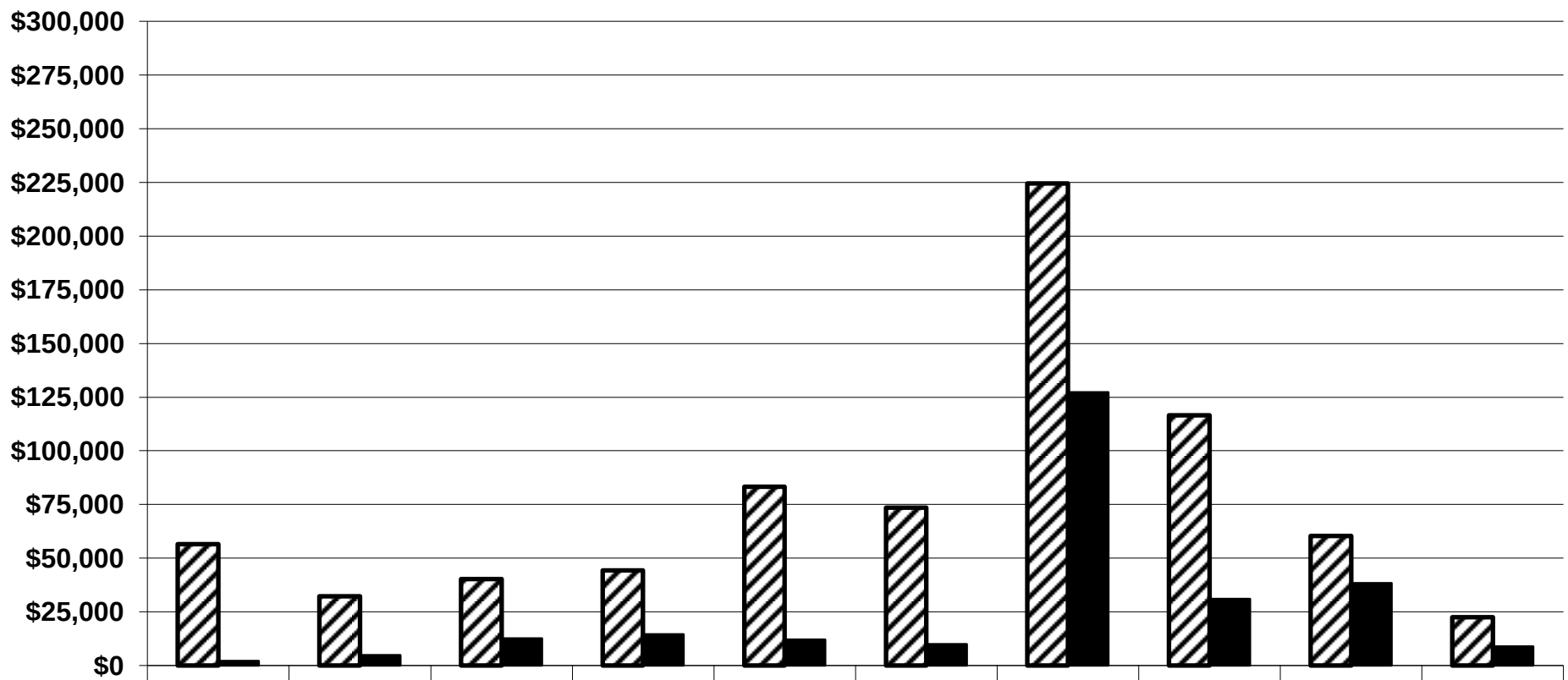
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	21	21	22	16	17	22	28	19	31	25
CLOSED WITH PAYMENT	7	5	10	4	6	11	4	5	8	2
CLOSED WITHOUT PAYMENT	14	16	12	12	11	11	24	14	23	23

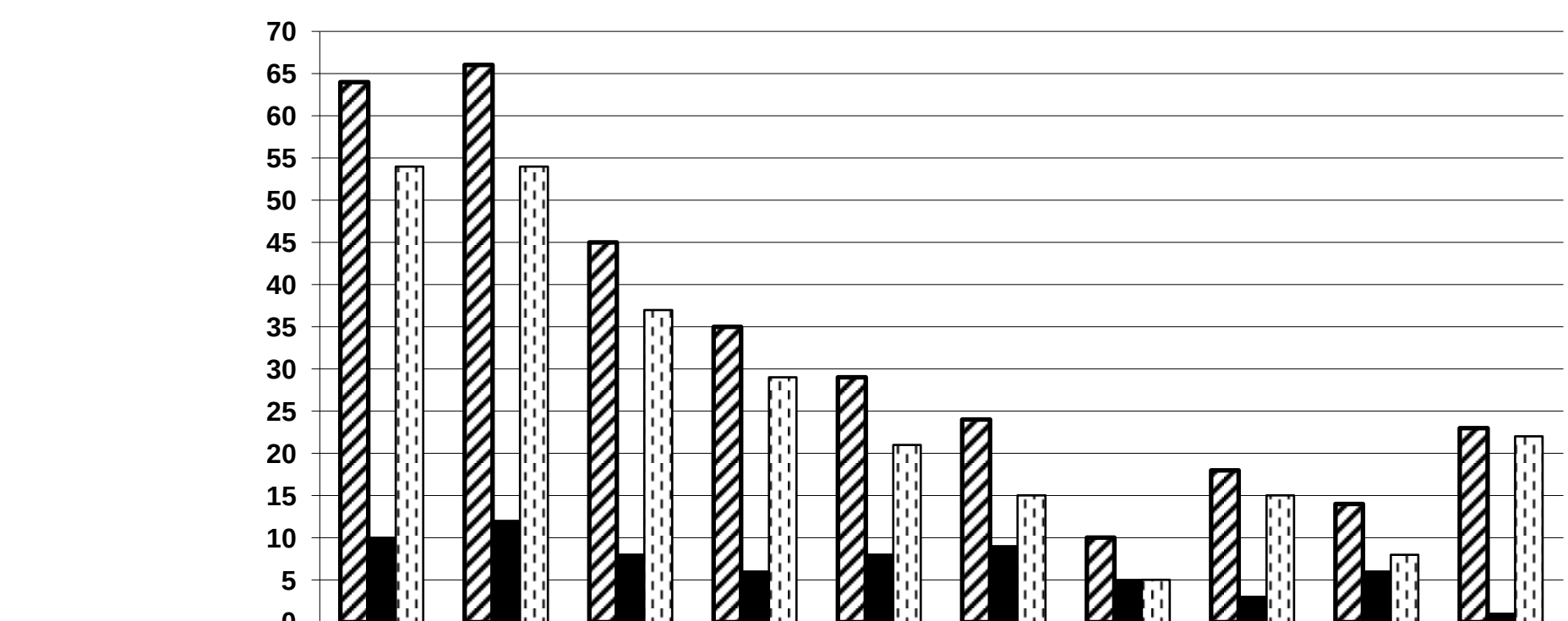
OTHER

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$56,600	$32,295	$40,188	$44,375	$83,294	$73,473	$224,500	$116,500	$60,278	$22,500
AVG LOSS EXPENSE	$2,108	$4,821	$12,616	$14,531	$12,063	$9,938	$127,255	$31,006	$38,356	$8,875

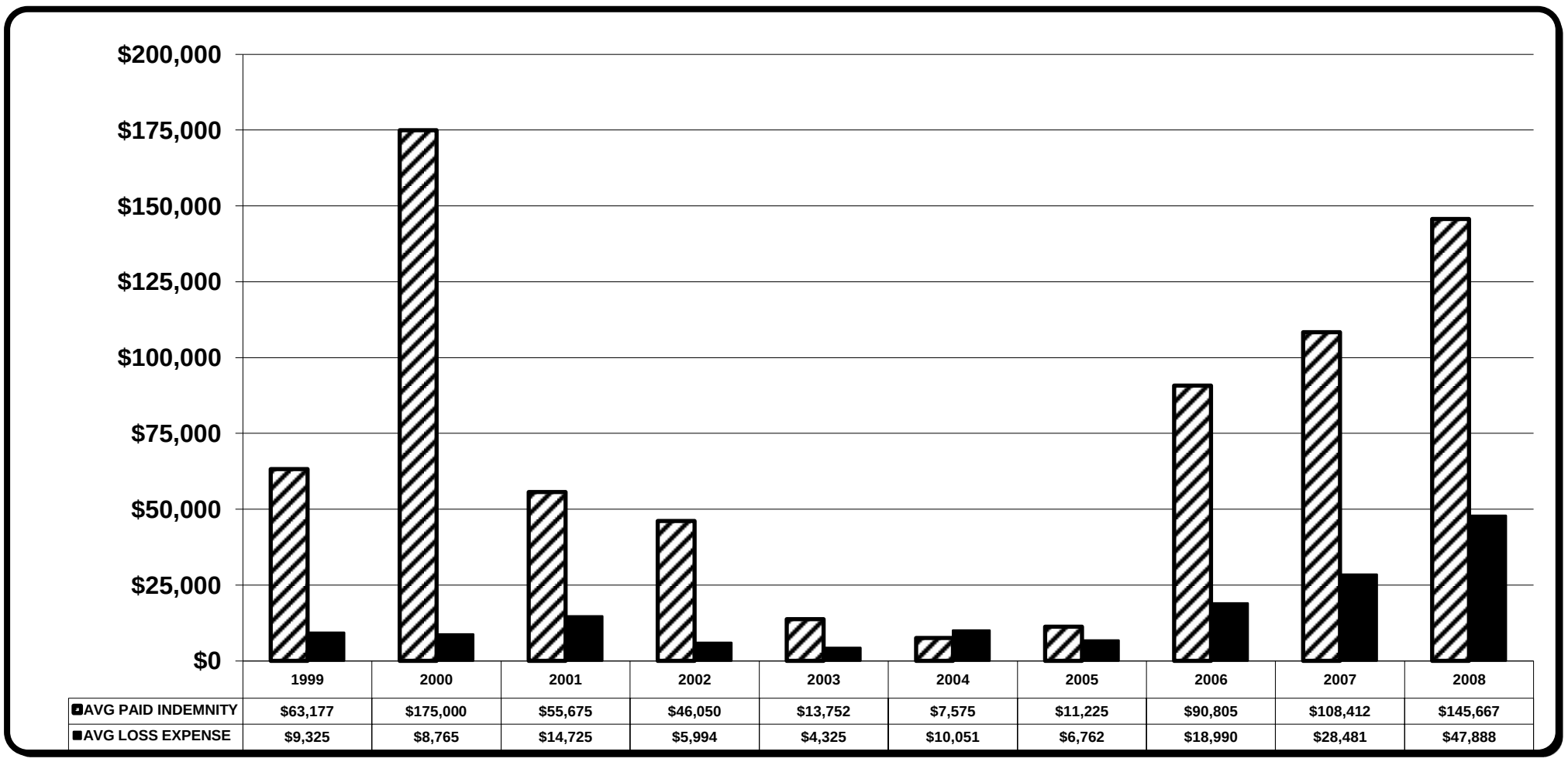
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	64	66	45	35	29	24	10	18	14	23
CLOSED WITH PAYMENT	10	12	8	6	8	9	5	3	6	1
CLOSED WITHOUT PAYMENT	54	54	37	29	21	15	5	15	8	22

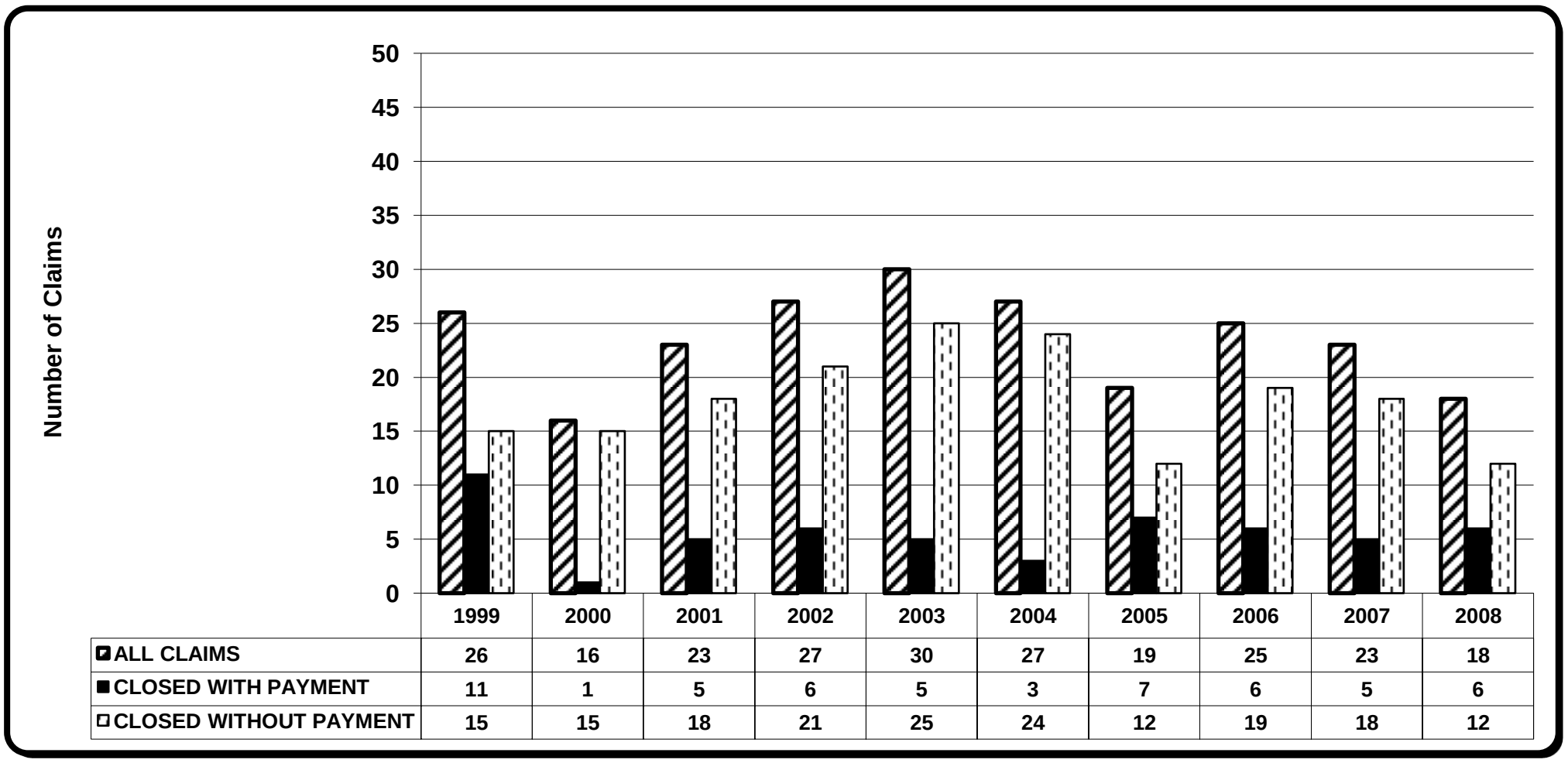
SETTLEMENT AND NEGOTIATION

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$63,177	$175,000	$55,675	$46,050	$13,752	$7,575	$11,225	$90,805	$108,412	$145,667
AVG LOSS EXPENSE	$9,325	$8,765	$14,725	$5,994	$4,325	$10,051	$6,762	$18,990	$28,481	$47,888

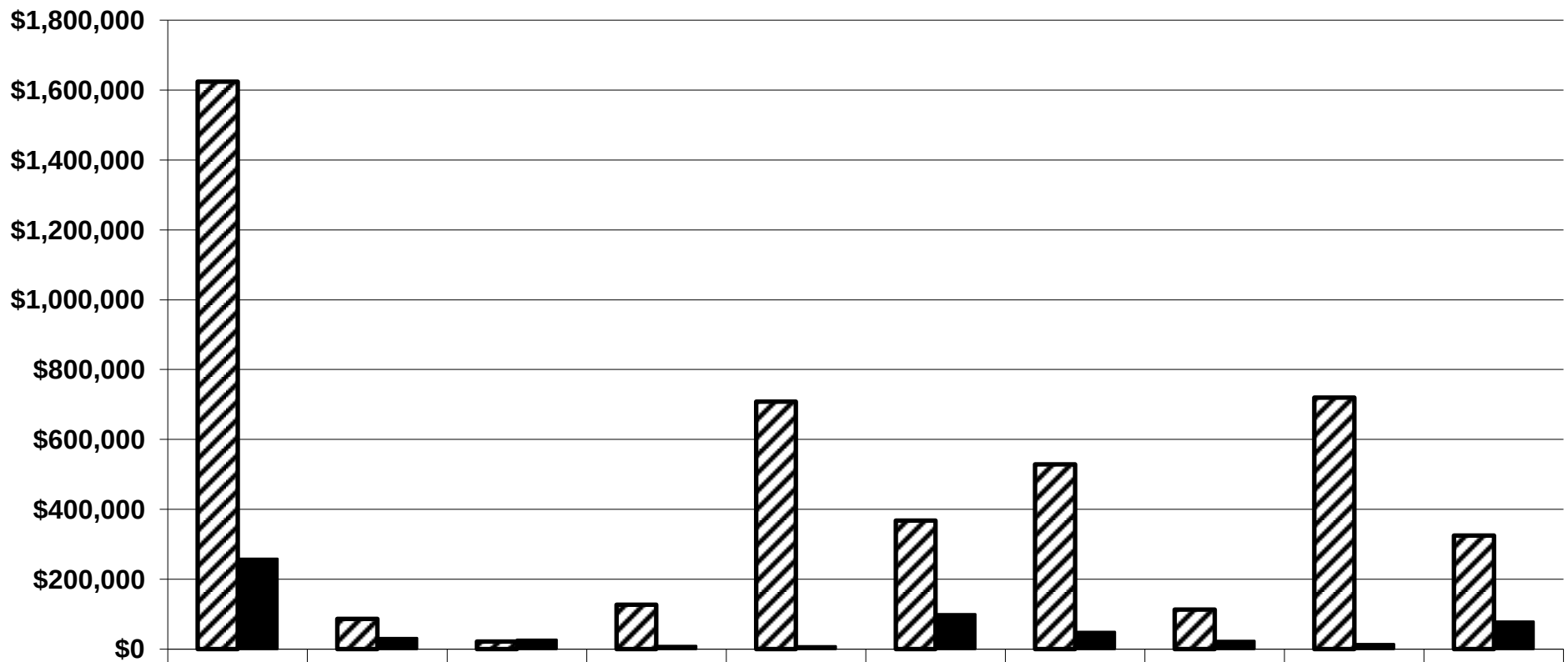
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	26	16	23	27	30	27	19	25	23	18
CLOSED WITH PAYMENT	11	1	5	6	5	3	7	6	5	6
CLOSED WITHOUT PAYMENT	15	15	18	21	25	24	12	19	18	12

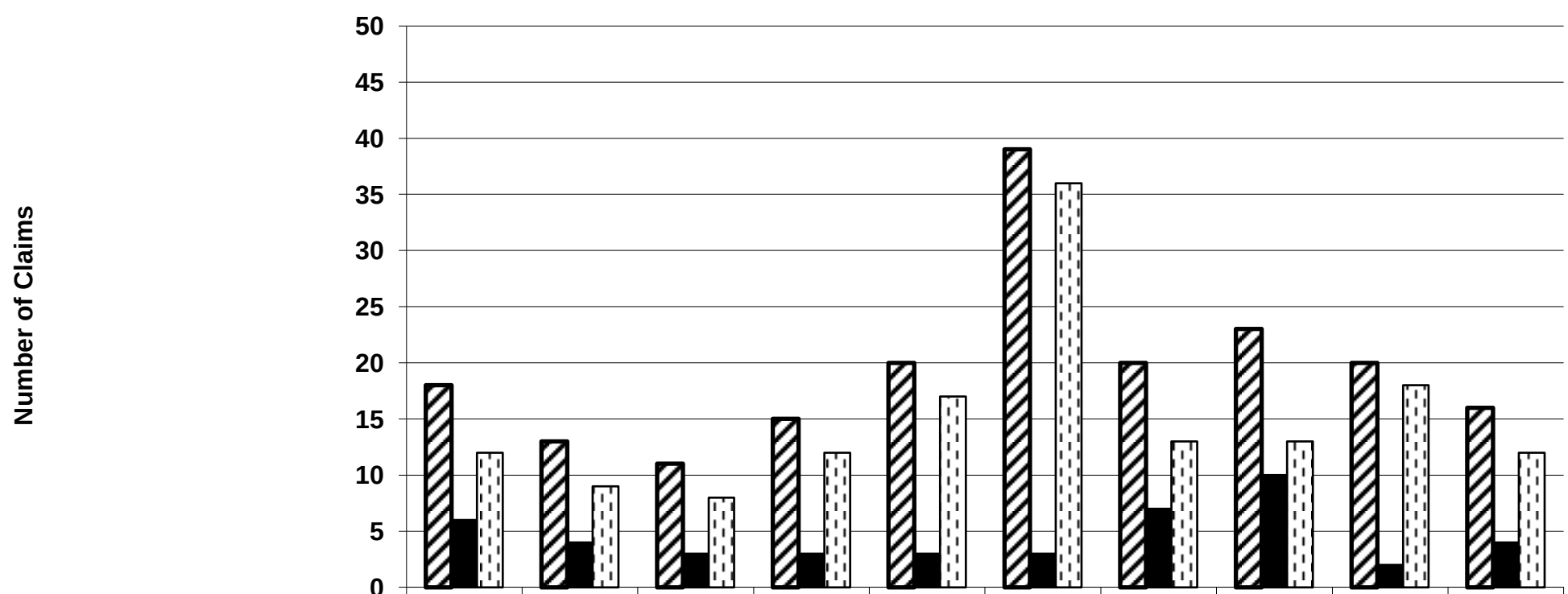
CONSULTATION OR ADVICE

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$1,623,866	$86,750	$21,315	$127,000	$708,333	$367,580	$528,740	$113,182	$720,404	$324,691
AVG LOSS EXPENSE	$258,733	$31,756	$27,021	$9,155	$8,271	$100,091	$49,377	$23,637	$14,511	$78,923

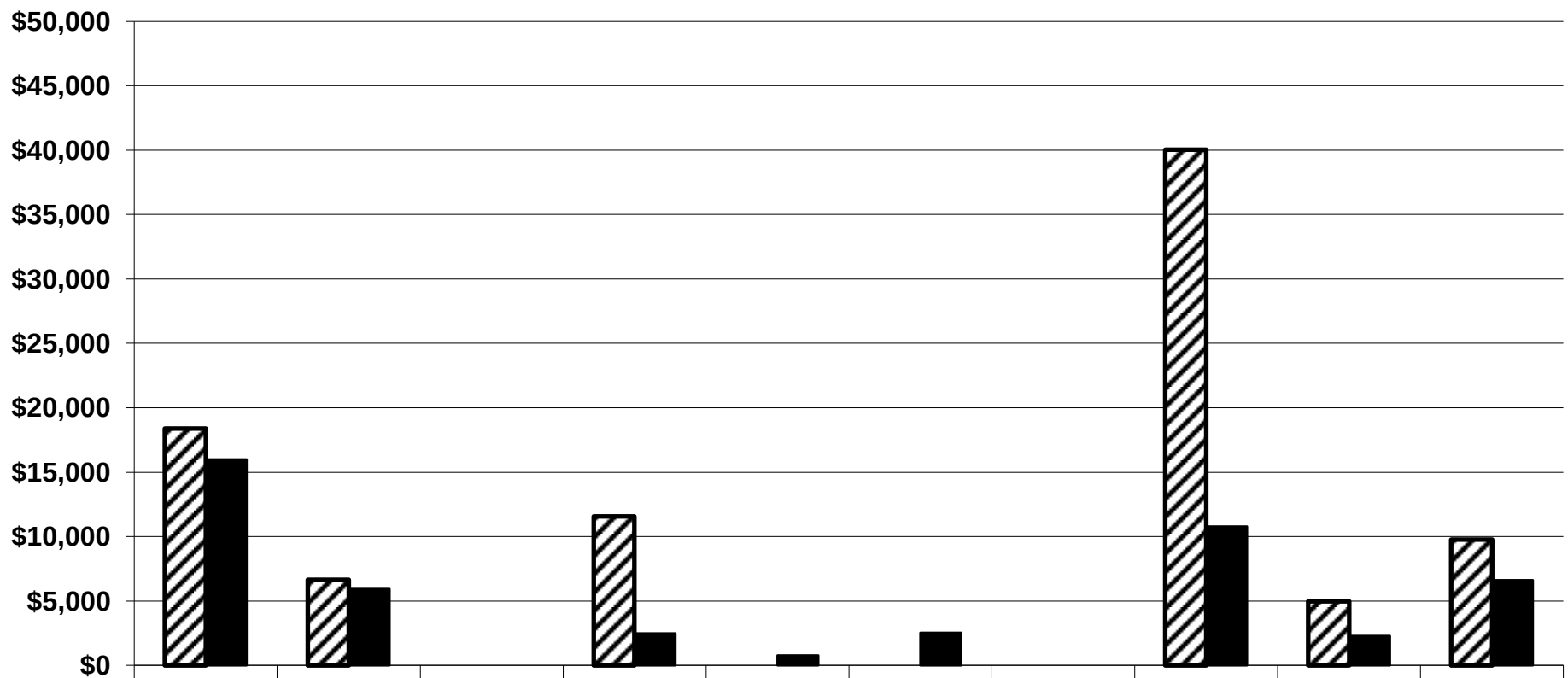
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	18	13	11	15	20	39	20	23	20	16
CLOSED WITH PAYMENT	6	4	3	3	3	3	7	10	2	4
CLOSED WITHOUT PAYMENT	12	9	8	12	17	36	13	13	18	12

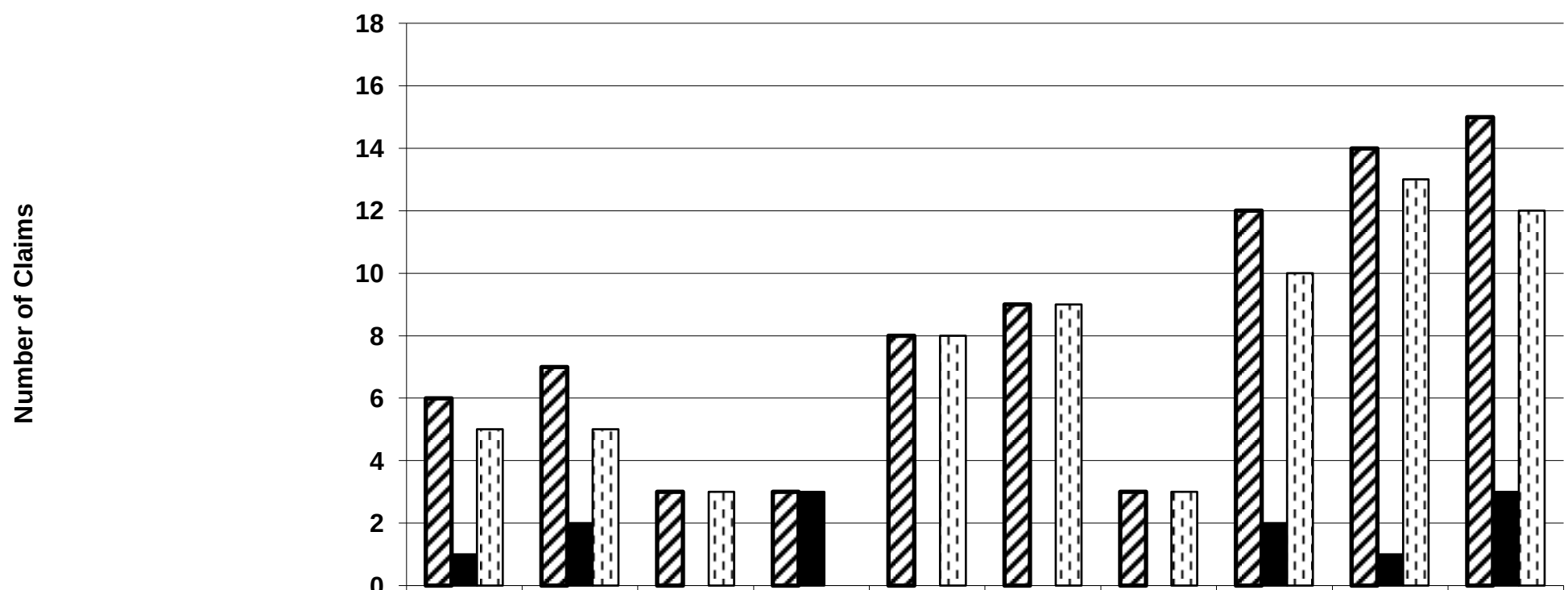
POST TRIAL OR HEARING

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$18,381	$6,655	$0	$11,582	$0	$0	$0	$40,025	$4,990	$9,778
AVG LOSS EXPENSE	$15,992	$5,937	$0	$2,487	$778	$2,535	$0	$10,785	$2,291	$6,619

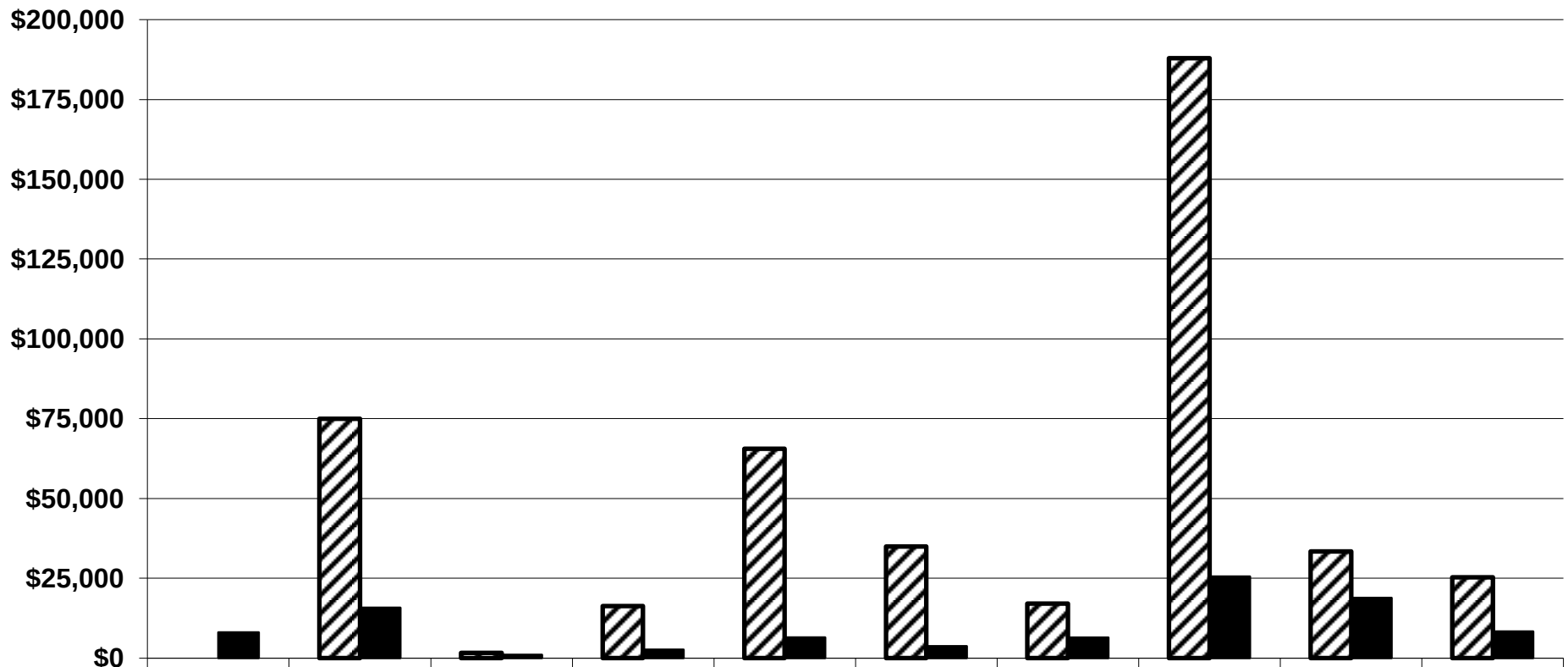
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	6	7	3	3	8	9	3	12	14	15
CLOSED WITH PAYMENT	1	2	0	3	0	0	0	2	1	3
CLOSED WITHOUT PAYMENT	5	5	3	0	8	9	3	10	13	12

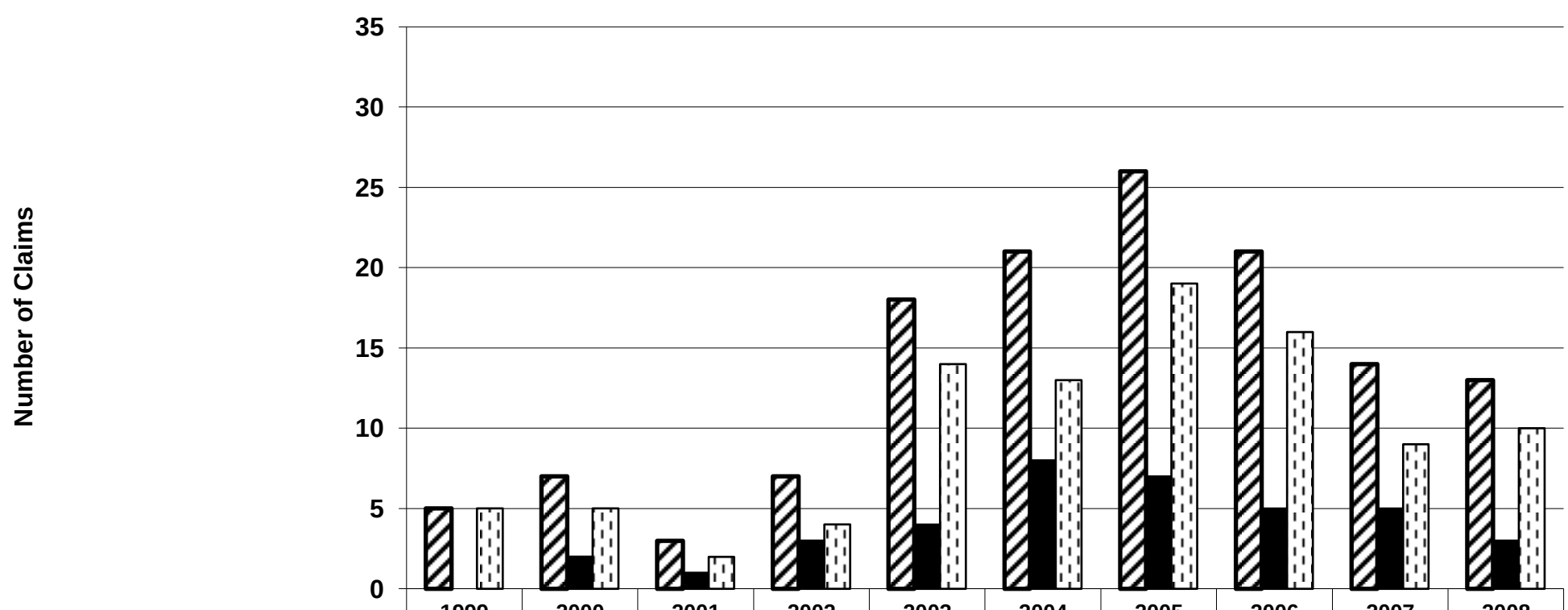
INVESTIGATION, OTHER THAN LITIGATION

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$0	$75,000	$1,585	$16,333	$65,567	$34,942	$17,089	$187,900	$33,456	$25,267
AVG LOSS EXPENSE	$8,048	$15,773	$1,026	$2,638	$6,462	$3,721	$6,431	$25,549	$18,854	$8,334

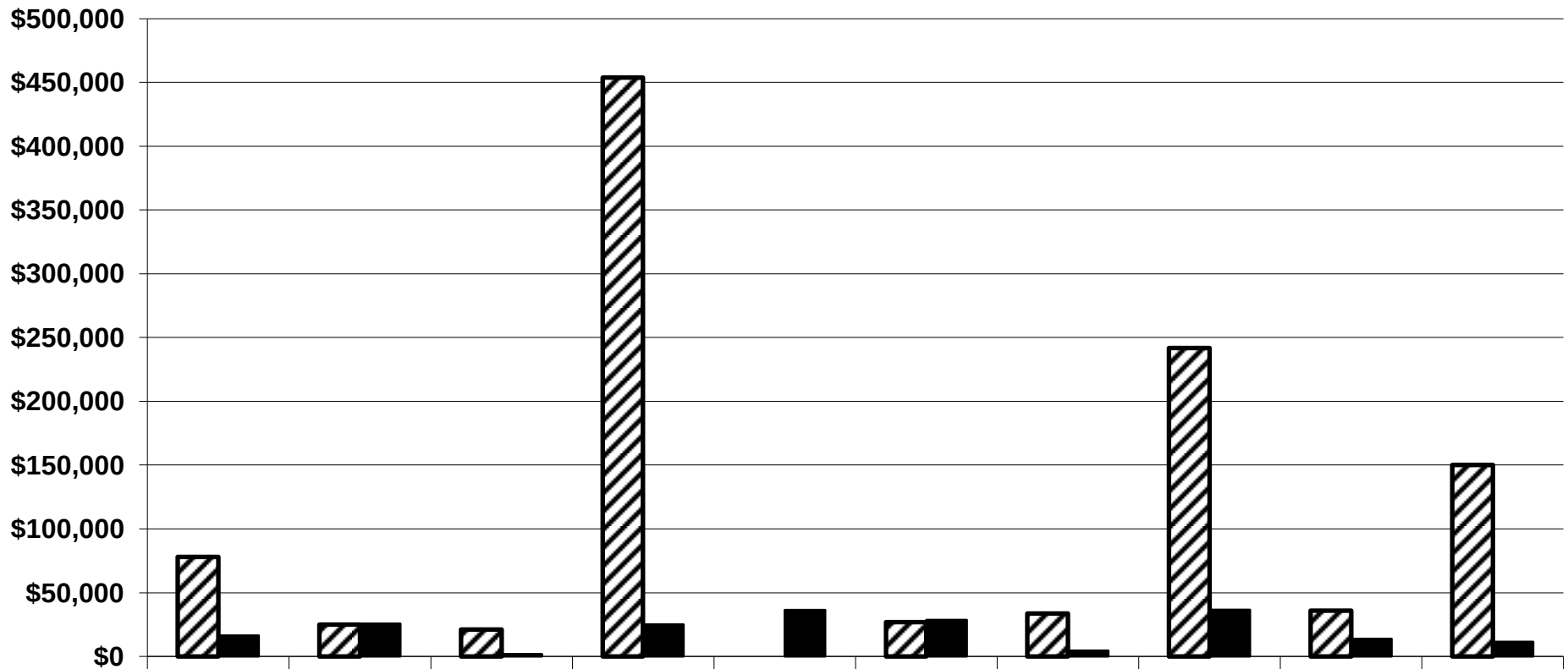
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	5	7	3	7	18	21	26	21	14	13
CLOSED WITH PAYMENT	0	2	1	3	4	8	7	5	5	3
CLOSED WITHOUT PAYMENT	5	5	2	4	14	13	19	16	9	10

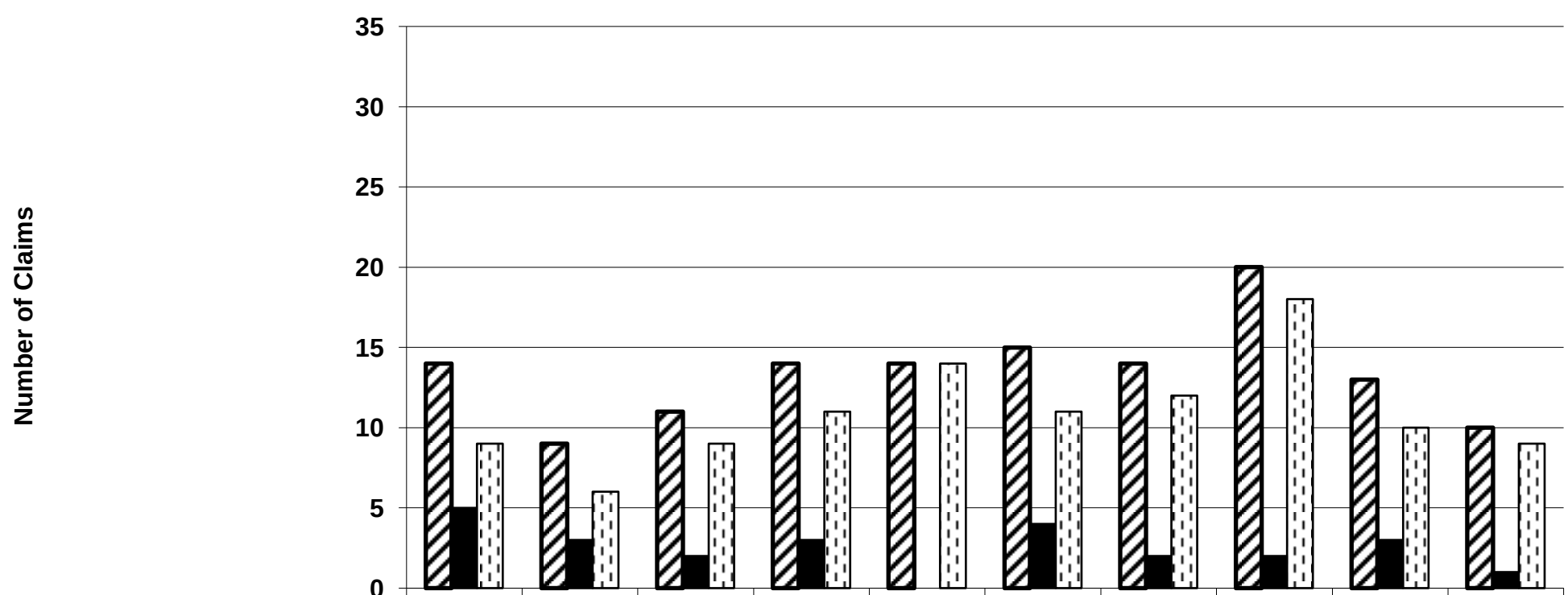
TRIAL OR HEARING

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$78,200	$24,856	$21,250	$453,854	$0	$26,875	$33,500	$241,719	$35,833	$150,000
AVG LOSS EXPENSE	$16,424	$25,739	$1,841	$25,094	$36,441	$28,650	$4,586	$36,608	$13,843	$11,499

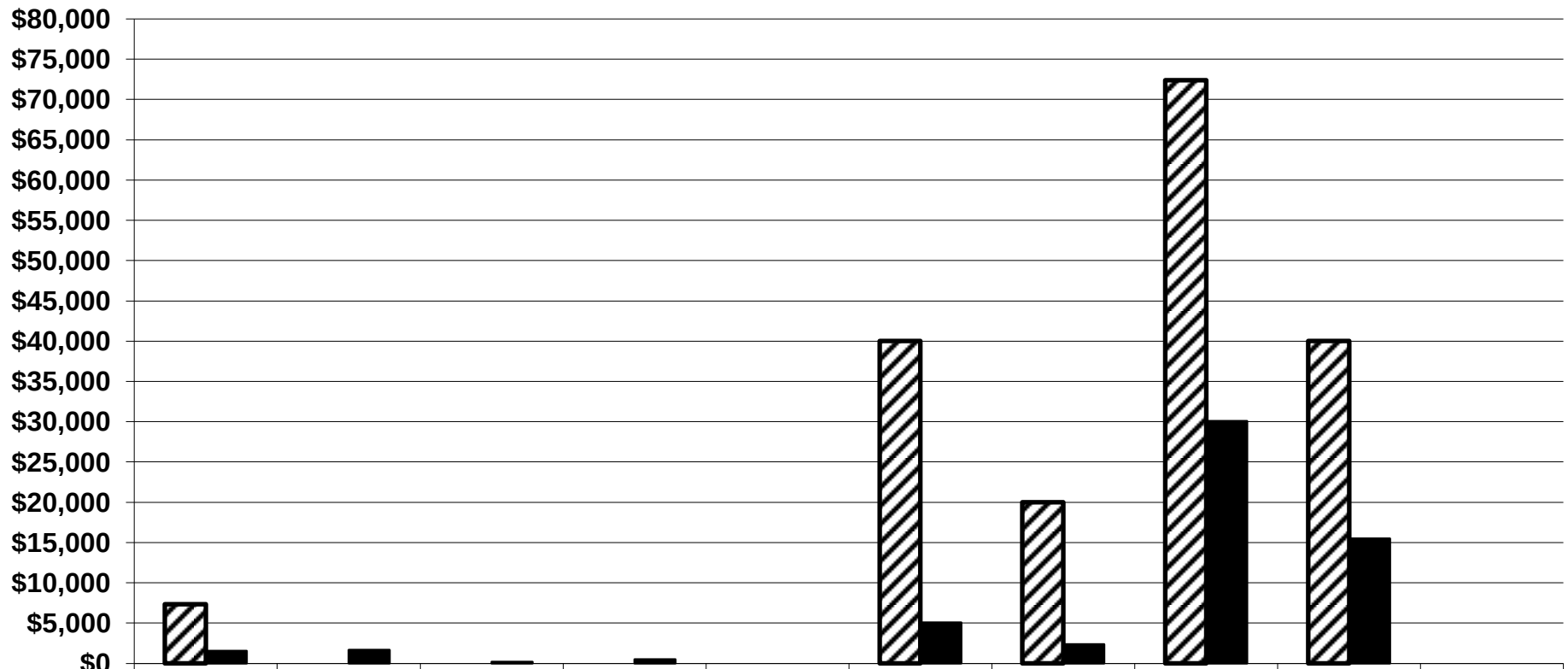
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	14	9	11	14	14	15	14	20	13	10
CLOSED WITH PAYMENT	5	3	2	3	0	4	2	2	3	1
CLOSED WITHOUT PAYMENT	9	6	9	11	14	11	12	18	10	9

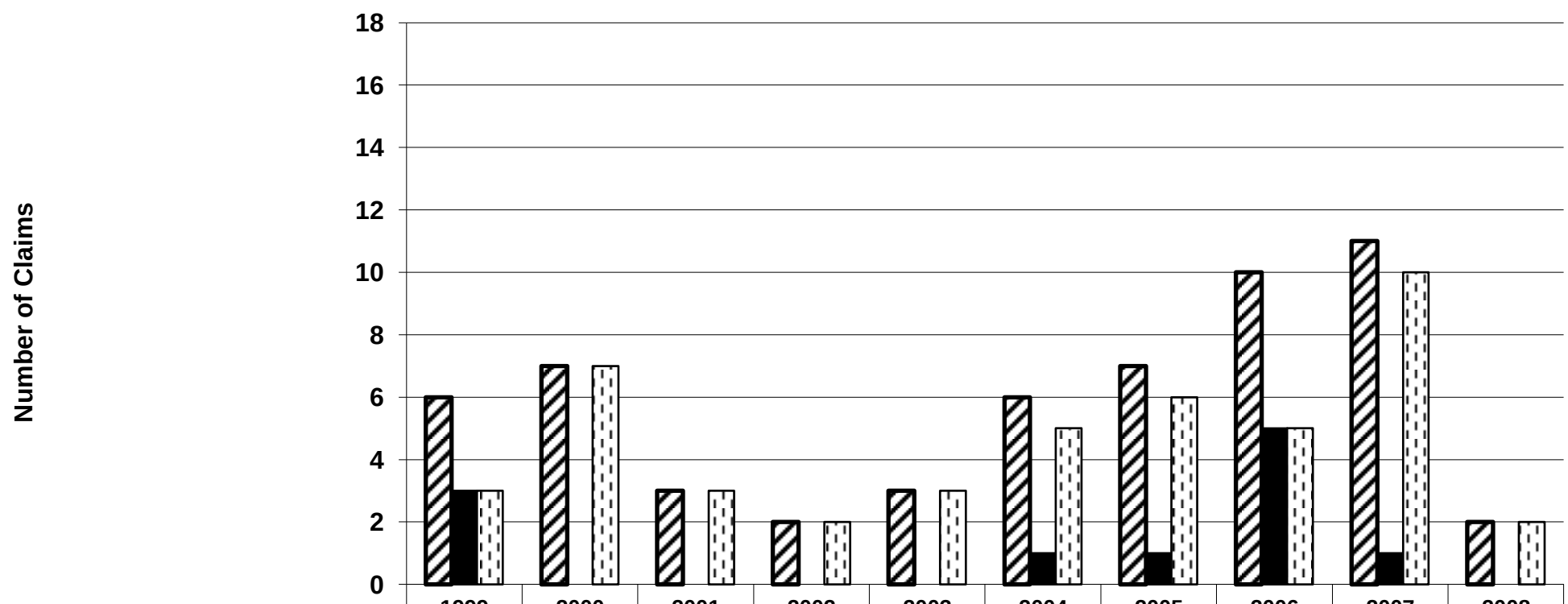
APPEAL ACTIVITIES

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$7,356	$0	$0	$0	$0	$40,000	$20,000	$72,382	$40,000	$0
AVG LOSS EXPENSE	$1,540	$1,664	$182	$491	$0	$5,064	$2,361	$30,072	$15,490	$0

CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	6	7	3	2	3	6	7	10	11	2
CLOSED WITH PAYMENT	3	0	0	0	0	1	1	5	1	0
CLOSED WITHOUT PAYMENT	3	7	3	2	3	5	6	5	10	2

TEN YEAR SUMMARY
&
2008 SUMMARY
BY
ALLEGED ERRORS OR OMISSIONS

LEGAL MALPRACTICE INSURANCE
INDEMNITY ANALYSIS
FOR YEARS 1999 – 2008

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
FAIL TO ASCERTAIN DEADLINE CORRECTLY	430	177	26.58%	$55,136	$9,759,107	14.72%	$10,527
PROCRASTINATION OR LACK OF FOLLOW-UP	270	64	9.61%	$123,860	$7,927,057	11.95%	$11,383
PLANNING OR STRATEGY ERROR	236	56	8.41%	$184,792	$10,348,354	15.60%	$25,691
OTHER	219	43	6.46%	$54,750	$2,354,264	3.55%	$13,045
FAIL TO KNOW OR PROPERLY APPLY THE LAW	168	46	6.91%	$204,361	$9,400,607	14.17%	$17,647
INADEQUATE INVESTIGATION	133	28	4.20%	$76,895	$2,153,054	3.25%	$17,410
MALICIOUS PROSECUTION OR ABUSE OF PROCESS	119	12	1.80%	$15,907	$190,881	0.29%	$8,869
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	115	26	3.90%	$63,979	$1,663,461	2.51%	$15,982
CONFLICT OF INTEREST	113	30	4.50%	$83,855	$2,515,637	3.79%	$20,300
FAILURE TO REACT TO CALENDAR	105	44	6.61%	$40,480	$1,781,119	2.69%	$2,310
FRAUD	80	15	2.25%	$628,725	$9,430,872	14.22%	$69,185
FAIL TO OBTAIN CLIENTS CONSENT	79	18	2.70%	$103,464	$1,862,352	2.81%	$52,639
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	78	18	2.70%	$86,088	$1,549,576	2.34%	$17,825
FAILURE TO CALENDAR PROPERLY	68	34	5.11%	$79,125	$2,690,236	4.06%	$6,557
CLERICAL ERROR	66	25	3.75%	$28,078	$701,945	1.06%	$3,505
VIOLATION OF CIVIL RIGHTS	46	3	0.45%	$180,000	$540,000	0.81%	$7,680
IMPROPER WITHDRAWAL FROM REPRESENTATION	33	8	1.20%	$37,339	$298,710	0.45%	$6,620
ERROR IN MATHEMATICAL CALCULATION	30	6	0.90%	$60,986	$365,914	0.55%	$6,297
LIBEL OR SLANDER	26	1	0.15%	$21,300	$21,300	0.03%	$3,008
FAIL TO ANTICIPATE TAX CONSEQUENCES	19	5	0.75%	$76,017	$380,086	0.57%	$20,096
ERROR IN PUBLIC RECORD SEARCH	18	4	0.60%	$89,777	$359,109	0.54%	$14,026
LOST FILE, DOCUMENT OR EVIDENCE	9	3	0.45%	$8,967	$26,900	0.04%	$11,151
TOTAL	2,460	666	100.00%	$99,580	$66,320,541	100.00%	$16,490

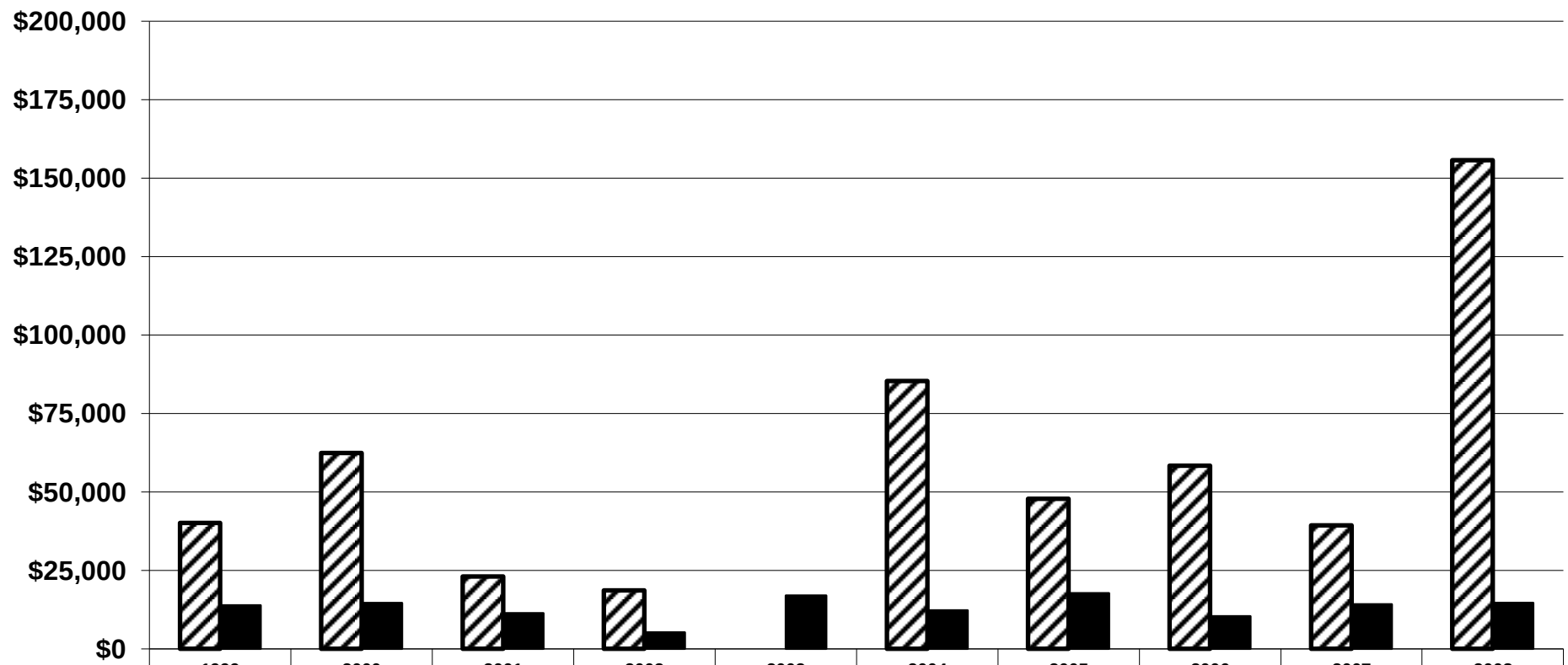
LEGAL MALPRACTICE INSURANCE
INDEMNITY ANALYSIS
CLAIMS CLOSED IN 2008

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	34	3	5.66%	$155,667	$467,000	10.43%	$14,626
FAIL TO ASCERTAIN DEADLINE CORRECTLY	30	7	13.21%	$119,829	$838,802	18.74%	$13,255
PLANNING OR STRATEGY ERROR	23	6	11.32%	$214,066	$1,284,394	28.70%	$49,237
PROCRASTINATION OR LACK OF FOLLOW-UP	18	3	5.66%	$85,778	$257,334	5.75%	$14,290
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	16	0	0.00%	N/A	$0	0.00%	$424
FAIL TO KNOW OR PROPERLY APPLY THE LAW	16	5	9.43%	$40,800	$204,000	4.56%	$16,695
FAILURE TO REACT TO CALENDAR	14	7	13.21%	$32,641	$228,489	5.10%	$4,750
CONFLICT OF INTEREST	11	4	7.55%	$79,567	$318,267	7.11%	$29,382
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	11	1	1.89%	$79,400	$79,400	1.77%	$3,652
FAILURE TO CALENDAR PROPERLY	11	6	11.32%	$64,833	$388,999	8.69%	$22,805
INADEQUATE INVESTIGATION	10	2	3.77%	$29,500	$59,000	1.32%	$26,535
MALICIOUS PROSECUTION/ABUSE OF PROCESS	8	2	3.77%	$10,000	$20,000	0.45%	$8,317
VIOLATION OF CIVIL RIGHTS	7	0	0.00%	N/A	$0	0.00%	$6,623
FRAUD	5	1	1.89%	$30,000	$30,000	0.67%	$21,098
CLERICAL ERROR	4	3	5.66%	$12,112	$36,335	0.81%	$5,124
FAIL TO OBTAIN CLIENTS CONSENT	4	1	1.89%	$4,000	$4,000	0.09%	$9,535
ERROR IN MATHEMATICAL CALCULATION	3	1	1.89%	$10,000	$10,000	0.22%	$9,066
LIBEL OR SLANDER	3	0	0.00%	N/A	$0	0.00%	$0
ERROR IN PUBLIC RECORD SEARCH	1	1	1.89%	$250,000	$250,000	5.59%	$187,623
FAIL TO ANTICIPATE TAX CONSEQUENCES	1	0	0.00%	N/A	$0	0.00%	$0
IMPROPER WITHDRAWAL FROM REPRESENTATION	1	0	0.00%	N/A	$0	0.00%	$0
TOTAL	231	53	100.00%	$84,453	$4,476,020	100.00%	$17,300

TRENDS
OF THE TOP TEN
ERRORS OR OMISSIONS
OF 2008

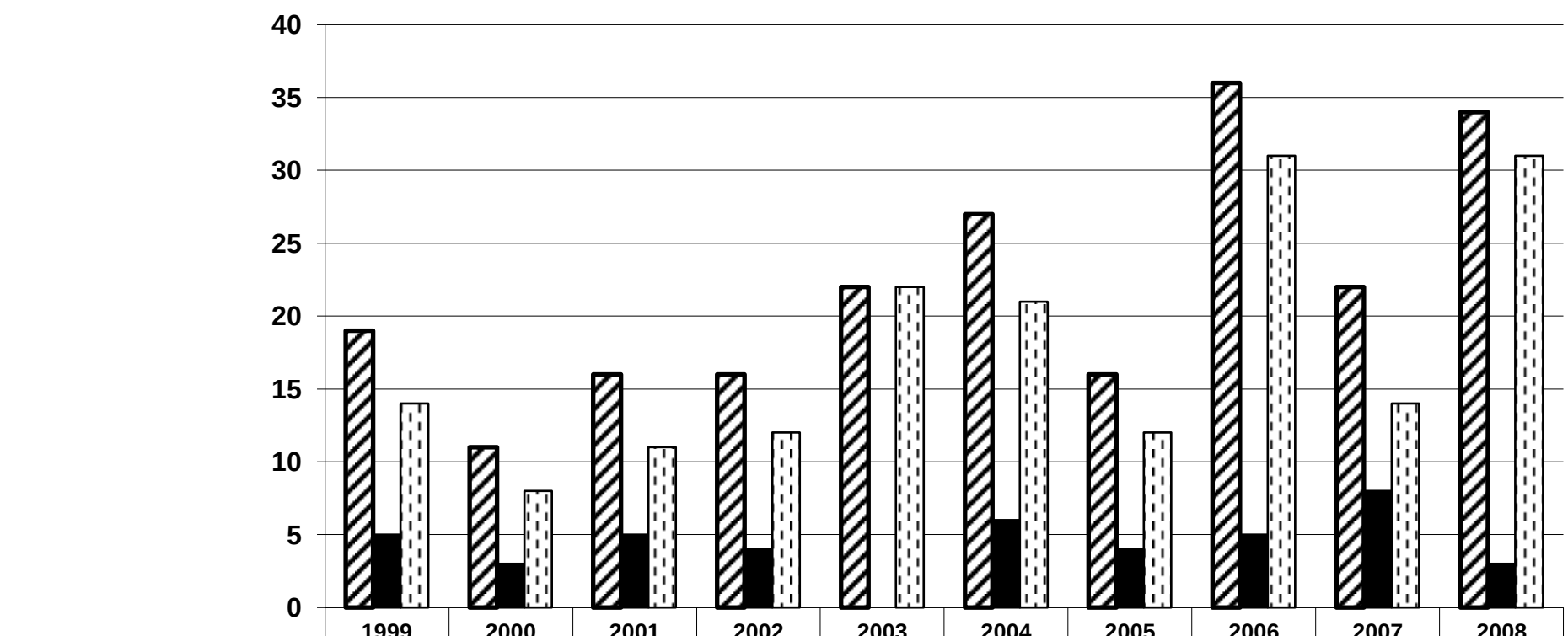
OTHER

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$40,100	$62,353	$23,000	$18,625	$0	$85,381	$47,854	$58,400	$39,313	$155,667
AVG LOSS EXPENSE	$13,841	$14,586	$11,329	$5,208	$16,961	$12,239	$17,702	$10,361	$14,168	$14,626

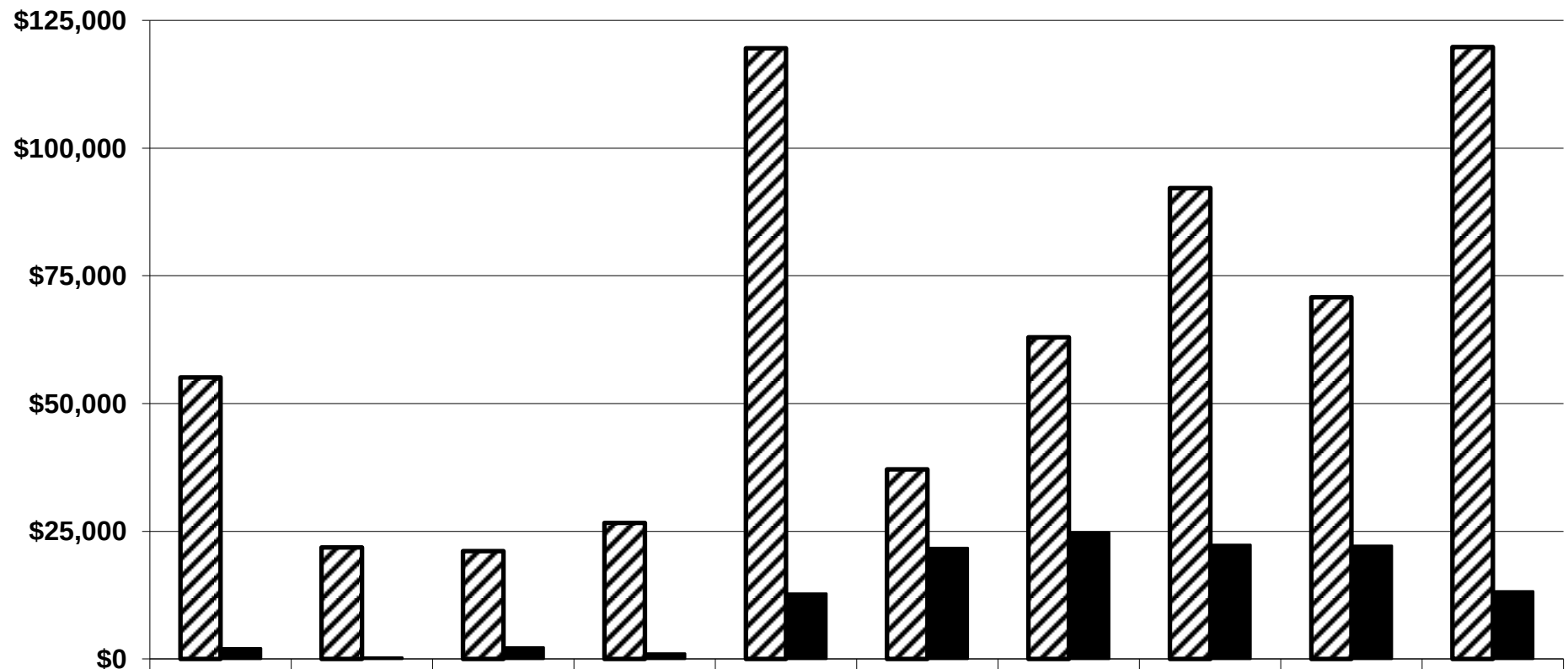
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	19	11	16	16	22	27	16	36	22	34
CLOSED WITH PAYMENT	5	3	5	4	0	6	4	5	8	3
CLOSED WITHOUT PAYMENT	14	8	11	12	22	21	12	31	14	31

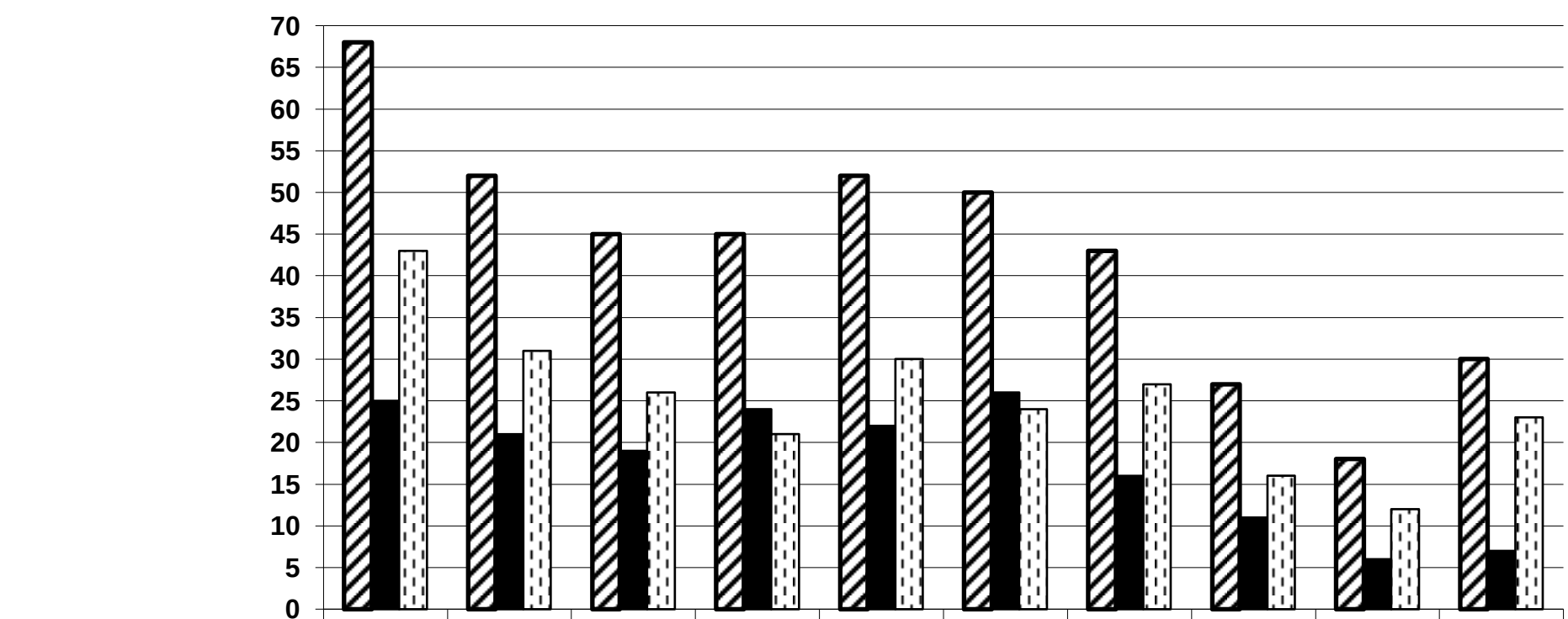
FAILURE TO ASCERTAIN DEADLINE CORRECTLY

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$55,102	$21,836	$21,128	$26,661	$119,584	$37,128	$62,955	$92,223	$70,833	$119,829
AVG LOSS EXPENSE	$2,101	$284	$2,264	$1,080	$12,809	$21,749	$24,760	$22,355	$22,174	$13,255

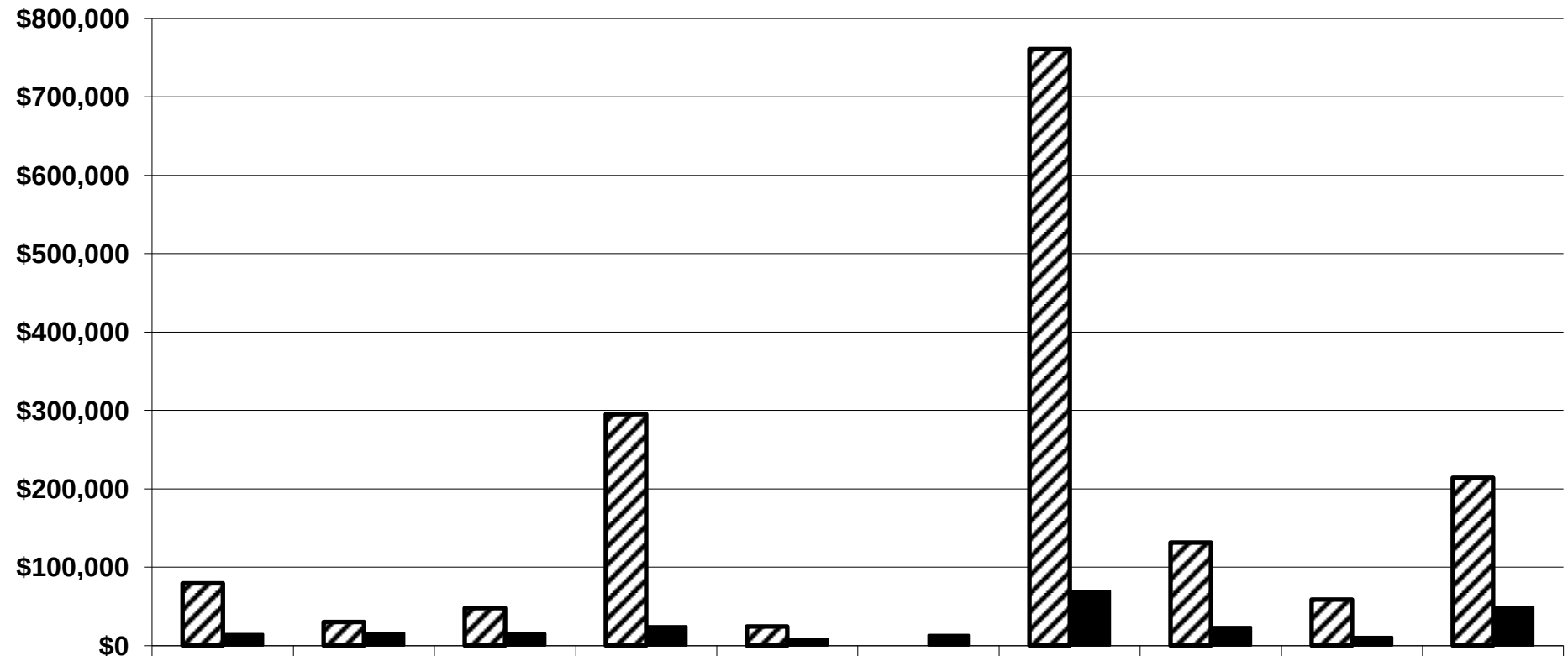
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	68	52	45	45	52	50	43	27	18	30
CLOSED WITH PAYMENT	25	21	19	24	22	26	16	11	6	7
CLOSED WITHOUT PAYMENT	43	31	26	21	30	24	27	16	12	23

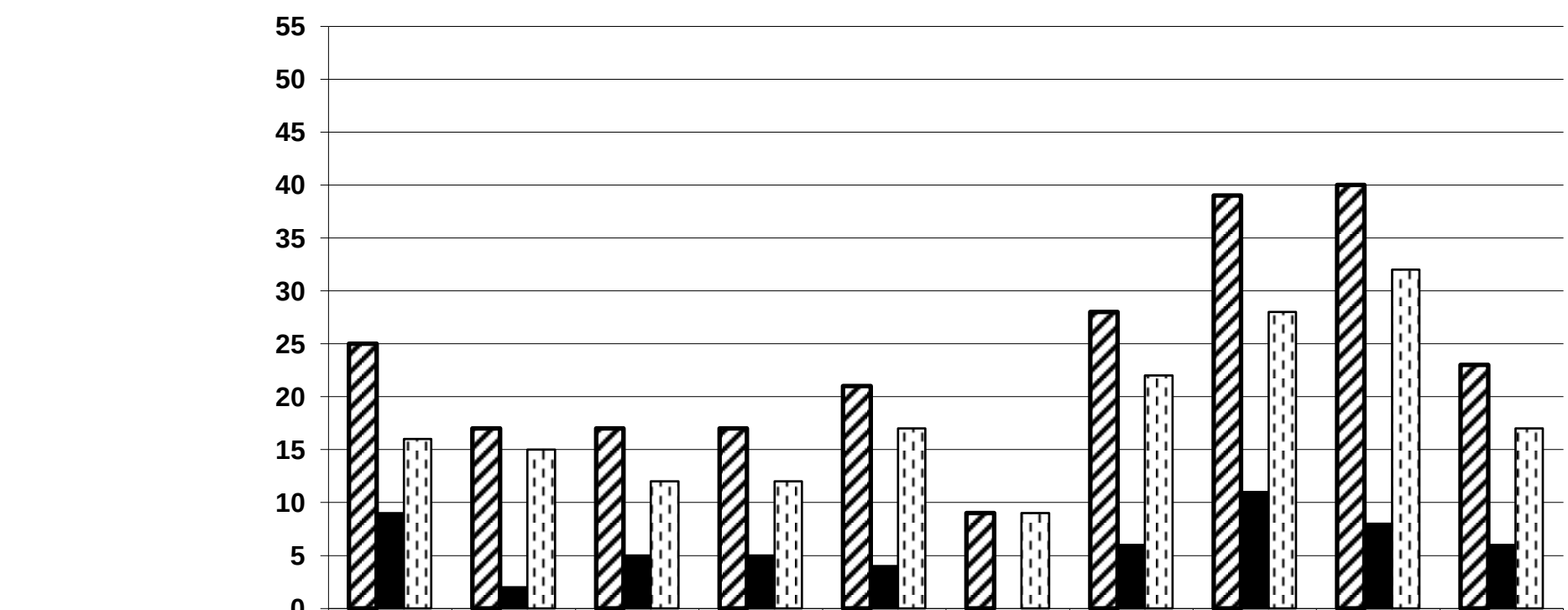
PLANNING OR STRATEGY ERROR

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$79,278	$29,784	$47,938	$295,400	$24,205	$0	$761,191	$131,178	$58,410	$214,066
AVG LOSS EXPENSE	$14,677	$15,796	$15,351	$24,676	$8,366	$13,525	$69,785	$23,669	$11,005	$49,237

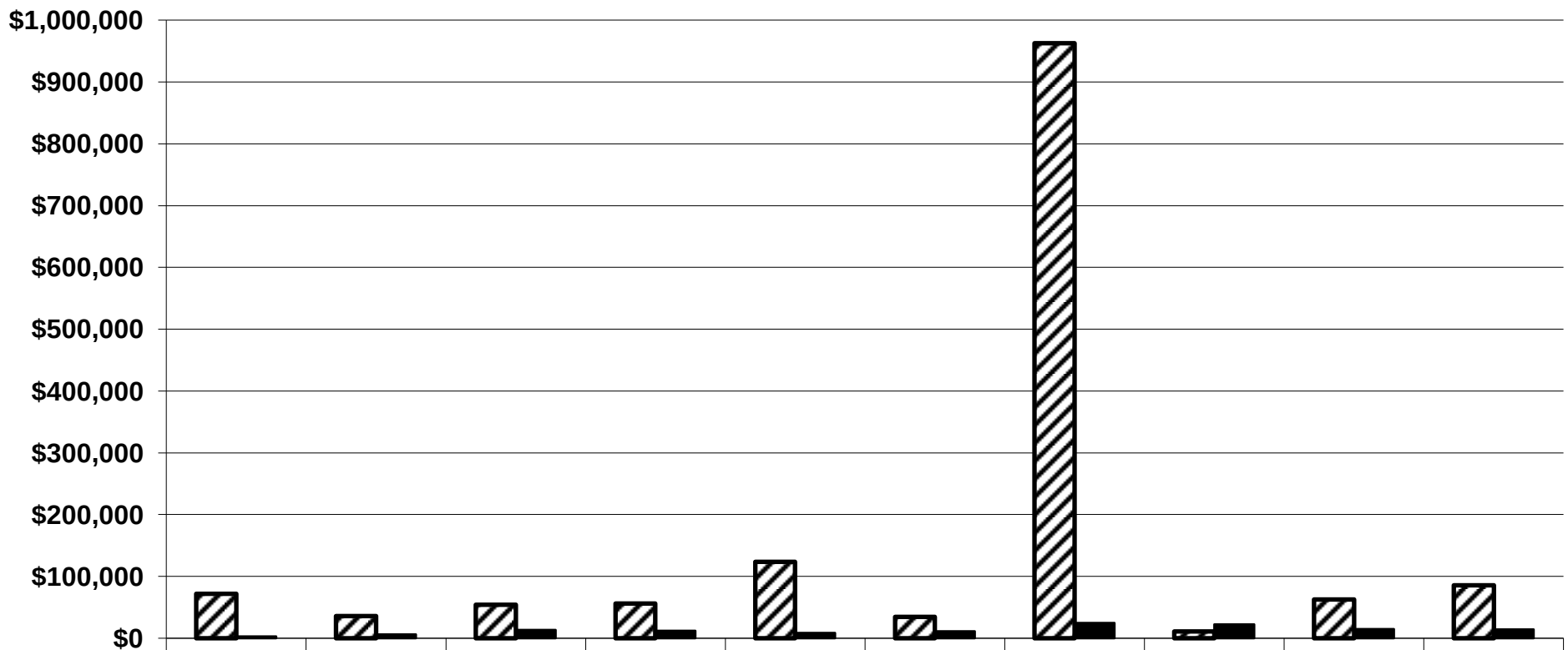
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	25	17	17	17	21	9	28	39	40	23
CLOSED WITH PAYMENT	9	2	5	5	4	0	6	11	8	6
CLOSED WITHOUT PAYMENT	16	15	12	12	17	9	22	28	32	17

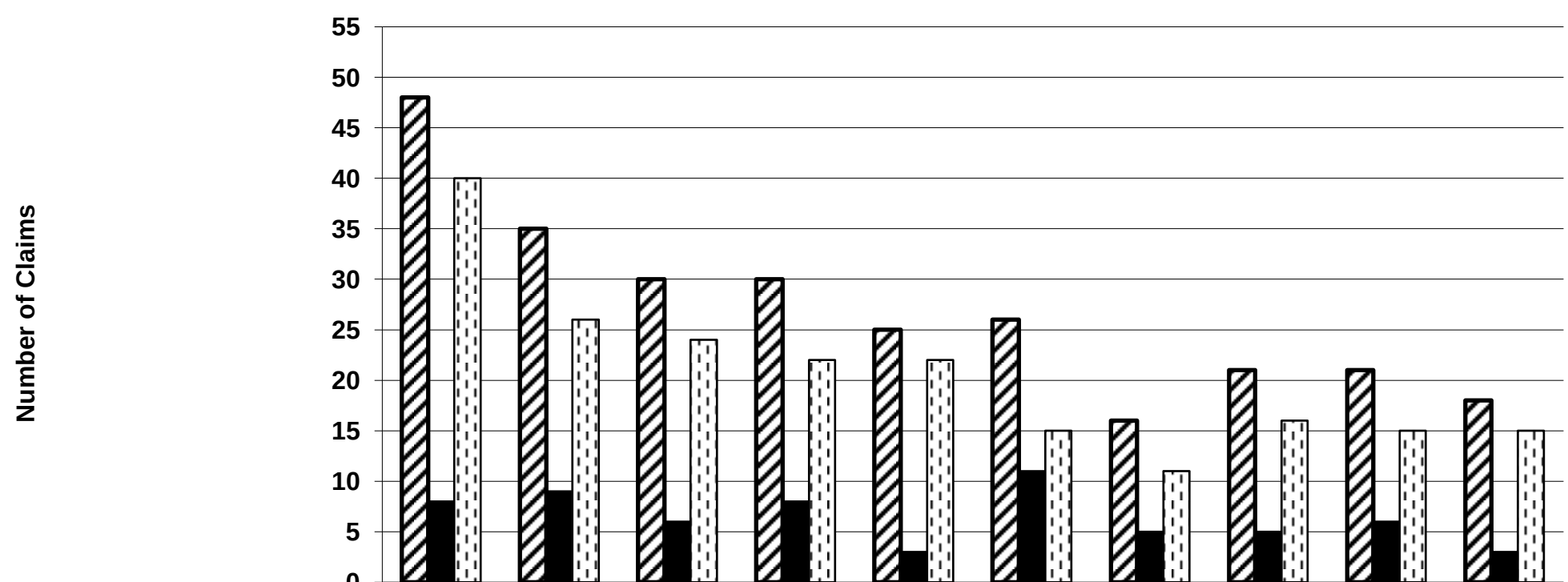
PROCRASTINATION OR LACK OF FOLLOW-UP

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$71,938	$35,897	$54,500	$55,875	$123,897	$34,824	$962,555	$10,693	$62,694	$85,778
AVG LOSS EXPENSE	$2,944	$6,229	$13,472	$12,117	$8,628	$11,286	$24,765	$22,454	$14,877	$14,290

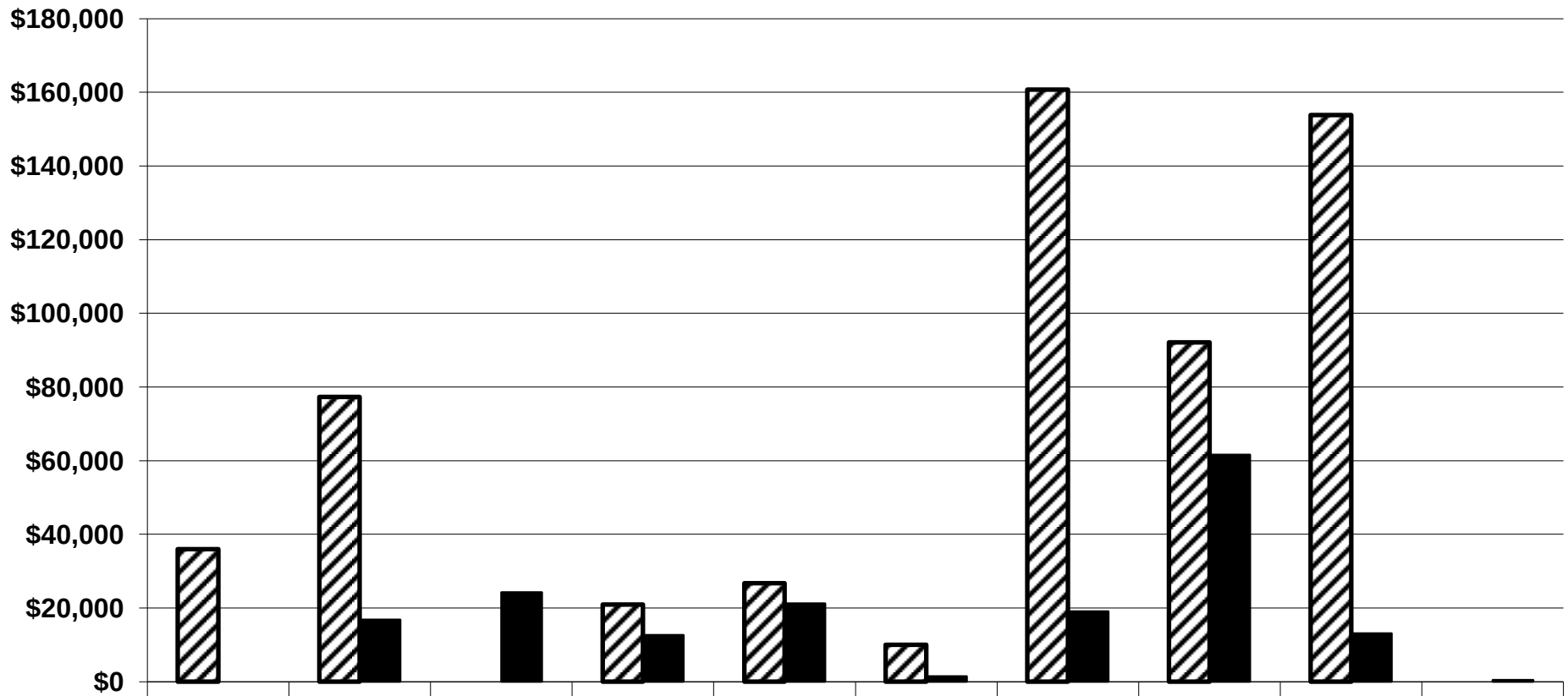
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	48	35	30	30	25	26	16	21	21	18
CLOSED WITH PAYMENT	8	9	6	8	3	11	5	5	6	3
CLOSED WITHOUT PAYMENT	40	26	24	22	22	15	11	16	15	15

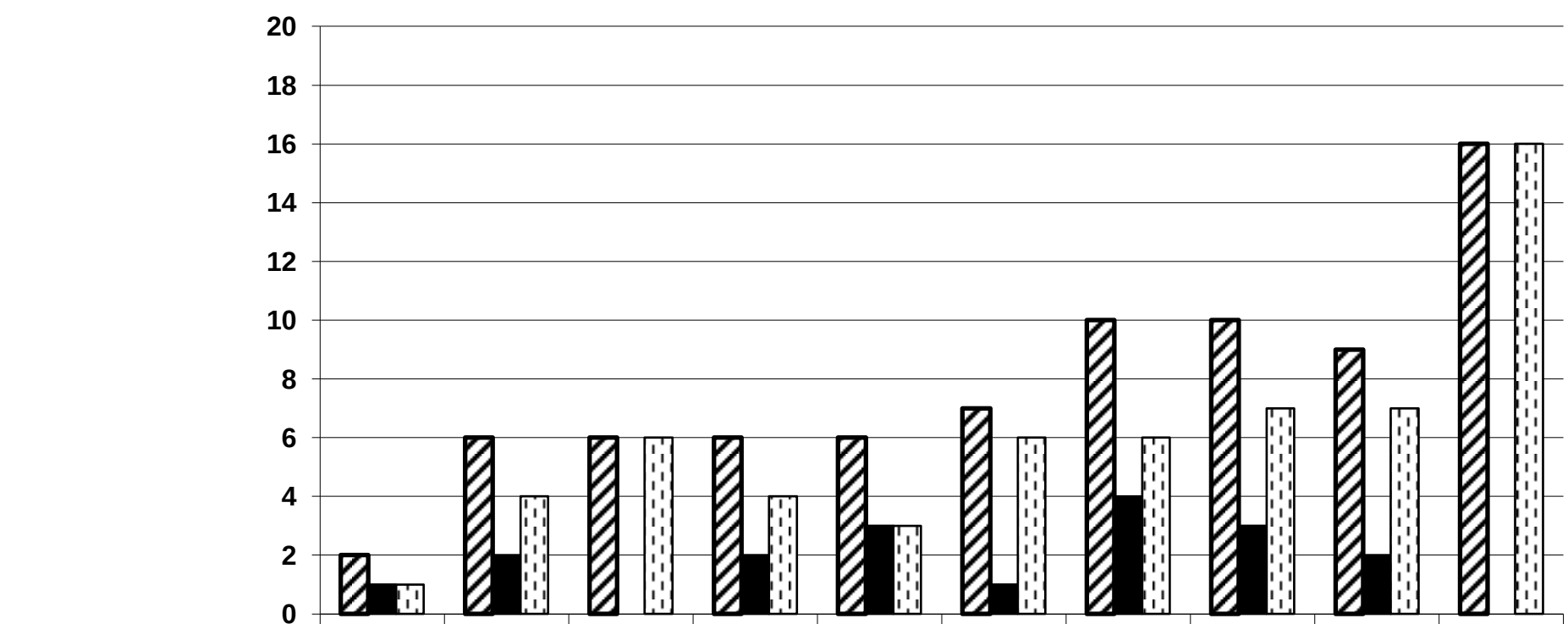
FAIL TO FILE DOCUMENTS WITH NO DEADLINE

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$36,000	$77,250	$0	$20,963	$26,767	$10,000	$160,731	$92,083	$153,839	$0
AVG LOSS EXPENSE	$0	$16,811	$24,235	$12,634	$21,215	$1,430	$19,058	$61,581	$13,087	$424

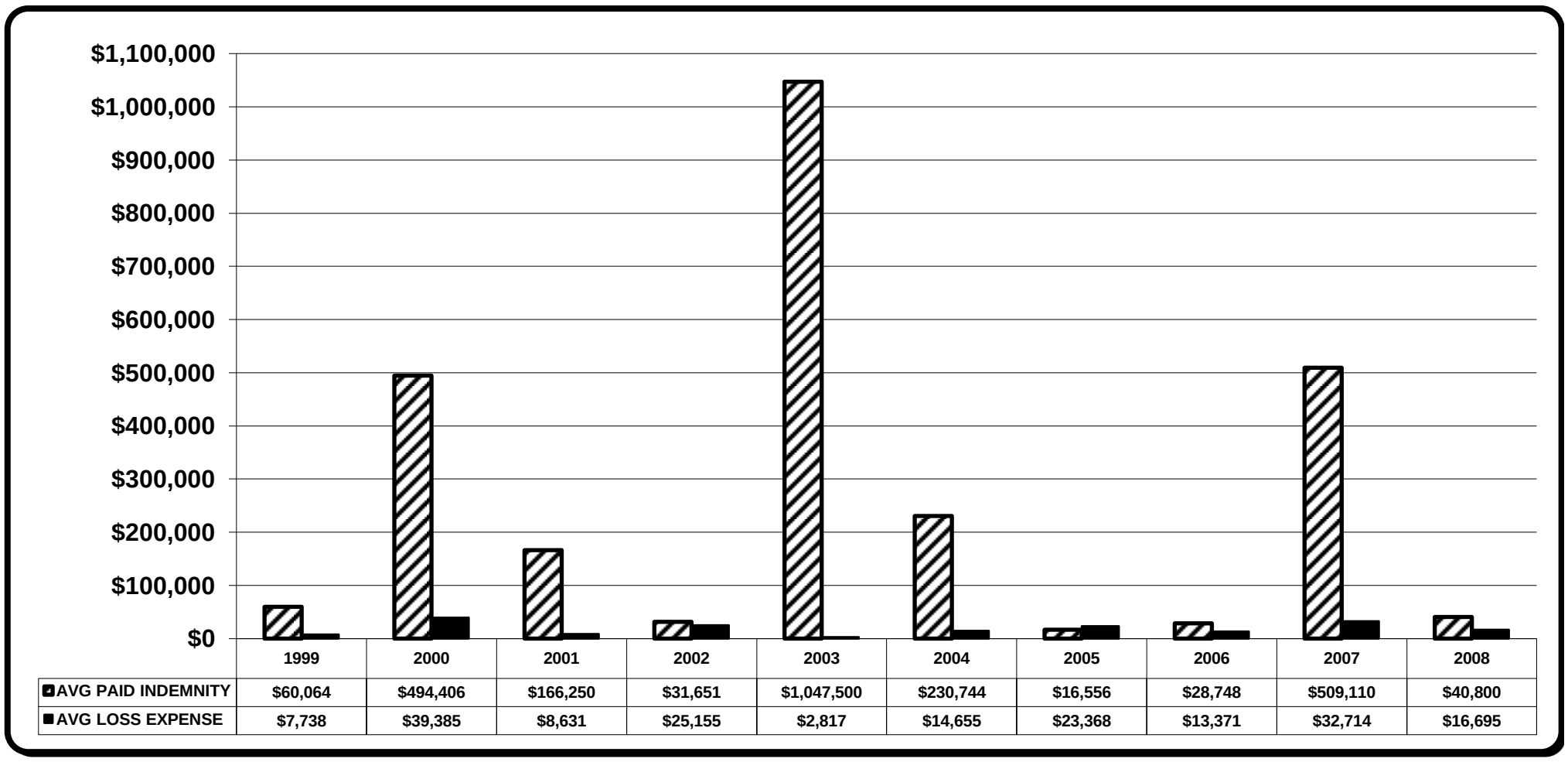
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	2	6	6	6	6	7	10	10	9	16
CLOSED WITH PAYMENT	1	2	0	2	3	1	4	3	2	0
CLOSED WITHOUT PAYMENT	1	4	6	4	3	6	6	7	7	16

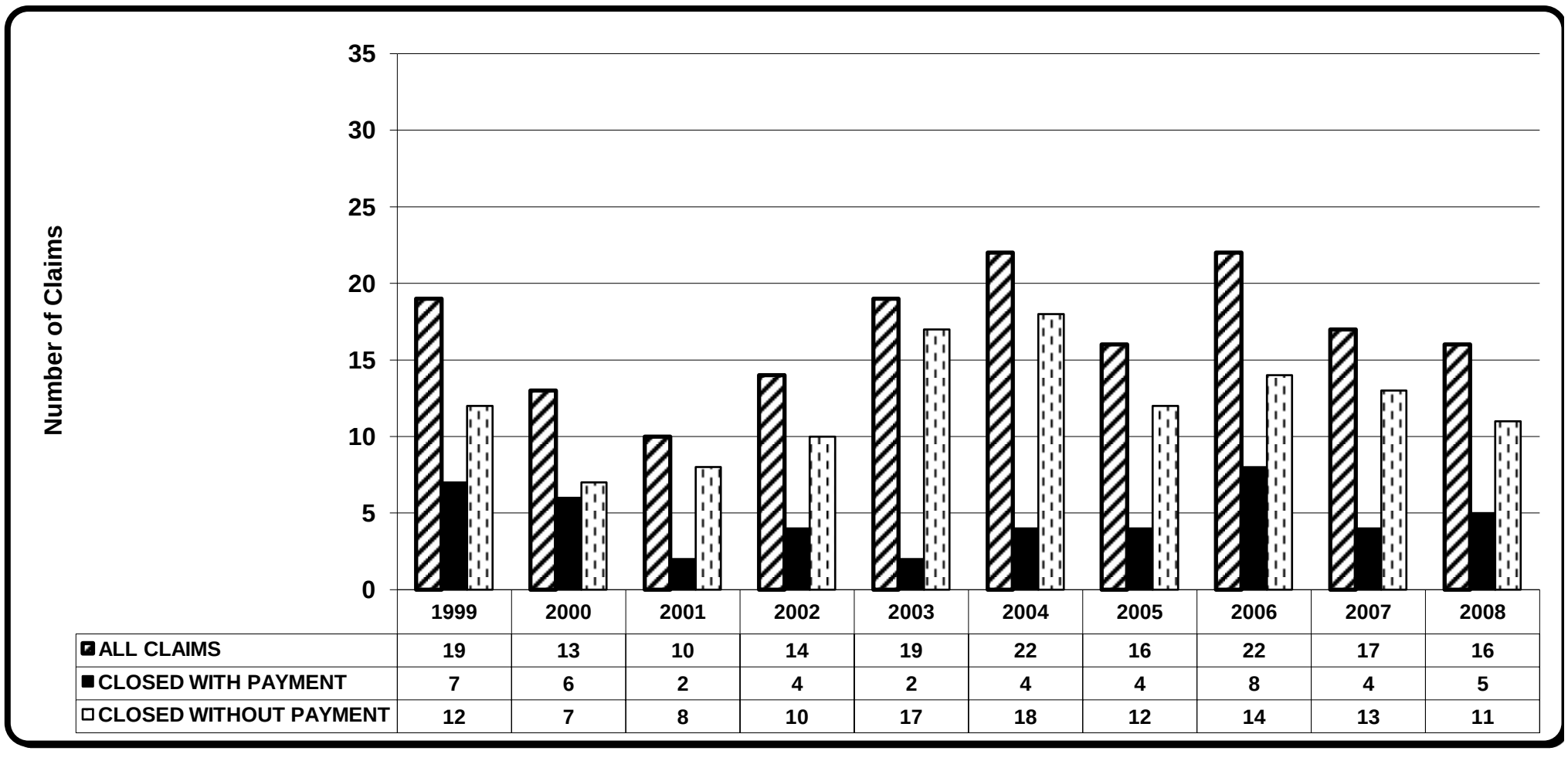
FAIL TO KNOW OR PROPERLY APPLY THE LAW

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$60,064	$494,406	$166,250	$31,651	$1,047,500	$230,744	$16,556	$28,748	$509,110	$40,800
AVG LOSS EXPENSE	$7,738	$39,385	$8,631	$25,155	$2,817	$14,655	$23,368	$13,371	$32,714	$16,695

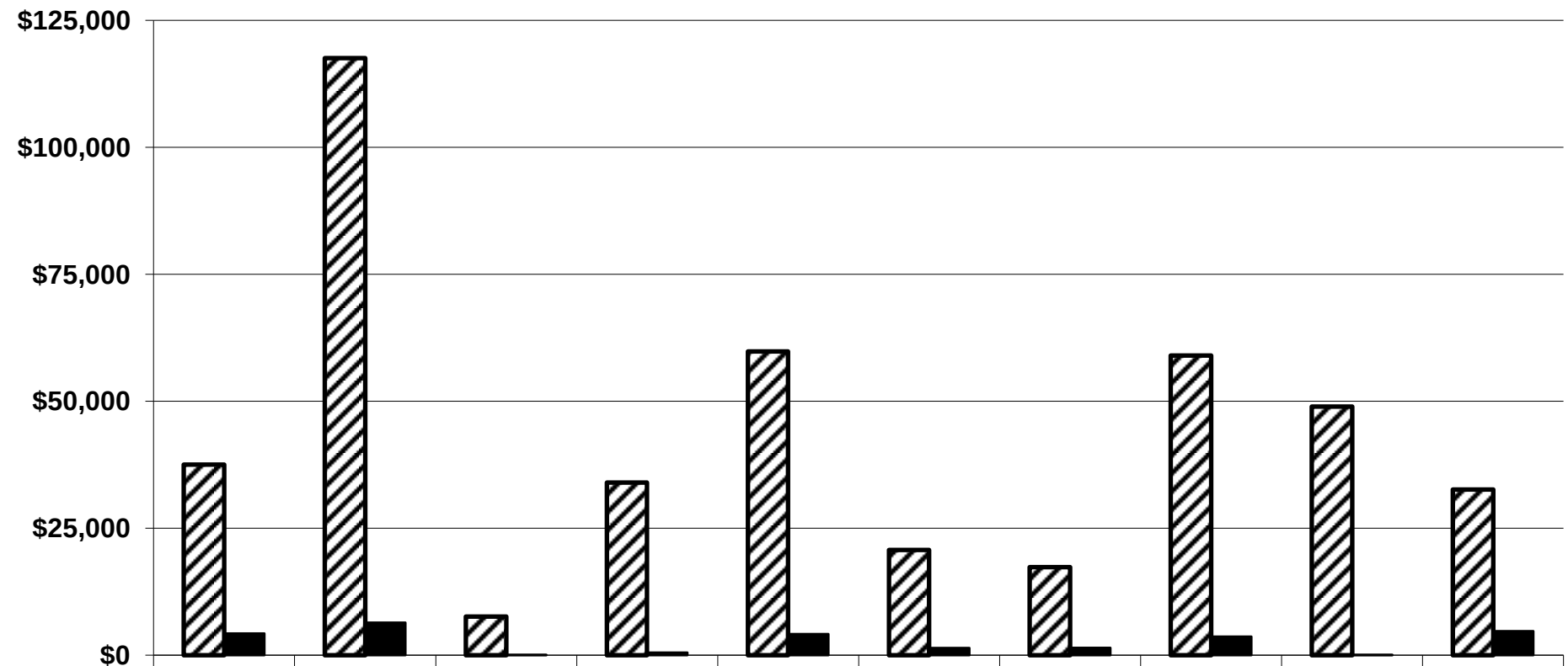
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	19	13	10	14	19	22	16	22	17	16
CLOSED WITH PAYMENT	7	6	2	4	2	4	4	8	4	5
CLOSED WITHOUT PAYMENT	12	7	8	10	17	18	12	14	13	11

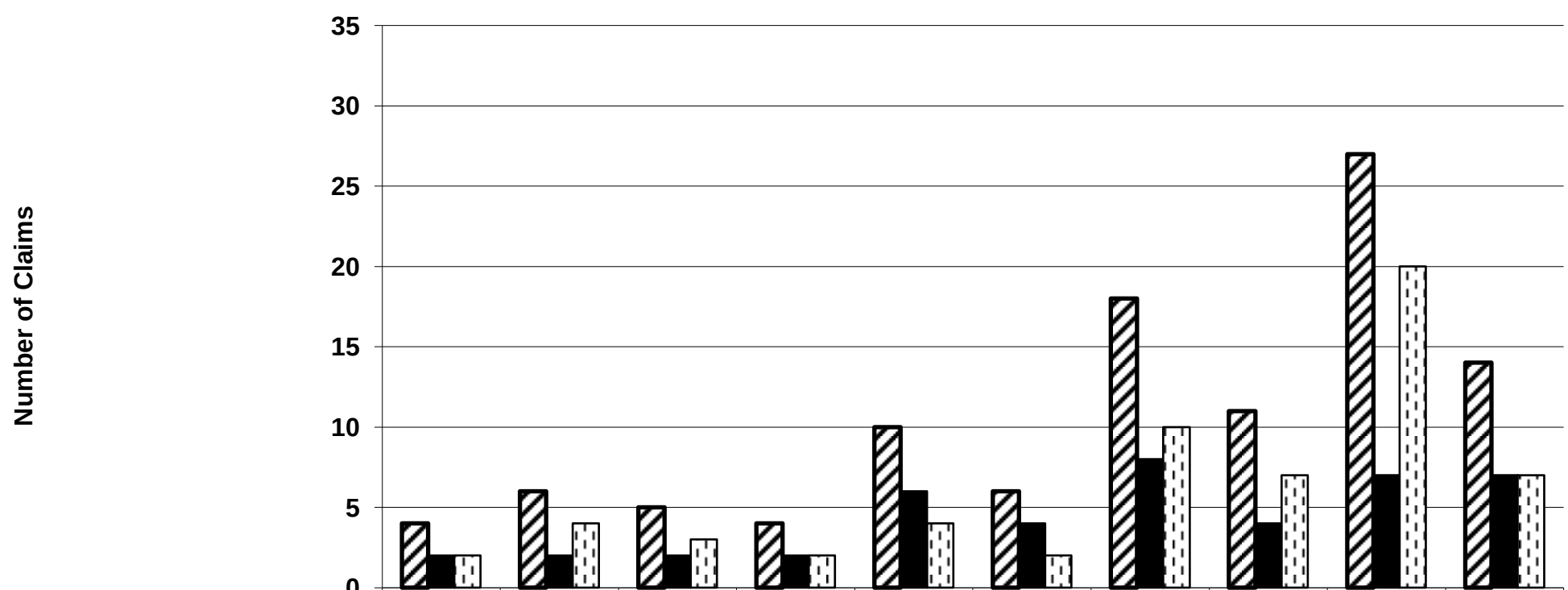
FAILURE TO REACT TO CALENDAR

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$37,500	$117,500	$7,611	$34,000	$59,833	$20,750	$17,325	$59,003	$48,971	$32,641
AVG LOSS EXPENSE	$4,293	$6,425	$47	$530	$4,175	$1,436	$1,468	$3,676	$29	$4,750

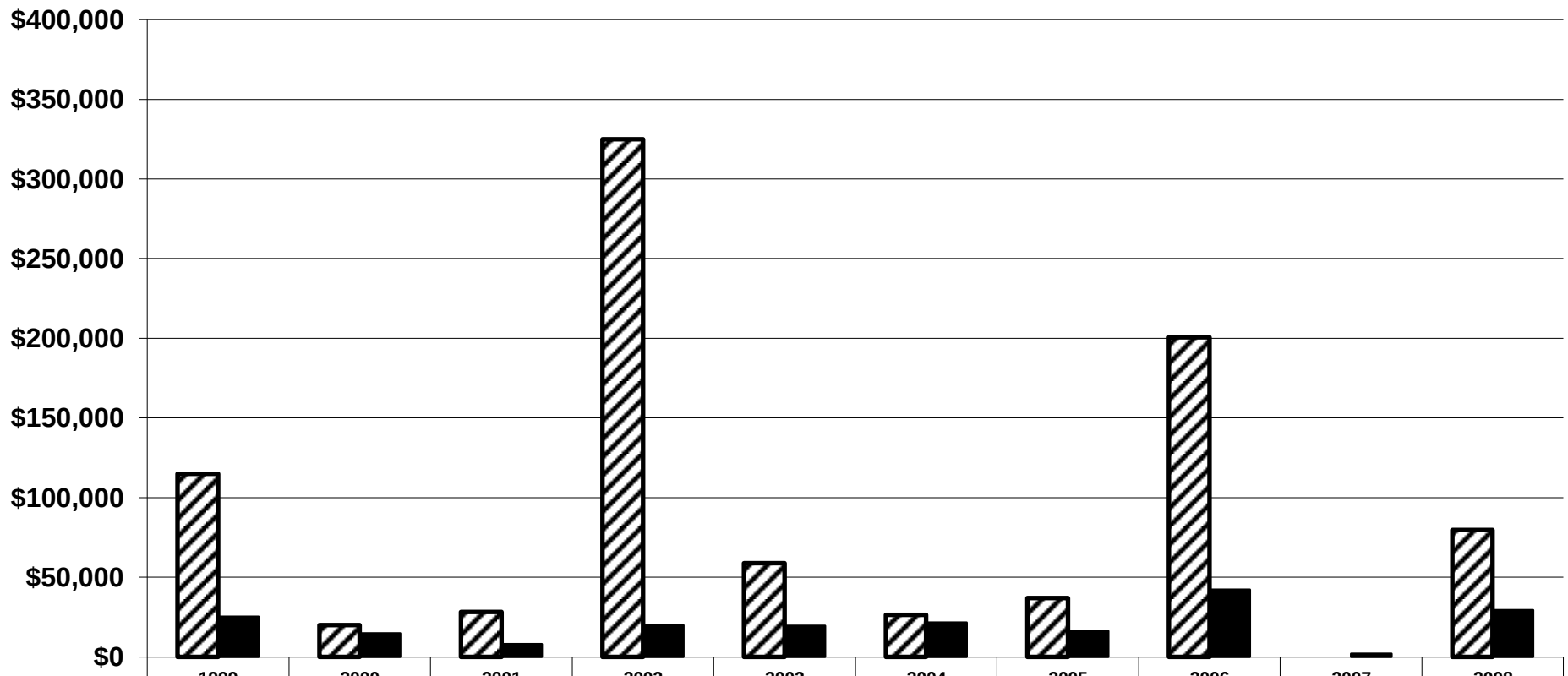
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	4	6	5	4	10	6	18	11	27	14
CLOSED WITH PAYMENT	2	2	2	2	6	4	8	4	7	7
CLOSED WITHOUT PAYMENT	2	4	3	2	4	2	10	7	20	7

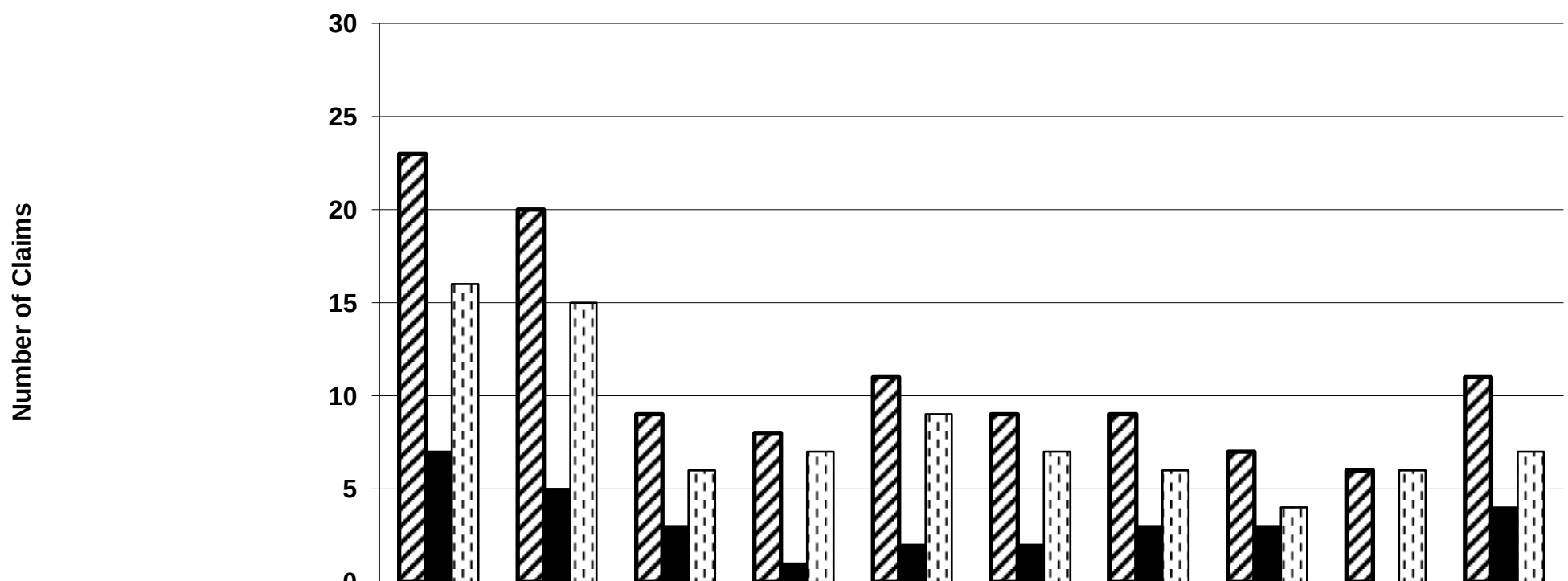
CONFLICT OF INTEREST

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$114,952	$19,911	$28,333	$325,000	$58,794	$26,371	$36,923	$200,684	$0	$79,567
AVG LOSS EXPENSE	$25,247	$14,783	$8,029	$19,868	$19,536	$21,567	$16,283	$42,229	$1,996	$29,382

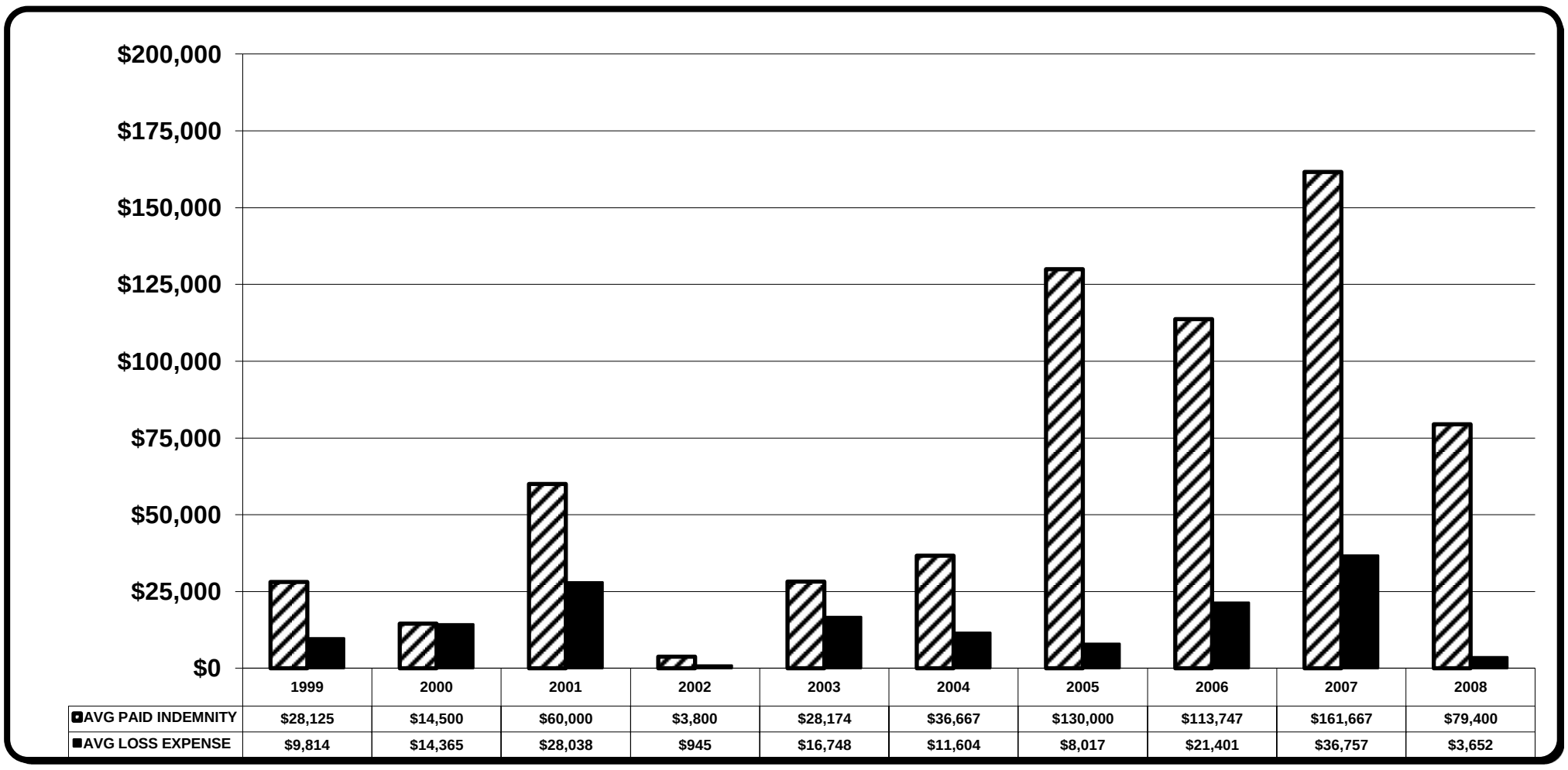
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	23	20	9	8	11	9	9	7	6	11
CLOSED WITH PAYMENT	7	5	3	1	2	2	3	3	0	4
CLOSED WITHOUT PAYMENT	16	15	6	7	9	7	6	4	6	7

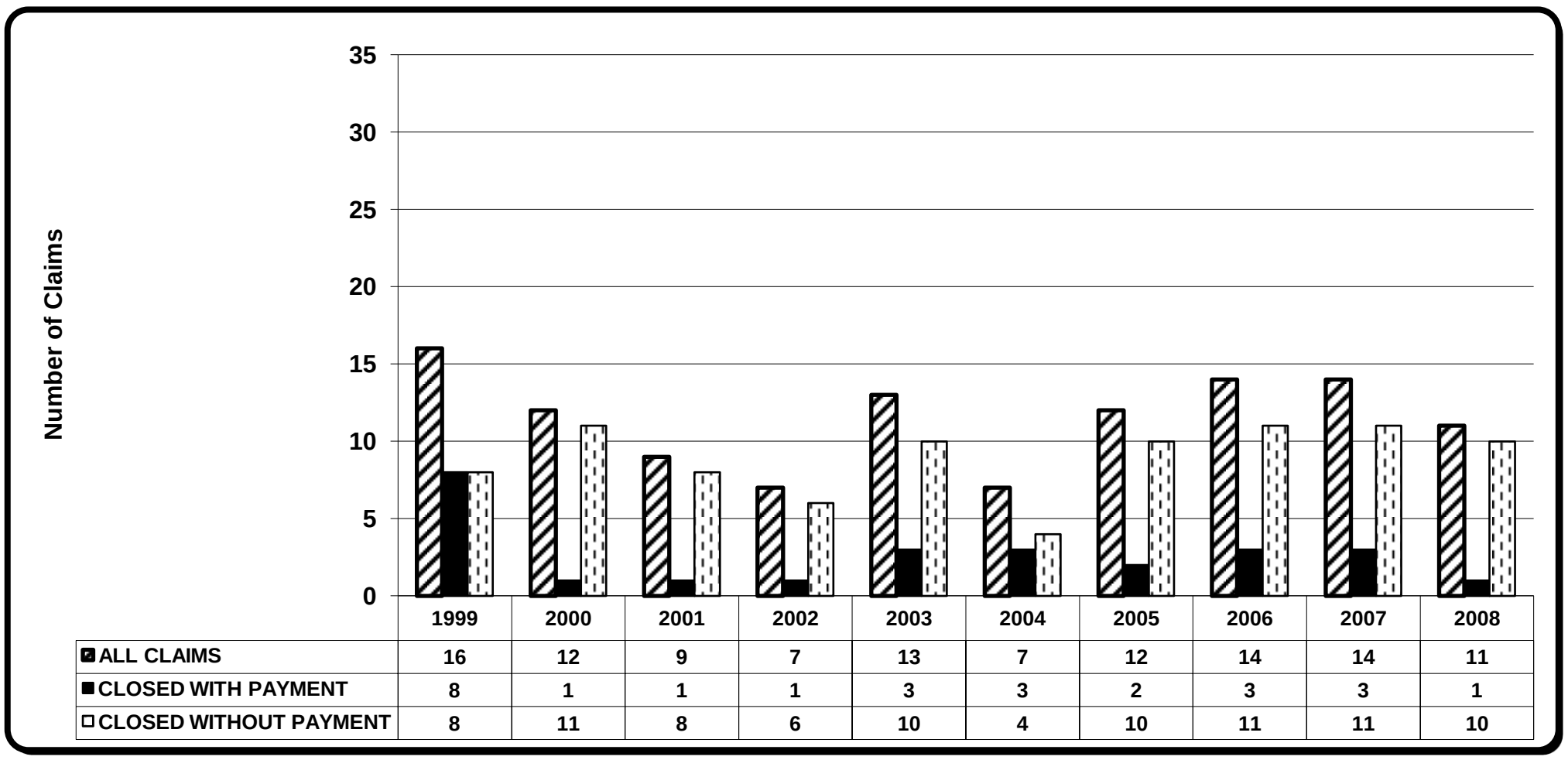
FAIL TO FOLLOW CLIENTS INSTRUCTIONS

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$28,125	$14,500	$60,000	$3,800	$28,174	$36,667	$130,000	$113,747	$161,667	$79,400
AVG LOSS EXPENSE	$9,814	$14,365	$28,038	$945	$16,748	$11,604	$8,017	$21,401	$36,757	$3,652

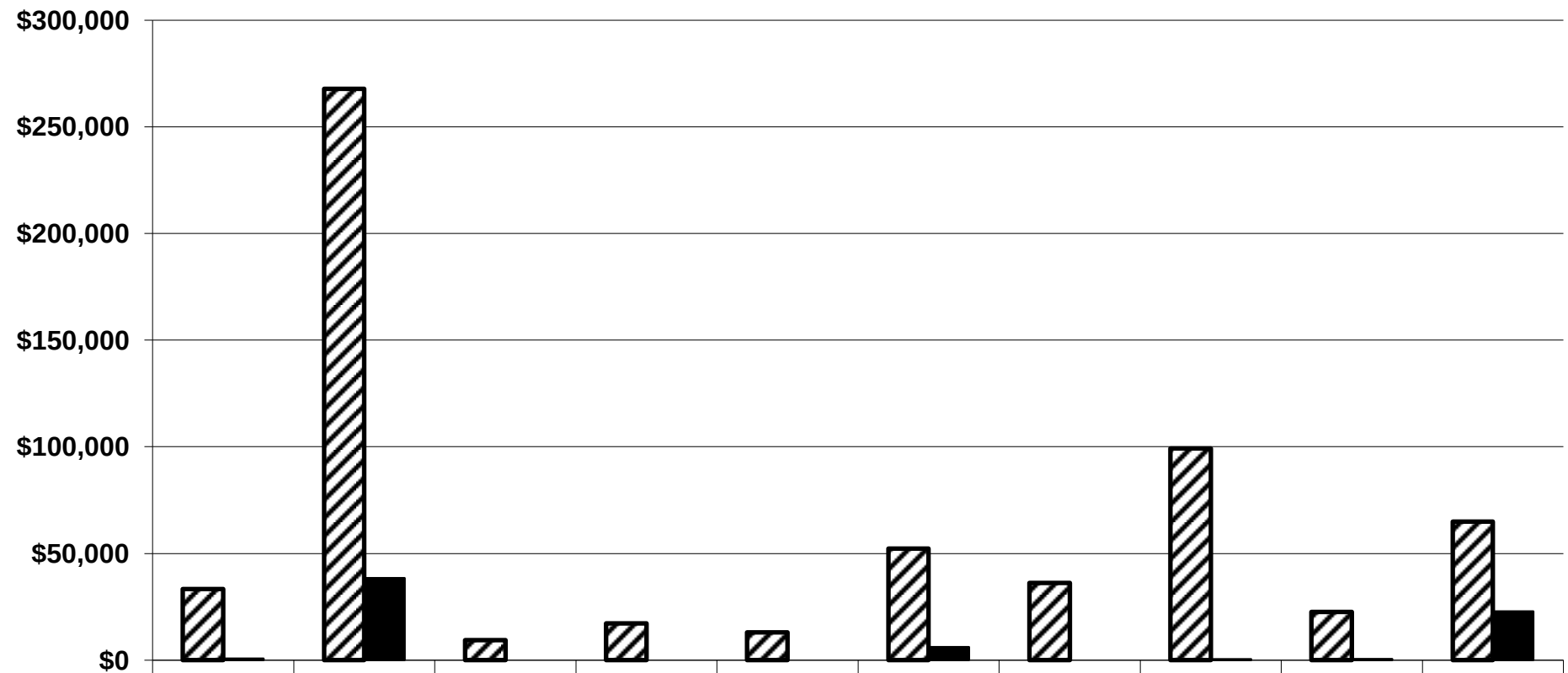
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	16	12	9	7	13	7	12	14	14	11
CLOSED WITH PAYMENT	8	1	1	1	3	3	2	3	3	1
CLOSED WITHOUT PAYMENT	8	11	8	6	10	4	10	11	11	10

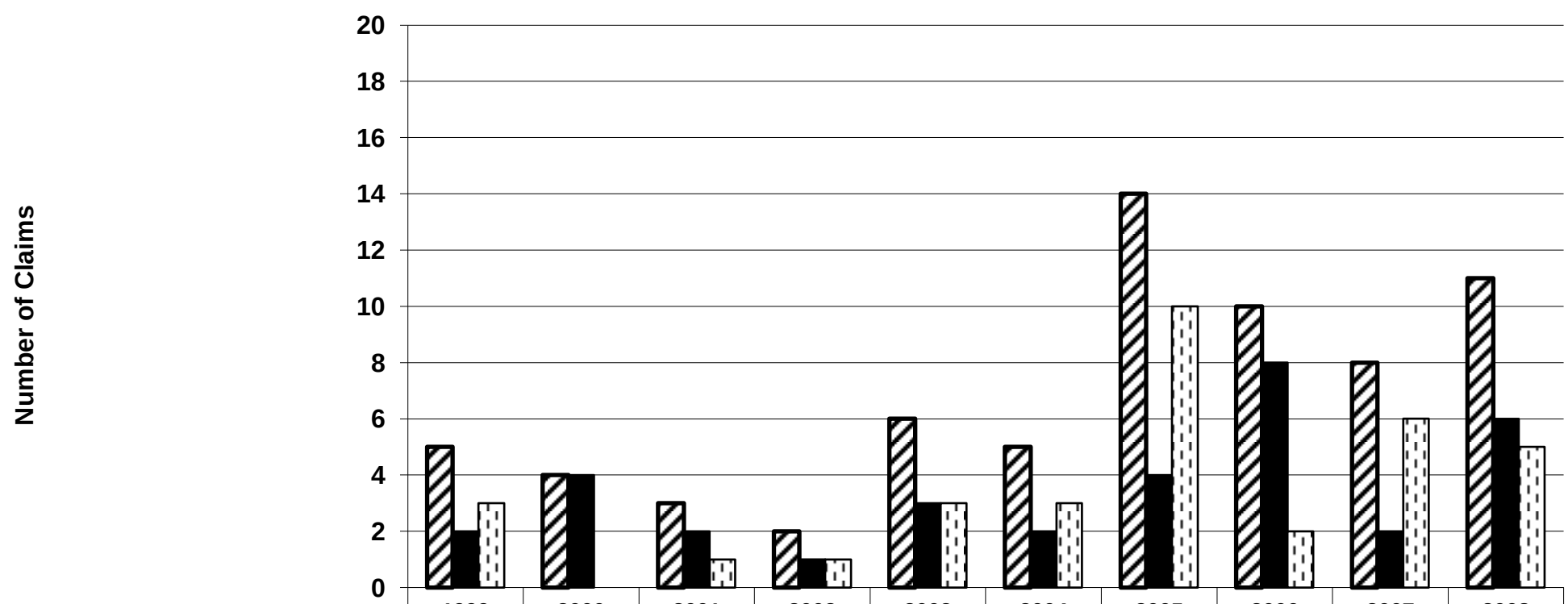
FAILURE TO CALENDAR PROPERLY

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$33,250	$267,909	$9,400	$17,245	$13,000	$52,346	$36,191	$99,200	$22,500	$64,833
AVG LOSS EXPENSE	$677	$38,420	$0	$0	$0	$6,076	$0	$387	$466	$22,805

CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	5	4	3	2	6	5	14	10	8	11
CLOSED WITH PAYMENT	2	4	2	1	3	2	4	8	2	6
CLOSED WITHOUT PAYMENT	3	0	1	1	3	3	10	2	6	5

TEN YEAR SUMMARY
&
2008 SUMMARY
BY
CLAIM DISPOSITIONS

LEGAL MALPRACTICE INSURANCE
INDEMNITY ANALYSIS
FOR YEARS 1999 – 2008

CLAIM DISPOSITION	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
BEFORE FILING SUIT OR DEMANDING HEARING	1,162	306	45.95%	$51,819	$15,856,631	23.91%	$1,094
BEFORE TRIAL OR HEARING	952	326	48.95%	$127,565	$41,586,292	62.70%	$30,688
CLAIM OR SUIT ABANDONED	133	0	0.00%	N/A	$0	0.00%	$1,397
AFTER APPEAL	83	11	1.65%	$283,027	$3,113,298	4.69%	$57,163
AFTER JUDGMENT, BEFORE APPEAL	41	6	0.90%	$319,395	$1,916,370	2.89%	$21,508
DURING TRIAL OR HEARING	35	7	1.05%	$165,023	$1,155,161	1.74%	$39,097
AFTER TRIAL OR HEARING, BEFORE JUDGMENT	30	6	0.90%	$304,214	$1,825,282	2.75%	$40,880
DURING APPEAL	21	4	0.60%	$216,877	$867,507	1.31%	$79,432
DURING REVIEW PANEL	3	0	0.00%	N/A	$0	0.00%	$1,097
TOTAL	2,460	666	100.00%	$99,580	$66,320,541	100.00%	$16,490

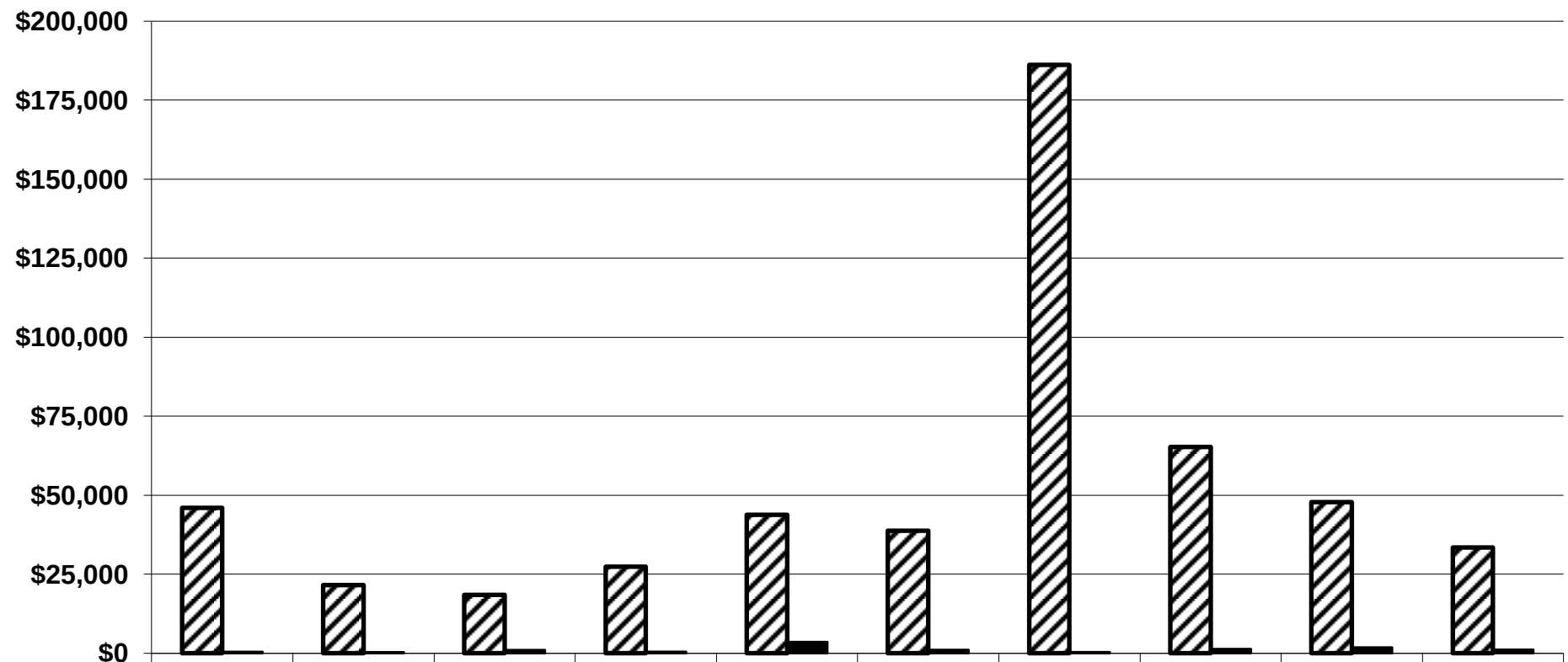
LEGAL MALPRACTICE INSURANCE
INDEMNITY ANALYSIS
CLAIMS CLOSED IN 2008

CLAIM DISPOSITION	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
BEFORE FILING SUIT OR DEMANDING HEARING	117	20	37.74%	$33,486	$669,721	14.96%	$1,126
BEFORE TRIAL OR HEARING	73	32	60.38%	$87,697	$2,806,304	62.70%	$31,653
CLAIM OR SUIT ABANDONED	18	0	0.00%	N/A	$0	0.00%	$2,156
AFTER APPEAL	9	1	1.89%	$999,995	$999,995	22.34%	$144,505
DURING TRIAL OR HEARING	6	0	0.00%	N/A	$0	0.00%	$5,701
AFTER JUDGMENT, BEFORE APPEAL	3	0	0.00%	N/A	$0	0.00%	$2,909
AFTER TRIAL OR HEARING, BEFORE JUDGMENT	3	0	0.00%	N/A	$0	0.00%	$53,677
DURING APPEAL	2	0	0.00%	N/A	$0	0.00%	$5,321
TOTAL	231	53	100.00%	$84,453	$4,476,020	100.00%	$17,300

TRENDS
OF THE TOP EIGHT
CLAIM DISPOSITIONS
OF 2008

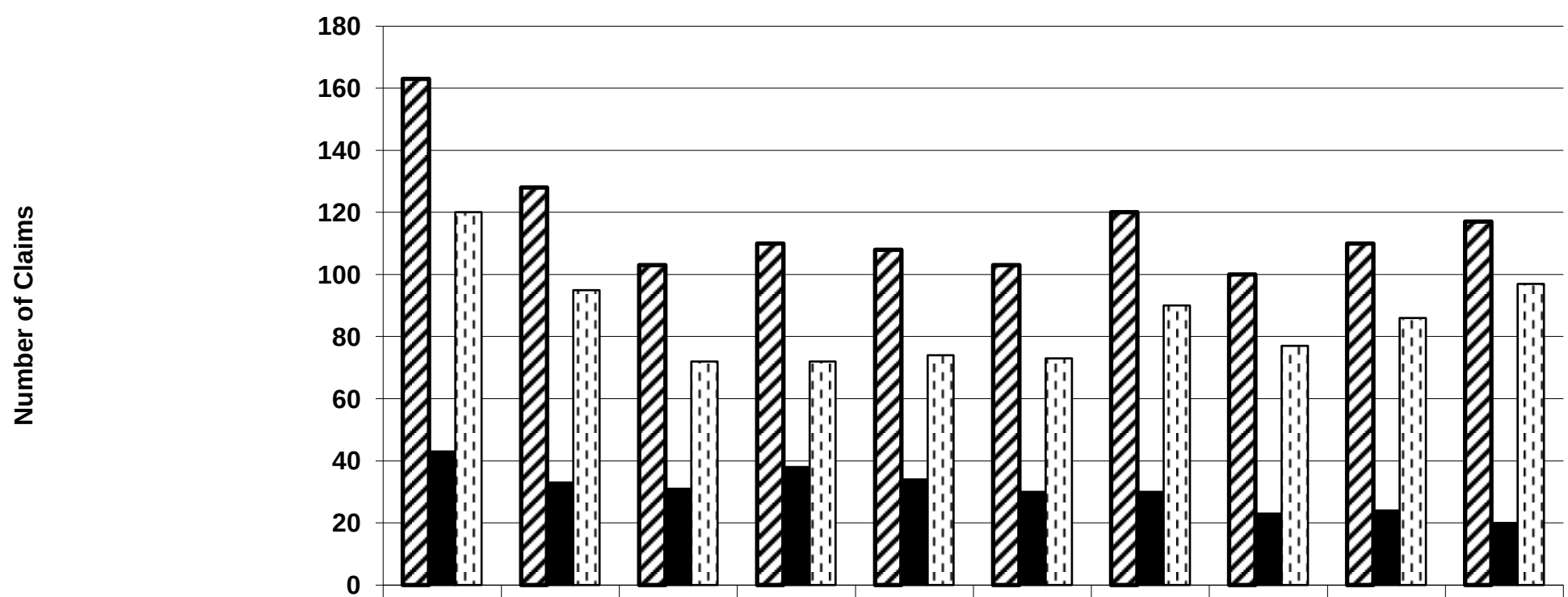
BEFORE FILING SUIT OR DEMANDING HEARING

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$45,972	$21,507	$18,454	$27,364	$43,849	$38,749	$186,209	$65,297	$47,794	$33,486
AVG LOSS EXPENSE	$435	$335	$1,013	$463	$3,560	$1,062	$351	$1,330	$1,829	$1,126

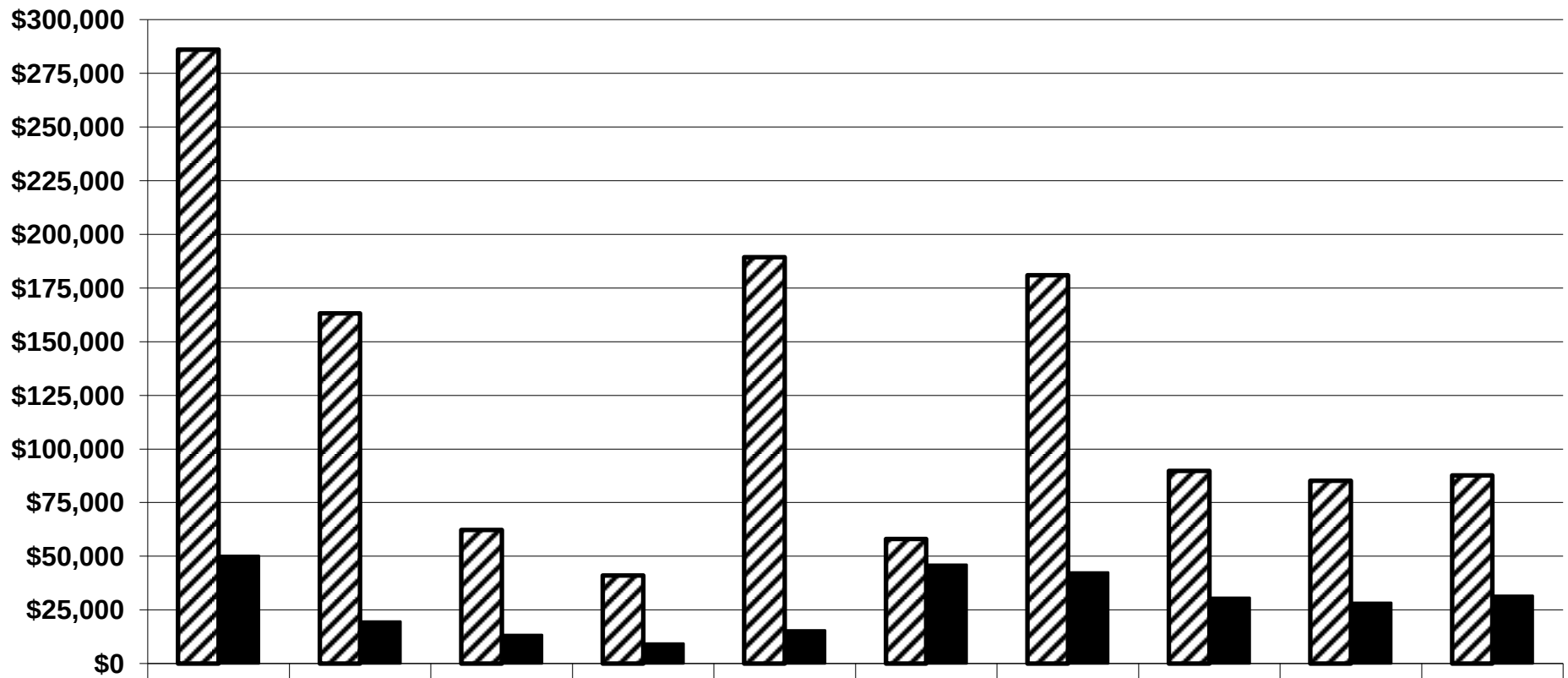
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	163	128	103	110	108	103	120	100	110	117
CLOSED WITH PAYMENT	43	33	31	38	34	30	30	23	24	20
CLOSED WITHOUT PAYMENT	120	95	72	72	74	73	90	77	86	97

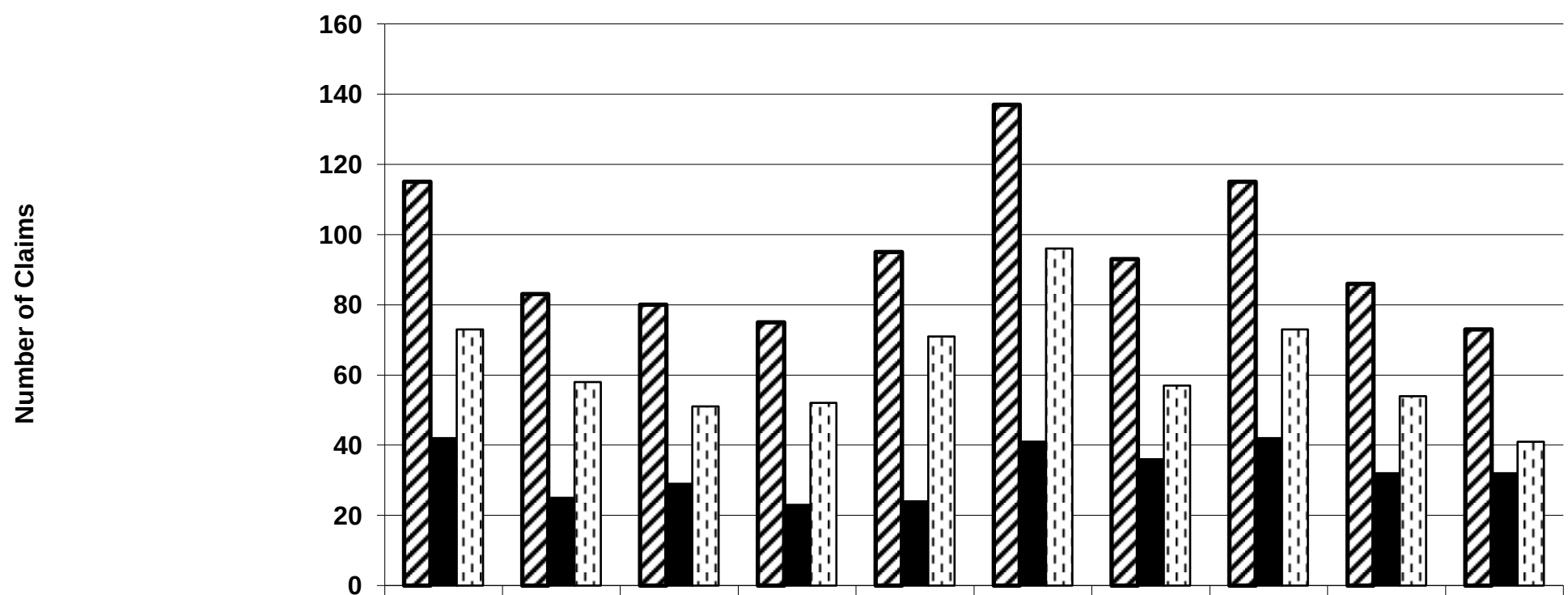
BEFORE TRIAL OR HEARING

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$286,063	$163,158	$62,233	$41,111	$189,366	$57,982	$180,924	$89,818	$85,262	$87,697
AVG LOSS EXPENSE	$50,245	$19,643	$13,393	$9,386	$15,523	$46,124	$42,509	$30,723	$28,378	$31,653

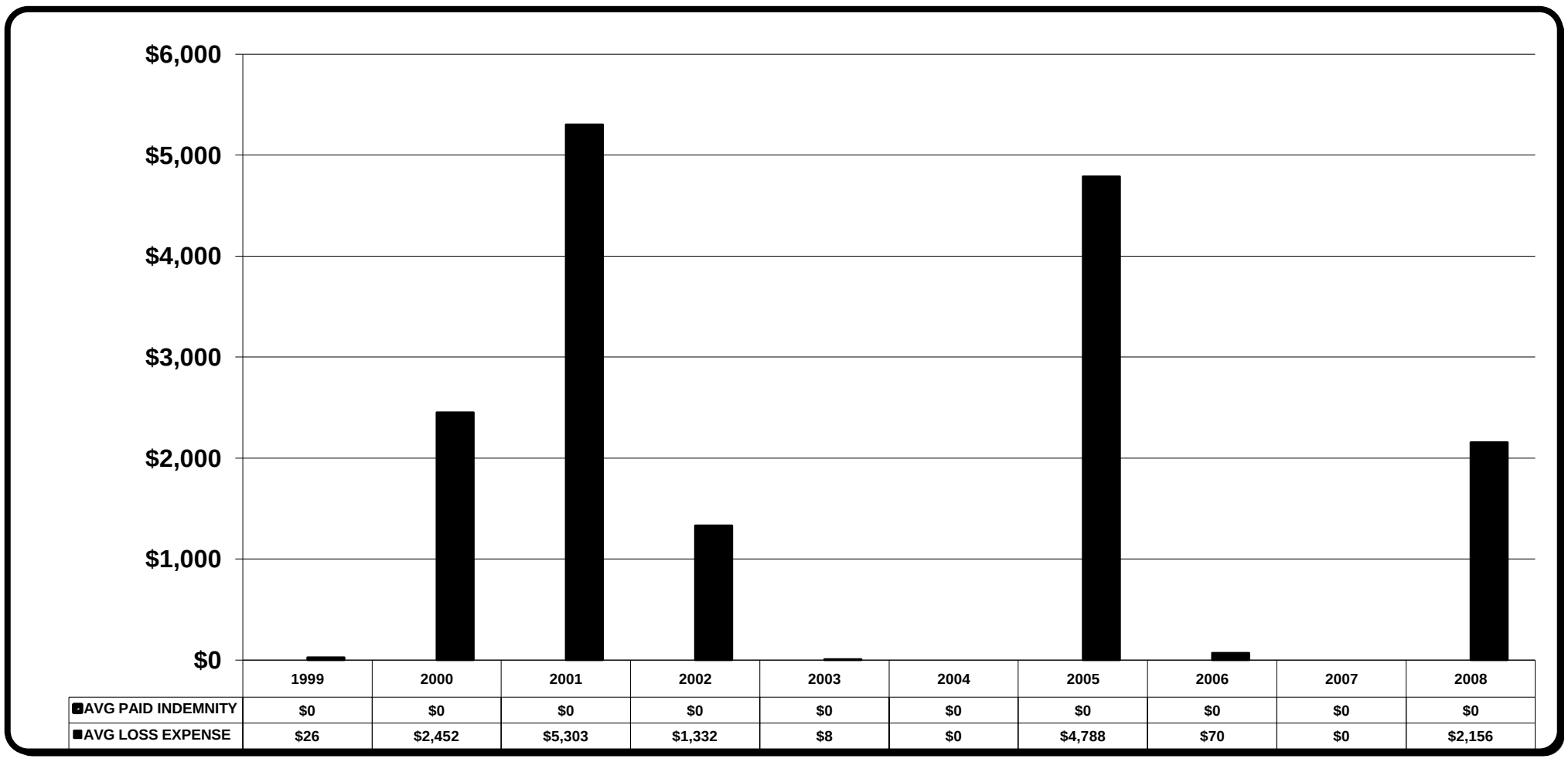
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	115	83	80	75	95	137	93	115	86	73
CLOSED WITH PAYMENT	42	25	29	23	24	41	36	42	32	32
CLOSED WITHOUT PAYMENT	73	58	51	52	71	96	57	73	54	41

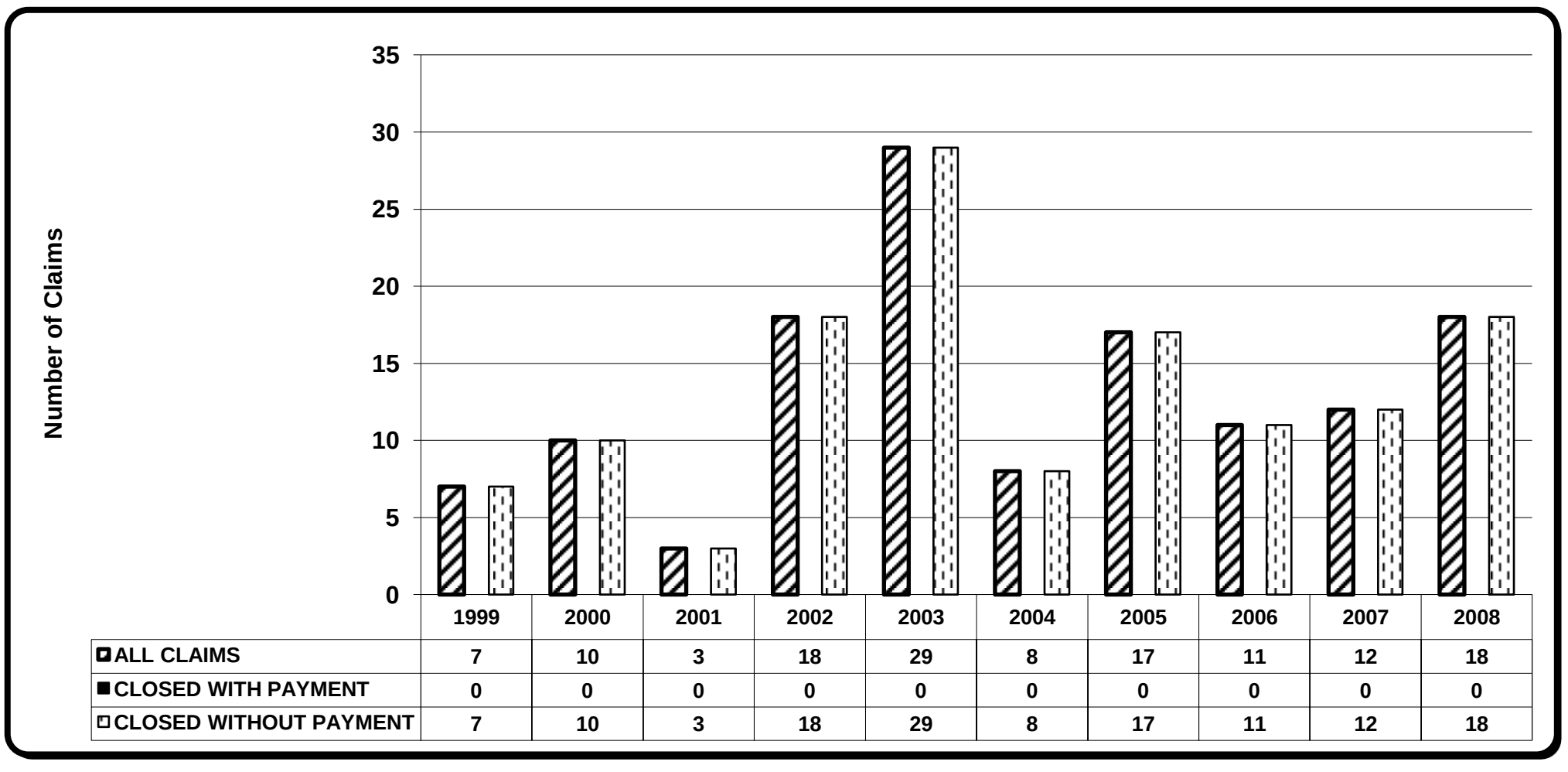
CLAIM OR SUIT ABANDONED

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
AVG LOSS EXPENSE	$26	$2,452	$5,303	$1,332	$8	$0	$4,788	$70	$0	$2,156

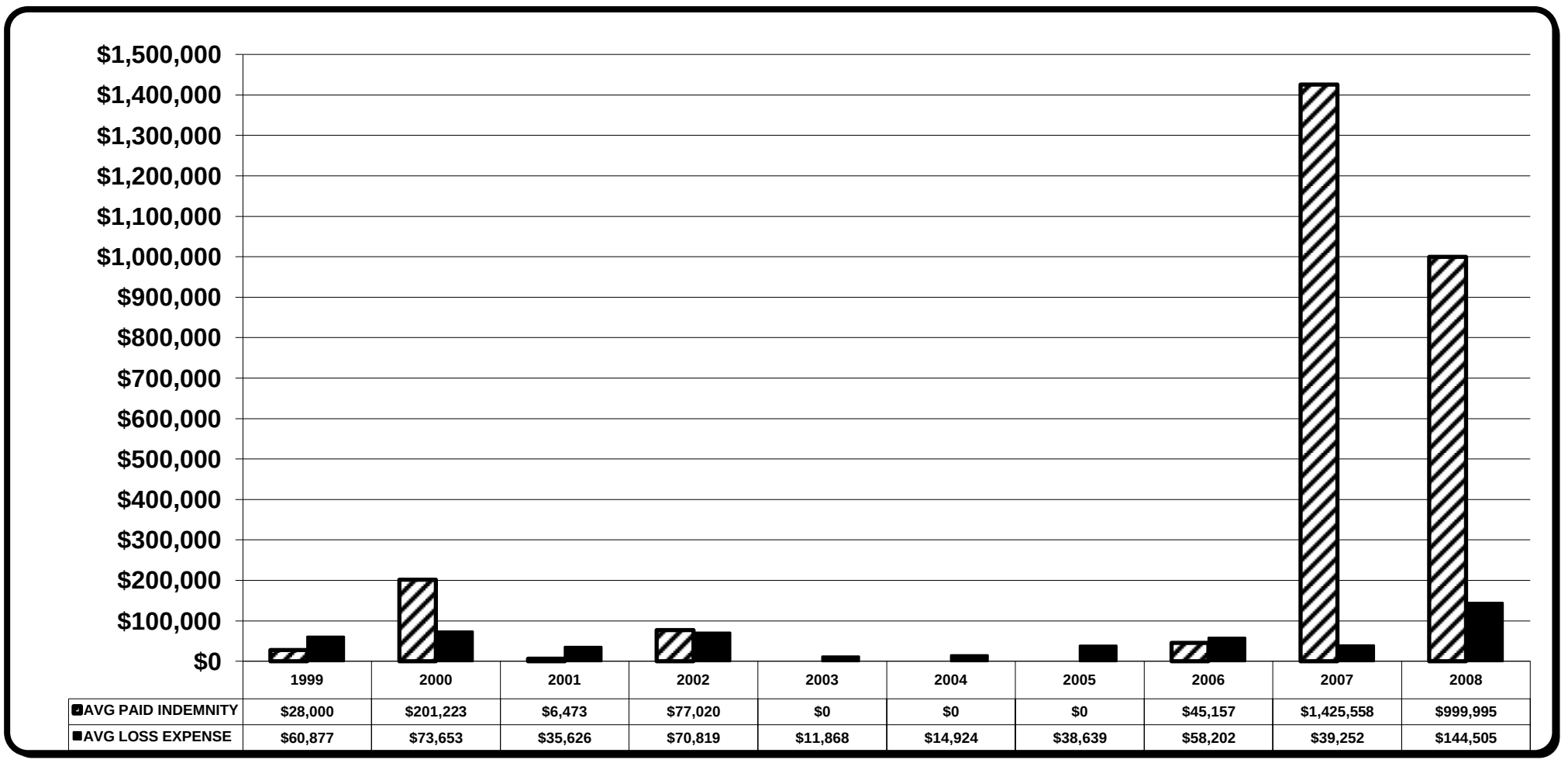
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	7	10	3	18	29	8	17	11	12	18
CLOSED WITH PAYMENT	0	0	0	0	0	0	0	0	0	0
CLOSED WITHOUT PAYMENT	7	10	3	18	29	8	17	11	12	18

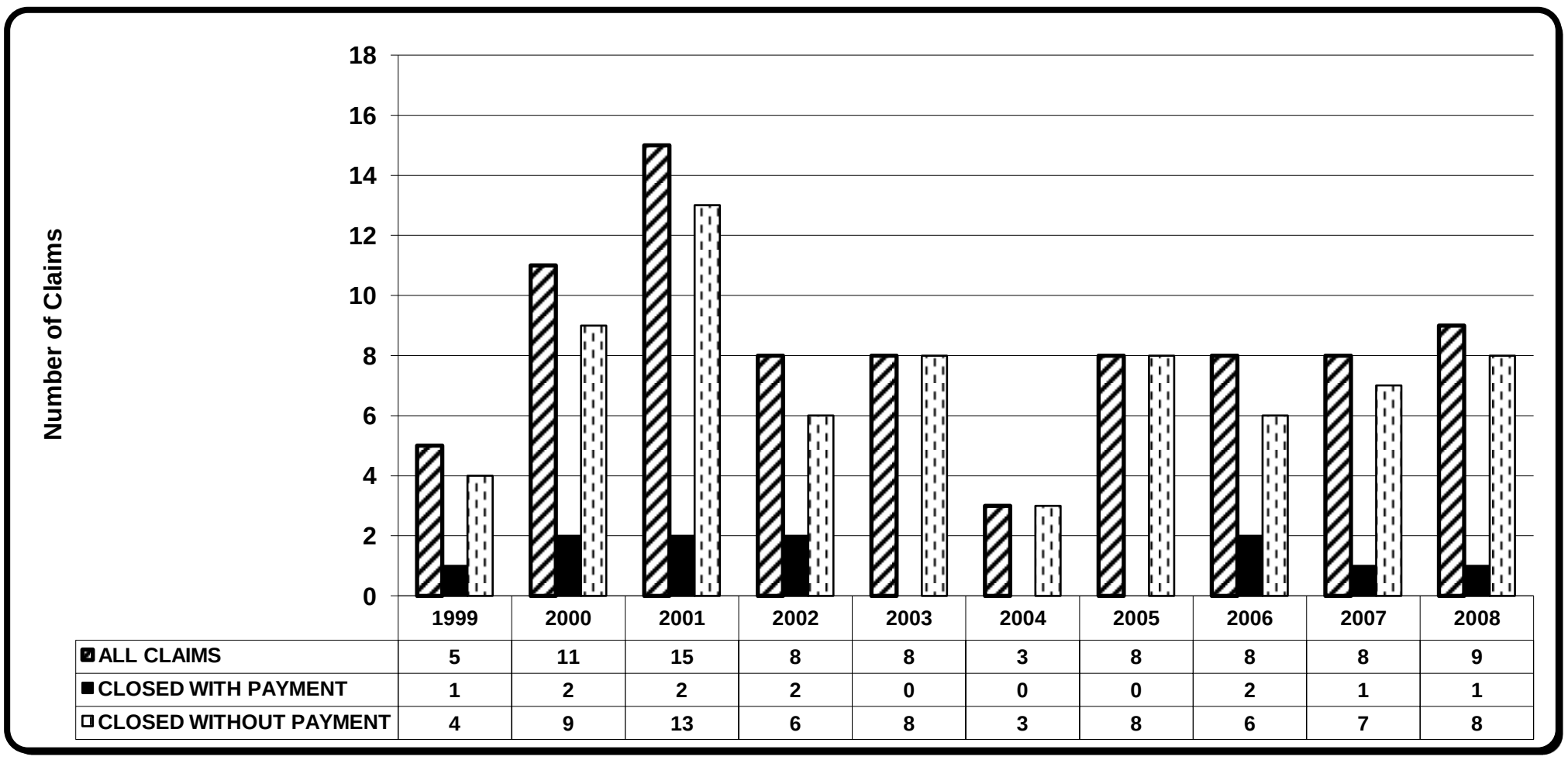
AFTER APPEAL

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$28,000	$201,223	$6,473	$77,020	$0	$0	$0	$45,157	$1,425,558	$999,995
AVG LOSS EXPENSE	$60,877	$73,653	$35,626	$70,819	$11,868	$14,924	$38,639	$58,202	$39,252	$144,505

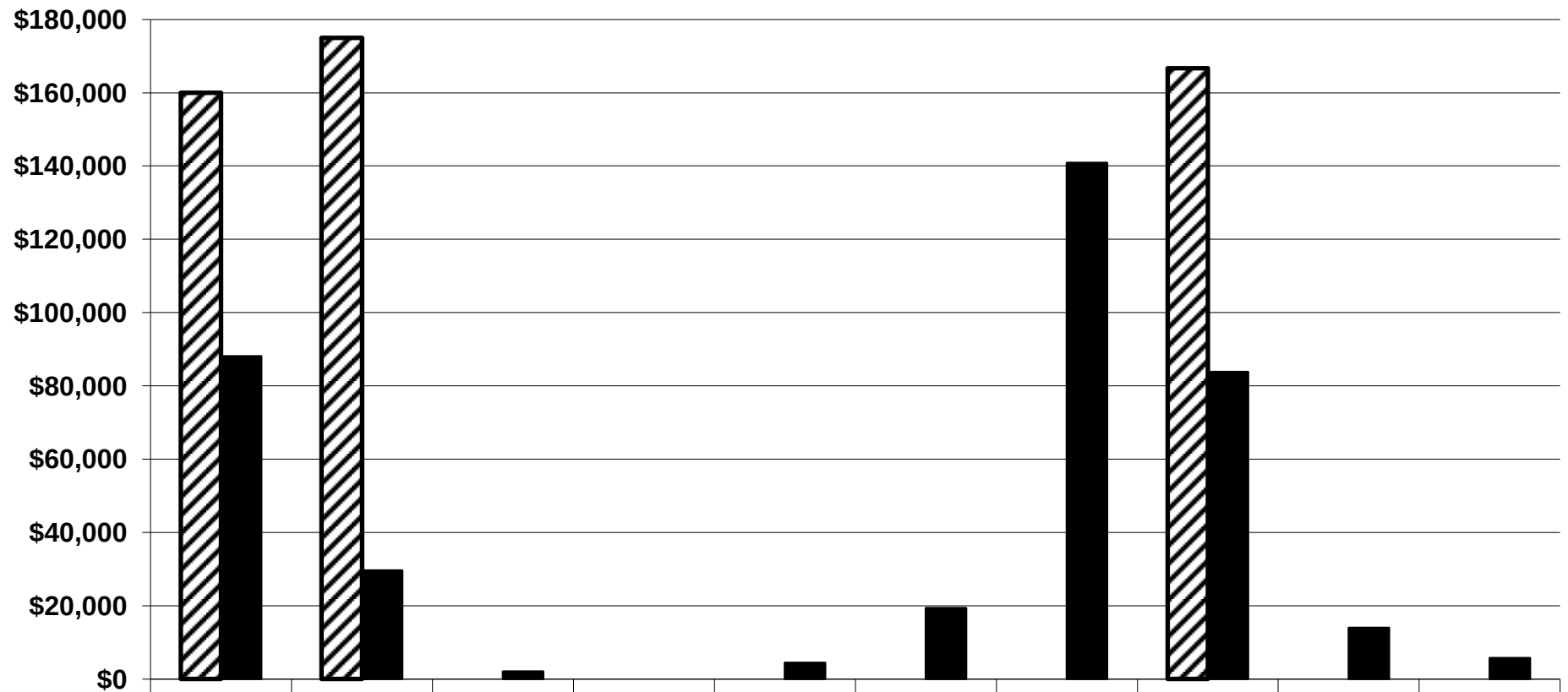
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	5	11	15	8	8	3	8	8	8	9
CLOSED WITH PAYMENT	1	2	2	2	0	0	0	2	1	1
CLOSED WITHOUT PAYMENT	4	9	13	6	8	3	8	6	7	8

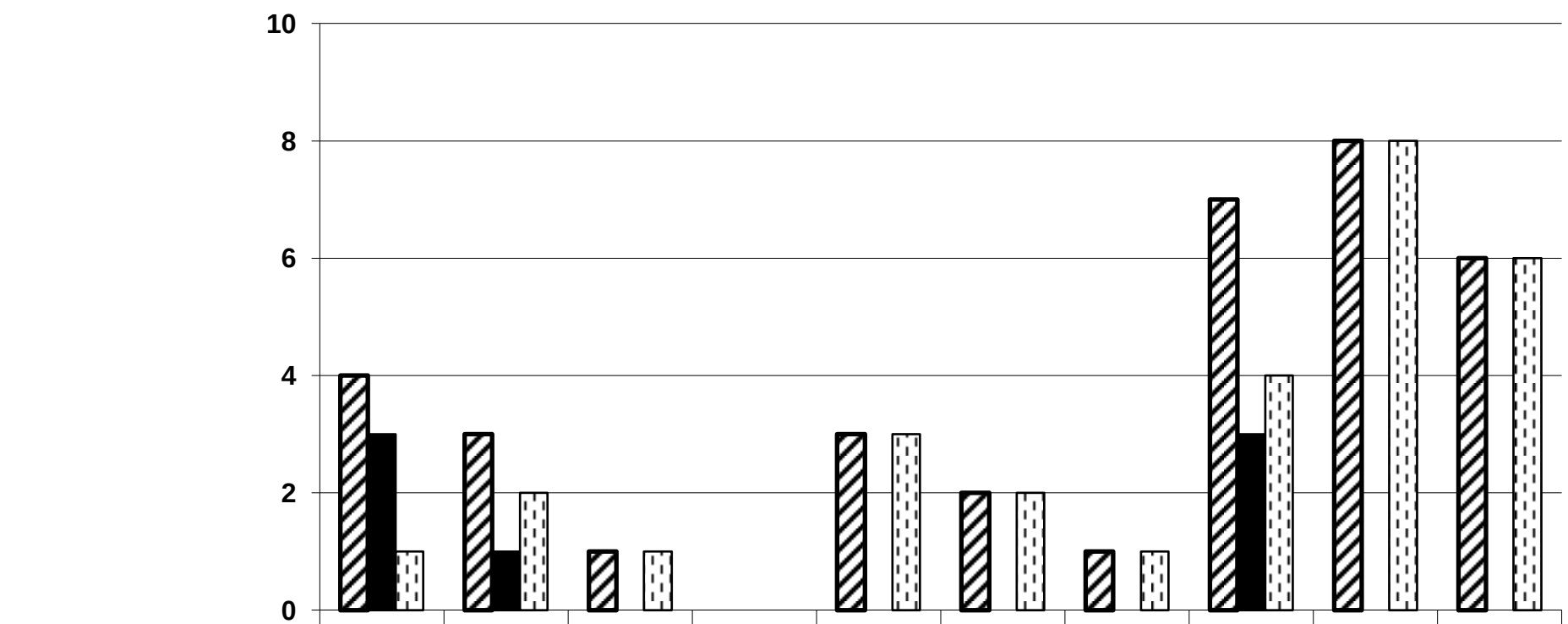
DURING TRIAL OR HEARING

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$160,037	$175,000	$0	$0	$0	$0	$0	$166,683	$0	$0
AVG LOSS EXPENSE	$88,069	$29,613	$2,041	$0	$4,410	$19,357	$140,870	$83,794	$13,956	$5,701

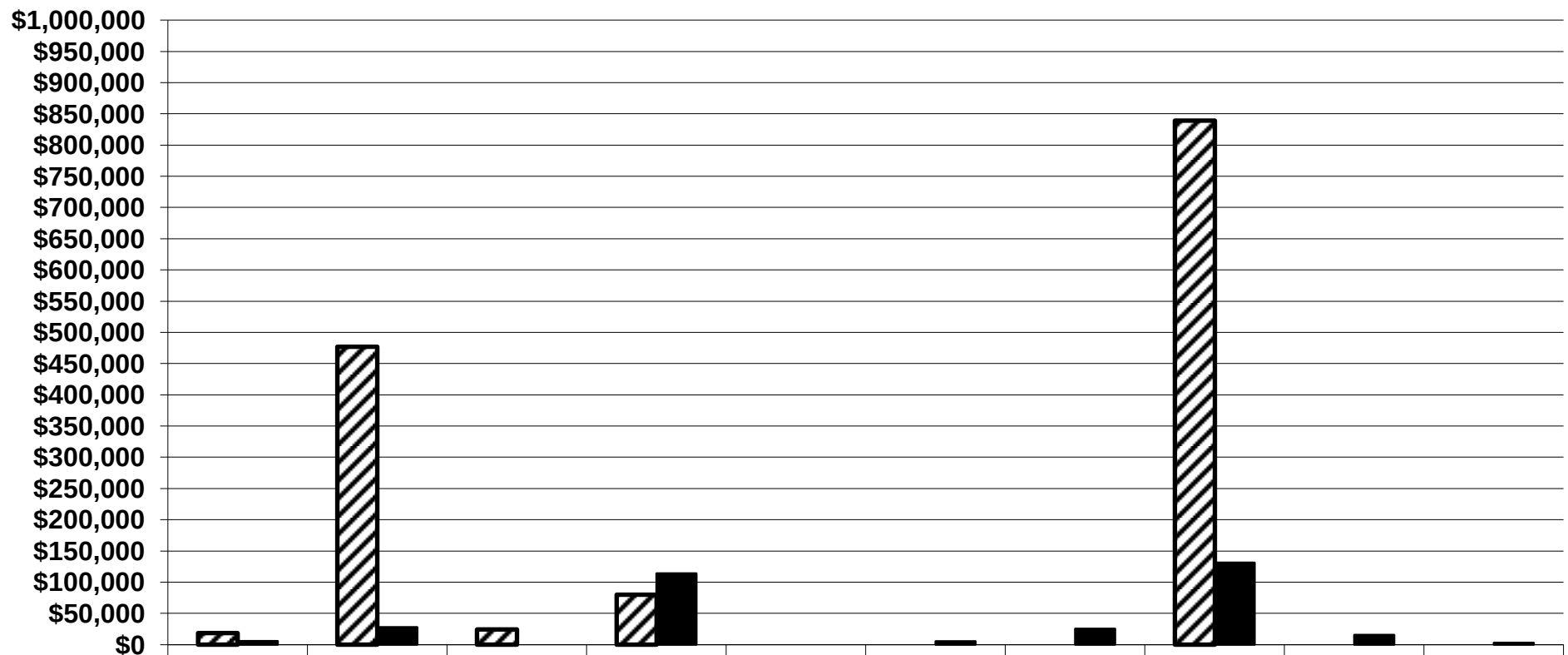
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	4	3	1	0	3	2	1	7	8	6
CLOSED WITH PAYMENT	3	1	0	0	0	0	0	3	0	0
CLOSED WITHOUT PAYMENT	1	2	1	0	3	2	1	4	8	6

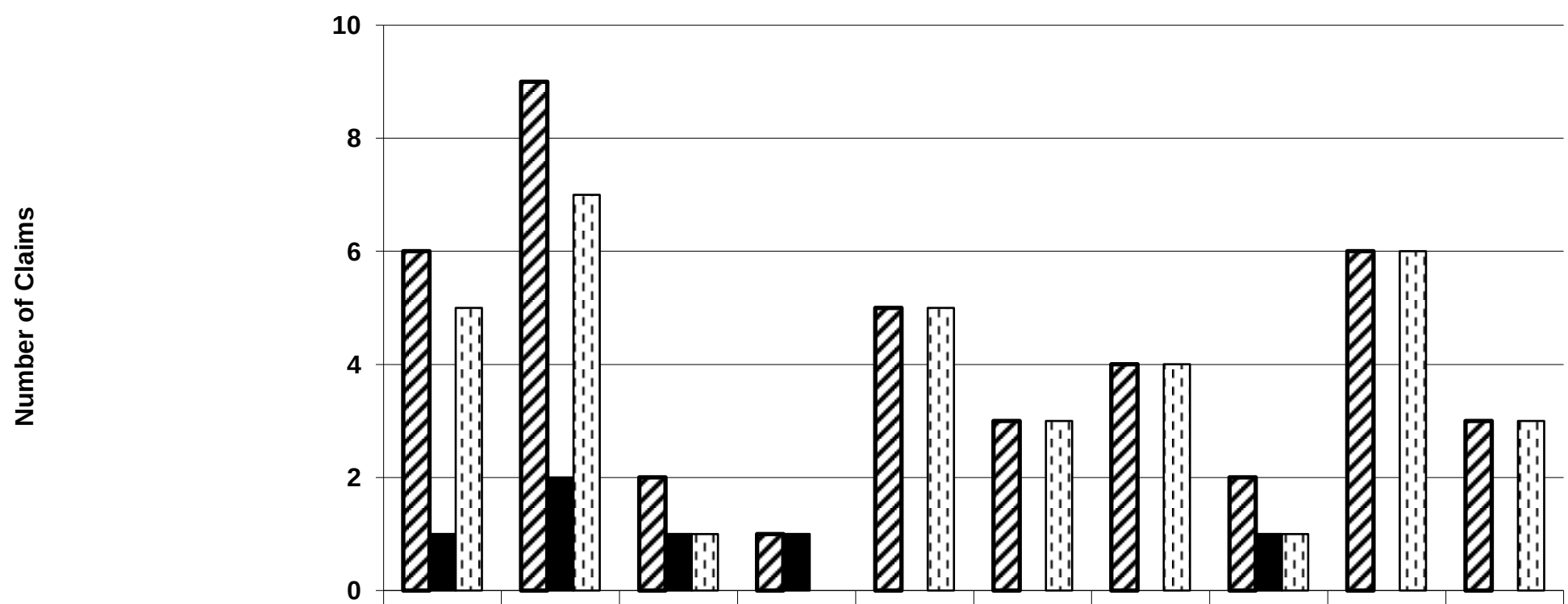
AFTER JUDGMENT, BEFORE APPEAL

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$18,381	$477,245	$24,500	$80,000	$0	$0	$0	$839,000	$0	$0
AVG LOSS EXPENSE	$5,707	$27,916	$0	$114,047	$0	$5,355	$25,414	$131,246	$15,561	$2,909

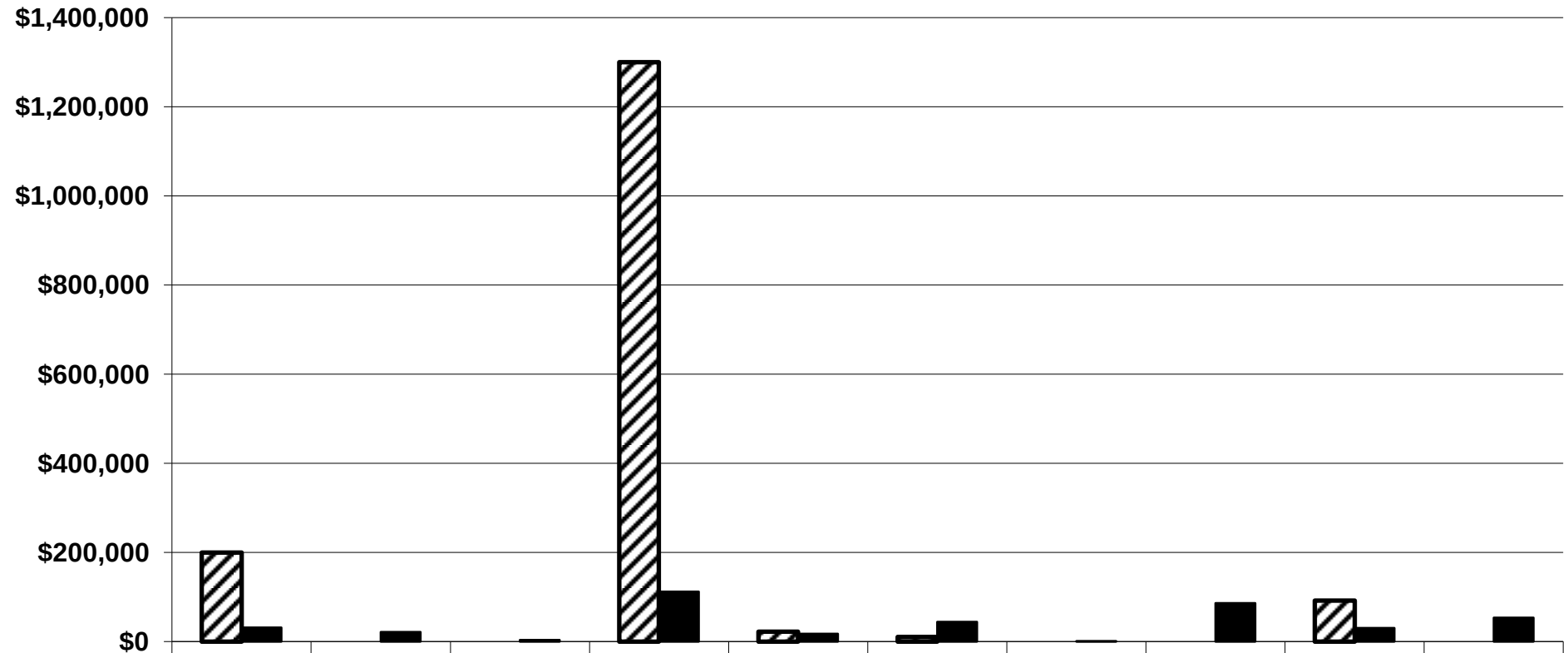
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	6	9	2	1	5	3	4	2	6	3
CLOSED WITH PAYMENT	1	2	1	1	0	0	0	1	0	0
CLOSED WITHOUT PAYMENT	5	7	1	0	5	3	4	1	6	3

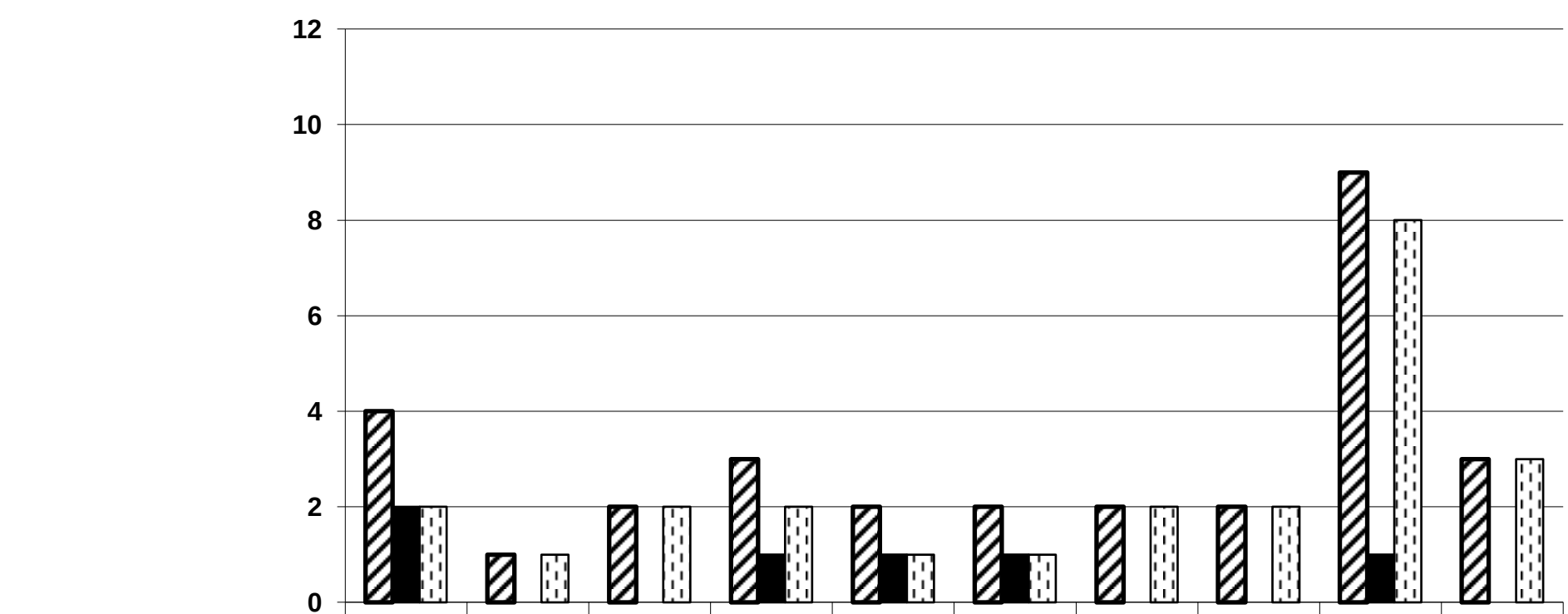
AFTER TRIAL OR HEARING, BEFORE JUDGMENT

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$200,000	$0	$0	$1,300,000	$22,000	$11,000	$0	$0	$92,282	$0
AVG LOSS EXPENSE	$31,552	$21,576	$3,718	$112,126	$17,605	$44,283	$1,208	$86,330	$30,546	$53,677

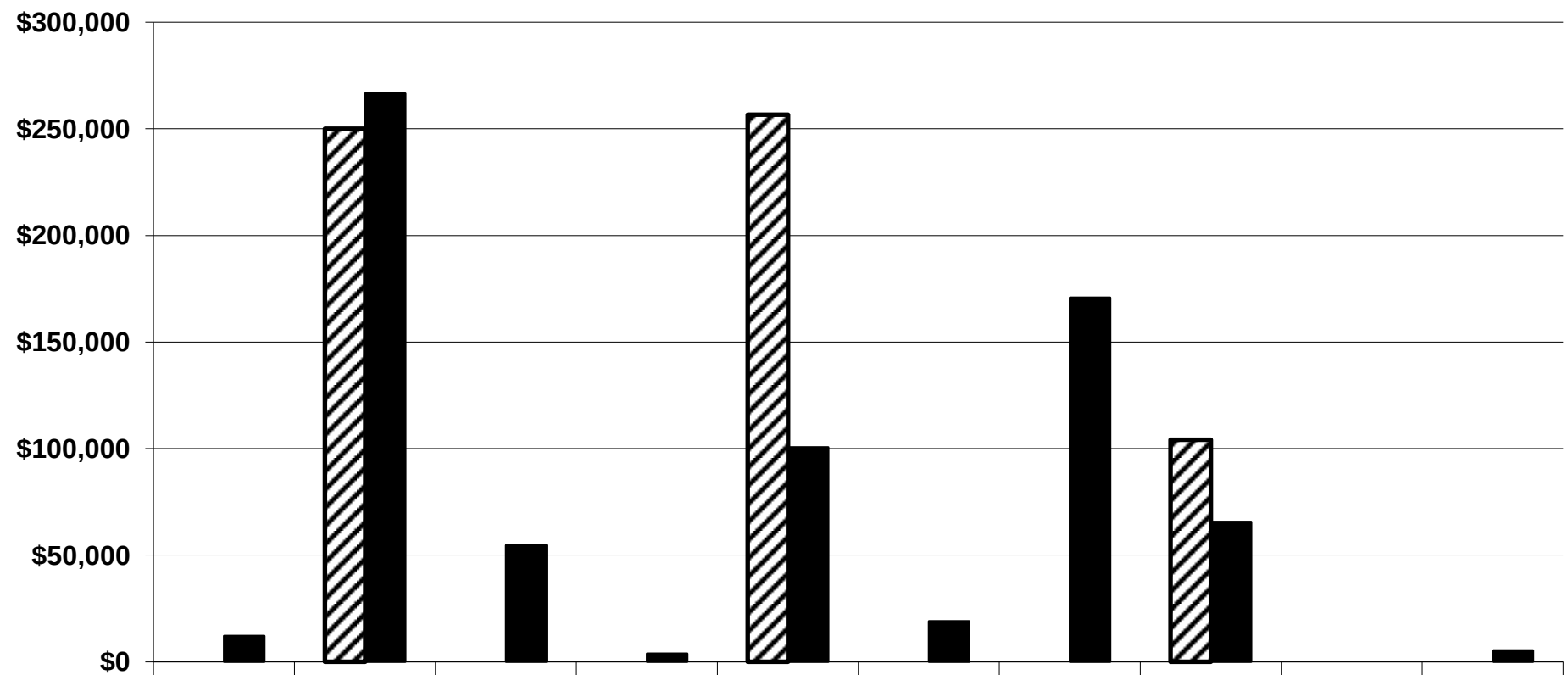
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	4	1	2	3	2	2	2	2	9	3
CLOSED WITH PAYMENT	2	0	0	1	1	1	0	0	1	0
CLOSED WITHOUT PAYMENT	2	1	2	2	1	1	2	2	8	3

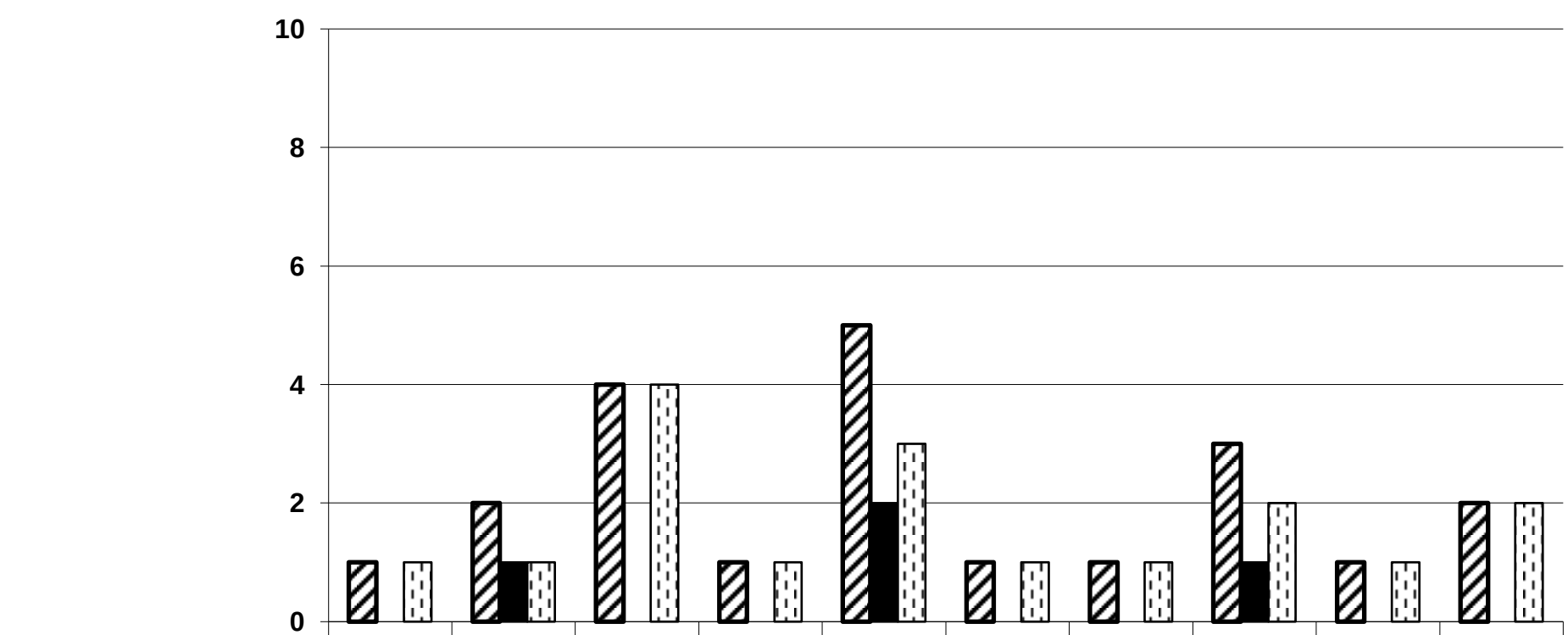
DURING APPEAL

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$0	$250,000	$0	$0	$256,634	$0	$0	$104,240	$0	$0
AVG LOSS EXPENSE	$12,128	$266,548	$54,673	$3,807	$100,598	$19,014	$170,804	$65,634	$0	$5,321

CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	1	2	4	1	5	1	1	3	1	2
CLOSED WITH PAYMENT	0	1	0	0	2	0	0	1	0	0
CLOSED WITHOUT PAYMENT	1	1	4	1	3	1	1	2	1	2

TEN YEAR SUMMARY
&
2008 SUMMARY
BY
YEARS ADMITTED TO PRACTICE

LEGAL MALPRACTICE INSURANCE
INDEMNITY ANALYSIS
FOR YEARS 1999 – 2008

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	2,316	628	94.29%	$94,247	$59,187,398	89.24%	$16,076
4 TO 10 YEARS	112	31	4.65%	$222,396	$6,894,283	10.40%	$27,854
UNDER 4 YEARS	32	7	1.05%	$34,123	$238,860	0.36%	$6,620
TOTAL	2,460	666	100.00%	$99,580	$66,320,541	100.00%	$16,490

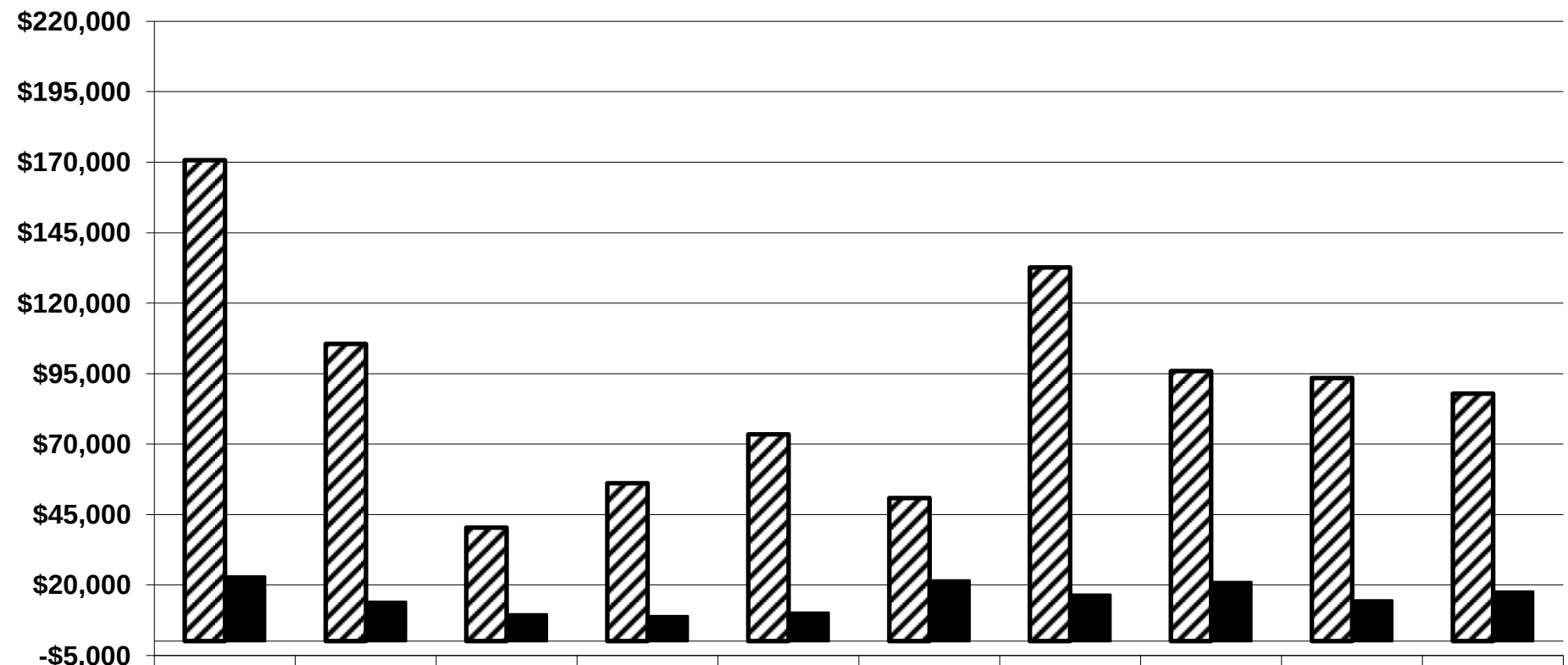
LEGAL MALPRACTICE INSURANCE
INDEMNITY ANALYSIS
CLAIMS CLOSED IN 2008

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	217	49	92.45%	$87,901	$4,307,170	96.23%	$17,660
4 TO 10 YEARS	7	3	5.66%	$43,667	$131,000	2.93%	$22,361
UNDER 4 YEARS	7	1	1.89%	$37,850	$37,850	0.85%	$1,098
TOTAL	231	53	100.00%	$84,453	$4,476,020	100.00%	$17,300

TRENDS
OF
YEARS ADMITTED TO PRACTICE
FOR 2008

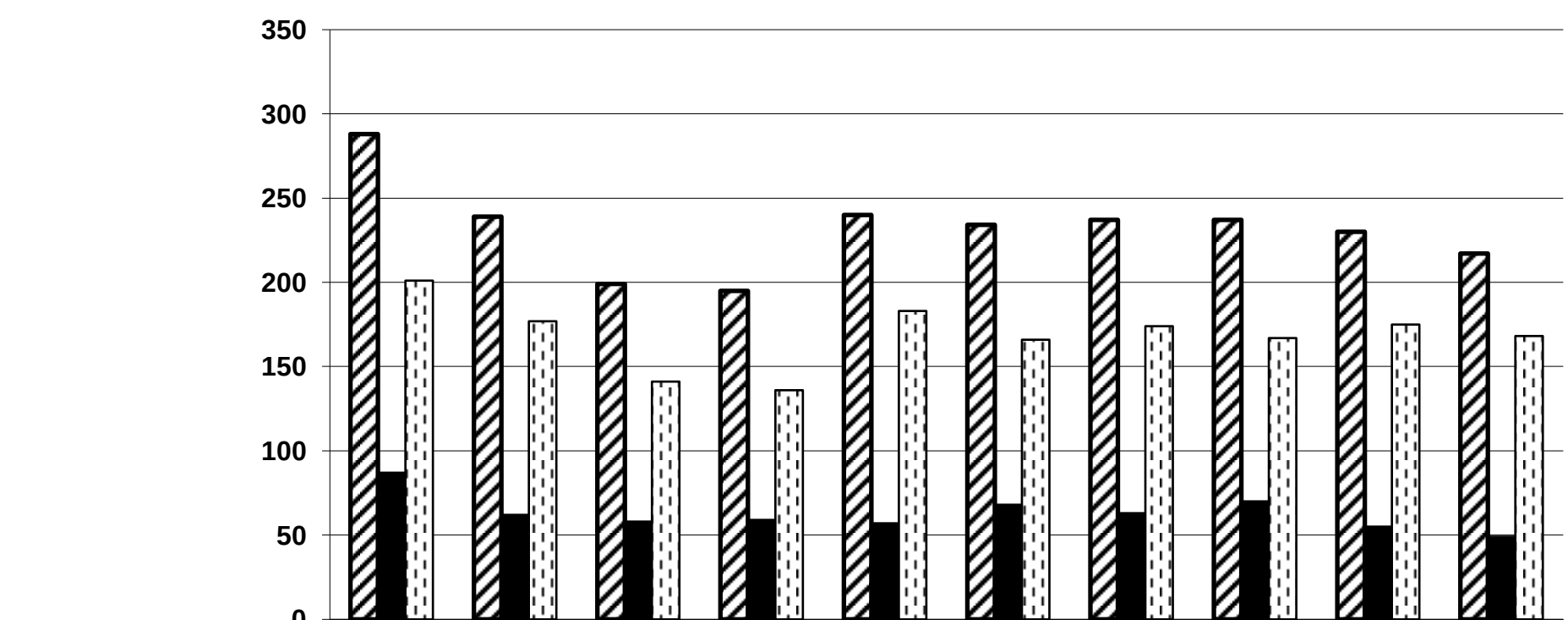
OVER 10 YEARS

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$170,678	$105,581	$40,332	$56,041	$73,371	$50,783	$132,611	$95,939	$93,342	$87,901
AVG LOSS EXPENSE	$23,017	$14,045	$9,588	$8,956	$10,178	$21,615	$16,570	$21,052	$14,539	$17,660

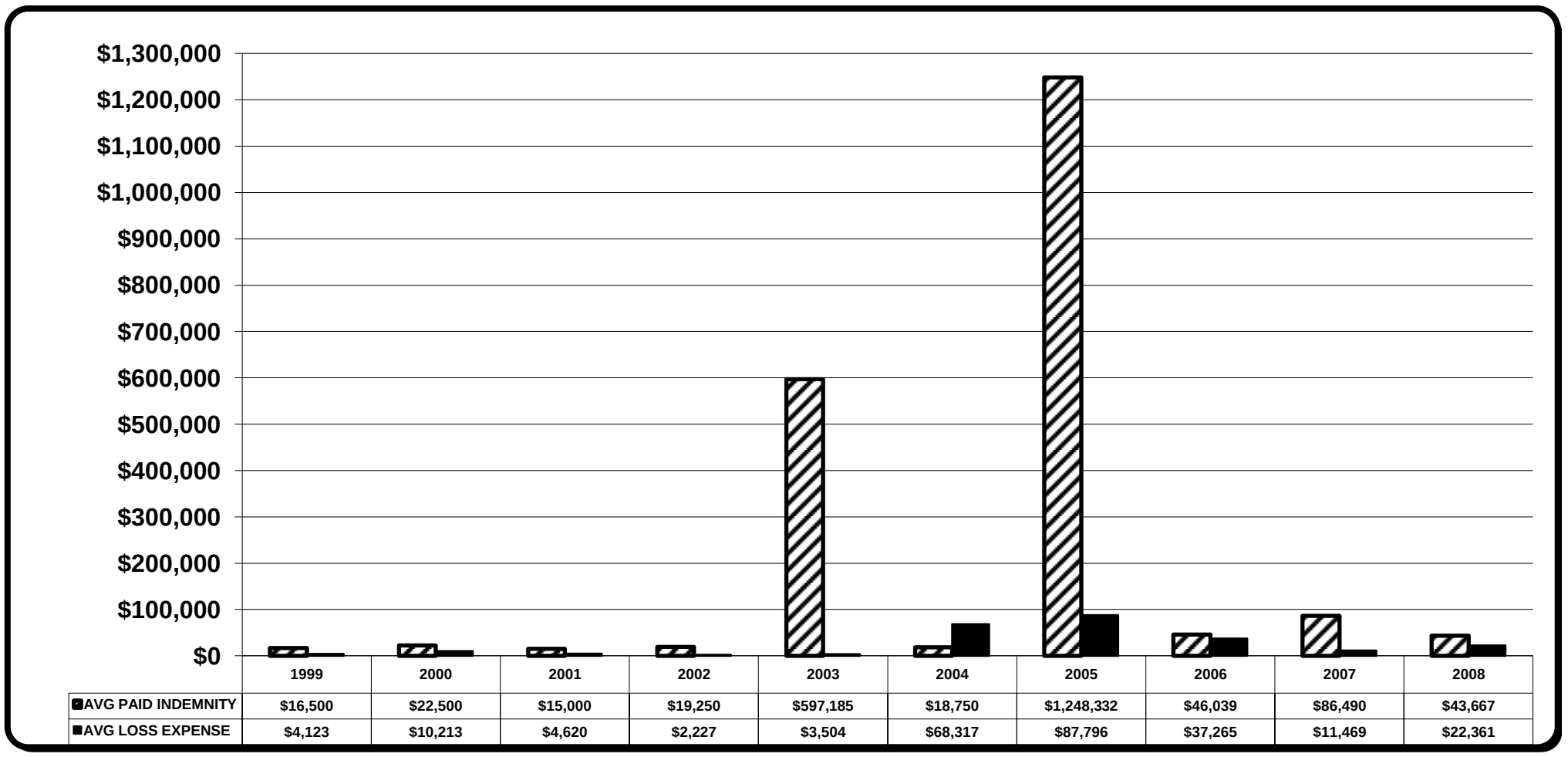
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	288	239	199	195	240	234	237	237	230	217
CLOSED WITH PAYMENT	87	62	58	59	57	68	63	70	55	49
CLOSED WITHOUT PAYMENT	201	177	141	136	183	166	174	167	175	168

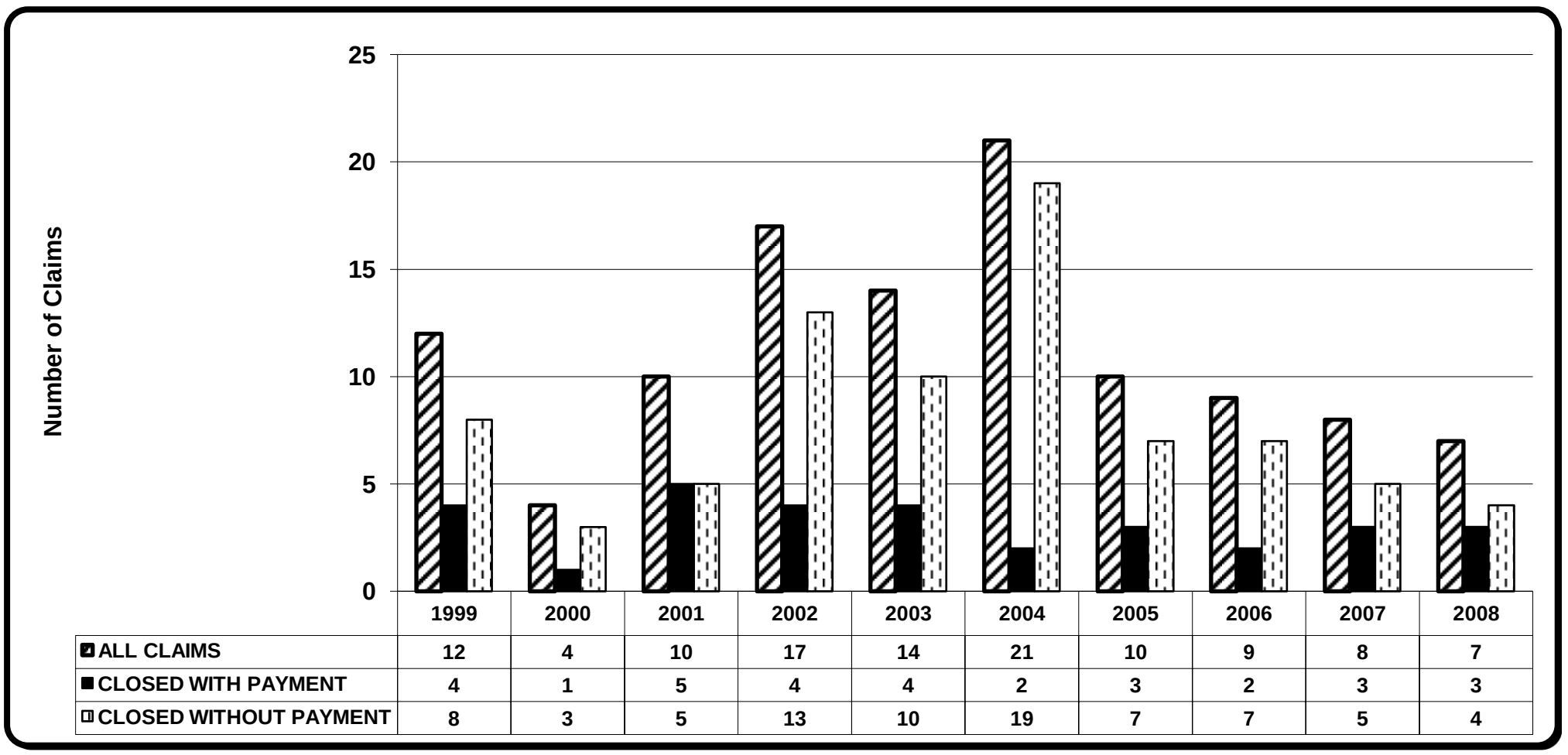
4 TO 10 YEARS

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$16,500	$22,500	$15,000	$19,250	$597,185	$18,750	$1,248,332	$46,039	$86,490	$43,667
AVG LOSS EXPENSE	$4,123	$10,213	$4,620	$2,227	$3,504	$68,317	$87,796	$37,265	$11,469	$22,361

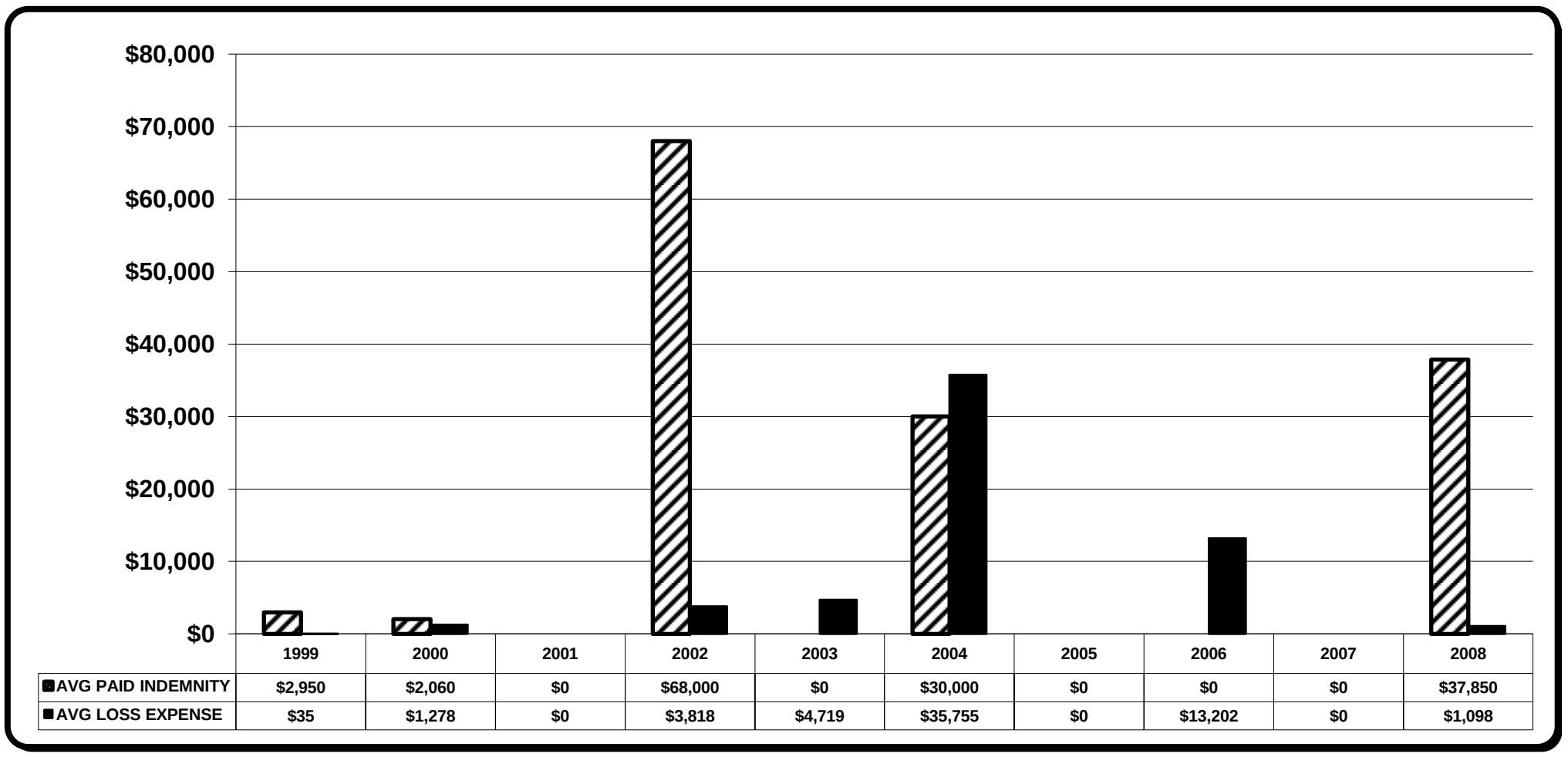
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	12	4	10	17	14	21	10	9	8	7
CLOSED WITH PAYMENT	4	1	5	4	4	2	3	2	3	3
CLOSED WITHOUT PAYMENT	8	3	5	13	10	19	7	7	5	4

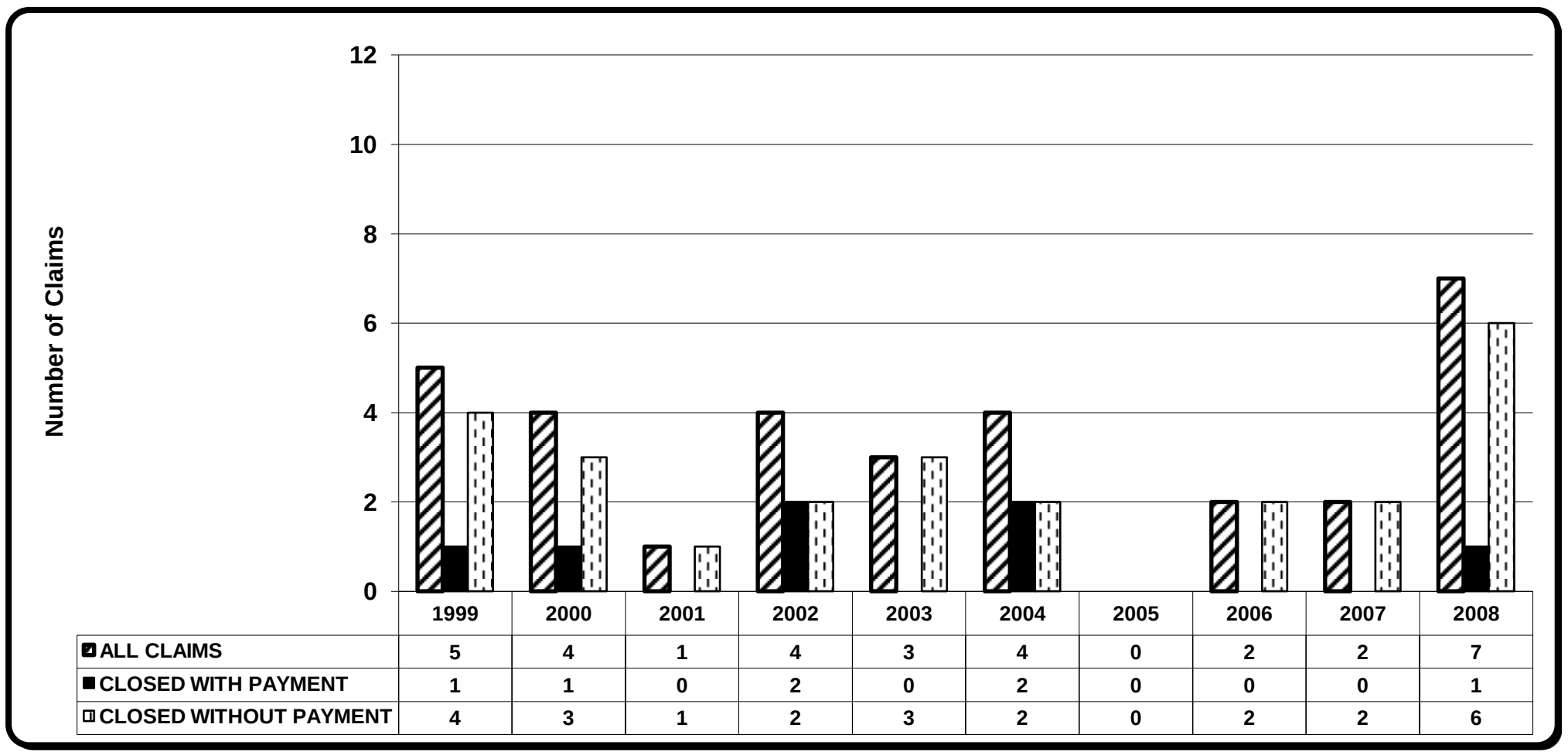
UNDER 4 YEARS

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$2,950	$2,060	$0	$68,000	$0	$30,000	$0	$0	$0	$37,850
AVG LOSS EXPENSE	$35	$1,278	$0	$3,818	$4,719	$35,755	$0	$13,202	$0	$1,098

CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	5	4	1	4	3	4	0	2	2	7
CLOSED WITH PAYMENT	1	1	0	2	0	2	0	0	0	1
CLOSED WITHOUT PAYMENT	4	3	1	2	3	2	0	2	2	6

TEN YEAR SUMMARY
&
2008 SUMMARY
BY
INSURED/CLAIMANT RELATIONSHIP

LEGAL MALPRACTICE INSURANCE
INDEMNITY ANALYSIS
FOR YEARS 1999 – 2008

INSURED'S RELATIONSHIP TO THE CLAIMANT	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
CLIENT OTHER THAN FREE LEGAL SERVICE OR PREPAID LEGAL PLAN	2,040	610	91.59%	$92,751	$56,578,003	85.31%	$17,559
NON-CLIENT	407	52	7.81%	$98,366	$5,115,038	7.71%	$10,920
FREE LEGAL SERVICE	9	2	0.30%	$26,250	$52,500	0.08%	$3,013
MEMBER PRE-PAID LEGAL PLAN	4	2	0.30%	$2,287,500	$4,575,000	6.90%	$68,435
TOTAL	2,460	666	100.00%	$99,580	$66,320,541	100.00%	$16,490

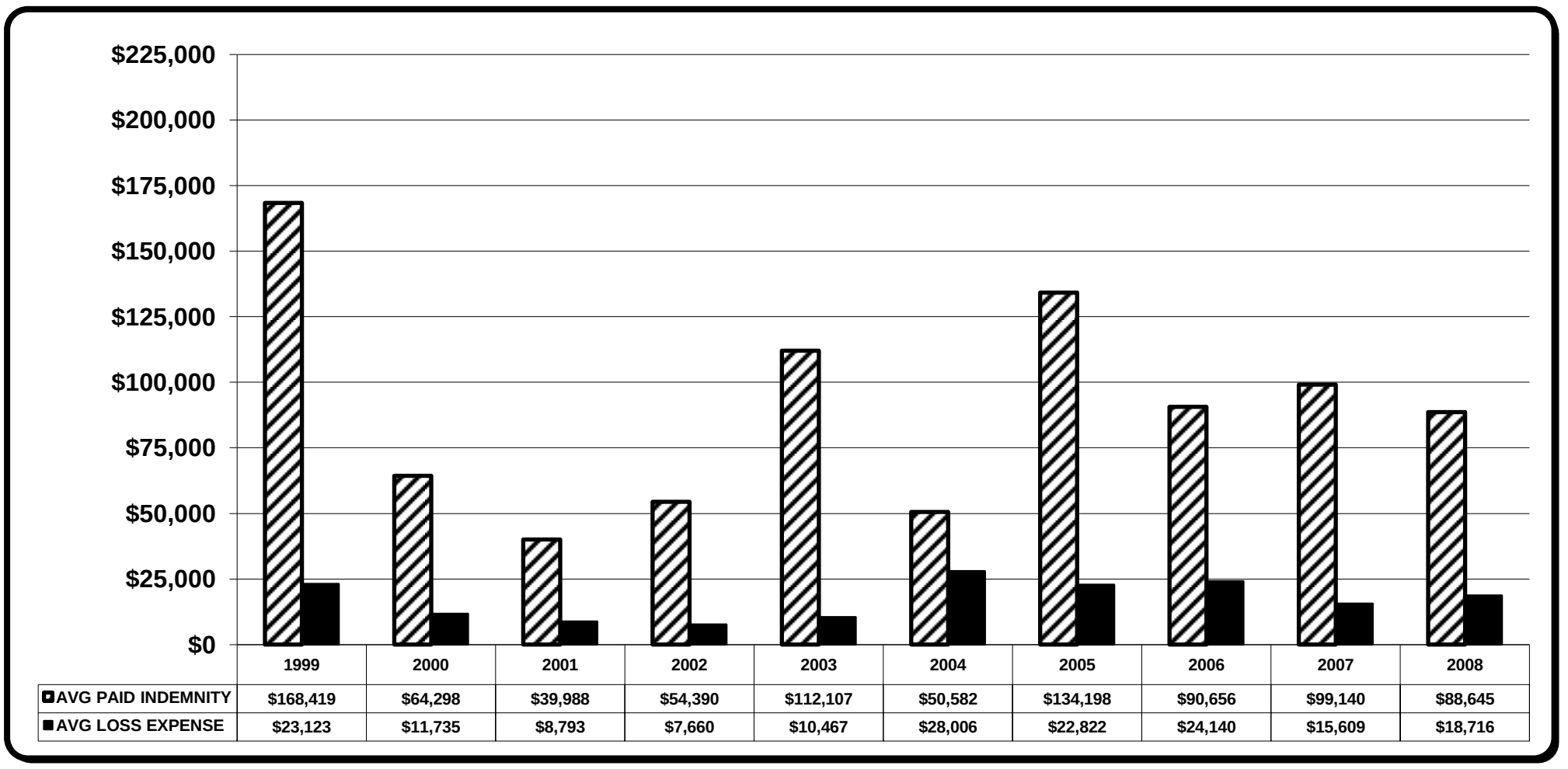
LEGAL MALPRACTICE INSURANCE
INDEMNITY ANALYSIS
CLAIMS CLOSED IN 2008

INSURED'S RELATIONSHIP TO THE CLAIMANT	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
CLIENT OTHER THAN FREE LEGAL SERVICE OR PREPAID LEGAL PLAN	174	45	84.91%	$88,645	$3,989,016	89.12%	$18,716
NON-CLIENT	55	8	15.09%	$60,876	$487,004	10.88%	$13,313
FREE LEGAL SERVICE	2	0	0.00%	N/A	$0	0.00%	$3,830
TOTAL	231	53	100.00%	$84,453	$4,476,020	100.00%	$17,300

TRENDS
OF
INSURED/CLAIMANT
RELATIONSHIP
FOR 2008

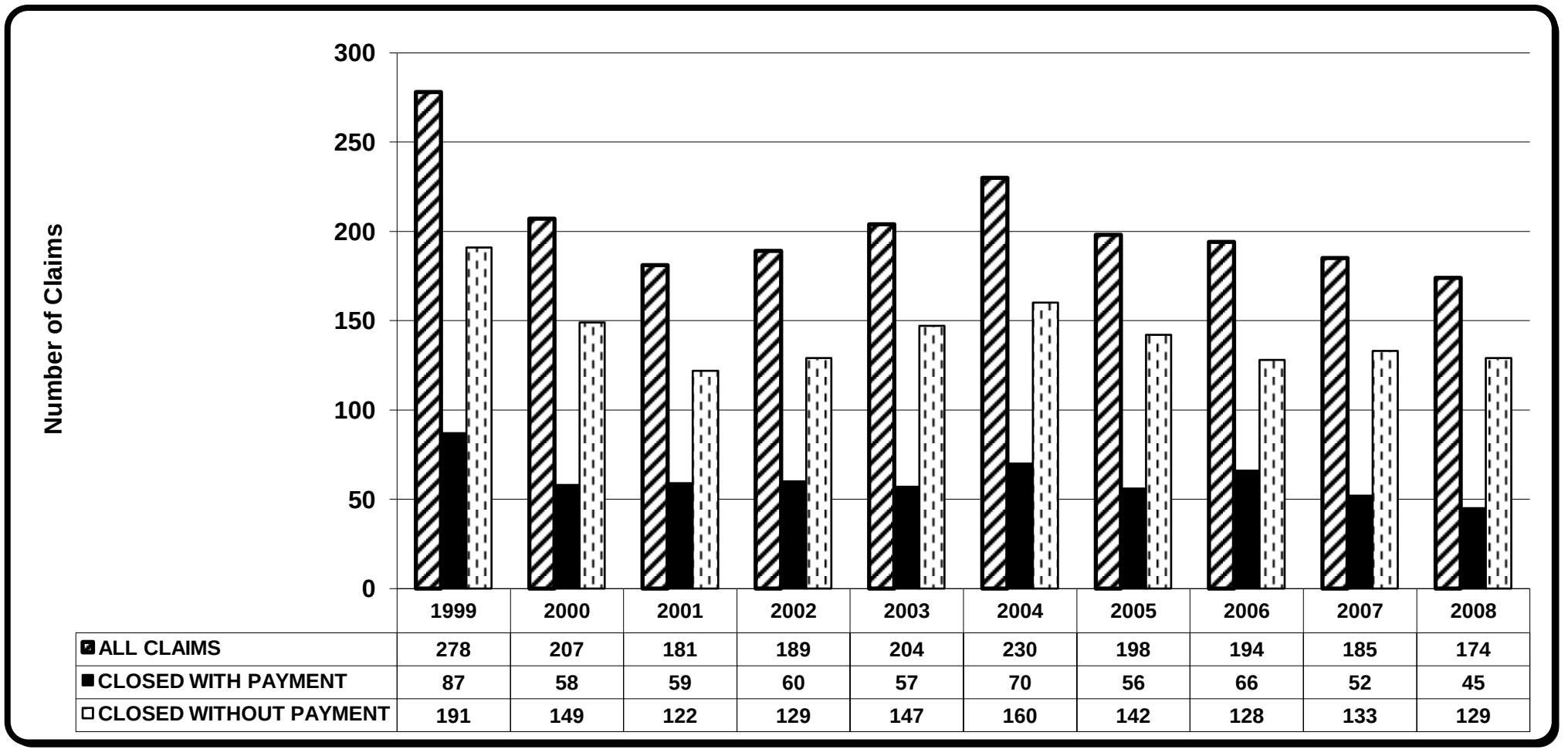
CLIENT OTHER THAN FREE LEGAL SERVICE OR MEMBER OF PRE-PAID LEGAL PLAN

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$168,419	$64,298	$39,988	$54,390	$112,107	$50,582	$134,198	$90,656	$99,140	$88,645
AVG LOSS EXPENSE	$23,123	$11,735	$8,793	$7,660	$10,467	$28,006	$22,822	$24,140	$15,609	$18,716

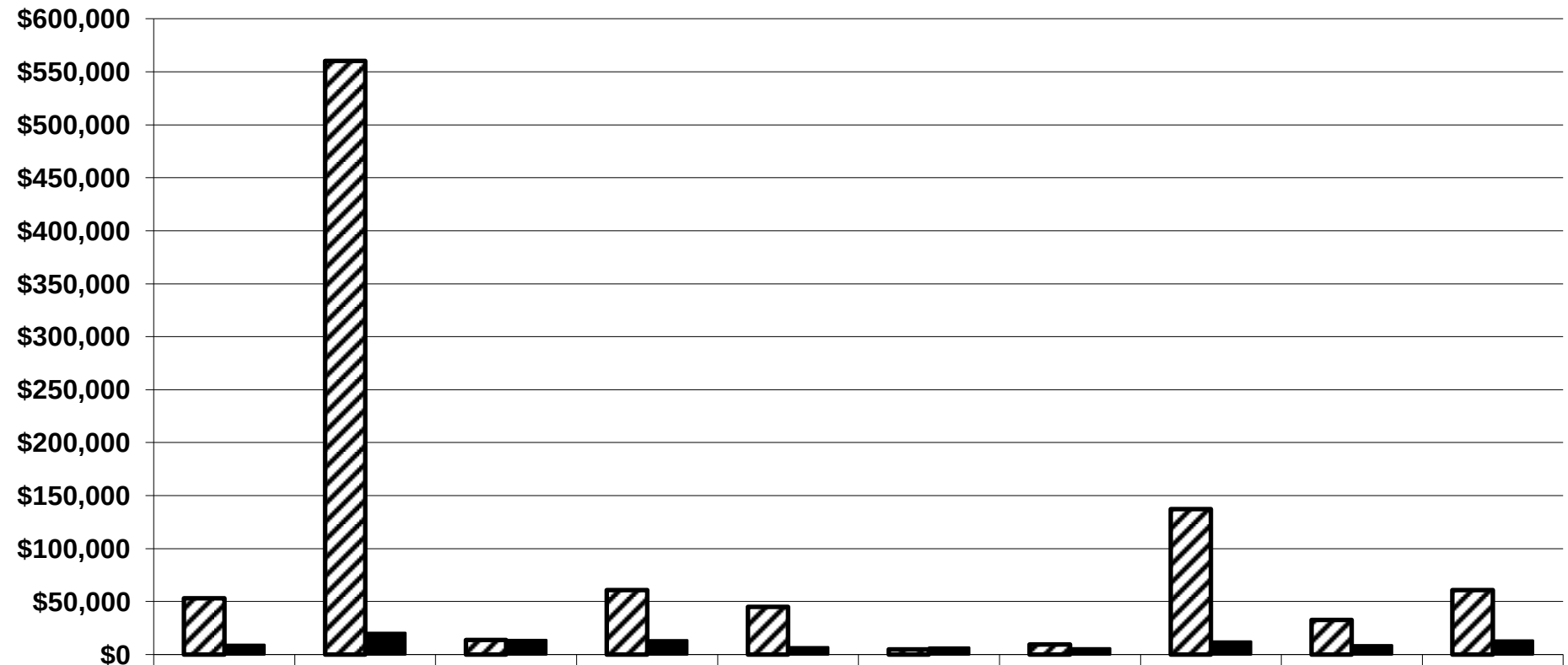
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	278	207	181	189	204	230	198	194	185	174
CLOSED WITH PAYMENT	87	58	59	60	57	70	56	66	52	45
CLOSED WITHOUT PAYMENT	191	149	122	129	147	160	142	128	133	129

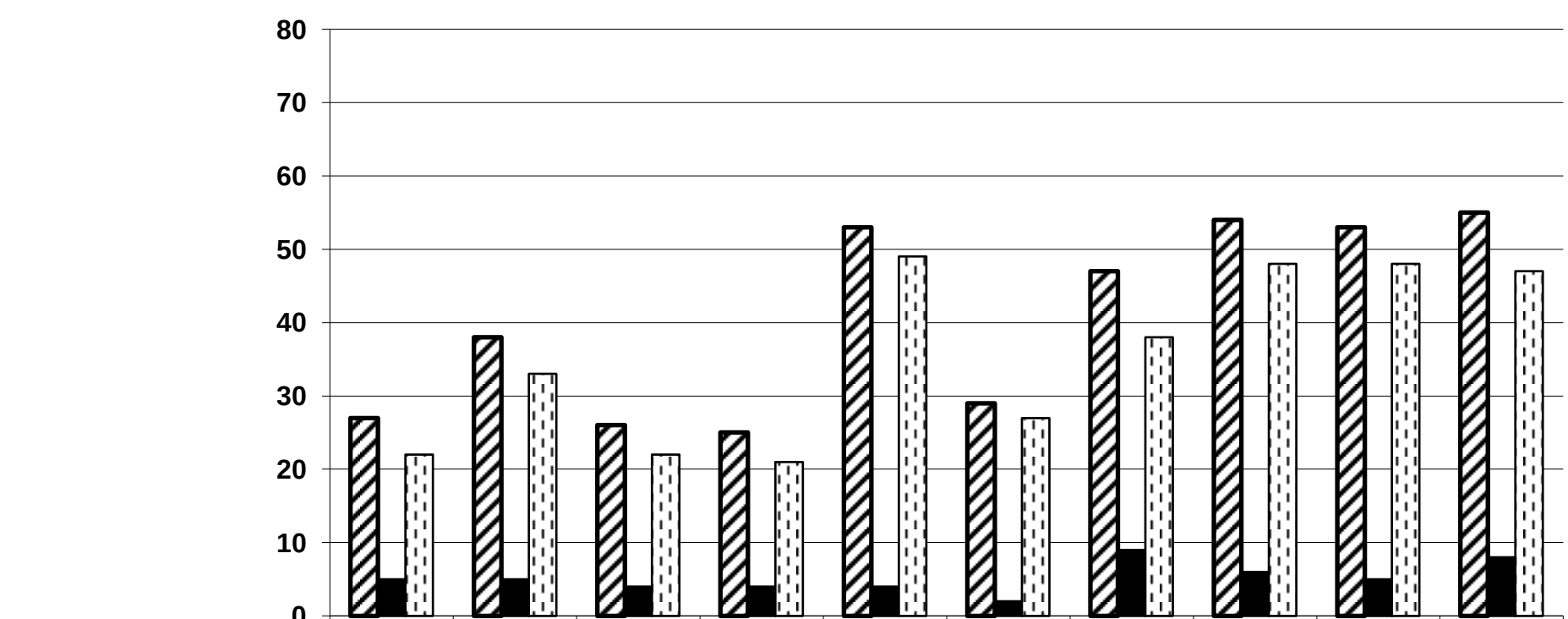
NON-CLIENT

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$53,090	$560,163	$13,750	$61,010	$45,205	$5,000	$9,380	$137,417	$32,598	$60,876
AVG LOSS EXPENSE	$9,268	$20,530	$13,802	$13,576	$6,993	$6,693	$5,970	$12,368	$8,872	$13,313

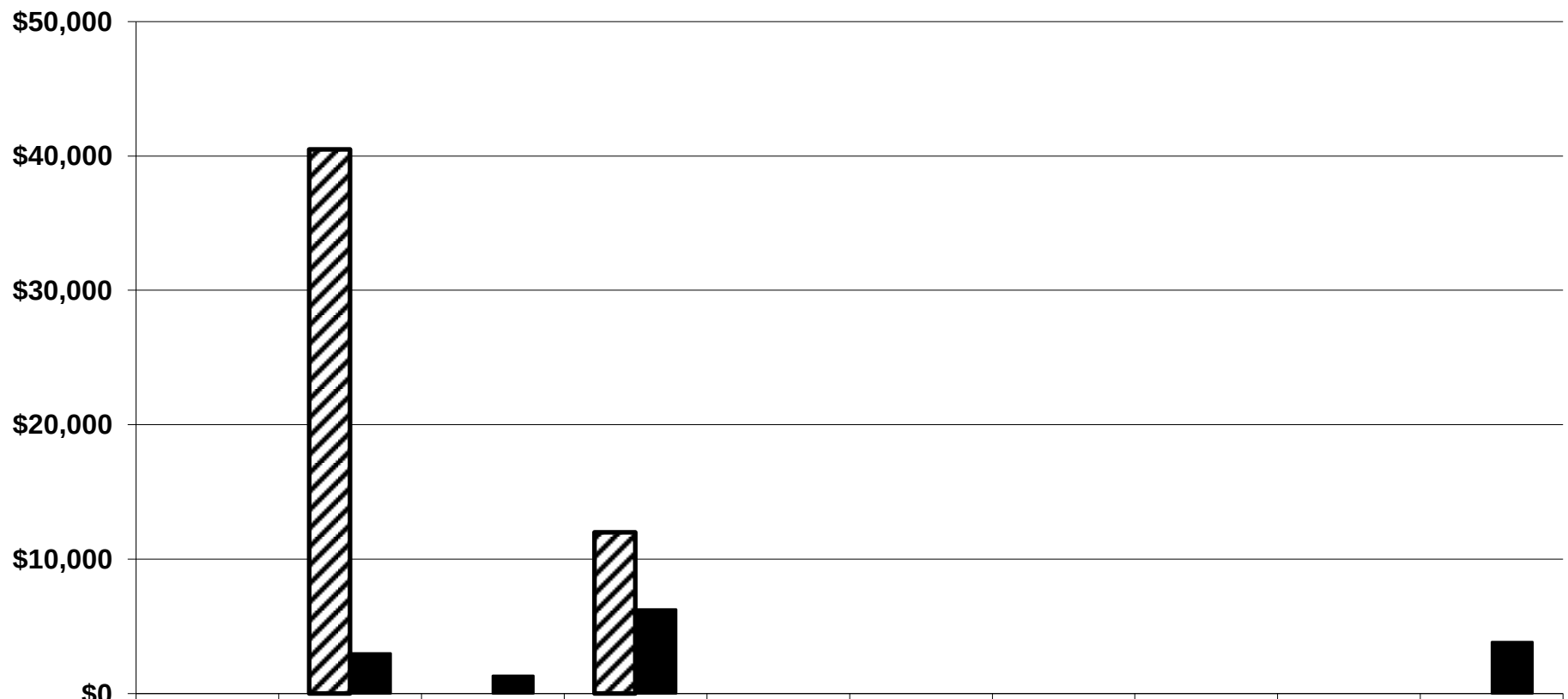
CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	27	38	26	25	53	29	47	54	53	55
CLOSED WITH PAYMENT	5	5	4	4	4	2	9	6	5	8
CLOSED WITHOUT PAYMENT	22	33	22	21	49	27	38	48	48	47

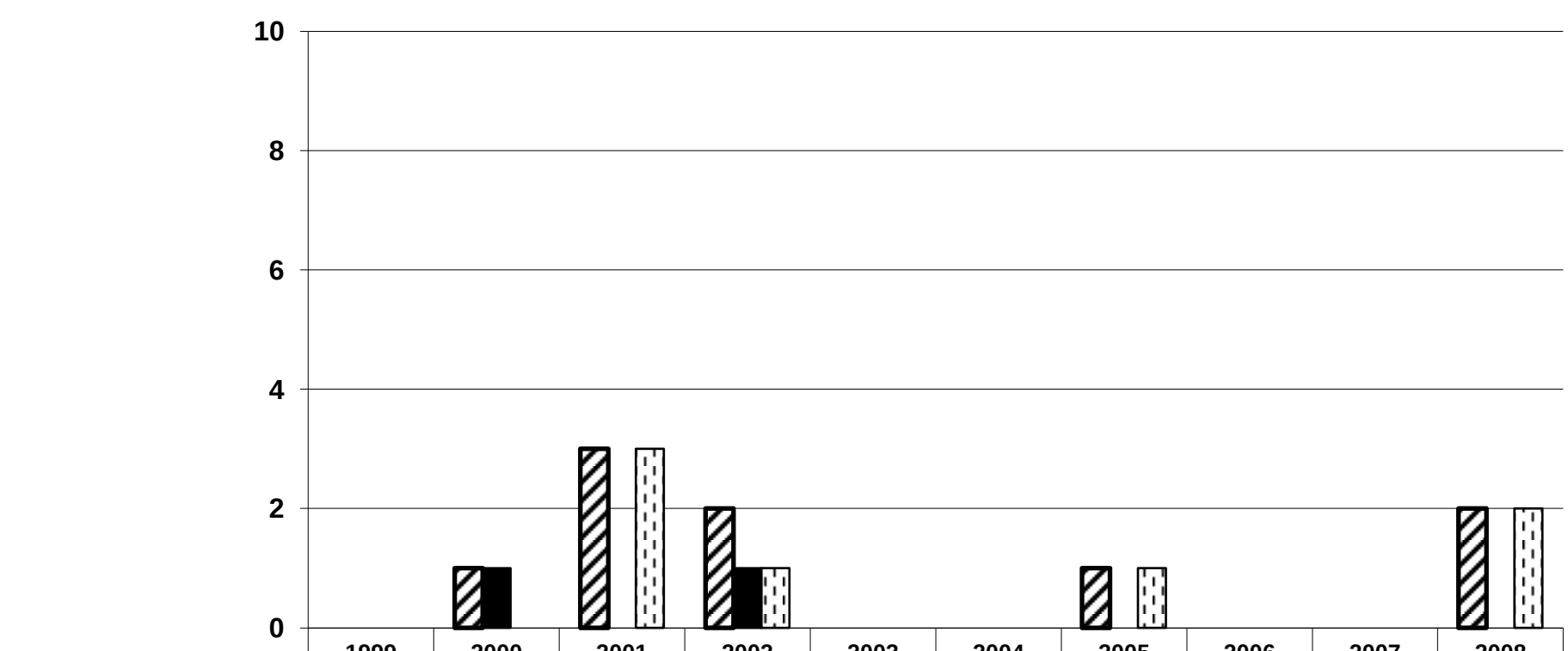
FREE LEGAL SERVICE

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AVG PAID INDEMNITY	$0	$40,500	$0	$12,000	$0	$0	$0	$0	$0	$0
AVG LOSS EXPENSE	$0	$2,987	$1,320	$6,256	$0	$0	$0	$0	$0	$3,830

CLAIM COUNT



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
ALL CLAIMS	0	1	3	2	0	0	1	0	0	2
CLOSED WITH PAYMENT	0	1	0	1	0	0	0	0	0	0
CLOSED WITHOUT PAYMENT	0	0	3	1	0	0	1	0	0	2

PREMIUM AND LOSS DATA

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LEGAL MALPRACTICE EXPERIENCE
WITH MARKET SHARE

2008 EXPERIENCE

NAIC Company Code	Company Name	Market Share	Written Premium	Earned Premium	Incurred Losses	Loss Ratio
29513	BAR PLAN MUTUAL INSURANCE COMPANY THE	79.78%	$13,024,263	$13,906,234	$2,206,781	15.87%
25585	PROFESSIONALS DIRECT INSURANCE COMPANY	8.51%	$1,389,434	$1,213,585	$710,461	58.54%
20443	CONTINENTAL CASUALTY COMPANY	4.89%	$798,087	$433,104	$1,027,314	237.20%
24767	ST PAUL FIRE & MARINE INSURANCE COMPANY	3.21%	$523,420	$529,258	$190,685	36.03%
16691	GREAT AMERICAN INSURANCE COMPANY	1.40%	$229,216	$305,944	-$58,938	-19.26%
39845	WESTPORT INSURANCE CORPORATION	1.08%	$176,572	$178,912	$125,148	69.95%
22322	GREENWICH INSURANCE COMPANY	0.44%	$71,326	$78,687	-$35,106	-44.61%
42234	MINNESOTA LAWYERS MUTUAL INS COMPANY	0.42%	$68,250	$70,915	$48,253	68.04%
22241	MEDMARC CASUALTY INSURANCE COMPANY	0.22%	$35,135	$34,064	$15,923	46.74%
24775	ST PAUL GUARDIAN INSURANCE COMPANY	0.05%	$8,888	$16,150	-$18,865	-116.81%
10037	INTERLEX INSURANCE COMPANY	0.00%	$0	$0	-$220,000	N/A
15865	NCMIC INSURANCE COMPANY	0.00%	$0	$0	-$22,764	N/A
20427	AMERICAN CAS CO OF READING PENNSYLVANIA	0.00%	$0	$0	-$13,410	N/A
22136	GREAT AMERICAN INS COMPANY OF NEW YORK	0.00%	$0	$0	$34	N/A
26344	GREAT AMERICAN ASSURANCE COMPANY	0.00%	$0	$0	$4,141	N/A
33723	GREAT AMERICAN SPIRIT INSURANC COMPANY	0.00%	$0	$0	$215	N/A
	TOTAL	100.00%	$16,324,591	$16,766,853	$3,959,872	23.62%

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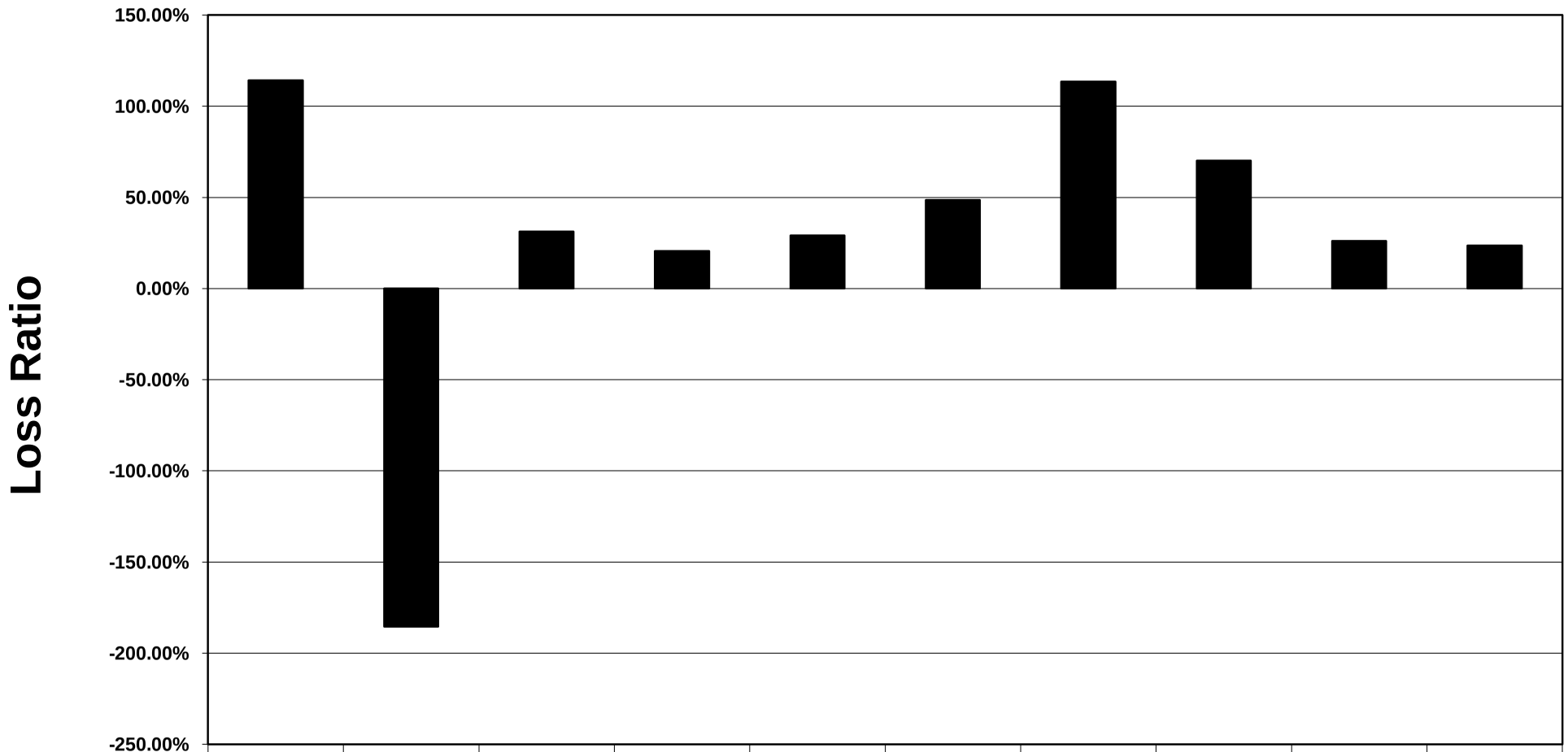
LEGAL MALPRACTICE EXPERIENCE

TEN YEAR SUMMARY

YEAR	Written Premium	Earned Premium	Incurred Losses	Loss Ratio
1999	$12,175,030	$11,697,769	$13,354,679	114.16%
2000	$11,026,795	$9,915,755	-$18,393,921	-185.50%
2001	$13,576,133	$14,770,445	$4,631,875	31.36%
2002	$12,818,643	$11,830,869	$2,426,999	20.51%
2003	$13,057,678	$11,671,741	$3,402,619	29.15%
2004	$14,539,856	$13,343,100	$6,472,267	48.51%
2005	$14,794,606	$14,145,032	$16,044,522	113.43%
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%
10-Year Total	$143,476,519	$138,013,307	$48,084,082	34.84%

PAGE 19 SUPPLEMENT
LEGAL MALPRACTICE EXPERIENCE

TEN YEAR LOSS RATIO SUMMARY



	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Loss Ratio	114.16%	-185.50%	31.36%	20.51%	29.15%	48.51%	113.43%	70.11%	26.03%	23.62%

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