

**2013**

**Missouri**

# **Legal Malpractice Insurance Report**

**Statistics Section  
August 2014**



**DIFP**

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

Department of Insurance,  
Financial Institutions &  
Professional Registration

**John M. Huff**  
Director

**MISSOURI  
LEGAL  
MALPRACTICE  
INSURANCE  
REPORT  
2013**

**Department of Insurance, Financial Institutions & Professional Registration  
Statistics Section  
August 2014**

# Other Publications

## Available from the Missouri Department of Insurance, Financial Institutions & Professional Registration

The Department of Insurance, Financial Institutions & Professional Registration publishes the following reports.

1. **Missouri Complaint Index Report**  
summary information: <http://insurance.mo.gov/consumers/complaints/compindx.php>
2. **Missouri Department of Insurance Annual Report**  
summary information: <http://difp.mo.gov/about.php>
3. **Missouri Life, Accident & Health Supplement Data**  
summary information: <http://insurance.mo.gov/reports/suppdata/>
4. **Missouri Market Share Data**  
summary information: <http://insurance.mo.gov/reports/mktshr/>
5. **Missouri Medical Malpractice (Closed Claim) Report**  
summary information: <http://insurance.mo.gov/reports/medmal/index.php>
6. **Missouri Product Liability (Closed Claim) Report**  
summary information: <http://insurance.mo.gov/reports/prodliab/>
7. **Missouri Property & Casualty Supplement Report**  
summary information: <http://insurance.mo.gov/reports/suppdata/>
8. **Missouri Real Estate Malpractice (Closed Claim) Report**  
summary information: <http://insurance.mo.gov/reports/remal/>
9. **Mortgage Guaranty Report**  
summary information: <http://insurance.mo.gov/reports/mortguar/>
10. **Missouri Health Maintenance Organization Report**  
summary information: <http://insurance.mo.gov/reports/hmo/>

**Databases:** For more information: <http://insurance.mo.gov/reports/>

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 2004 to 2013.

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 2013, the loss ratio for legal malpractice insurance in Missouri was 61 percent. For the 10-year period of claims closed<sup>1</sup>, 586 (24 percent) were closed with payment. Claims closed in 2013 totaled 267, a 18 percent increase from the previous year. The average payment was \$149,794.

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 2013, the average loss adjustment expense for all claims closed with payment was \$82,753 compared to \$124,155 in 2012.

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 2013 (48 of 267) was initiated by plaintiffs in *real estate*. The largest proportion of all claims closed in 2013 under the major activity code occurred during *categories that were not specified*. Of all claims paid during 2013, 57 percent were settled *before trial or hearing* on the alleged malpractice.

Seventy-six percent of losses in 2013 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*. Ninety percent of 2013 claims occurred in the category of *client other than free legal service or member of pre-paid legal plan*.

Only 14 companies reported writing legal malpractice insurance in Missouri for 2013. Of these, the Bar Plan Mutual Insurance Company was by far the largest, with over 71 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  
(2004-2013)**

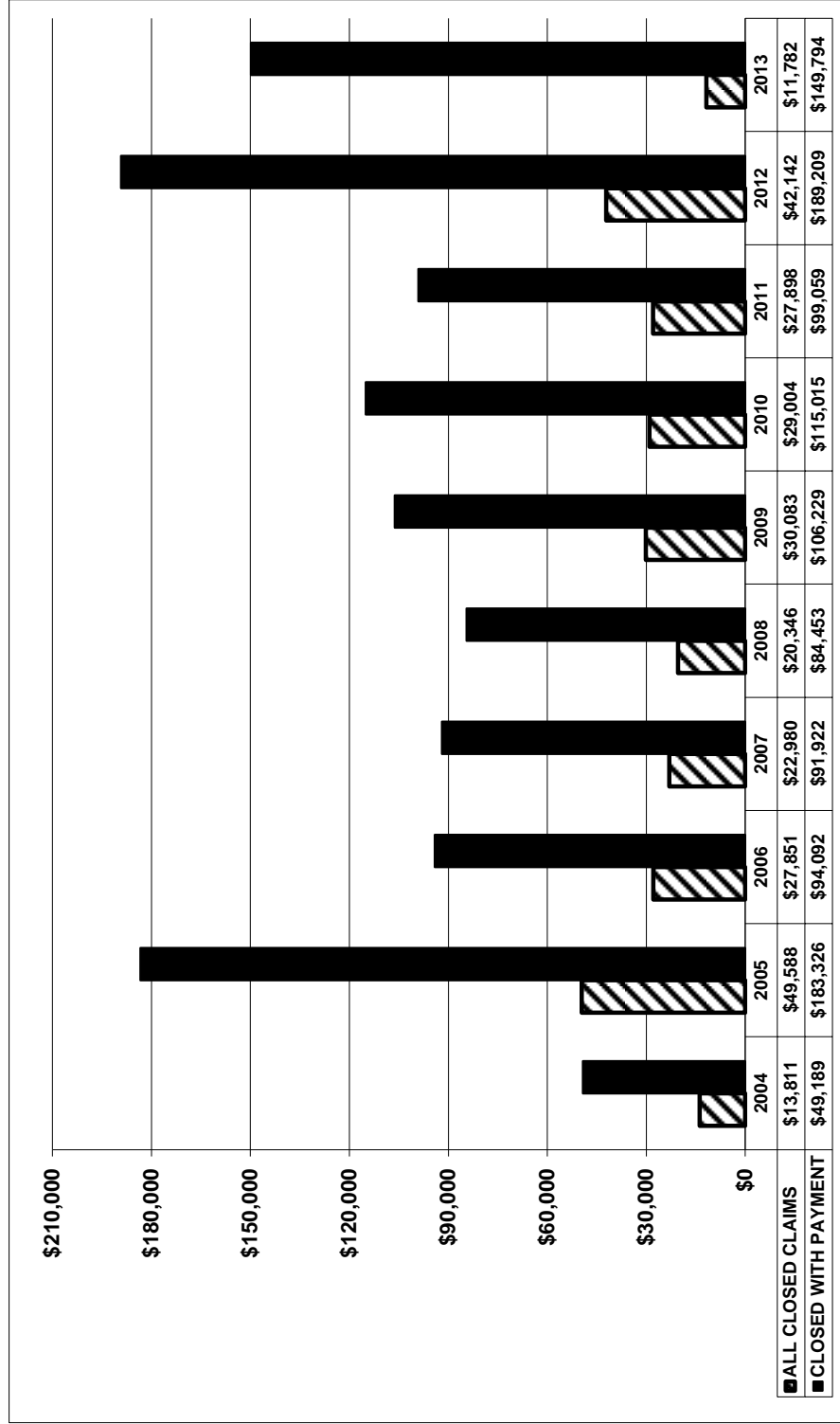


**LEGAL MALPRACTICE EXPERIENCE  
TEN YEAR SUMMARY  
(2004-2013)**

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	2,398	100.0%	\$65,273,994	\$27,220	\$46,578,805	\$19,424
Closed with Payment	586	24.0%	\$65,273,994	\$111,389	\$24,452,997	\$41,729
Closed without Payment	1,812	76.0%	\$0	\$0	\$22,125,828	\$12,211
Claims Settled Through Court Proceedings	218	9.1%	\$6,925,851	\$31,770	\$14,220,442	\$65,231
Court Proceedings Resulting in Payment	30	1.3%	\$6,925,851	\$230,862	\$4,359,137	\$145,305

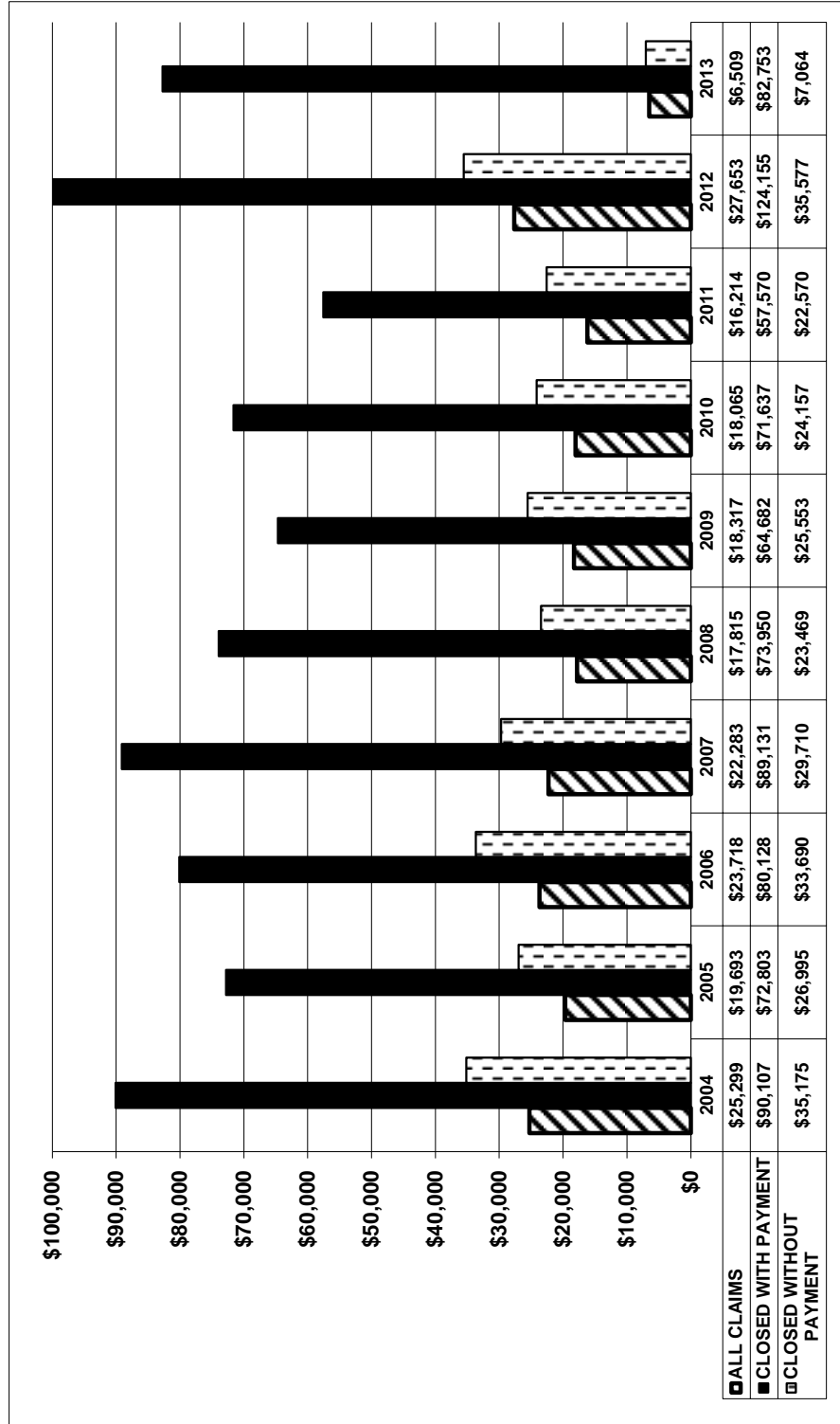
# MISSOURI LEGAL MALPRACTICE INSURANCE

## AVERAGE PAID CLAIM



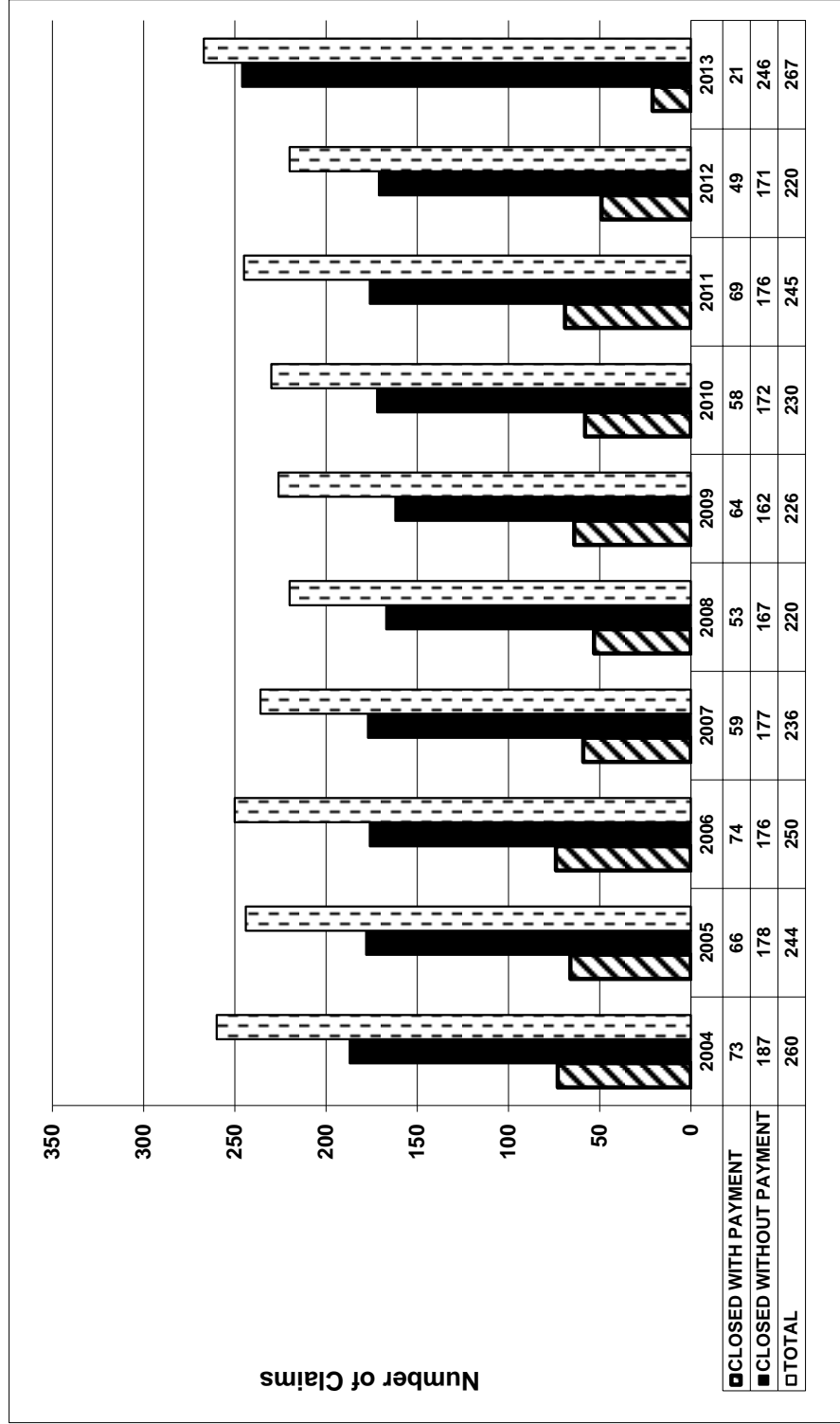
# MISSOURI LEGAL MALPRACTICE INSURANCE

## AVERAGE PAID LOSS ADJUSTMENT EXPENSE



# MISSOURI LEGAL MALPRACTICE INSURANCE

## CLAIM COUNT 2004-2013



**TEN YEAR SUMMARY  
&  
2013 SUMMARY  
BY  
AREA OF LAW**



# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 2004-2013

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	582	192	32.76%	\$100,730	\$19,340,085	29.63%	\$20,932
COLLECTION & BANKRUPTCY	331	61	10.41%	\$45,041	\$2,747,489	4.21%	\$10,728
FAMILY LAW	276	57	9.73%	\$73,734	\$4,202,850	6.44%	\$11,995
ESTATE, TRUST & PROBATE	252	65	11.09%	\$81,462	\$5,295,028	8.11%	\$15,923
REAL ESTATE	247	47	8.02%	\$166,159	\$7,809,486	11.96%	\$13,500
BUSINESS TRANSACTION/COMMERCIAL LAW	108	32	5.46%	\$188,205	\$6,022,564	9.23%	\$49,462
CORPORATE & BUSINESS ORGANIZATION	102	20	3.41%	\$174,264	\$3,485,281	5.34%	\$13,060
BI/PD - DEFENDANT	97	21	3.58%	\$351,618	\$7,383,982	11.31%	\$59,454
CRIMINAL	87	10	1.71%	\$43,346	\$433,463	0.66%	\$12,105
WORKERS COMPENSATION	86	27	4.61%	\$38,714	\$1,045,276	1.60%	\$13,600
CIVIL RIGHTS & COMMISSION	57	12	2.05%	\$50,941	\$611,294	0.94%	\$10,912
LABOR LAW	43	10	1.71%	\$125,954	\$1,259,535	1.93%	\$26,770
CONSUMER CLAIMS	26	5	0.85%	\$59,400	\$296,999	0.46%	\$16,927
LOCAL GOVERNMENT	19	2	0.34%	\$250,209	\$500,418	0.77%	\$21,936
TAXATION	18	5	0.85%	\$249,900	\$1,249,500	1.91%	\$23,961
CONSTRUCTION (BUILDING CONTRACTS)	16	7	1.19%	\$245,413	\$1,717,892	2.63%	\$52,949
SECURITIES (S.E.C.)	16	3	0.51%	\$180,963	\$542,889	0.83%	\$20,378
IMMIGRATION & NATURALIZATION	10	3	0.51%	\$54,254	\$162,763	0.25%	\$13,206
PATENTS, TRADEMARKS, COPYRIGHTS	10	4	0.68%	\$281,250	\$1,125,000	1.72%	\$113,255
GOVERNMENT CONTRACTS & CLAIMS	9	1	0.17%	\$30,000	\$30,000	0.05%	\$1,700
ADMIRALTY	3	2	0.34%	\$6,100	\$12,200	0.02%	\$1,757
ENVIRONMENT	3	0	0.00%	N/A	\$0	0.00%	\$1,446
<b>TOTAL</b>	<b>2,398</b>	<b>586</b>	<b>100.00%</b>	<b>\$111,389</b>	<b>\$65,273,994</b>	<b>100.00%</b>	<b>\$19,424</b>

**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
CLAIMS CLOSED IN 2013**

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
REAL ESTATE	48	2	9.52%	\$30,000	\$60,000	1.91%	\$5,915
BI/PD - PLAINTIFF	45	3	14.29%	\$54,428	\$163,285	5.19%	\$14,838
COLLECTION & BANKRUPTCY	42	1	4.76%	\$51,000	\$51,000	1.62%	\$1,146
FAMILY LAW	30	5	23.81%	\$319,161	\$1,595,804	50.73%	\$5,682
CORPORATE & BUSINESS ORGANIZATION	29	4	19.05%	\$42,589	\$170,354	5.42%	\$3,738
ESTATE, TRUST & PROBATE	19	2	9.52%	\$37,613	\$75,225	2.39%	\$1,991
CIVIL RIGHTS & COMMISSION	13	1	4.76%	\$200,000	\$200,000	6.36%	\$7,849
CRIMINAL	9	0	0.00%	N/A	\$0	0.00%	\$13,020
BI/PD - DEFENDANT	8	2	9.52%	\$350,000	\$700,000	22.25%	\$21,826
BUSINESS TRANSACTION/COMMERCIAL LAW	7	0	0.00%	N/A	\$0	0.00%	\$1,811
WORKERS COMPENSATION	6	0	0.00%	N/A	\$0	0.00%	\$0
LABOR LAW	3	1	4.76%	\$130,000	\$130,000	4.13%	\$2,565
SECURITIES (S.E.C.)	3	0	0.00%	N/A	\$0	0.00%	\$0
CONSUMER CLAIMS	2	0	0.00%	N/A	\$0	0.00%	\$0
CONSTRUCTION (BUILDING CONTRACTS)	1	0	0.00%	N/A	\$0	0.00%	\$7,168
IMMIGRATION & NATURALIZATION	1	0	0.00%	N/A	\$0	0.00%	\$0
LOCAL GOVERNMENT	1	0	0.00%	N/A	\$0	0.00%	\$0
<b>TOTAL</b>	<b>267</b>	<b>21</b>	<b>100.00%</b>	<b>\$149,794</b>	<b>\$3,145,668</b>	<b>100.00%</b>	<b>\$6,509</b>

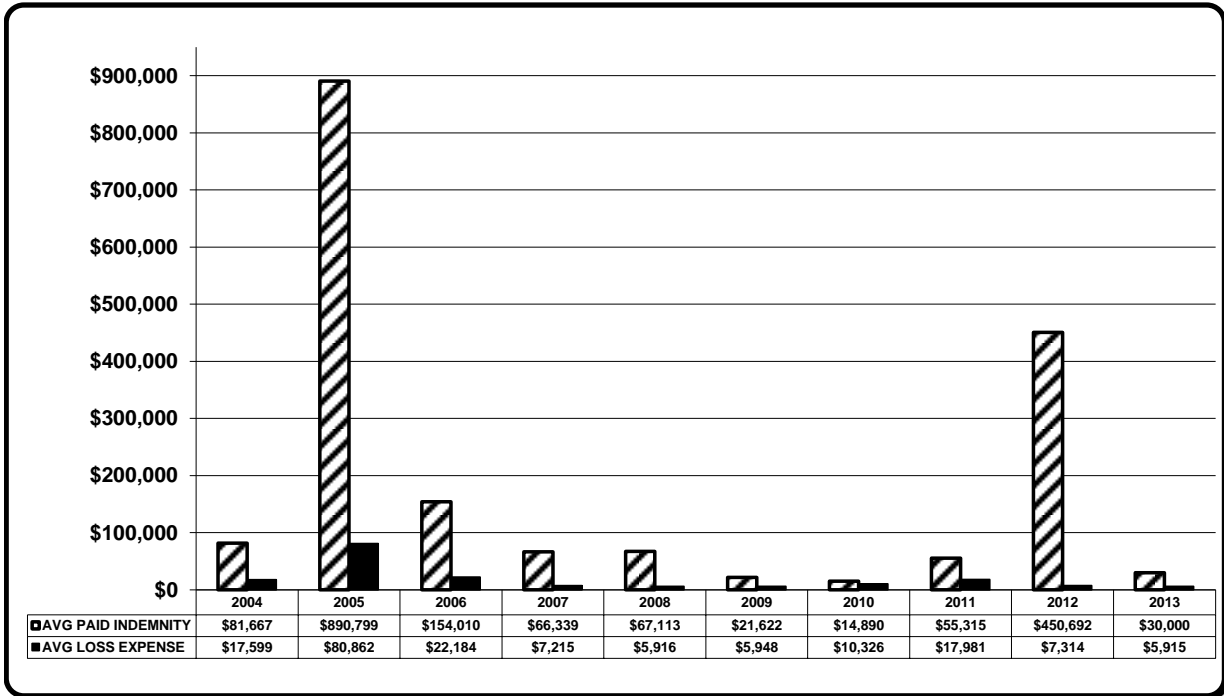


**TRENDS  
OF THE TOP TEN  
AREAS OF LAW  
OF 2013**

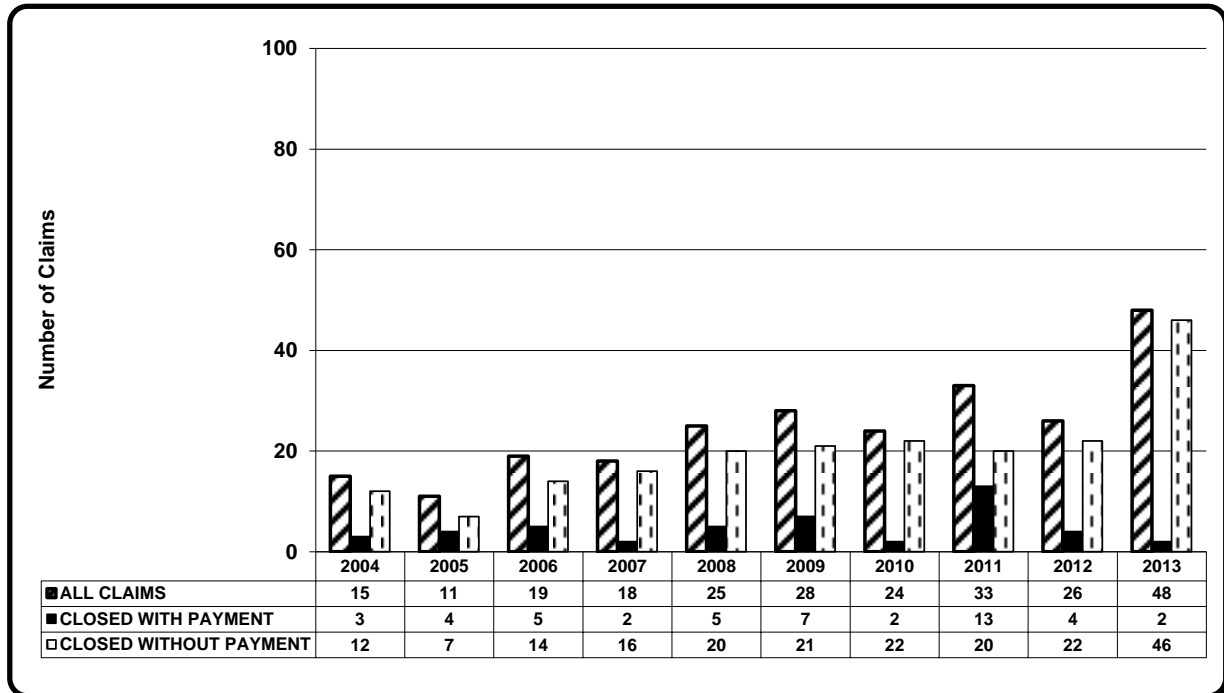


## REAL ESTATE

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

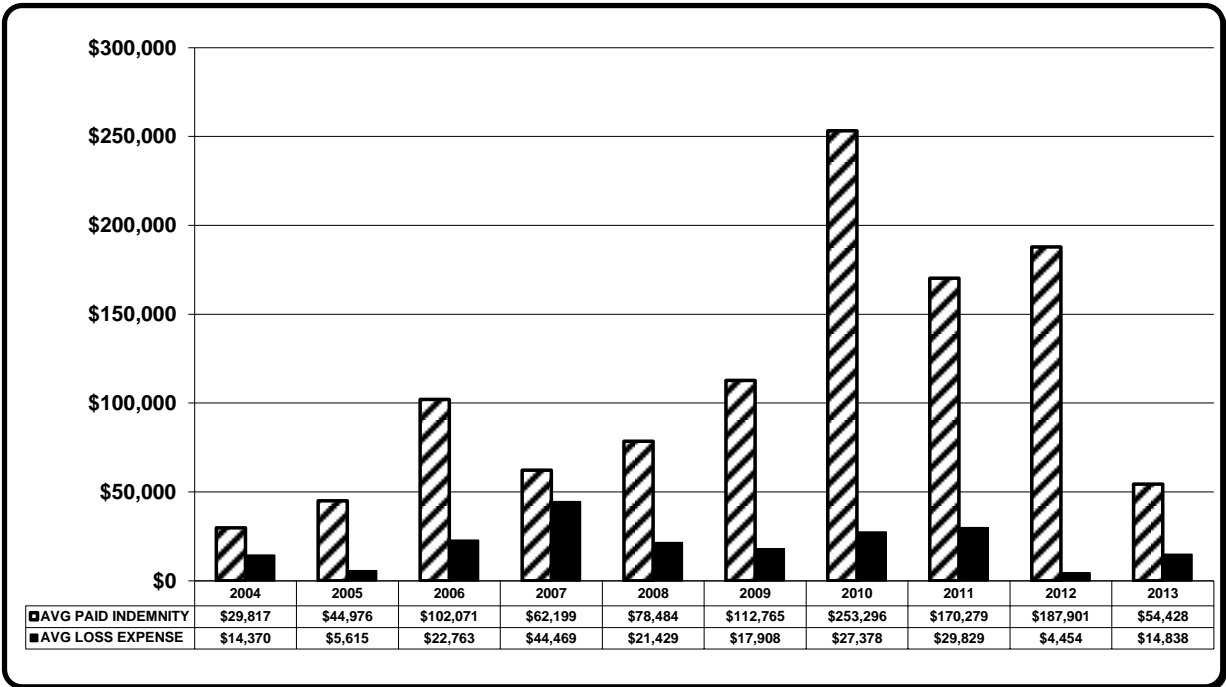


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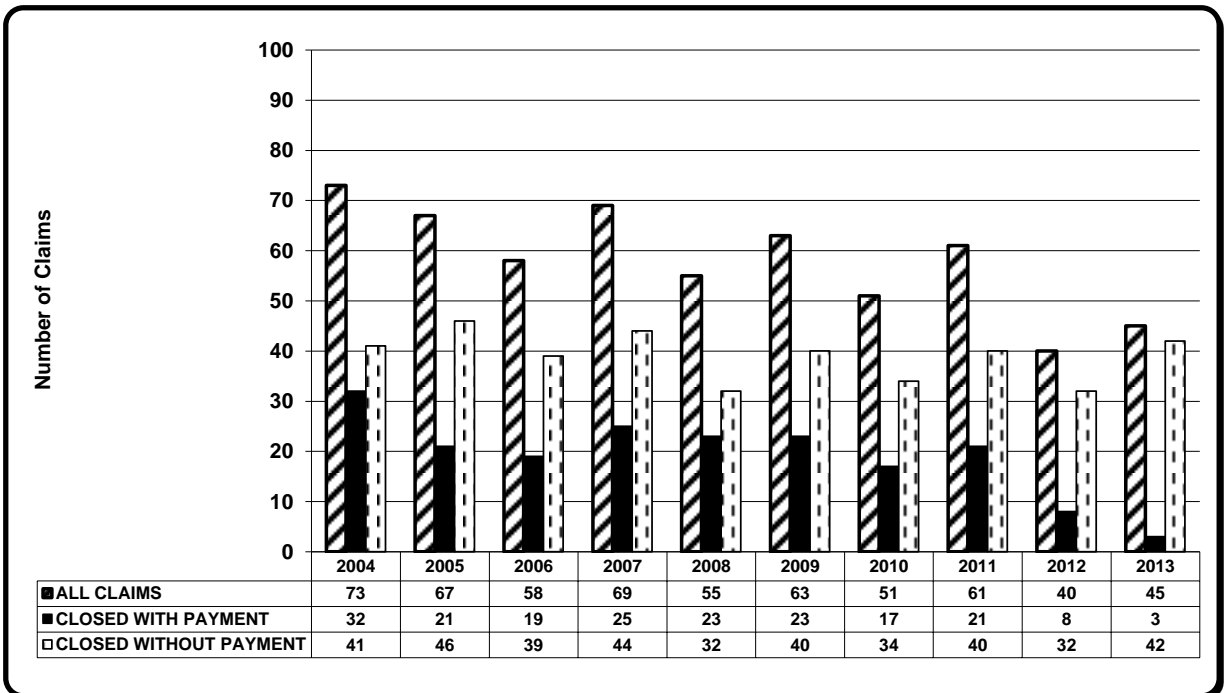


## BI/PD - PLAINTIFF

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

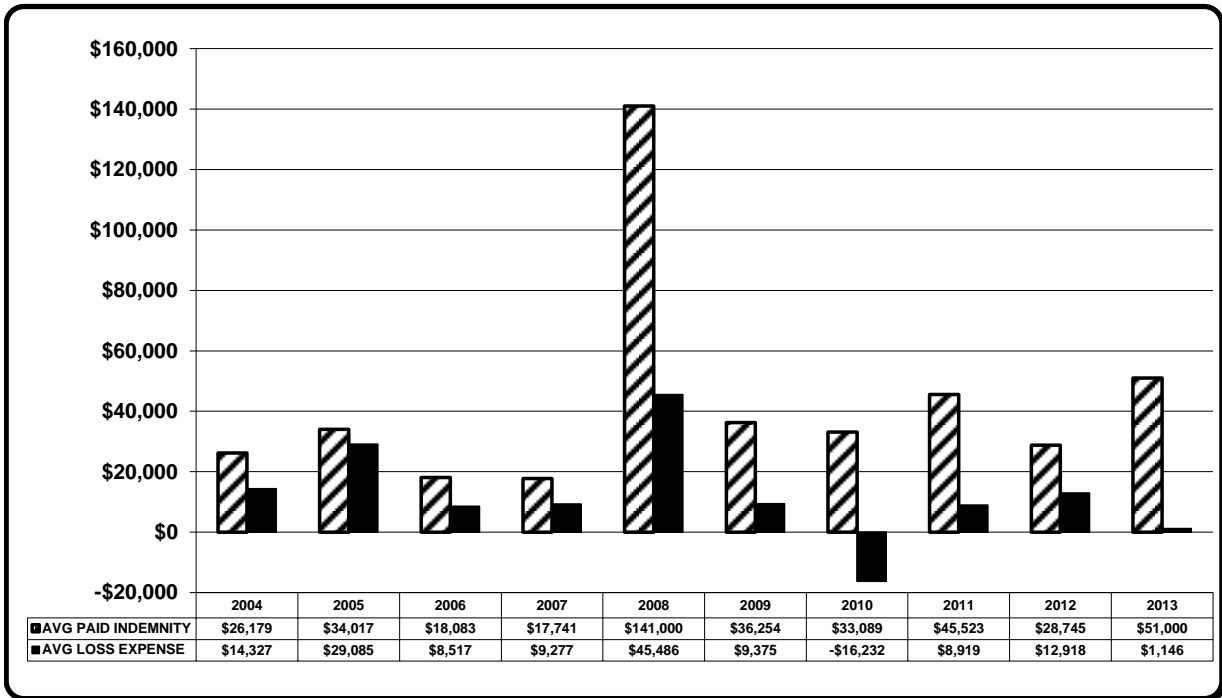


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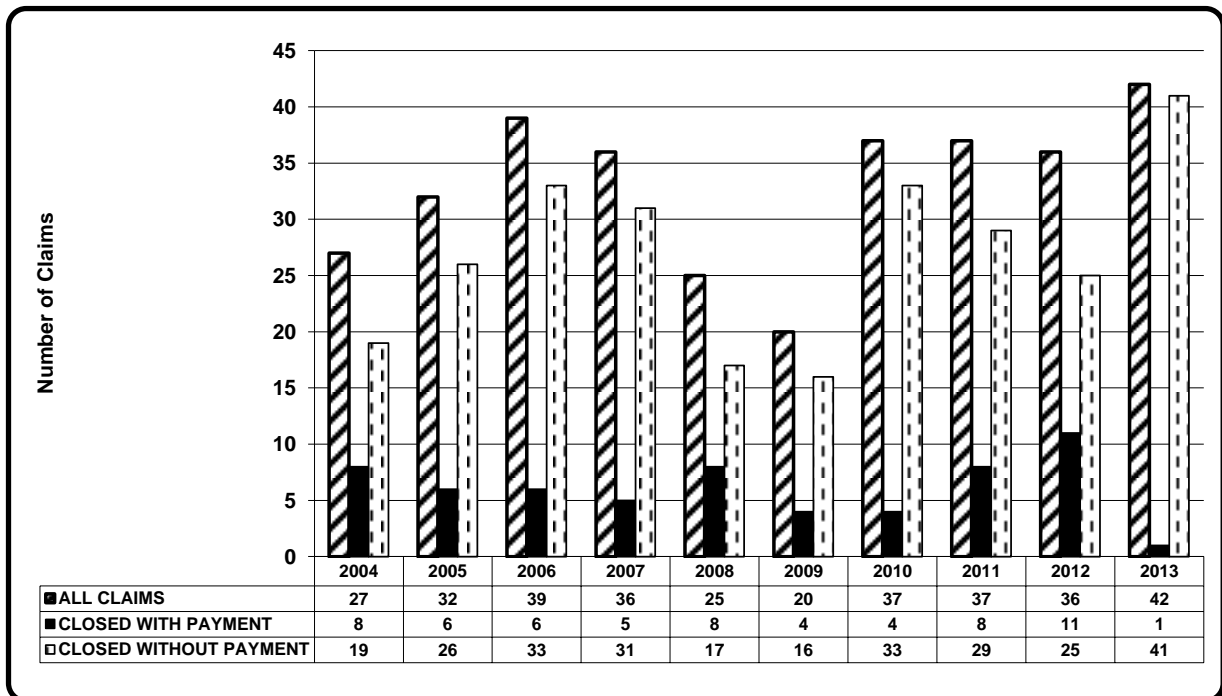


## COLLECTION & BANKRUPTCY

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

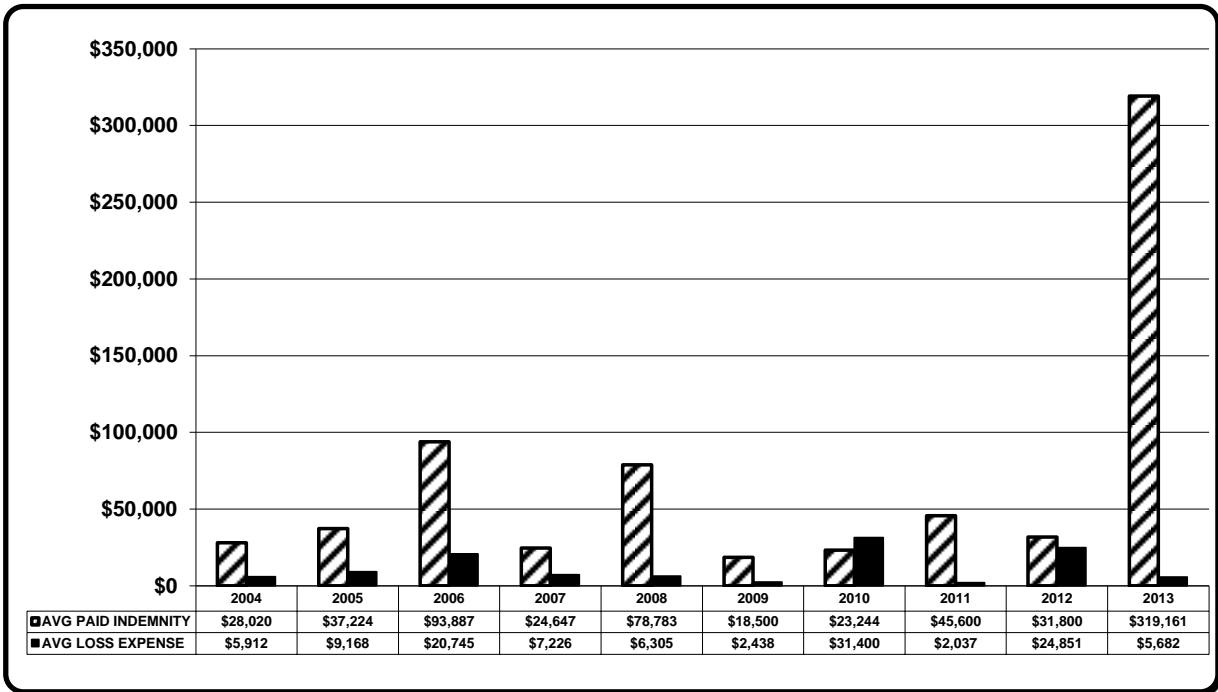


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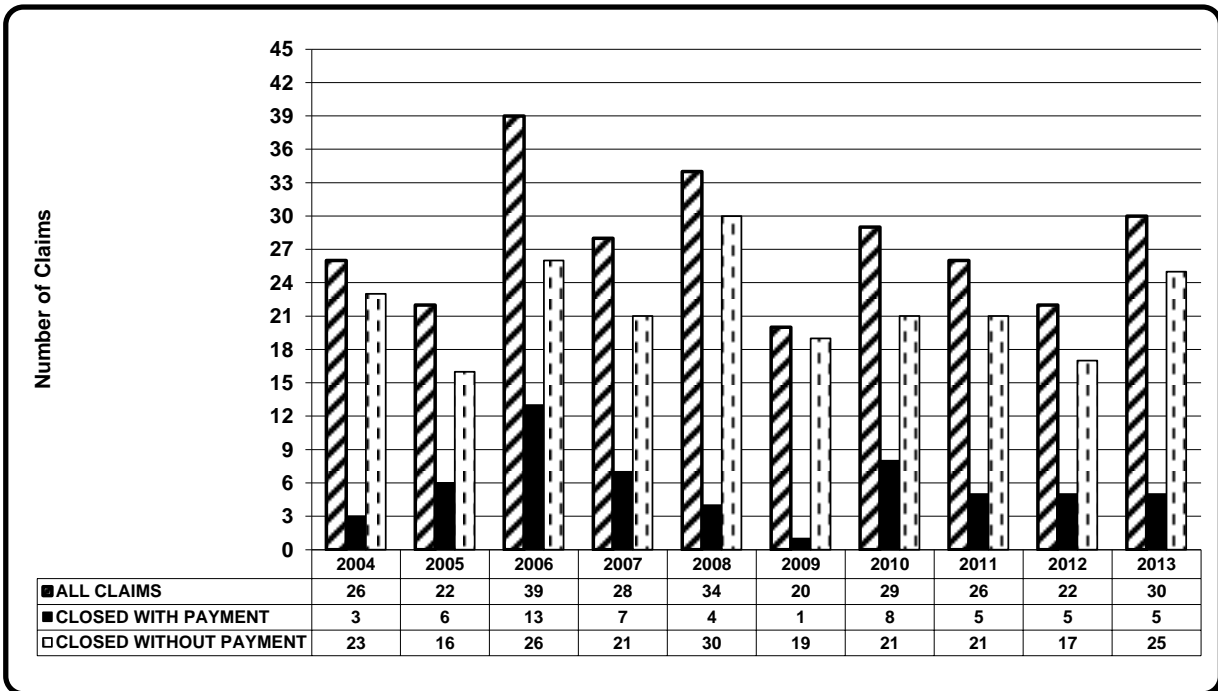


## FAMILY LAW

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

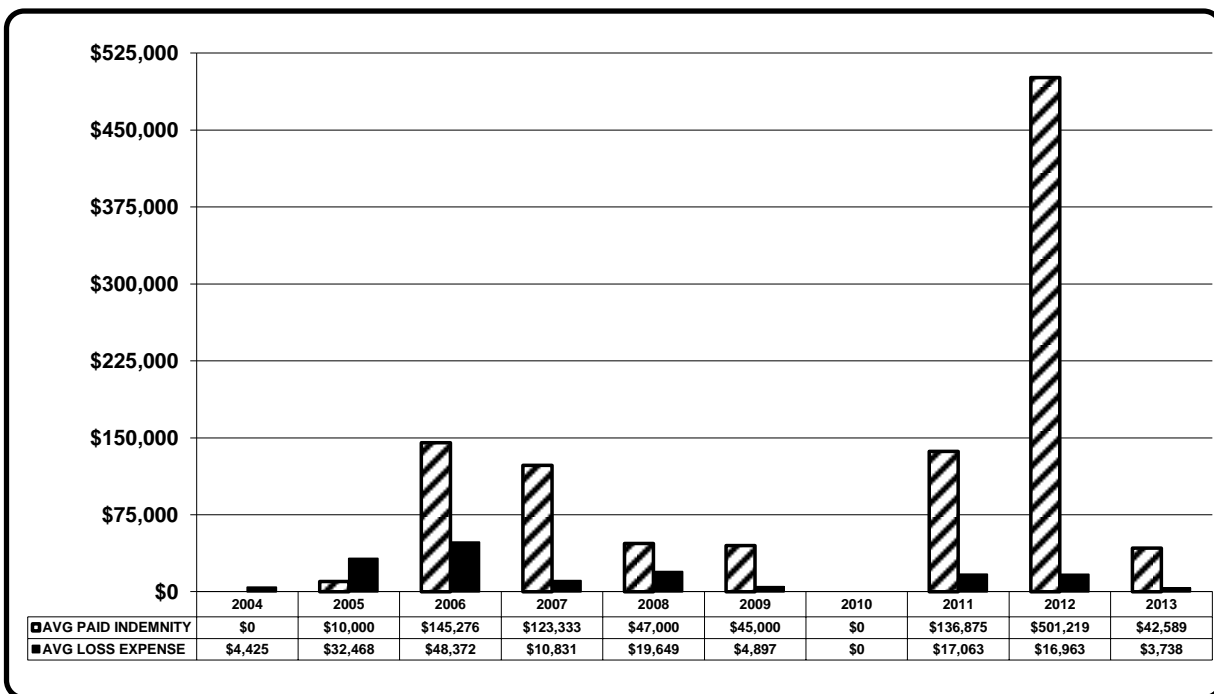


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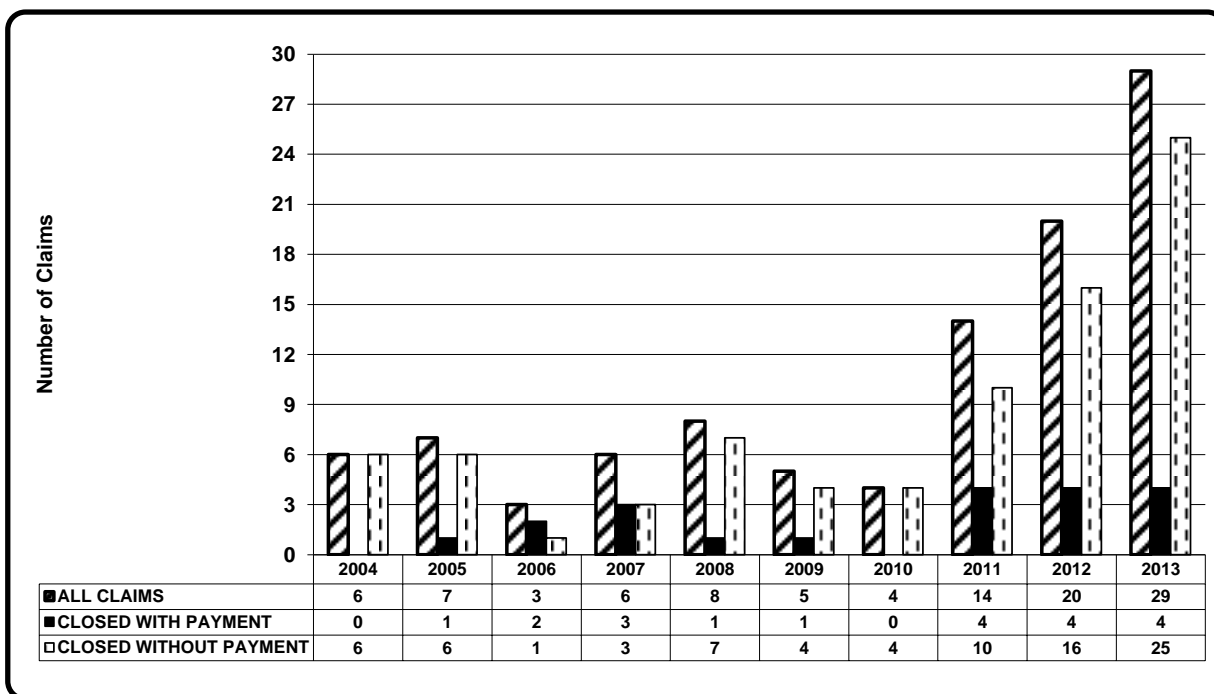


## CORPORATE & BUSINESS ORGANIZATION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

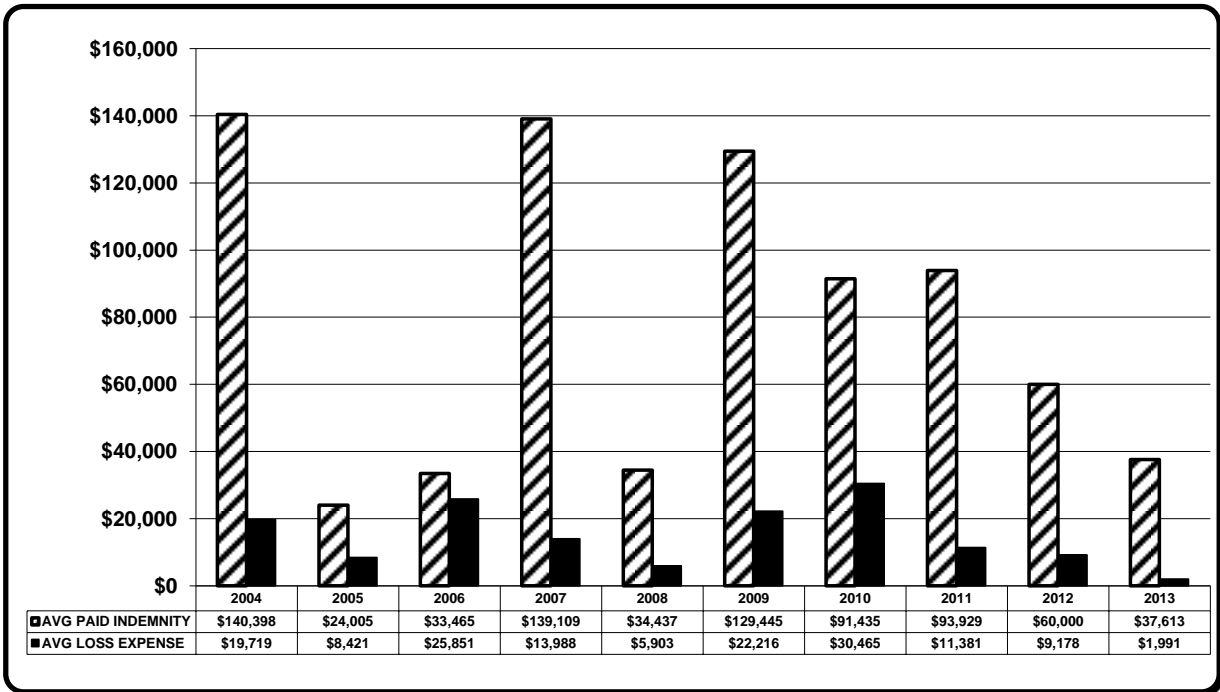


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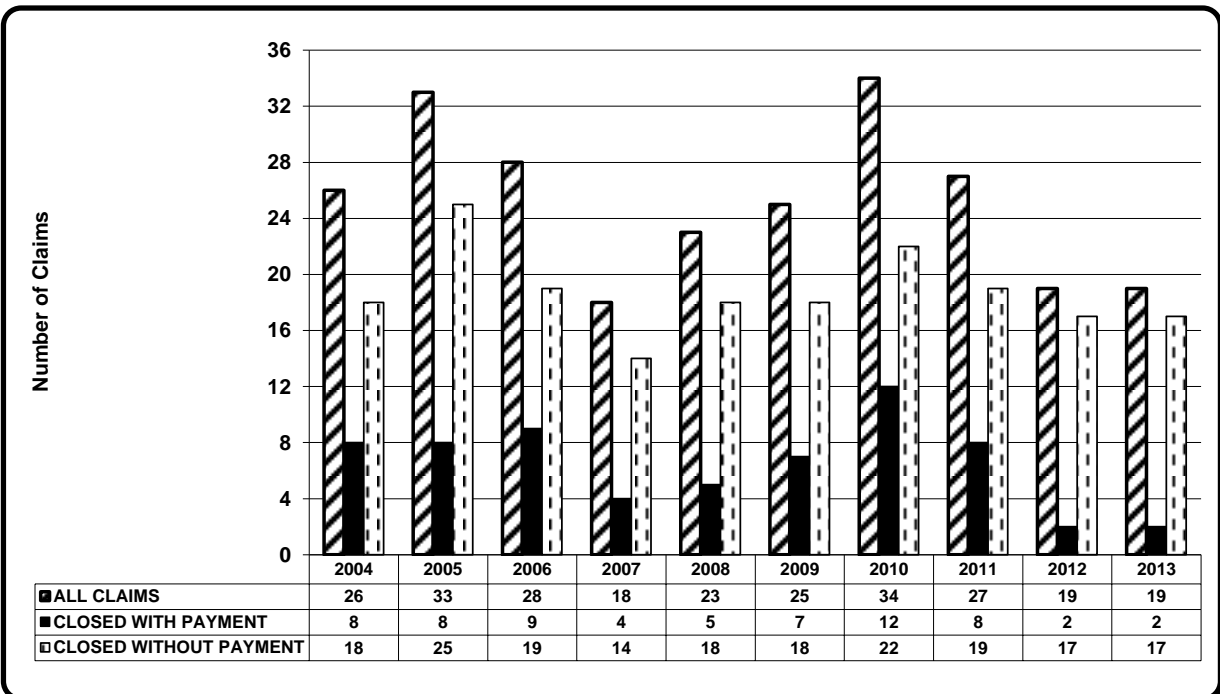


## ESTATE, TRUST & PROBATE

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



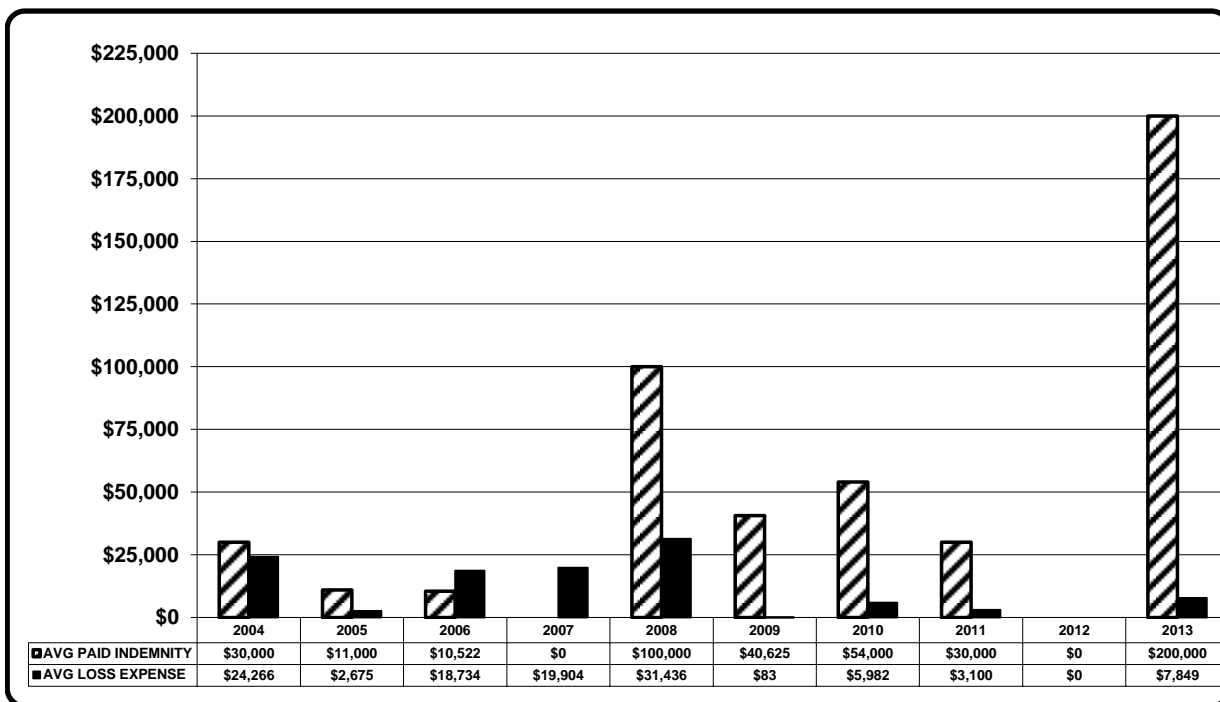
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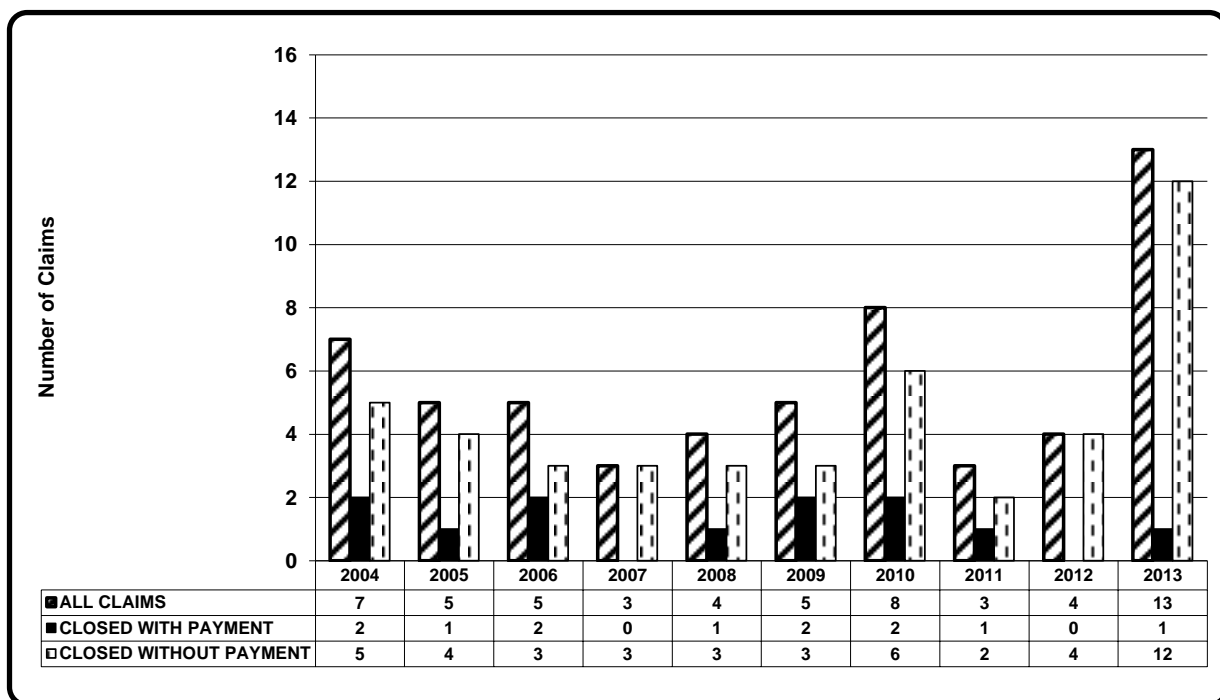


## CIVIL RIGHTS & COMMISSION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

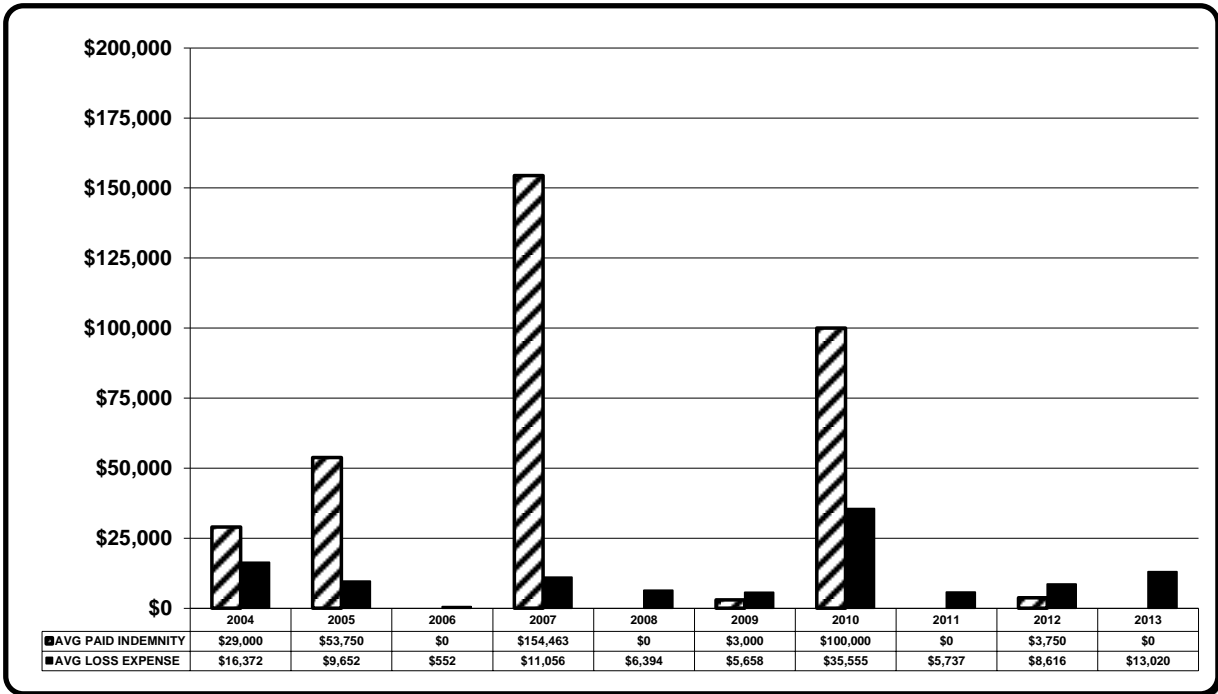


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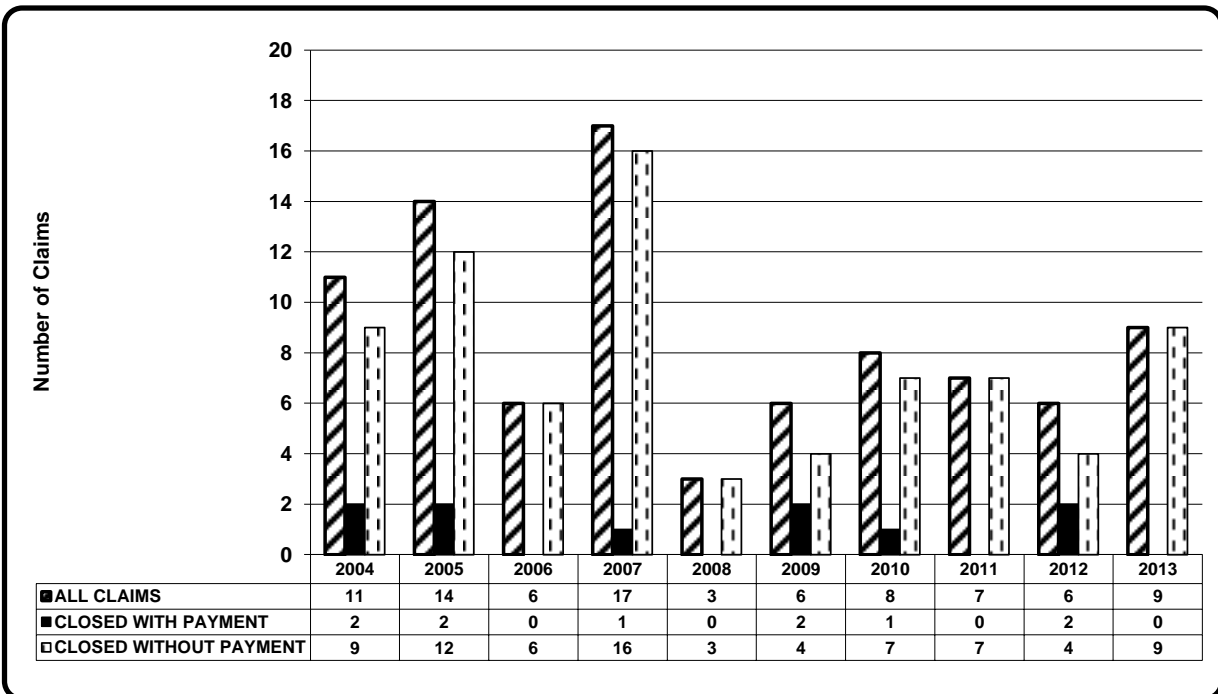


## CRIMINAL

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

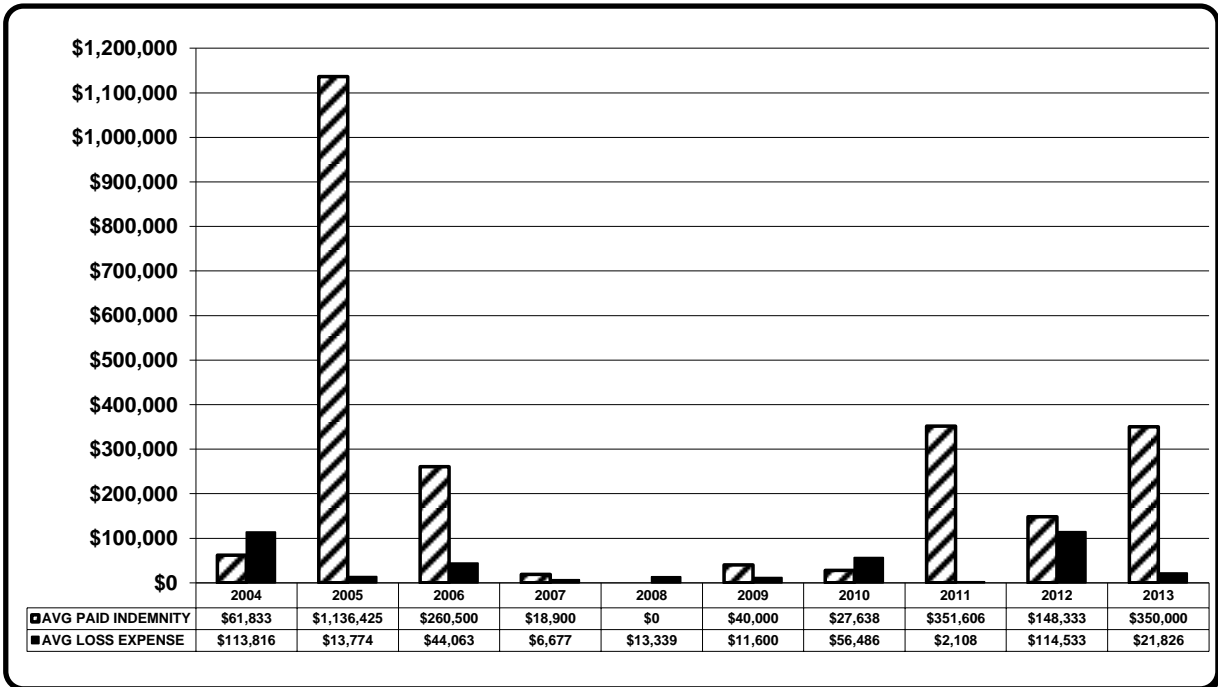


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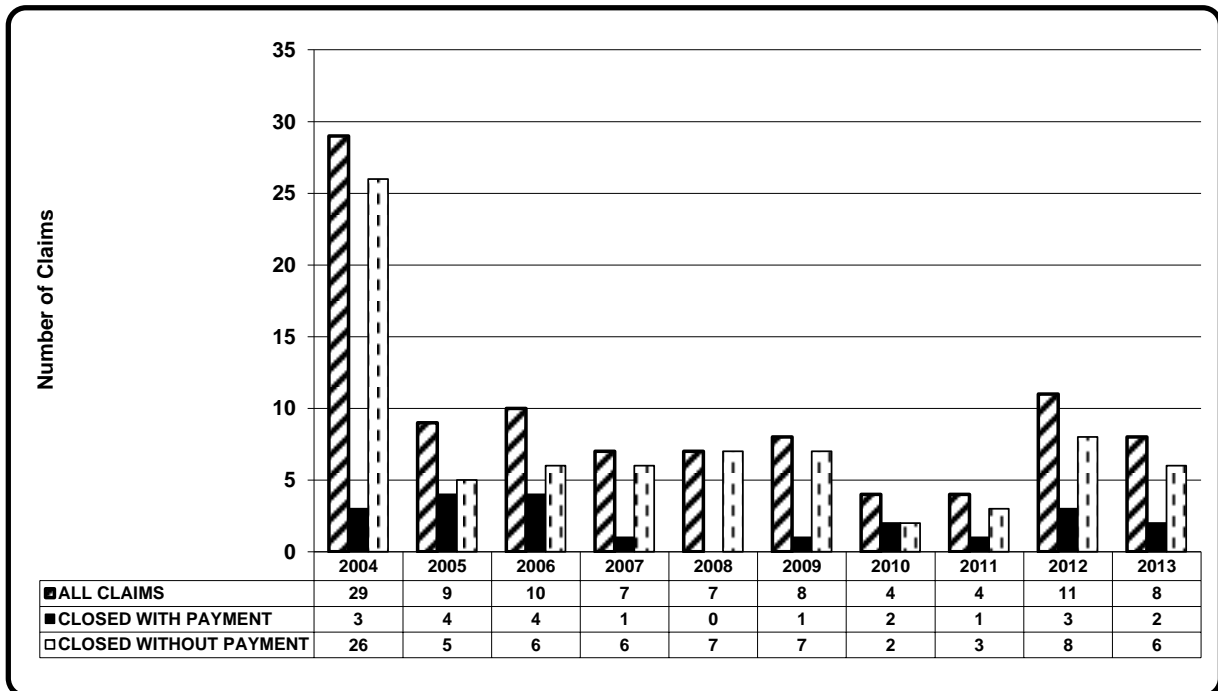


## BI/PD - DEFENDANT

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

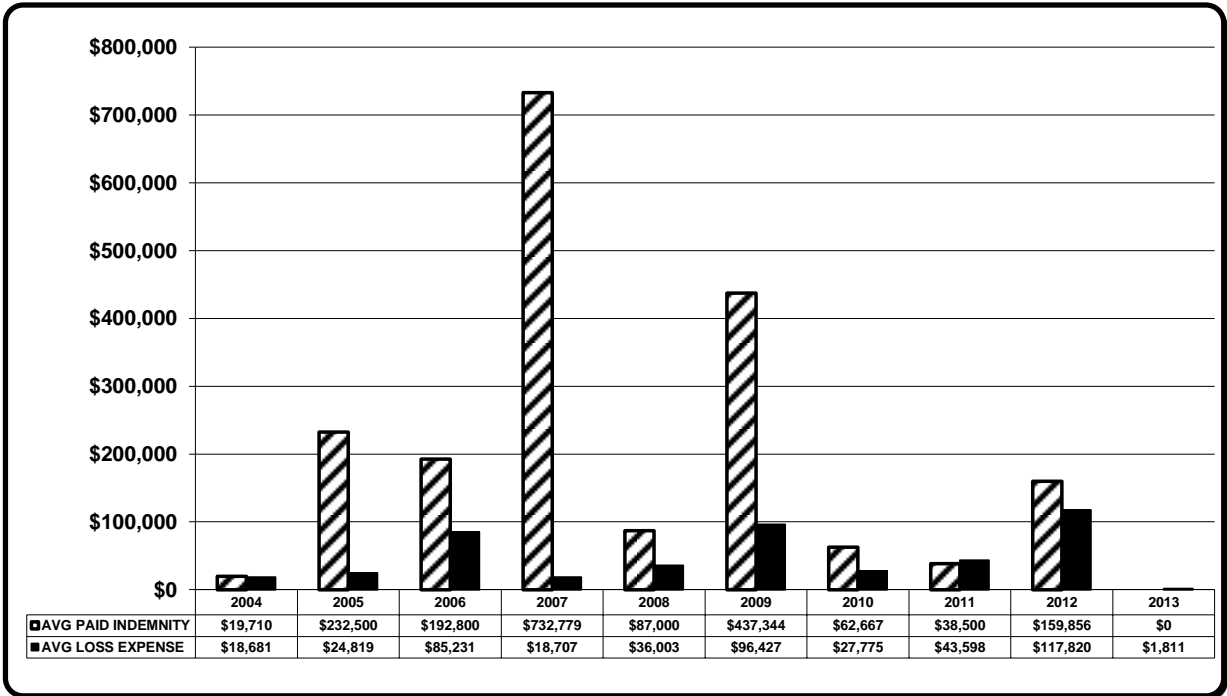


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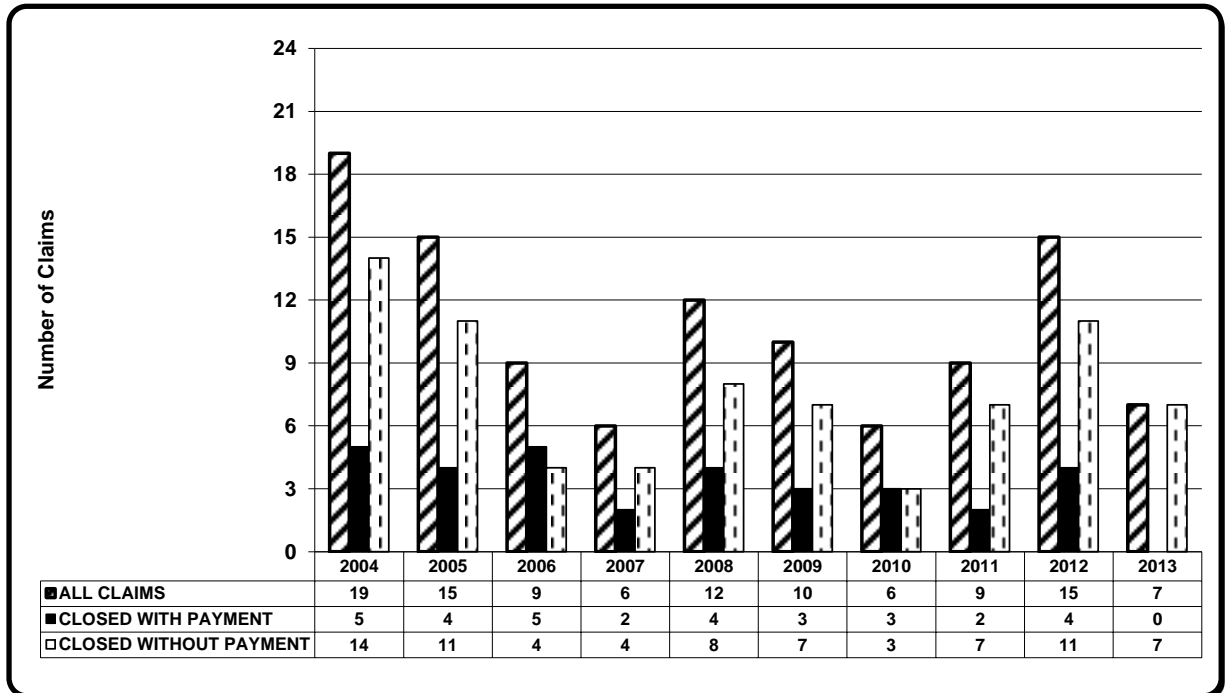


## BUSINESS TRANSACTION/COMMERCIAL LAW

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT



**TEN YEAR SUMMARY  
&  
2013 SUMMARY  
BY  
MAJOR ACTIVITY**



**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
FOR YEARS 2004-2013**

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	690	175	29.86%	\$103,493	\$18,111,324	27.75%	\$11,790
OTHER	523	97	16.55%	\$77,968	\$7,562,848	11.59%	\$12,279
PRE-TRIAL, PRE-HEARING	232	67	11.43%	\$86,854	\$5,819,207	8.92%	\$20,345
PREPARATION, TRANSMITTAL OR FILING	218	70	11.95%	\$78,064	\$5,464,499	8.37%	\$25,331
CONSULTATION OR ADVICE	172	41	7.00%	\$284,576	\$11,667,620	17.87%	\$53,484
SETTLEMENT AND NEGOTIATION	162	41	7.00%	\$141,440	\$5,799,037	8.88%	\$23,419
INVESTIGATION, OTHER THAN LITIGATION	114	35	5.97%	\$59,942	\$2,097,967	3.21%	\$16,525
TRIAL OR HEARING	105	24	4.10%	\$225,267	\$5,406,396	8.28%	\$31,638
POST TRIAL OR HEARING	72	10	1.71%	\$85,338	\$853,375	1.31%	\$11,749
APPEAL ACTIVITIES	57	11	1.88%	\$53,546	\$589,010	0.90%	\$19,982
EX PARTE PROCEEDINGS	29	10	1.71%	\$47,878	\$478,780	0.73%	\$28,359
TAX REPORTING OR PAYMENT	9	3	0.51%	\$116,359	\$349,078	0.53%	\$34,053
OTHER WRITTEN OPINION	7	2	0.34%	\$537,427	\$1,074,853	1.65%	\$63,190
REFERRAL TO ANOTHER PROFESSIONAL	7	0	0.00%	N/A	\$0	0.00%	\$3,537
TITLE OPINION	1	0	0.00%	N/A	\$0	0.00%	\$0
<b>TOTAL</b>	<b>2,398</b>	<b>586</b>	<b>100.00%</b>	<b>\$111,389</b>	<b>\$65,273,994</b>	<b>100.00%</b>	<b>\$19,424</b>

**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
CLAIMS CLOSED IN 2013**

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
OTHER	107	6	28.57%	\$39,476	\$236,854	7.53%	\$2,967
COMMENCEMENT OF ACTION OR PROCEEDING	96	2	9.52%	\$375,000	\$750,000	23.84%	\$2,397
PRE-TRIAL, PRE-HEARING	25	5	23.81%	\$83,200	\$416,000	13.22%	\$6,047
PREPARATION, TRANSMITTAL OR FILING	13	3	14.29%	\$372,500	\$1,117,500	35.53%	\$19,035
SETTLEMENT AND NEGOTIATION	8	1	4.76%	\$26,785	\$26,785	0.85%	\$64,926
CONSULTATION OR ADVICE	7	2	9.52%	\$105,402	\$210,804	6.70%	\$38,425
APPEAL ACTIVITIES	3	0	0.00%	N/A	\$0	0.00%	\$0
INVESTIGATION, OTHER THAN LITIGATION	3	2	9.52%	\$193,863	\$387,725	12.33%	\$1,072
POST TRIAL OR HEARING	2	0	0.00%	N/A	\$0	0.00%	\$0
EXPARTE PROCEEDINGS	1	0	0.00%	N/A	\$0	0.00%	\$0
REFERRAL TO ANOTHER PROFESSIONAL	1	0	0.00%	N/A	\$0	0.00%	\$0
TRIAL OR HEARING	1	0	0.00%	N/A	\$0	0.00%	\$0
<b>TOTAL</b>	<b>267</b>	<b>21</b>	<b>100.00%</b>	<b>\$149,794</b>	<b>\$3,145,668</b>	<b>100.00%</b>	<b>\$6,509</b>

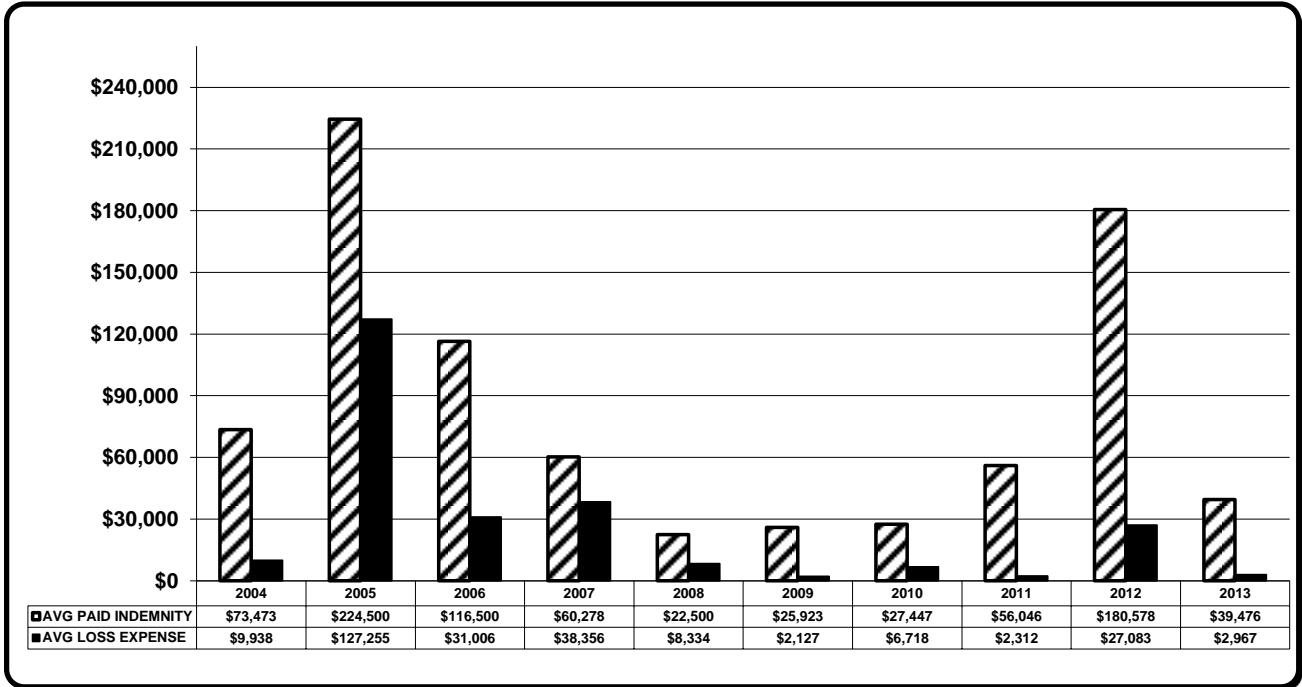


**TRENDS  
OF THE TOP TEN  
MAJOR ACTIVITY  
OF 2013**

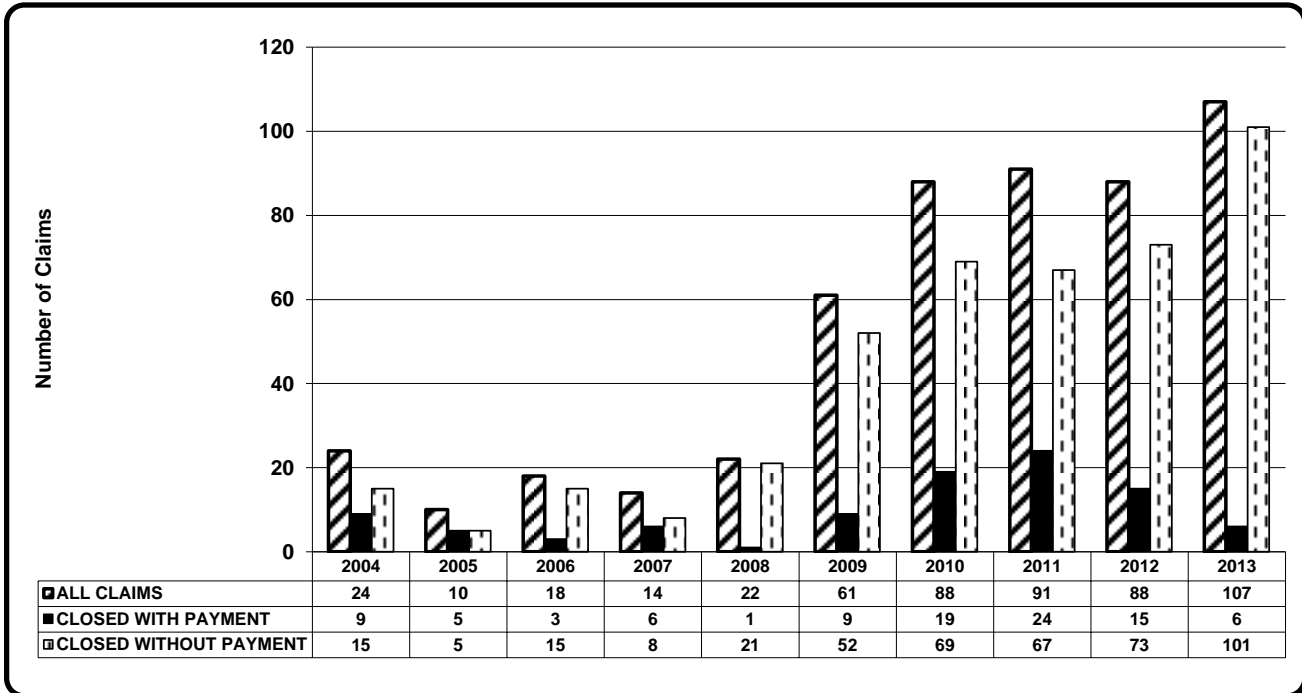


## OTHER

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

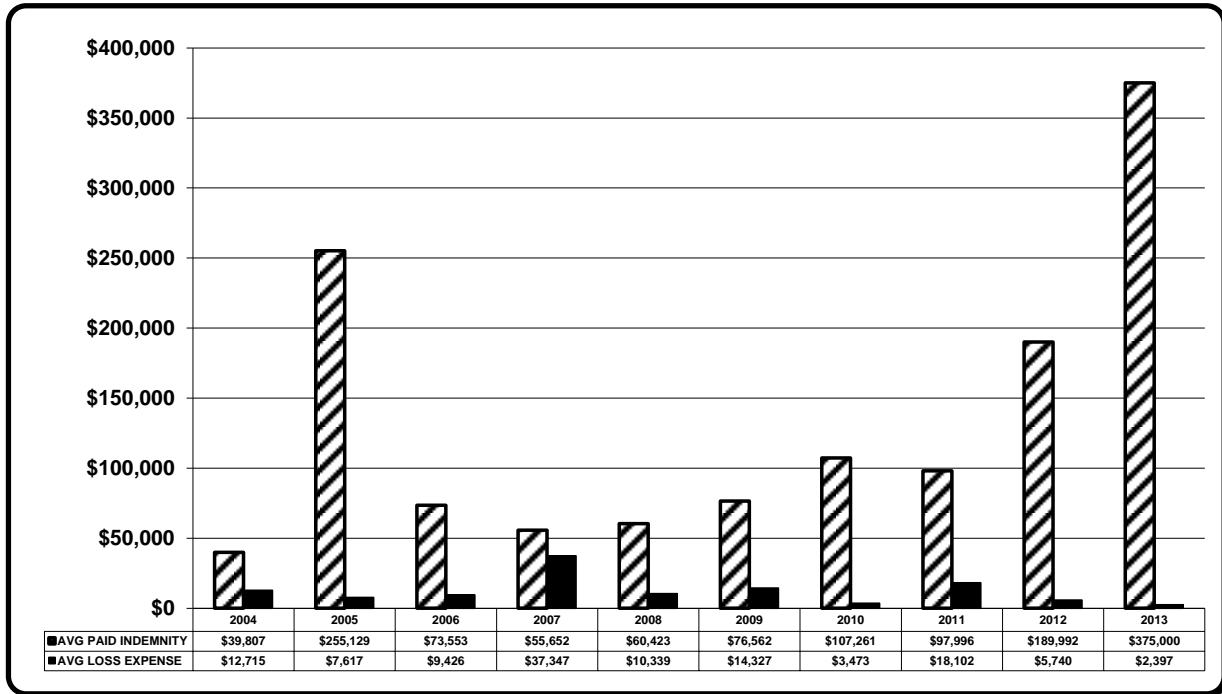


## CLAIM COUNT

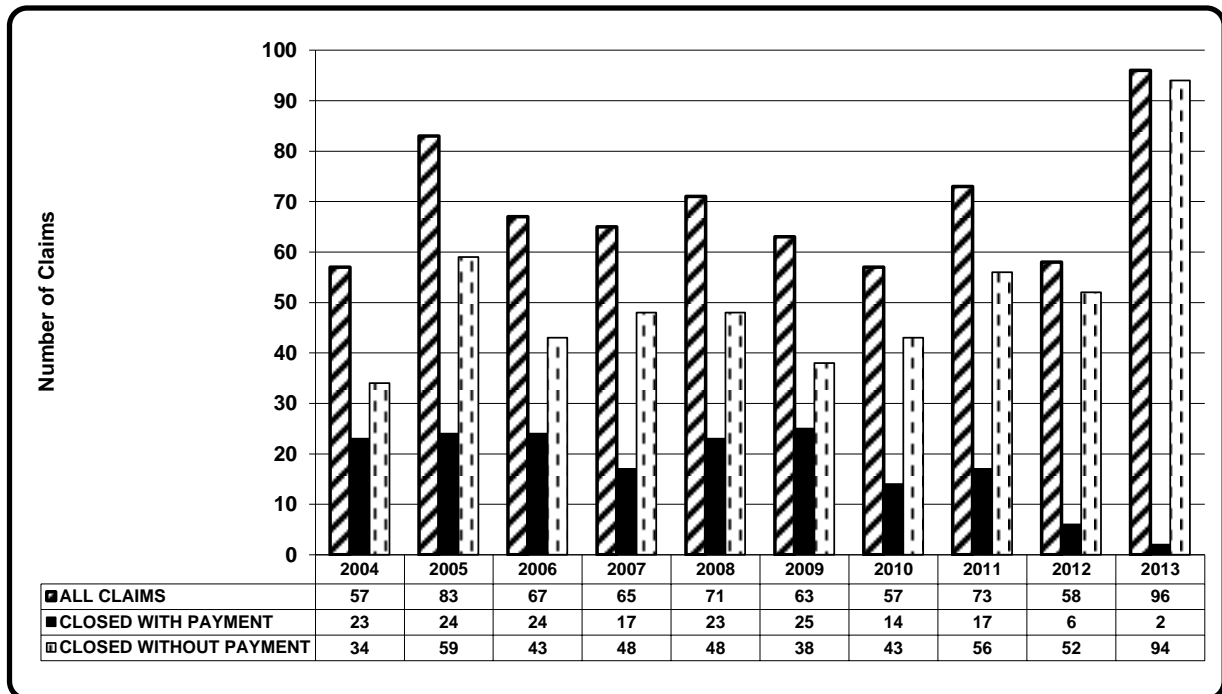


## COMMENCEMENT OF ACTION OR PROCEEDING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

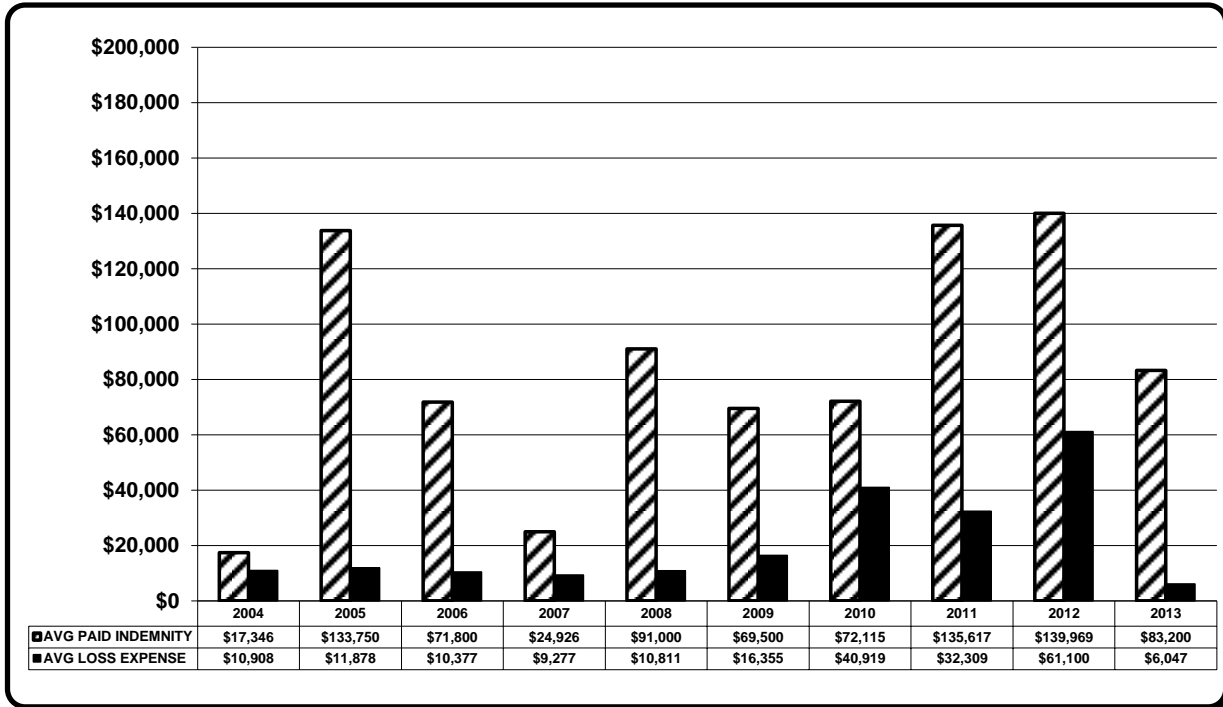


### CLAIM COUNT

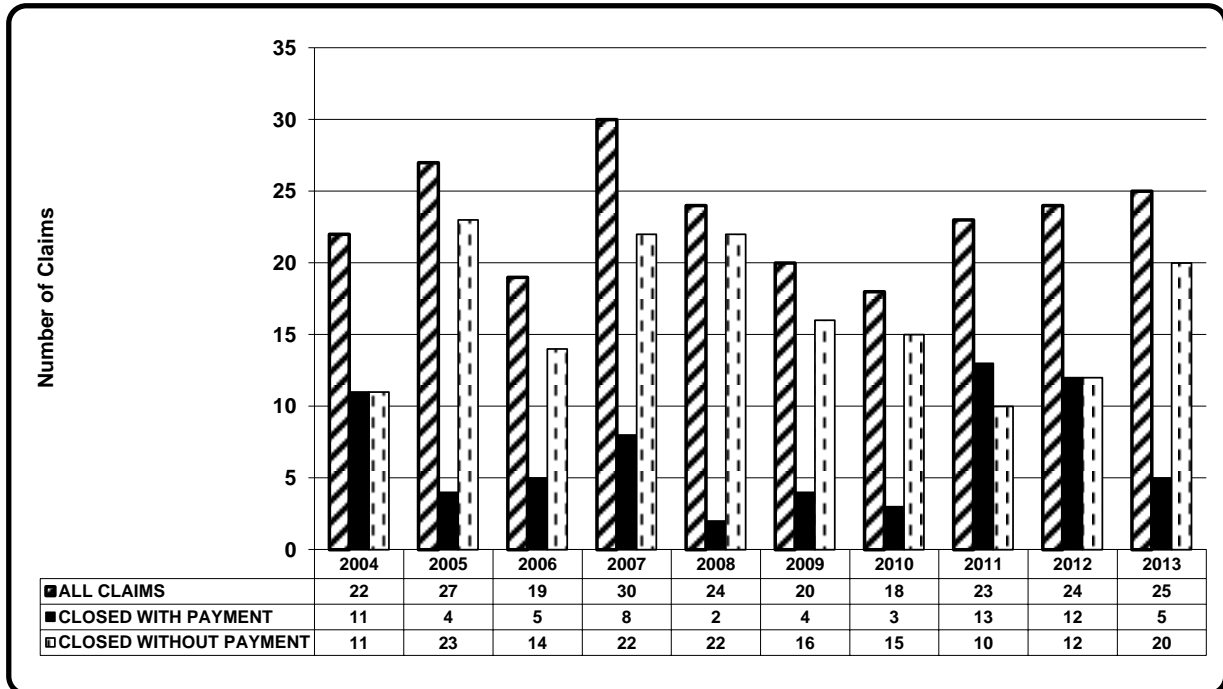


## PRE-TRIAL, PRE-HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

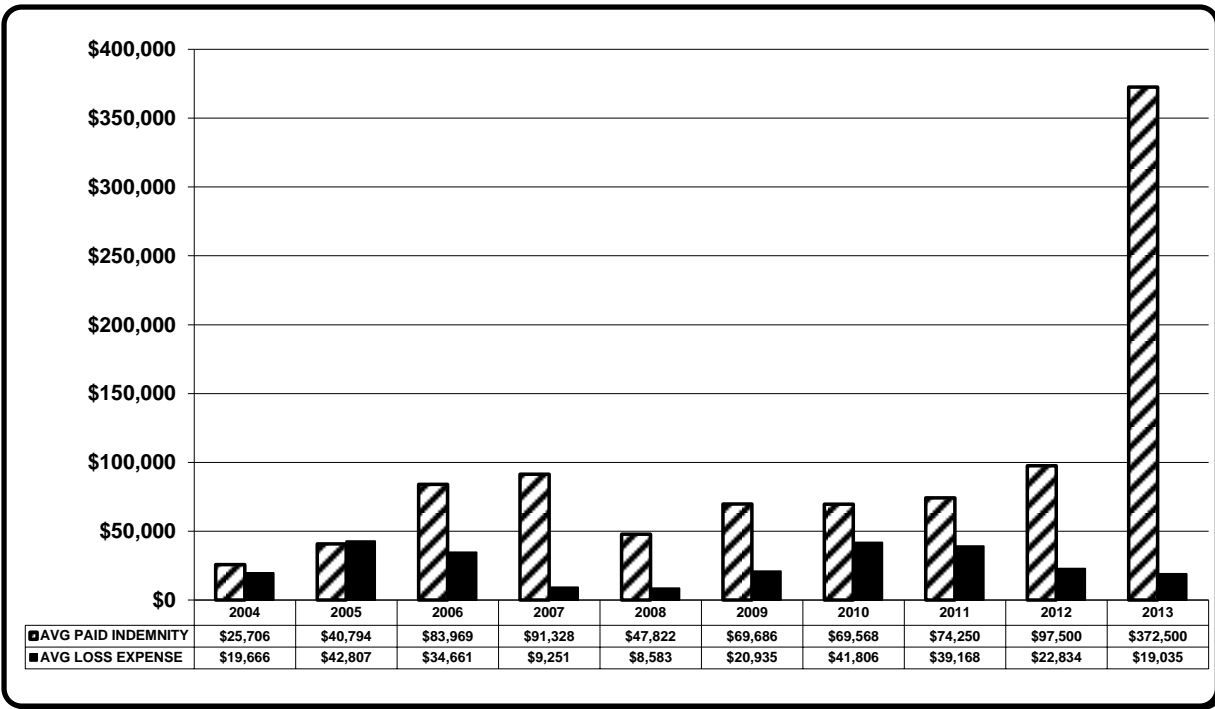


### CLAIM COUNT

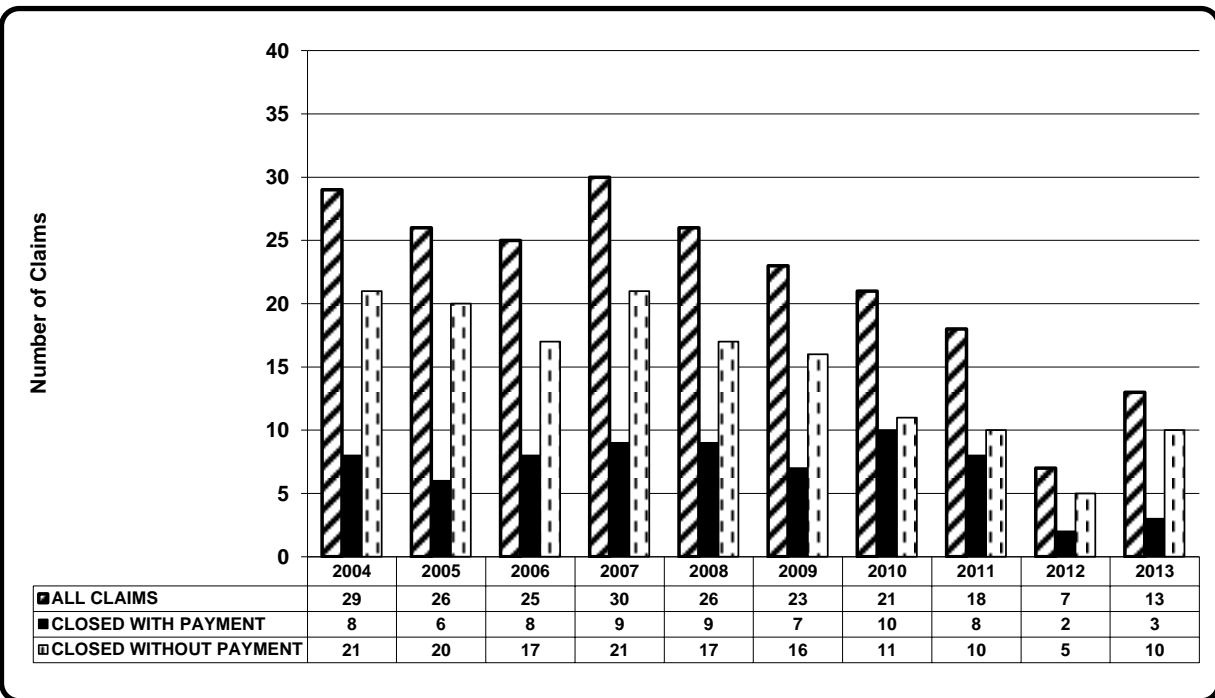


## PREPARATION, TRANSMITTAL OR FILING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

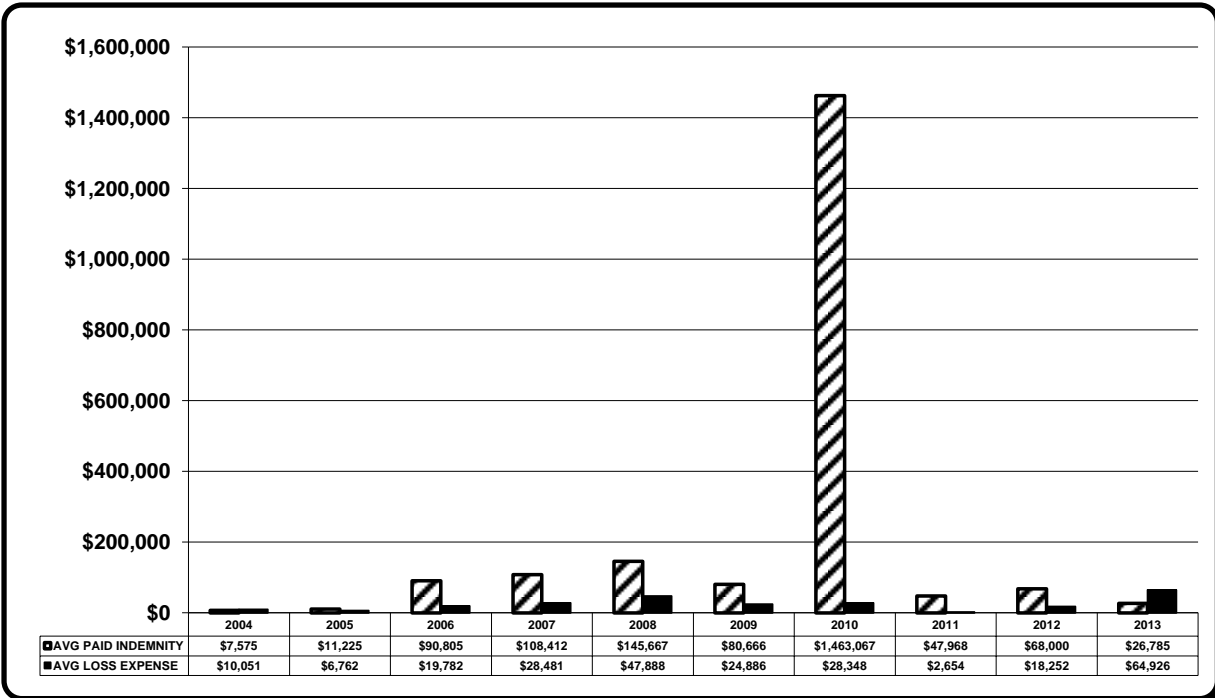


### CLAIM COUNT

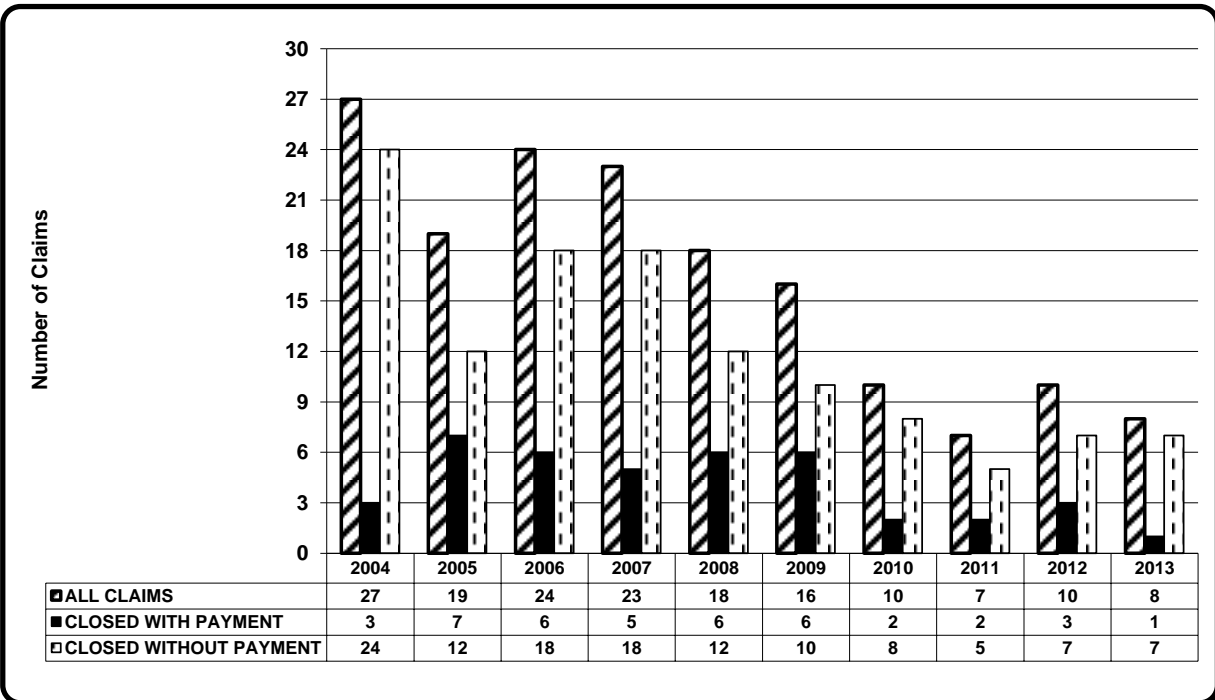


## SETTLEMENT & NEGOTIATION

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

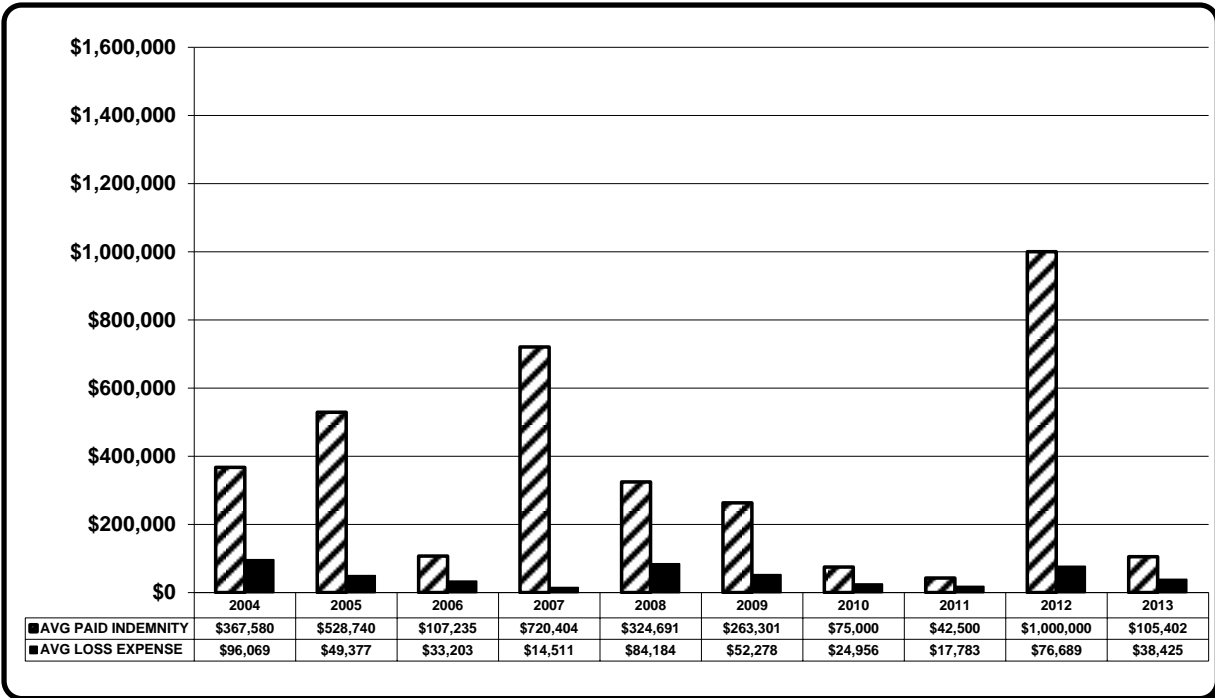


## CLAIM COUNT

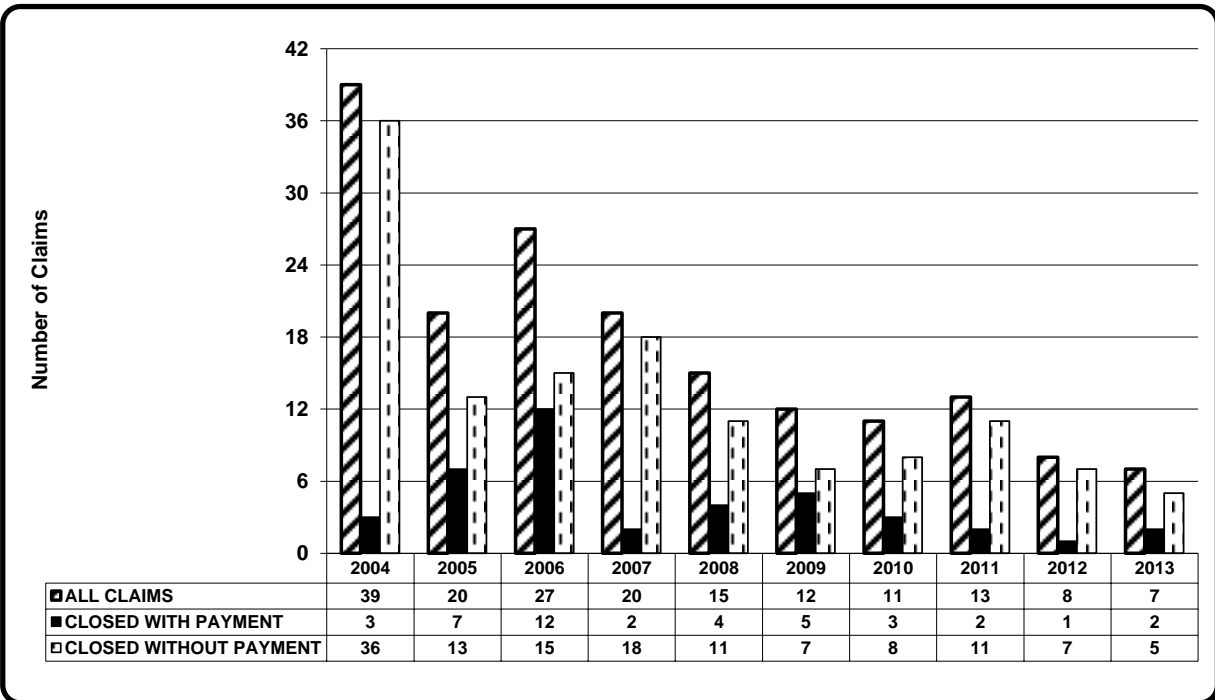


## CONSULTATION OR ADVICE

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



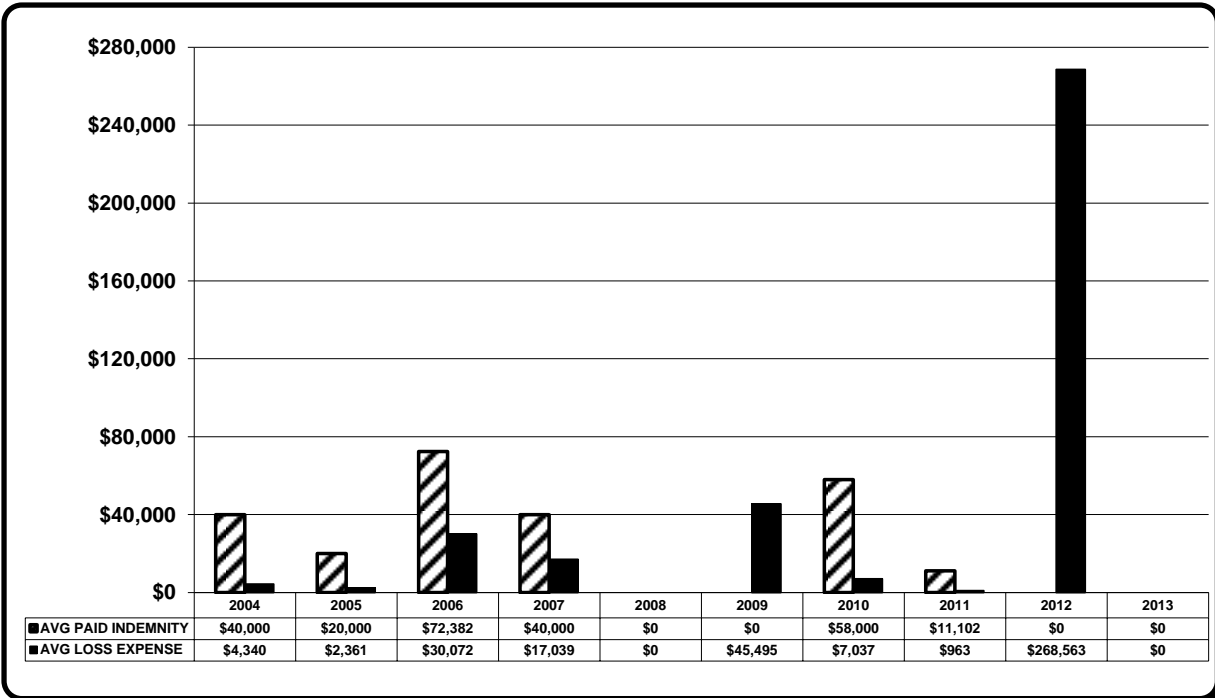
## CLAIM COUNT



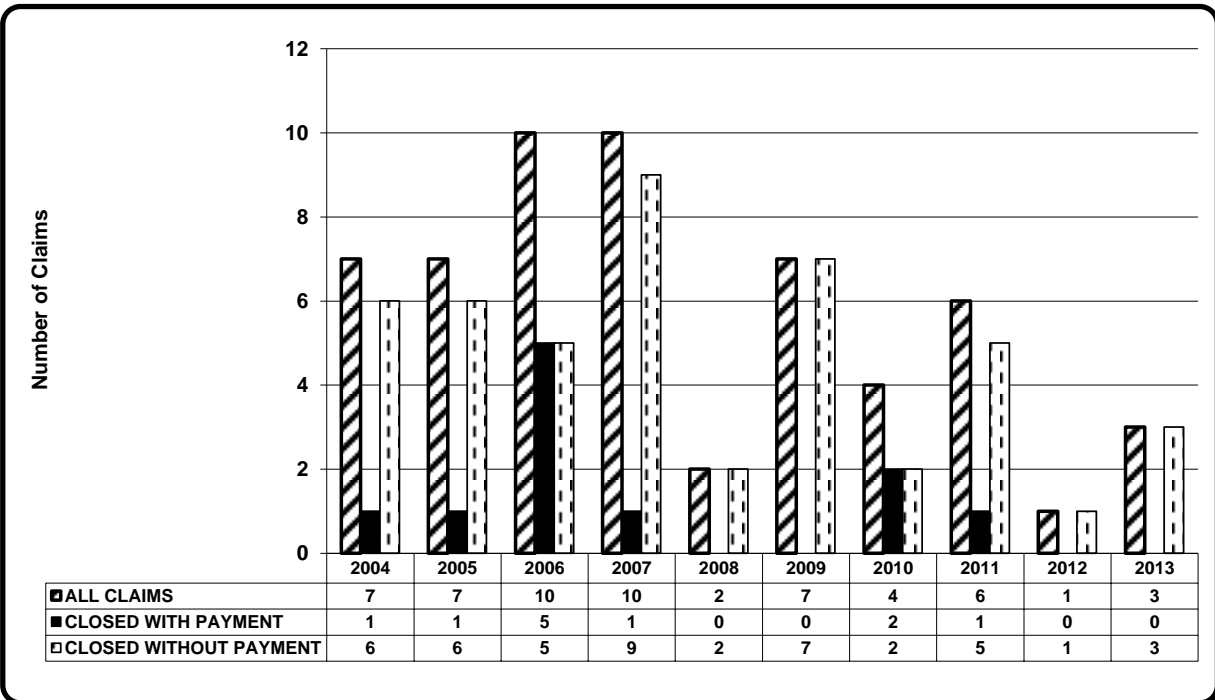


## APPEAL ACTIVITIES

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

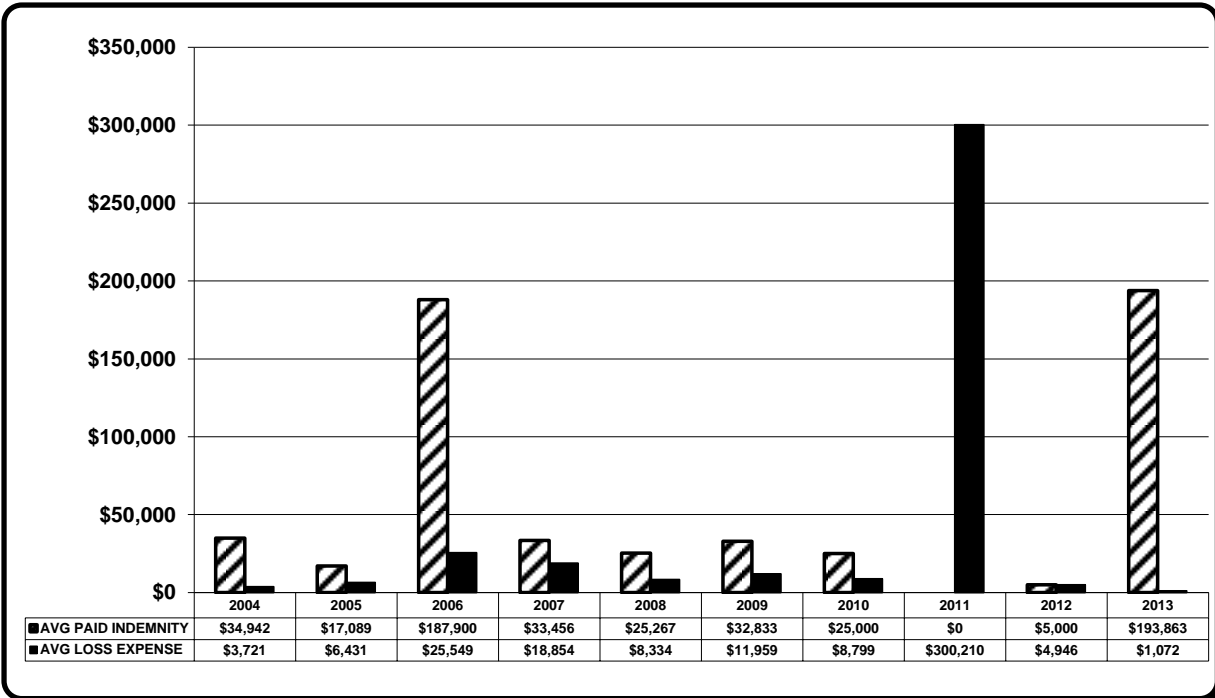


## CLAIM COUNT

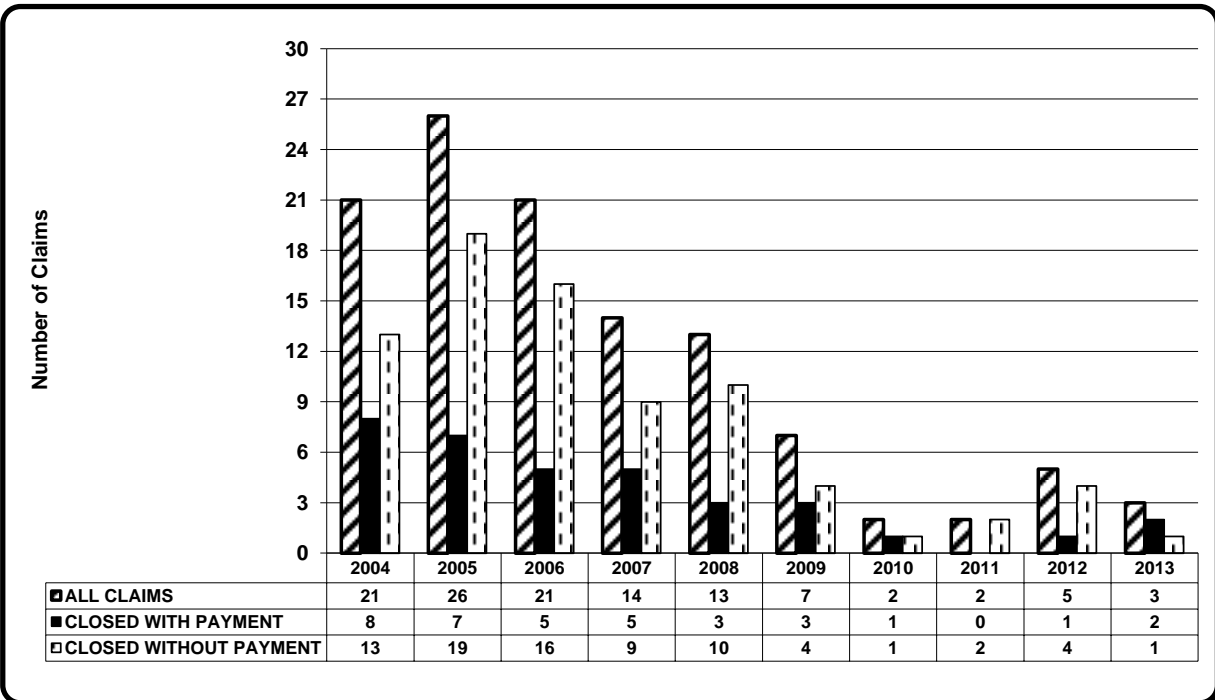


## INVESTIGATION, OTHER THAN LITIGATION

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

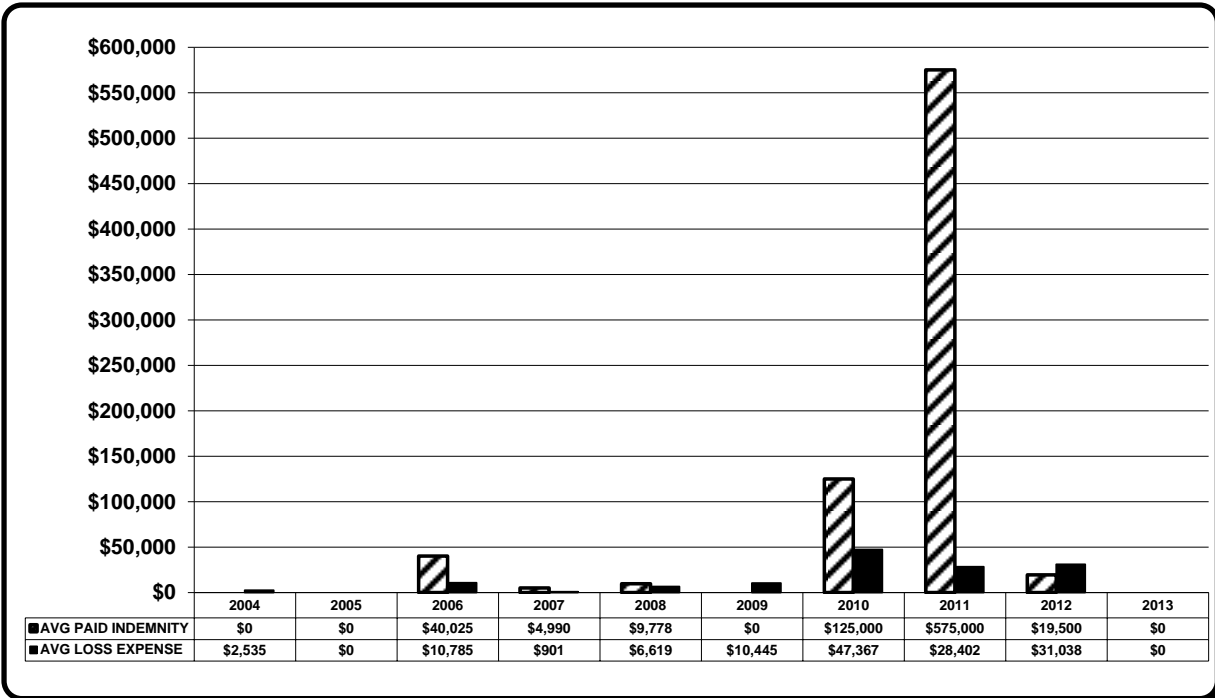


### CLAIM COUNT

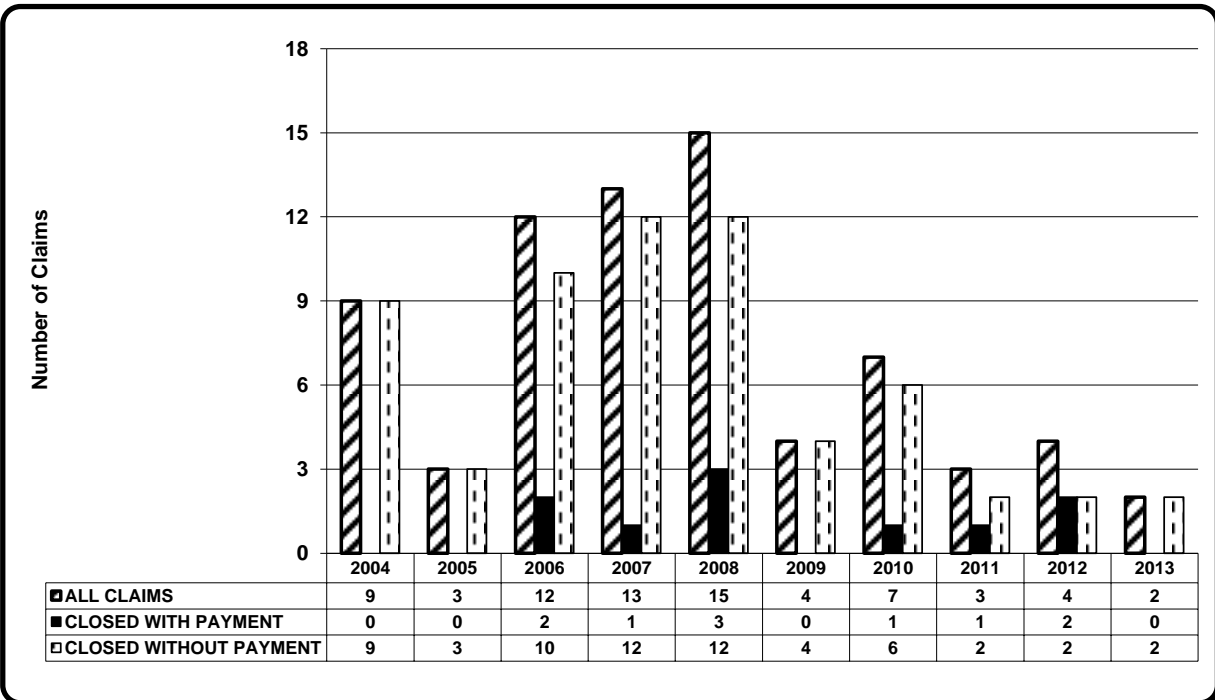


## POST TRIAL OR HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

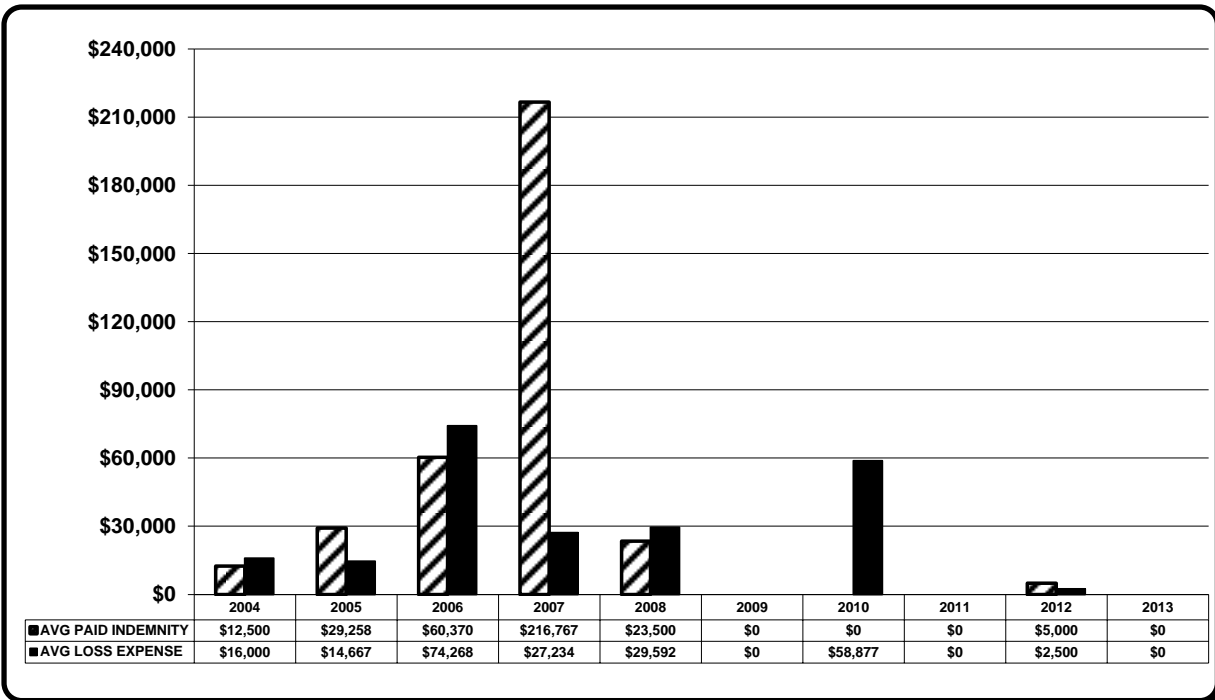


### CLAIM COUNT

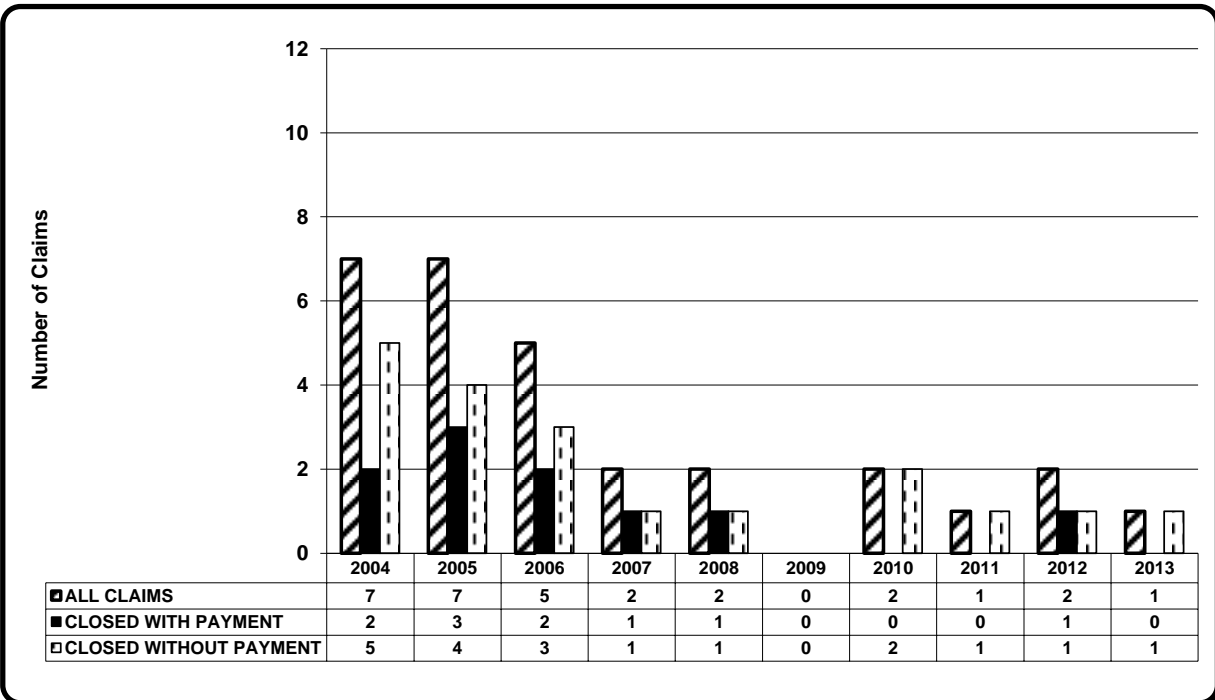


## EXPARTE PROCEEDINGS

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



## CLAIM COUNT



**TEN YEAR SUMMARY  
&  
2013 SUMMARY  
BY  
ALLEGED ERRORS OR OMISSIONS**



# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS FOR YEARS 2004-2013

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	472	61	10.41%	\$72,298	\$4,410,180	6.76%	\$7,370
FAIL TO ASCERTAIN DEADLINE CORRECTLY	327	105	17.92%	\$100,038	\$10,503,953	16.09%	\$19,201
PLANNING OR STRATEGY ERROR	255	68	11.60%	\$243,517	\$16,559,151	25.37%	\$31,213
FAIL TO KNOW OR PROPERLY APPLY THE LAW	181	53	9.04%	\$109,138	\$5,784,314	8.86%	\$21,771
PROCRASTINATION OR LACK OF FOLLOW-UP	154	45	7.68%	\$182,432	\$8,209,454	12.58%	\$18,291
INADEQUATE INVESTIGATION	128	35	5.97%	\$92,862	\$3,250,187	4.98%	\$33,951
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	112	20	3.41%	\$184,957	\$3,699,140	5.67%	\$18,890
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	100	26	4.44%	\$69,904	\$1,817,504	2.78%	\$15,850
FAILURE TO REACT TO CALENDAR	100	43	7.34%	\$53,517	\$2,301,215	3.53%	\$5,360
MALICIOUS PROSECUTION OR ABUSE OF PROCESS	83	13	2.22%	\$21,423	\$278,500	0.43%	\$16,592
FRAUD	78	13	2.22%	\$31,553	\$410,193	0.63%	\$16,777
FAIL TO OBTAIN CLIENTS CONSENT	76	10	1.71%	\$41,596	\$415,960	0.64%	\$55,867
FAILURE TO CALENDAR PROPERLY	74	38	6.48%	\$66,137	\$2,513,197	3.85%	\$11,376
CONFLICT OF INTEREST	66	14	2.39%	\$162,294	\$2,272,112	3.48%	\$59,730
CLERICAL ERROR	51	14	2.39%	\$23,332	\$326,651	0.50%	\$7,888
VIOLATION OF CIVIL RIGHTS	41	5	0.85%	\$86,000	\$430,000	0.66%	\$9,960
ERROR IN MATHEMATICAL CALCULATION	25	8	1.37%	\$47,058	\$376,467	0.58%	\$6,725
IMPROPER WITHDRAWAL FROM REPRESENTATION	25	7	1.19%	\$41,530	\$290,710	0.45%	\$9,736
ERROR IN PUBLIC RECORD SEARCH	18	5	0.85%	\$78,521	\$392,606	0.60%	\$16,736
LIBEL OR SLANDER	15	0	0.00%	N/A	\$0	0.00%	\$3,402
FAIL TO ANTICIPATE TAX CONSEQUENCES	11	2	0.34%	\$507,500	\$1,015,000	1.55%	\$12,475
LOST FILE, DOCUMENT OR EVIDENCE	5	1	0.17%	\$17,500	\$17,500	0.03%	\$19,051
NOT SPECIFIED	1	0	0.00%	N/A	\$0	0.00%	\$0
<b>TOTAL</b>	<b>2,398</b>	<b>586</b>	<b>100.00%</b>	<b>\$111,389</b>	<b>\$65,273,994</b>	<b>100.00%</b>	<b>\$19,424</b>

# LEGAL MALPRACTICE INSURANCE INDEMNITY ANALYSIS CLAIMS CLOSED IN 2013

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	110	3	14.29%	\$31,095	\$93,285	0.03	\$2,173
FAIL TO ASCERTAIN DEADLINE CORRECTLY	32	0	0.00%	N/A	\$0	0.00%	\$149
PLANNING OR STRATEGY ERROR	26	5	23.81%	\$172,045	\$860,225	27.35%	\$4,399
FAIL TO KNOW OR PROPERLY APPLY THE LAW	22	3	14.29%	\$22,268	\$66,804	2.12%	\$8,264
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	17	4	19.05%	\$42,589	\$170,354	5.42%	\$4,527
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	12	1	4.76%	\$1,050,000	\$1,050,000	33.38%	\$17,351
INADEQUATE INVESTIGATION	9	1	4.76%	\$375,000	\$375,000	11.92%	\$357
FRAUD	6	0	0.00%	N/A	\$0	0.00%	\$0
FAIL TO OBTAIN CLIENTS CONSENT	5	0	0.00%	N/A	\$0	0.00%	\$4,305
MALICIOUS PROSECUTION OR ABUSE OF PROCESS	5	0	0.00%	N/A	\$0	0.00%	\$6,027
PROCRASTINATION OR LACK OF FOLLOW-UP	5	2	9.52%	\$100,000	\$200,000	6.36%	\$16,480
CONFLICT OF INTEREST	4	0	0.00%	N/A	\$0	0.00%	\$174,111
FAILURE TO REACT TO CALENDAR	4	1	4.76%	\$130,000	\$130,000	4.13%	\$1,924
CLERICAL ERROR	3	0	0.00%	N/A	\$0	0.00%	\$0
VIOLATION OF CIVIL RIGHTS	3	1	4.76%	\$200,000	\$200,000	6.36%	\$23,752
ERROR IN MATHEMATICAL CALCULATION	1	0	0.00%	N/A	\$0	0.00%	\$0
ERROR IN PUBLIC RECORD SEARCH	1	0	0.00%	N/A	\$0	0.00%	\$0
FAILURE TO CALENDAR PROPERLY	1	0	0.00%	N/A	\$0	0.00%	\$0
LIBEL OR SLANDER	1	0	0.00%	N/A	\$0	0.00%	\$0
<b>TOTAL</b>	<b>267</b>	<b>21</b>	<b>100.00%</b>	<b>\$149,794</b>	<b>\$3,145,668</b>	<b>100.00%</b>	<b>\$6,509</b>

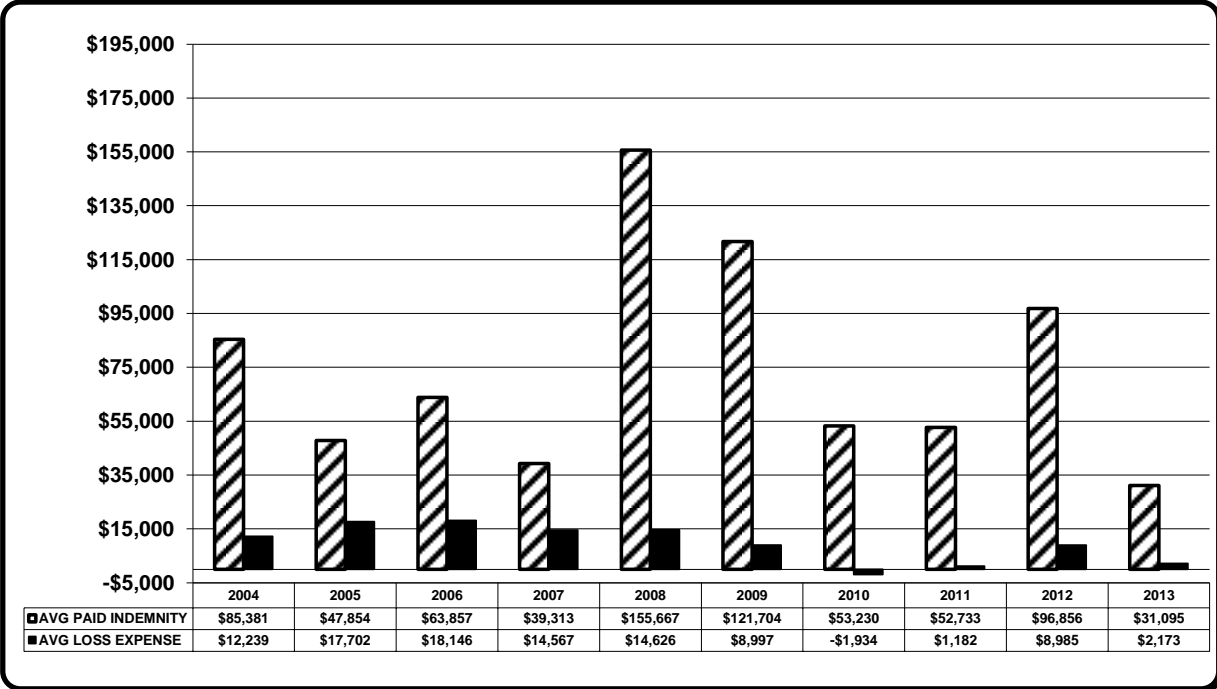


**TRENDS  
OF THE TOP TEN  
ERRORS OR OMISSIONS  
OF 2013**

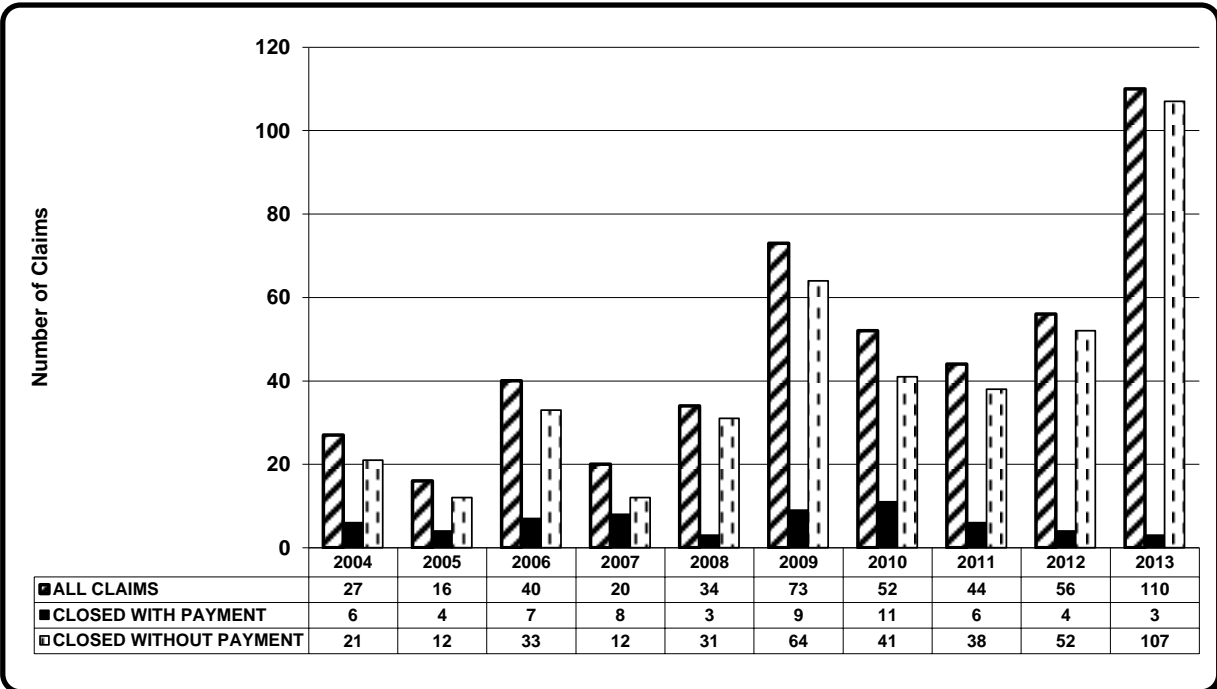


## OTHER

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

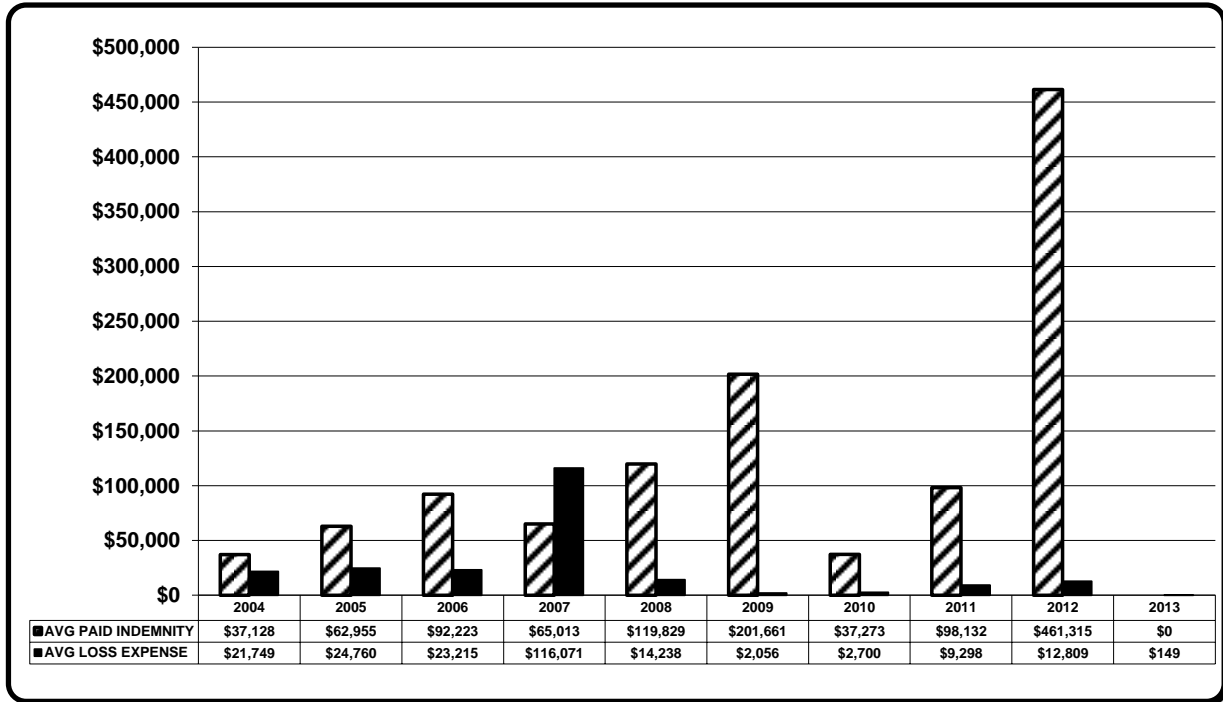


## CLAIM COUNT

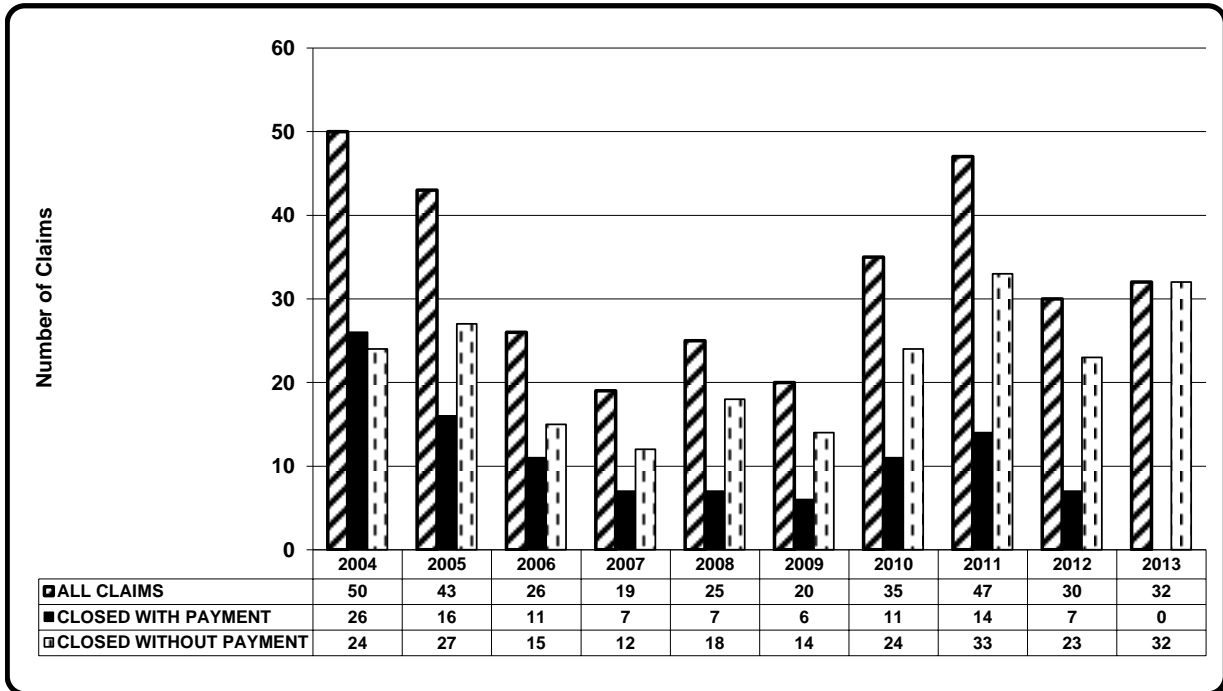


## FAILURE TO ASCERTAIN DEADLINE CORRECTLY

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

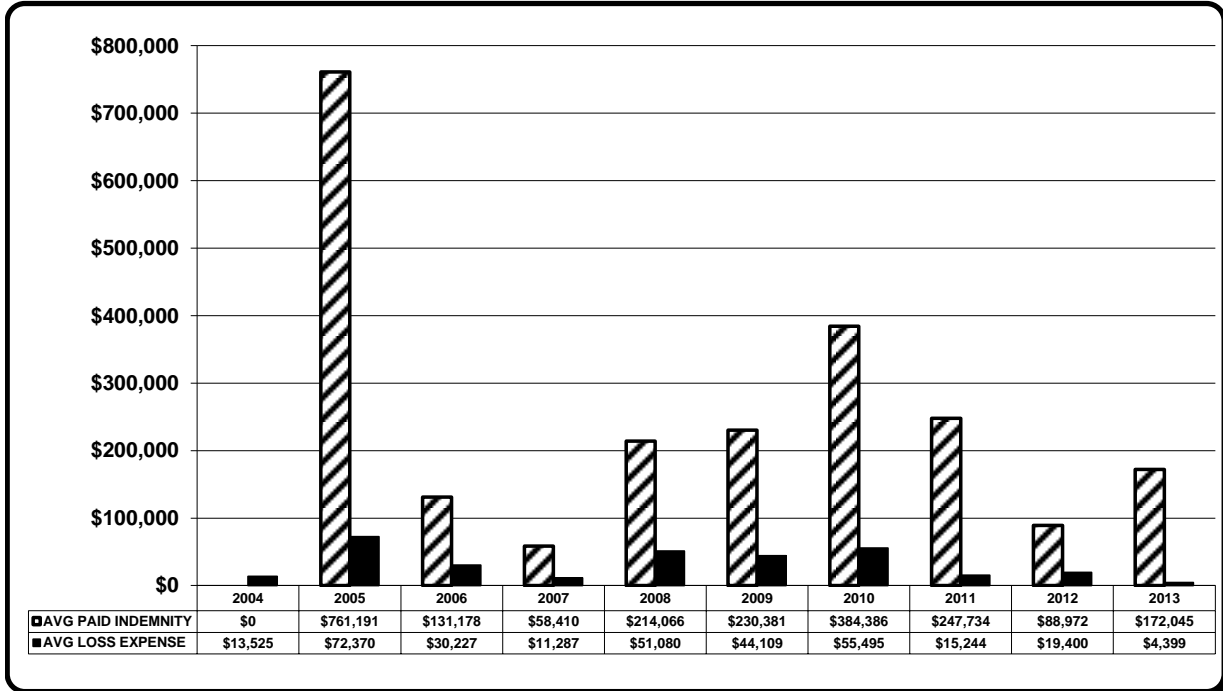


### CLAIM COUNT

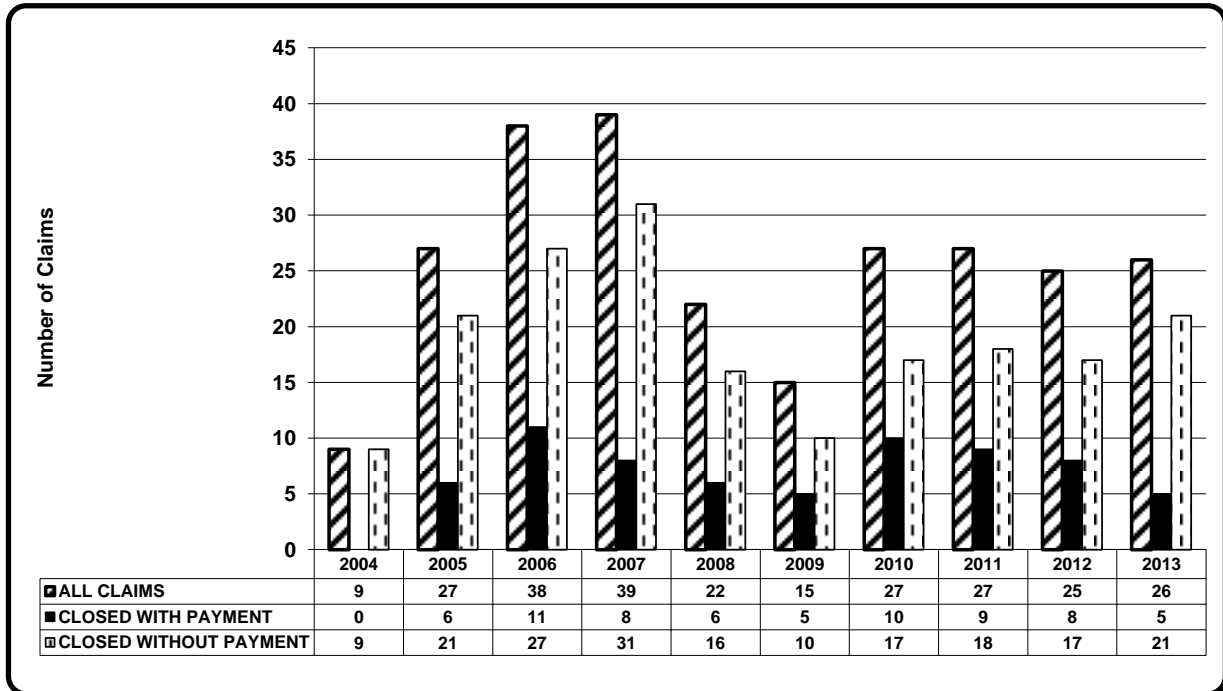


## PLANNING OR STRATEGY ERROR

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

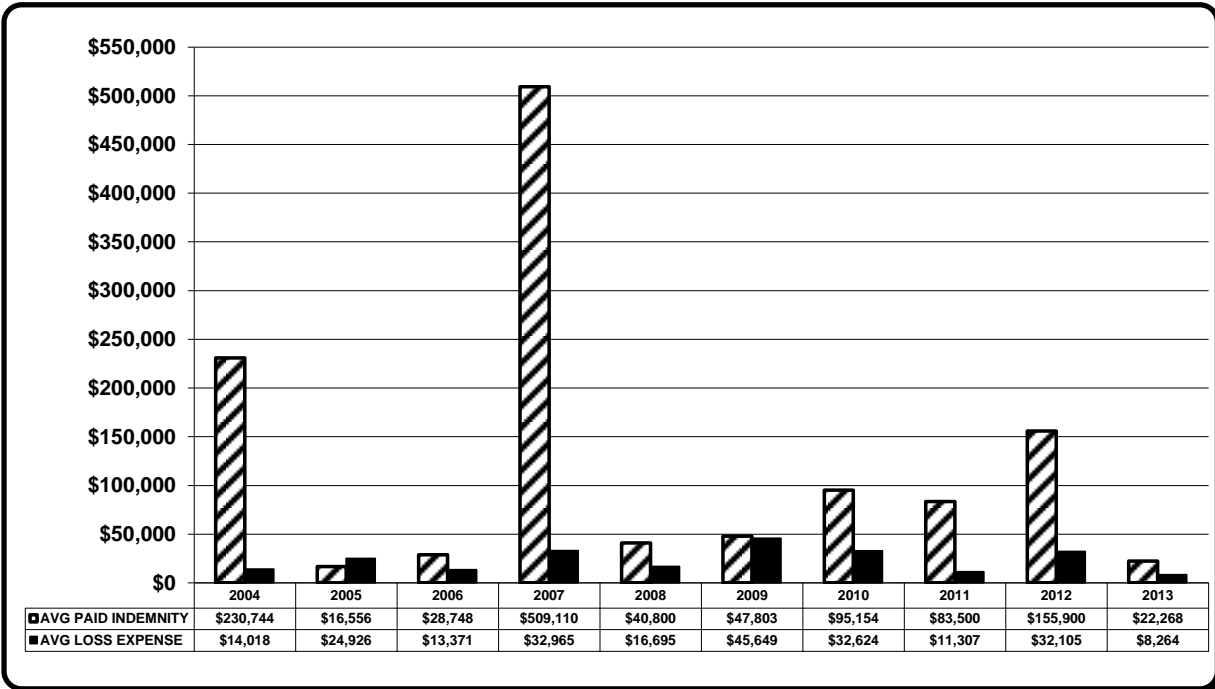


### CLAIM COUNT

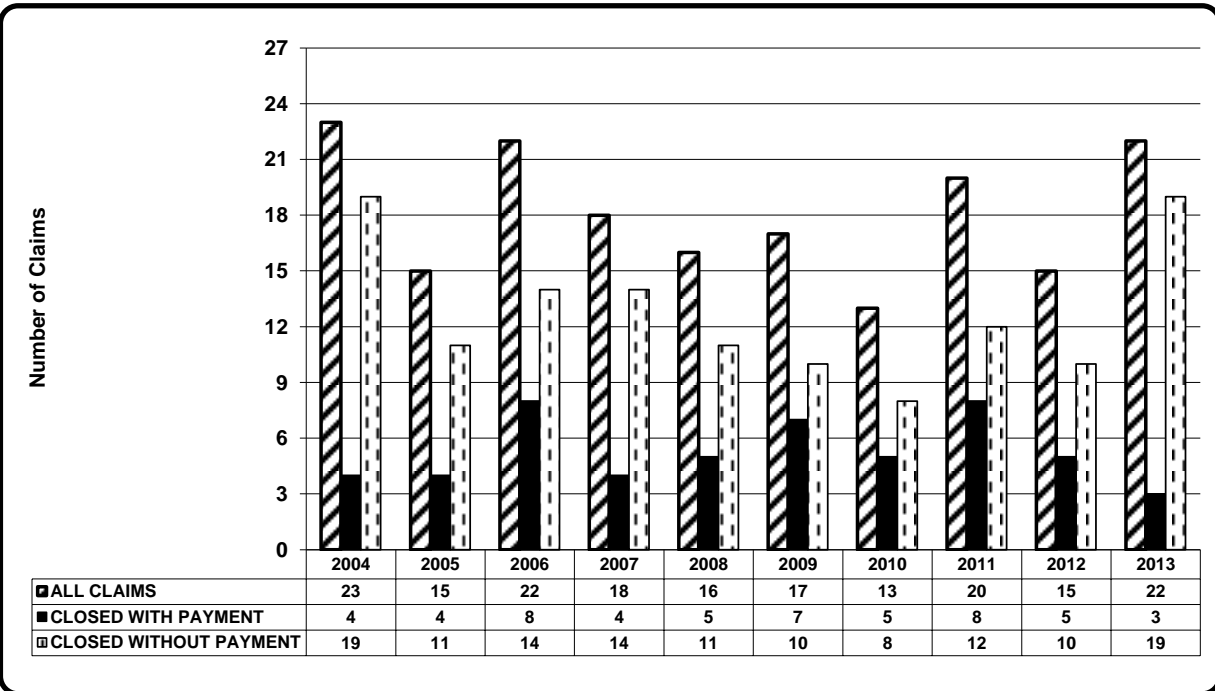


## FAILURE TO KNOW OR PROPERLY APPLY THE LAW

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

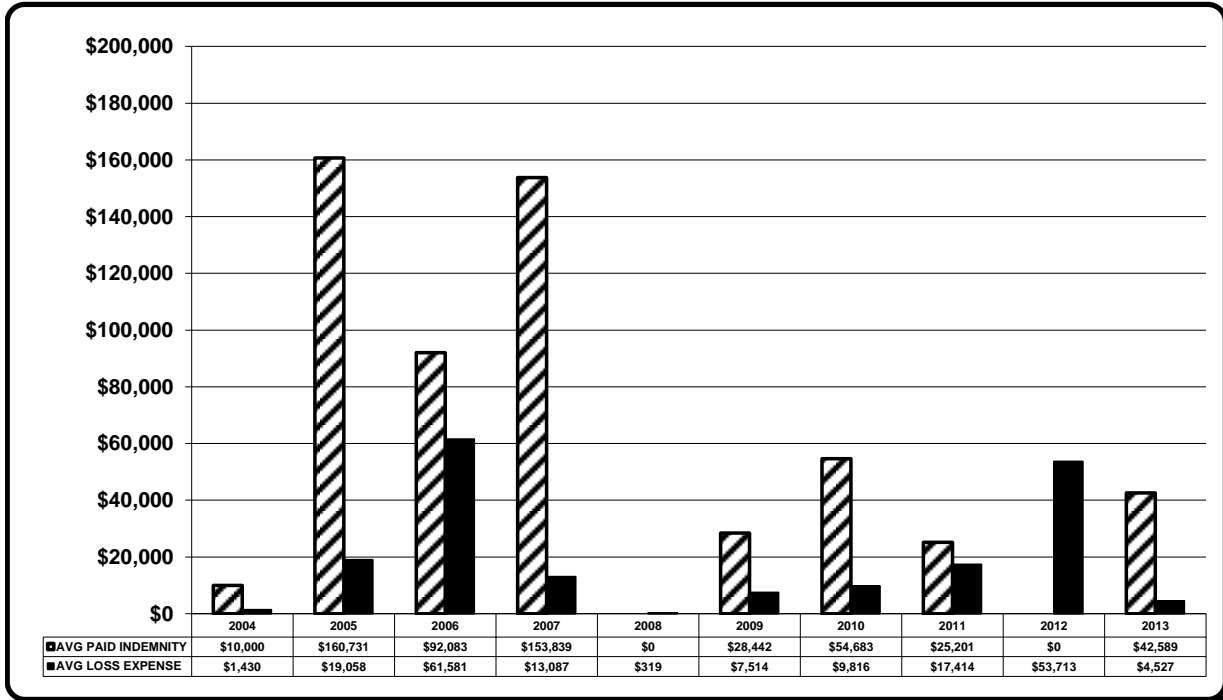


### CLAIM COUNT

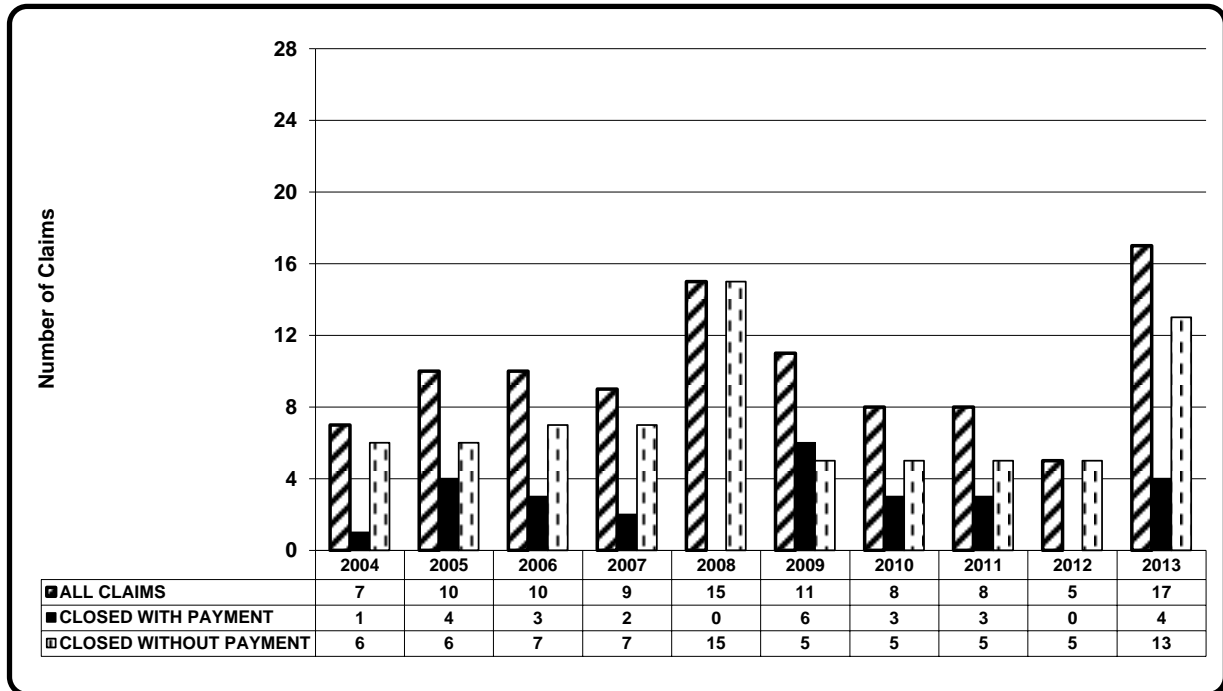


## FAILURE TO FILE DOCUMENTS WITH NO DEADLINE

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

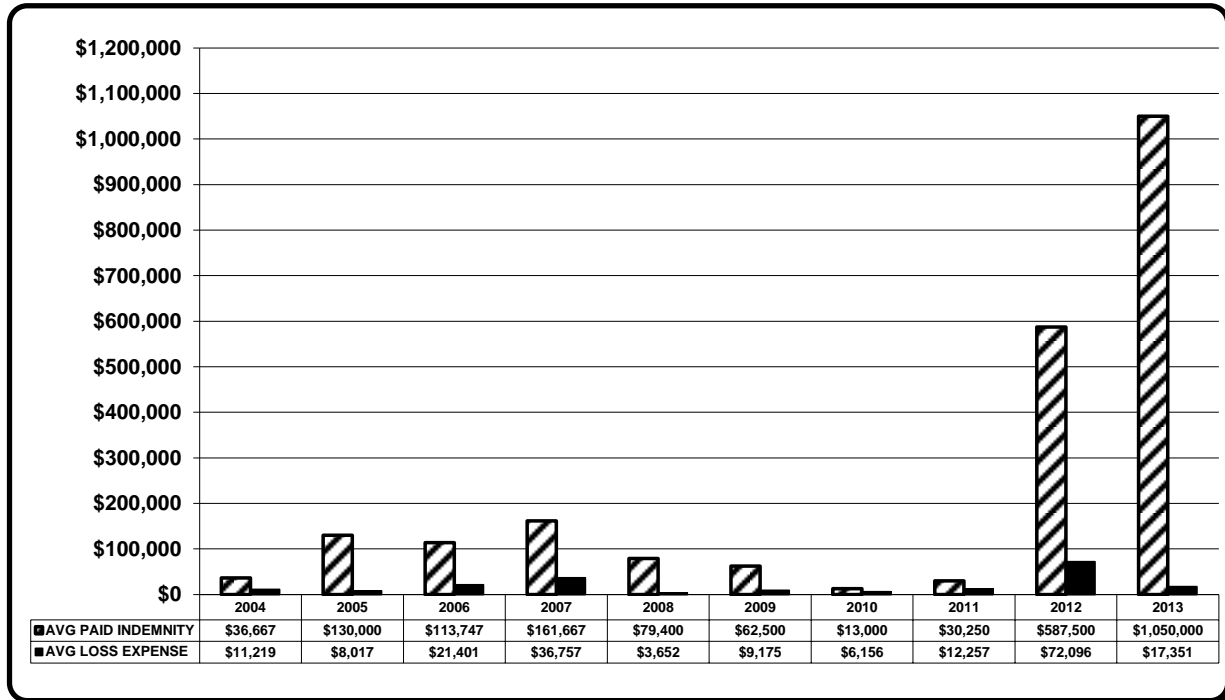


### CLAIM COUNT

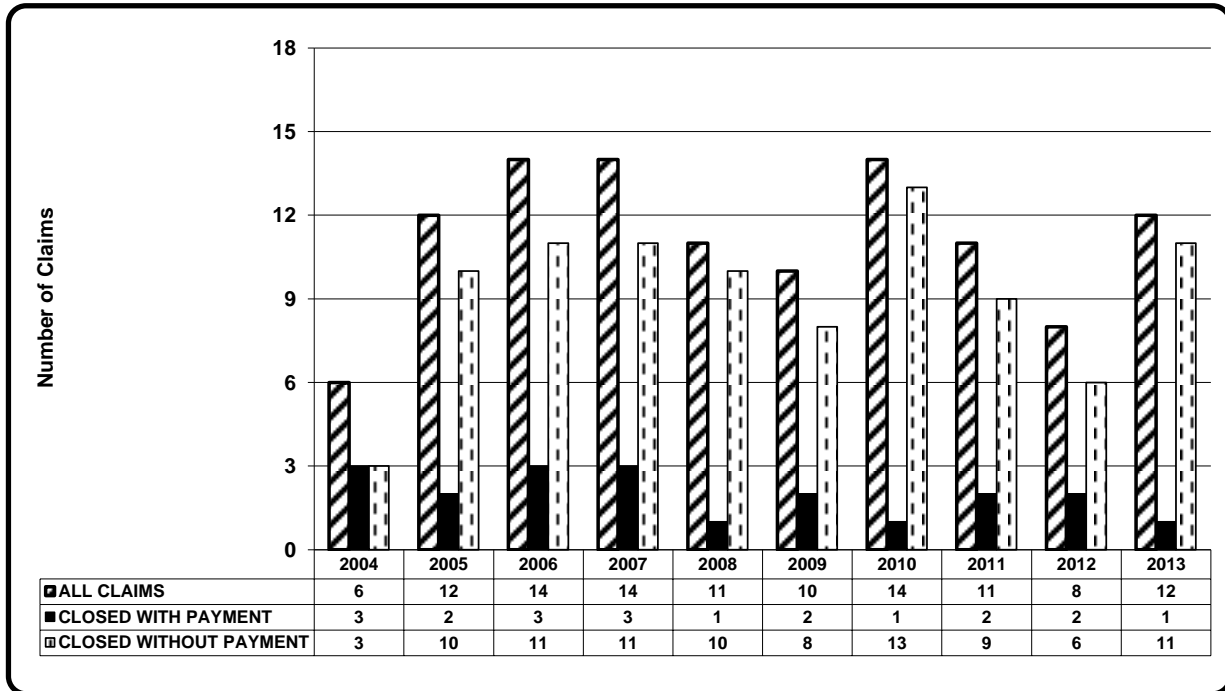


## FAILURE TO FOLLOW CLIENTS INSTRUCTIONS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



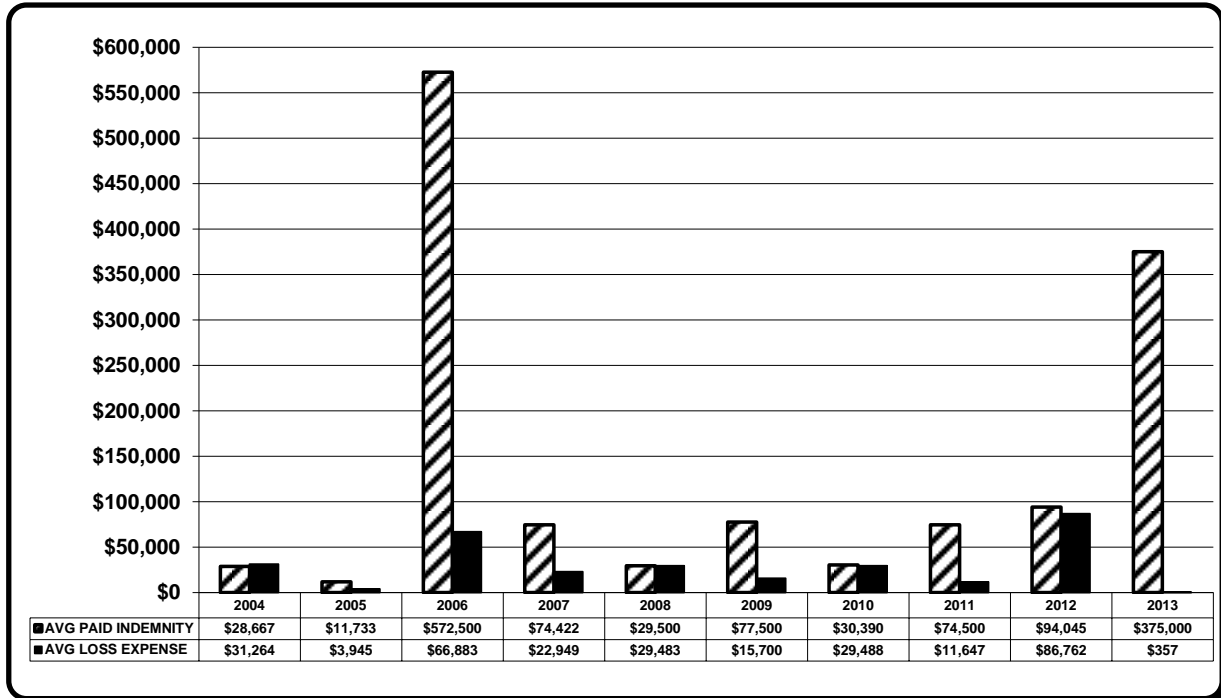
### CLAIM COUNT



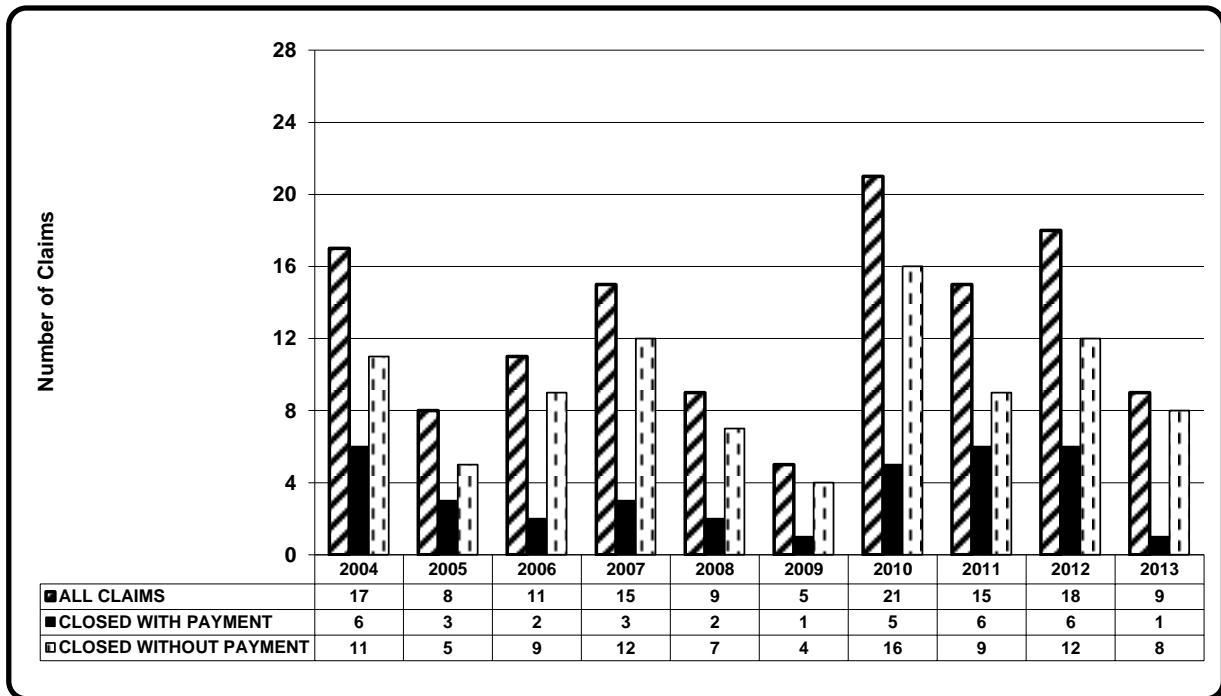


## INADEQUATE INVESTIGATION

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

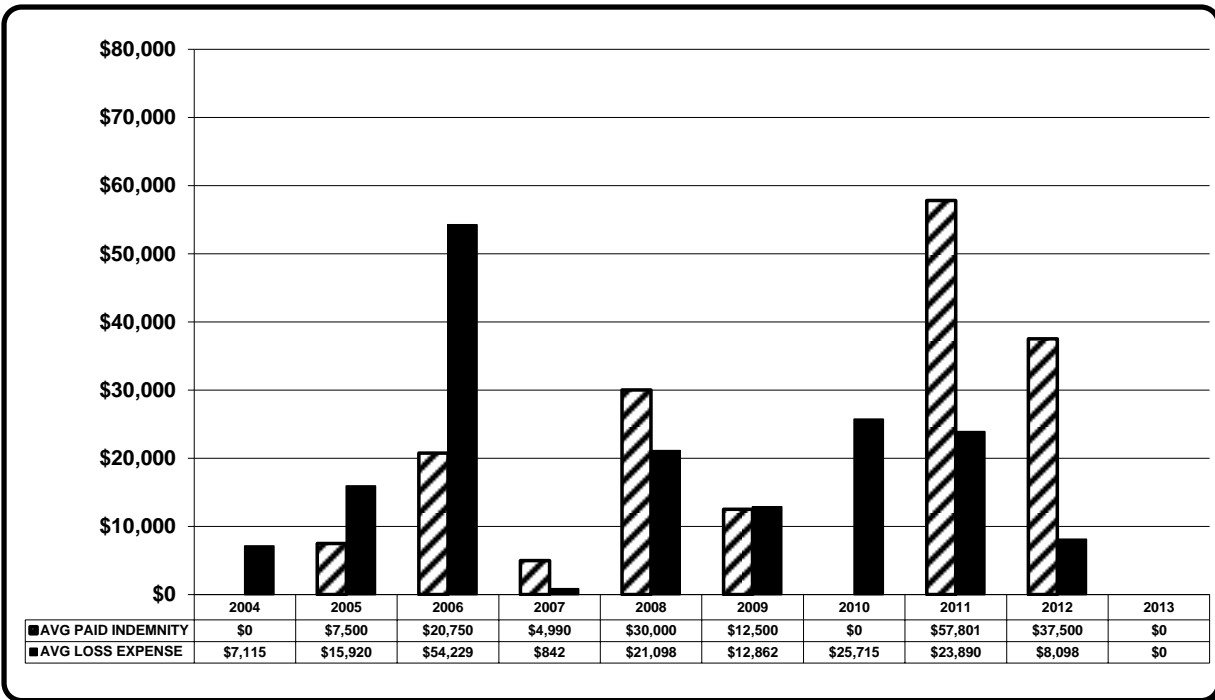


## CLAIM COUNT

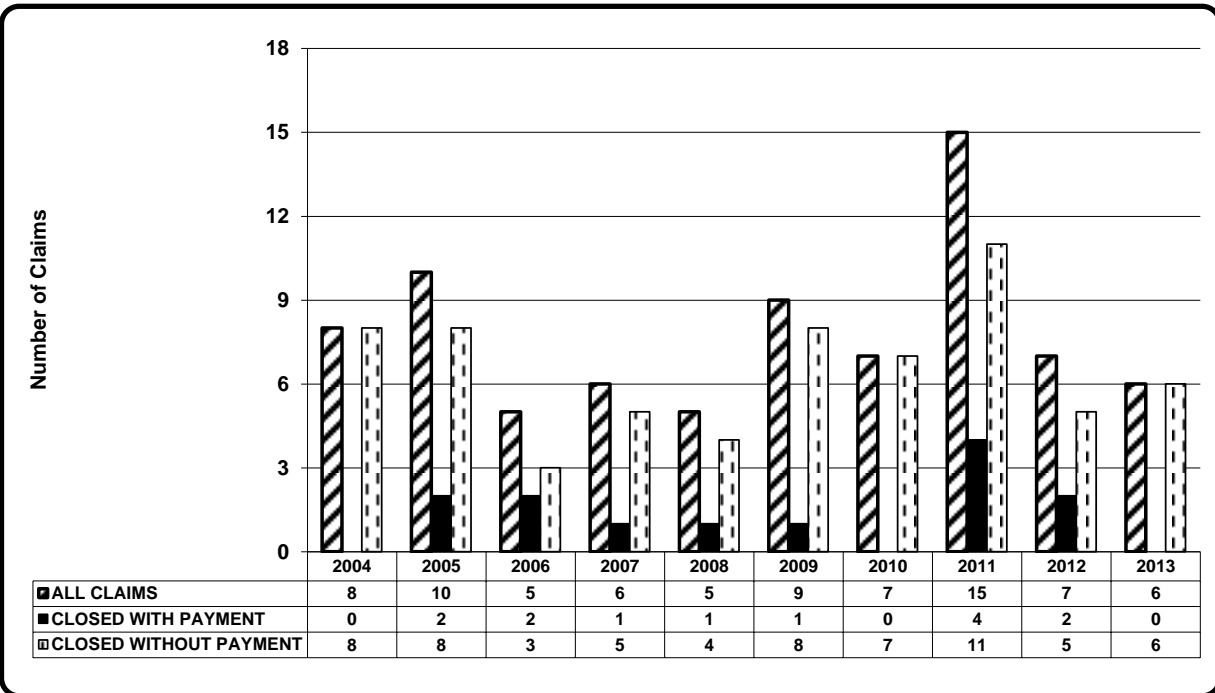


## FRAUD

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

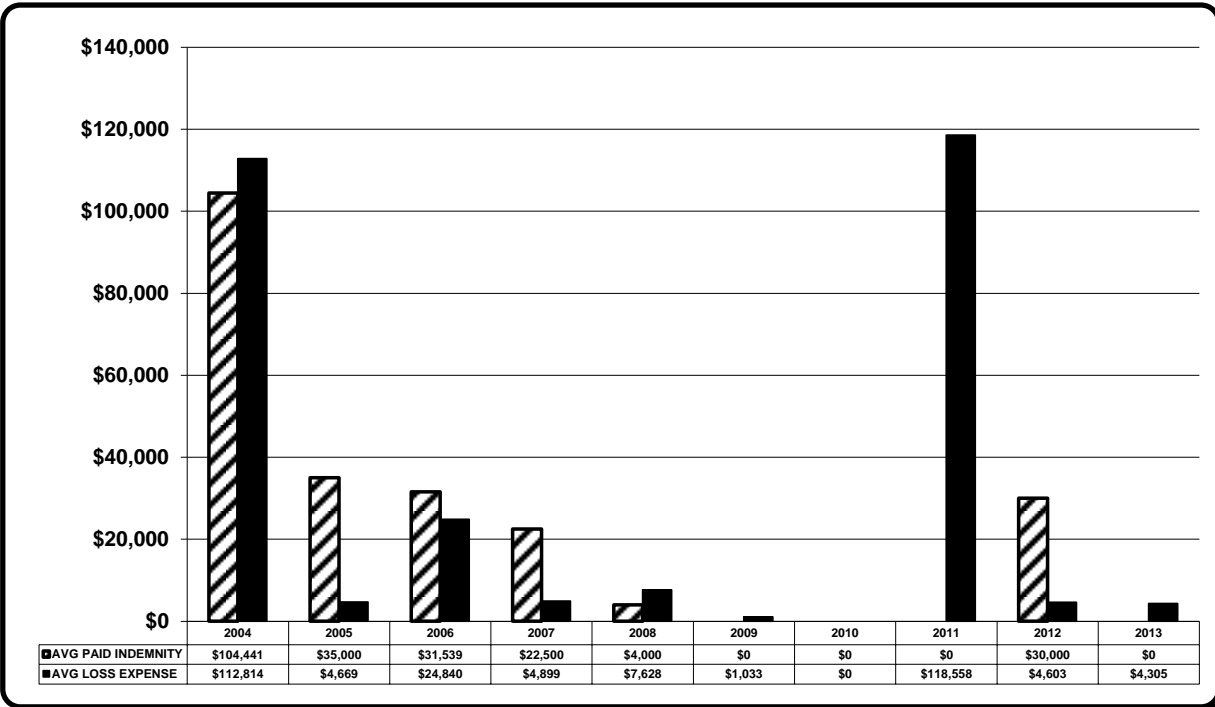


## CLAIM COUNT

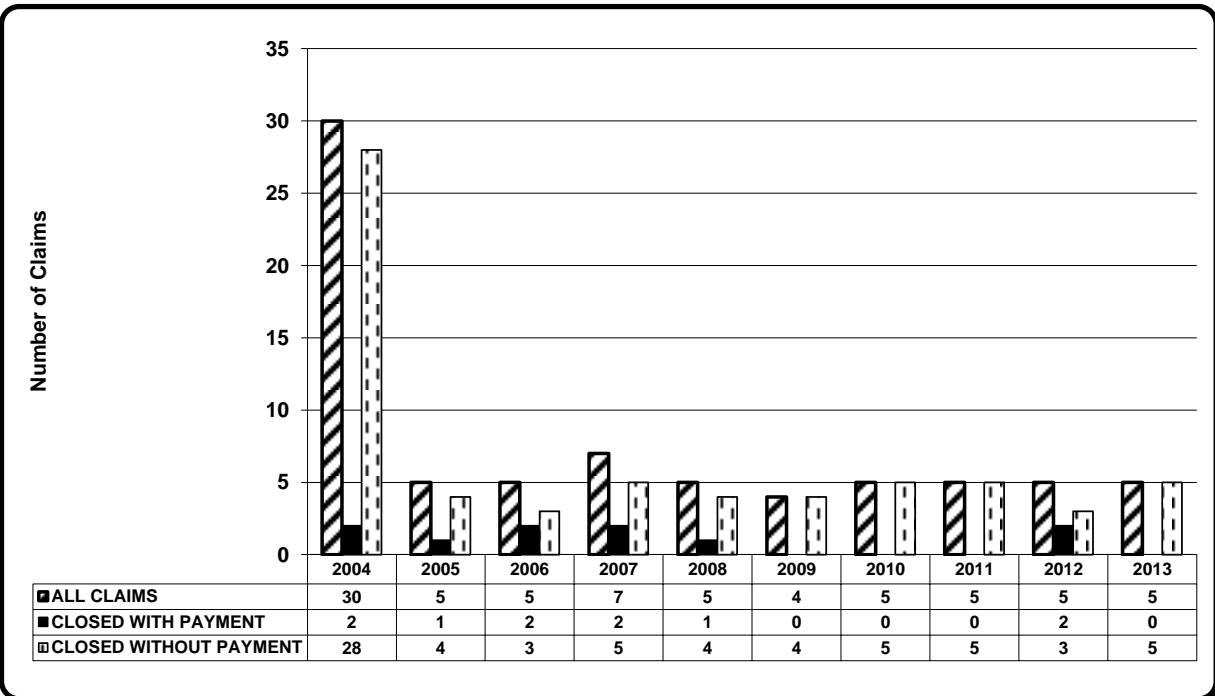


## FAILURE TO OBTAIN CLIENTS CONSENT

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

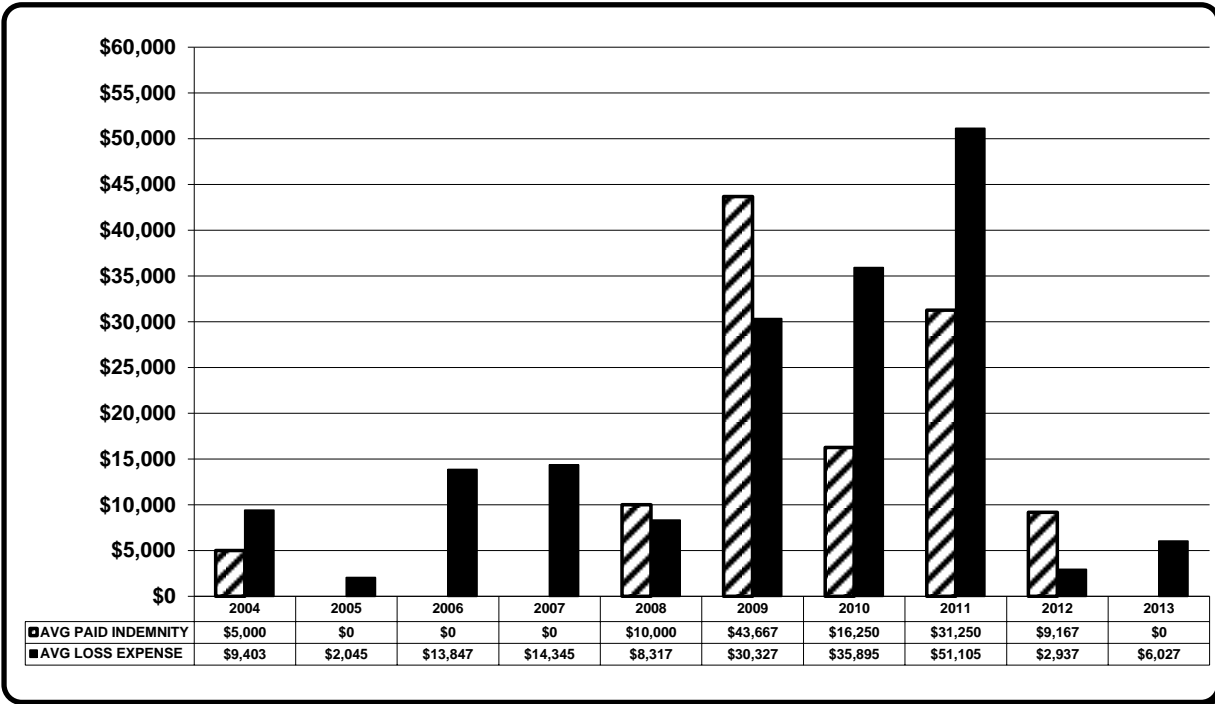


### CLAIM COUNT

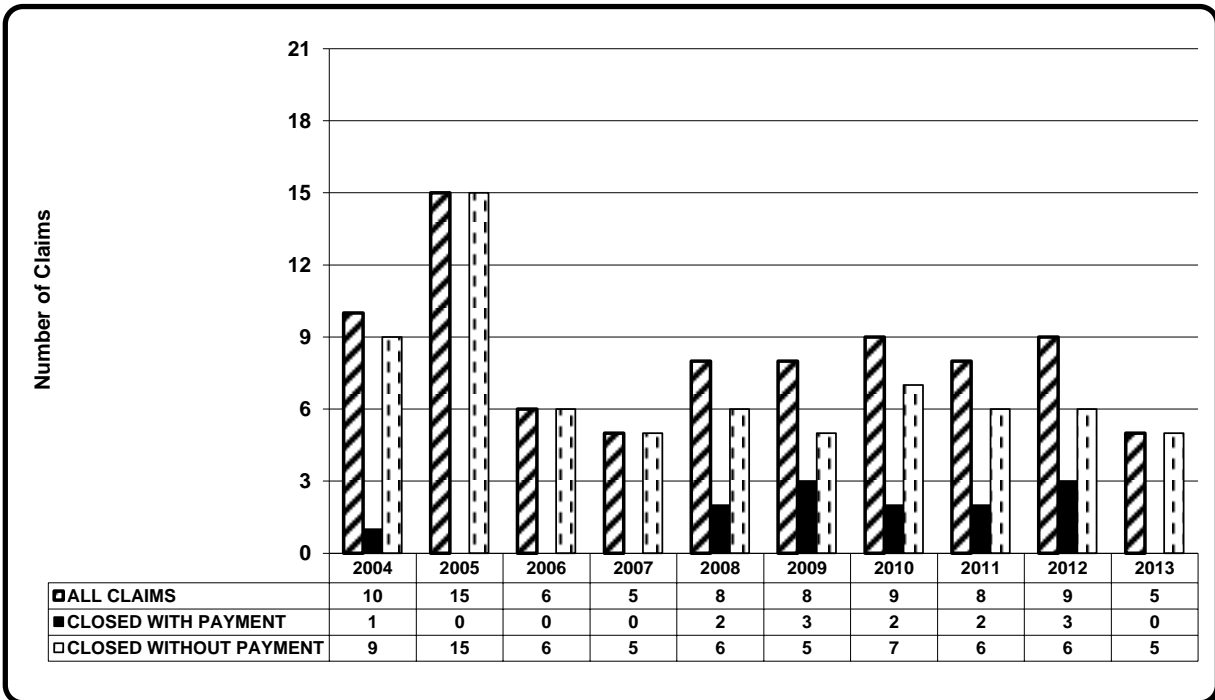


## MALICIOUS PROSECUTION OR ABUSE OF PROCESS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT



**TEN YEAR SUMMARY  
&  
2013 SUMMARY  
BY  
CLAIM DISPOSITIONS**



**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
FOR YEARS 2004-2013**

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 TRIAL OR HEARING	999	334	57.00%	\$117,470	\$39,234,858	60.11%	\$30,207
BEFORE FILING SUIT OR DEMANDING HEARING	983	222	37.88%	\$86,096	\$19,113,285	29.28%	\$1,851
CLAIM OR SUIT ABANDONED	189	0	0.00%	N/A	\$0	0.00%	\$1,789
AFTER APPEAL	66	5	0.85%	\$523,173	\$2,615,867	4.01%	\$90,701
DURING TRIAL OR HEARING	47	8	1.37%	\$107,497	\$859,976	1.32%	\$55,618
AFTER TRIAL OR HEARING, BEFORE JUDGMENT	45	6	1.02%	\$112,342	\$674,053	1.03%	\$38,030
AFTER JUDGMENT, BEFORE APPEAL	44	8	1.37%	\$304,339	\$2,434,715	3.73%	\$59,944
DURING APPEAL	16	3	0.51%	\$113,747	\$341,240	0.52%	\$79,454
DURING REVIEW PANEL	9	0	0.00%	N/A	\$0	0.00%	\$2,588
<b>TOTAL</b>	<b>2,398</b>	<b>586</b>	<b>100.00%</b>	<b>\$111,389</b>	<b>\$65,273,994</b>	<b>100.00%</b>	<b>\$19,424</b>

**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
CLAIMS CLOSED IN 2013**

CLAIM DISPOSITION	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 PAID CLAIM	PERCENT OF PAID CLAIMS			
BEFORE TRIAL OR HEARING	145	12	57.14%	\$136,095		\$1,633,139	51.92%	\$3,714
BEFORE FILING SUIT OR DEMANDING HEARING	82	8	38.10%	\$187,629		\$1,501,029	47.72%	\$2,385
CLAIM OR SUIT ABANDONED	16	0	0.00%	N/A		\$0	0.00%	\$5,247
AFTER JUDGMENT, BEFORE APPEAL	7	1	4.76%	\$11,500		\$11,500	0.37%	\$77,787
AFTER APPEAL	6	0	0.00%	N/A		\$0	0.00%	\$19,091
AFTER TRIAL OR HEARING, BEFORE JUDGMENT	6	0	0.00%	N/A		\$0	0.00%	\$0
DURING TRIAL OR HEARING	3	0	0.00%	N/A		\$0	0.00%	\$86,931
DURING APPEAL	1	0	0.00%	N/A		\$0	0.00%	\$0
DURING REVIEW PANEL	1	0	0.00%	N/A		\$0	0.00%	\$0
<b>TOTAL</b>	<b>267</b>	<b>21</b>	<b>100.00%</b>	<b>\$149,794</b>		<b>\$3,145,668</b>	<b>100.00%</b>	<b>\$6,509</b>

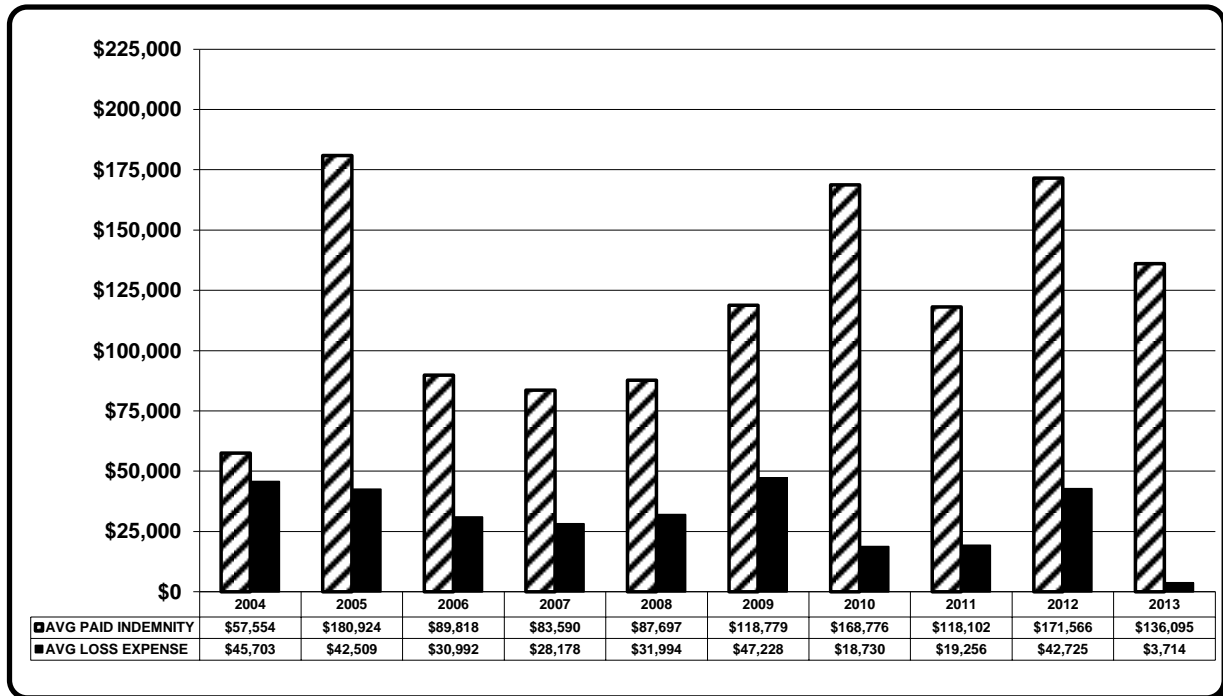


**TRENDS  
OF THE TOP NINE  
CLAIM DISPOSITIONS  
OF 2013**

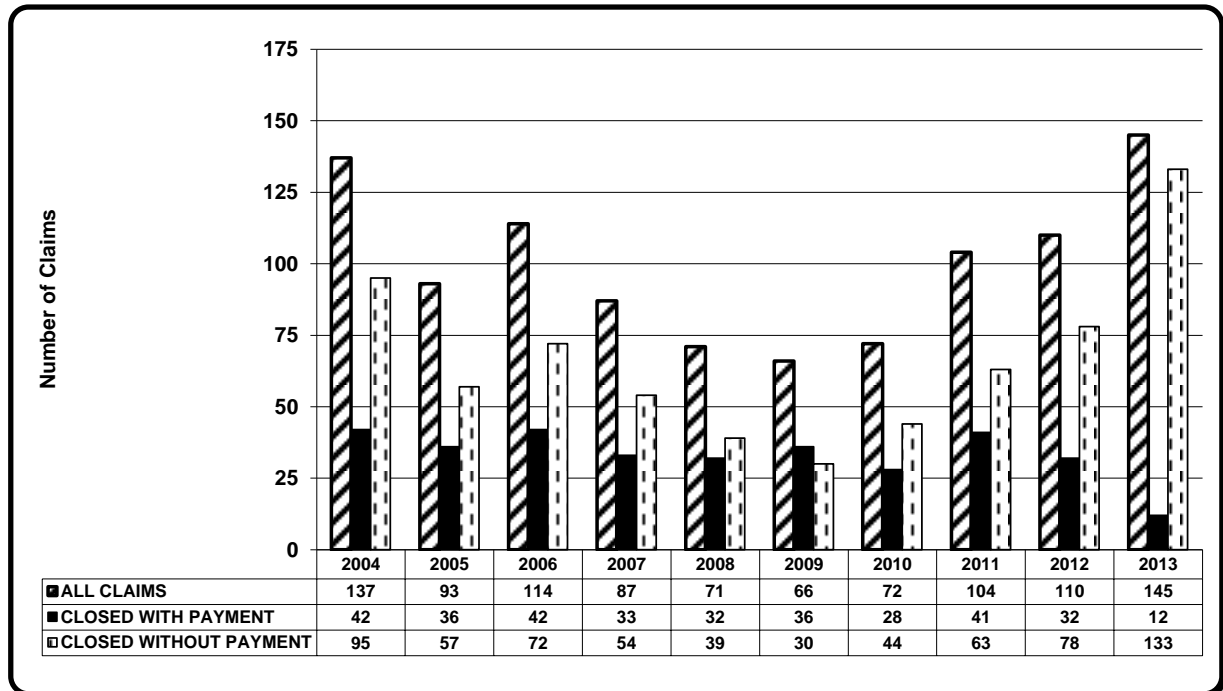


## BEFORE TRIAL OR HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

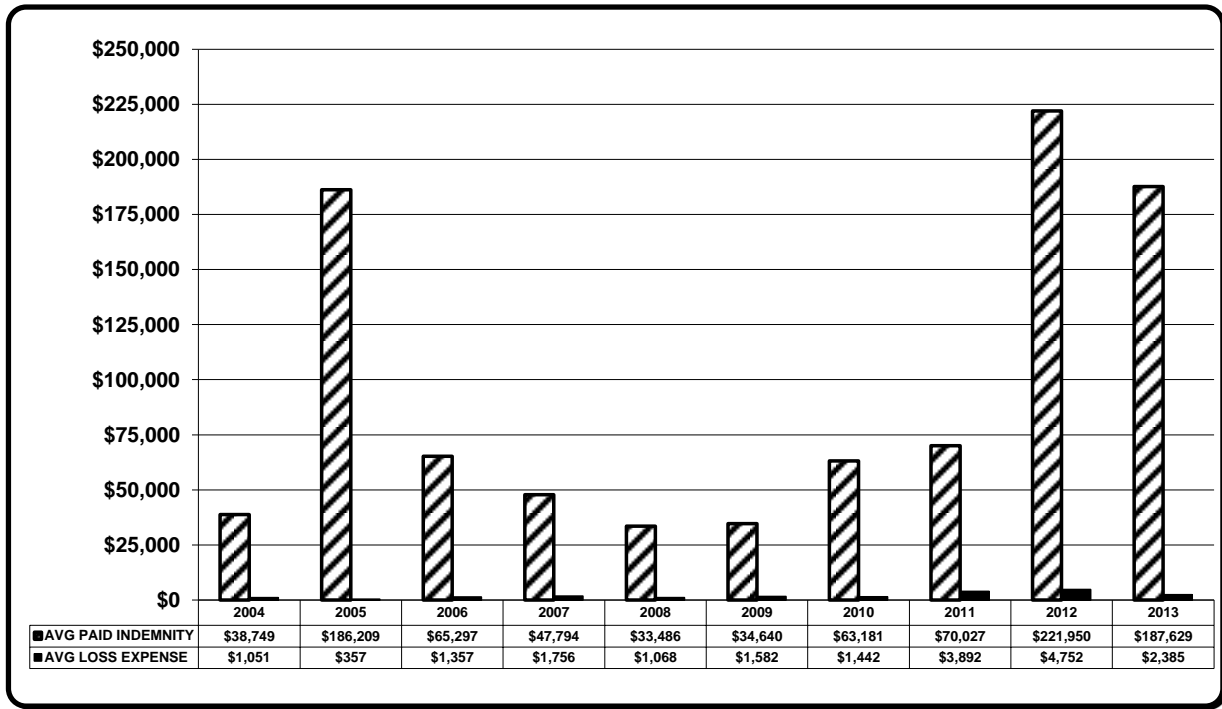


### CLAIM COUNT

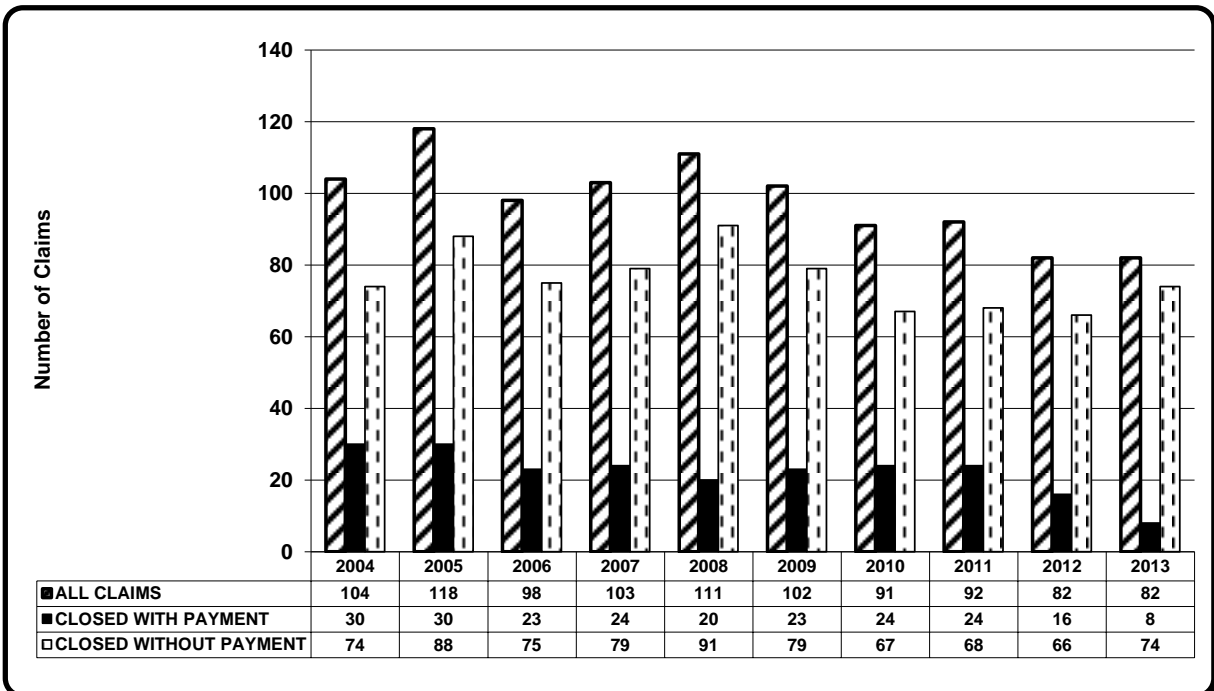


## BEFORE FILING SUIT OR DEMANDING HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

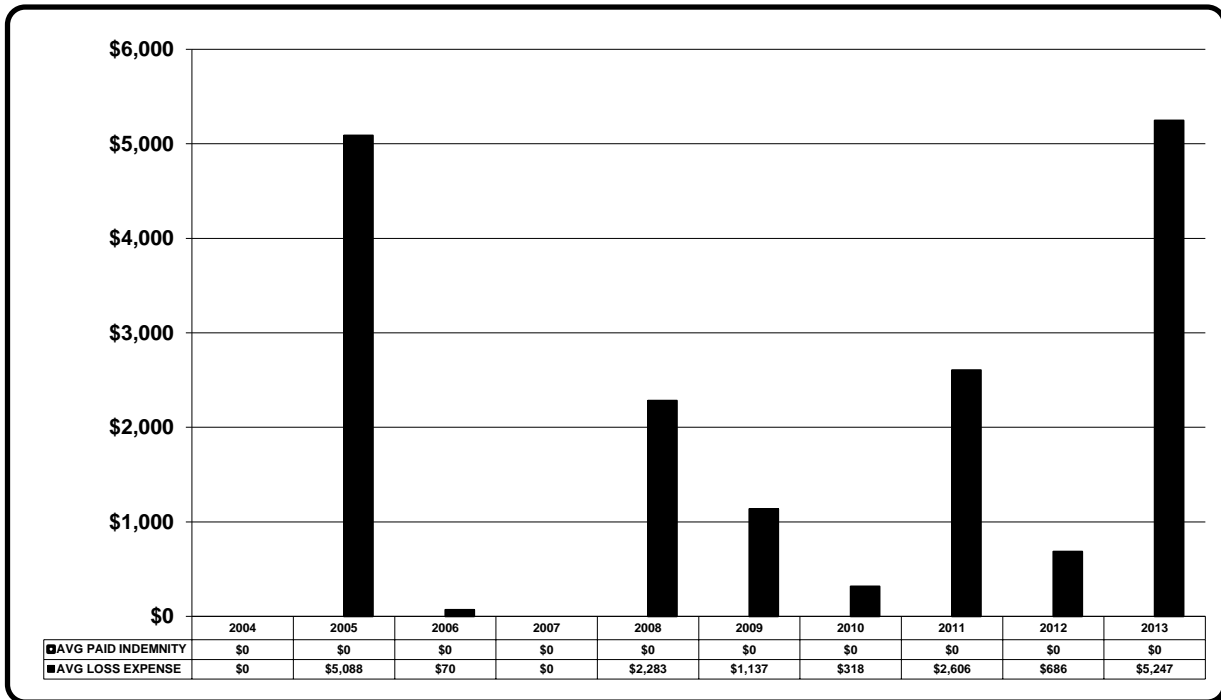


### CLAIM COUNT

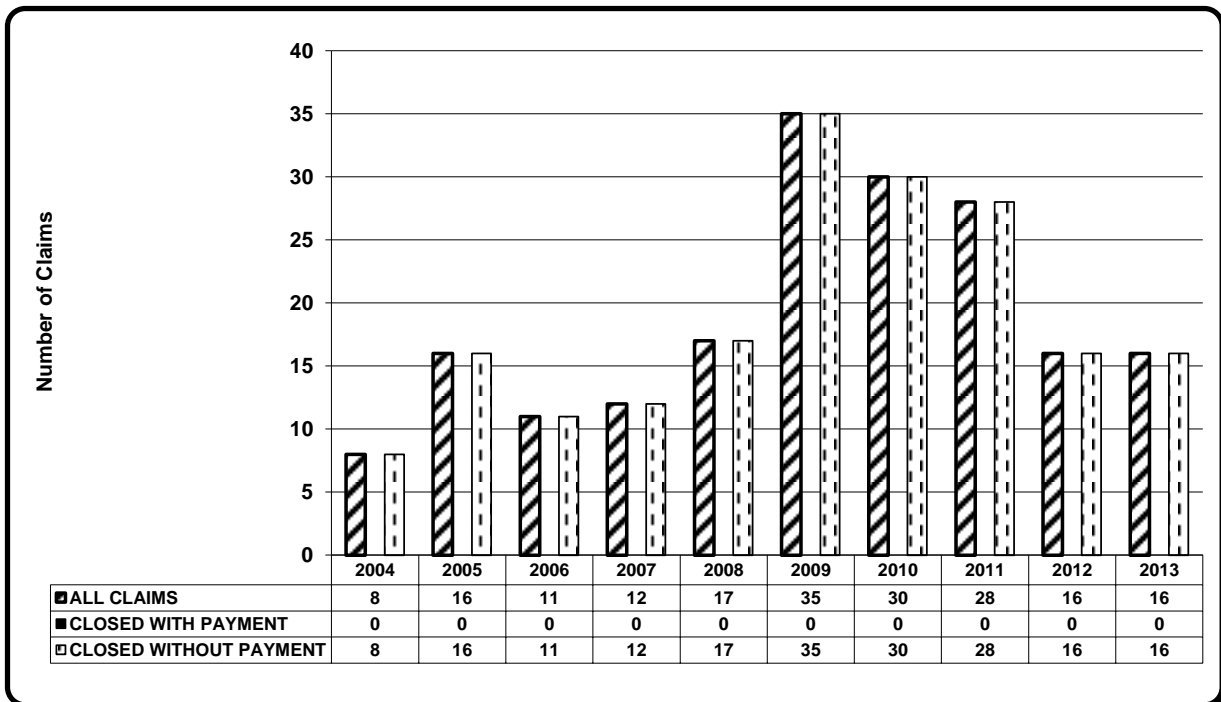


## CLAIM OR SUIT ABANDONED

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

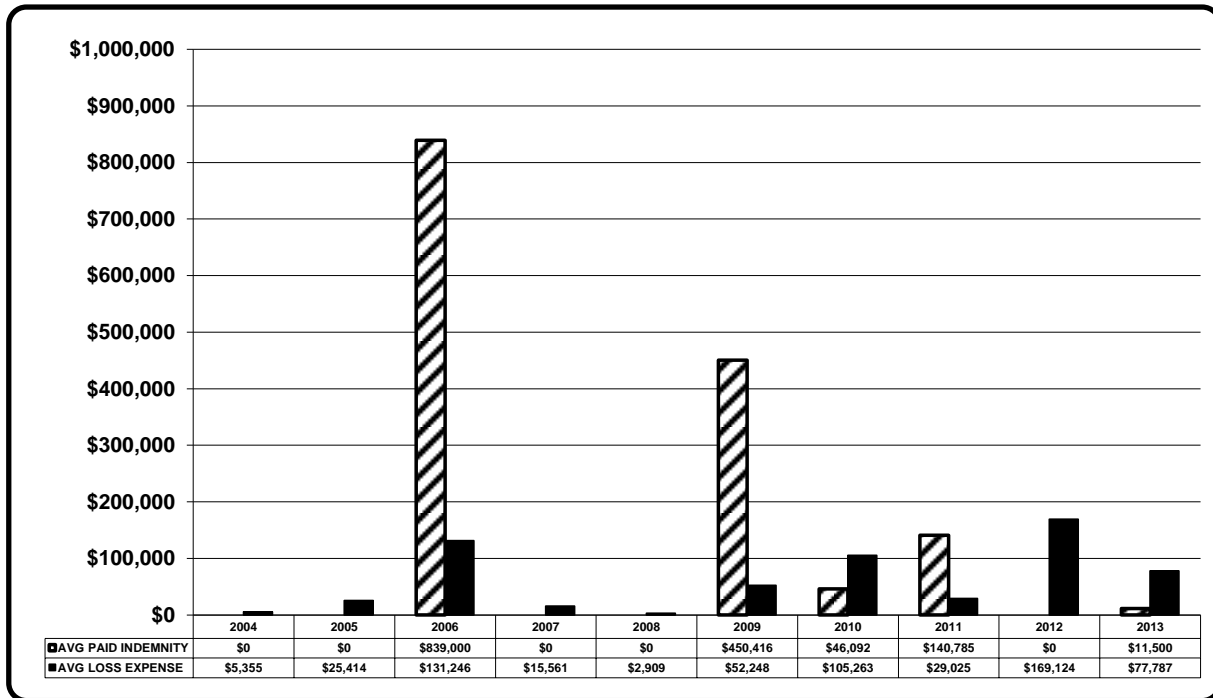


## CLAIM COUNT

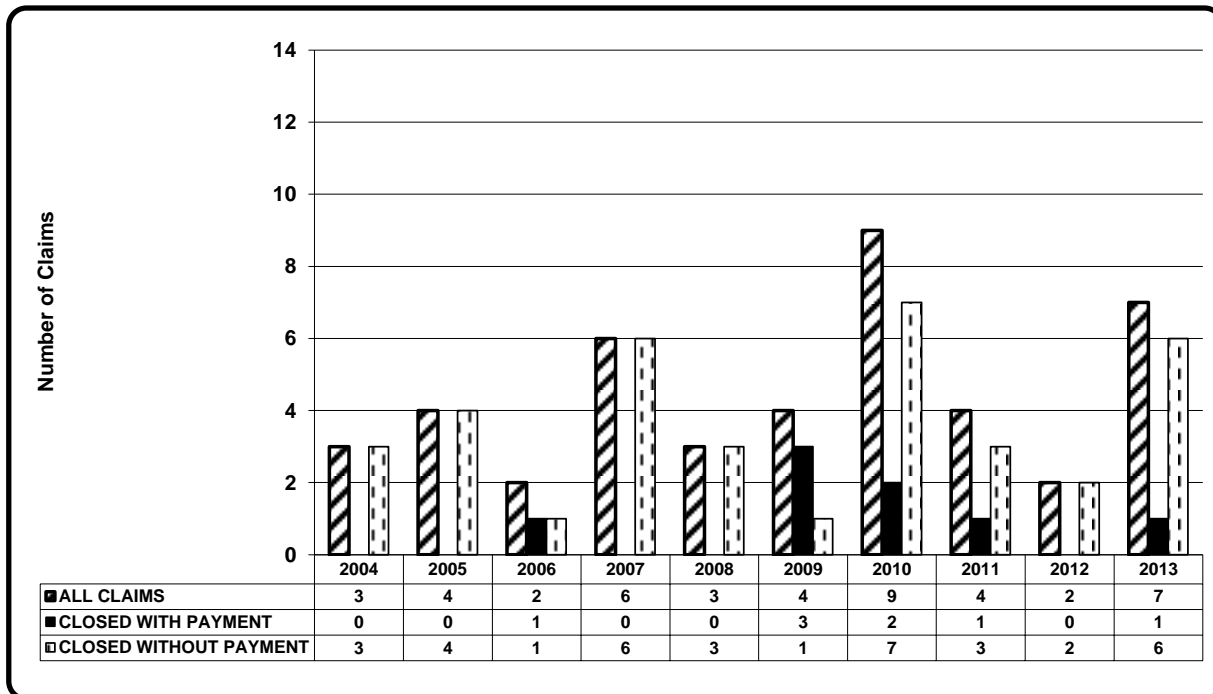


## AFTER JUDGMENT, BEFORE APPEAL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

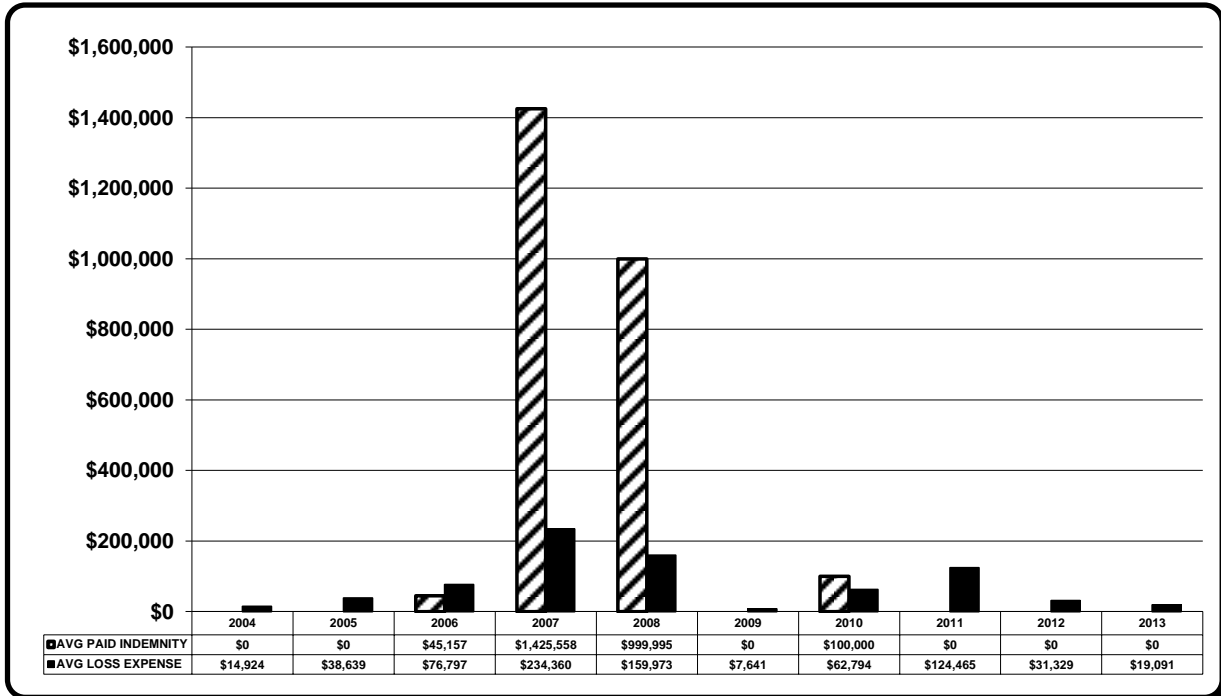


### CLAIM COUNT

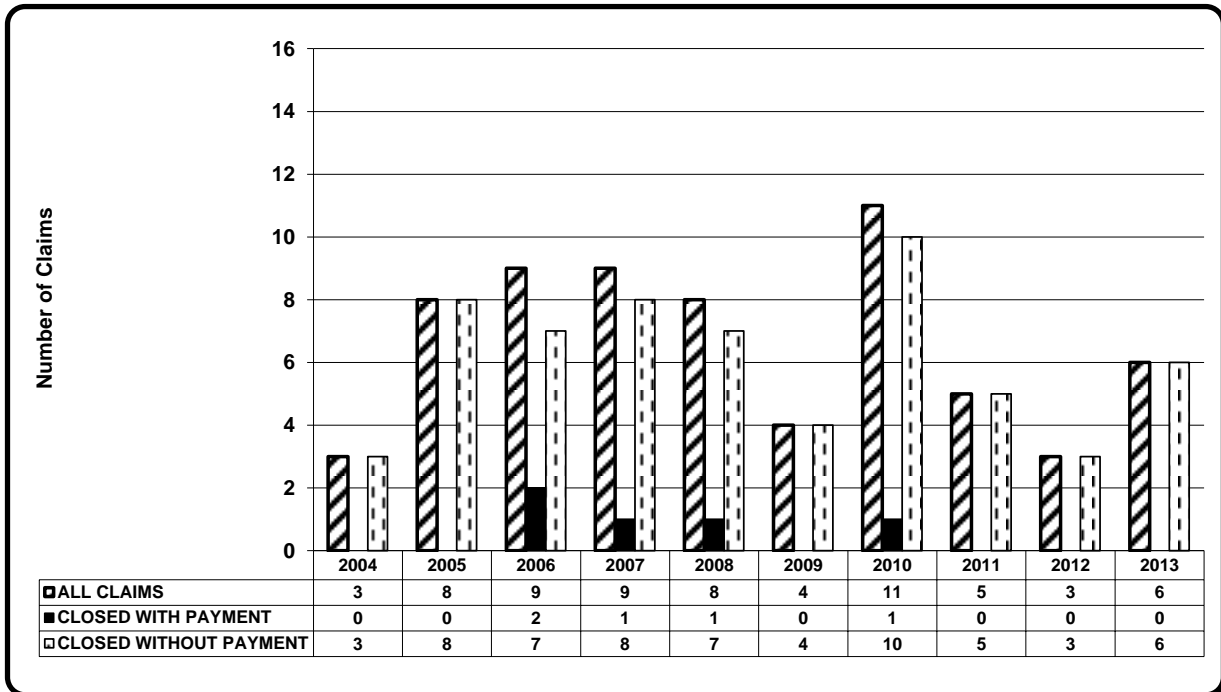


## AFTER APPEAL

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

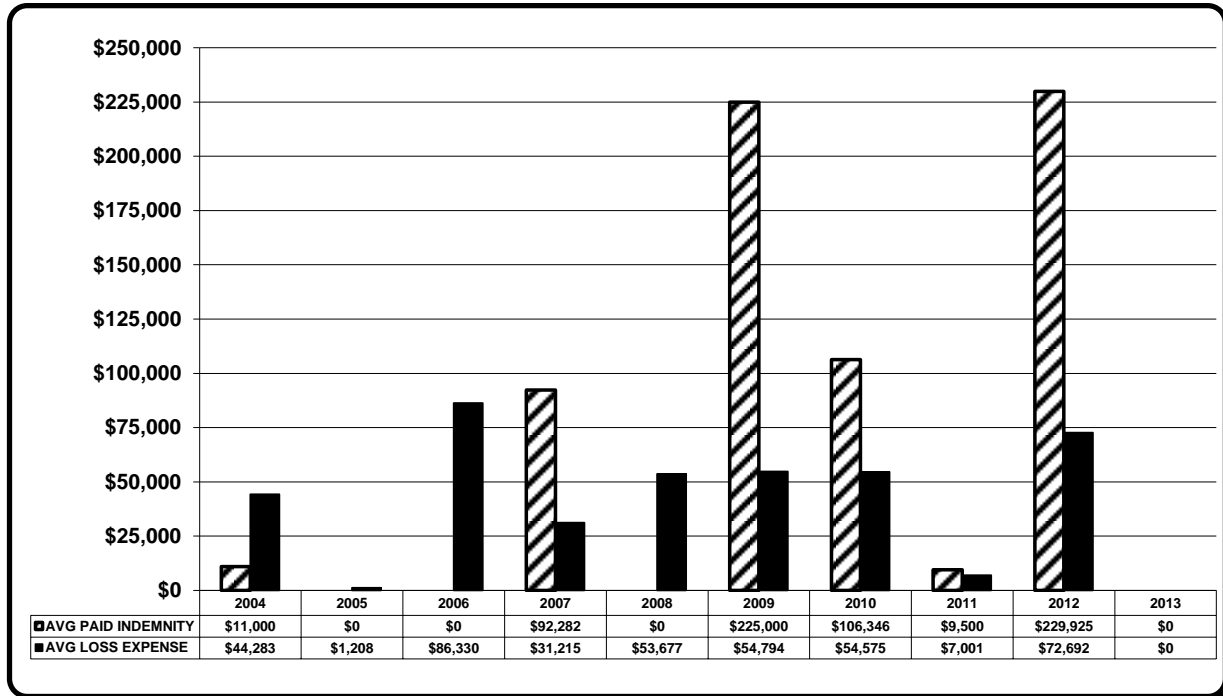


## CLAIM COUNT

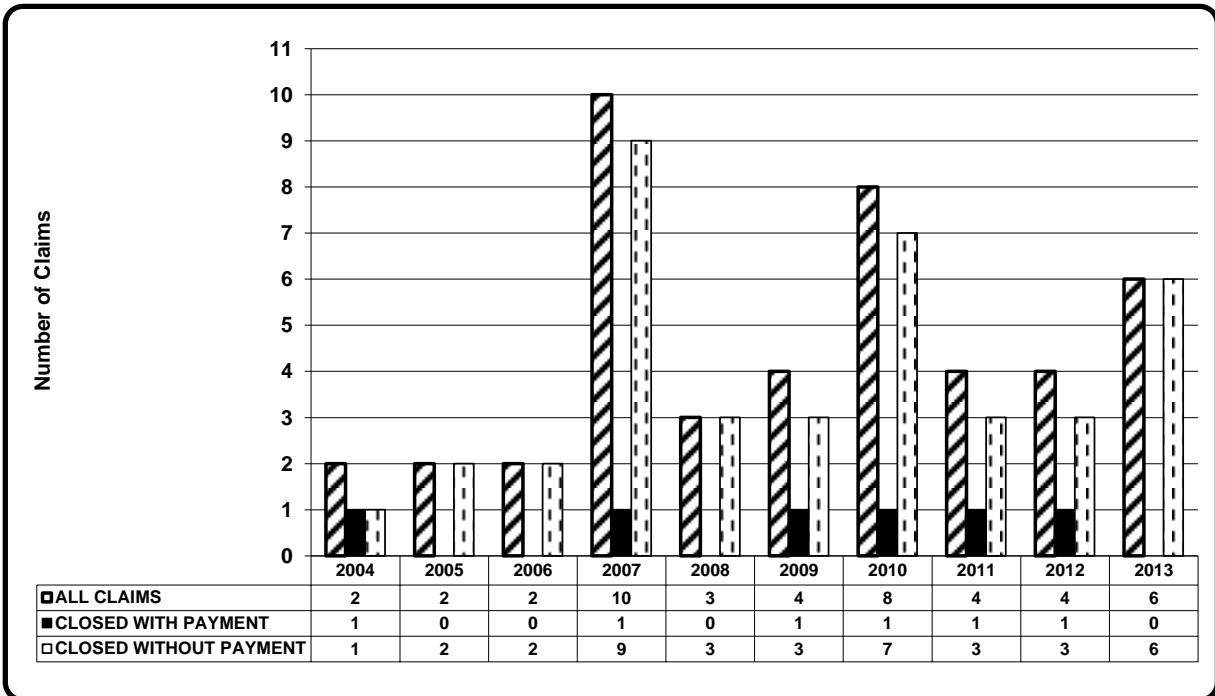


## AFTER TRIAL OR HEARING, BEFORE JUDGMENT

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



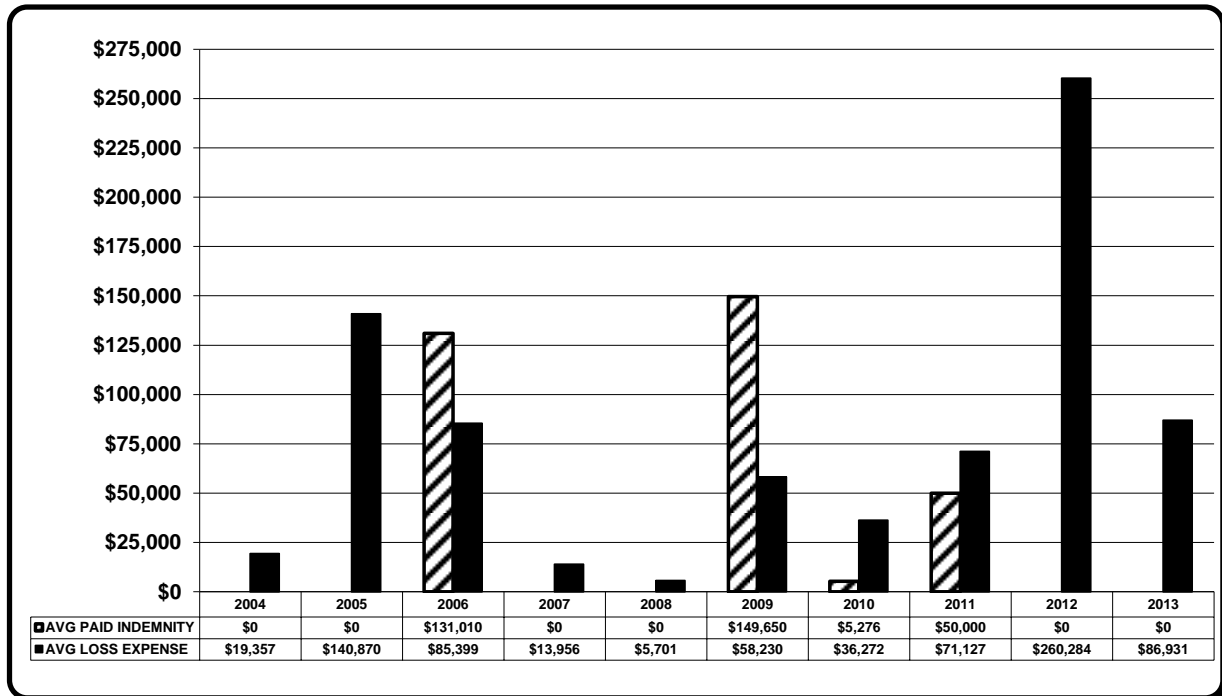
### CLAIM COUNT



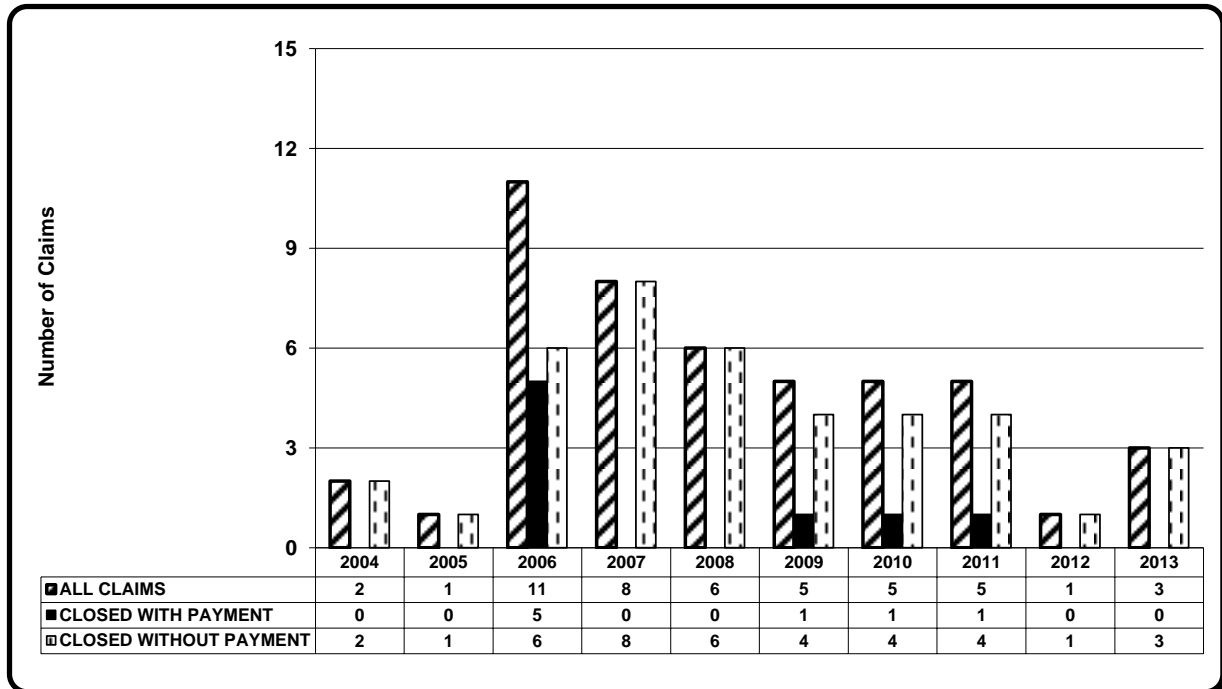


## DURING TRIAL OR HEARING

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

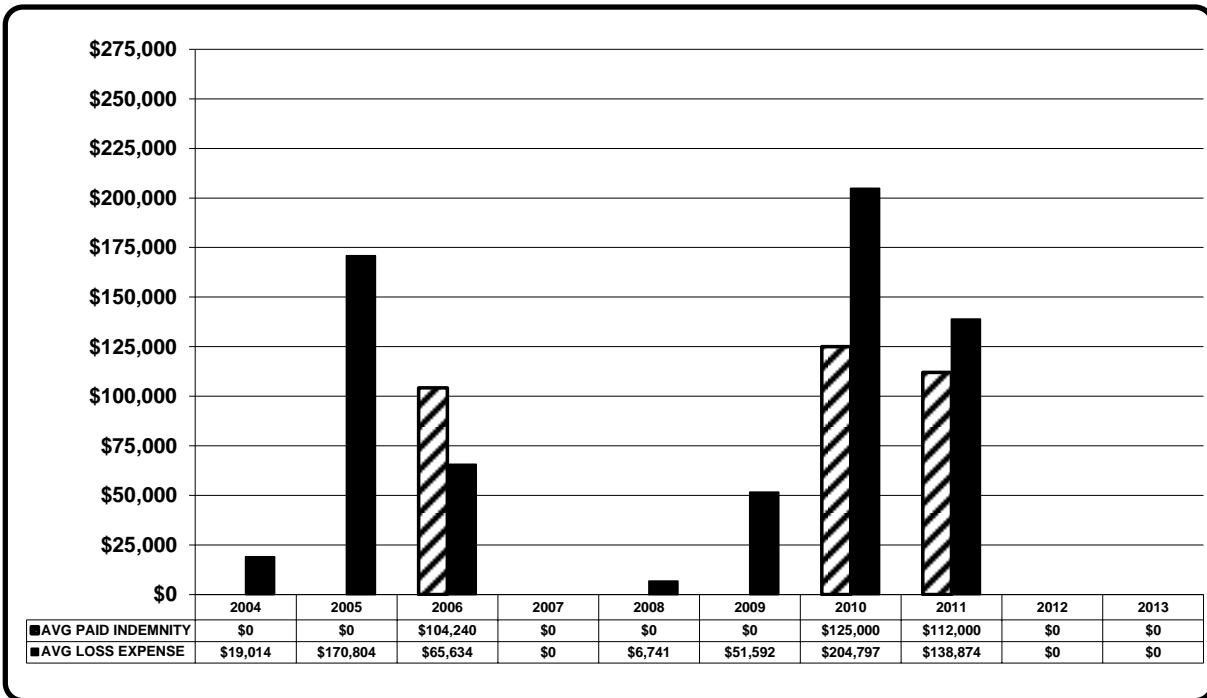


### CLAIM COUNT

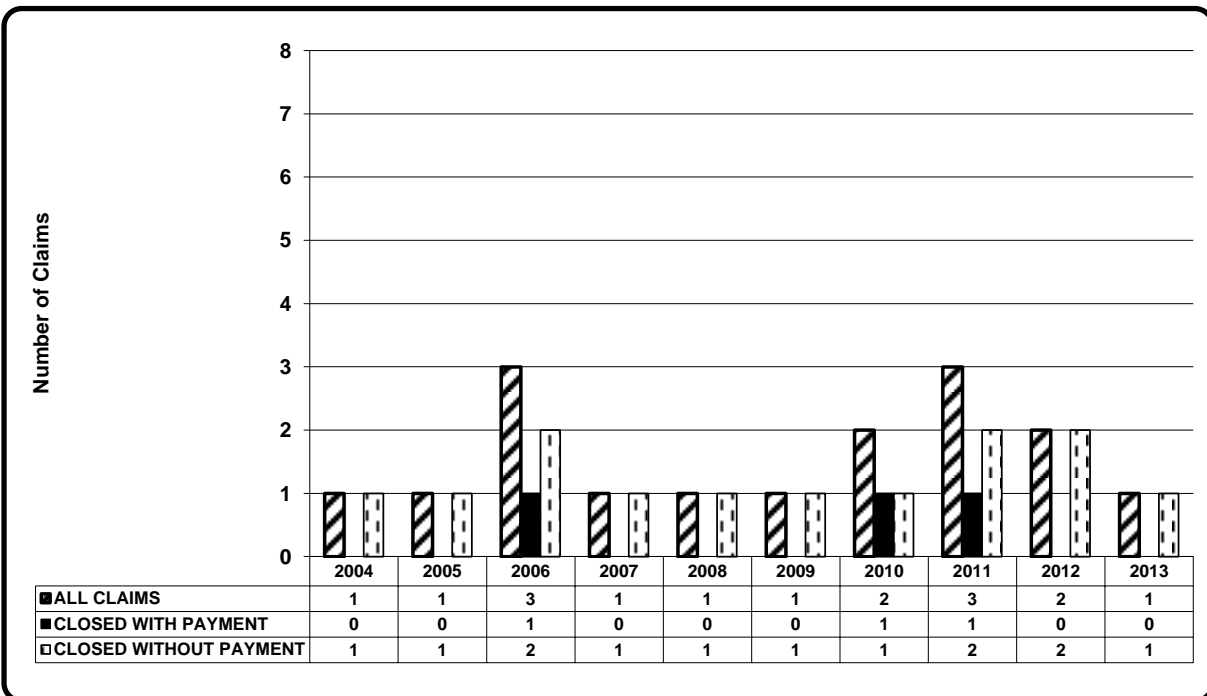


## DURING APPEAL

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

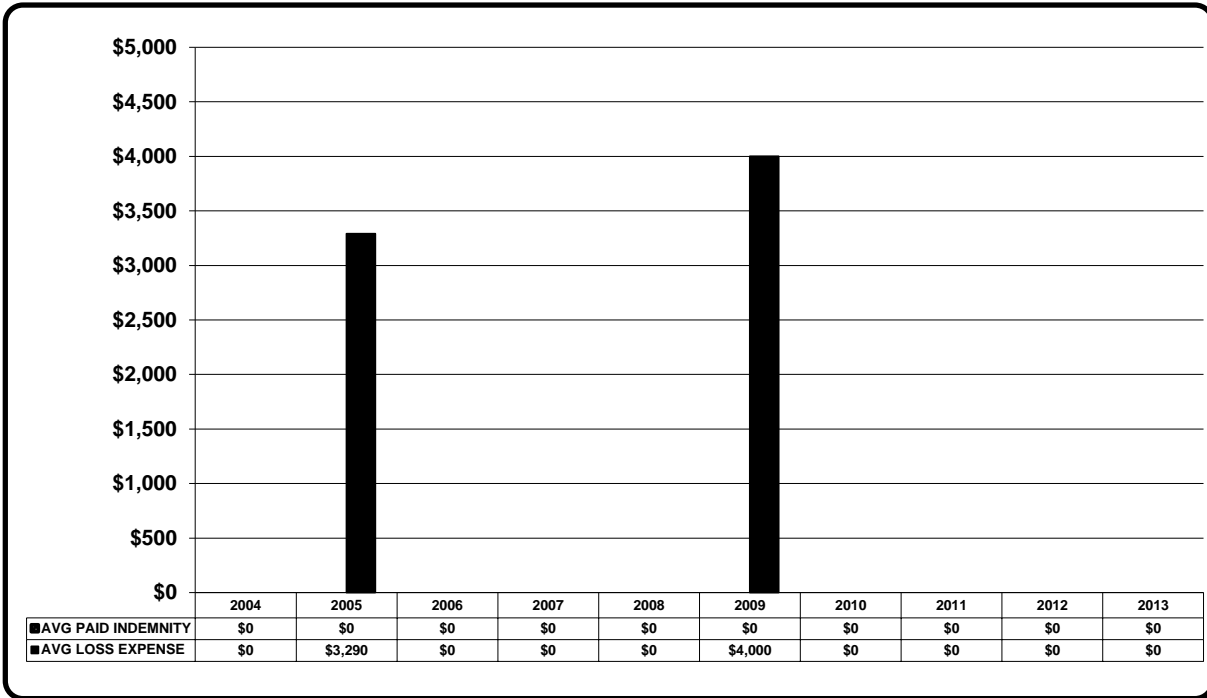


## CLAIM COUNT

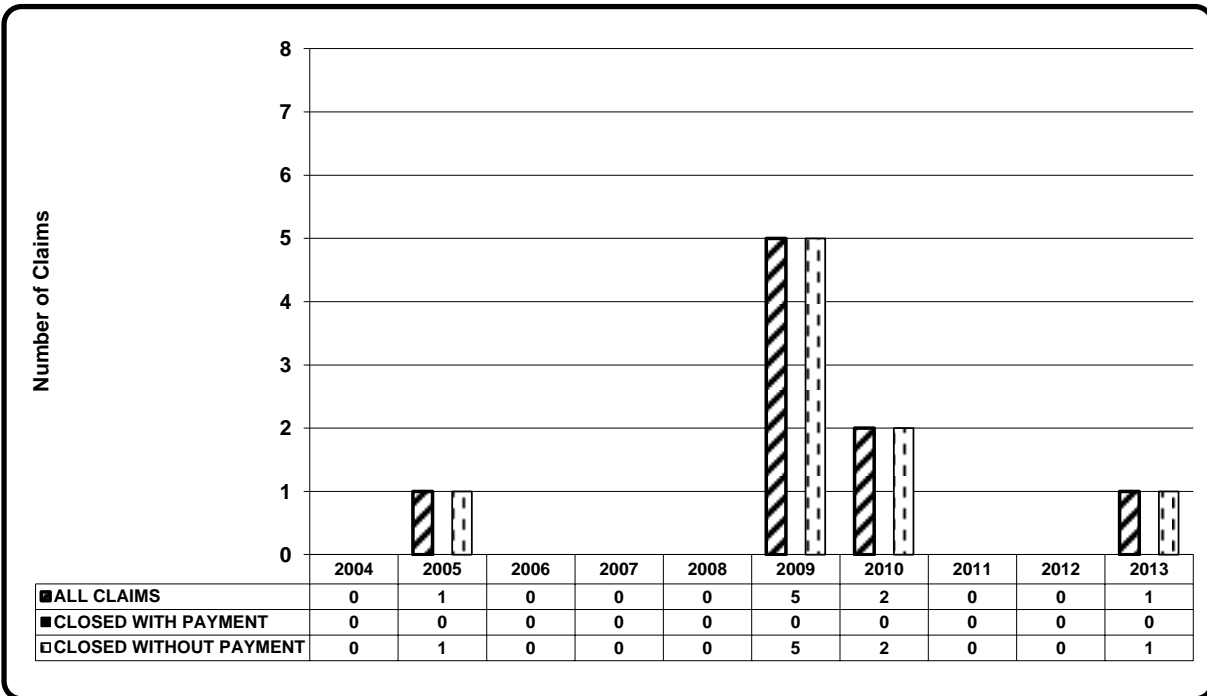


## DURING REVIEW PANEL

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT





**TEN YEAR SUMMARY  
&  
2013 SUMMARY  
BY  
YEARS ADMITTED TO PRACTICE**



**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
FOR YEARS 2004-2013**

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	2,275	554	94.54%	\$107,380	\$59,488,371	91.14%	\$18,886
4 TO 10 YEARS	100	25	4.27%	\$196,011	\$4,900,273	7.51%	\$32,084
UNDER 4 YEARS	23	7	1.19%	\$126,479	\$885,350	1.36%	\$17,576
<b>TOTAL</b>	<b>2,398</b>	<b>586</b>	<b>100.00%</b>	<b>\$111,389</b>	<b>\$65,273,994</b>	<b>100.00%</b>	<b>\$19,424</b>

**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
CLAIMS CLOSED IN 2013**

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	255	16	76.19%	\$148,273	\$2,372,364	75.42%	\$6,031
4 TO 10 YEARS	9	4	19.05%	\$37,076	\$148,304	4.71%	\$14,675
UNDER 4 YEARS	3	1	4.76%	\$625,000	\$625,000	19.87%	\$22,650
<b>TOTAL</b>	<b>267</b>	<b>21</b>	<b>100.00%</b>	<b>\$149,794</b>	<b>\$3,145,668</b>	<b>100.00%</b>	<b>\$6,509</b>

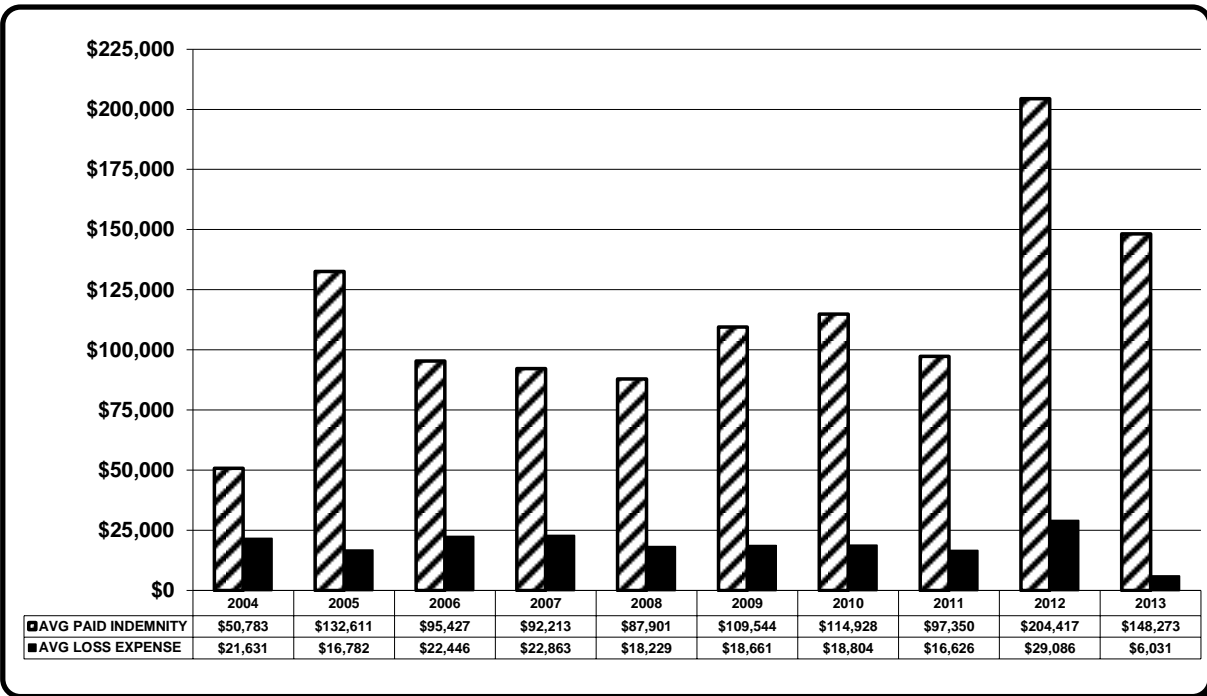


**TRENDS  
OF  
YEARS ADMITTED TO PRACTICE  
FOR 2013**

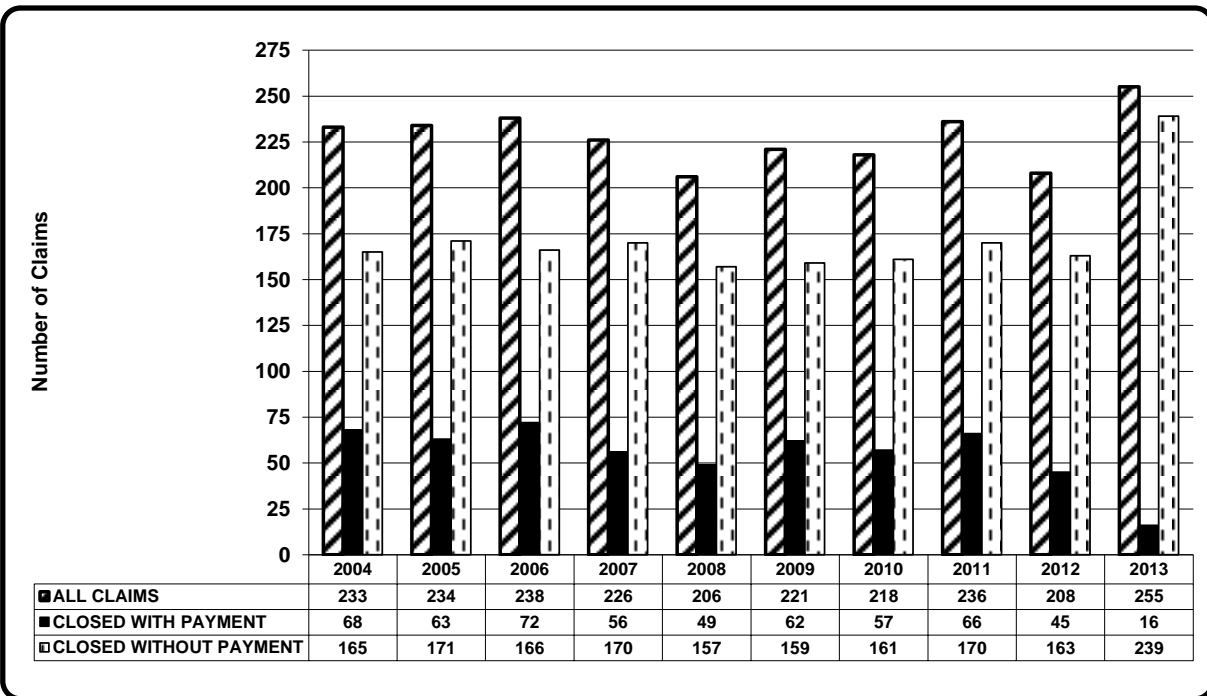


## OVER 10 YEARS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

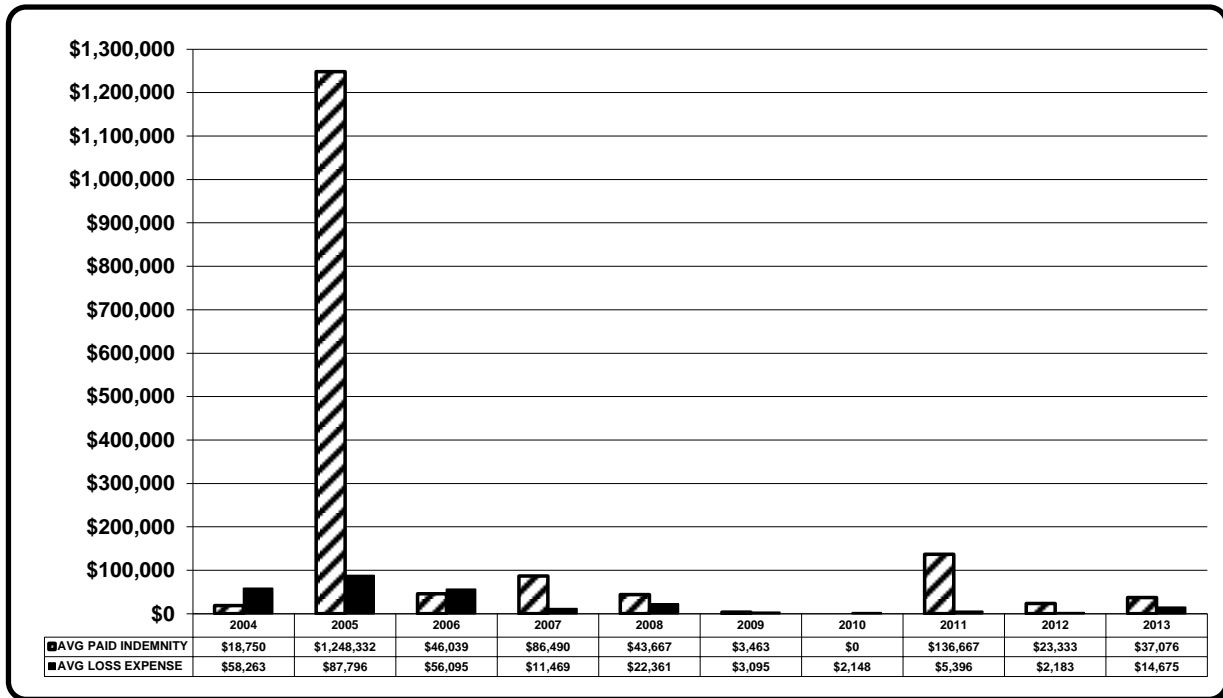


### CLAIM COUNT

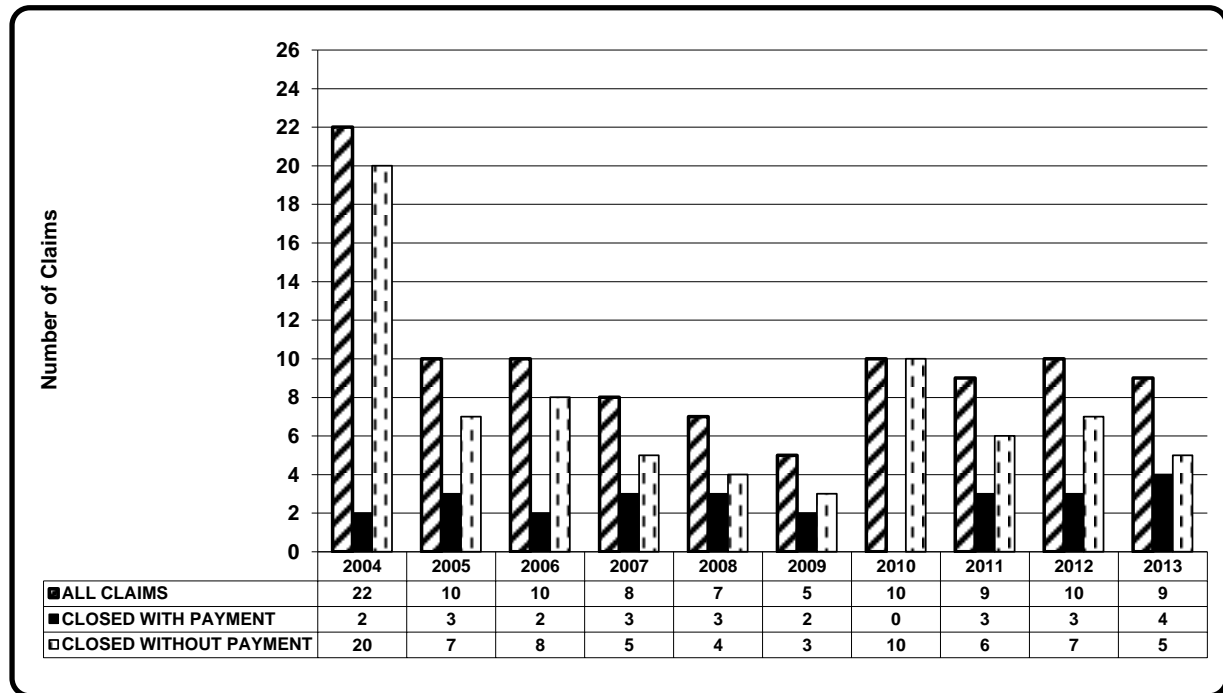


## 4 TO 10 YEARS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

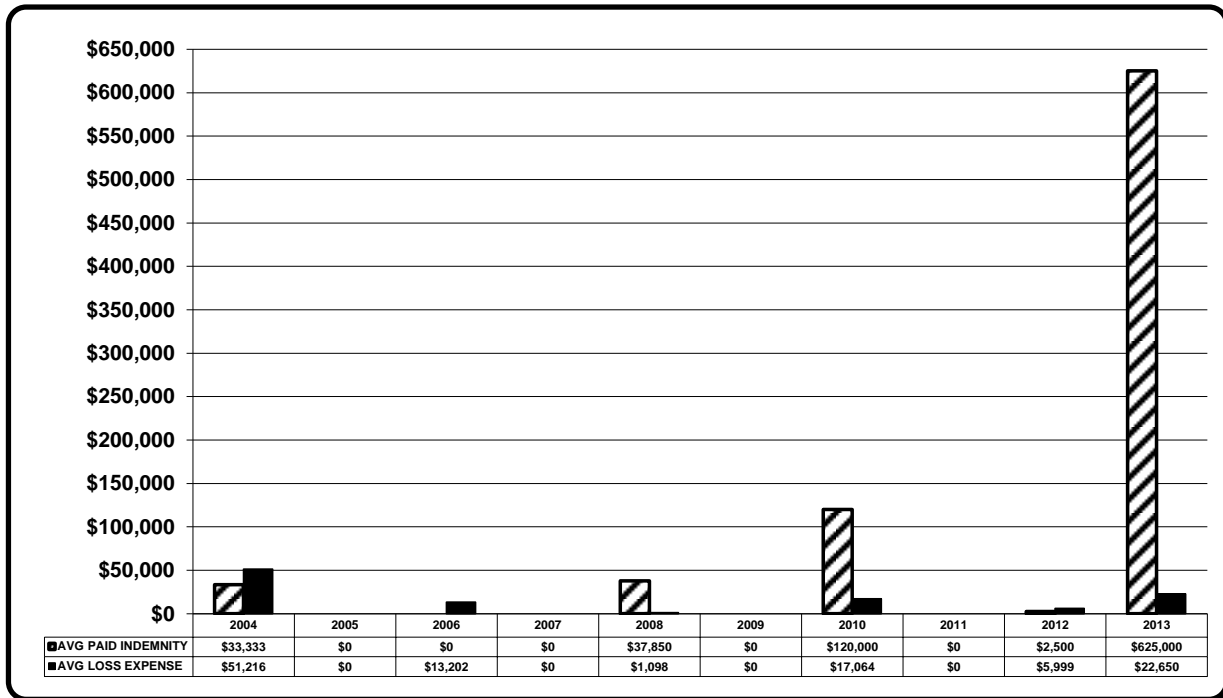


### CLAIM COUNT

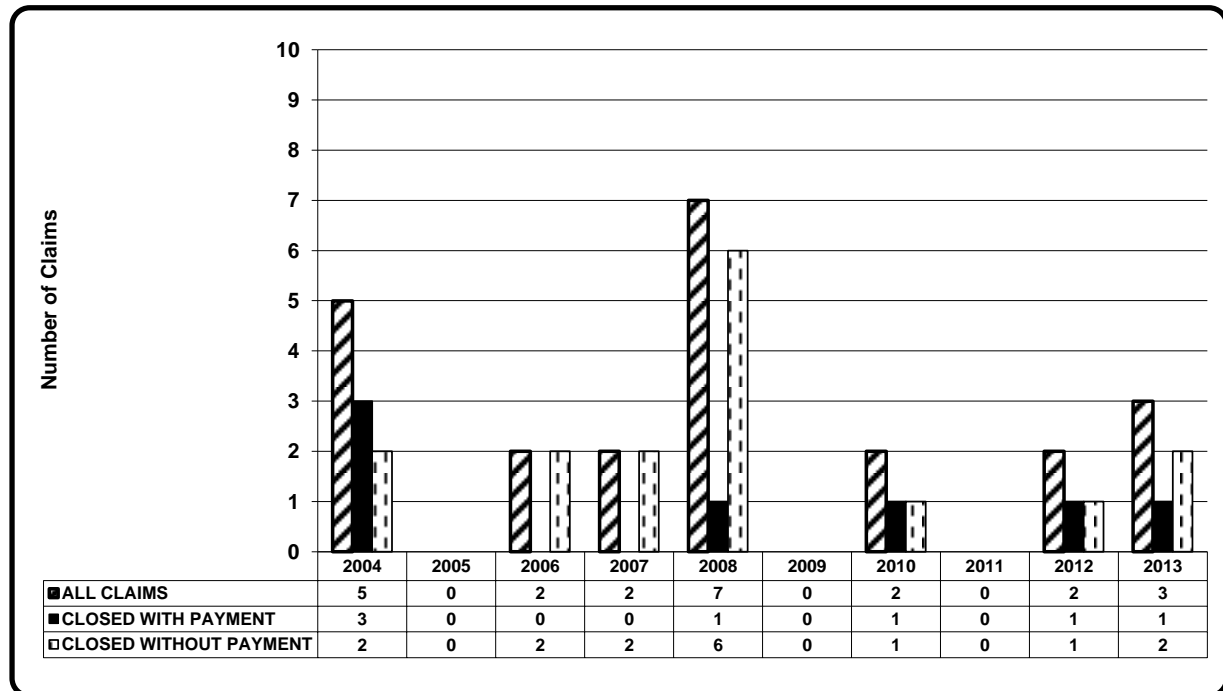


## UNDER 4 YEARS

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT





**TEN YEAR SUMMARY  
&  
2013 SUMMARY  
BY  
INSURED/CLAIMANT RELATIONSHIP**





**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
FOR YEARS 2004-2013**

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	1,786	504	86.01%	\$109,996	\$55,437,754	84.93%	\$22,234
NON-CLIENT	600	79	13.48%	\$63,244	\$4,996,240	7.65%	\$9,477
MEMBER PRE-PAID LEGAL PLAN	8	3	0.51%	\$1,613,333	\$4,840,000	7.41%	\$72,897
FREE LEGAL SERVICE	4	0	0.00%	N/A	\$0	0.00%	\$150,018
<b>TOTAL</b>	<b>2,398</b>	<b>586</b>	<b>100.00%</b>	<b>\$111,389</b>	<b>\$65,273,994</b>	<b>100.00%</b>	<b>\$19,424</b>

**LEGAL MALPRACTICE INSURANCE  
INDEMNITY ANALYSIS  
CLAIMS CLOSED IN 2013**

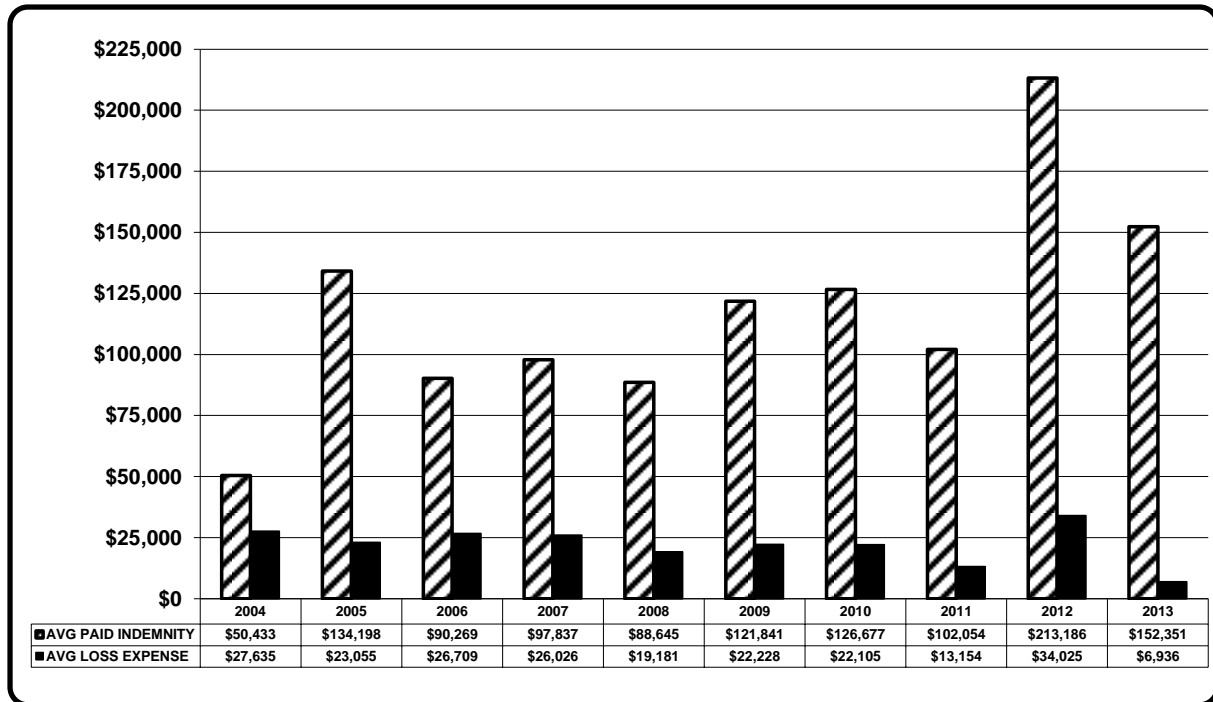
INSURED'S RELATIONSHIP TO THE CLAIMANT	ALL CLOSED CLAIMS	NUMBER OF PAID CLAIMS	PERCENT OF PAID CLAIMS	AVERAGE INDEMNITY PAID PER PAID CLAIM	TOTAL INDEMNITY	PERCENT OF TOTAL INDEMNITY	AVERAGE LOSS EXPENSE FOR ALL CLOSED CLAIMS
CLIENT OTHER THAN ABOVE	176	19	90.48%	\$152,351	\$2,894,668	92.02%	\$6,936
NON-CLIENT	90	2	9.52%	\$125,500	\$251,000	7.98%	\$5,666
MEMBER PRE-PAID LEGAL PLAN	1	0	0.00%	N/A	\$0	0.00%	\$7,168
<b>TOTAL</b>	<b>267</b>	<b>21</b>	<b>100.00%</b>	<b>\$149,794</b>	<b>\$3,145,668</b>	<b>100.00%</b>	<b>\$6,509</b>

**TRENDS  
OF  
INSURED/CLAIMANT  
RELATIONSHIP  
FOR 2013**

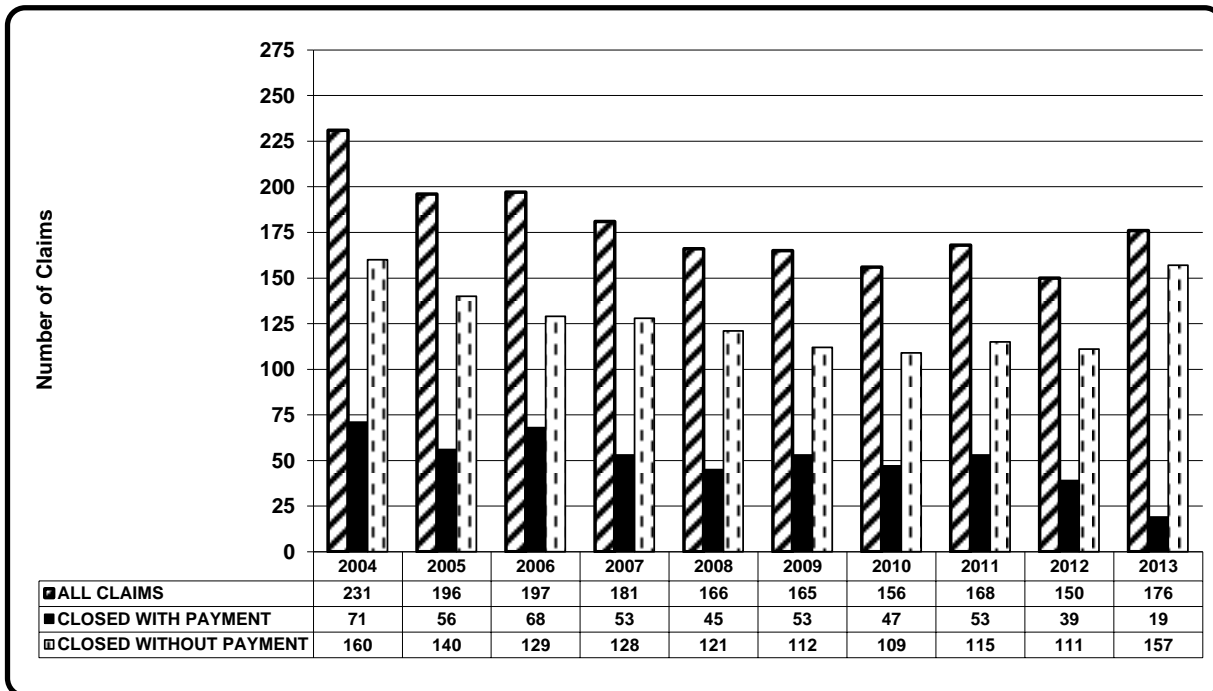


**CLIENT OTHER THAN FREE LEGAL SERVICE OR MEMBER OF PRE-PAID LEGAL PLAN**

**AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE**

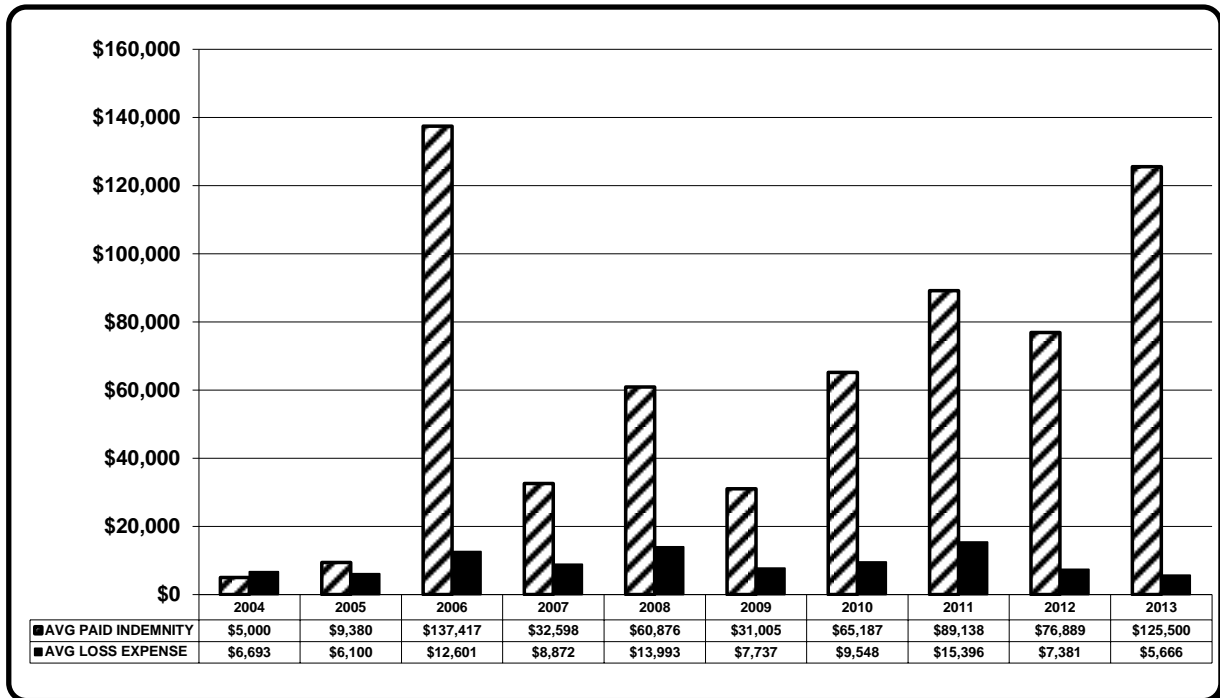


**CLAIM COUNT**

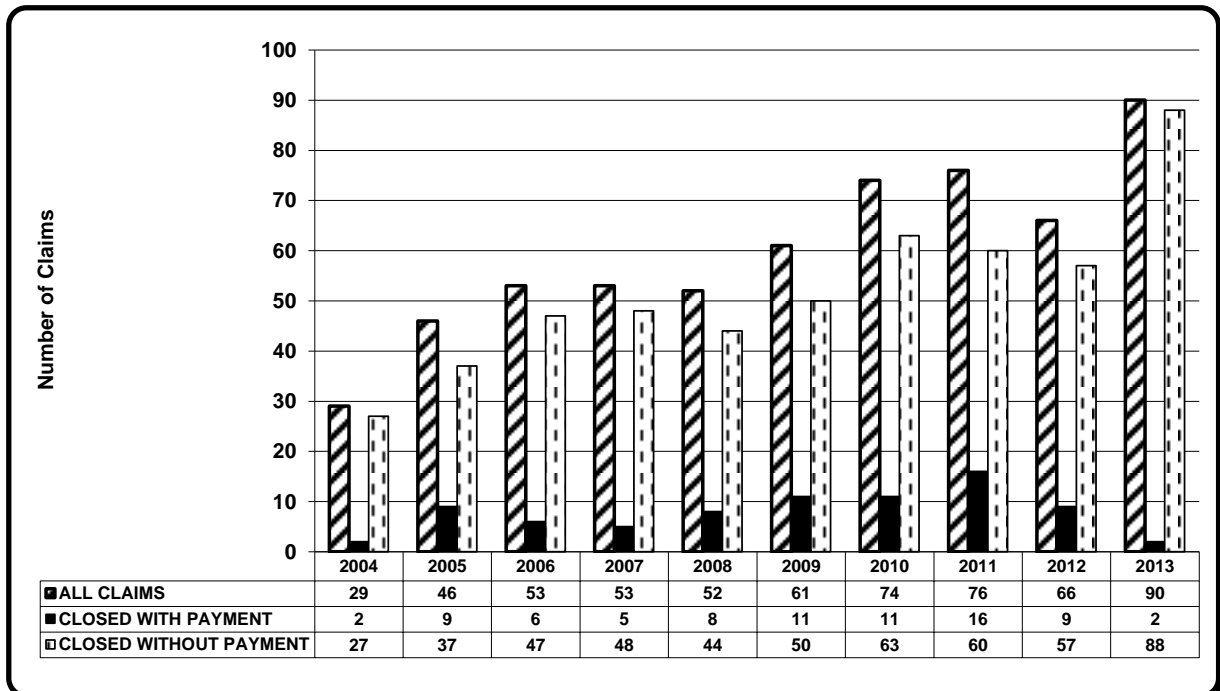


## NON-CLIENT

AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE

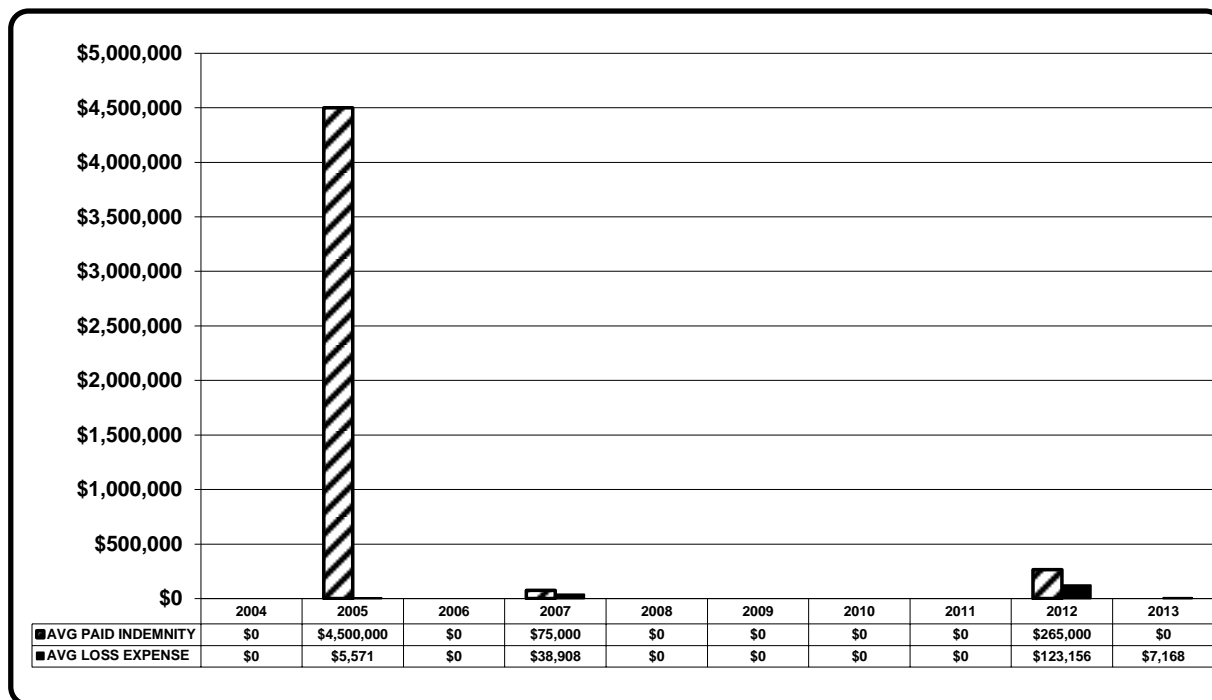


## CLAIM COUNT

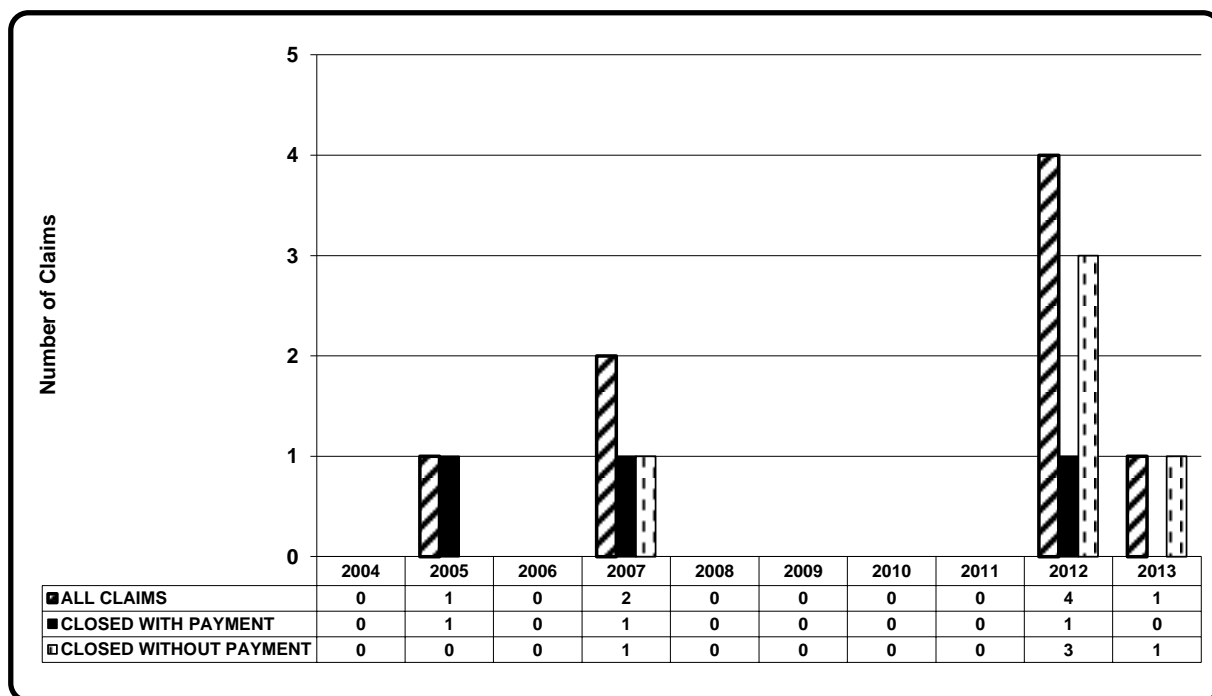


## MEMBER PRE-PAID LEGAL PLAN

### AVERAGE PAID INDEMNITY & AVERAGE LOSS EXPENSE



### CLAIM COUNT







# **PREMIUM AND LOSS DATA**



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

**2013 EXPERIENCE**

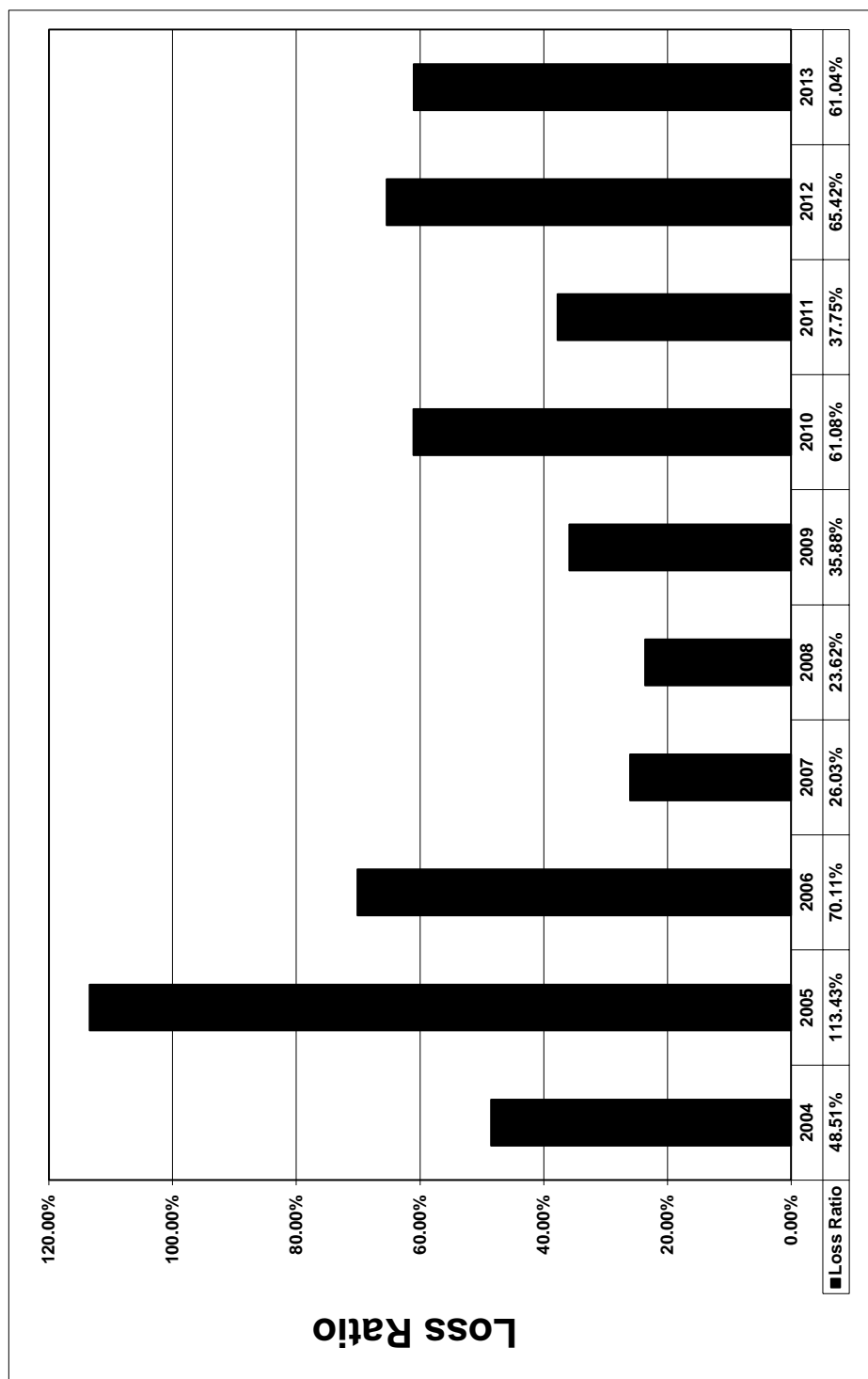
NAIC Company Code	Company Name	Market Share	Written Premium	Earned Premium	Incurred Losses	Loss Ratio
29513	BAR PLAN MUTUAL INSURANCE COMPANY THE	70.92%	\$11,236,386	\$10,776,732	\$5,908,228	54.82%
20443	CONTINENTAL CASUALTY COMPANY	20.24%	\$3,206,424	\$3,134,693	\$2,897,993	92.45%
27154	ATLANTIC SPECIALTY INSURANCE COMPANY	4.19%	\$663,581	\$660,334	\$233,334	35.34%
29459	TWIN CITY FIRE INSURANCE COMPANY	1.48%	\$233,719	\$236,450	(\$14)	-0.01%
37273	AXIS INSURANCE COMPANY	0.86%	\$136,640	\$87,186	\$170,838	195.95%
31194	TRAVELLERS CASUALTY AND SURETY COMPANY OF AMER	0.82%	\$129,236	\$114,506	\$25,000	21.83%
10510	CAROLINA CASUALTY INSURANCE COMPANY	0.70%	\$110,994	\$72,275	(\$15,759)	-21.80%
39845	WESTPORT INSURANCE CORPORATION	0.41%	\$65,130	\$71,786	\$33,395	46.52%
24147	OLD REPUBLIC INSURANCE COMPANY	0.13%	\$21,000	\$21,399	(\$71,403)	-333.67%
22322	GREENWICH INSURANCE COMPANY	0.13%	\$20,122	\$19,878	(\$7,800)	-39.24%
22241	MEDMARC CASUALTY INSURANCE COMPANY	0.06%	\$9,026	\$12,197	\$9,025	73.99%
11000	SENTINEL INSURANCE COMPANY LTD	0.04%	\$6,425	\$5,037	\$0	0.00%
29424	HARTFORD CASUALTY INSURANCE CO	0.02%	\$3,043	\$2,222	\$0	0.00%
25585	PROFESSIONALS DIRECT INSURANCE COMPANY	0.01%	\$1,537	\$6,425	(\$953,553)	-14841.29%
12831	STATE NATIONAL INSURANCE COMPANY INC	0.00%	\$0	\$0	\$1,000	N/A
15865	NCMIC INSURANCE COMPANY	0.00%	\$0	\$0	(\$704)	N/A
16691	GREAT AMERICAN INSURANCE COMPANY	0.00%	\$0	\$0	(\$122,566)	N/A
21970	ONEBEACON INSURANCE COMPANY	0.00%	\$0	\$0	\$256,114	N/A
22136	GREAT AMERICAN INSURANCE COMPANY OF NEW YORK	0.00%	\$0	\$0	\$930,539	N/A
24767	ST PAUL FIRE & MARINE INSURANCE COMPANY	0.00%	\$0	\$0	(\$2,085)	N/A
26344	GREAT AMERICAN ASSURANCE COMPANY	0.00%	\$0	\$0	(\$350)	N/A
	<b>TOTAL</b>	<b>100.00%</b>	<b>\$15,843,263</b>	<b>\$15,221,120</b>	<b>\$9,291,232</b>	<b>61.04%</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>
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%
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%
<b>10-YEAR TOTAL</b>	<b>\$157,034,988</b>	<b>\$154,163,924</b>	<b>\$82,315,173</b>	<b>53.39%</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](http://difp.mo.gov)**

**800-726-7390**



# **DIFP**

Department of Insurance,  
Financial Institutions &  
Professional Registration

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301 W. High St.  
PO Box 690  
Jefferson City, MO 65102

**AUGUST 2014**