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# **LEGAL MALPRACTICE REPORT**

**Missouri Department of Commerce & Insurance**

Published June 2023

# DEFINITION OF TERMS

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**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

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This report summarizes the legal malpractice insurance experience in Missouri from 2013 to 2022. The charts, graphs and tables in this report are limited to closed claim information and were constructed from data collected by the Department of Commerce and Insurance 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 2022, the loss ratio for legal malpractice insurance in Missouri was 22 percent. For the 10-year period of claims closed, 451 (29 percent) were closed with payment. Claims closed in 2022 totaled 100, a slight decrease from 105 the previous year. The average payment was \$160,766.

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 2022, the average loss adjustment expense for all claims closed with payment was \$16,261 compared to \$46,993 in 2021.

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.

The largest class of cases in 2022 consisted of estate and trust claims (22 of 100). The largest proportion of all claims closed in 2022 pertained to an alleged deficiency with respect to the *commencement of action or proceeding*. Of all claims paid during 2022, 50 percent were settled *before filing suit or demanding hearing* on the alleged malpractice.

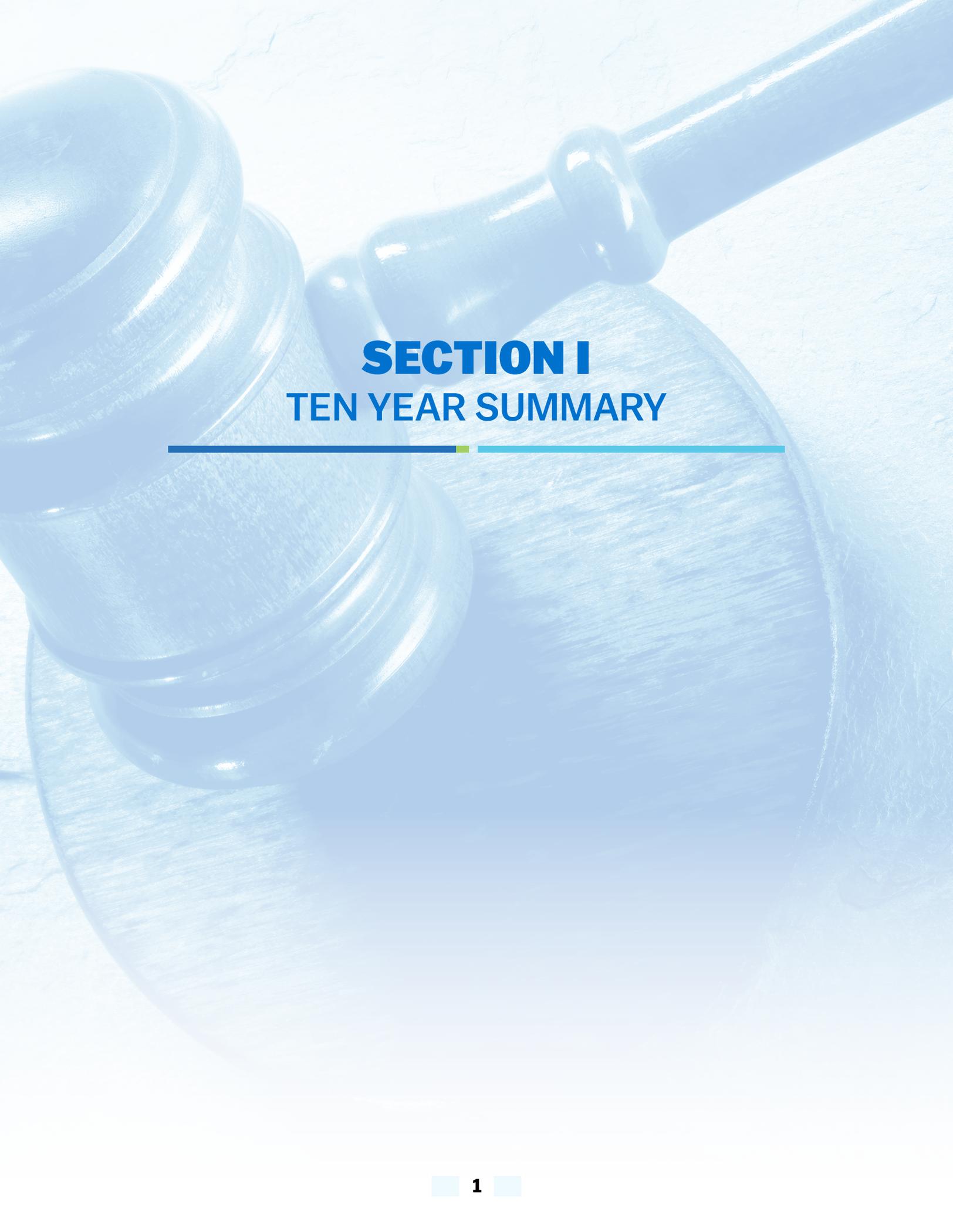
The vast majority of losses in 2022 occurred among attorneys with more than 10 years of practice. The insured's relationship to the claimant is partitioned into four subclasses: *free legal service, non-client, member of pre-paid legal plan and client other than free service or prepaid legal plan*. Eighty-six percent of claims paid in 2022 occurred in the category of *client other than free legal service or member of pre-paid legal plan*.

Only 20 companies reported writing legal malpractice insurance in Missouri for 2022. Of these, the Bar Plan Mutual Insurance Company was largest, with over 50 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 Commerce and Insurance, P.O. Box 690, Jefferson City, MO 65102-0690.

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**SECTION I**  
**TEN YEAR SUMMARY**

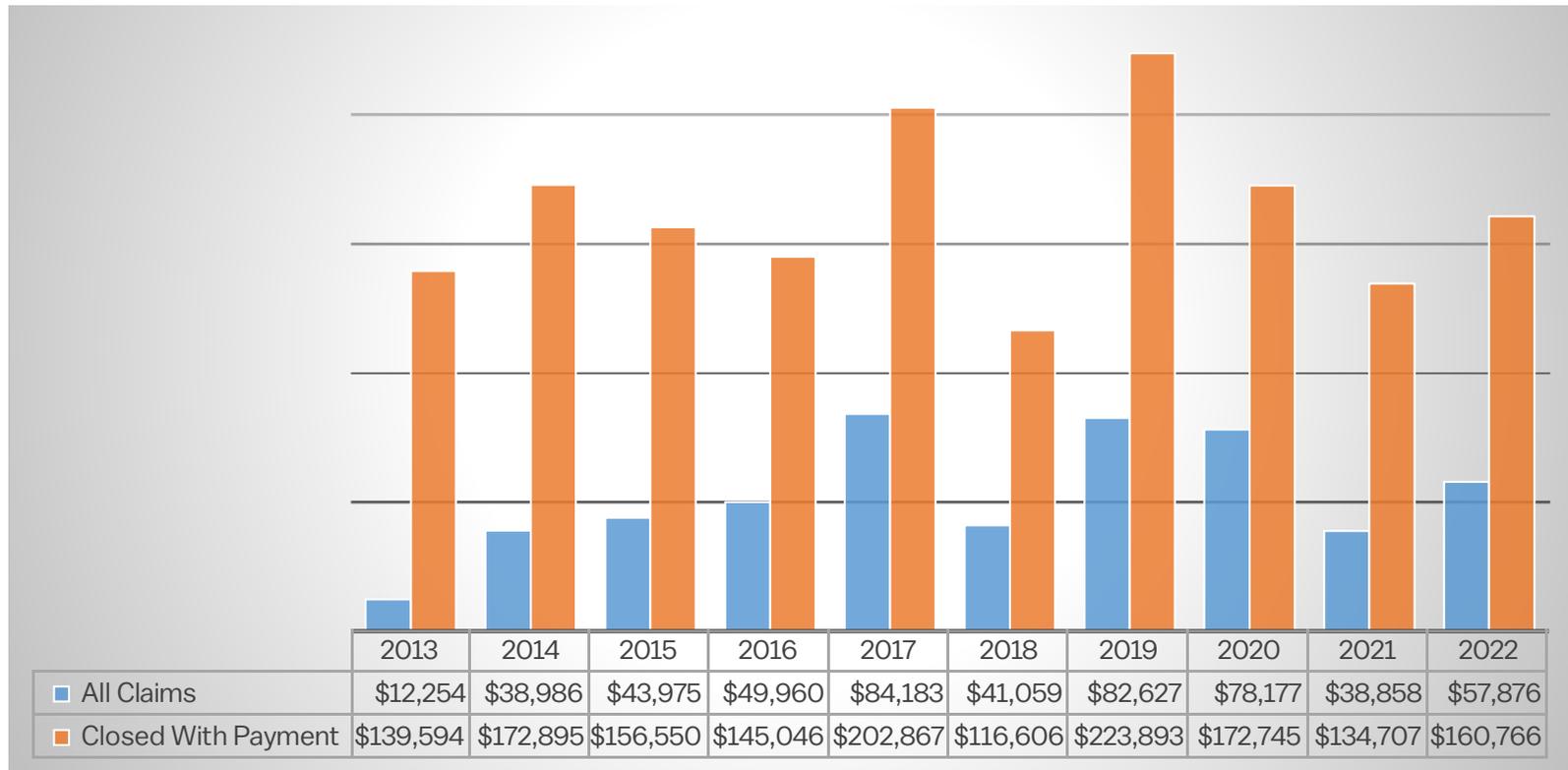
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## Legal Malpractice Claims Ten Year Summary 2013 - 2022

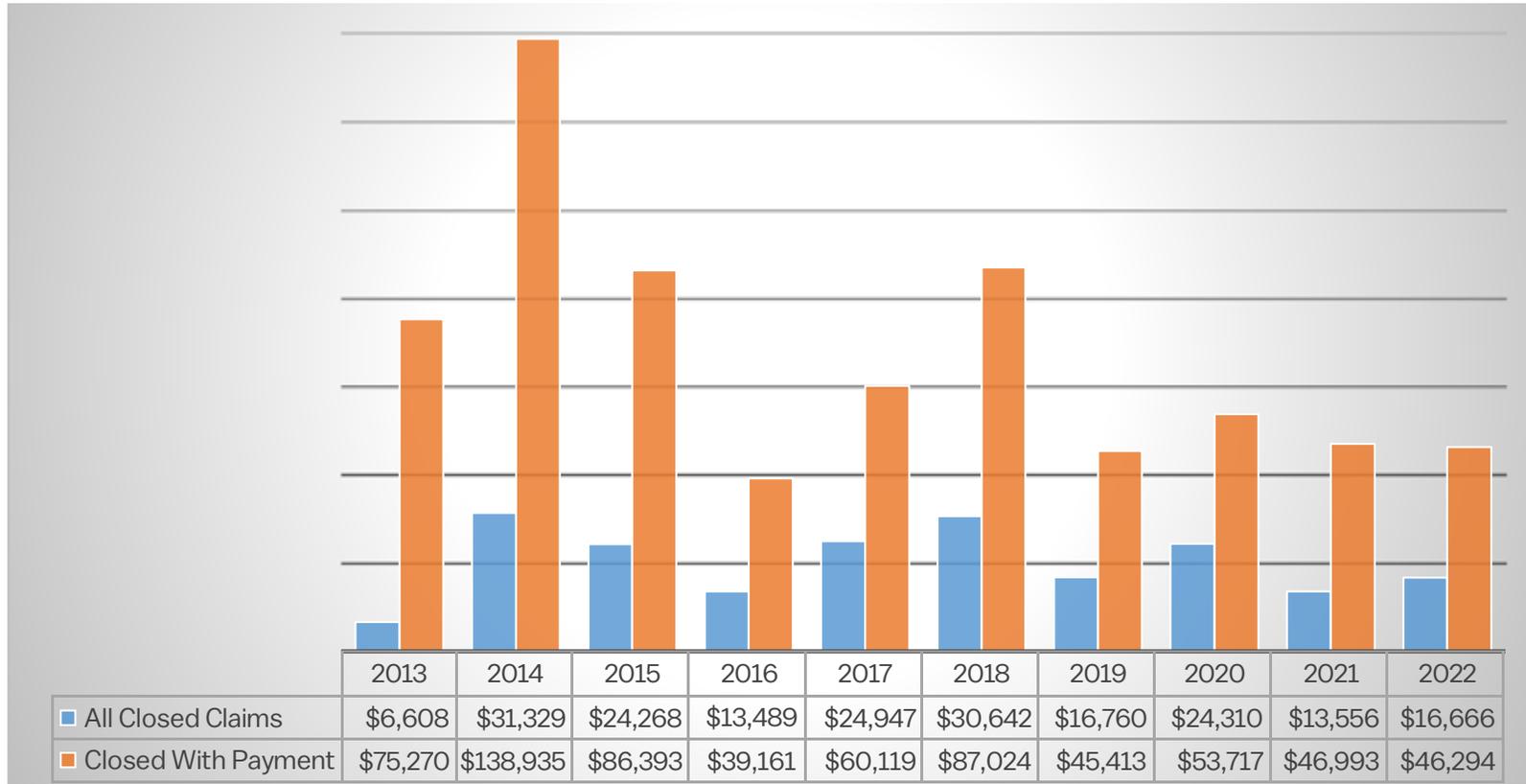
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Closed Claims	Number of Claims	Percent of All Claims	Total Indemnity Paid	Average Indemnity Paid	Total Loss Expenses	Average Loss Expense
All Closed Claims	1,538	100.0%	\$73,669,063	\$47,899	\$30,702,966	\$19,963
Closed With Payment	451	29.3%	\$73,669,063	\$163,346	\$18,979,805	\$42,084
Closed Without Payment	1,087	70.7%	\$0	\$0	\$11,723,161	\$10,785
Claims Settled Through Court Proceedings	130	8.5%	\$2,855,730	\$21,967	\$6,341,348	\$48,780
Court Proceeding Resulting in Payment	13	0.8%	\$2,855,730	\$219,672	\$1,711,004	\$131,616

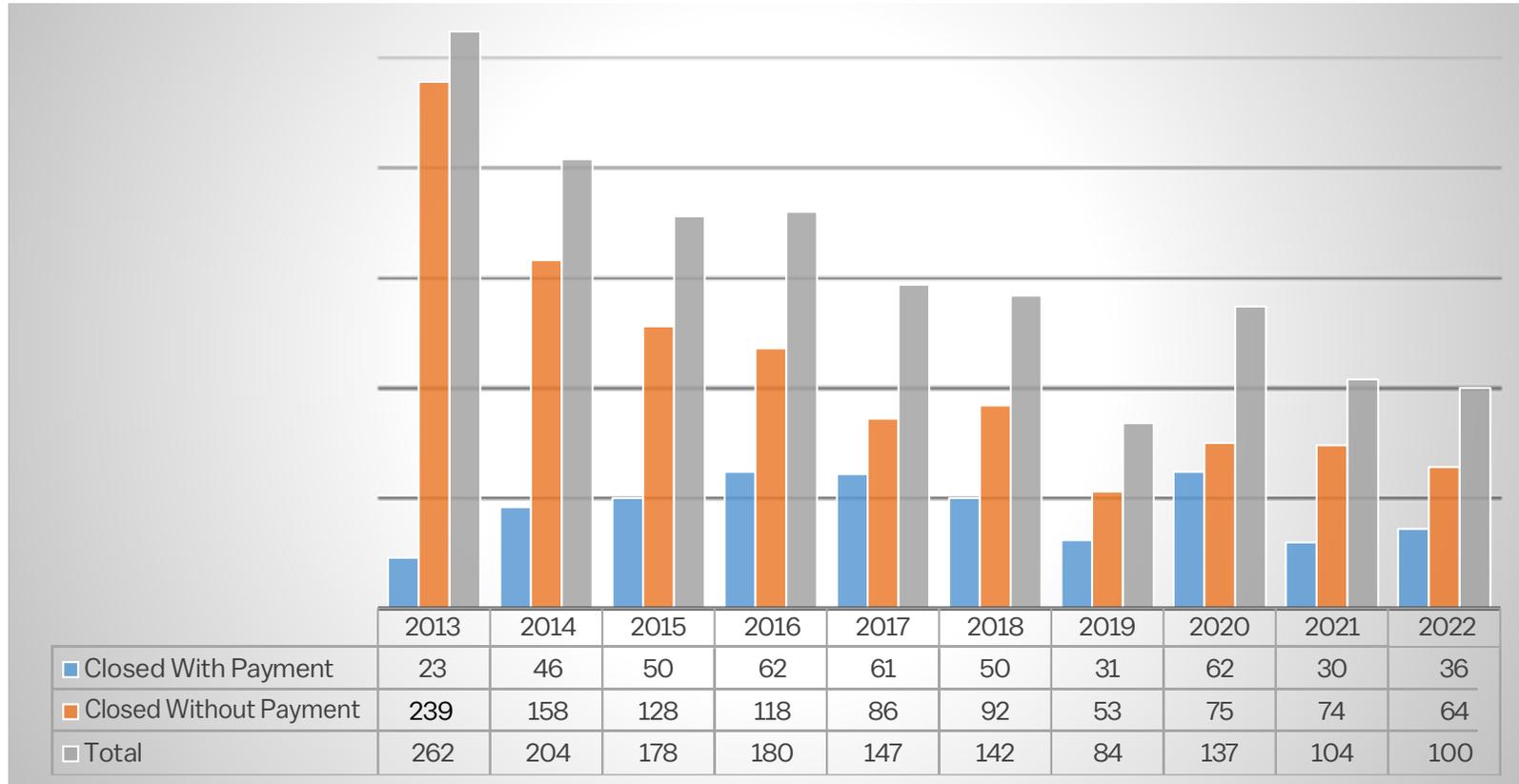
## Average Paid Claim by Year

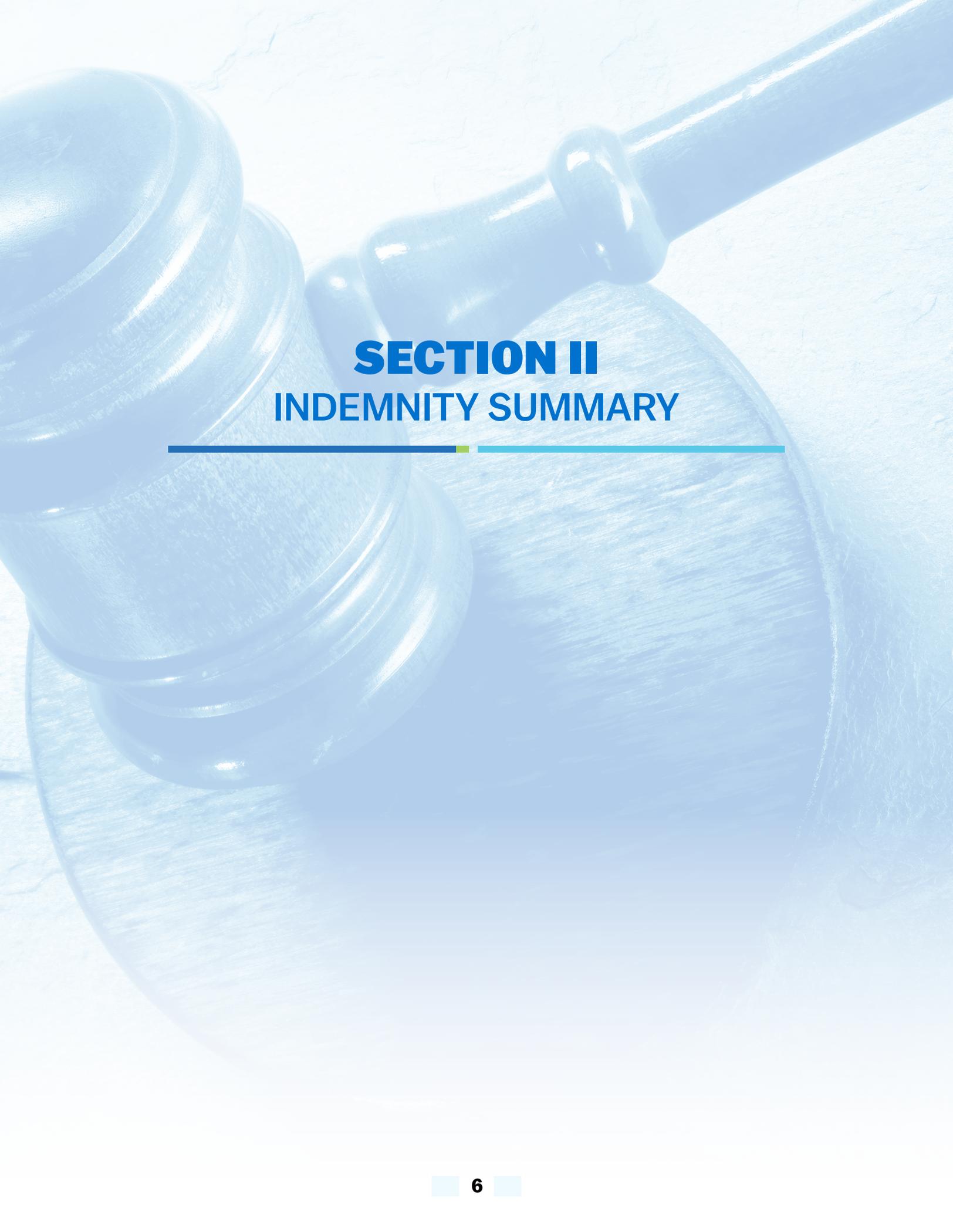


## Average Claim Expense by Year



# Claim Count





**SECTION II**  
**INDEMNITY SUMMARY**

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# **AREA OF LAW:** 10-YEAR AND 2022 SUMMARY

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## Claims Closed, 2013 - 2022

Area of Law	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claims	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
BI/PD - PLAINTIFF	291	100	22.2%	\$153,458	\$15,345,831	20.8%	\$14,467
COLLECTION & BANKRUPTCY	246	63	14.0%	\$132,099	\$8,322,207	11.3%	\$8,885
ESTATE, TRUST & PROBATE	208	68	15.1%	\$131,140	\$8,917,542	12.1%	\$26,787
FAMILY LAW	177	46	10.2%	\$142,914	\$6,574,047	8.9%	\$17,360
REAL ESTATE	164	29	6.4%	\$71,724	\$2,079,994	2.8%	\$9,162
CORPORATE & BUSINESS ORGANIZATION	78	16	3.5%	\$158,837	\$2,541,388	3.4%	\$38,144
CRIMINAL	60	8	1.8%	\$310,344	\$2,482,750	3.4%	\$14,604
WORKERS COMPENSATION	59	19	4.2%	\$235,620	\$4,476,784	6.1%	\$4,197
BUSINESS TRANSACTION/COMMERCIAL LAW	51	20	4.4%	\$256,048	\$5,120,950	7.0%	\$60,655
BI/PD - DEFENDANT	48	20	4.4%	\$418,234	\$8,364,689	11.4%	\$23,683
LABOR LAW	40	23	5.1%	\$101,457	\$2,333,504	3.2%	\$16,430
CIVIL RIGHTS & COMMISSION	34	9	2.0%	\$206,674	\$1,860,065	2.5%	\$23,065
CONSUMER CLAIMS	16	6	1.3%	\$92,000	\$552,000	0.7%	\$49,019
LOCAL GOVERNMENT	13	4	0.9%	\$165,189	\$660,754	0.9%	\$23,031
CONSTRUCTION (BUILDING CONTRACTS)	11	6	1.3%	\$144,982	\$869,889	1.2%	\$47,162
TAXATION	9	1	0.2%	\$128,669	\$128,669	0.2%	\$7,677
IMMIGRATION & NATURALIZATION	7	5	1.1%	\$65,100	\$325,500	0.4%	\$2,857
PATENTS, TRADEMARKS, COPYRIGHTS	7	2	0.4%	\$326,250	\$652,500	0.9%	\$344,375
GOVERNMENT CONTRACTS & CLAIMS	4	2	0.4%	\$62,500	\$125,000	0.2%	\$4,317
SECURITIES (S.E.C.)	4				\$0	0.0%	\$0
ADMIRALTY	3	2	0.4%	\$652,500	\$1,305,000	1.8%	\$61,062
ENVIRONMENT	1	1	0.2%	\$330,000	\$330,000	0.4%	\$18,307
NATIONAL RESOURCES	1	1	0.2%	\$300,000	\$300,000	0.4%	\$68,837

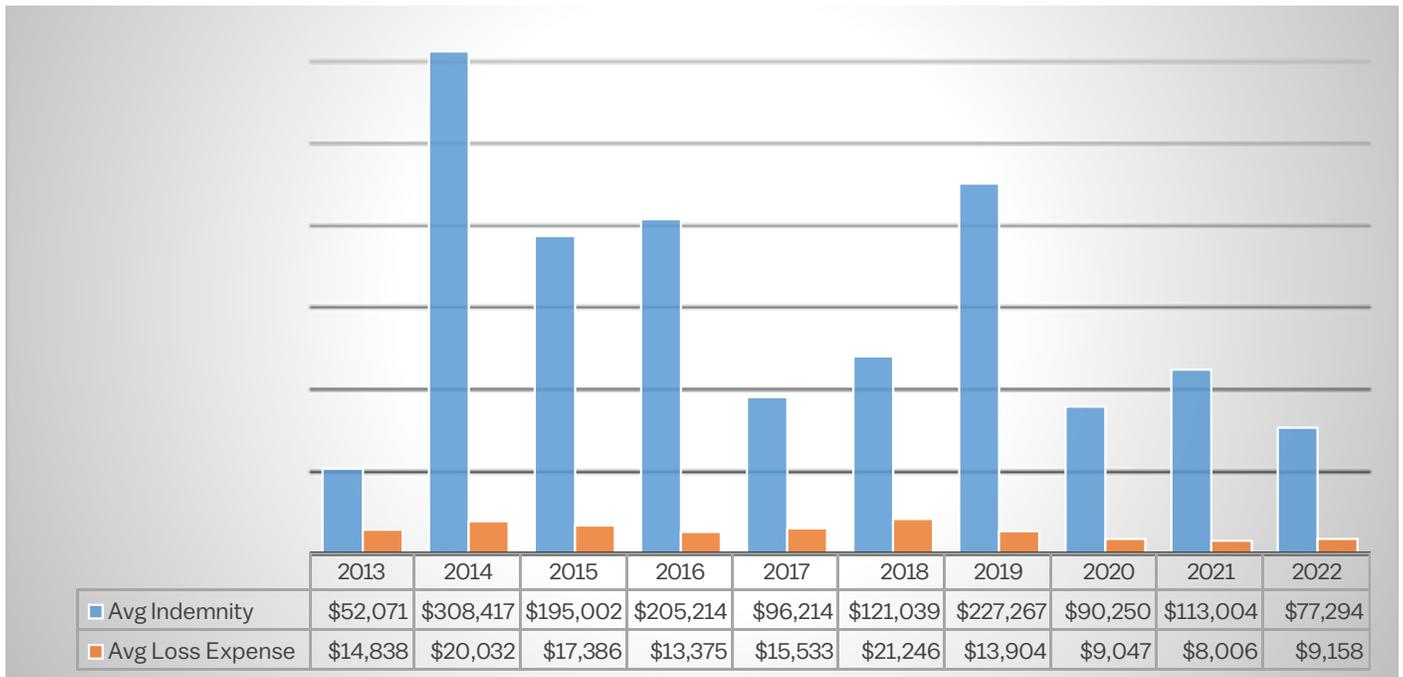
## Claims Closed in 2022

Area of Law	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claims	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
ESTATE, TRUST & PROBATE	22	9	25.0%	\$44,537.00	\$400,833.00	6.9%	\$11,578
BI/PD - PLAINTIFF	21	10	27.8%	\$77,294	\$772,937	13.4%	\$9,158
FAMILY LAW	14	3	8.3%	\$127,409	\$382,227	6.6%	\$30,001
COLLECTION & BANKRUPTCY	11	4	11.1%	\$6,256	\$25,023	0.4%	\$6,602
REAL ESTATE	11	2	5.6%	\$46,550	\$93,100	1.6%	\$6,543
CRIMINAL	6	1	2.8%	\$1,900,000	\$1,900,000	32.8%	\$19,879
WORKERS COMPENSATION	4	1	2.8%	\$465,000	\$465,000	8.0%	\$273
BI/PD - DEFENDANT	3	2	5.6%	\$487,500	\$975,000	16.8%	\$9,897
BUSINESS TRANSACTION/COMMERCIAL LAW	2	1	2.8%	\$80,000	\$80,000	1.4%	\$7,500
CIVIL RIGHTS & COMMISSION	2				\$0	0.0%	\$138,606
ADMIRALTY	1	1	2.8%	\$200,000	\$200,000	3.5%	\$13,060
CONSTRUCTION (BUILDING CONTRACTS)	1	1	2.8%	\$491,970	\$491,970	8.5%	\$199,631
IMMIGRATION & NATURALIZATION	1	1	2.8%	\$1,500	\$1,500	0.0%	\$0
LABOR LAW	1				\$0	0.0%	\$0

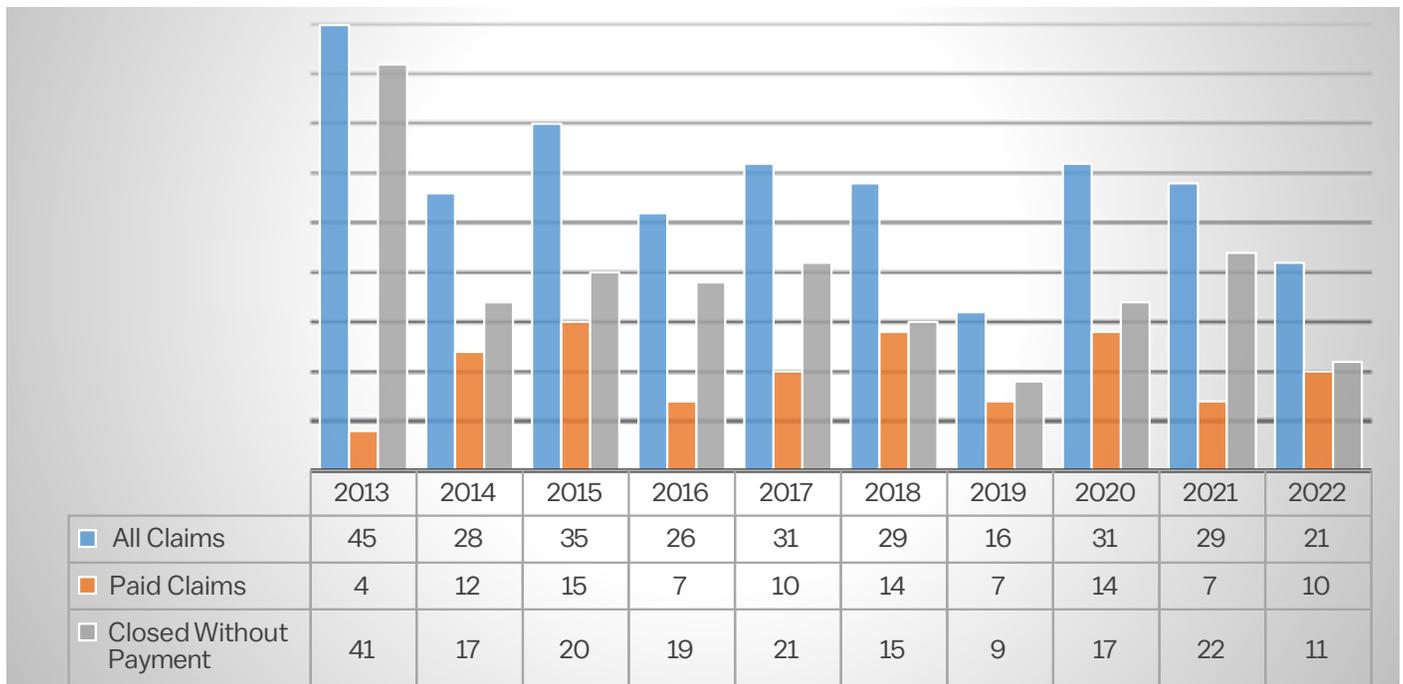
# TRENDS OF THE TOP 10 AREAS OF LAW

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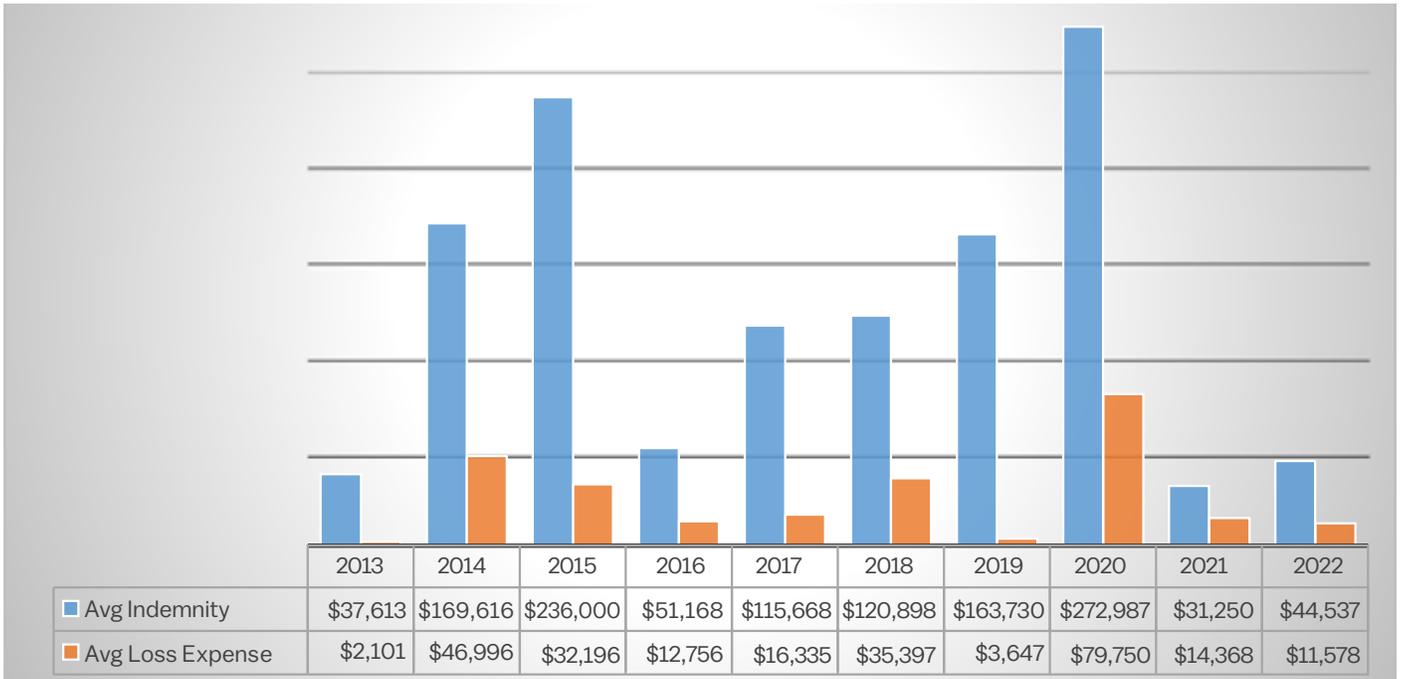
## BI / PD Plaintiff Average Indemnity & Expense



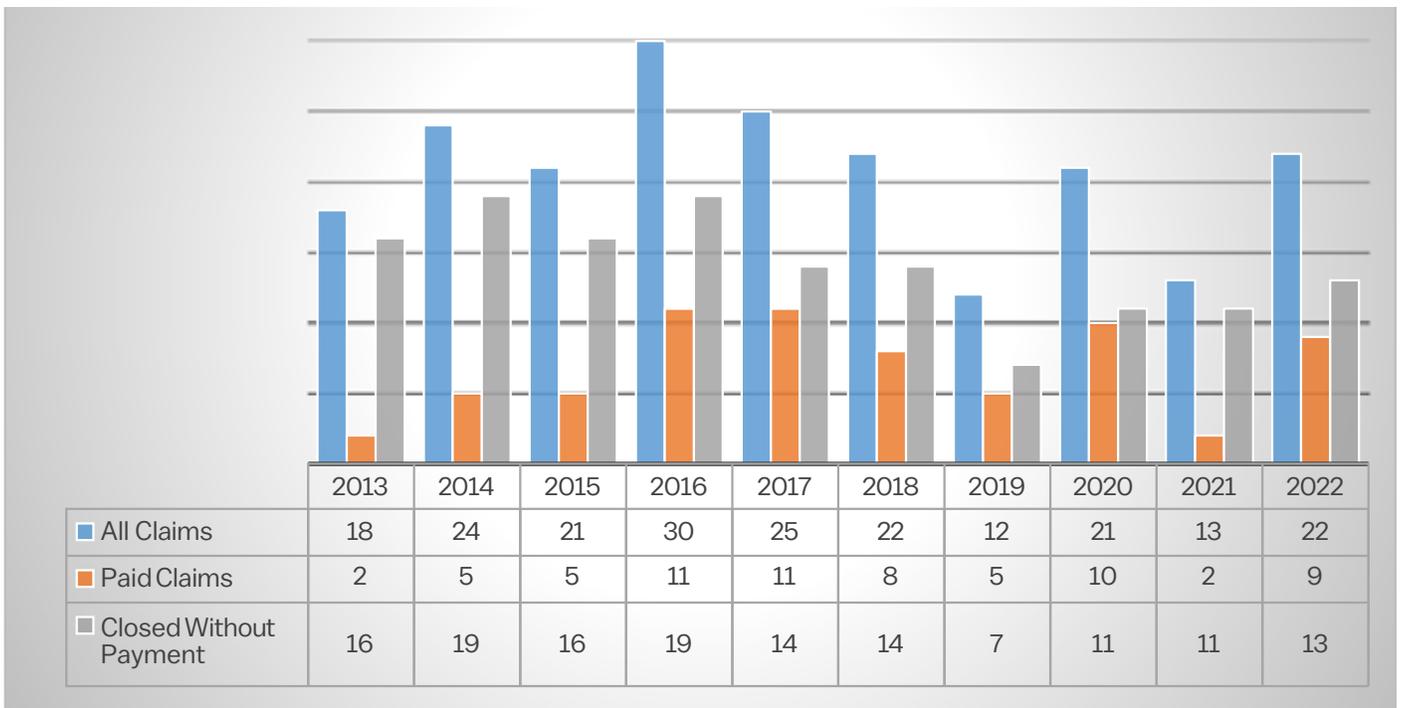
## BI / PD Plaintiff Closed Claims



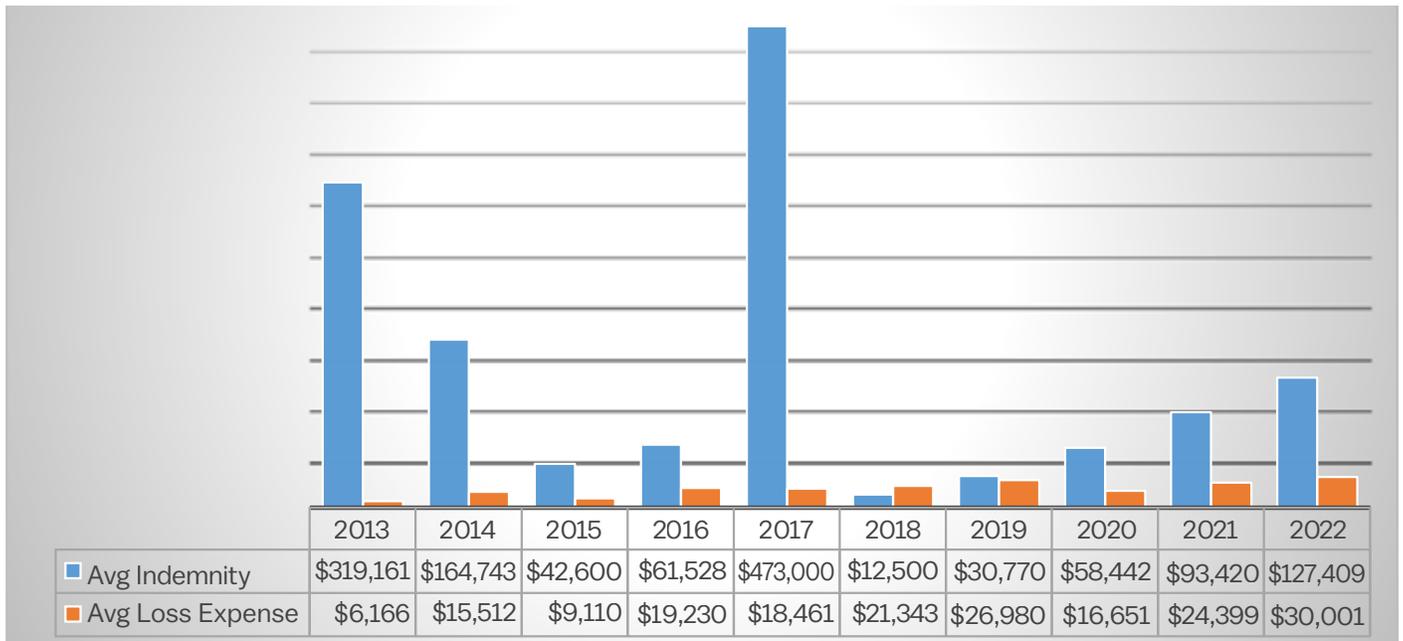
## Estate, Trust & Probate Average Indemnity & Expense



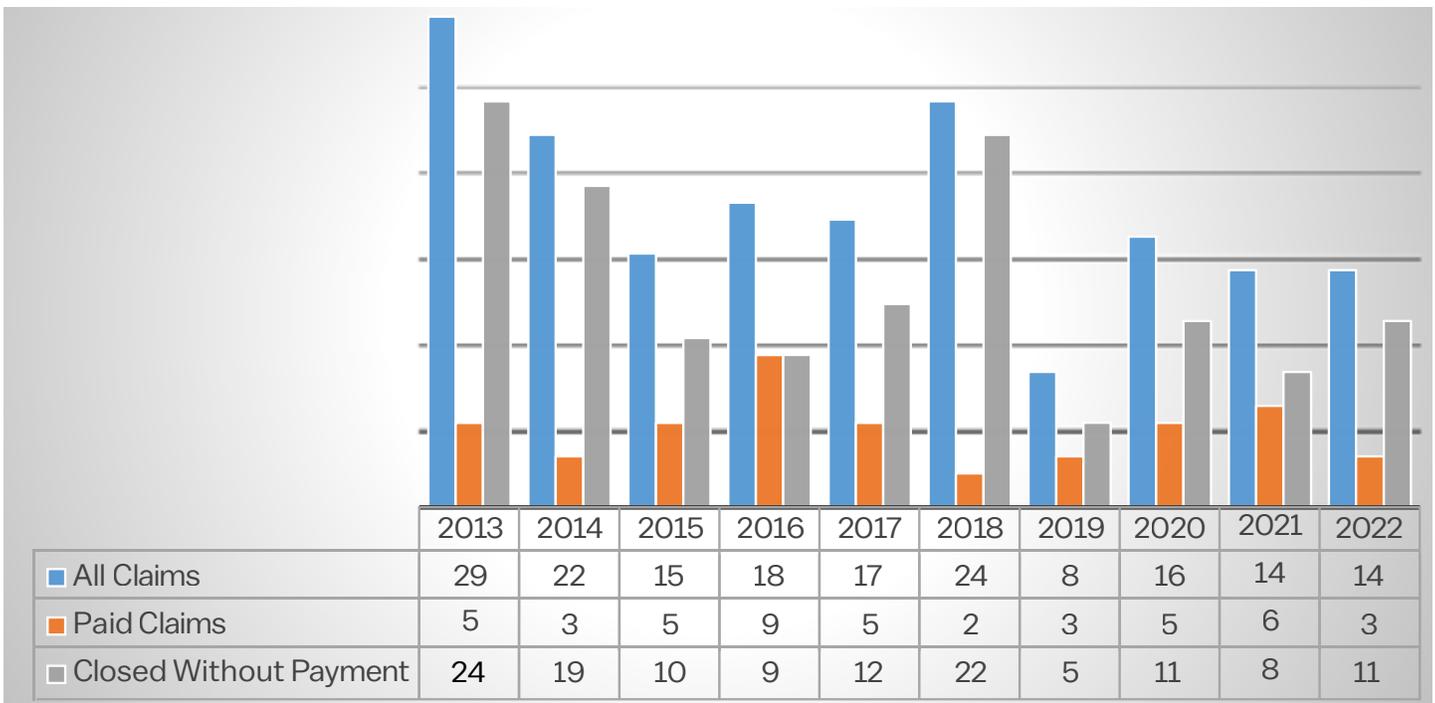
## Estate, Trust & Probate Average Closed Claims



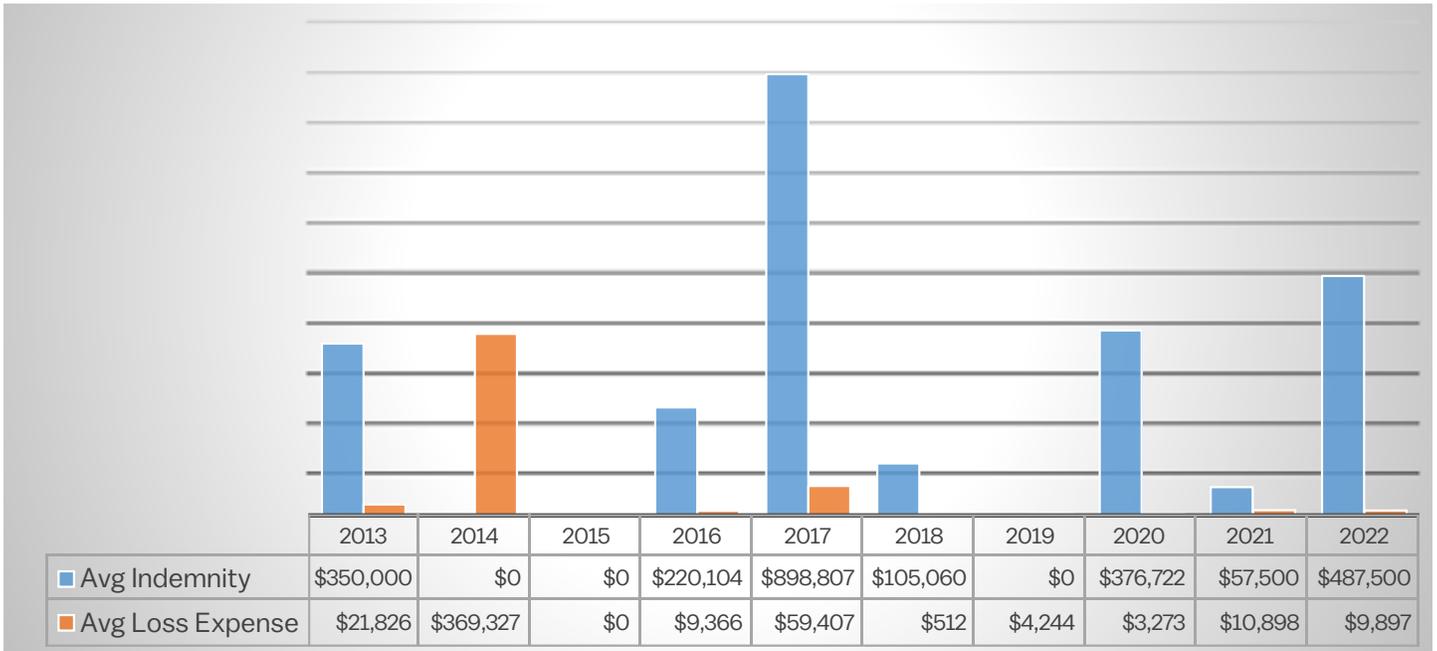
## Family Law Average Indemnity & Expense



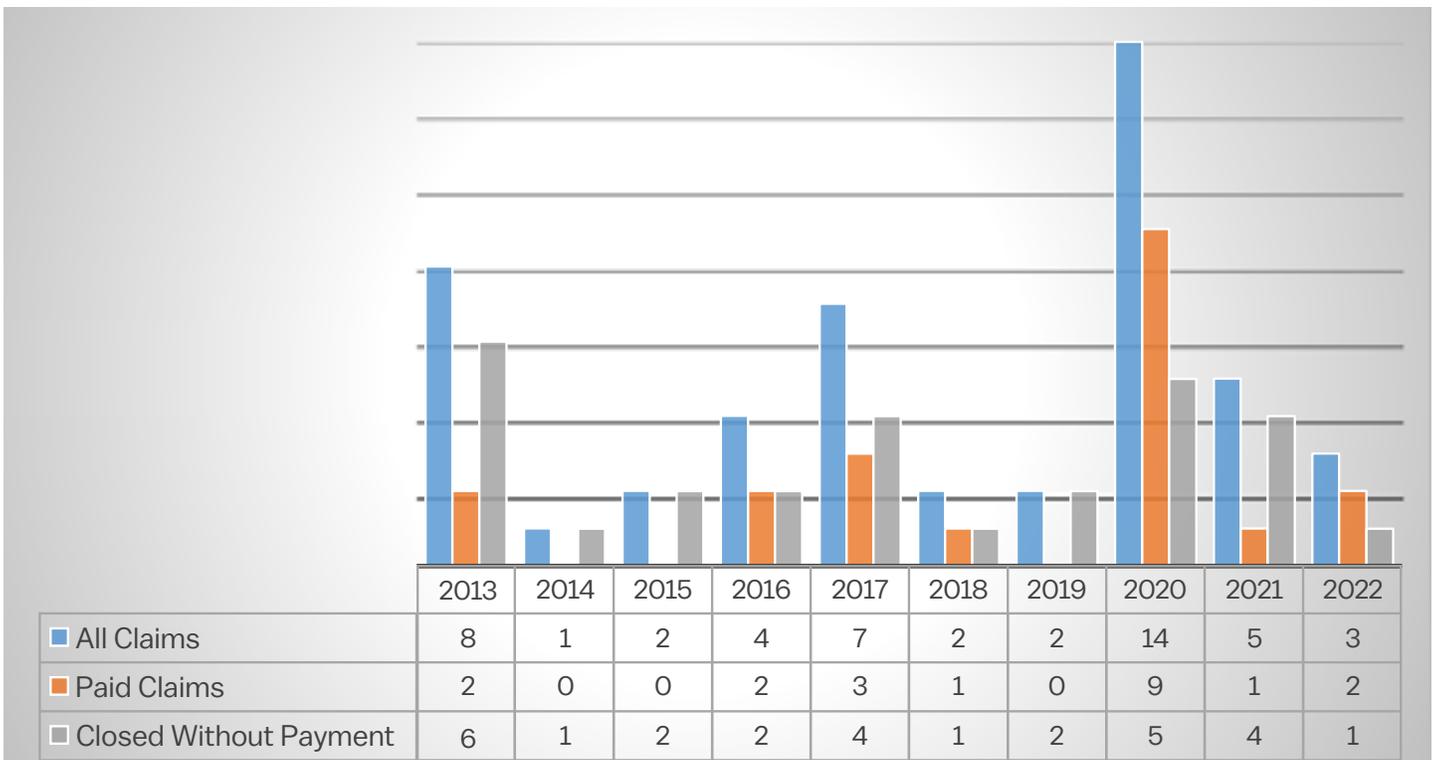
## Family Law Closed Claims



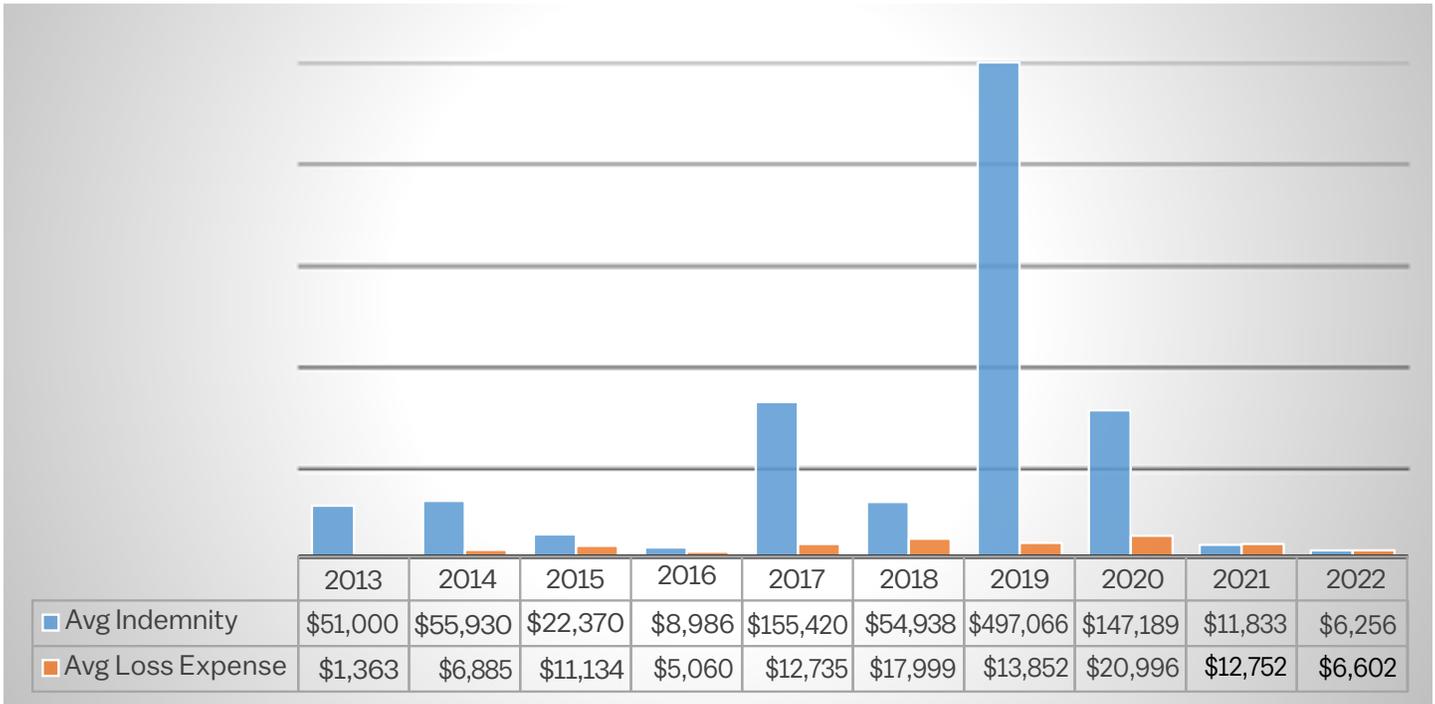
## BI / PD Defendant Average Indemnity & Expense



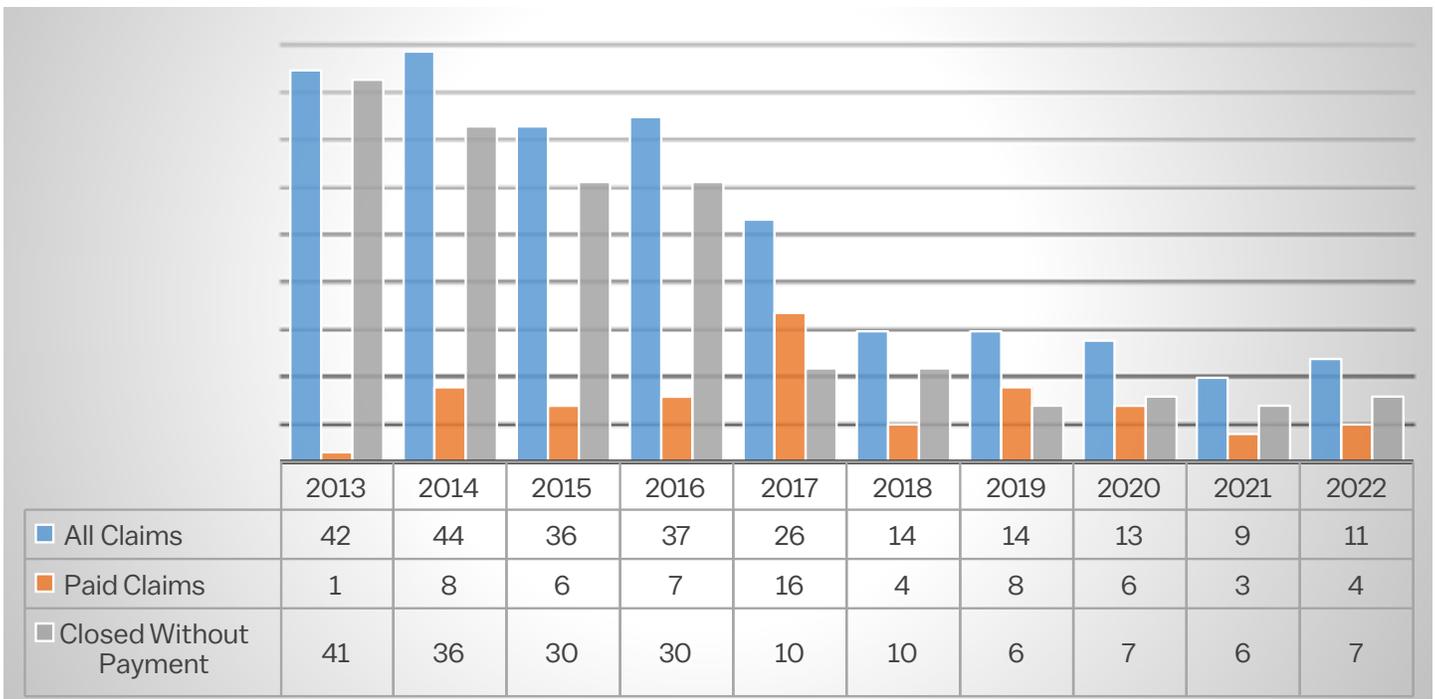
## BI / PD Defendant Closed Claims



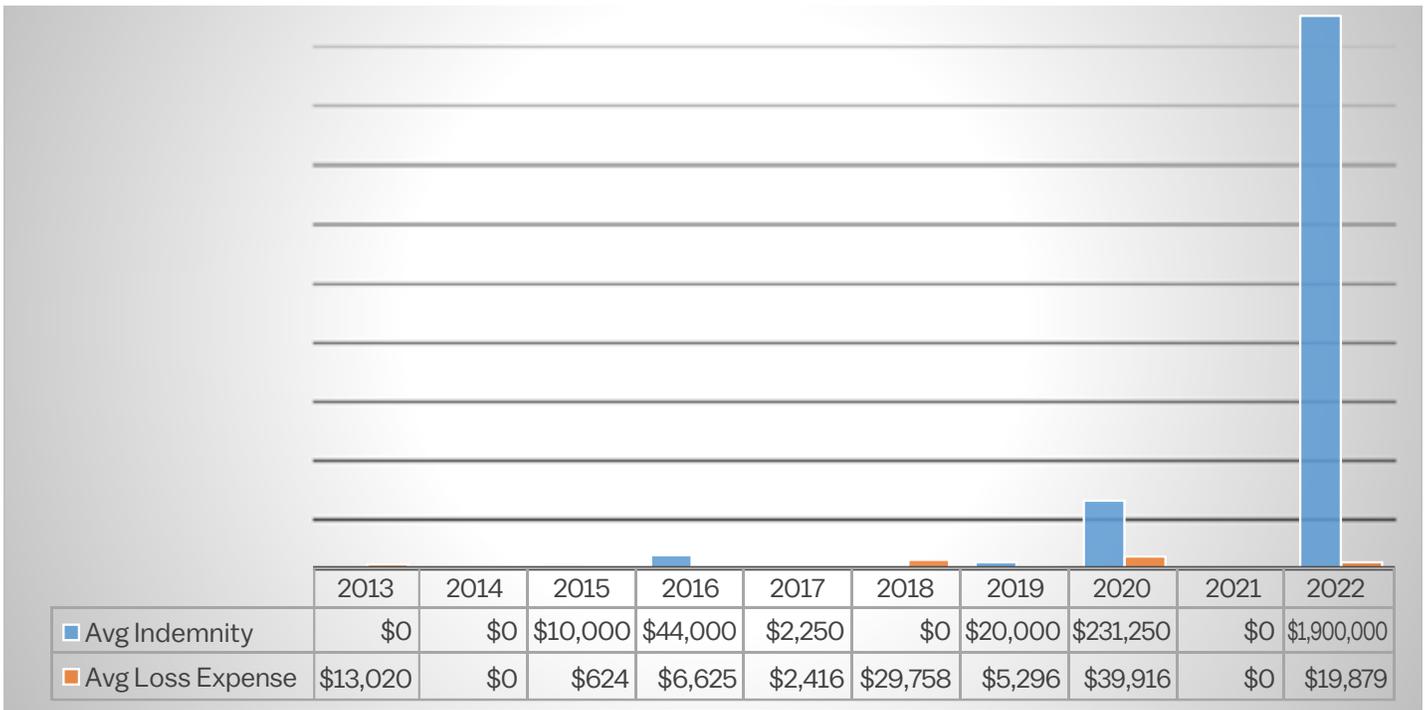
## Collection & Bankruptcy Average Indemnity & Expense



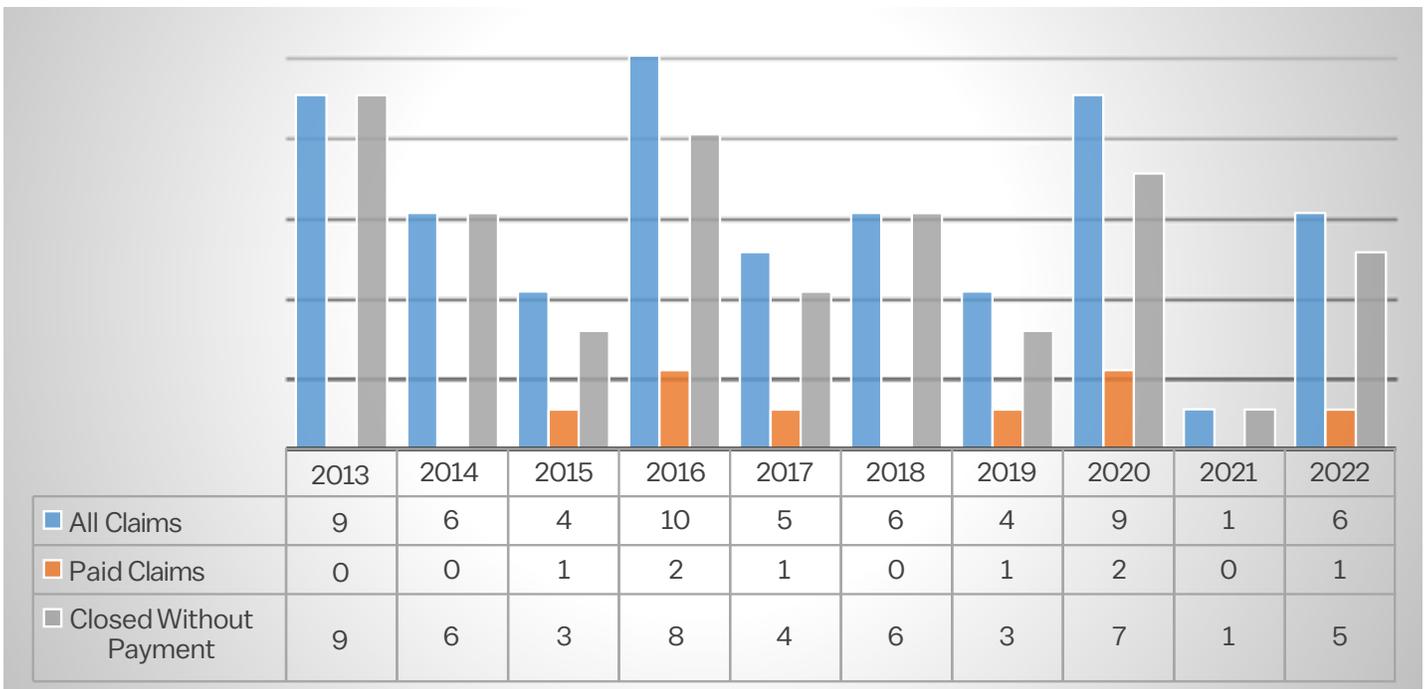
## Collection & Bankruptcy Closed Claims



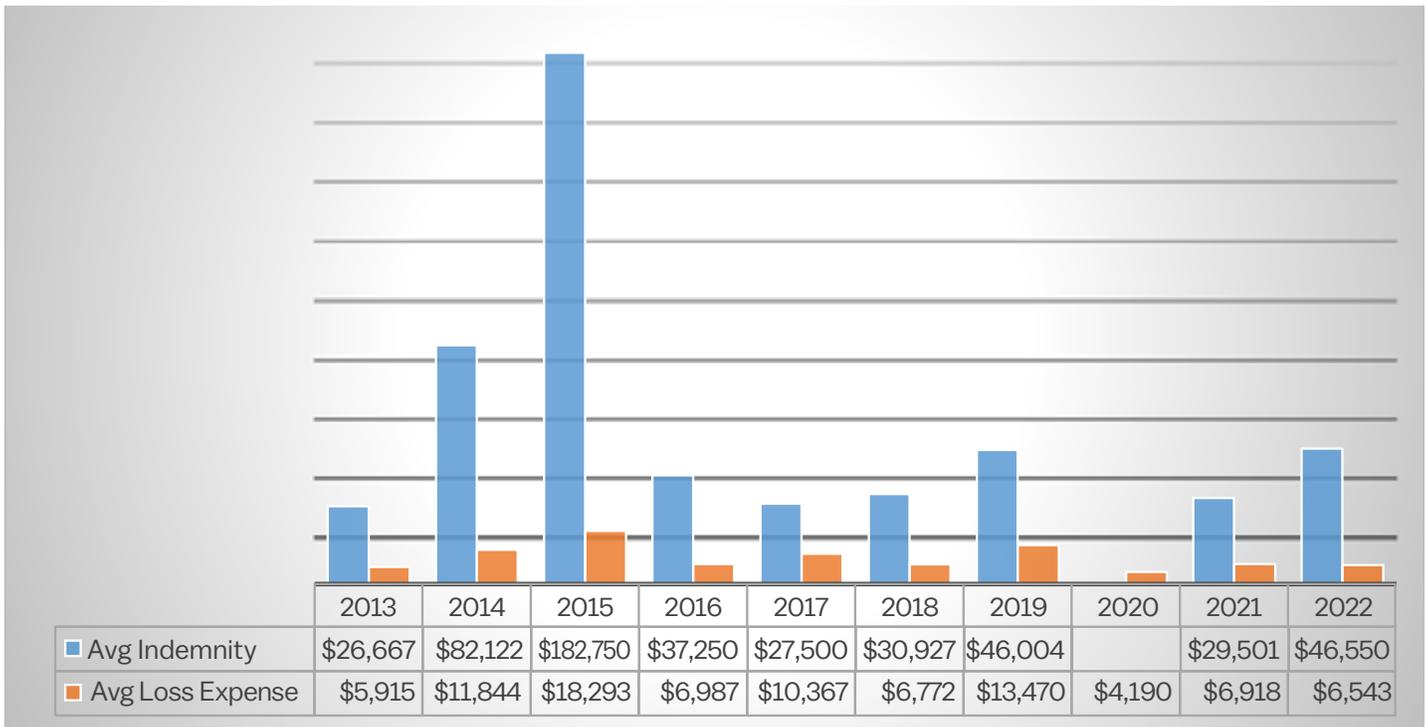
## Criminal Law Average Indemnity & Expense



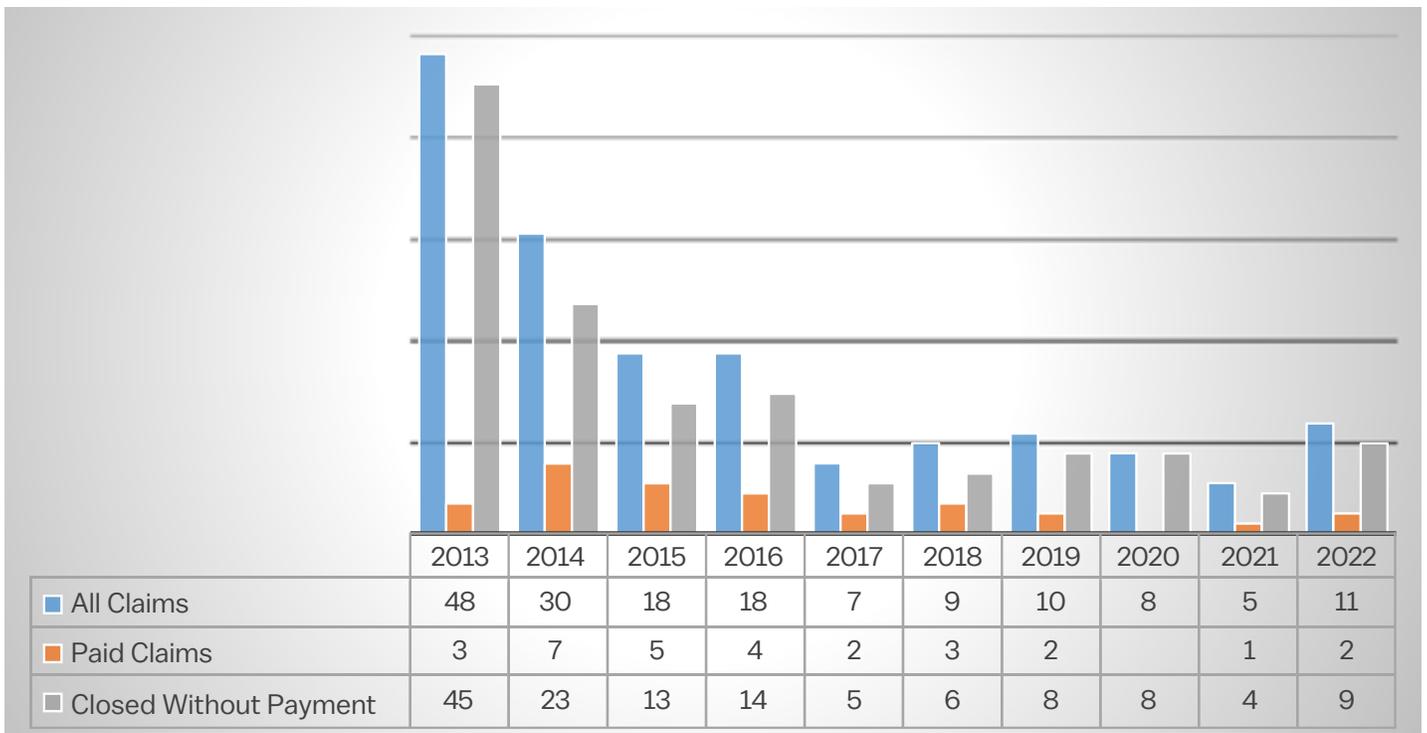
## Criminal Law Closed Claims



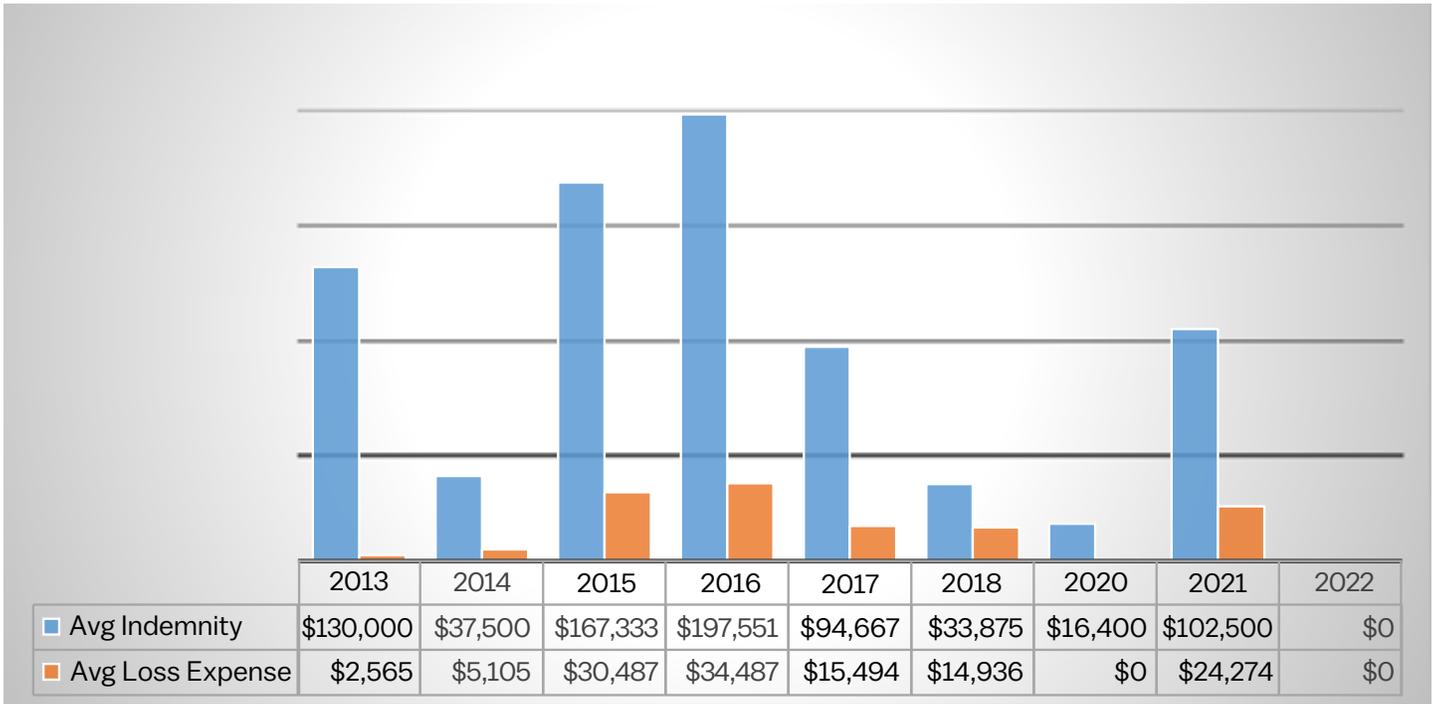
## Real Estate Average Indemnity & Expense



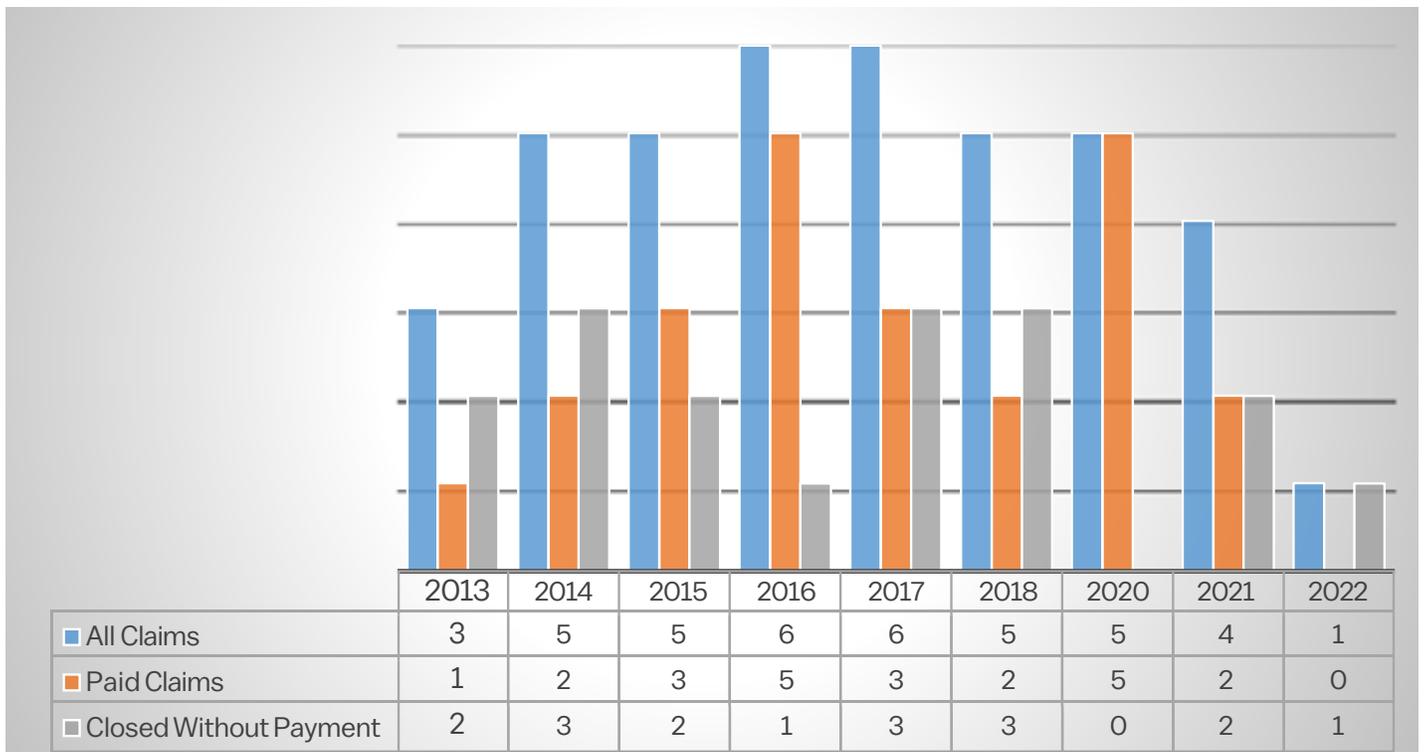
## Real Estate Closed Claims



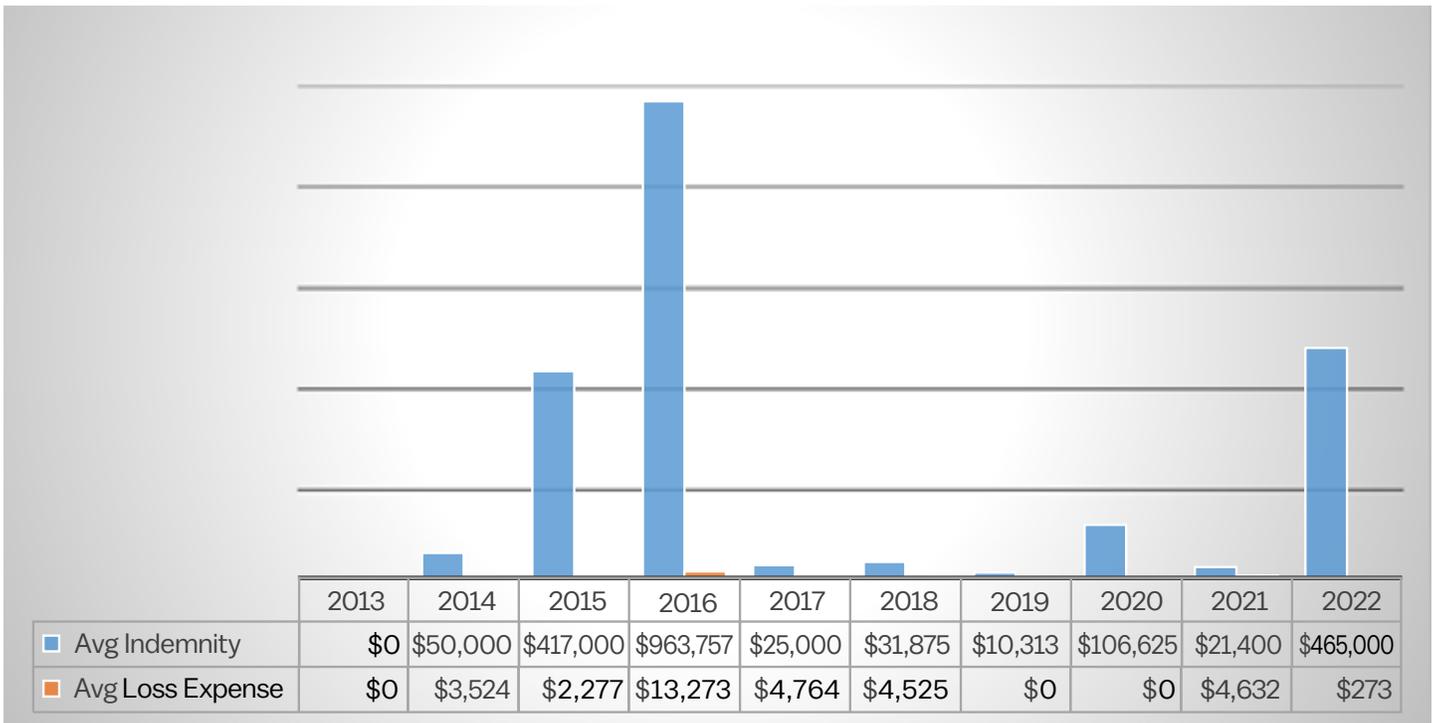
## Labor Law Average Indemnity & Expense



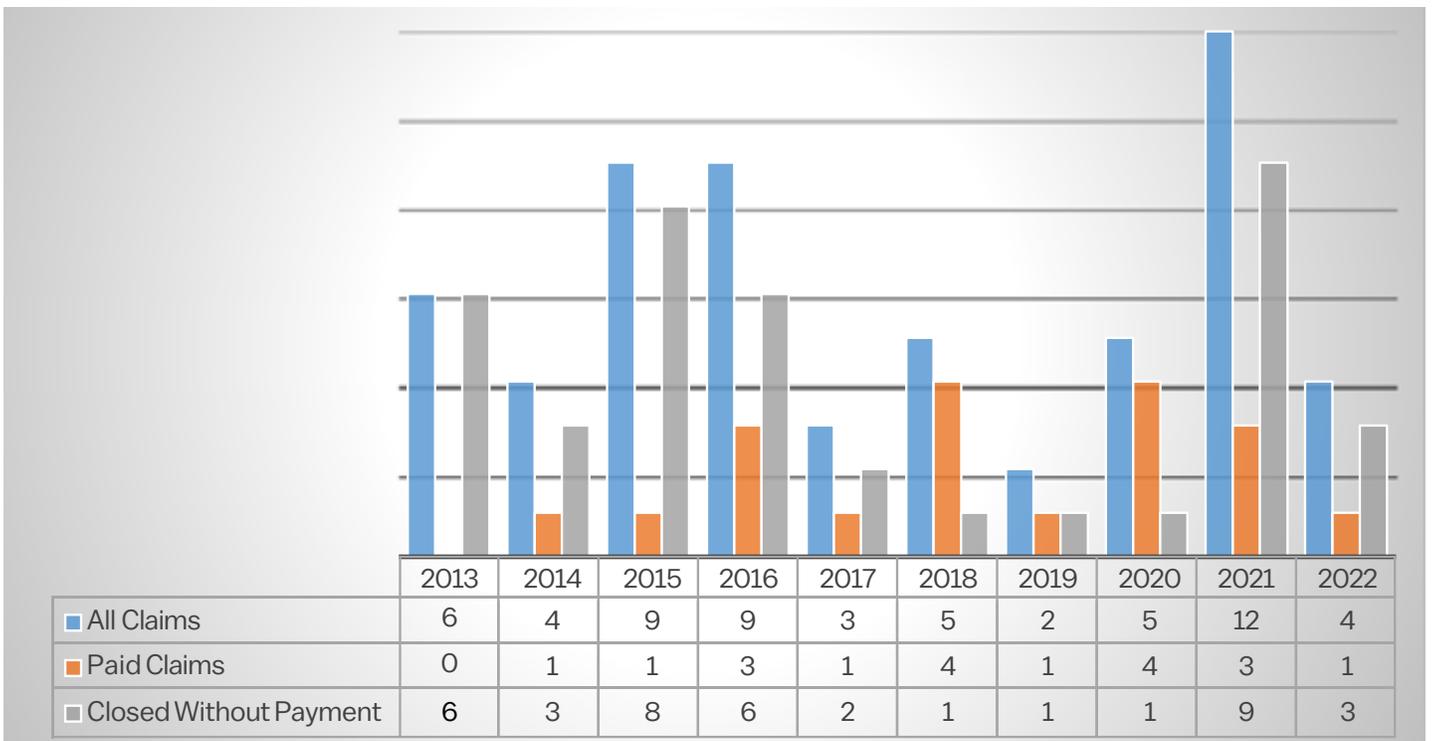
## Labor Law Closed Claims



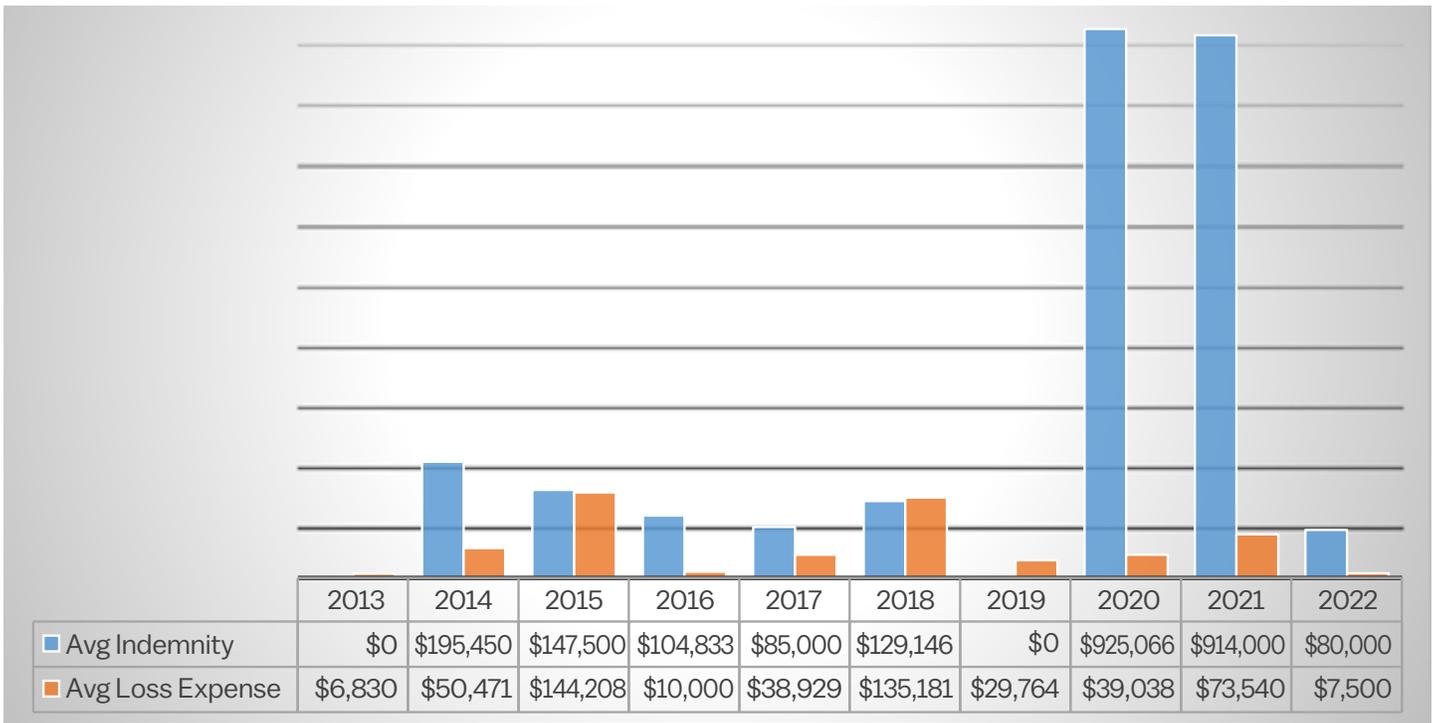
## Workers Compensation Average Indemnity & Expense



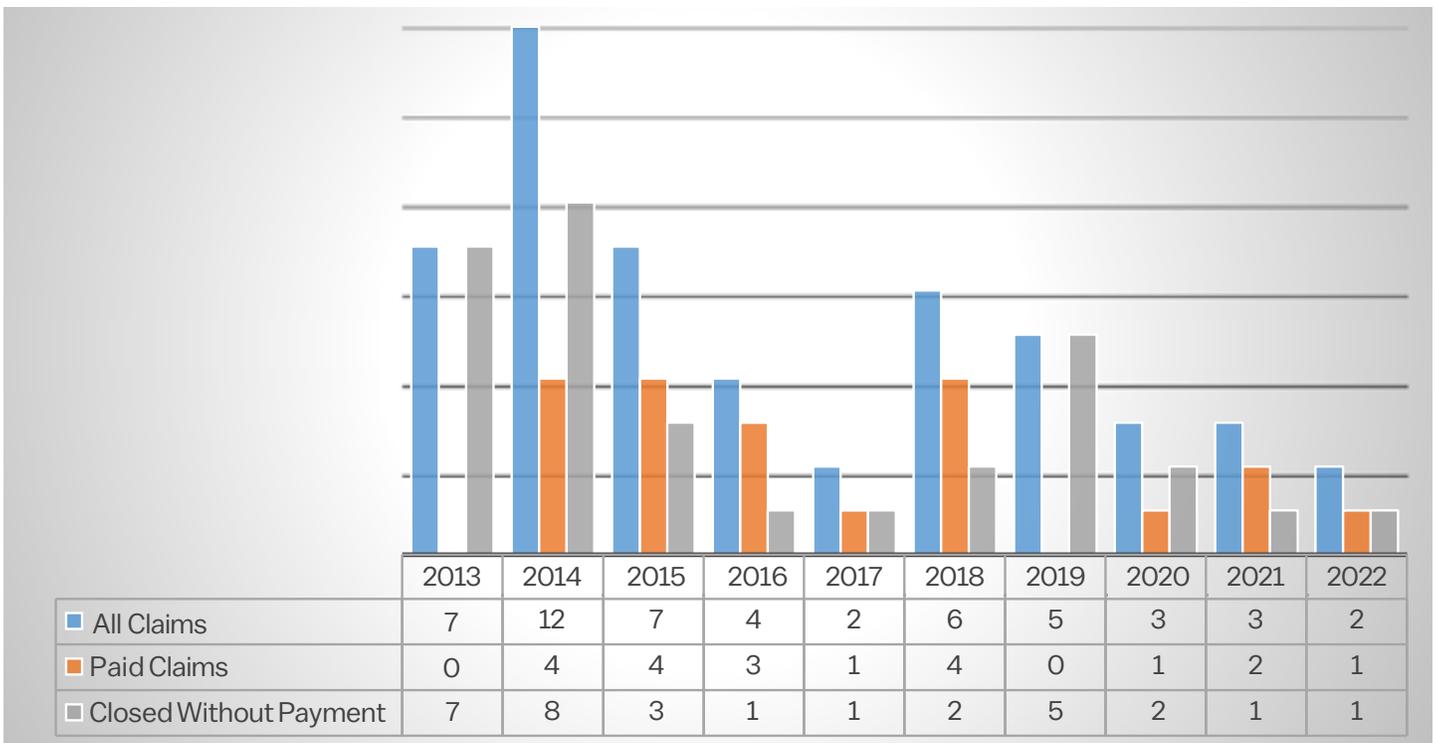
## Workers Compensation Closed Claims



## Business / Commercial Law Average Indemnity & Expense



## Business / Commercial Law Closed Claims



**MAJOR ACTIVITY:**  
10-YEAR AND 2022 SUMMARY TRENDS  
OF THE TOP 10 MAJOR ACTIVITY

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## Legal Process Implicated in Allegation, 2013 - 2022

Major Activity	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
COMMENCEMENT OF ACTION OR PROCEEDING	507	130	28.8%	\$133,666	\$17,376,596.00	23.6%	\$17,045
OTHER	293	58	12.9%	\$205,636	\$11,926,912	16.2%	\$20,088
PREPARATION, TRANSMITTAL OR FILING	185	82	18.2%	\$124,445	\$10,204,524	13.9%	\$21,012
PRE-TRIAL, PRE-HEARING	154	51	11.3%	\$186,773	\$9,525,407	12.9%	\$24,928
SETTLEMENT AND NEGOTIATION	114	49	10.9%	\$147,300	\$7,217,693	9.8%	\$17,808
CONSULTATION OR ADVICE	102	29	6.4%	\$112,323	\$3,257,369	4.4%	\$24,671
INVESTIGATION, OTHER THAN LITIGATION	47	13	2.9%	\$268,363	\$3,488,725	4.7%	\$11,754
TRIAL OR HEARING	35	14	3.1%	\$293,227	\$4,105,177	5.6%	\$39,256
OTHER WRITTEN OPINION	31	6	1.3%	\$72,355	\$434,128	0.6%	\$17,920
APPEAL ACTIVITIES	22	3	0.7%	\$69,167	\$207,500	0.3%	\$1,711
POST TRIAL OR HEARING	14	5	1.1%	\$523,730	\$2,618,650	3.6%	\$12,516
TAX REPORTING OR PAYMENT	10	4	0.9%	\$123,417	\$493,669	0.7%	\$74,352
REFERRAL TO ANOTHER PROFESSIONAL	9	4	0.9%	\$555,750	\$2,223,000	3.0%	\$27,735
EXPARTE PROCEEDINGS	7	1	0.2%	\$39,713	\$39,713	0.1%	\$19,392
TITLE OPINION	2	2	0.4%	\$275,000	\$550,000	0.7%	\$39,466
<b>TOTAL</b>	<b>1,532</b>	<b>451</b>	<b>100%</b>	<b>\$163,346</b>	<b>\$73,669,063</b>	<b>100%</b>	<b>\$20,041</b>

## Legal Process Implicated in Action, 2022

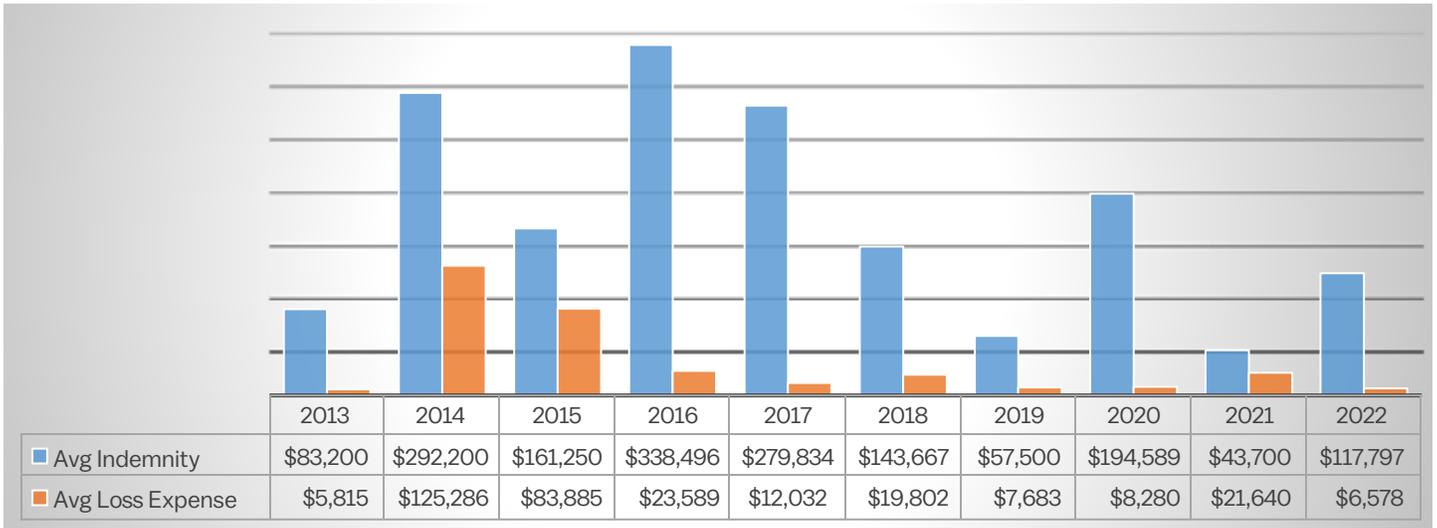
Major Activity	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
COMMENCEMENT OF ACTION OR PROCEEDING	30	9	25.0%	\$151,444	\$1,362,993.00	23.6%	\$20,756.97
CONSULTATION OR ADVICE	16	5	13.9%	\$27,977	\$139,884	2.4%	\$2,668
PREPARATION, TRANSMITTAL OR FILING	16	7	19.4%	\$157,195	\$1,100,363	19.0%	\$15,645
PRE-TRIAL, PRE-HEARING	10	4	11.1%	\$117,797	\$471,186	8.1%	\$6,578
SETTLEMENT AND NEGOTIATION	9	6	16.7%	\$79,277	\$475,664	8.2%	\$24,784
OTHER	8	2	5.6%	\$120,000	\$240,000	4.1%	\$20,907
TRIAL OR HEARING	5	2	5.6%	\$48,750	\$97,500	1.7%	\$6,235
INVESTIGATION, OTHER THAN LITIGATION	3	0	0.0%	\$0	\$0	0.0%	\$33,948
REFERRAL TO ANOTHER PROFESSIONAL	2	1	2.8%	\$1,900,000	\$1,900,000	32.8%	\$74,544
APPEAL ACTIVITIES	1	0	0.0%	\$0	\$0	0.0%	\$12,678
<b>TOTAL</b>	<b>100</b>	<b>36</b>	<b>100.0%</b>	<b>\$160,766</b>	<b>\$5,787,590</b>	<b>100.0%</b>	<b>\$16,666</b>

# **TOP 10 AREAS OF ACTIVITY IMPLICATED IN LEGAL MALPRACTICE CLAIMS**

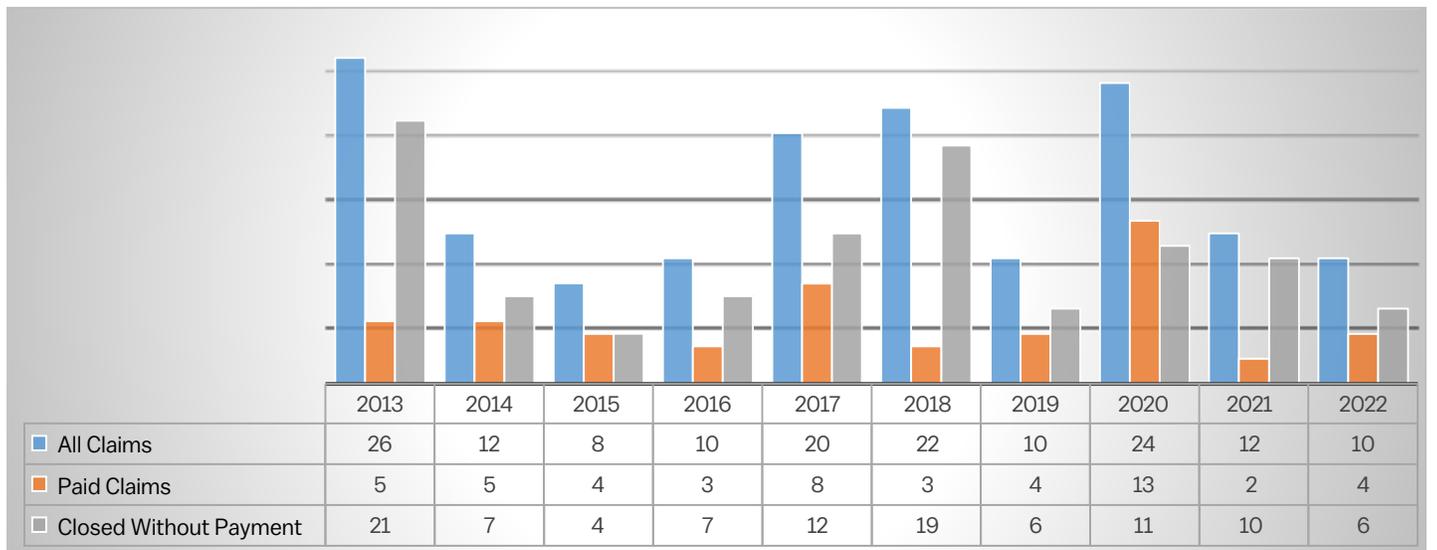
PRIOR TEN YEARS

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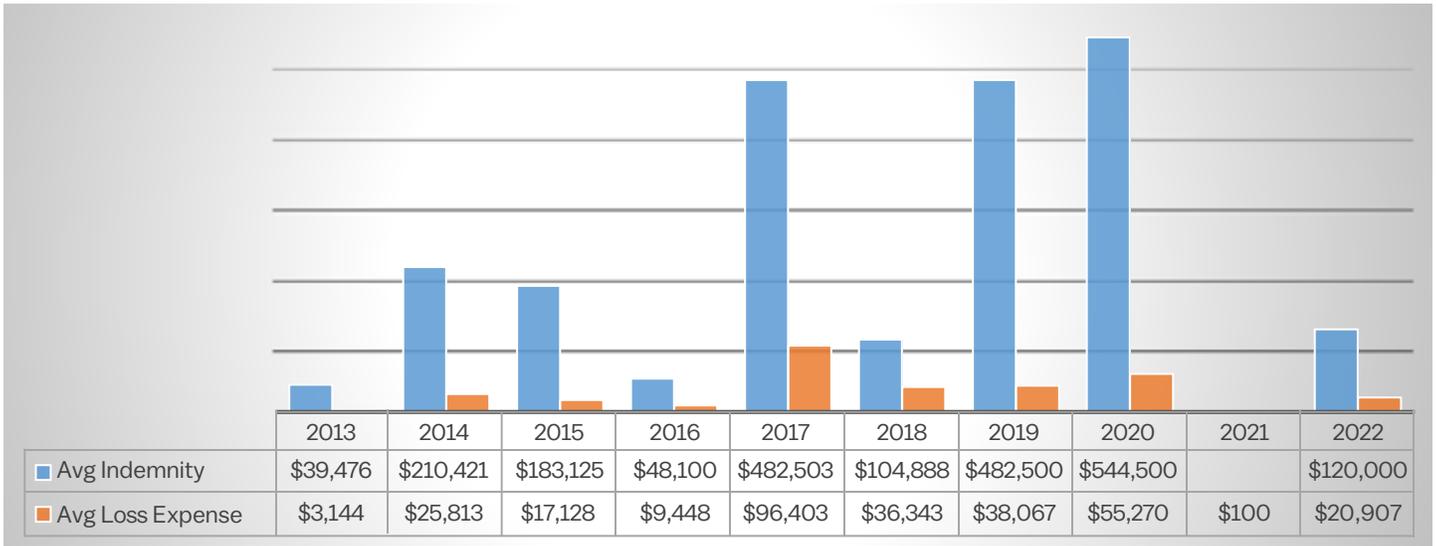
## Pre-Trial, Pre-Hearing Average Indemnity & Expense



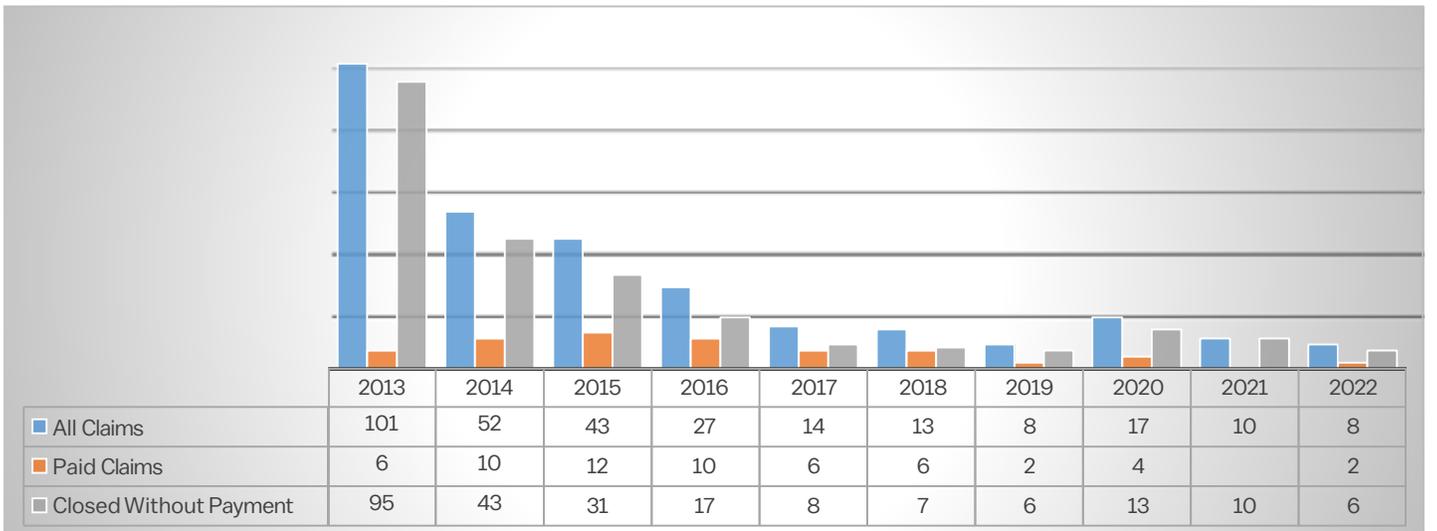
## Pre-Trial, Pre-Hearing Closed Claims



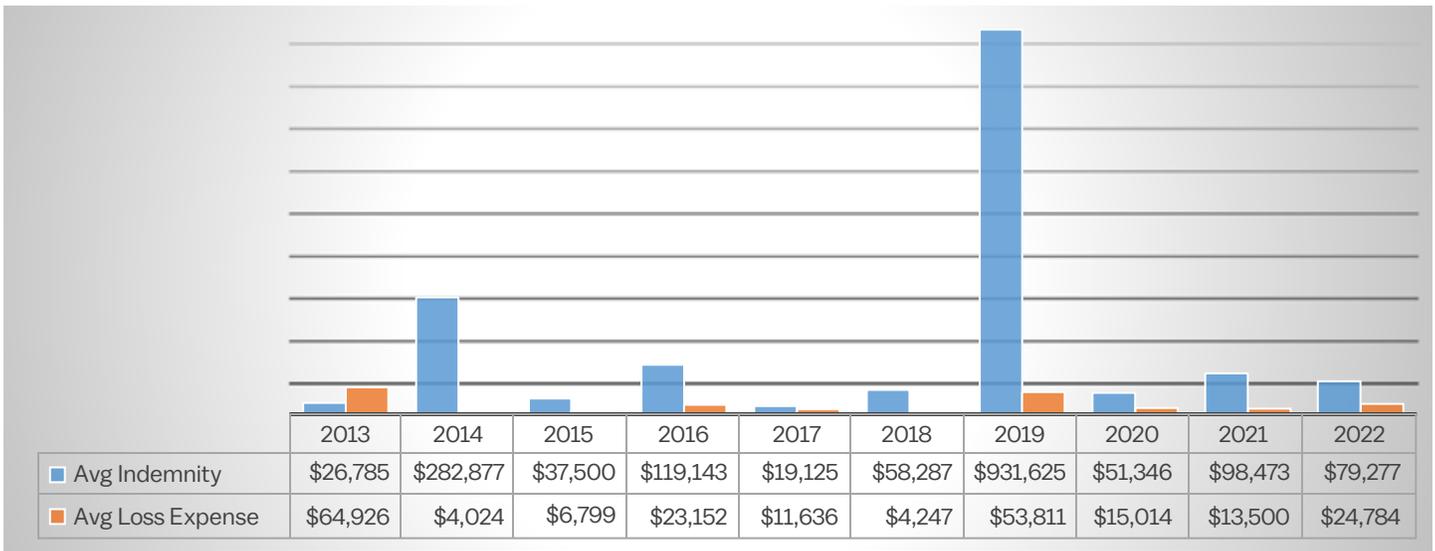
## Other Average Indemnity & Expense



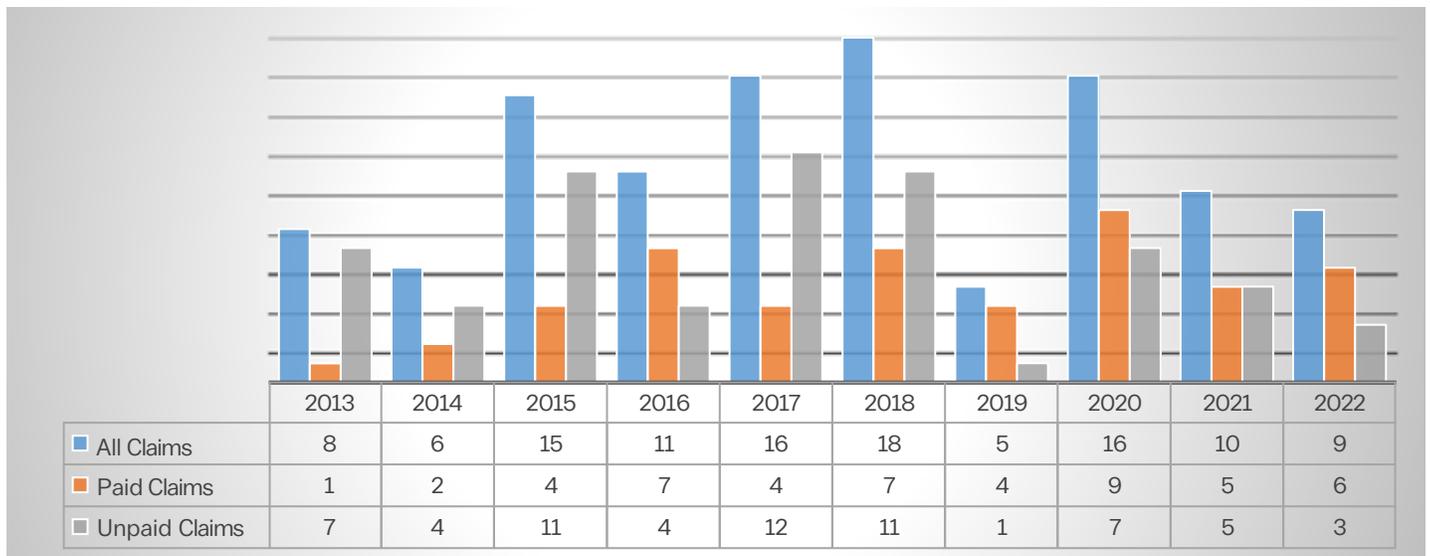
## Other Closed Claims



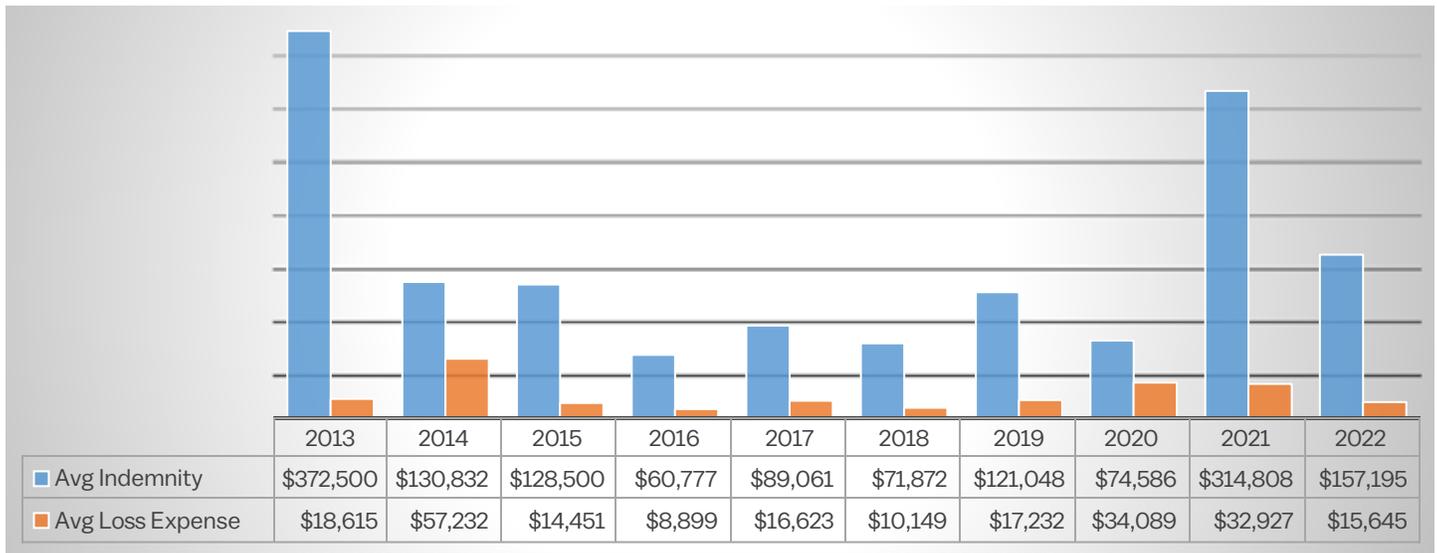
## Settlement / Negotiation Average Indemnity & Expense



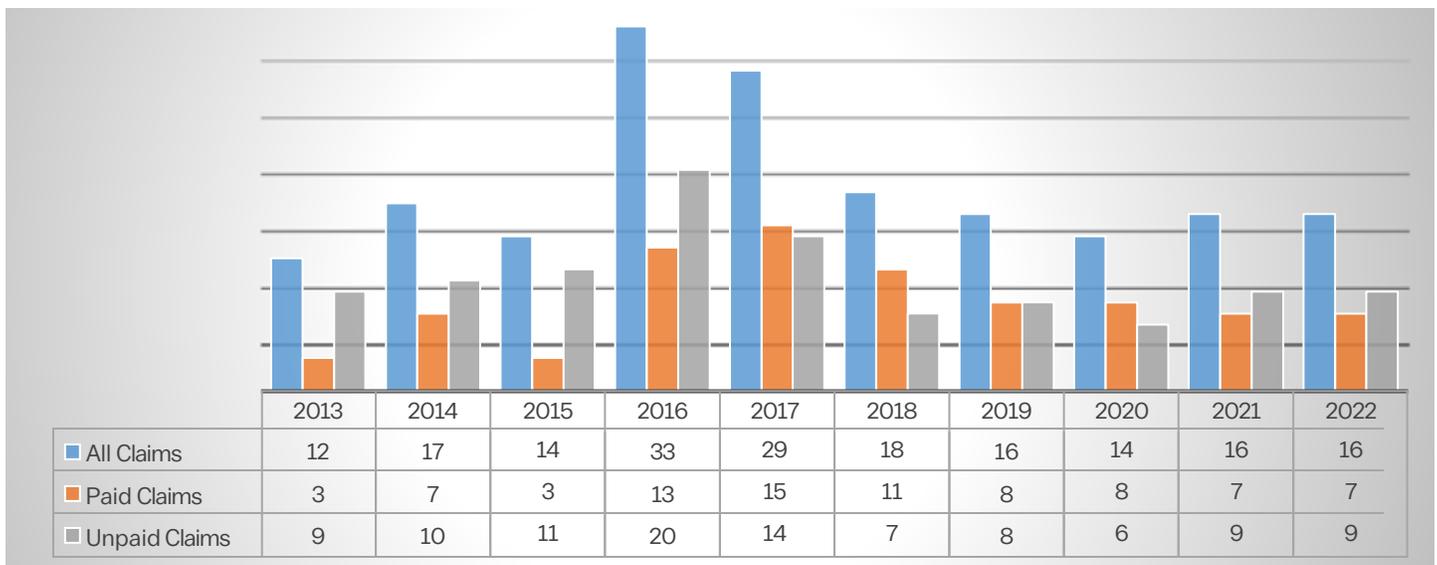
## Settlement / Negotiation Closed Claims



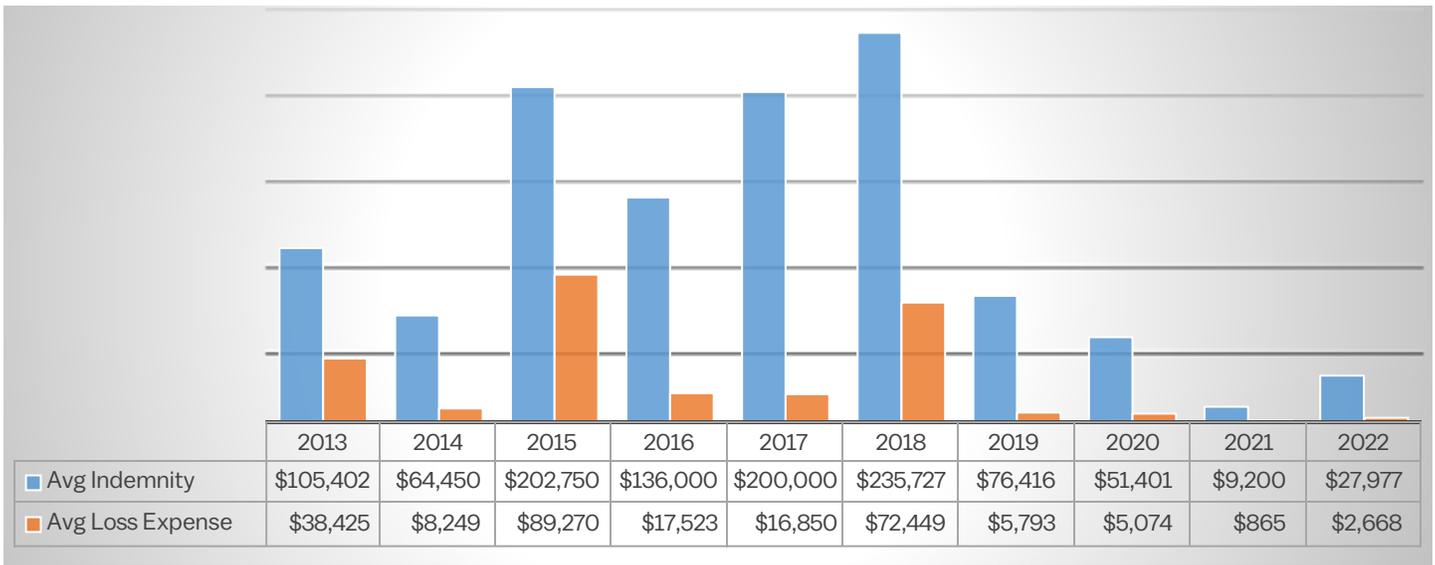
## Preparation, Transmittal or Filing Average Indemnity & Expense



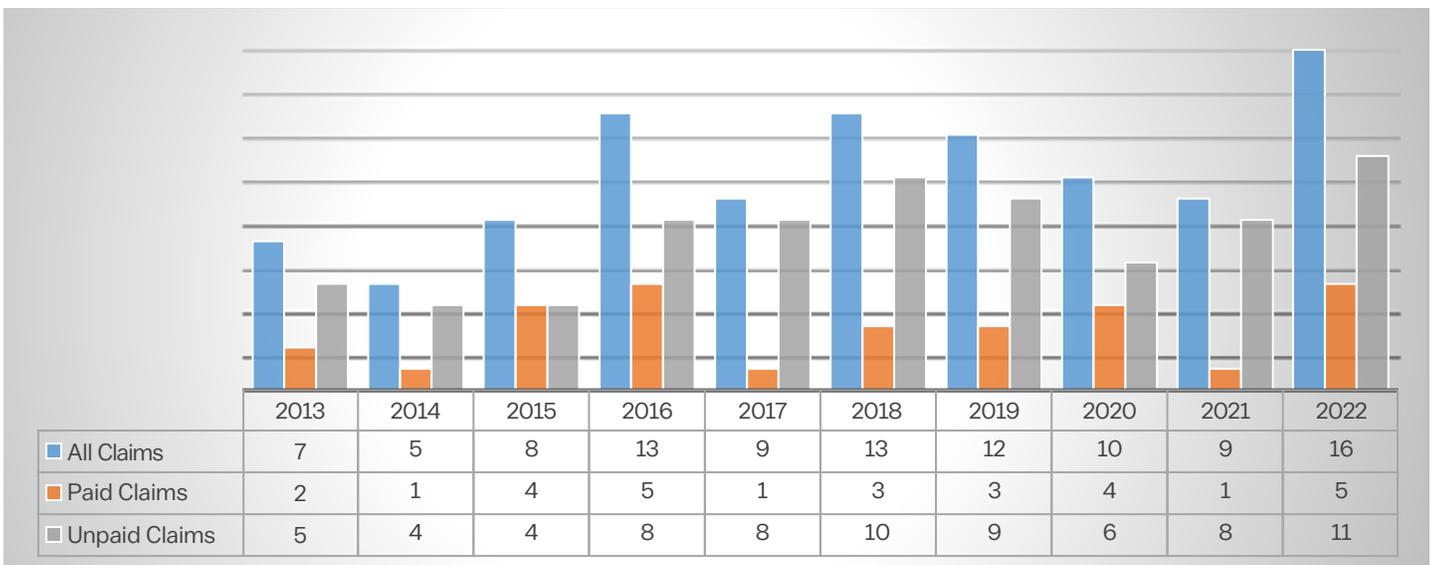
## Preparation, Transmittal or Filing Closed Claims



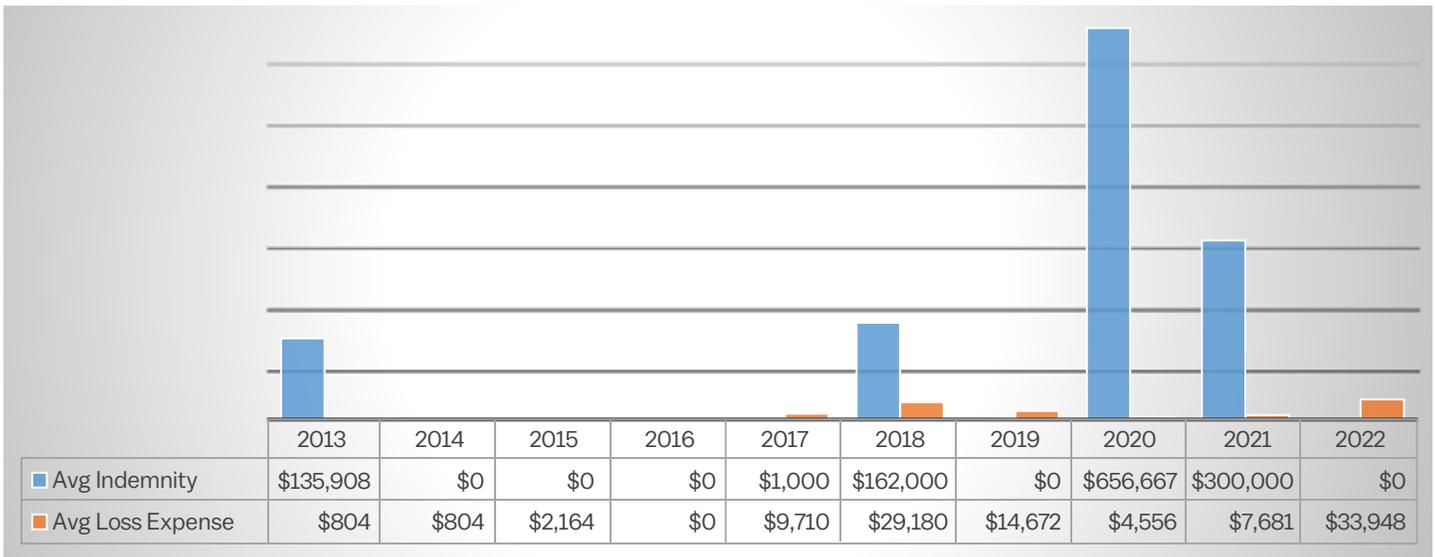
## Consultation or Advice Average Indemnity & Expense



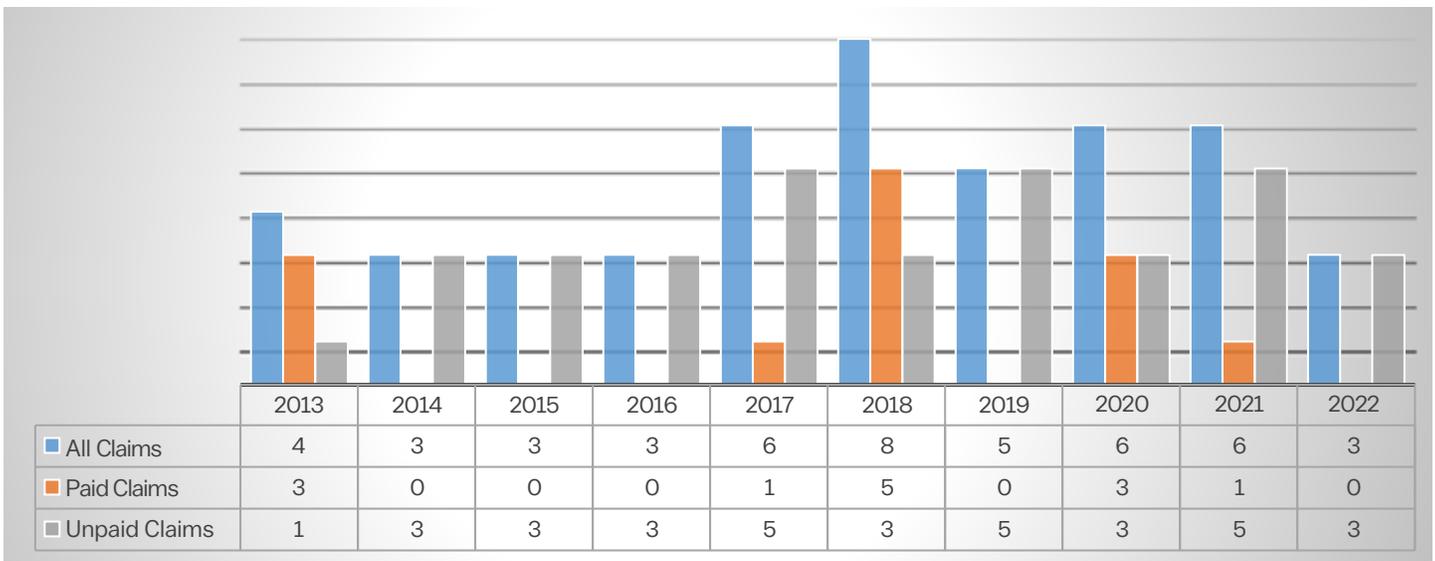
## Consultation or Advice Closed Claims



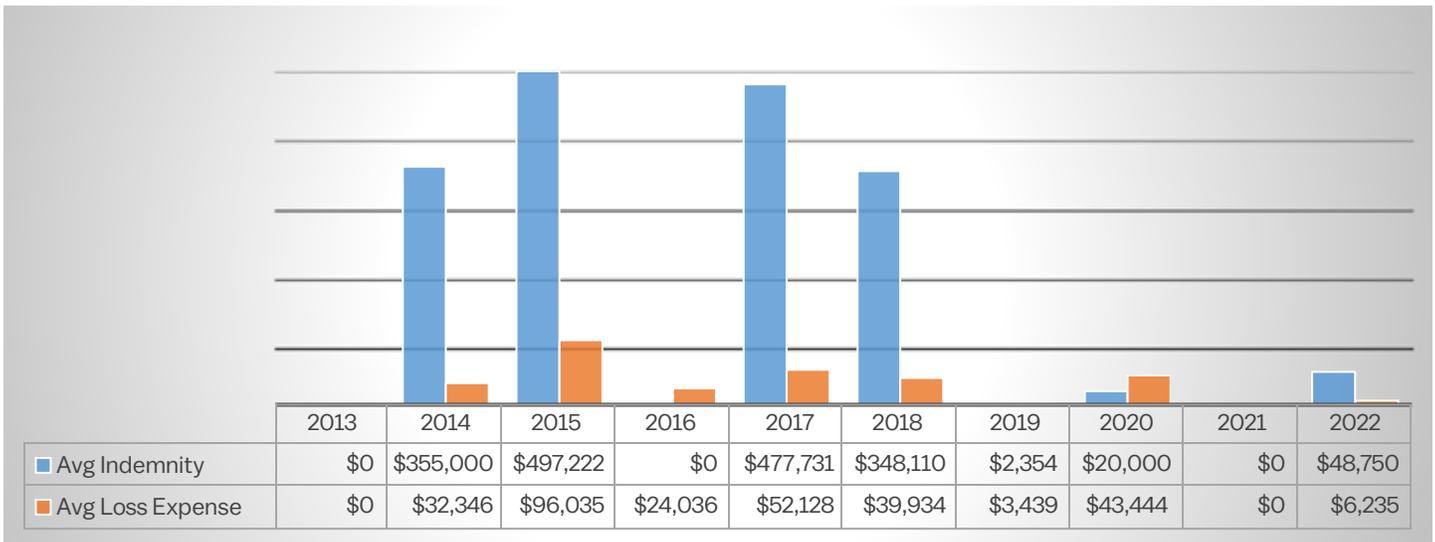
## Investigation Other Than Litigation Average Indemnity & Expense



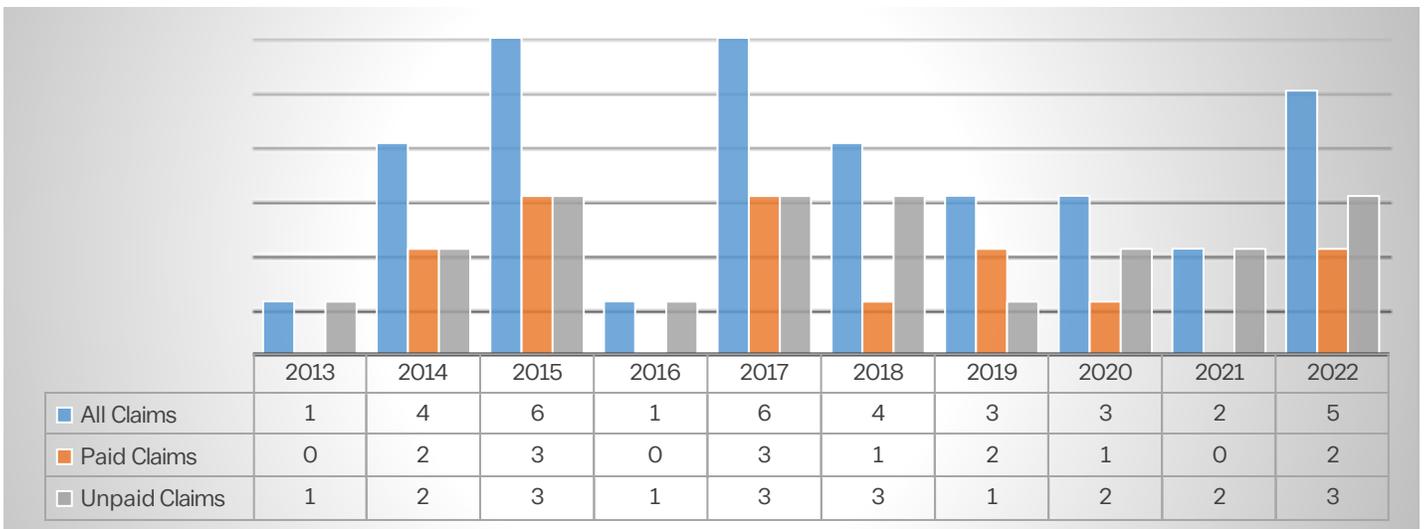
## Investigation Other Than Litigation Closed Claims



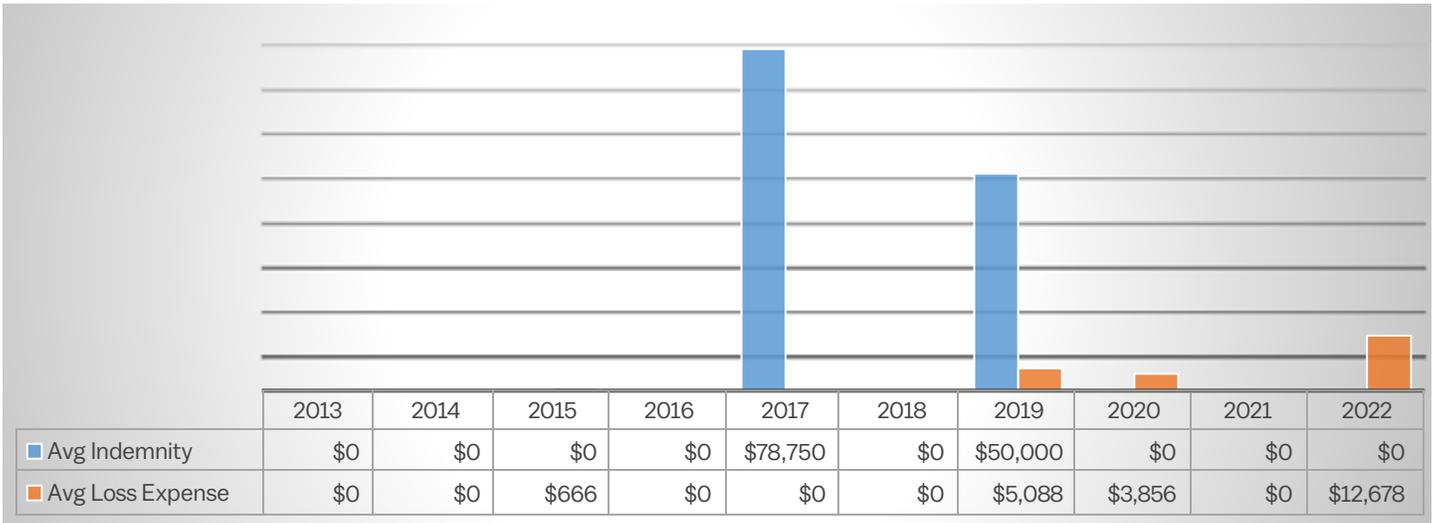
## Trial or Hearing Average Indemnity & Expense



## Trial or Hearing Closed Claims



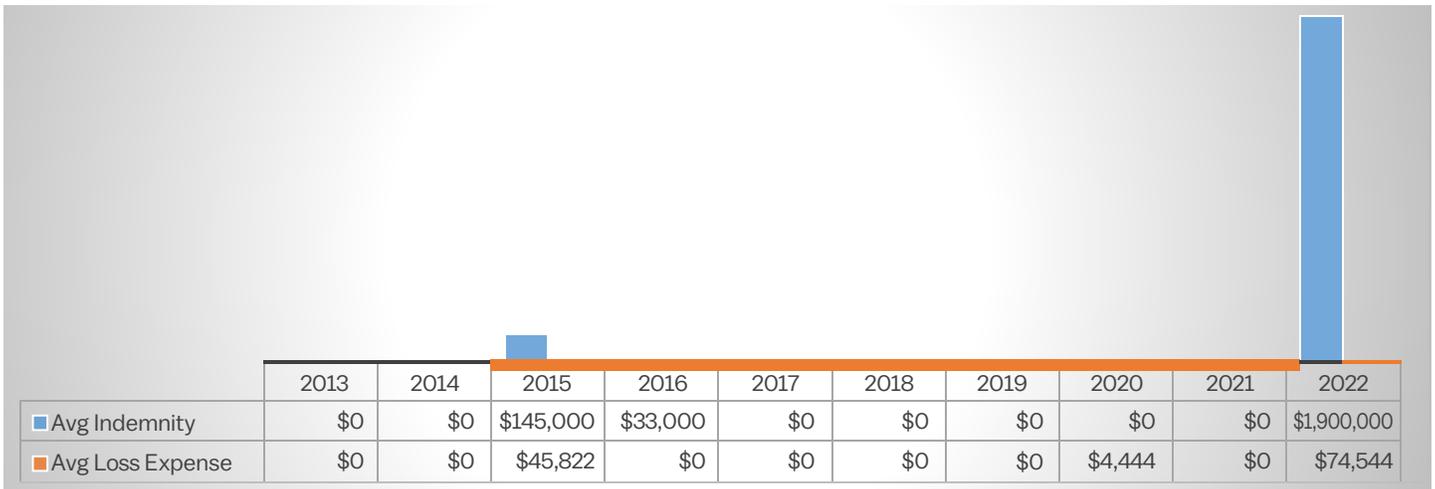
## Appeals Activity Average Indemnity & Expense



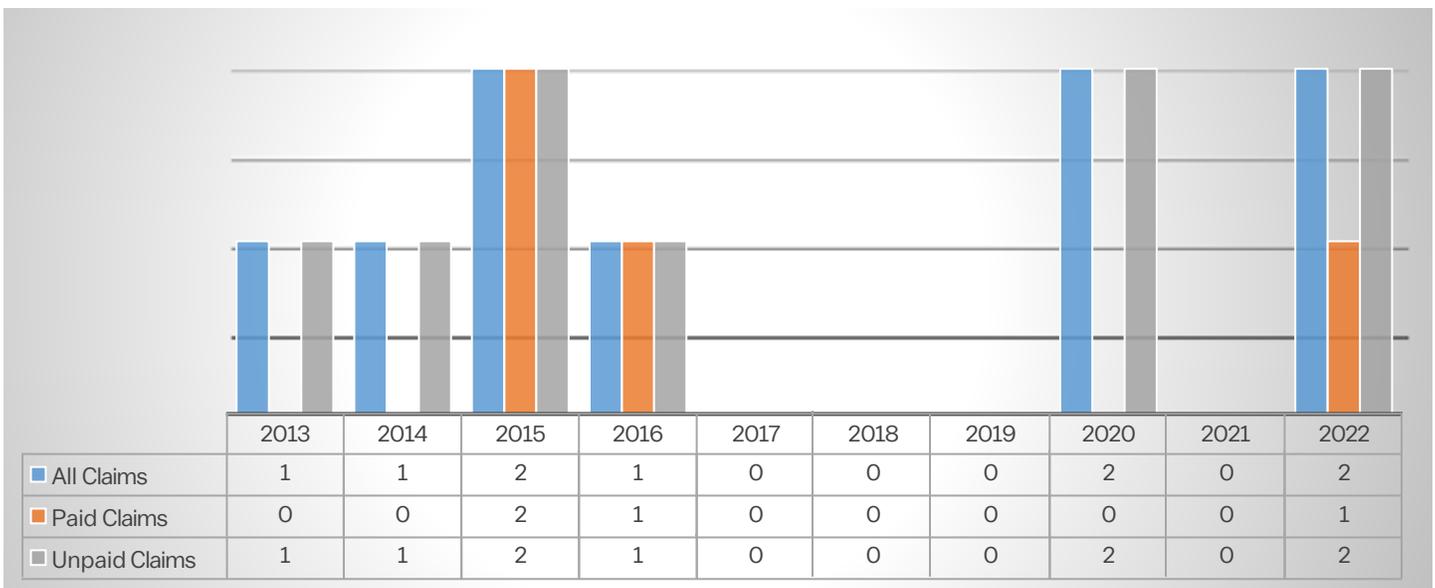
## Appeals Activity Closed Claims



## Referrals Average Indemnity & Expense



## Referrals Closed Claims



# **10 YEAR SUMMARY OF CLAIMS ACTIVITY BY ALLEGED ERROR OR OMISSION**

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## Indemnity Analysis, 2013 - 2022

Alleged Error or Omission	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
OTHER	329	42	9.3%	\$149,612	\$6,283,704	9%	\$14,134.43
FAIL TO KNOW OR PROPERLY APPLY THE LAW	160	57	12.6%	\$145,507	\$8,293,907	11%	\$23,800.01
PLANNING OR STRATEGY ERROR	159	48	10.6%	\$275,007	\$13,200,339	18%	\$22,475.48
FAIL TO ASCERTAIN DEADLINE CORRECTLY	146	50	11.1%	\$141,467	\$7,073,369	10%	\$6,700.69
INADEQUATE INVESTIGATION	98	39	8.6%	\$198,184	\$7,729,185	10%	\$24,486.73
MALICIOUS PROSECUTION OR ABUSE OF PROCESS	71	16	3.5%	\$98,675	\$1,578,803	2%	\$32,141.58
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	70	19	4.2%	\$143,615	\$2,728,683	4%	\$15,561.59
PROCRASTINATION OR LACK OF FOLLOW-UP	69	28	6.2%	\$147,297	\$4,124,308	6%	\$9,281.87
FRAUD	68	15	3.3%	\$130,838	\$1,962,563	3%	\$51,010.87
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	62	29	6.4%	\$77,908	\$2,259,333	3%	\$14,147.16
FAILURE TO CALENDAR PROPERLY	61	35	7.8%	\$111,623	\$3,906,808	5%	\$11,337.82
CONFLICT OF INTEREST	57	24	5.3%	\$268,492	\$6,443,801	9%	\$62,867.40
FAIL TO OBTAIN CLIENTS CONSENT	35	12	2.7%	\$421,888	\$5,062,661	7%	\$39,129.29
CLERICAL ERROR	30	13	2.9%	\$76,139	\$989,804	1%	\$6,698.10
FAILURE TO REACT TO CALENDAR	28	6	1.3%	\$118,386	\$710,313	1%	\$4,012.89
VIOLATION OF CIVIL RIGHTS	25	3	0.7%	\$73,533	\$220,600	0%	\$8,260.52
IMPROPER WITHDRAWAL FROM REPRESENTATION	16	1	0.2%	\$10,000	\$10,000	0%	\$3,910.63
LIBEL OR SLANDER	14	2	0.4%	\$35,000	\$70,000	0%	\$13,270.14
ERROR IN MATHEMATICAL CALCULATION	13	7	1.6%	\$43,102	\$301,713	0%	\$13,504.08
FAIL TO ANTICIPATE TAX CONSEQUENCES	11	3	0.7%	\$163,690	\$491,069	1%	\$26,558.36
ERROR IN PUBLIC RECORD SEARCH	6	1	0.2%	\$33,100	\$33,100	0%	\$1,066.67
LOST FILE, DOCUMENT OR EVIDENCE	4	1	0.2%	\$195,000	\$195,000	0%	\$12,156.00
<b>TOTAL</b>	<b>1,532</b>	<b>451</b>	<b>100.0%</b>	<b>\$163,346</b>	<b>\$73,669,063</b>	<b>100%</b>	<b>\$20,041.10</b>

## Allegation Category, 2022

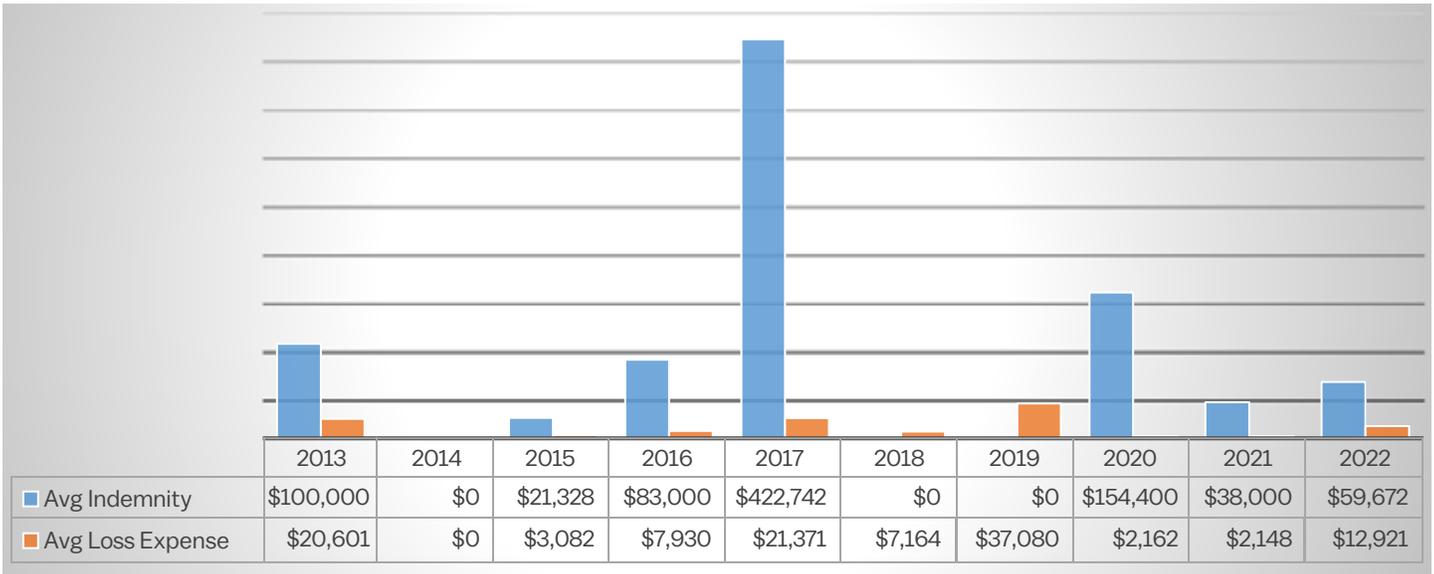
Alleged Error or Omission	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
FAIL TO KNOW OR PROPERLY APPLY THE LAW	14	6	16.7%	\$91,455	\$548,727	9.5%	\$14,508
OTHER	12	5	13.9%	\$80,400	\$402,000	6.9%	\$10,216
PLANNING OR STRATEGY ERROR	12	5	13.9%	\$416,900	\$2,084,500	36.0%	\$11,742
FAIL TO ASCERTAIN DEADLINE CORRECTLY	8	2	5.6%	\$256,442	\$512,884	8.9%	\$1,943
INADEQUATE INVESTIGATION	8	4	11.1%	\$72,484	\$289,937	5.0%	\$15,299
PROCRASTINATION OR LACK OF FOLLOW-UP	7	4	11.1%	\$59,672	\$238,686	4.1%	\$12,921
FAILURE TO CALENDAR PROPERLY	6	4	11.1%	\$57,000	\$228,000	3.9%	\$12,547
FAIL TO FILE DOCUMENTS WITH NO DEADLINE	5	2	5.6%	\$450,262	\$900,523	15.6%	\$4,044
FAIL TO FOLLOW CLIENTS INSTRUCTIONS	5	0	0.0%	\$0	\$0	0.0%	\$21,463
FRAUD	5	1	2.8%	\$40,000	\$40,000	0.7%	\$34,694
MALICIOUS PROSECUTION OR ABUSE OF PROCESS	5	1	2.8%	\$491,970	\$491,970	8.5%	\$95,888
ERROR IN PUBLIC RECORD SEARCH	4	1	2.8%	\$33,100	\$33,100	0.6%	\$1,600
FAILURE TO REACT TO CALENDAR	3	0	0.0%	\$0	\$0	0.0%	\$0
VIOLATION OF CIVIL RIGHTS	2	0	0.0%	\$0	\$0	0.0%	\$23,898
CLERICAL ERROR	1	1	2.8%	\$17,263	\$17,263	0.3%	\$0
CONFLICT OF INTEREST	1	0	0.0%	\$0	\$0	0.0%	\$50,485
FAIL TO ANTICIPATE TAX CONSEQUENCES	1	0	0.0%	\$0	\$0	0.0%	\$0
LOST FILE, DOCUMENT OR EVIDENCE	1	0	0.0%	\$0	\$0	0.0%	\$11,192
<b>TOTAL</b>	<b>100</b>	<b>36</b>	<b>100.0%</b>	<b>\$160,766</b>	<b>\$5,787,590</b>	<b>100.0%</b>	<b>\$16,666</b>

# **TOP TEN ALLEGED ERRORS OR OMISSION**

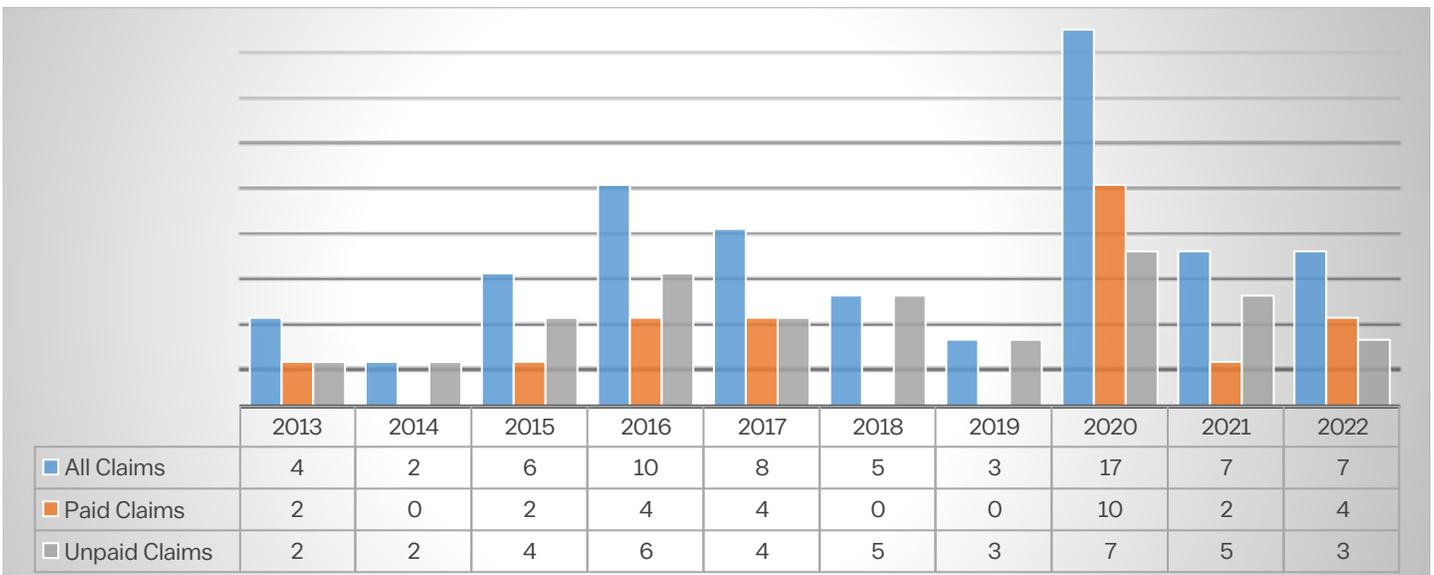
## PRIOR TEN YEARS

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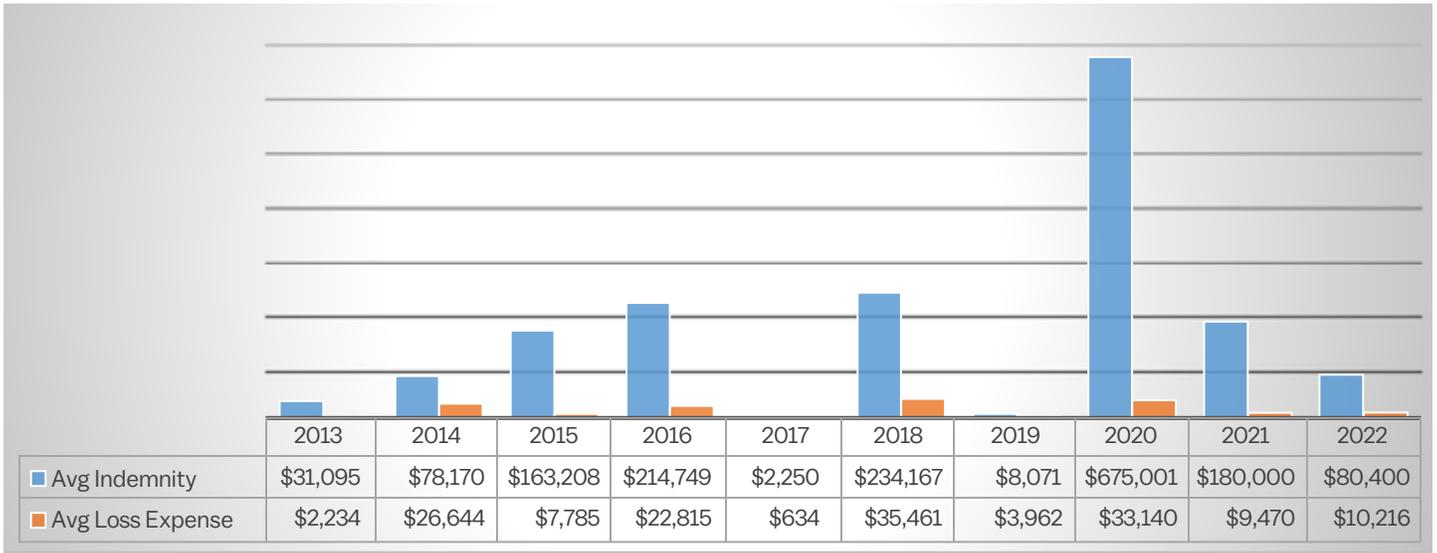
## Lack of Follow-Up Average Indemnity & Expense



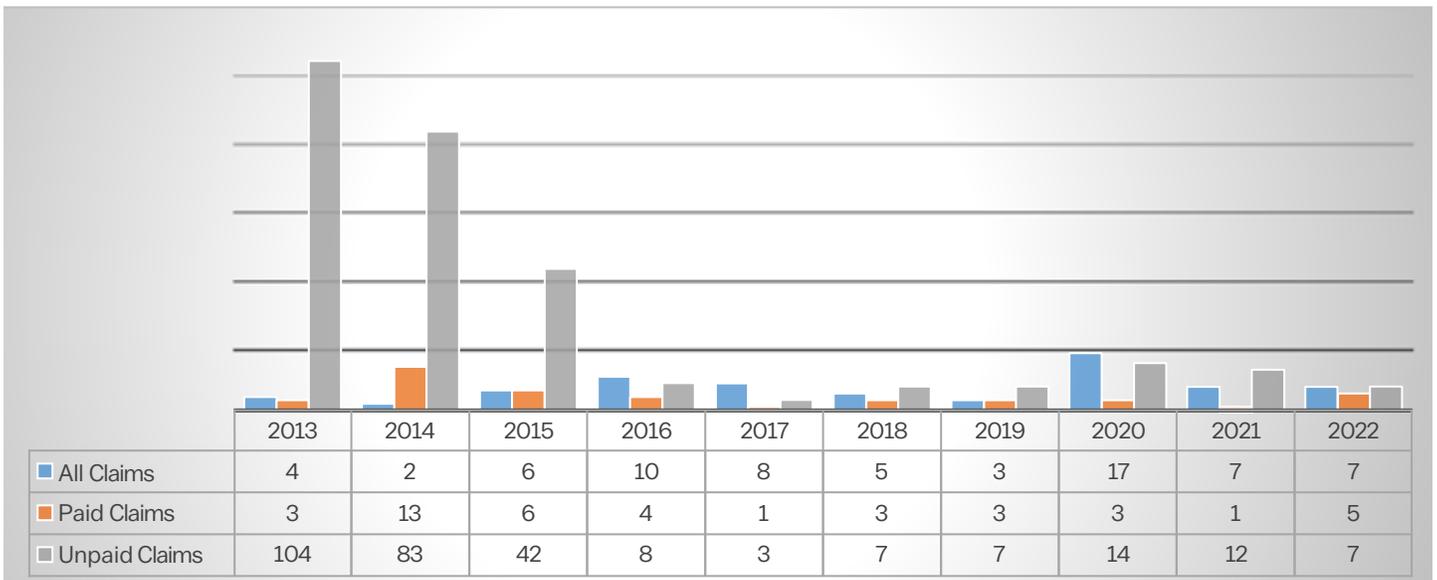
## Lack of Follow-Up Closed Claims



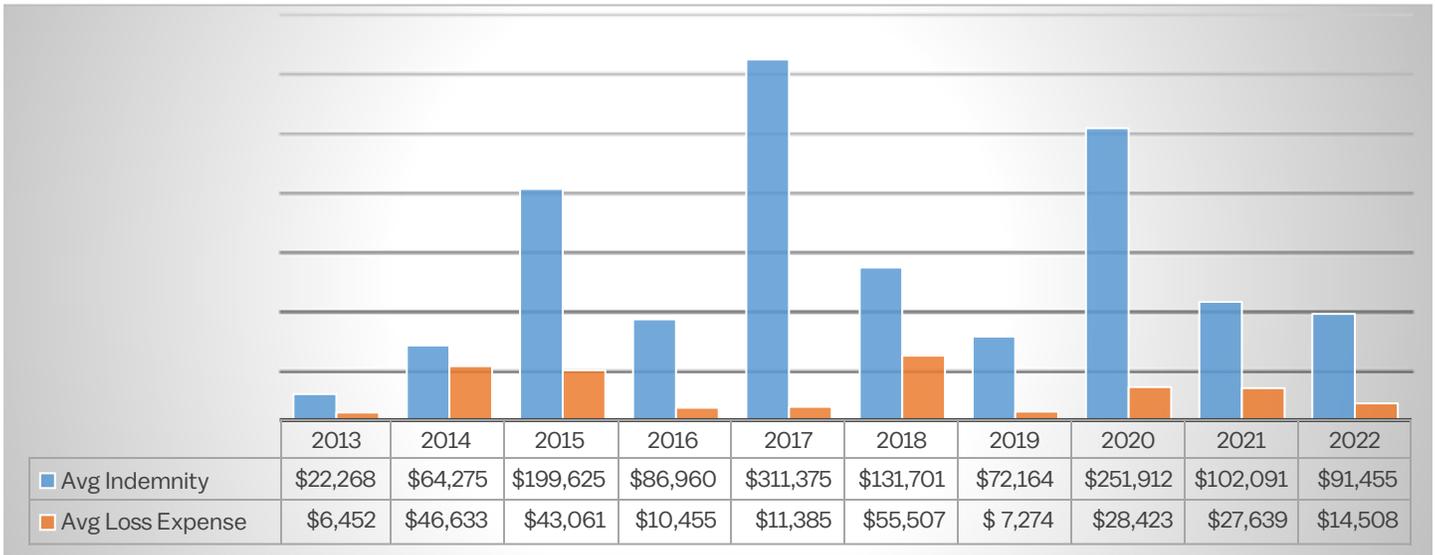
## Other Average Indemnity & Expense



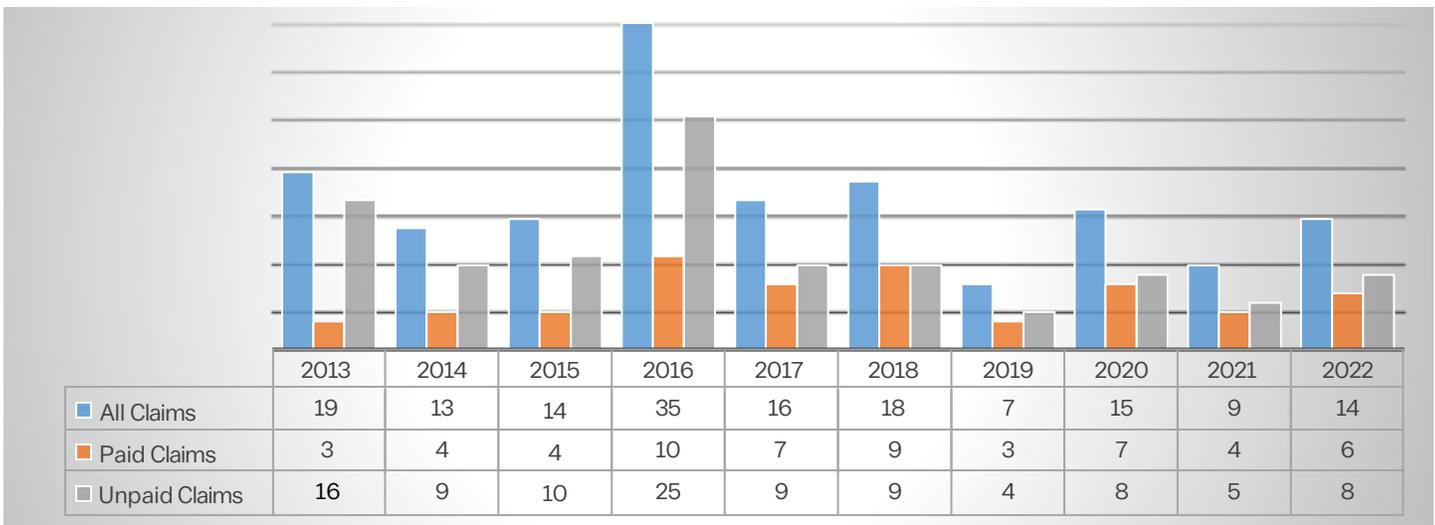
## Other Closed Claims



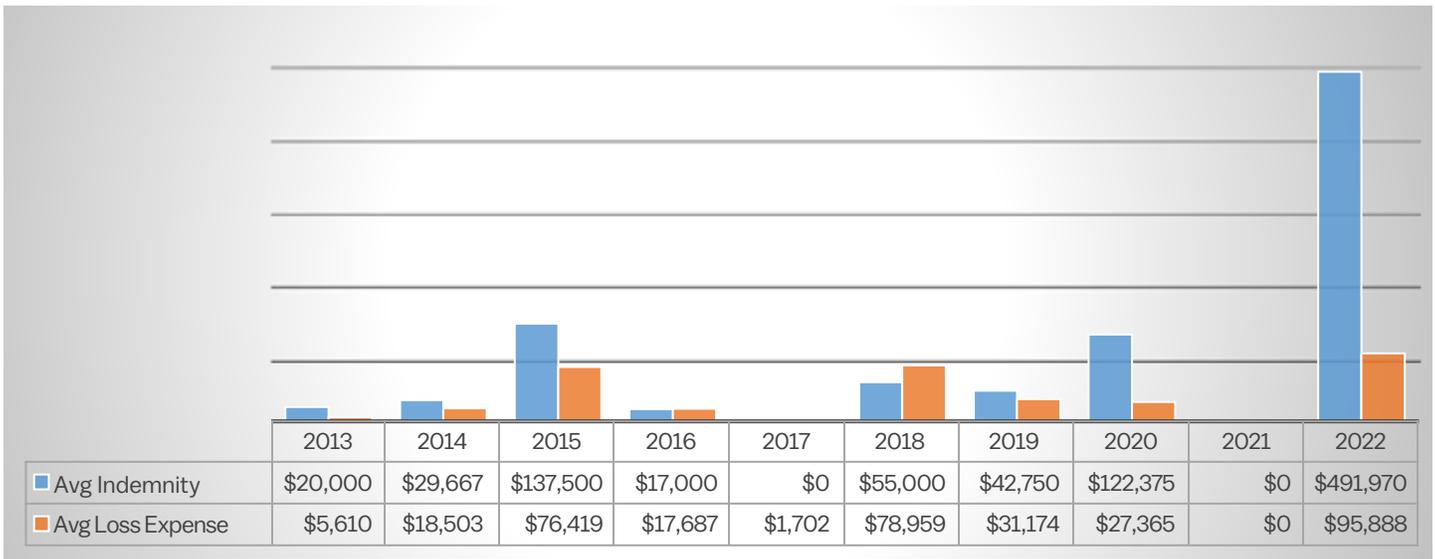
## Failure to Know / Properly Apply Law Average Indemnity & Expense



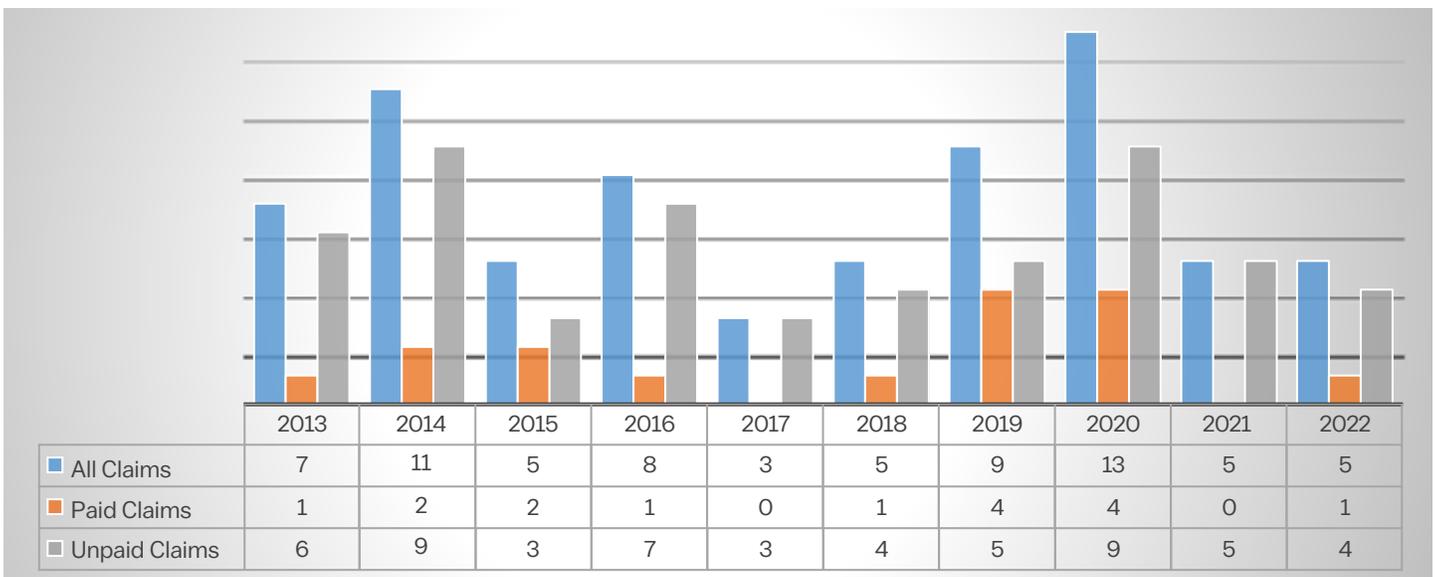
## Failure to Know / Properly Apply Law Closed Claims



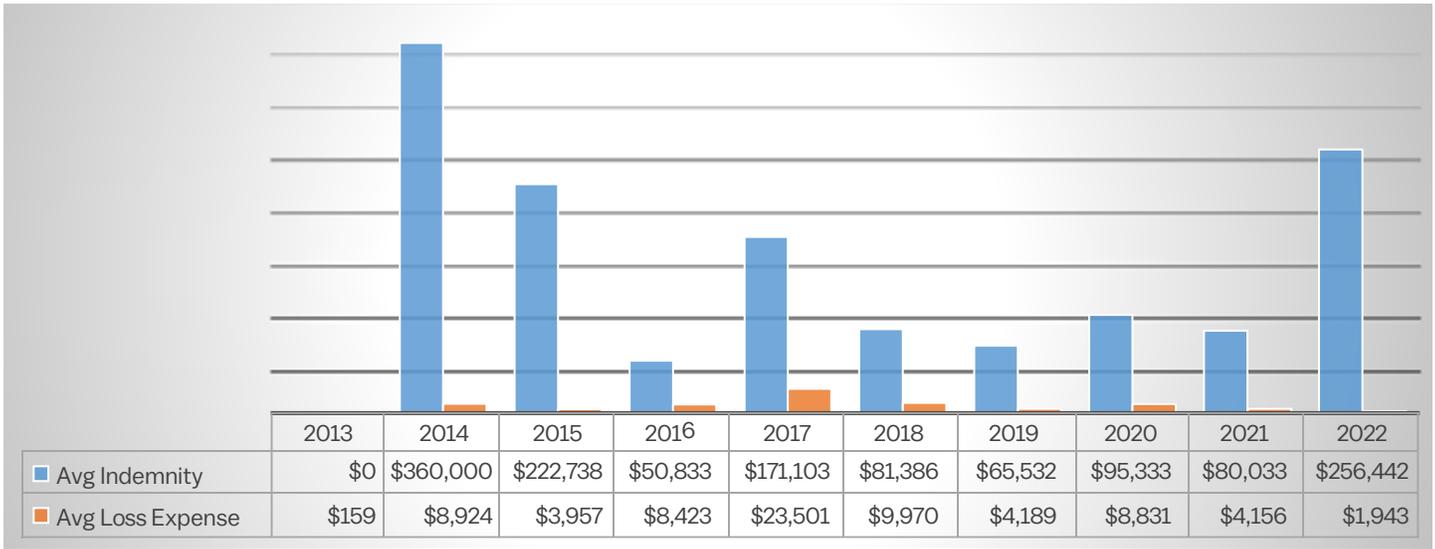
## Malicious Prosecution / Abusive Process Average Indemnity & Expense



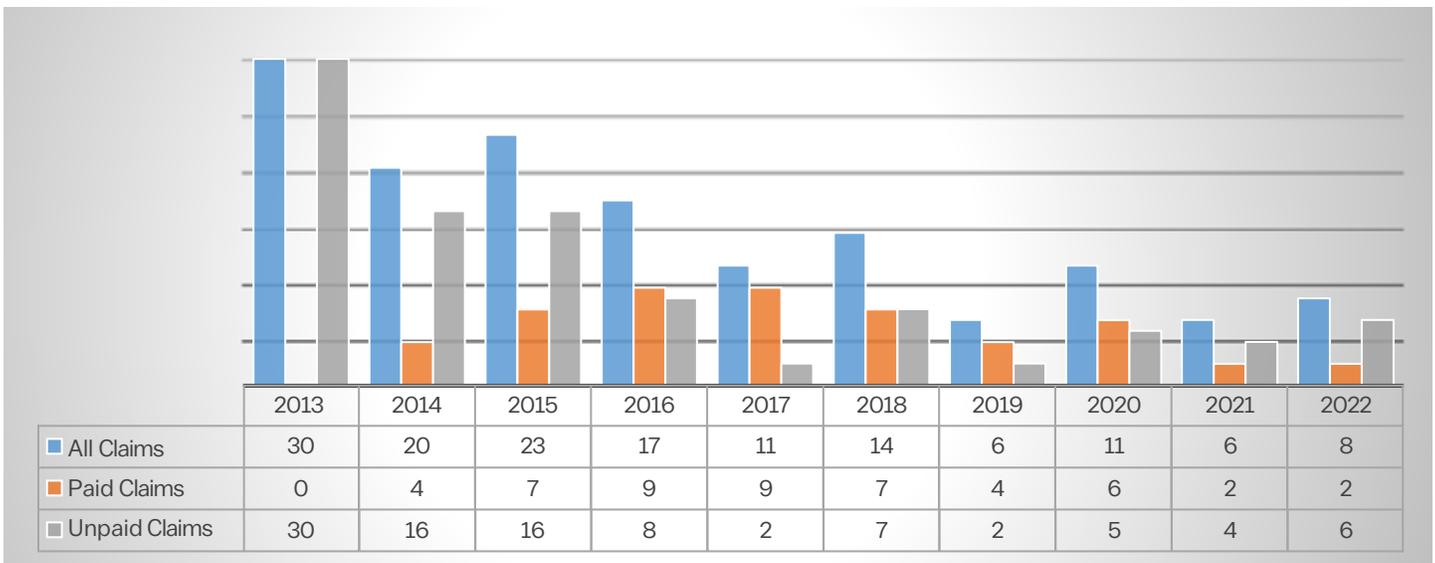
## Malicious Prosecution / Abusive Process Closed Claims



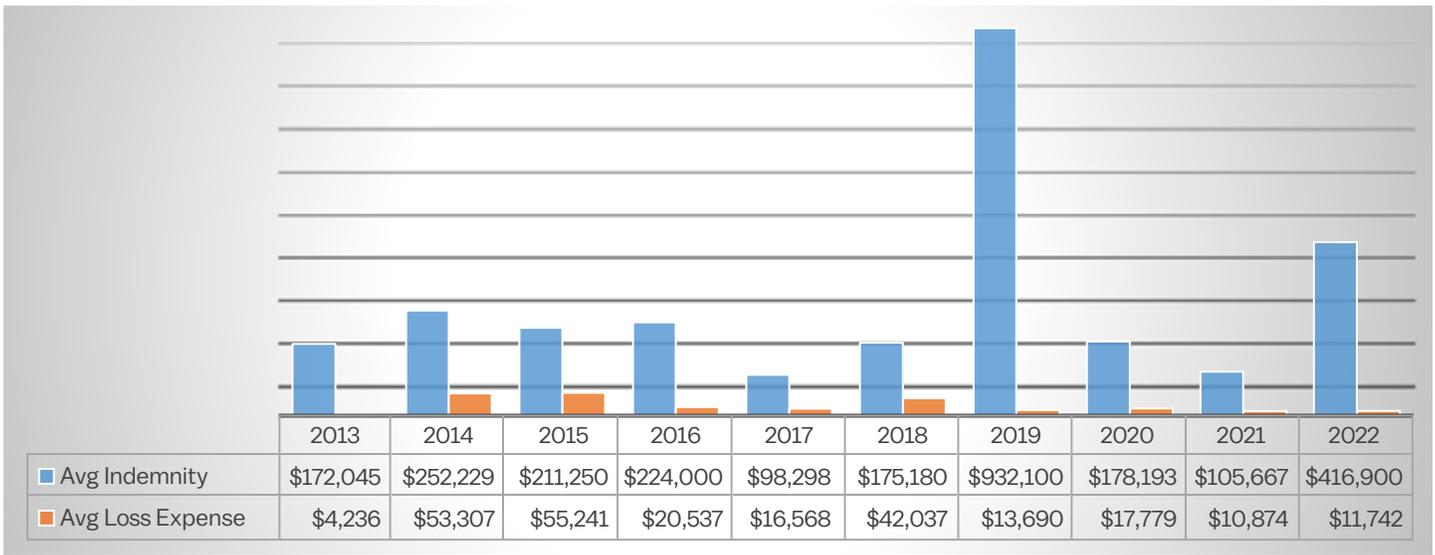
## Failure to Ascertain Deadline Correctly Average Indemnity & Expense



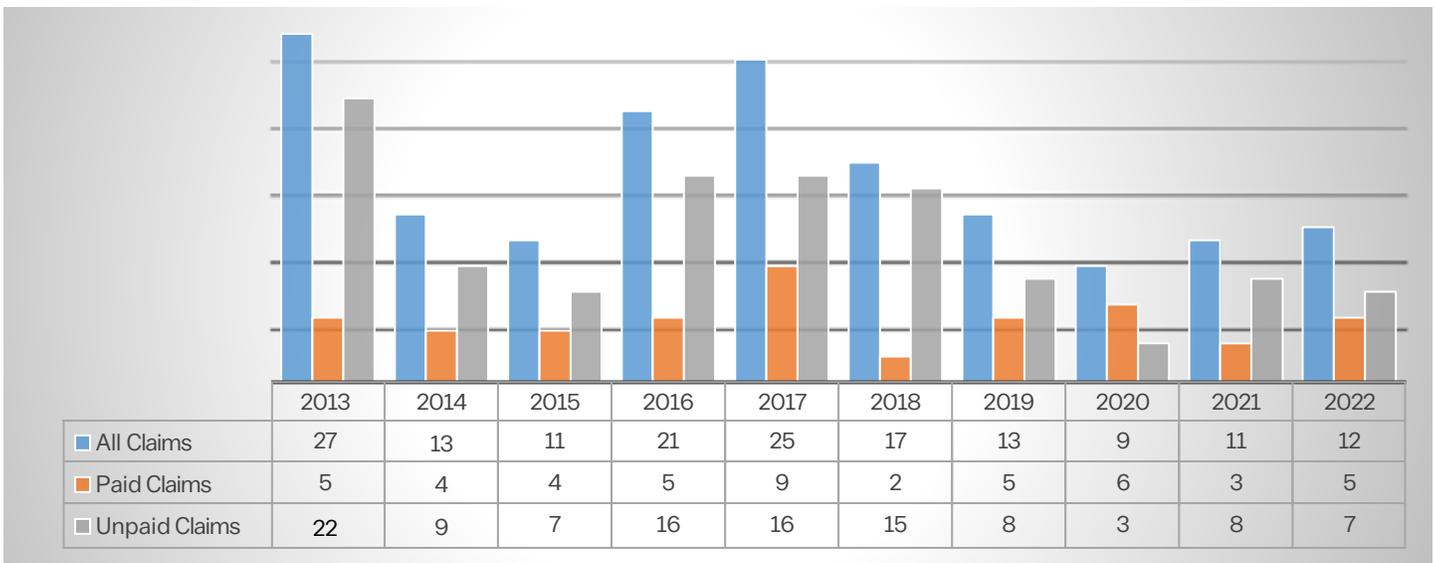
## Failure to Ascertain Deadline Correctly Closed Claims



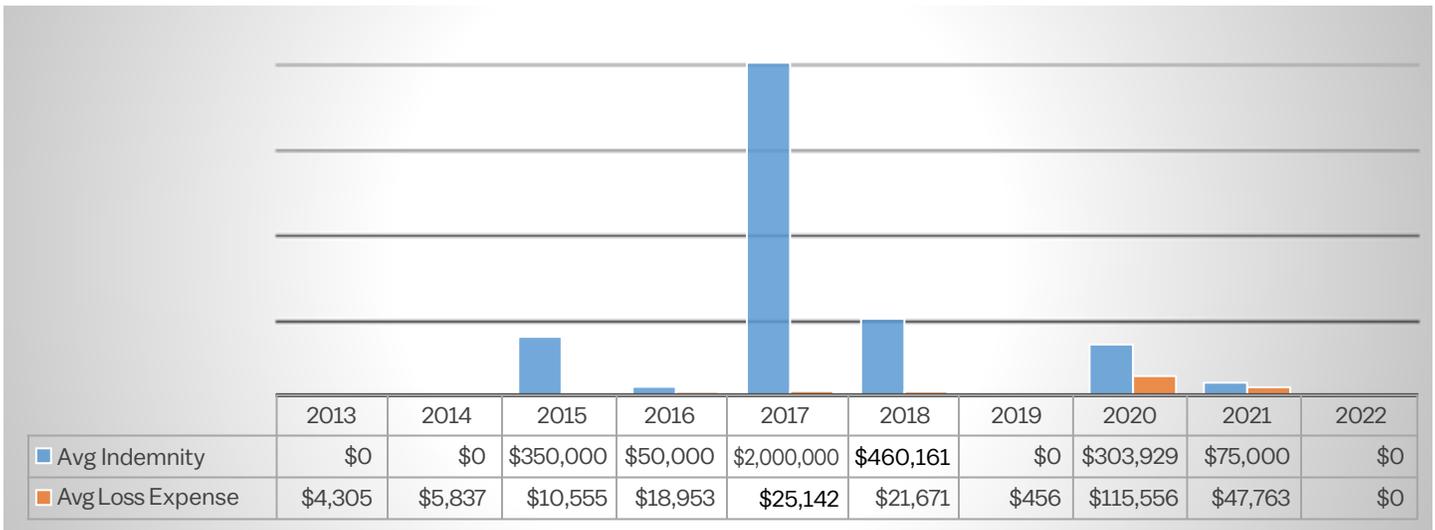
## Planning or Strategy Error Average Indemnity & Expense



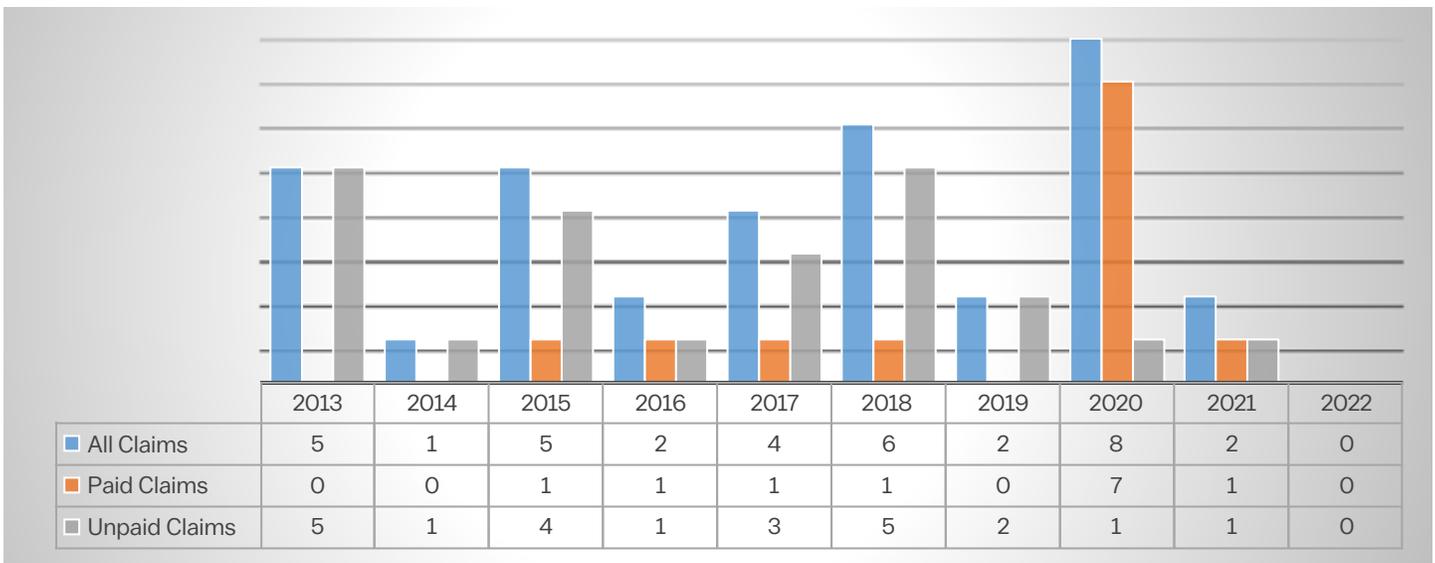
## Planning or Strategy Error Closed Claims



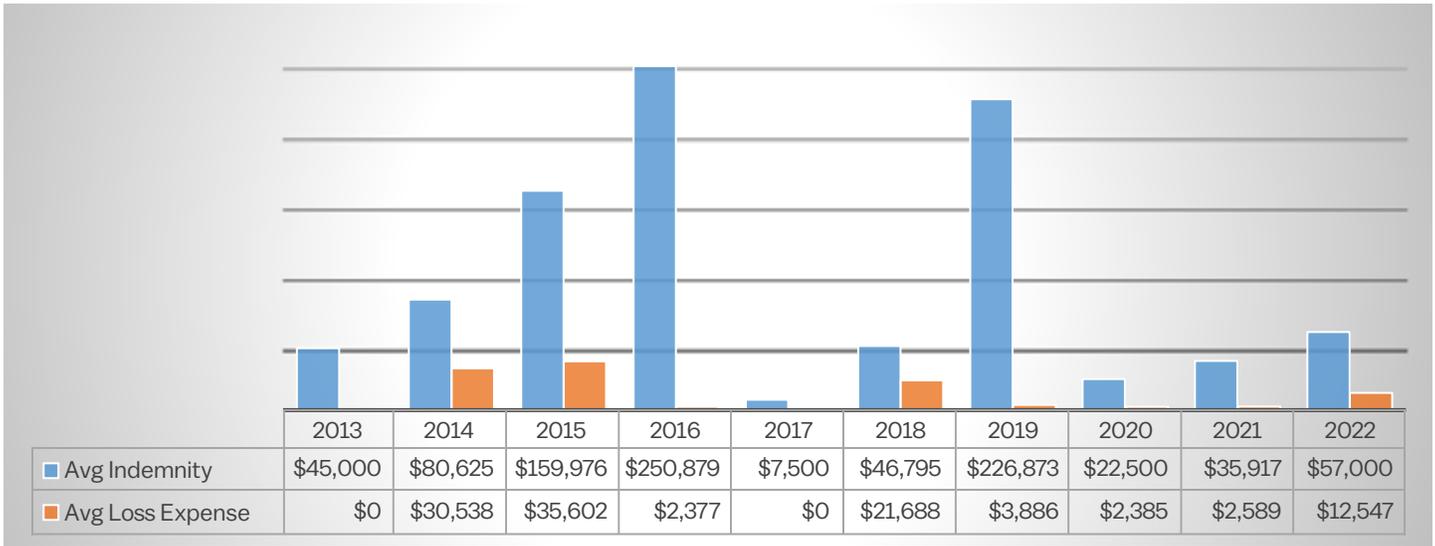
## Failure to Obtain Client Consent Average Indemnity & Expense



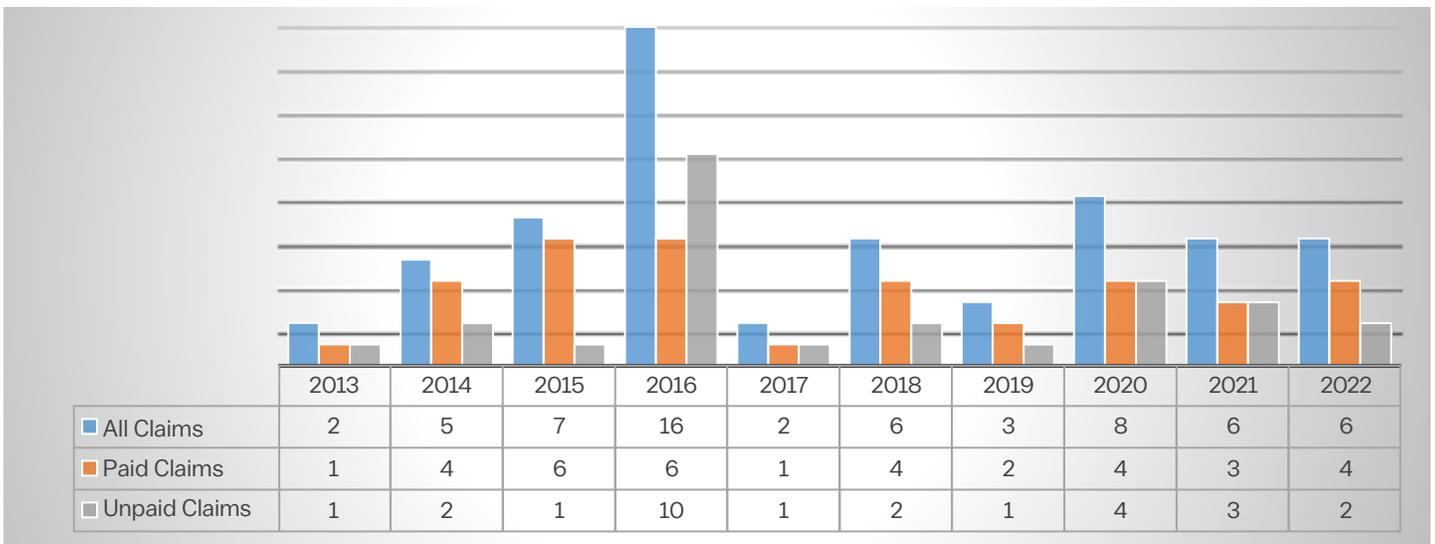
## Failure to Obtain Client Consent Closed Claims



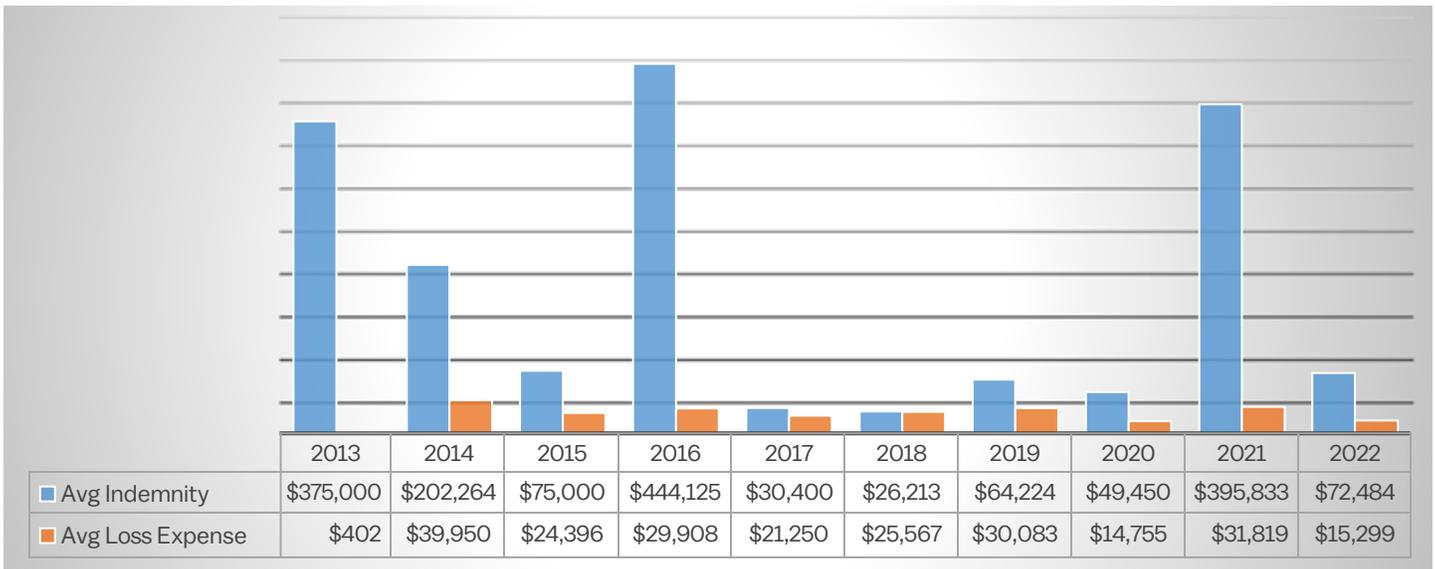
## Failure to Calendar Properly Average Indemnity & Expense



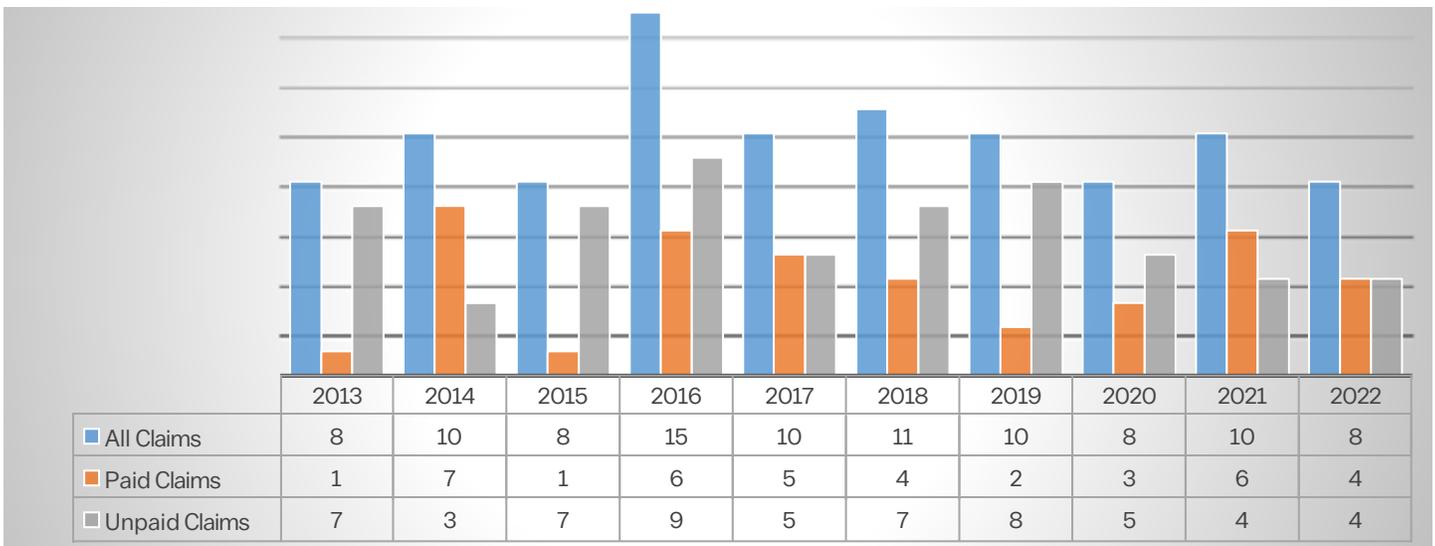
## Failure to Calendar Properly Closed Claims



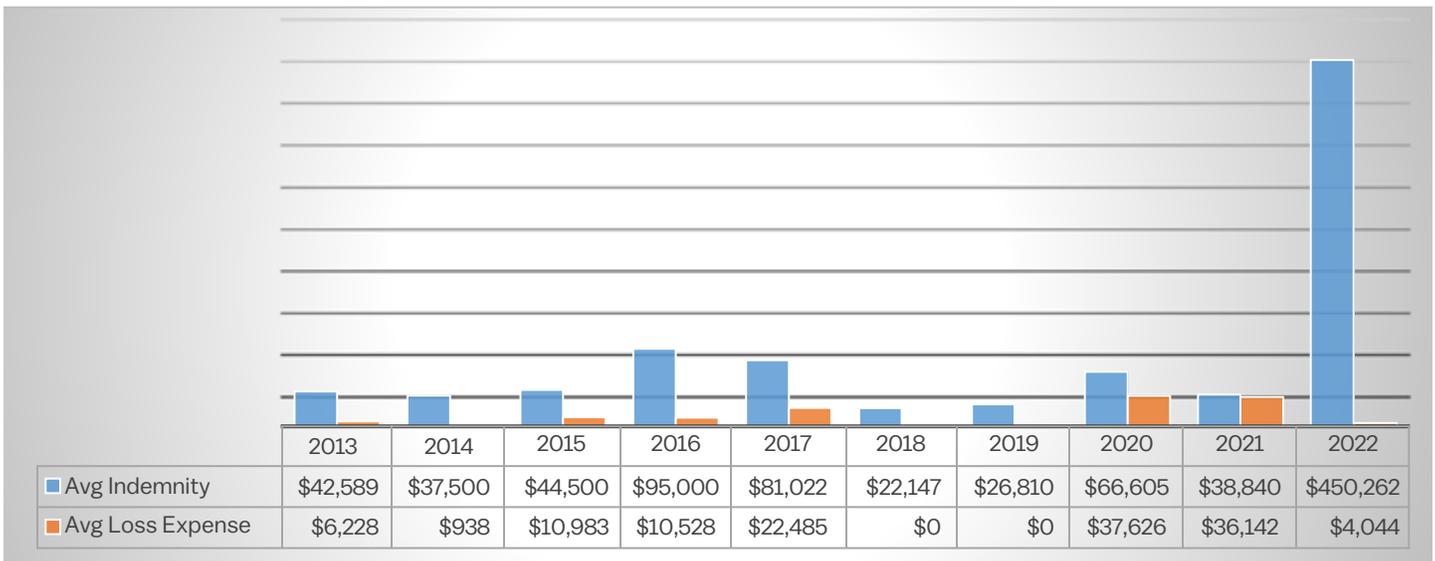
## Inadequate Investigation Average Indemnity & Expense



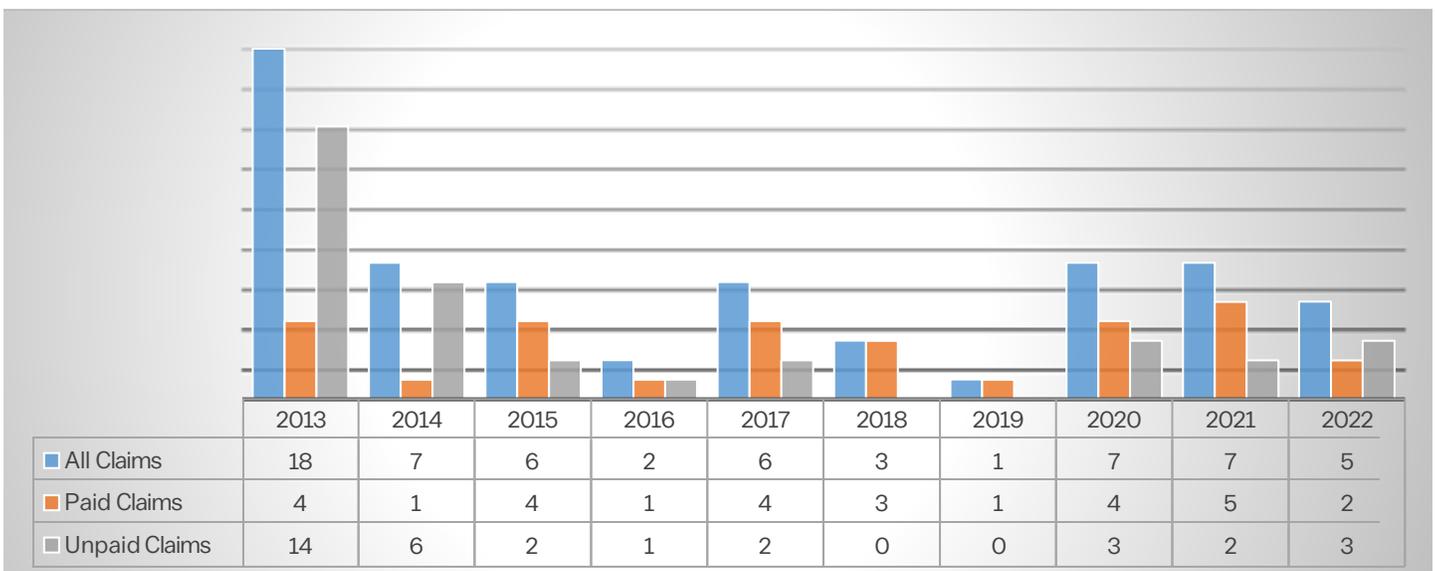
## Inadequate Investigation Closed Claims



## Failure to File Documents With No Deadline Average Indemnity & Expense



## Failure to File Documents With No Deadline Closed Claims



# **METHOD OF CLAIM DISPOSITION**

## PRIOR TEN YEARS

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## Indemnity Analysis, 2013 - 2022

Claim Disposition	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
BEFORE TRIAL OR HEARING	663	248	55.0%	\$196,788	\$48,803,452	66.2%	\$32,153
BEFORE FILING SUIT OR DEMANDING HEARING	614	189	41.9%	\$116,420	\$22,003,381	29.9%	\$4,166
CLAIM OR SUIT ABANDONED	121	1	0.2%	\$6,500	\$6,500	0.0%	\$3,389
AFTER APPEAL	51	1	0.2%	\$25,000	\$25,000	0.0%	\$64,375
AFTER JUDGMENT, BEFORE APPEAL	37	7	1.6%	\$91,303	\$639,121	0.9%	\$42,783
DURING TRIAL OR HEARING	16	4	0.9%	\$460,875	\$238,686	4.1%	\$12,921
AFTER TRIAL OR HEARING, BEFORE JUDGMENT	15						
DURING APPEAL	9	1	0.2%	\$348,110	\$348,110	0.5%	\$41,815
DURING REVIEW PANEL	6				\$0	0.0%	\$12,654
<b>TOTAL</b>	<b>1,532</b>	<b>451</b>	<b>100.0%</b>	<b>\$163,346</b>	<b>\$73,669,063</b>	<b>100.0%</b>	<b>\$20,041</b>

## Indemnity Analysis, 2022

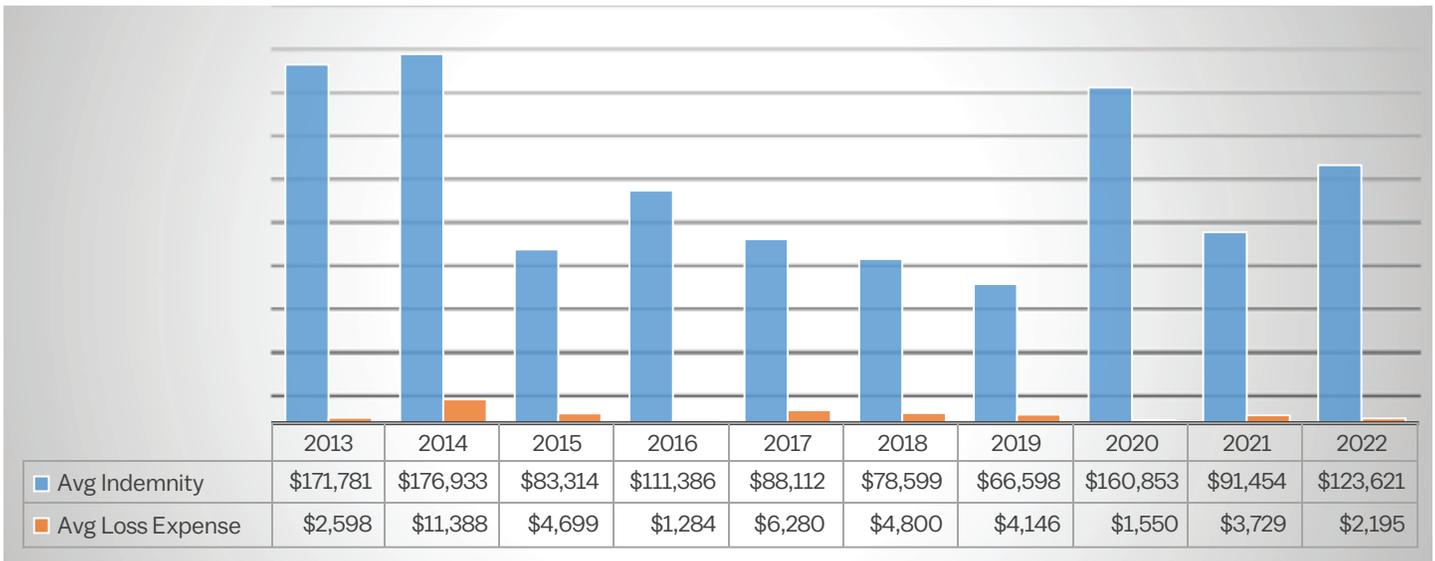
Claim Disposition	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
BEFORE FILING SUIT OR DEMANDING HEARING	48	18	\$2,225,184	50.0%	\$123,621	38.4%	\$2,195
BEFORE TRIAL OR HEARING	37	17	\$3,561,883	47.2%	\$209,523	61.5%	\$24,875
AFTER APPEAL	7	0	\$0	0.0%	\$0	0.0%	\$87,571
CLAIM OR SUIT ABANDONED	5	0	\$0	0.0%	\$0	0.0%	\$2,826
AFTER JUDGMENT, BEFORE APPEAL	2	1	\$523	2.8%	\$523	0.0%	\$1,893
DURING APPEAL	1	0	\$0	0.0%	\$0	0.0%	\$9,953
<b>TOTAL</b>	<b>100</b>	<b>36</b>	<b>\$5,787,590</b>	<b>100.0%</b>	<b>\$160,766</b>	<b>100.0%</b>	<b>\$16,666</b>

# **YEARLY TRENDS IN METHOD OF CLAIM DISPOSITION**

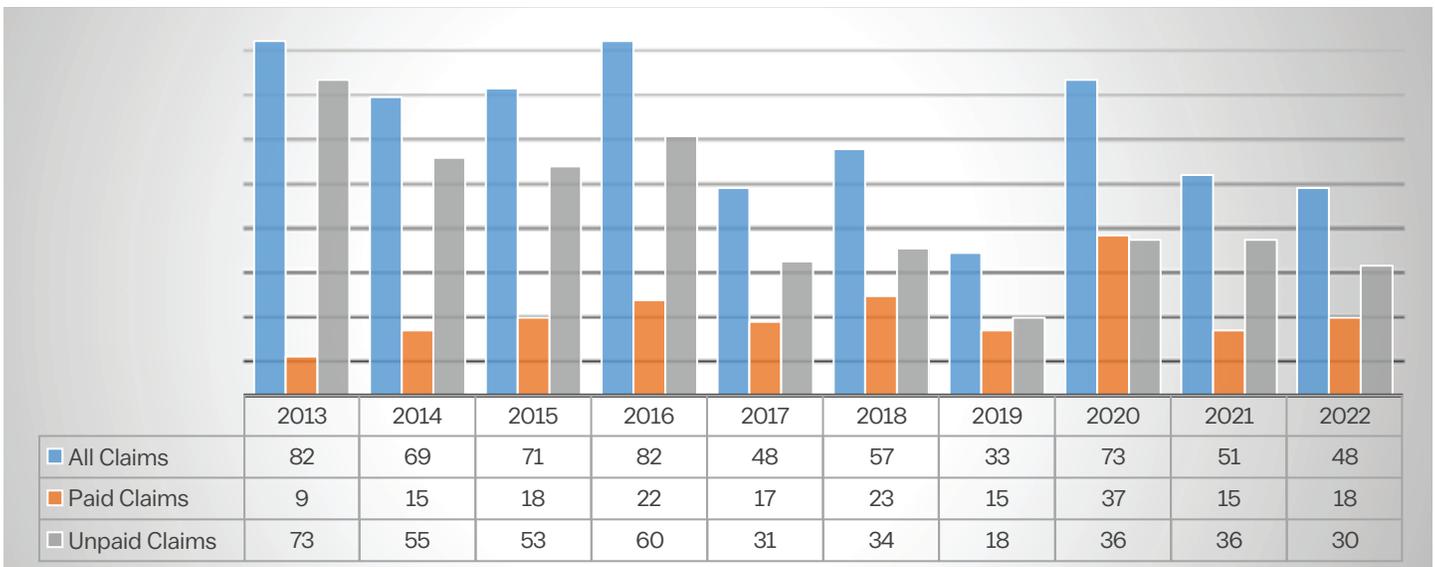
## PRIOR TEN YEARS

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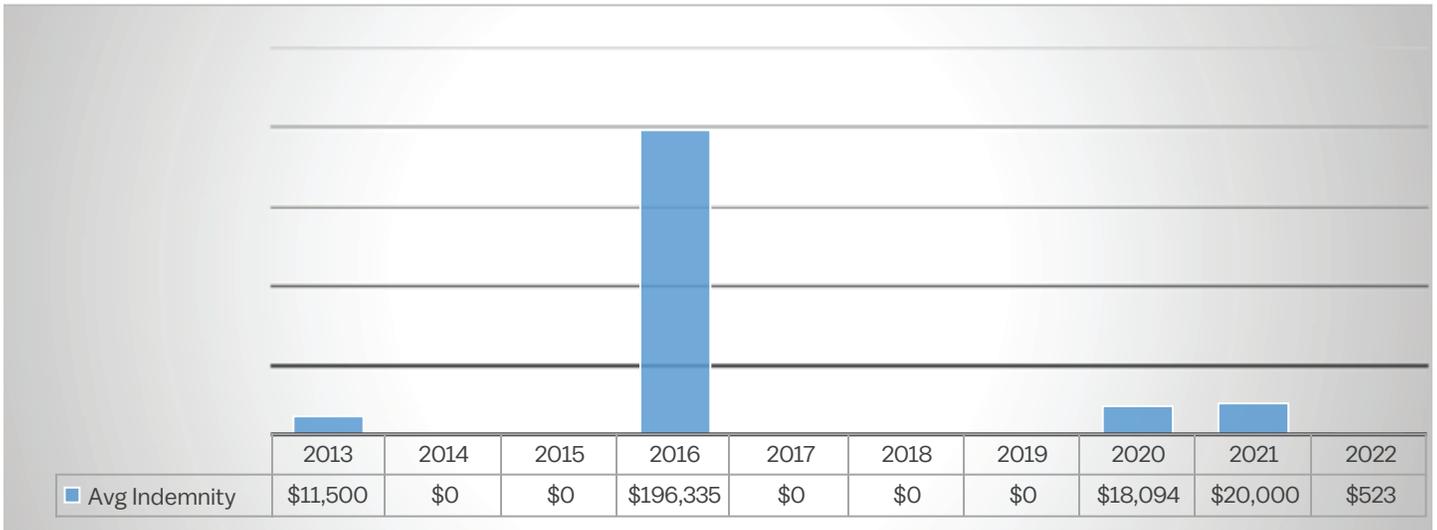
## Before Filing Suit or Demanding Hearing Average Indemnity & Expense



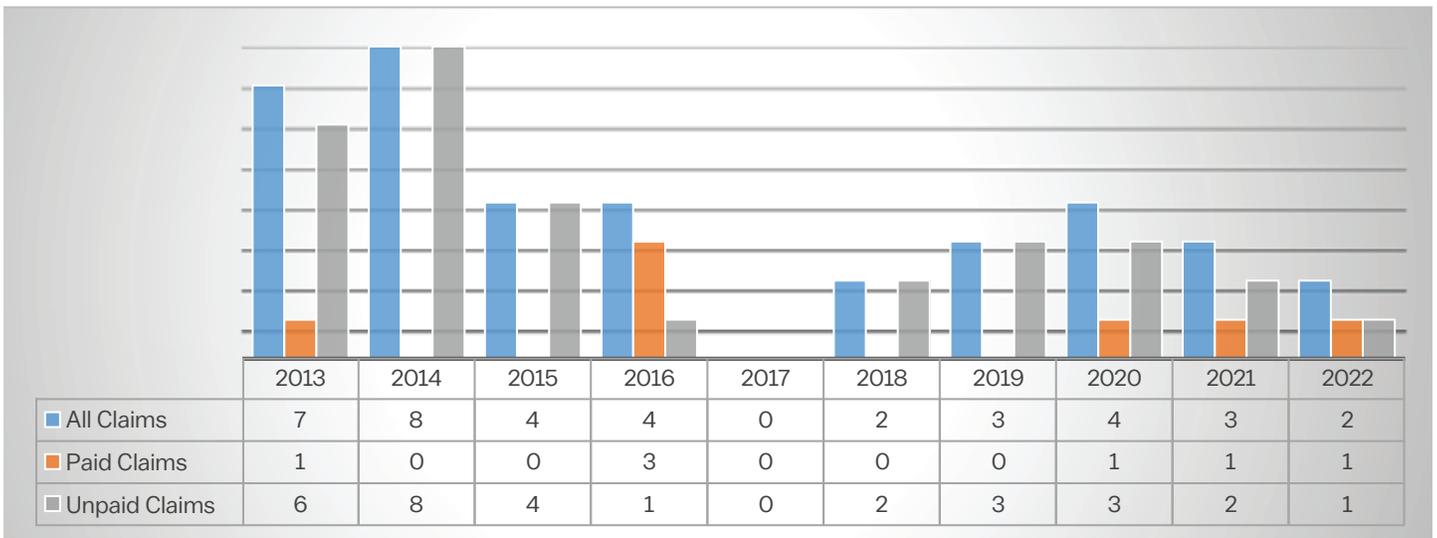
## Before Filing Suit Or Demanding Hearing Closed Claims



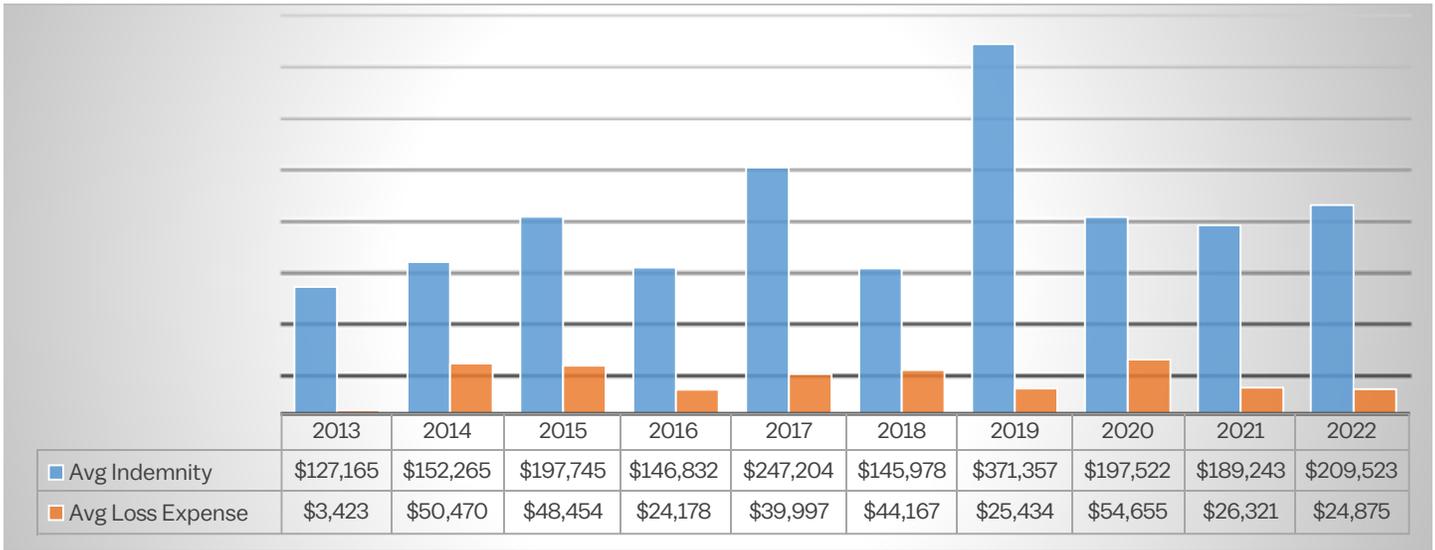
## After Judgment, Before Appeal Average Indemnity & Expense



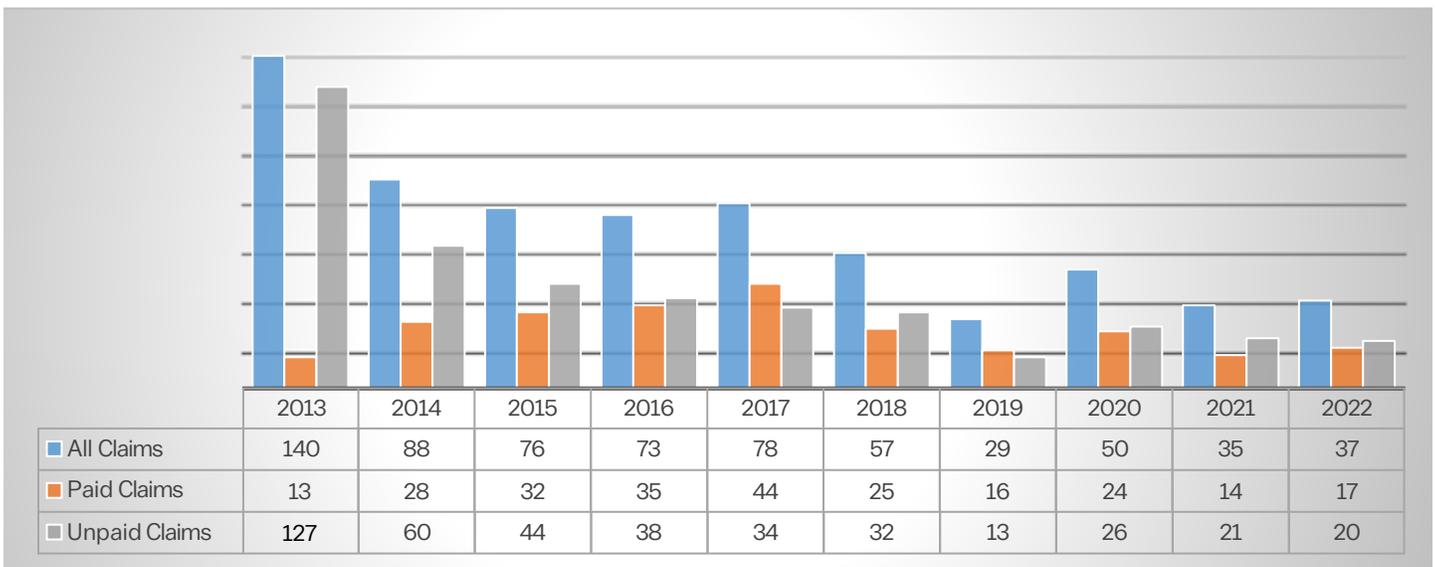
## After Judgment, Before Appeal Closed Claims



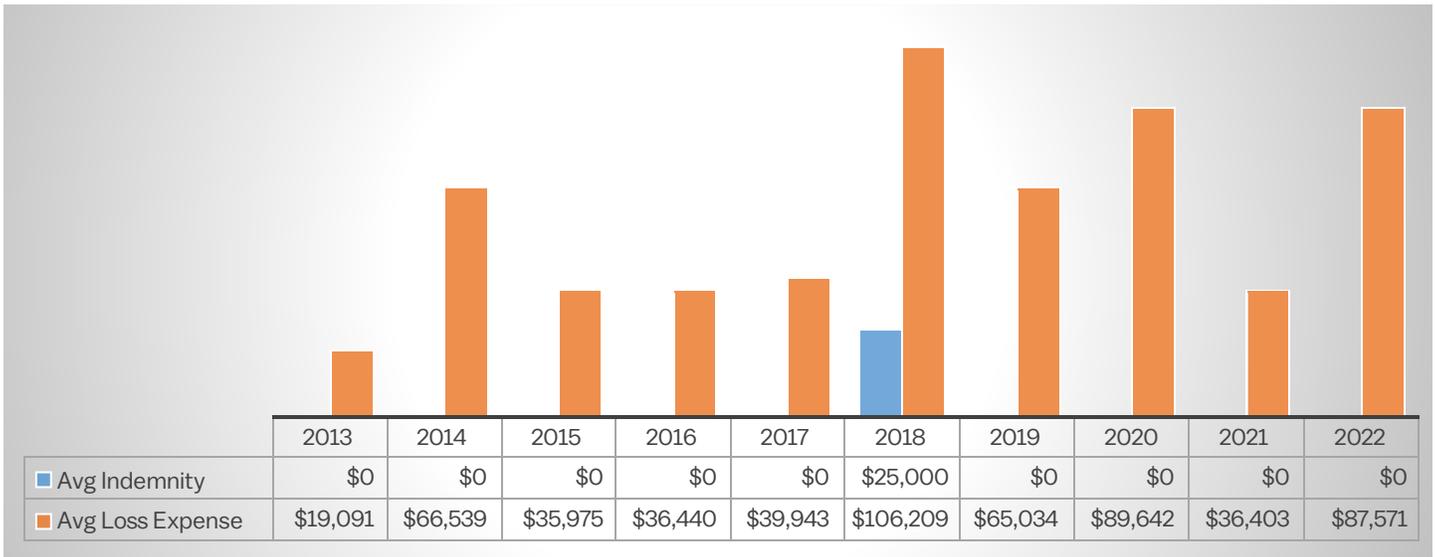
## Before Trial Or Hearing Average Indemnity & Expense



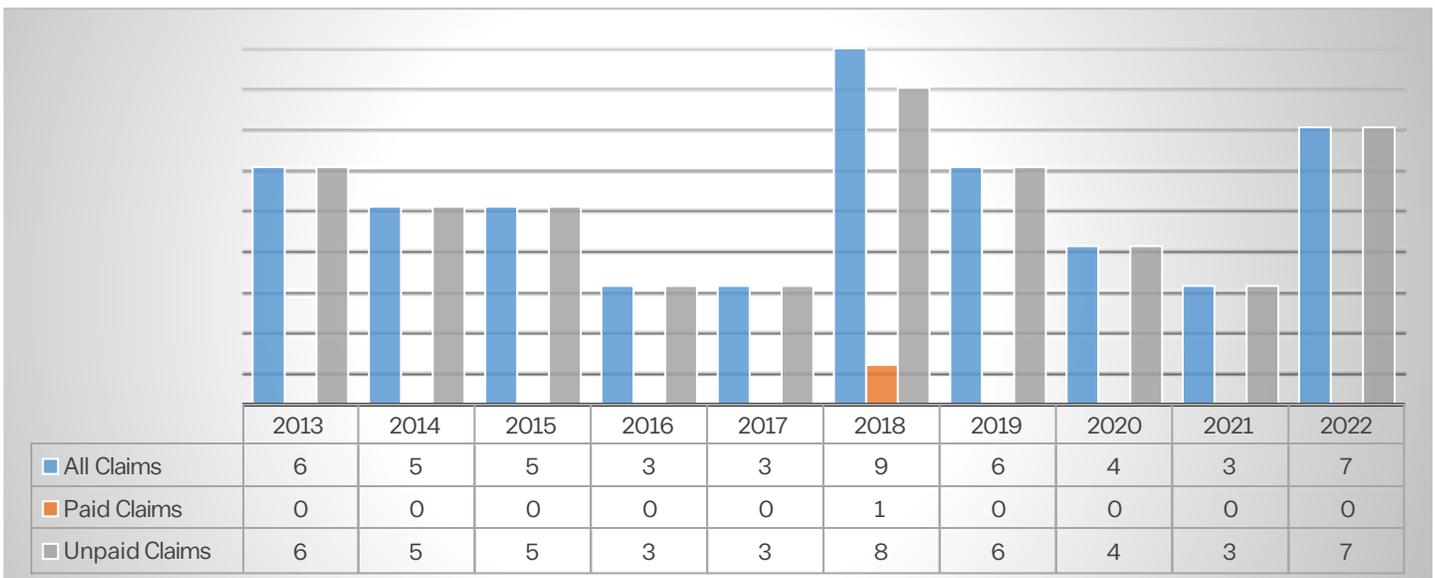
## Before Trial Or Hearing Closed Claims



## After Appeal Average Indemnity & Expense



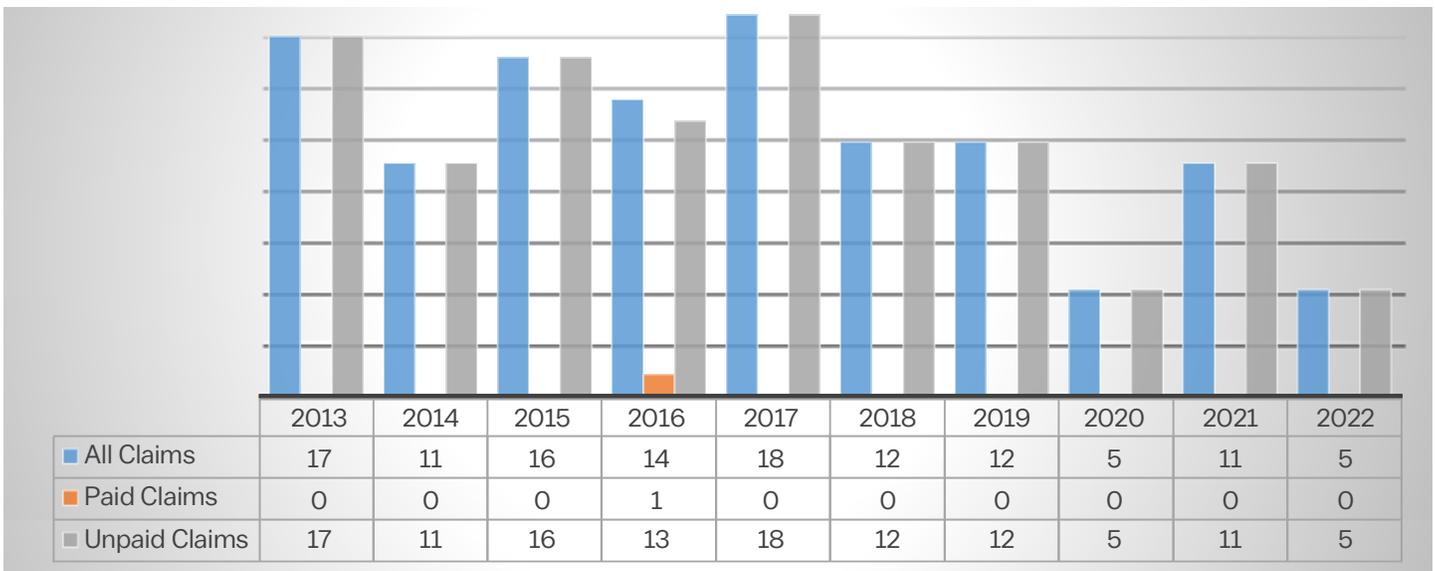
## After Appeal Closed Claims



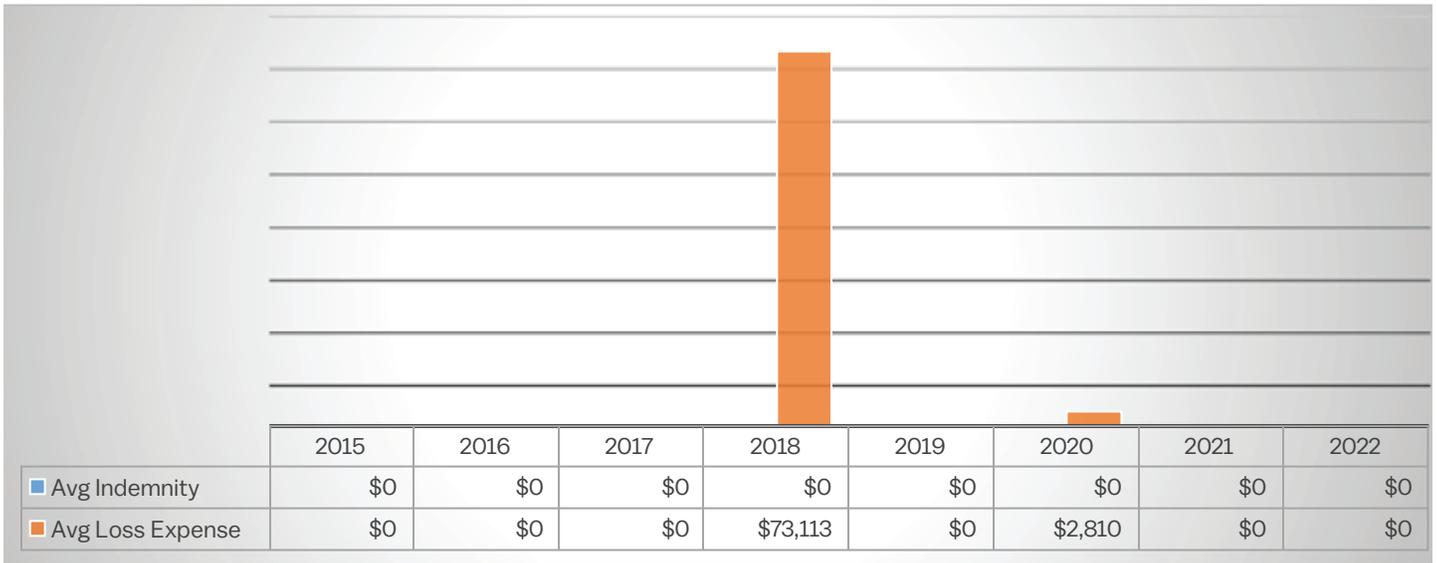
## Claim Or Suit Abandoned Average Indemnity & Expense



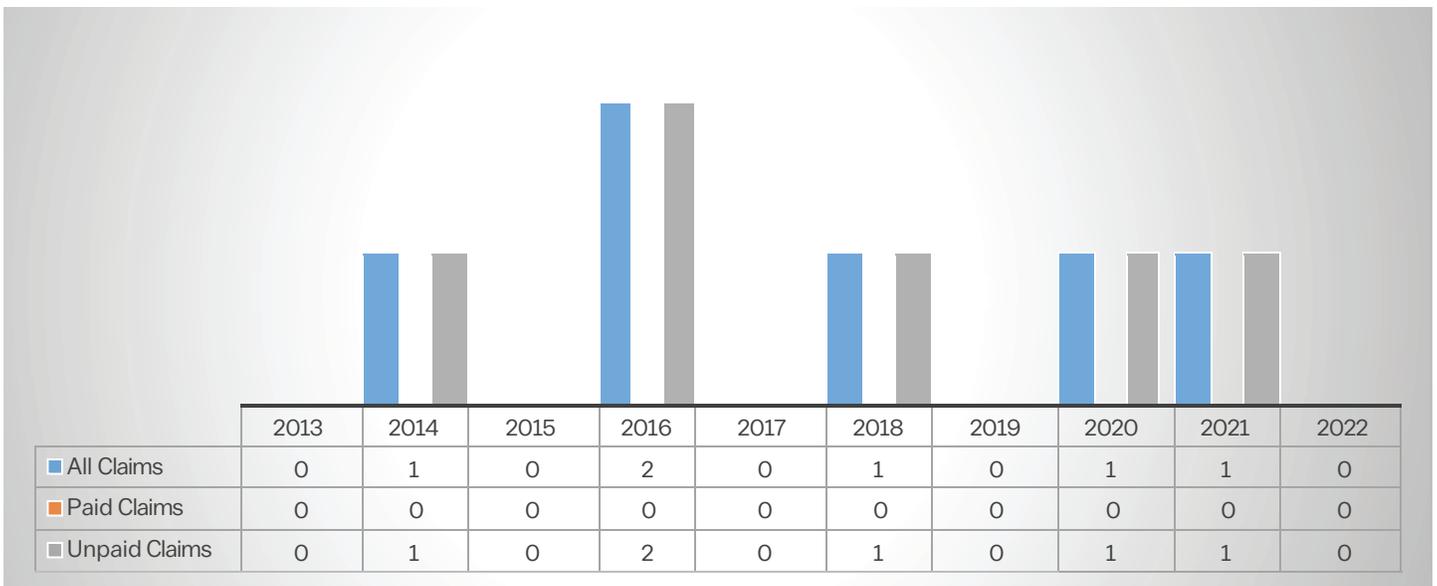
## Claim Or Suit Abandoned Closed Claims



## During Review Panel Average Indemnity & Expense



## During Review Panel Closed Claims



# **CLAIMS BY YEARS OF PRACTICE**

## PRIOR TEN YEARS

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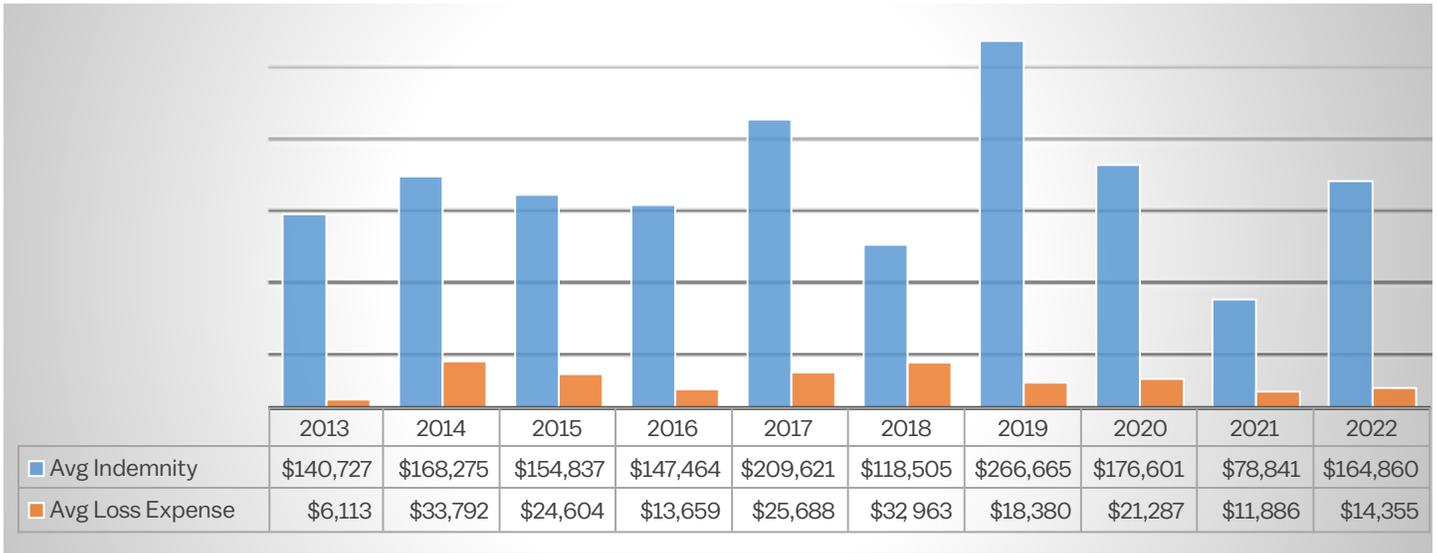
## Indemnity Analysis By Years of Practice, 2013-2022

Year of Practice	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
UNDER 4 YEARS	13	5	1.1%	\$235,123	\$1,175,614	1.6%	\$11,181
4 TO 10 YEARS	83	30	6.7%	\$146,343	\$4,390,279	6.0%	\$22,607
OVER 10 YEARS	1,436	416	92.2%	\$163,710	\$68,103,170	92.4%	\$19,973
<b>Total</b>	<b>1,532</b>	<b>451</b>	<b>100.0%</b>	<b>\$163,346</b>	<b>\$73,669,063</b>	<b>100.0%</b>	<b>\$20,041</b>

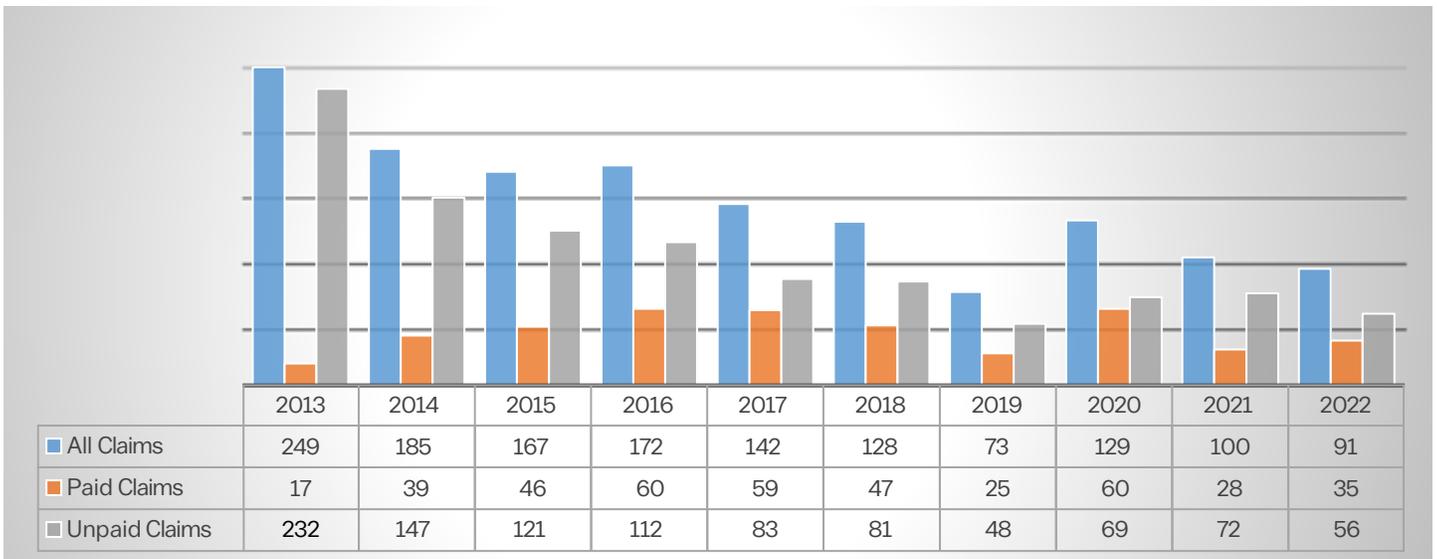
## Indemnity Analysis By Years of Practice, 2022

Year of Practice	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
UNDER 4 YEARS	2	1	2.8%	\$17,500	\$17,500	0.3%	\$0
4 TO 10 YEARS	7	0	0.0%	\$0	\$0	0.0%	\$51,467
OVER 10 YEARS	91	35	97.2%	\$164,860	\$5,770,090	99.7%	\$14,355
<b>Total</b>	<b>100</b>	<b>36</b>	<b>100.0%</b>	<b>\$160,766</b>	<b>\$5,787,590</b>	<b>100.0%</b>	<b>\$16,666</b>

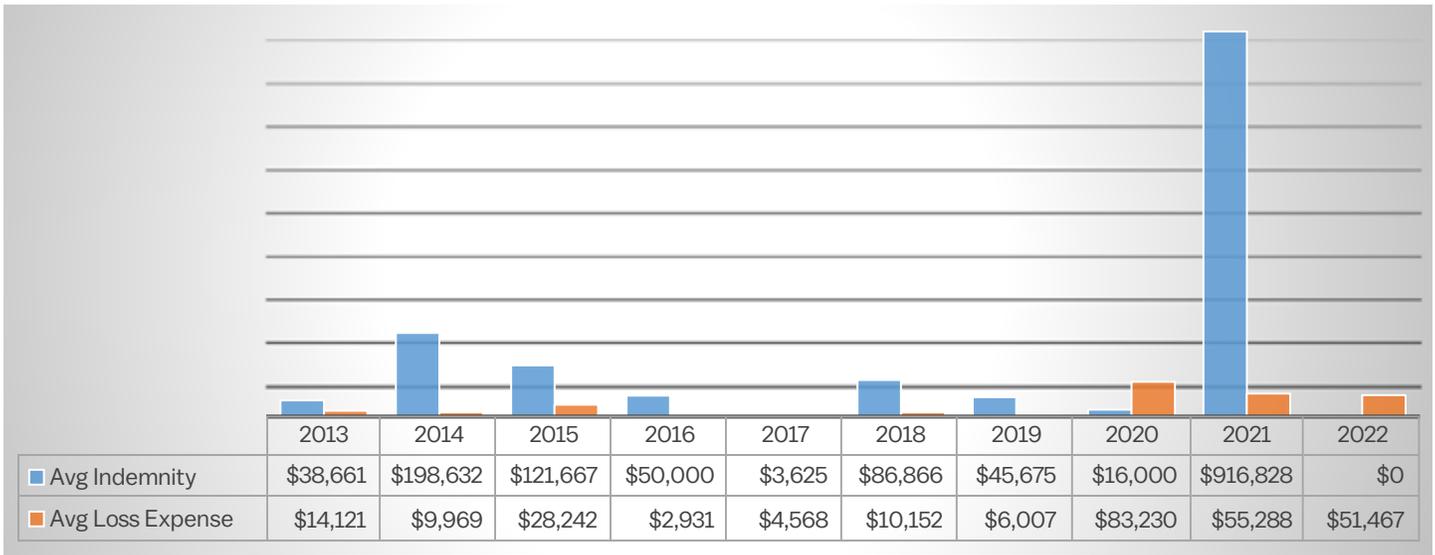
## Over 10 Years of Practice Average Indemnity & Expense



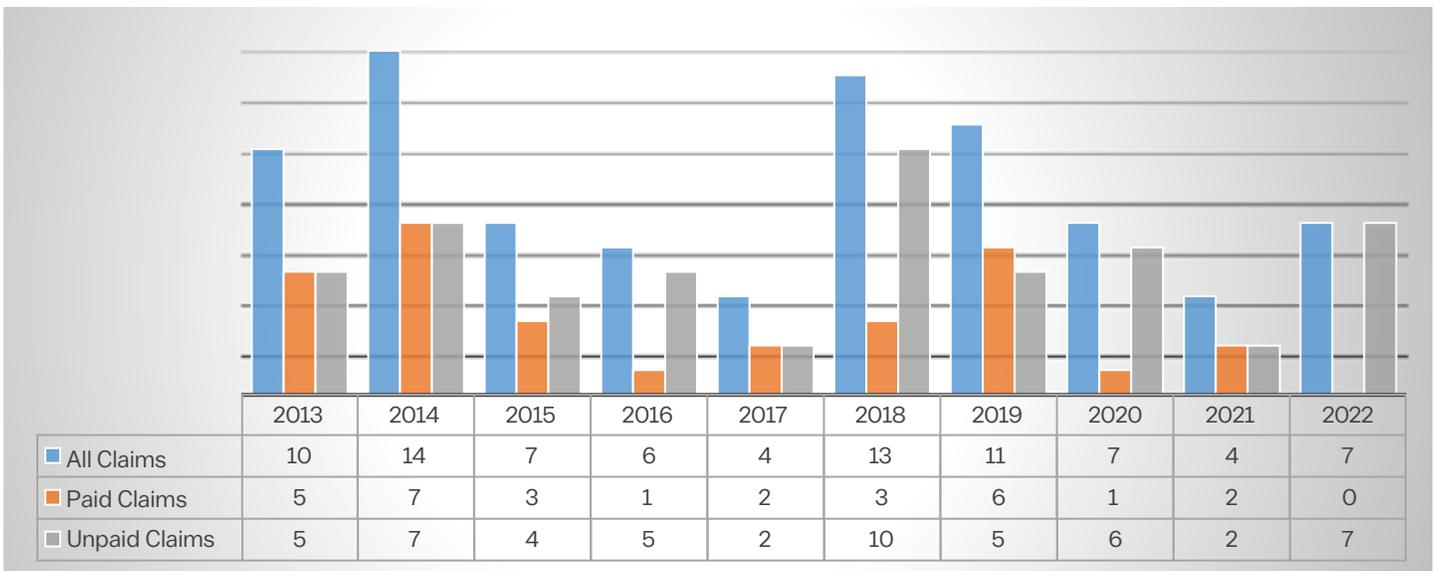
## Over 10 Years of Practice Closed Claims



## 4 to 10 Years Of Practice Average Indemnity & Expense



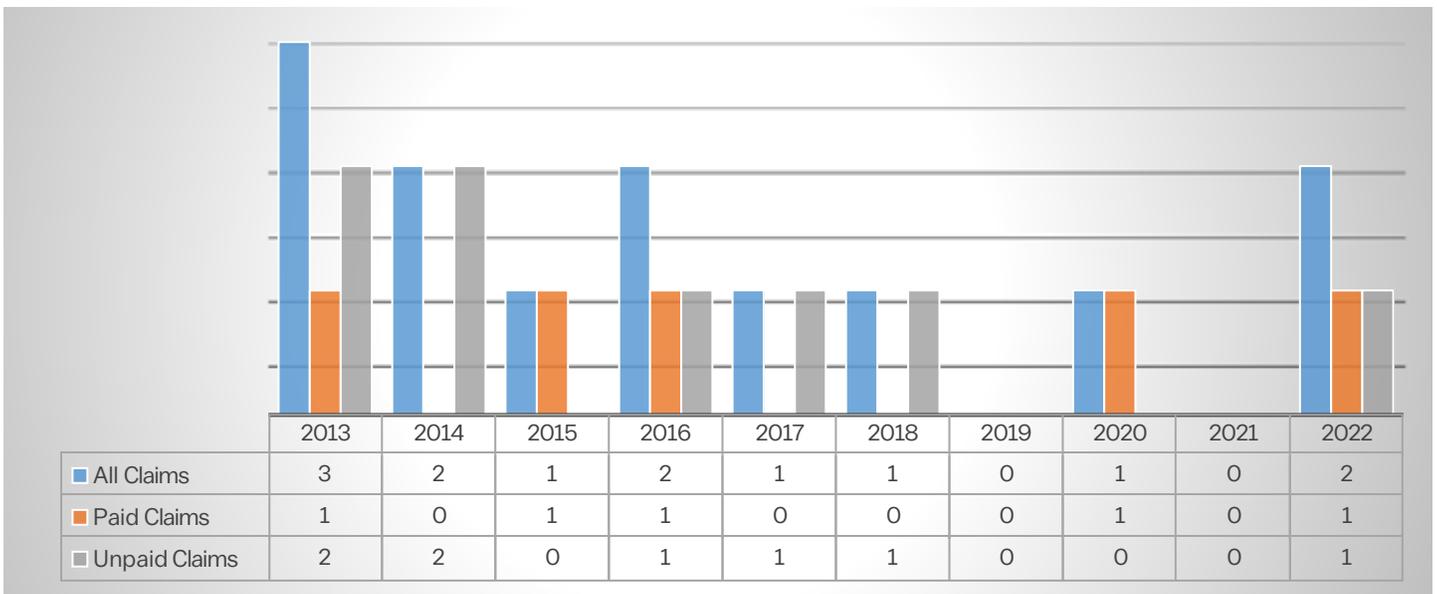
## 4 to 10 Years Of Practice Closed Claims



## Less Than 4 Years Of Practice Average Indemnity & Expense



## Less Than 4 Years Of Practice Closed Claims



# **CLAIMS BY CLAIMANT'S RELATIONSHIP TO PLAINTIFF**

## PRIOR TEN YEARS

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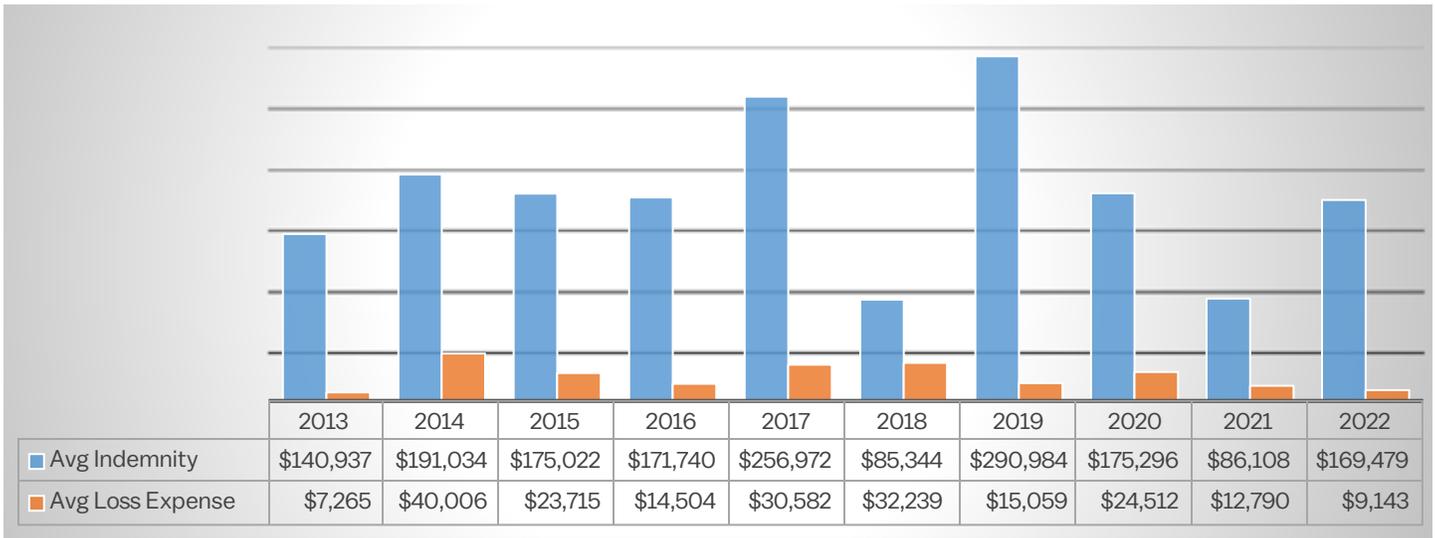
## Indemnity Analysis by Relationship to Claimant, 2013-2022

Insureds Relationship to Claimant	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
FREE LEGAL SERVICE	5				\$0	0.0%	\$2,664
MEMBER PRE-PAID LEGAL PLAN	6	3	0.7%	\$69,500	\$208,500	0.3%	\$21,587
CLIENT OTHER THAN ABOVE	1,100	359	79.6%	\$175,475	\$62,995,500	85.5%	\$21,314
NON-CLIENT	421	89	19.7%	\$117,585	\$10,465,063	14.2%	\$16,900
<b>Total</b>	<b>1,532</b>	<b>451</b>	<b>100.0%</b>	<b>\$163,346</b>	<b>\$73,669,063</b>	<b>100.0%</b>	<b>\$20,041</b>

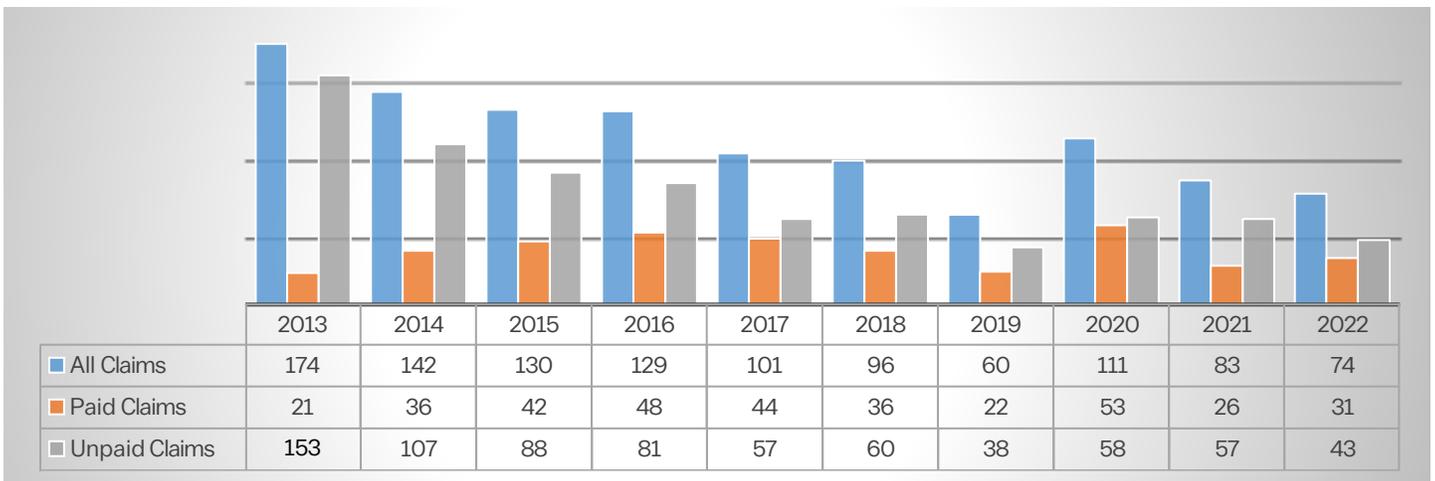
## Indemnity Analysis by Relationship to Claimant, 2022

Insureds Relationship to Claimant	All Closed Claims	Number of Paid Claims	Percent of Paid Claims	Average Indemnity Per Paid Claim	Total Indemnity	Percent of Total Indemnity	Average Loss Expense, All Closed Claims
CLIENT OTHER THAN ABOVE	74	31	86.1%	\$169,479	\$5,253,857	90.8%	\$22,522
NON-CLIENT	26	5	13.9%	\$106,747	\$533,733	9.2%	\$38,076
<b>Total</b>	<b>100</b>	<b>36</b>	<b>100.0%</b>	<b>\$160,766</b>	<b>\$5,787,590</b>	<b>100.0%</b>	<b>\$16,666</b>

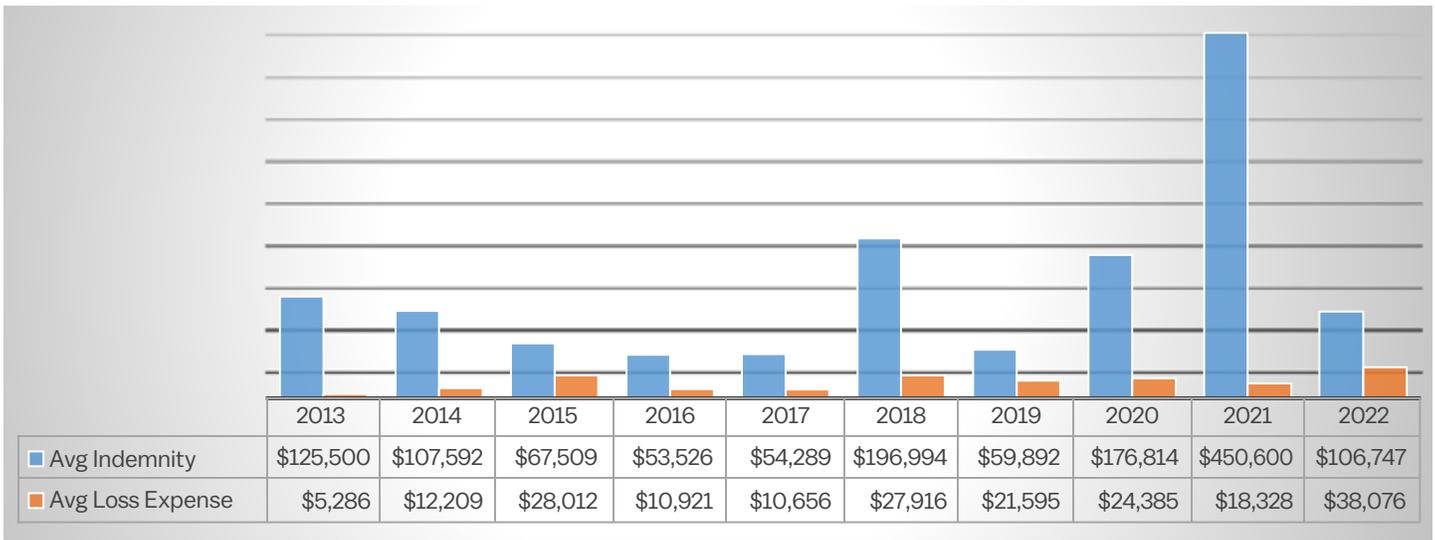
## Client Other Than Free or Pre-Paid Legal Plan Average Indemnity & Expense



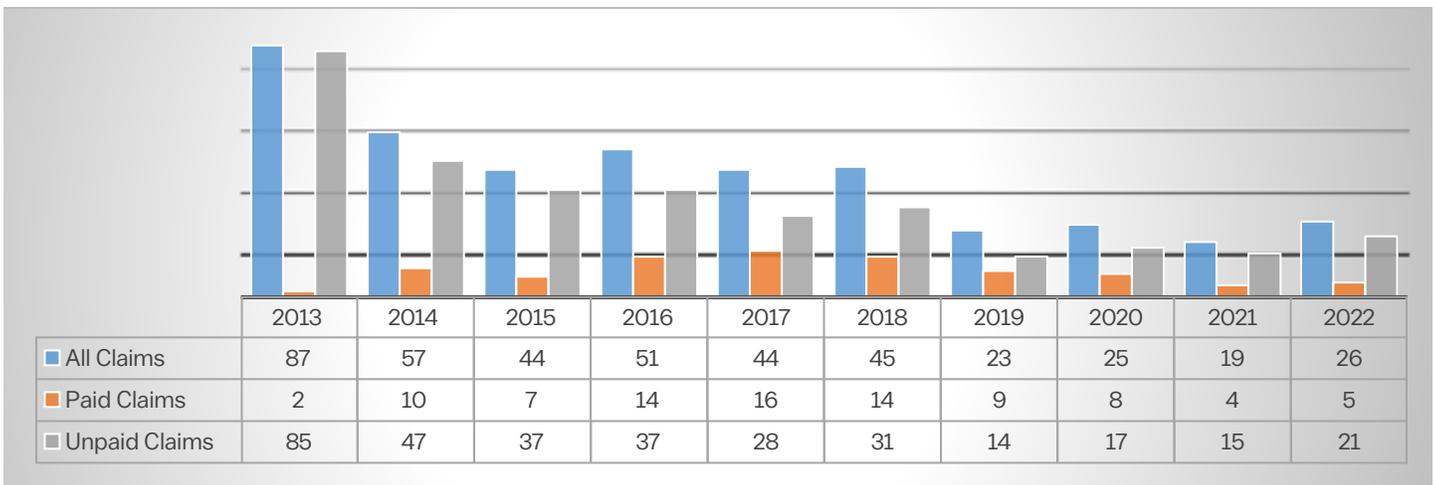
## Client Other than Free or Pre-Paid Legal Plan Closed Claims



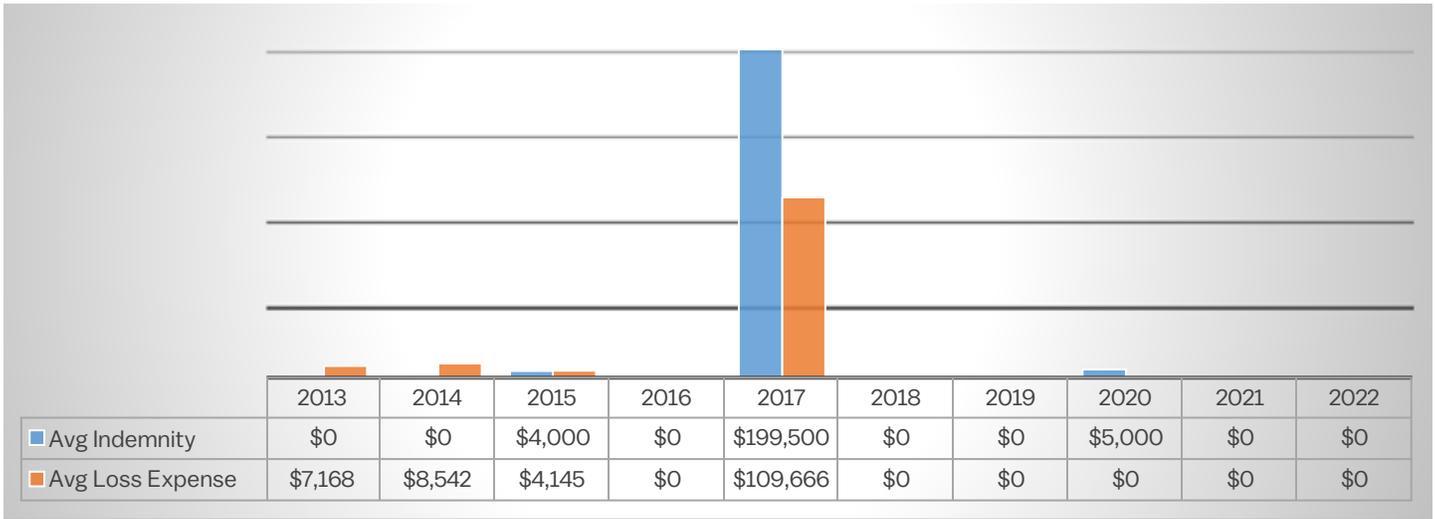
## Non-Client Average Indemnity & Expense



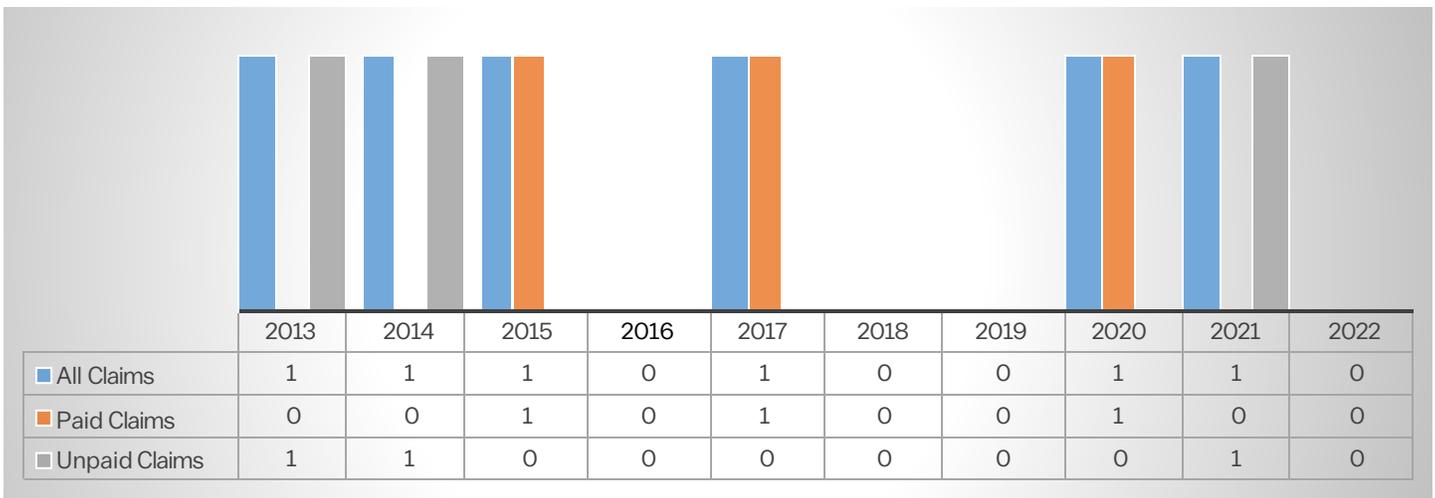
## Non-Client Closed Claims

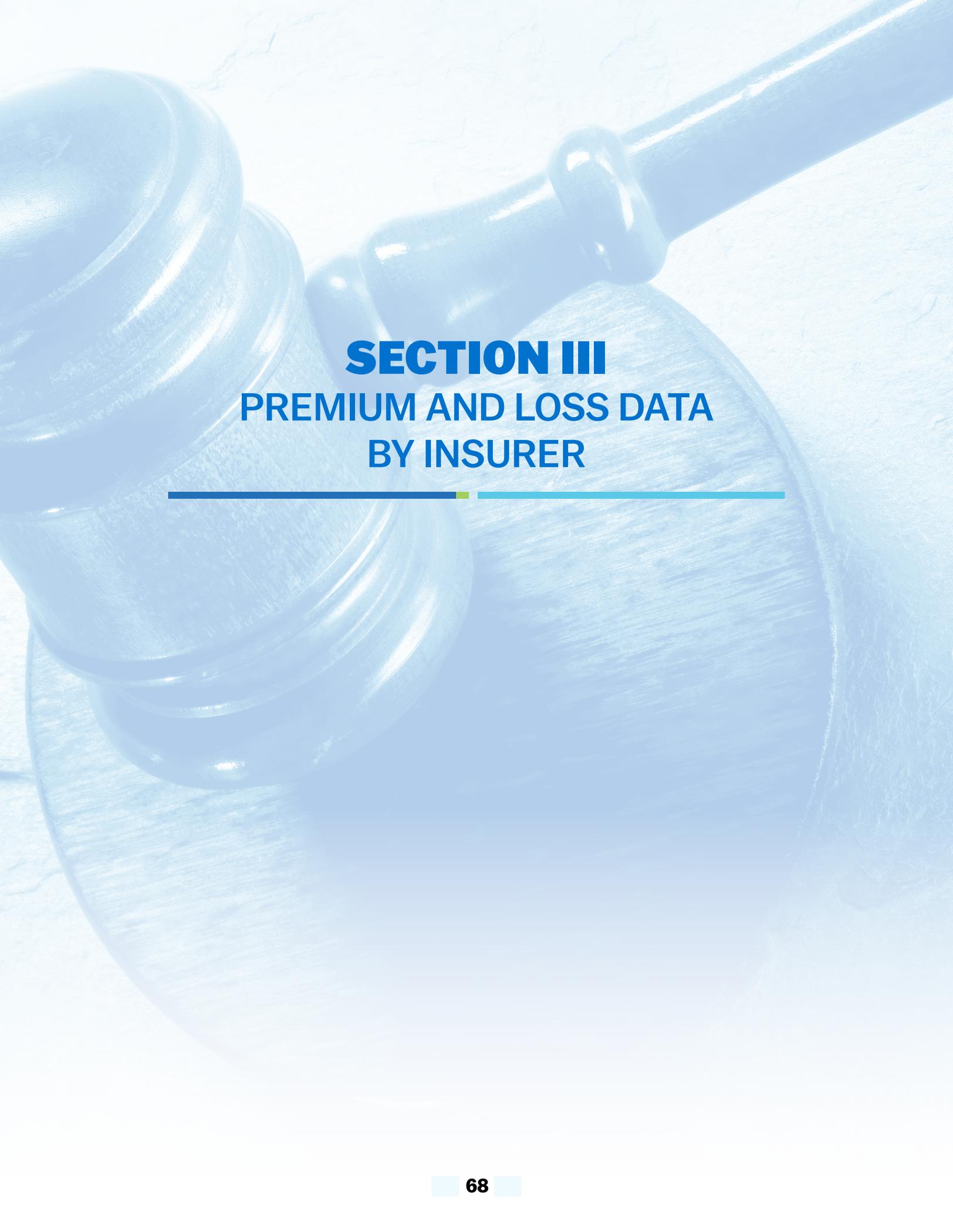


## Member Pre-Paid Legal Plan Average Indemnity & Expense



## Member Pre-Paid Legal Plan Closed Claims





**SECTION III**  
**PREMIUM AND LOSS DATA**  
**BY INSURER**

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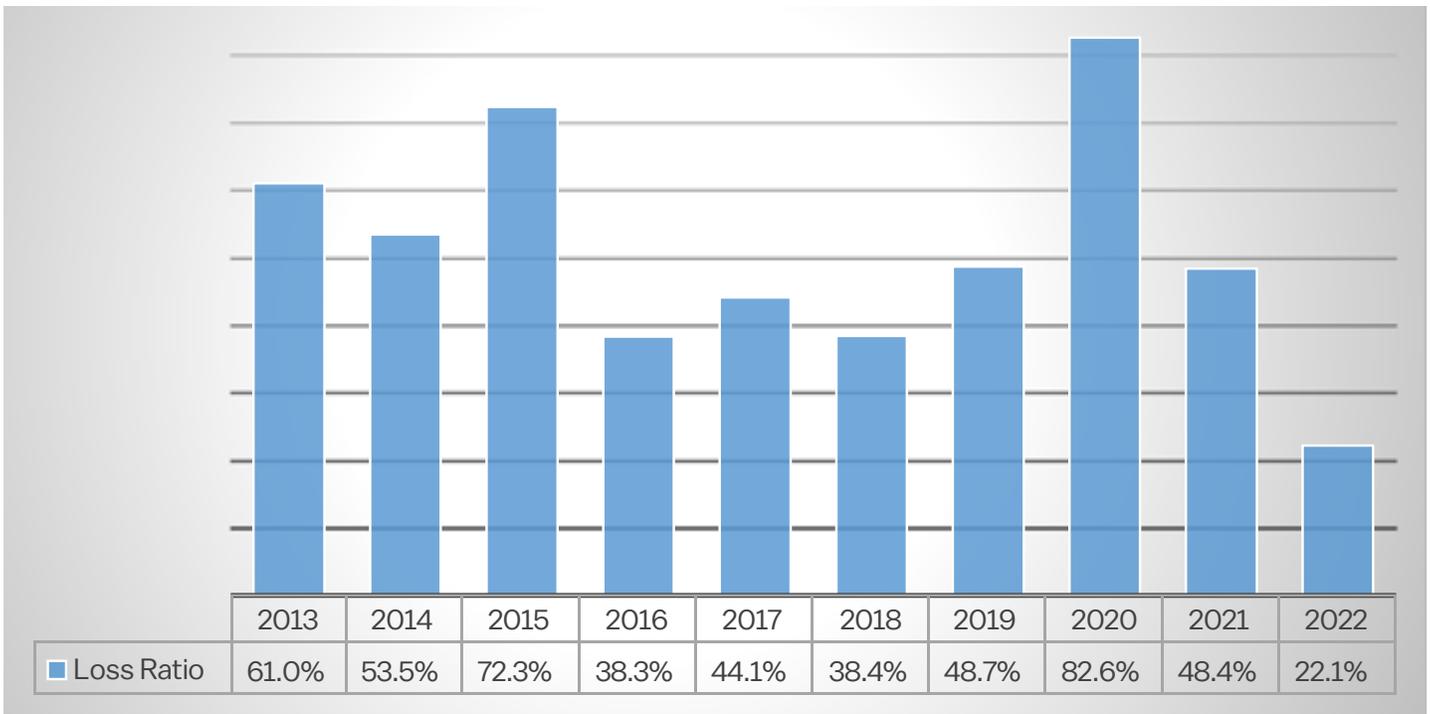
## Insurer Market Share and Loss Ratio

NAIC Company Code	Insurer Name	Market Share	Written Premium	Earned Premium	Incurred Losses	Loss Ratio
29513	BAR PLAN MUTUAL INSURANCE COMPANY THE	51.5%	\$7,703,378	\$7,791,839	\$819,410	27.3%
20443	CONTINENTAL CASUALTY COMPANY	16.2%	\$2,425,015	\$994,357	\$2,836,954	94.6%
32450	ALPS PROPERTY & CASUALTY COMPANY	9.1%	\$1,362,791	\$1,405,441	-\$1,553,887	-51.8%
22292	HANOVER INSURANCE COMPANY THE	6.3%	\$947,990	\$1,028,287	\$22,500	0.7%
19801	ARGONAUT INSURANCE COMPANY	5.2%	\$784,671	\$720,887	\$125,000	4.2%
31194	TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA	3.4%	\$516,223	\$452,492	\$12,301	0.4%
37273	AXIS INSURANCE COMPANY	2.7%	\$402,928	\$422,729	\$197,048	6.6%
22730	ALLIED WORLD INSURANCE COMPANY	2.6%	\$385,378	\$281,277	\$64,200	2.1%
24147	OLD REPUBLIC INSURANCE COMPANY	2.0%	\$297,073	\$298,828	\$256,405	8.5%
36234	PREFERRED PROFESSIONAL INSURANCE COMPANY	0.6%	\$91,769	\$58,963	\$17,689	0.6%
22241	MEDMARC CASUALTY INSURANCE COMPANY	0.4%	\$58,218	\$66,308	\$28,269	0.9%
30104	HARTFORD UNDERWRITERS INSURANCE COMPANY	0.1%	\$10,021	\$8,417	\$0	0.0%
11000	SENTINEL INSURANCE COMPANY LTD	0.1%	\$7,742	\$7,548	\$0	0.0%
29459	TWIN CITY FIRE INSURANCE COMPANY	0.0%	\$7,061	\$6,203	-\$5	0.0%
29424	HARTFORD CASUALTY INSURANCE CO	0.0%	\$4,984	\$4,984	\$0	0.0%
16624	ALLIED WORLD SPECIALTY INSURANCE COMPANY	0.0%	\$1,797	\$1,709	\$6,557	0.2%
19518	CATLIN INSURANCE COMPANY INC	0.0%	\$0	\$0	\$201,328	6.7%
42307	NAVIGATORS INSURANCE COMPANY	0.0%	\$0	\$0	-\$77	0.0%

## Legal Malpractice Missouri Experience

Year	Written Premium	Earned Premium	Incurred Losses	Loss Ratio
2013	\$15,843,263	\$15,221,120	\$9,291,232	61.0%
2014	\$16,725,395	\$16,787,627	\$8,975,108	53.5%
2015	\$16,452,459	\$16,412,220	\$11,873,680	72.3%
2016	\$16,350,726	\$16,425,472	\$6,289,090	38.3%
2017	\$16,385,754	\$16,414,566	\$7,242,168	44.1%
2018	\$15,333,042	\$15,946,562	\$6,127,946	38.4%
2019	\$15,172,518	\$15,270,375	\$7,433,567	48.7%
2020	\$14,594,268	\$13,036,299	\$10,773,061	82.6%
2021	\$14,418,324	\$12,740,635	\$6,165,127	48.4%
2022	\$14,970,793	\$13,551,638	\$3,000,445	22.1%

## Loss Ratio Missouri





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