

Professional Liability Insurance and the Municipal Attorney

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Professional Liability Insurance

- Differences in Professional Liability & General Liability Insurance
 - Claims Made trigger vs Occurrence trigger
 - Underwriting
 - Closer to a project on General Liability
 - Can collect premium for the exposure of a project
 - No Additional Insured provision on Professional Liability
 - Defense Limits – unlimited on GL not on Professional

Professional Liability Insurance con't

- Coverage
 - GL – Products and Completed Operations
 - Contractors leave behind work and products
 - Professional Liability – Covers Negligence
 - Standard of Care applies to a A/E designer
 - Warranty exclusion – major difference due to this
 - Professional policies carry this exclusion
 - Defense obligation by contract is a problem
 - No additional Insured Status by endorsement
 - Negligence is the trigger (for the insured)

OPPI Coverage (Owners Protective)

- Sits as excess to GL limits provided by all parties on a project
- Provides Professional Liability on 3rd party E & O suits (Contractor and Sub-Contractors are not considered 3rd parties)
 - Depending on underwriting for a specific project/owner may include 1st party

OPPI coverage (Owners Protective) con't

- May provide coverage for pollution events

Professional Liability - Limits

- Project Specific Coverage typically only available for very very large projects
- A/E's can purchase expensive higher practice limits
- A/E's can purchase Specific Job Excess Endorsements (subject to underwriter approval)

Professional Liability – Limits con't

- A/E's can purchase Specific Client Excess Endorsements (subject to underwriter approval)