



**THE STATE BAR OF CALIFORNIA
MALPRACTICE INSURANCE WORKING GROUP
CHARTER**

Business and Professions Code section 6069.5, enacted as part of the 2018 State Bar fee bill (SB 36, Stats. 2017, ch. 422) directs the State Bar to conduct a review and study regarding errors and omissions insurance for attorneys licensed in California, and to report its findings to the Supreme Court and the Legislature by March 31, 2019. The Board of Trustees authorized the formation of the Malpractice Insurance Working Group, to conduct this review and develop recommendations for consideration by the Board.

The Malpractice Insurance Working Group shall:

- Conduct a review and study regarding errors and omissions insurance, as specified in Section 6069.5 of the Business and Professions Code, in order to determine each of the following:
 - (1) The adequacy, availability, and affordability of errors and omissions insurance for attorneys licensed in this state.
 - (2) Proposed measures for encouraging attorneys licensed in this state to obtain and maintain errors and omissions insurance.
 - (3) The ranges of errors and omissions insurance limits for attorneys licensed in this state recommended to protect the public.
 - (4) The adequacy and efficacy of the disclosure rule regarding errors and omissions insurance, currently embodied in Rule 3-410 of the Rules of Professional Conduct.
 - (5) The advisability of mandating errors and omissions insurance for attorneys licensed in this state and attendant considerations.
 - (6) Other proposed measures relating to errors and omissions insurance for attorneys in this state that will further the goal of public protection.
- Consider any past studies, including, but not limited to, any relevant actuarial studies, and any current information available from other states, public entities, and bar associations, such as the American Bar Association, regarding errors and omissions insurance.
- Convene meetings at which information from experienced attorneys, insurance industry representatives, experts and members of the public with knowledge of relevant issues, representatives from other jurisdictions that have implemented, or considered implementation of, regulations regarding malpractice insurance, and other interested parties, will be considered.
- Report its findings to the Board of Trustees
 - The report to the Board of Trustees may include recommendations that the Board may consider in its report of its findings that is due to the Supreme Court and Legislature no later than March 31, 2019.



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The Malpractice Insurance Working Group shall be appointed by the Board, and shall include the following representatives (in addition to the Chair):

Interest Group/Stakeholder	No. of Members	Nomination/Appointment Source
Board of Trustees	Up to 4	Board of Trustees
Assembly Judiciary Committee	1	Assembly Judiciary Committee
Senate Judiciary Committee	1	Senate Judiciary Committee
California admitted malpractice litigators (one defense, one plaintiffs)	2	California Lawyers Association
Solo/Small Firm practitioner	1	Local Bars
Sections Representative	1	California Lawyers Association
Ethics Attorney	1	Committee on Professional Responsibility and Conduct
Consumer Advocate (not licensed attorney)	2	To be determined
CA admitted insurance carrier	1	ABA Standing Committee on Lawyers Professional Liability
CA admitted insurance broker (who places policies with solo/small firms)	1	ABA Standing Committee on Lawyers Professional Liability
Affinity Bar	1	Minority Bar Coalition
Judge	1	California Judges Association
Total	14-17	