

RECOMMENDATION

1 RESOLVED, That the American Bar Association adopts the *Model Court Rule on Insurance*
2 *Disclosure*, dated August 2004.

Model Court Rule on Insurance Disclosure
August 2004

1 **RULE ____.** **INSURANCE DISCLOSURE**

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3 A. Each lawyer admitted to the active practice of law shall certify to the [highest
4 court of the jurisdiction] on or before [December 31 of each year]: 1) whether the
5 lawyer is engaged in the private practice of law; 2) if engaged in the private
6 practice of law, whether the lawyer is currently covered by professional liability
7 insurance; 3) whether the lawyer intends to maintain insurance during the
8 period of time the lawyer is engaged in the private practice of law; and 4)
9 whether the lawyer is exempt from the provisions of this Rule because the lawyer
10 is engaged in the practice of law as a full-time government lawyer or is counsel
11 employed by an organizational client and does not represent clients outside that
12 capacity. Each lawyer admitted to the active practice of law in this jurisdiction
13 who reports being covered by professional liability insurance shall notify [the
14 highest court in the jurisdiction] in writing within 30 days if the insurance policy
15 providing coverage lapses, is no longer in effect or terminates for any reason.

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17 B. The foregoing shall be certified by each lawyer admitted to the active practice of
18 law in this jurisdiction in such form as may be prescribed by the [highest court of
19 the jurisdiction]. The information submitted pursuant to this Rule will be made
20 available to the public by such means as may be designated by the [highest court
21 of the jurisdiction].

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23 C. Any lawyer admitted to the active practice of law who fails to comply with this
24 Rule in a timely fashion, as defined by the [highest court in the jurisdiction], may
25 be suspended from the practice of law until such time as the lawyer complies.
26 Supplying false information in response to this Rule shall subject the lawyer to
27 appropriate disciplinary action.
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