

Frequently Asked Questions about Professional Liability Insurance for Lawyers

Why am I required to disclose whether I have Professional Liability Insurance?

Washington Supreme Court [Admission and Practice Rule 26](#) provides that every active lawyer of the Washington State Bar Association is required to disclose annually whether the lawyer maintains professional liability insurance.

What is the purpose of required insurance disclosure?

The purpose of the insurance disclosure rule is client protection and to permit clients to make informed decisions when deciding whether to retain a particular legal professional. Under the Washington Rules of Professional Conduct, one of the basic principles of the lawyer-client relationship is that the lawyer will give the client sufficient information regarding material facts to allow the client to make an informed decision in matters relating to the representation. See, e.g., RPC 1.4; 1.7. Whether a lawyer maintains professional liability insurance may be an important piece of information for some persons in considering whether to hire a legal professional, and it should be readily available to a client or prospective client.

What does the rule require?

APR 26 requires that each active status lawyer certify annually on a form approved by the Board of Governors (a) whether the lawyer is in private practice; (b) if so, whether the lawyer maintains professional liability insurance; (c) whether the lawyer intends to continue to maintain insurance; and (d) whether the lawyer is a full-time government lawyer or house counsel and does not represent clients outside that capacity. The rule also requires notification to the WSBA within 30 days if the lawyer in private practice ceases to be insured. The rule does not require lawyers to have professional liability insurance.

Is failure to disclose a disciplinary violation?

Failure to comply with the disclosure requirement will result in administrative suspension from practice until the information is disclosed, in the same way that lawyers may be suspended for failure to comply with the continuing legal education reporting requirements, but it is not a disciplinary violation.

What is done with this information?

This insurance information is available to clients or prospective clients on the lawyer directory on the WSBA website or by contacting the WSBA. In practice, the availability of this information will operate similarly to the contractor insurance and bonding information available to the public through the Department of Labor and Industries by contacting the Department or searching the Department's website.

Where can I find information on purchasing legal malpractice insurance?

The WSBA has endorsed professional liability insurance company, [ALPS](#), which can provide information about coverage they offer. In addition, the ABA Standing Committee on Lawyers' Professional Liability has a very helpful webpage with links to insurance resources for lawyers.

How should I fill out the Professional Liability Insurance Disclosure?

Mark the one box that fits your situation. If you represent clients in any capacity (even if it is pro bono or as a contract attorney), you should find out whether the organization for which you are providing services maintains and intends to maintain professional liability insurance and mark the appropriate box.

How should I notify the WSBA if my coverage lapses, is no longer in effect or terminates for any reason?

APR 26 requires written notification within 30 days if your coverage lapses, is no longer in effect or terminates for any reason. After you have filed your Professional Liability Insurance Disclosure during the license renewal process, you may make changes to it by logging into www.mywsba.org and clicking the Edit Liability Insurance Info link. Or, you may send an email to questions@wsba.org.