

## POLICY ON PROFESSIONAL LIABILITY INSURANCE

HLS has a Lawyers Professional Liability Policy that, subject to certain limitations, covers the work of full-time and part-time attorneys (Clinical Faculty, Clinical Instructors, Staff Attorneys and Fellows) employed in HLS In-House Clinics and Student Practice Organizations, as well as law students who are working under the supervision of those attorneys. From time to time the Policy also covers a small number of specifically named volunteer attorneys.

When registering to practice law in Massachusetts, the Board of Bar Overseers asks attorneys whether they are covered by professional liability insurance. All HLS attorneys should certify that they have such coverage for the legal work they do on behalf of an HLS In-House Clinic or SPO. All attorneys, especially part-time attorneys, should be aware that the Policy does not cover pro bono work done through an organization that is not part of HLS, nor does it cover the outside practice of law and/or legal work that is beyond the scope of their Clinic or SPO responsibilities.

To state the obvious, the terms of the actual policy—not this Wiki document—govern the scope of the coverage.

Coverage under the Policy also imposes certain obligations on HLS attorneys:

- Attorneys must immediately report any case or matter involving a negligent act, error, omission or personal injury, in the rendering of or failure to render professional services as a lawyer. Attorneys must also immediately report any incident, occurrence or offense that they reasonably expect to result in a claim by a client, even if the claim to be asserted is groundless, false or fraudulent.
- Reports should be made to Lisa Dealy, Assistant Dean in the Office of Clinical and Pro Bono Programs (OCP). OCP will coordinate all contact with the Insurance Company, as well as any necessary contact with Harvard University's Office of the General Counsel.
- Failure to make timely reports to the Insurance Company can result in loss of insurance coverage. When considering whether to report, please remember that it is better to over-report than under-report potential claims.
- In addition to an obligation to report immediately, once a year (at the time of the renewal of the Policy) attorneys will be asked to disclose whether they know of any incident, act, error or omission that could result in a claim or suit against their In-House Clinic or SPO, or any of the current or former staff members (or specifically named volunteers) of the Clinic or SPO.
- Attorneys must immediately provide copies of any demands, notices, summonses or legal papers received in connection with any claim. These should be provided to Lisa Dealy, Assistant Dean, OCP.
- With respect to any Claim covered under the policy, attorneys in the Clinical and Pro Bono Programs shall not make any payments, admit liability, settle Claims, assume any obligation, agree to arbitration or any other means of dispute resolution, waive any rights or incur any expenses. All activities of this nature will be handled by the Office of General Counsel.

**Updated: September 8, 2020**