

## OPTION 1

## Mandatory Disclosure Requirement

**Rule 1-210. Professional Liability Insurance**

(a) Each active member of the State Bar of Georgia engaged in the private practice of law in Georgia shall disclose on the annual license fee statement whether the member has professional liability insurance.

(b) The following members shall be exempt from the requirements of this rule:

(1) Members who are employed by a governmental entity or other organization and whose practice is limited to matters concerning the entity or organization;

(2) Members whose practice consists solely of serving as an arbitrator or mediator; and

(3) Members who are not actively engaged in the practice of law or who do not represent clients.

(c) Each member who has previously reported being covered by professional liability insurance shall notify the State Bar of Georgia in writing in such form and manner as the Board may designate within 30 days if the insurance policy providing coverage lapses, terminates, or is no longer in effect for any reason.

(d) The information required by this Rule shall be publicly available and included in the member's listing in the Member Directory on the official website of the State Bar of Georgia. Each lawyer's insurance status shall appear in the State Bar Member Directory as "covered," "not covered," or "exempt."

(e) Each member shall provide the State Bar of Georgia with confirmation of coverage upon request.

(f) The information required by this Rule is due on July 1 of each year. A member who does not comply with the requirements of the Rule by September 1 shall cease to be a member in good standing. A member deemed not to be in good standing under this Rule shall be returned to good standing upon making the disclosure required in subpart (a) to the Membership Department of the State Bar of Georgia.

OPTION 2  
Mandatory Disclosure Requirement with Voluntary Assessment

**Rule 1-210. Disclosure of Professional Liability Insurance**

(a) Each year, every member of the State Bar of Georgia shall certify:

- 1) Whether the member is engaged in the private practice of law; and
- 2) Whether the member is currently covered by a policy of professional liability insurance.

(b) The following members shall be exempt from the requirements of this rule:

- (1) Members who are employed by a governmental entity or other organization and whose practice is limited to matters concerning the entity or organization;
- (2) Members whose practice consists solely of serving as an arbitrator or mediator; and
- (3) Members who are not actively engaged in the practice of law or who do not represent clients.

(c) Each member who has previously reported being covered by professional liability insurance as set forth in paragraph (a)(2) of this Rule shall notify the State Bar of Georgia in writing in such form and manner as the Board may designate within 30 days if the insurance policy providing coverage lapses, terminates, or is no longer in effect for any reason.

(d) The information required by this Rule shall be publicly available and included in the member's listing in the Member Directory on the official website of the State Bar of Georgia. Each lawyer's insurance status shall appear in the State Bar Member Directory as "covered,"

“not covered,” or “exempt.” Each member shall provide the State Bar of Georgia with confirmation of coverage upon request.

(e) The State Bar of Georgia encourages those members who do not have a policy of professional liability insurance to complete the Bar’s voluntary online self-assessment of the operation of their law practice and to avail themselves of the resources which it recommends to address any deficiencies identified by the self-assessment.

(f) The information required by part (a) of this Rule is due on July 1 of each year. A member who does not comply with the requirements of the Rule by September 1 shall cease to be a member in good standing. A member deemed not to be in good standing under this Rule shall be returned to good standing upon making the disclosure required in subpart (a) to the Membership Department of the State Bar of Georgia.

## Mandatory Disclosure Requirement with Mandatory CLE for Lawyers Without Insurance

(Proactive Management-Based Assistance)

**Rule 1-210 Disclosure of Professional Liability Insurance.**

(a) Each active member of the State Bar of Georgia who is engaged in the private practice of law in Georgia shall disclose on the annual license fee statement whether the member is covered by a policy of professional liability insurance.

(b) The following members shall be exempt from the requirements of this rule:

(1) Members who are employed by a governmental entity or other organization and whose practice is limited to matters concerning the entity or organization;

(2) Members whose practice consists solely of serving as an arbitrator or mediator;

and

(3) Members who are not actively engaged in the practice of law or who do not represent clients.

(c) Every other year, beginning with registration for 2020-2021, each lawyer covered by paragraph (a) who discloses that he or she is not covered by a policy of professional liability insurance shall complete a self-assessment of the operation of his or her law practice or shall obtain malpractice insurance and report that fact on the annual license fee statement for the following year.

(d) The Proactive Management-Based Assistance program is a free interactive online educational program provided by the Bar. It requires the lawyer to assess his or her law office and operations based upon the requirements of the Georgia Rules of Professional Conduct and best-practices for the operation of a law office. Lawyers may earn one hour of Ethics CLE credit for

each module of the self-assessment completed. Upon completion of each module in the Proactive Management Based self-assessment program, the lawyer will receive the results of the self-assessment and suggested resources to help the lawyer address any deficiencies identified by the self-assessment. All information related to the self-assessment shall be confidential and not shared with the Office of the General Counsel, except for the fact of completion of the self-assessment. Neither the Bar nor the lawyer may offer this information into evidence in a disciplinary proceeding. The Bar may report self-assessment data publicly in the aggregate.

(e) The information required by this Rule is due on July 1 of each year. A member who discloses that he or she is not covered by a professional liability insurance policy remains in good standing for one year in order to complete the Proactive Management-Based Assistance Program or to obtain insurance. If the member neither completes the self-assessment required at parts (c) and (d) nor obtains insurance, he or she goes out of good standing on July 1 of the following year. A member deemed not to be in good standing under this Rule shall be returned to good standing upon making the disclosure required in subpart (a) to the Membership Department of the State Bar of Georgia and, if not covered by a policy of malpractice insurance, by completing the self-assessment course.

(f) The Bar will provide the information required by part (a) of this rule upon request from any person but will not publish it as part of the member's listing in the Member Directory on the official website of the State Bar of Georgia.

OPTION 4  
Mandatory Insurance Requirement

**Rule 1-210. Professional Liability Insurance**

(a) All active members of the State Bar of Georgia engaged in the private practice of law in Georgia must be covered by a policy of professional liability insurance, in an amount no less than \$100,000 per claim and \$300,000 in the aggregate (“Minimum Limits”). For any Minimum Limits policy the expenses of defense must be outside the policy limits so that the Minimum Limits stated above are not reduced by payment of attorney’s fees or claims expenses incurred by the insurer for the investigation, adjustment, defense, or appeal of a claim.

(b) The following members shall be exempt from the requirements of this rule:

(1) Members who are employed by a governmental entity or other organization and whose practice is limited to matters concerning the entity or organization;

(2) Members whose practice consists solely of serving as an arbitrator or mediator; and

(3) Members who are not actively engaged in the practice of law or who do not represent clients.

(c) Each lawyer who is required by this rule to have professional liability insurance shall notify the Membership Department of the State Bar of Georgia in writing within 30 days if coverage lapses, is no longer in effect, or terminates for any reason. Each lawyer’s insurance status shall appear in the State Bar Member Directory as either “covered,” “not covered,” or “exempt.”

136 (d) The information required by this Rule is due on July 1 of each year. A member  
137 who does not comply with the requirements of the Rule by September 1 shall cease to be  
138 a member in good standing. A member deemed not to be in good standing under this  
139 Rule shall be returned to good standing upon providing the Executive Director of the  
140 State Bar of Georgia with proof of professional liability insurance coverage.