

PLI Disclosure – Attorney Survey Findings - February 2008

A Professional Liability Insurance Disclosure Survey was distributed first via an e-mail blast to Texas attorneys, and then by making it available through the Bar website. Based upon Bar membership there was a 6.6% response rate. Of those who responded 6,160 (98.2%) completed all of the survey questions.

The first four questions asked for the attorneys' opinions regarding PLI disclosure. The questions and results for the 6,160 attorneys that completed the survey are as follows:

1. Is it in the best interest of the client to know whether an attorney does or does not carry professional liability insurance?

Yes	38.5%
No	61.5%

2. Do you believe that the existence of professional liability insurance is a factor that a person should consider when deciding to retain an attorney?

Yes	34.2%
No	65.8%

3. Should a rule be adopted that requires each Texas lawyer who is in private practice to disclose whether the lawyer has professional liability insurance?

Yes	22.6%
No	77.4%

4. If Texas were to adopt a professional liability insurance disclosure rule, which general approach would be acceptable?

Disclosure to the client directly in writing	24.3%
Disclosure posted on the Bar's website	63.2%
Both	12.5%

The next four questions of the survey asked attorneys about their practice. The questions and results for the 6,160 attorneys that completed the survey are as follows:

5. Do you (or does your firm on your behalf) carry professional liability insurance?

Yes	52.0%
No	48.0%

6. What is your primary occupation?

Private Law Practice	72.9%
Government Attorney	8.8%
Full-Time Judge	1.2%
Corporate/In-House Counsel	7.0%
Other Law Related	3.8%
Other Non-Law Related	2.5%
Retired – Not Working	1.5%
Unemployed – Currently Looking for Work	1.2%
Unemployed – Currently Not Looking	0.5%
Law Faculty	0.5%

7. What is the size of your firm?

Solo Practice	48.7%
2 to 5 Attorneys	23.6%
6 to 10 Attorneys	6.8%
11 to 24 Attorneys	6.8%
25 to 40 Attorneys	3.0%
41 to 60 Attorneys	2.1%
61 to 100 Attorneys	2.1%
101 to 200 Attorneys	1.6%
Over 200 Attorneys	5.4%

8. In which metropolitan area do you practice the most?

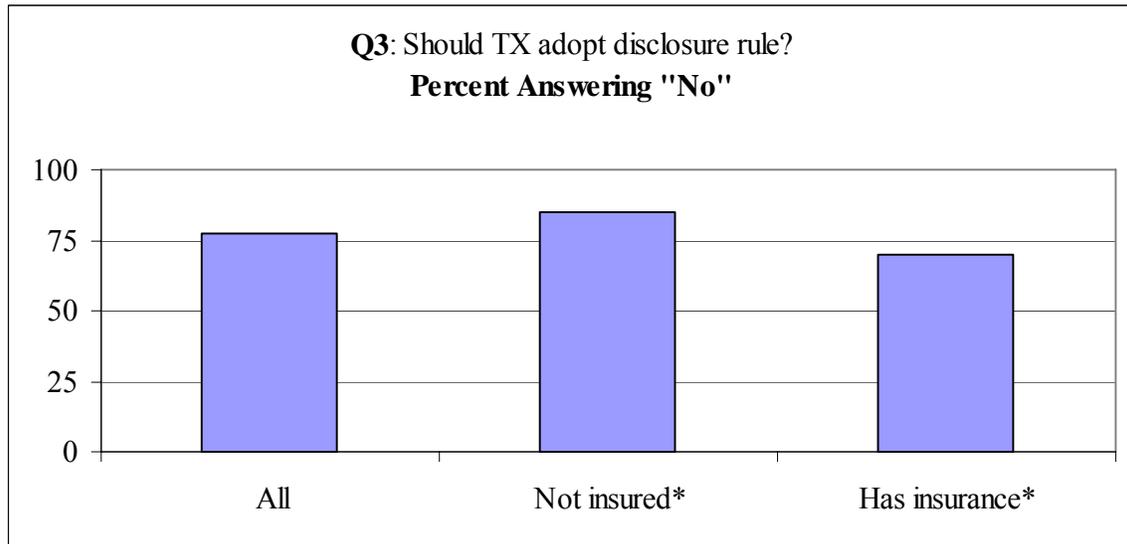
Houston – Sugar Land – Baytown	26.4%
Dallas – Fort Worth – Arlington	27.2%
Austin – Round Rock	11.8%
San Antonio	7.9%
El Paso	1.6%
Corpus Christi	1.7%
Rio Grande Valley	1.9%
Beaumont – Port Arthur	1.1%
Lubbock	1.4%
Tyler	1.3%
Other Answers	17.7%

Other than a larger percentage of solo practitioners completing the survey, the responses for questions 5-8 are comparable to the overall demographics of the Bar.

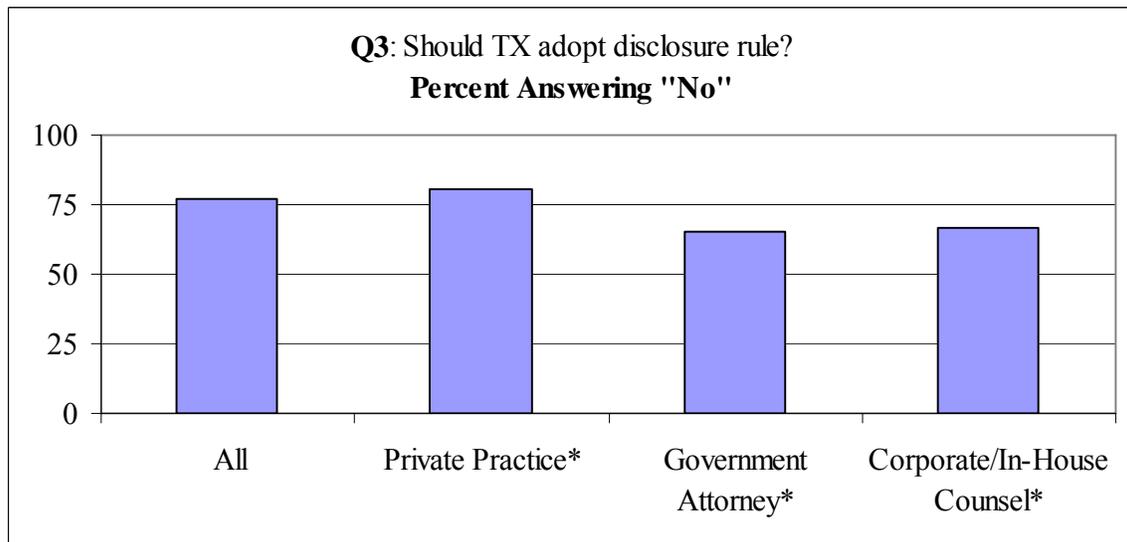
Question 9 was an open text box, which allowed attorneys to type in any comments. Over a third did (36.9%). Those responses are not summarized in this report.

The responses to Question 3 were further analyzed to determine what factors may have influenced an attorney's answer. For the following graphs, an asterisk indicates a statistically significant influence.

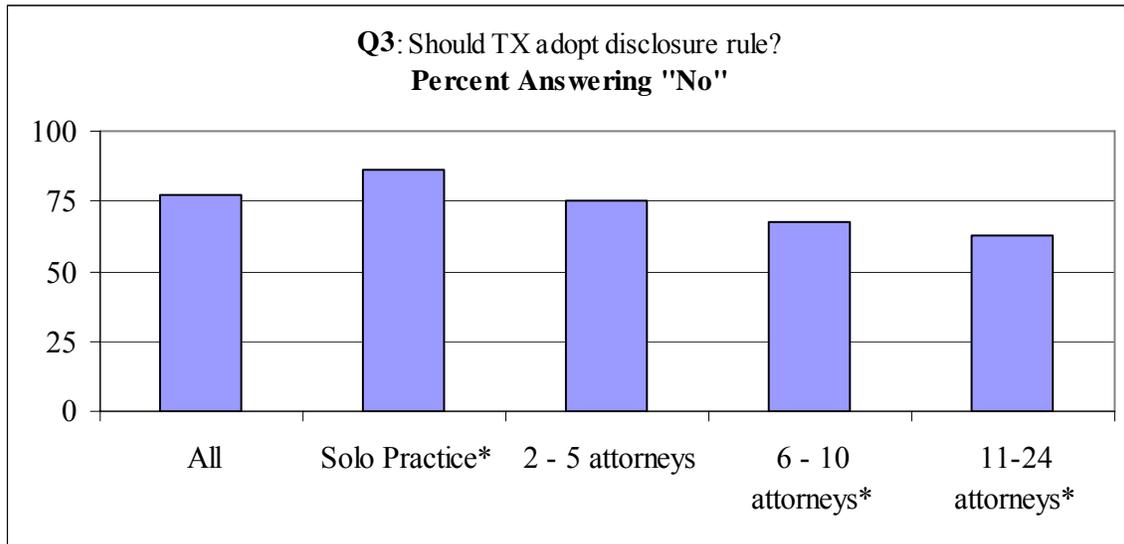
Insurance status (Question 5) did influence how one answered Question 3, with those who do not carry insurance being more likely to not want a disclosure rule.



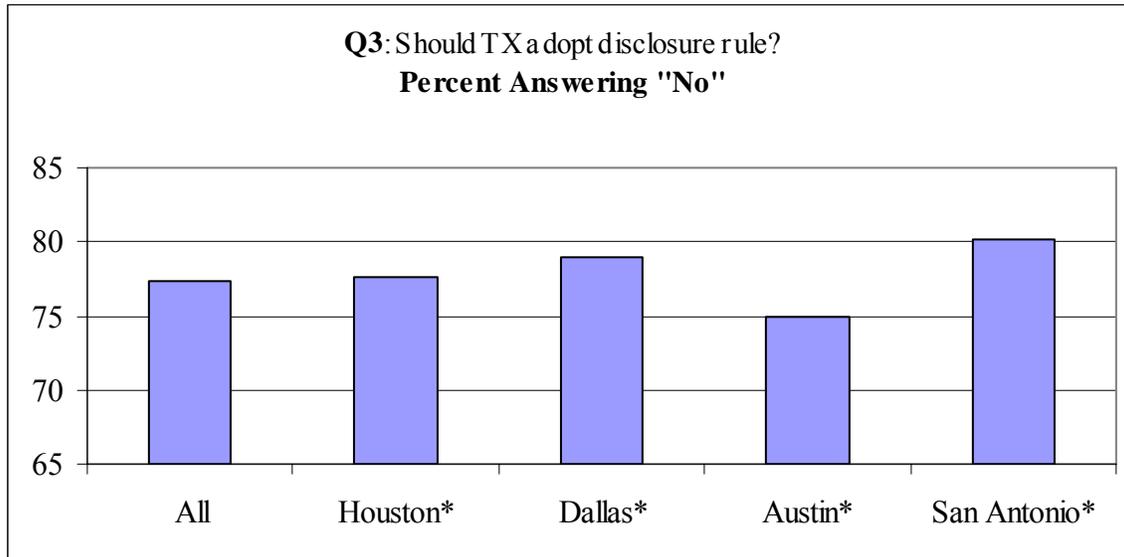
Primary occupation (Question 6) also revealed factors that influenced one's response to the third question. A private practitioner is more likely to report not wanting a disclosure rule.



Firm size (Question 7) also had an impact on how an attorney answered Question 3. Solo practitioners were more likely to not want disclosure.



The larger metropolitan areas (Question 8) were significant factors influencing how an attorney answered the third question. If one practiced in Houston, Dallas, or San Antonio, they were more likely to answer Question 3 negatively.



As seen above, there are factors that can be used to identify when an attorney is less likely to disagree with disclosure of professional liability insurance, including

- they already carry the insurance
- they are a government attorney
- they are a corporate/in-house counsel
- they are in a firm with six or more attorneys
- they practice primarily in Austin

Even within those groups a majority does not want a rule for disclosing PLI.