

WSBA NWSidebar

Posted: November 28, 2017

Idaho Soon to Require Malpractice Insurance

**By Mark J. Fucile
Fucile & Reising LLP**

For Washington lawyers who are also licensed in Idaho, the Idaho Supreme Court amended its licensing rule to require malpractice insurance for lawyers in private practice. The amended rule—Idaho Bar Commission Rule 302(a)(5)—becomes effective January 1, 2018, and lawyers who are completing their licensing renewals this Fall should expect to see questions concerning coverage on the renewal forms. Under the amended version of I.B.C.R. 302(a)(5), lawyers in private practice will need to maintain professional liability insurance with minimum limits of \$100,000 per occurrence and \$300,000 as an annual aggregate.

In doing so, Idaho joins Oregon regionally in requiring malpractice insurance for lawyers in private practice. Oregon requires lawyers in private practice to carry coverage with at least a \$300,000 annual aggregate. Alaska currently does not require coverage but does require written disclosure by lawyers in private practice to clients under Alaska RPC 1.4(c) if the lawyer does not maintain insurance with limits of at least \$100,000 per claim and a \$300,000 annual aggregate. As discussed in the September issue of the *NWLawyer*, Washington is in the preliminary stages of examining whether lawyers in private practice should be required to maintain some level of malpractice coverage.

ABOUT THE AUTHOR

Mark J. Fucile of Fucile & Reising LLP handles professional responsibility, regulatory and attorney-client privilege issues for lawyers, law firms and corporate and governmental legal departments throughout the Northwest. Mark has chaired both the WSBA Committee on Professional Ethics and its predecessor, the WSBA Rules of Professional Conduct Committee. Mark is also a former member of the Oregon State Bar Legal Ethics Committee and is a current member of the Idaho State Bar Section on Professionalism & Ethics. Mark writes the monthly Ethics Focus column for the Multnomah (Portland) Bar's *Multnomah Lawyer*, the quarterly Ethics & the Law column for the WSBA *NWLawyer* and is a regular contributor on legal ethics to the WSBA *NWSidebar* blog. Mark is a contributing author/editor for the current editions of the OSB *Ethical Oregon Lawyer*, the WSBA *Legal Ethics Deskbook* and the WSBA *Law of Lawyering in Washington*. Before co-founding Fucile & Reising LLP in 2005, Mark was a partner and in-house ethics counsel for a large Northwest regional firm. He also teaches legal ethics as an adjunct for the University of Oregon School of Law at its Portland campus. Mark is admitted in Oregon, Washington, Idaho, Alaska and the District of Columbia. He is a graduate of the UCLA School of Law. Mark's telephone and email are 503.224.4895 and Mark@frllp.com.