2023 ANNUAL REPORT

TABLE OF CONTENTS

MESSAGE FROM THE CEO	3
FINANCIAL REPORT	4
CLAIMS DEPARTMENT A. Satisfaction Survey B. Repairs Experience C. Claims Experience D. Frequency and Severity E. Covered Party Demographics	7 7 8
PMAP AND OAAP SERVICES A. Practice Management Assistance Program B. Oregon Attorney Assistance Program C. Legal Education and Resources	12 15
EXCESS PROGRAM	18

CHARTS AND GRAPHS

Primary Claims and Administrative Expenses 5	5
Primary Assessments and Investment Revenue 5	5
Operating Costs by Department	5
Participating Attorneys	5
Summary Financial Statements (Unaudited)6	ô
Claims Department Satisfaction Survey	7
Successful Repairs	7
Repair vs. Non-Repair Claim Count	8
Repair vs. Non-Repair Closed Claim Costs 8	8
New Claims by Year	8
Average Cost per Closed Claim	8
Average Cost per Closed Claim	
(Indemnity vs. Expense)	8
Closed Claims (Litigated and Non-Litigated) 9	9
Payment Allocation of Closed Claims	9
Non-Litigated Closed Claims Status	9
Litigated Closed Claims Status	9
Highest Frequency Claims by Area of Law10	Э
Highest Severity Claims by Area of Law10	Э
Covered Parties by Years in Practice1	1

Covered Parties by Size of Firm	11
Claim Frequency by Years in Practice	11
Claim Frequency by Size of Firm	11
Average Cost of Claim by Years in Practice	11
Average Cost of Claim by Size of Firm	11
PMAP Assistance and Events	12
PMAP Access by Region	13
Areas of PMAP Assistance	13
PMAP Interactions by Region	14
Top 10 CLE Topics Streamed	14
Top 10 Practice Aid Categories Downloaded	14
OAAP Assistance and Events	15
People Served by the OAAP	16
OAAP Access by Region	16
OAAP Access Outside Portland Metro Area	16
Areas of OAAP Assistance	16
Excess Program Number of Firms by Size of Firm.	18
Excess Program Attorneys & Firms	
Coverage Limits	19
Excess Program Participation	19

MESSAGE FROM THE CEO

Reflecting on 2023, I am happy to report that the PLF had a busy, productive year. For those of you tracking our financial performance, things are looking stable. The claim count is still lower than before the pandemic, though we're seeing an upward trend in claim severity. While markets continue to be volatile, the PLF made sizeable gains in our investment portfolio to help offset 2022's losses. To maintain fiscal stability amid high inflation and other financial stressors, we reinstated the \$3,500 assessment for 2024 primary coverage, the first increase in 13 years. The assessment was last raised in 2011, when it increased from \$3,200 to \$3,500. In the intervening years, the assessment was decreased by \$200 (in 2019) and our covered parties were provided a one-time \$300 discount in 2022.

On an exciting note, 2023 was a year of connection and education as we hosted our peer organizations from across the U.S. and Canada to join us in Eugene for the National Association of Bar Related Insurance Companies annual conference (NABRICO). Our speakers covered topics of interest and importance to the LPL (lawyer professional liability) market, including gaining a better understanding of claims by non-clients; new innovations in regulating the legal profession; social connectedness and mitigation of malpractice risk; how AI can improve the practice of law; basics of the dark web and what lawyers should be aware of; and how to manage escalating damages including nuclear verdicts, litigation funding, and social inflation. We had the chance to showcase the beauty of the Willamette Valley and the Oregon Coast, along with sharing some fun trivia about the unique and interesting place we call home. Did you know that Tater Tots were invented in Ontario, Oregon? Or that Oregon is the home to what is believed to be a one-of-a-kind bigfoot trap in Jackson County?

As artificial intelligence continues to make headlines and integrate with the working world, the PLF has been paying attention. Our staff have embarked in earnest on becoming well versed in generative Al and its potential benefits and pitfalls for the legal profession. While you can find plenty of sensational stories about lawyers countrywide creating issues for themselves and their clients with GenAl tools, there are also many exciting innovations transforming the practice of law. If you haven't already done so, be sure to read our two-part article written by PMAP Director Hong Dao in the PLF newsletter *in*Brief, exploring ChatGPT's

capabilities, limits, and risks for lawyers. We pride ourselves on our expertise in malpractice trends, in Oregon and beyond, as well as keeping on the forefront of legal tech developments. Generative Al presents a fascinating new frontier that we are already exploring.

The PLF continues to model best practices in risk management with robust wraparound assistance to the legal community. This array of programs and services includes extensive support for the well-being of the profession through the OAAP; cutting-edge practice management advice through the PMAP; top-notch claims handling, guidance, and mitigation through our Claims Department, defense counsel, and repair counsel; and a vast online library of legal education and other resources.

Finally, the staff at the PLF remained largely stable during 2023, though we did bid adieu to two longtime team members, Claims Assistant Nancy Brown and Executive Assistant Cindy Hill, who retired after 18 and 35 years, respectively. We thank them for their many years of dedicated service to the PLF and the Oregon legal community.

Megan Livermore

Chief Executive Officer Oregon State Bar Professional Liability Fund meganl@osbplf.org 503.726.1476

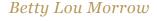
FINANCIAL REPORT

I do my best thinking on my solitary early morning runs. As I contemplated what I wanted to share with you in our annual report, the concept of how we respond to a rapidly changing cyber environment kept surfacing. In my role as CFO, Information Technology falls under my purview and IT occupies a lot of mental space in my runs. But before I get to that, let me relate some important financial information from 2023.

- 1. The assessments that covered parties pay do not fully cover the cost of claims and operations combined. In a challenging year like 2022—when we lost approximately 13% of the value of our portfolio—that fiscal reality may have caused sleepless nights. The very good news is that the markets stabilized in 2023. Holding fast to our asset allocation and not giving in to impulses to divest underperforming funds meant we achieved a 10% increase in portfolio value in 2023. Against the backdrop of inflationary increased costs, the 10% ROI was very welcome.
- 2. The PLF's net position increased by \$5,475,427. That is up dramatically from a loss to net position in 2022 of \$12,709,139. The reverse in our financial health was largely due to the turnaround in our stock portfolio.
- 3. The frequency (number) of new claims remains lower than normal. In 2019, the last full year pre-Covid, the PLF had 891 new claims with new claims trending upward. In 2023, we had 628 new claims. By contrast, severity (the cost of a claim) has climbed up during that time. In 2019, the average cost of a claim closed in that year was \$19,908. In 2023, the average cost of a closed claim was \$22,956. This upward trend is not surprising, however, given the inflationary increases we have experienced across all metrics in our personal and professional lives.

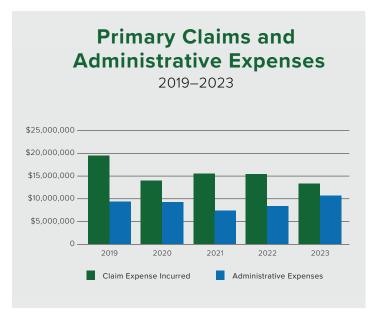
Back to my early morning runs and thoughts of the cyber world. In 2023, Al was ubiquitous. It didn't matter where you lived or how your work engaged you with the world, everyone was talking about generative Al. The PLF is no exception as we move forward to integrate Al into various aspects of our organizational ecosystem. Fiscal and the practice management attorneys are piloting the rollout. Consistent with excellent cyber hygiene, we are setting up an abundance of guardrails to secure our systems and protect our data, while giving staff the tools to explore this developing tech space. We are excited to create best practices and share what we are learning about the evolving applications, risks, and benefits of Al for the legal community in Oregon.

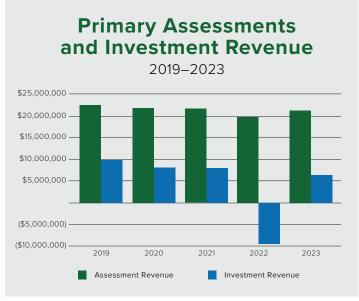
We have also embarked on the journey of transitioning away from the much-loved and much-maligned legacy software that drove most everything at the PLF. The process has not been painless and there are times when the old green screen looks pretty darn good. But into that brave new world we must go. And go we will.



Chief Financial Officer Oregon State Bar Professional Liability Fund











SUMMARY FINANCIAL STATEMENTS (Unaudited)

(Primary and Excess Programs Combined)

	12/31/2023	12/31/2022
ASSETS		
Cash and Investments at Market	\$70,452,160	\$64,279,446
Other Assets	\$1,725,111	\$1,730,905
Capital Assets	\$10,853,152	\$10,747,533
PERS Related Deferred Outflow of Resources	\$2,084,410	\$2,084,409
TOTAL ASSETS	\$85,114,833	\$78,842,293

LIABILITIES AND FUND EQUITY		
Estimated Liabilities For Claim Settlements and Defense Costs	\$28,900,000	\$29,700,000
Deferred Revenues	\$12,644,994	\$11,010,721
Lease Liability	\$10,483,671	\$10,483,671
Other Liabilities	\$1,188,255	\$981,356
PERS Pension Liabilities	\$5,367,708	\$5,434,175
PERS Related Deferred Inflow of Resources	\$1,519,526	\$1,519,526
Net Position	\$25,010,679	\$19,712,844
TOTAL LIABILITIES AND NET POSITION	\$85,114,833	\$78,842,293

	12/31/2023	12/31/2022
REVENUE		
Assessments	\$21,678,629	\$20,871,862
Investment and Other Income	\$7,729,415	(\$9,480,672)
TOTAL REVENUE	\$29,408,044	\$11,391,190

EXPENSE		
Operations	\$10,596,574	\$9,993,934
Provision for Settlements	\$7,754,009	\$8,495,919
Provision for Defense Costs	\$5,582,034	\$6,904,900
TOTAL EXPENSE	\$23,932,617	\$25,394,753
NET INCOME	\$5,475,427	(\$14,003,563)

CLAIMS DEPARTMENT

Like many in the legal profession, the PLF has had to adapt to a hybrid work environment. The changes we've made in the Claims Department over the last couple of years will enable us to address claims and the other needs of our covered parties in a post-Covid world. We also continued to monitor events in the legal community that may impact malpractice issues. Most of what we observed in 2023 was the courts still working out matters from the pandemic, such as the tolling of the statute of limitations during the state of emergency. As always, it is challenging to predict what we will see going forward, but it appears things are normalizing more each year.

A. SATISFACTION SURVEY

As a mandatory program, the PLF believes it is important to provide our covered parties (OSB members who purchase PLF malpractice coverage) an opportunity to express their opinions and give feedback on the handling of their claims. Since the early 1990s, we have sent evaluation forms to covered parties at the completion of their claim files. Given the relatively new hybrid work environment with more Bar members working remotely, it is important to stay connected to the legal professionals we serve. We are pleased to report that the evaluations in 2023 were extremely positive, which is consistent with what we have seen historically. Most every covered party who responded was satisfied or very satisfied with the overall claims handling, the performance of the PLF claims attorney, and the performance of the defense counsel or repair attorney.

PLF OVERALL		
Satisfied:	Very Satisfied:	
7.35%	93.65%	

PLF CLAIMS ATTORNEYS		
Satisfied:	Very Satisfied:	
6.62%	93.38%	

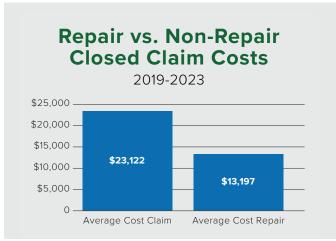
DEFENSE COUNSEL		
Satisfied:	Very Satisfied:	
10.98%	89.02%	

B. REPAIRS EXPERIENCE

When the PLF is informed about a potential malpractice issue, the claims attorneys first assess whether the situation can be repaired and a claim avoided. The PLF may, in our sole discretion, choose to engage in repair efforts on behalf of covered parties. (See Section I(B)(2) of the 2023 PLF Primary Coverage Plan and PLF Policy 4.300.) Typically, we attempt to repair a potential claim when we can identify a specific error that might be corrected by a limited representation. There is no guarantee we will engage in a repair or, if we do, that the repair effort will succeed. Often, circumstances demonstrate that a repair is not a viable option. The decision is guided by the judgment and experience of the claims attorneys. The majority of repairs are successful in either eliminating any potential claim or limiting the damages. While repair efforts still involve costs, they are much lower than the cost of a claim. The average cost of a repair file when examining files from January 1, 2019, to the end of 2023 was \$13,197, compared with \$23,122 for the average cost of a claim file over the same time period.

From January 1, 2019, to December 31, 2023, there were 379 attempted repairs. Of those, 337 (89%) were successful.

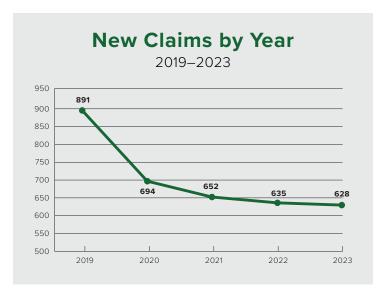


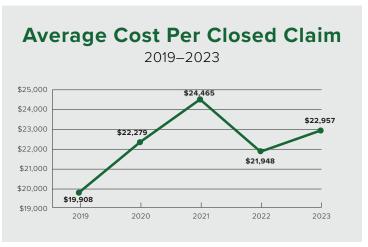


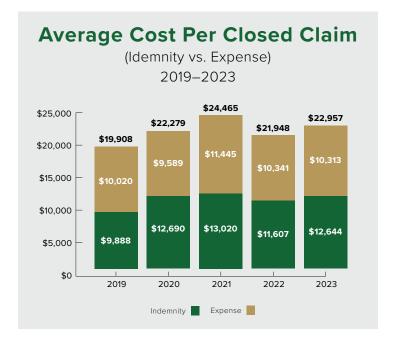
C. CLAIMS EXPERIENCE

The decline we are witnessing in new claims, which began during the pandemic, continued into 2023. A steady rise had led to 891 new claims in 2019. That number dropped to 694 new claims in 2020 and has steadily declined through 2023, when we saw 628 new claims—7 fewer than the previous year. From 2019 to 2021, the average cost of our closed claims was steadily increasing. Then in 2022, we saw that number decrease by approximately \$2,517 per claim. In 2023, this figure rose once again by \$1,009, bringing the average cost of a closed claim to \$22,957. The change in direction is attributable to a \$1,037 increase in the average indemnity cost per claim, while the average expense cost per claim decreased by \$28.

The disposition of claims has remained relatively consistent. During the time frame of 2019 to 2023, we closed 3,645 claim files. Of these, 3,130 were not litigation files and the remaining 515 files did involve



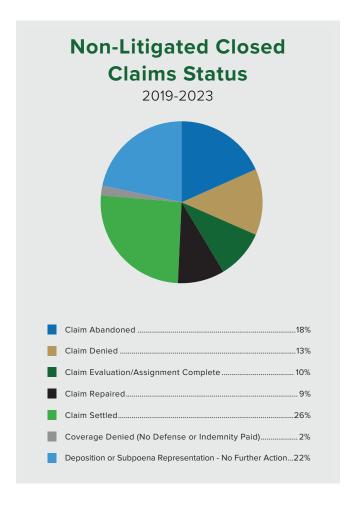


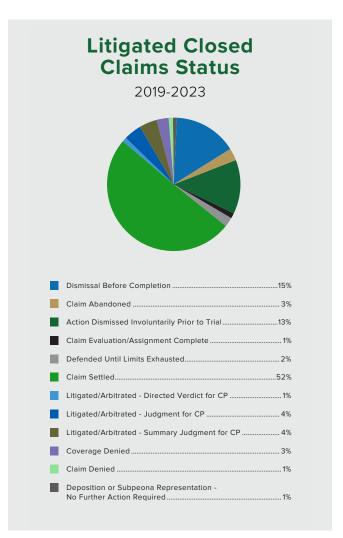


litigation. The disposition of the non-litigated claims shows, in that same period, approximately 26% of the claims were settled, 18% were abandoned, and 13% were denied. About 22% of the non-litigated claims did not have actual claims; rather, they were files in which we provided our covered parties representation for a deposition or subpoena. In reference to the litigated claims in the same timeframe, half (50%) were settled before a trial or hearing. Many of the remaining litigated claims were dismissed, voluntarily or involuntarily, before litigation was complete.







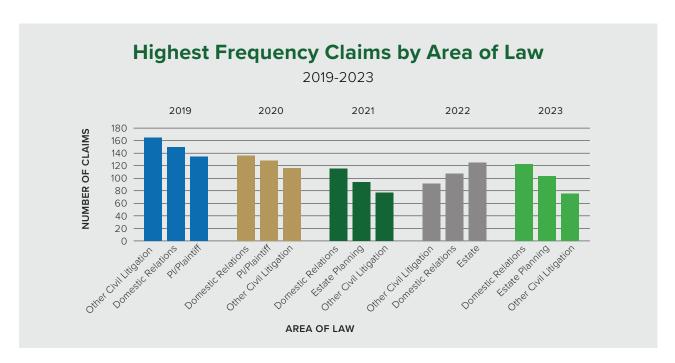


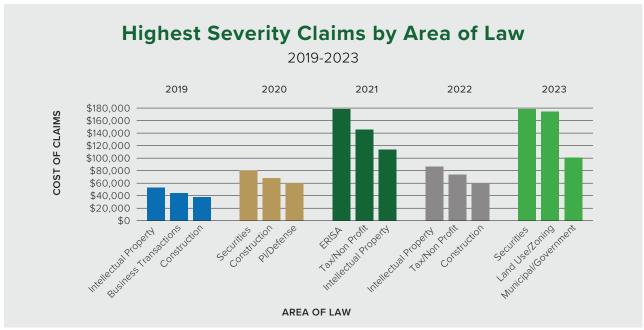
D. FREQUENCY AND SEVERITY

From 2019 through 2023, domestic relations had one of the highest number of claims among the areas of law in which we see claims. This has traditionally been the case with family law, although these claims are not necessarily high in severity. In terms of severity during that same time period, the larger costs stemmed from cases involving securities, land use and municipal government.

Matthew Borrillo

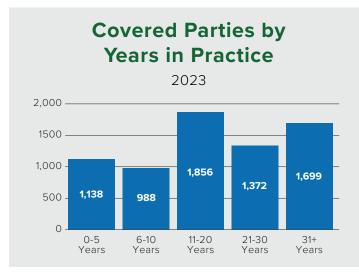
Director of Claims Oregon State Bar Professional Liability Fund

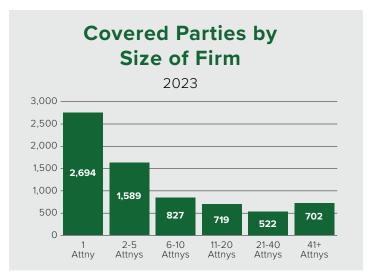


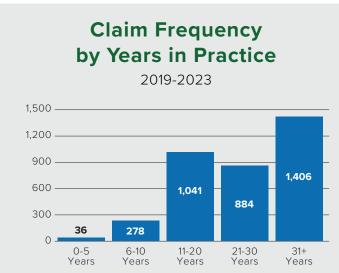


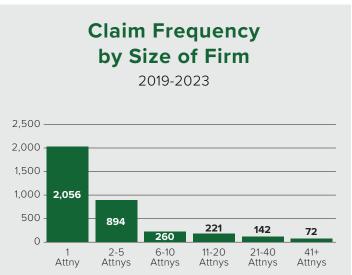
E. COVERED PARTY DEMOGRAPHICS

In addition to areas of law, we also capture certain demographics of the Oregon legal community so we can follow trends and better focus how we serve our covered parties.

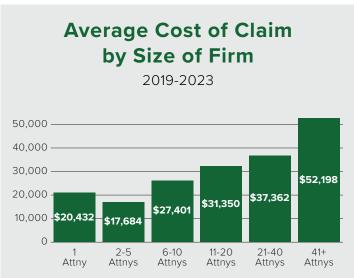












PMAP AND OAAP SERVICES

The PLF provides the Oregon legal community with free and confidential law practice management assistance through its Practice Management Assistance Program (PMAP), personal assistance through its free and confidential Oregon Attorney Assistance Program (OAAP), and legal education and resources for risk management.

A. PRACTICE MANAGEMENT ASSISTANCE PROGRAM

The PLF's Practice Management Assistance Program (PMAP) provides free and confidential assistance to all Oregon State Bar members regarding the management of their law practice. PLF practice management attorneys (PMAs) are available to offer information, guidance, and resources on various aspects including office systems and procedures, employment transitions (joining/departing a firm, contract lawyering, of-counsel arrangement), opening/closing a law practice, office and staff administration, financial management (including trust accounting), technology, cybersecurity, time management, productivity, and more.

Key Themes in 2023

The PMAs identified the following key themes representing the most prevalent issues prompting lawyers to seek assistance from our department. The surge in interest in paperless office systems, along with inquiries about selecting the right practice management software, highlighted the need for guidance in adapting to technological changes. We also observed significant shifts in employment dynamics, with more individuals departing law firms or exploring alternative career opportunities, leading to increased inquiries about PLF coverage and law practice transitions. Trust accounting concerns, particularly regarding unclaimed funds and settlement issues, emphasized the importance of our assistance in navigating financial matters. Additionally, our role as the primary resource hub for legal professionals was underscored by the continued demand for various resources, including sample agreements, templates, and forms.

PMAP ASSSISTANCE AND EVENTS IN 2023



1,200+
people attended
PMAP events and



The PMAs had 832 interactions with lawyers in 2023

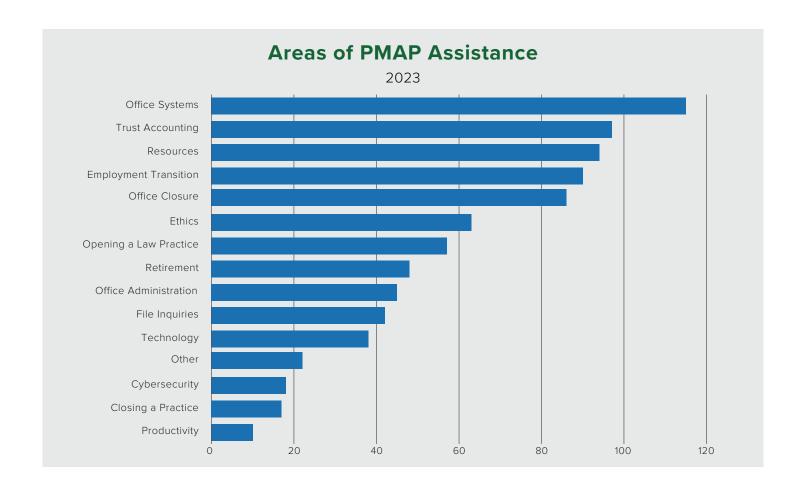
Interaction and Support Metrics

In 2023, the PMAs had 832 interactions with legal professionals across various areas, with office systems emerging as the top area of assistance, followed by trust accounting and requests for resources. Our support in office systems covers diverse aspects of law practice like client relations, fee agreements, calendaring, conflict systems, file management, and more. Phone calls remain a primary means of seeking assistance, although we've noticed a slight uptick in alternative communication methods such as website and email inquiries.

Education and Outreach Efforts

We strategically reduced the number of PLF-sponsored CLEs in 2023 to focus on reviewing and updating over 300 practice aids and producing four targeted CLEs on "Avoiding Malpractice in Today's Changing World," "Understanding Your Firm's Cybersecurity Obligations and Exposures," Handling Personal Injury Cases: Malpractice Traps and Ethical Concerns for Lawyers," and "Excellence, Perfectionism, and Well-Being." These initiatives were informed by insights from claims data and aimed at enhancing resources for lawyers in technology and office systems.

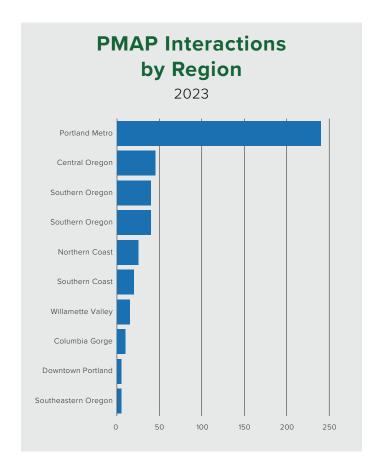
The PMAs also actively engaged in presenting on various topics to different bar associations, organizations, and legal professional groups. Notably, we produced recorded CLEs for the Oregon State Bar's Licensed Paralegal Program, focusing on trust accounting and limited-scope law practice management. These efforts reflect our commitment to providing accessible and relevant risk management education to the legal community.

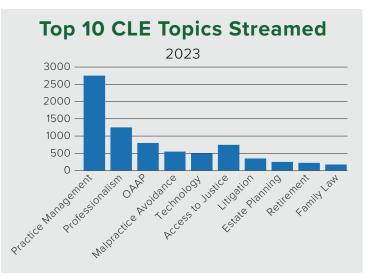


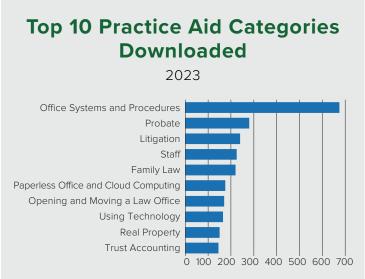
Content Creation and Dissemination

We maintain a comprehensive database of 304 revised and updated practice aids, covering diverse practice management topics and substantive areas of law. In addition to practice aids, we oversee three books covering opening a law practice, managing a trust account, and planning for the unexpected, all of which underwent significant revisions in 2023 to enhance accessibility and user experience.

Our *in*Practice blog and other publications have been instrumental in disseminating practical articles and resources to legal professionals. In 2023 alone, our blog received an impressive 22,175 views, with posts covering topics ranging from office systems to technological advancements and risk management. We also contributed 25 articles across various platforms, offering practical insights and tips for legal professionals. This extensive coverage reflects our ongoing effort to stay technologically adept and current in the ever-evolving legal landscape.







B. OREGON ATTORNEY ASSISTANCE PROGRAM

The Oregon Attorney Assistance Program (OAAP) is a confidential service provided by the PLF to assist members of the Oregon legal community with well-being and personal challenges, including stress management and behavioral health concerns like substance misuse, mental health conditions such as depression and anxiety, career transition, retirement, trauma and vicarious trauma, and relationship stress. The OAAP offers short-term individual counseling, referrals to community resources, support groups, workshops, CLEs, and other educational programs. The OAAP Attorney Counselors Douglas Querin, Kyra Hazilla, Bryan Welch, and Kirsten Blume are lawyers and also professionally trained counselors.

In 2023, the attorney counselors presented 45 CLEs, trainings, and workshops on these topics to bar associations, community groups, and legal employers large and small: attorney well-being; stress management; mindfulness; trauma informed lawyering; trauma response lawyering; compartmentalizing and connection; OAAP resources; a conversation on humanity in the practice of law; procrastination; secondary trauma; burnout; procrastination; and mental health and substance use.

OAAP ASSISTANCE AND EVENTS IN 2023

The OAAP had **1977** individual contacts in 2023

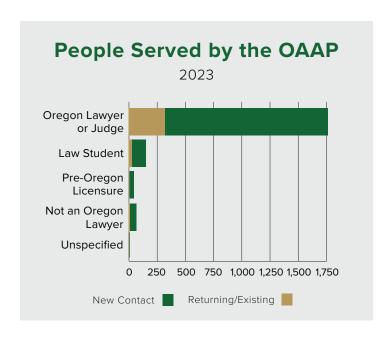


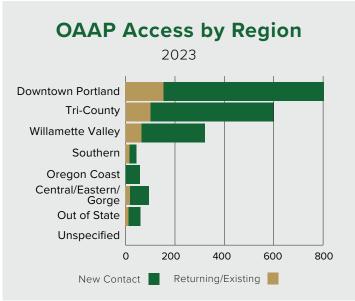
2400+
people
attended
OAAP events

The OAAP offered education and support groups on these topics in 2023: depression and anxiety; lawyers, judges, and law students with ADHD; trans law professionals peer support; a wellness retreat for those who identify as women or nonbinary; finding meaningful work; a REBAR support group for retakers of the Oregon Bar; mindfulness; divorce support; and recovery mettings. The attorney counselors also made in-person appearances at all three Oregon law schools, presenting to clinical and foundations classes, student groups, as well as attending orientation events and hosting drop-in "office hours". In addition, the attorney counselors planned and presented a statewide training on suicide intervention strategies, as well as a number of trainings for audiences on secondary trauma, lonliness, and connection in the profession.

The attorney counselors wrote a number of different articles during 2023. The OAAP's quarterly publication, *in*Sight, offers educational information, personal stories, details about upcoming OAAP events, and resources to help legal professionals thrive in law and in life. In 2023, *in*Sight featured several articles authored by the attorney counselors: "How Anxiety, Depression, Stress, Drinking Impact Lawyers," "The OAAP: Providing Confidential Help for Over 40 Years," "Oregon's Well-Being Action," "The Heartfelt Importance of Social Connection During the Holiday Season," "Fostering Connection in a Lonely Profession," "Meaningful Connections at Work," and "Social Connections: An Essential for Well-Being." Other *in*Sight articles in 2023 included "Keys to a Successful Return to the Office: Accounting for the Emotional Toll of the Pandemic" and "Five Steps to Overcome Stigma as an Individual in the Legal Profession." Additionally, the attorney counselors wrote and contributed to articles featured in the Oregon State Bar *Bulletin* in 2023: "Help Is Available: Growing Concern About Lawyers and Thoughts of Suicide," "Uncivil Dispute: Are Our Professional Interactions Getting More Hostile?" (interview with Kyra Hazilla), and "President's Message: Now Is the Time to Focus on Your Well-Being – My Mental Health Story" (resource sidebar).

The OAAP's blog, *Thriving Today*, provides current information, tips, and insights to enhance well-being in the legal profession. The attorney counselors blogged about the following topics in 2023: the case for mindfulness, changing the conversation around eating disorders, well-being week in law 2023, chair yoga for the legal community, the importance of taking time off, saving a summer shower, recognizing world mental health day, and moderation during the holidays.

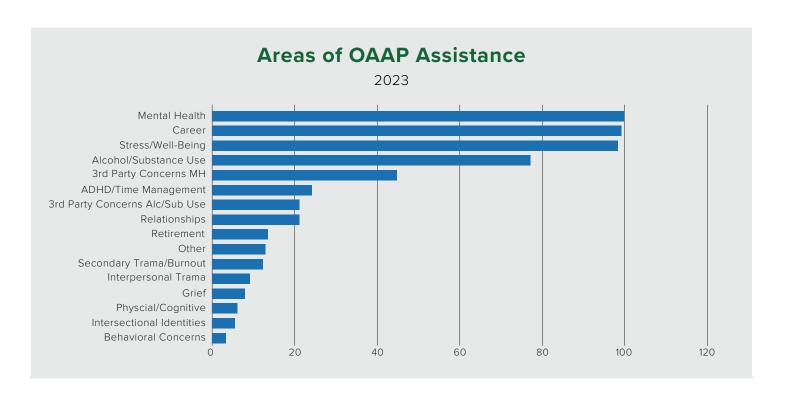




OAAP Access Outside Portland Metro Area

2023

Geographic Area	Percentage of Lawyers in the Geographic Area (OSB data)	Percentage of Lawyers Served by OAAP
Willamette Valley	16.7%	16%
Southern	3.7%	4%
Eastern	5.3%	5.6%
Coast	2.1%	2.5%



C. LEGAL EDUCATION AND RESOURCES

The PLF offers a number of different educational resources to assist Oregon legal professionals, including:

- 130+ audio and video programs (CLEs and other educational presentations)
 - 9 CLEs released in 2023
 - 90 total presentations in 2023
- inBrief publication information on how to avoid legal malpractice, technology updates, practice tips, and resources of interest to Oregon practitioners
- inPractice blog practice management tips and resources
- 520+ forms (checklists, sample letters, and other practice aids)

• 4 PLF books:

- A Guide to Setting Up and Running Your Law Office (2019)
- A Guide to Setting Up and Using Your Lawyer Trust Account (2018)
- Oregon Statutory Time Limitations (2022)
- Planning Ahead: A Guide to Protecting Your Clients' Interests in the Event of Your Disability or Death (2015)
- inSight publication support and information to help legal professionals improve the quality of their lives
- Thriving Today blog current information, tips, and insights to enhance well-being in the legal profession

The PLF also presents an annual practical skills seminar for new admittees to the Oregon State Bar and lawyers entering private practice in Oregon called "Learning the Ropes." This "Ropes" program helps bridge the information gap between law school and private practice. Attendance at the full program satisfies MCLE requirements for new admittees' first reporting period. The full 2023 program includes individual CLE presentations on the following topics: avoiding malpractice in today's changing world; excellence, perfectionism, and well-being; understanding your firm's cybersecurity obligations and exposures; handling personal injury cases; and lawyer well-being.

Hong Dao

Director of the Practice Management Assistance Program (PMAP)

Oregon State Bar Professional Liability Fund

Kyra Hazilla

Director of the Oregon Attorney Assistance Program (OAAP) Oregon State Bar Professional Liability Fund

EXCESS PROGRAM

The PLF Excess Program offers private practice attorneys in Oregon increased coverage limits to further protect their practices from legal professional liability lawsuits against them. The mandatory Primary Program has limits of \$300,000 indemnity, with an additional \$75,000 expense allowance. The Excess Program offers limits ranging from \$700,000 to \$9.7 million.

With sustained upward pressure on our Excess Program's reinsurance rates, the average increase for a renewing firm was 5.6% for limits up to \$1.7 million and 3.8% for coverage with limits up to \$4.7 million. As a point of reference, the national Consumer Price Index for all items—unadjusted for the 12 months ending December 2023—was 3.4%.

Cyber Liability &
Breach Response
Endorsement Included

1-10 Attorneys \$100,000 Limit
11 + Attorneys \$250,000 Limit



Applications accepted year-round. www.osbplf.org/excess/excess-portal

Reinsurers of professional liability coverage have identified three areas of exposure driving up rates:

- 1. Nuclear verdicts verdicts higher than \$10 million.
- 2. Social inflation an increase in rates greater than the CPI, driven by social justice movements and claims that may arise from them.
- 3. Third-party litigation funding funding provided by third parties that can extend the time and escalate the cost to resolve claims, due to the additional funds made available.

The PLF strives to distinguish itself as a unique provider of Excess coverage in the country. We come to meetings with our Excess reinsurers prepared with research and statistics to demonstrate that Oregon's legal ecosystem is singular, with significantly reduced exposure to these three risks compared with national professional liability insurers. Our Primary program allows the PLF to nimbly repair and resolve claims while building and maintaining a strong legal community in our state. It is always our intention to offer the best possible Excess coverage—especially for small and solo firms—at the best possible premium.

The Cyber Liability and Breach Response Endorsement remains a boon to firms with PLF Excess Coverage. Nine cyber claims were reported under this Endorsement in 2023. Anecdotally, firms were very satisfied with the incident response and claims handling. We are pleased to be able to provide this peace-of-mind coverage to Oregon law firms.

The PLF Excess Program remains a stable source of higher-limits coverage for Oregon firms. Retention levels—the percentage of firms renewing coverage each year—continue to be high at 93%. In 2023, the PLF covered 709 law firms and 1,858 attorneys at the Excess level. Of those, nearly 90% of covered attorneys practiced in firms of five or fewer lawyers.

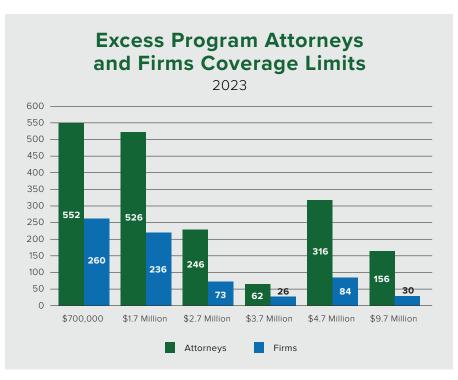


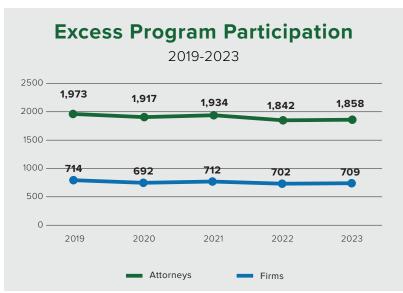
The PLF is proud to serve as a trusted provider of higher-limits coverage to Oregon law firms—particularly small firms and solo practitioners. Our Excess Program continues to be entirely reinsured and financially independent from the mandatory PLF Primary Coverage Program.

Betty Lou Morrow Chief Financial Officer Oregon State Bar Professional Liability Fund

Emilee Preble

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