

JAMISONPRO APPLICATION

INTELLECTUAL PROPERTY LAWYERS PROFESSIONAL LIABILITY INSURANCE

NOTICE: THIS IS AN APPLICATION FOR A CLAIMS MADE POLICY

Insurer:

CNA Insurance Companies
CNA Plaza
Chicago, IL 60685

Administrator:

Herbert L. Jamison & Co., L. L. C.
100 Executive Drive
West Orange, New Jersey 07052-3362
(800) 526-4766 or (973) 731-0806

Agent: Paragon Underwriters, Inc.

NOTICE

THE LIMITS OF LIABILITY AVAILABLE TO PAY JUDGMENTS OR SETTLEMENTS SHALL BE REDUCED BY AMOUNTS INCURRED FOR LEGAL DEFENSE. FURTHER NOTE THAT AMOUNTS INCURRED FOR LEGAL DEFENSE SHALL BE APPLIED AGAINST THE DEDUCTIBLE AMOUNT.

- 1. A. Name of Applicant: Individual Partnership Limited Liability Partnership Professional Corporation Other (Specify)
B. Street / Mailing Address: City: County: State: Zip Code:
C. Telephone Number: Federal Tax I.D. Number:
D. E-Mail Address: Website Address:
E. Branch Office Address(es): State "Not Applicable", if none. Attach a separate addendum if additional space is required.

F. Attach copies of all letterheads used by the Applicant.

G. Date Commenced Business: / /

2. Expiration date of Applicant's current Lawyers Professional Liability policy: / /

3. Staffing

A. Total number of Lawyers: This Year Last Year

B. Total number of staff this year by category:

Principals: Employed Lawyers: Patent Agents: Paralegals:
Of Counsel: Indep. Contractor Lawyers: Docket Clerks: All Other :

C. Please complete SUPPLEMENT 1 attached.

4. Has the name of the Applicant changed or has any other firm or organization amalgamated with or been merged into the Applicant? Is there any pending change in the name of the Applicant or pending or contemplated amalgamation or merger? Yes No

If "yes", please give full particulars on a separate addendum.

5. List all predecessors of the Applicant (predecessor means an attorney, firm or professional legal corporation engaged in the practice of law to whose financial assets and liabilities the Applicant is the majority successor in interest), for which coverage is being applied. NOTE: Coverage for predecessors is not automatically provided, and is subject to Underwriters' approval.

**IF THIS QUESTION IS LEFT BLANK, COVERAGE WILL NOT BE PROVIDED FOR ANY PREDECESSOR FIRM(S):**

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6. Does the Applicant or any member thereof, or any of the Branch Office(s) disclosed in Question #1E above (if applicable) have any office sharing and / or expense sharing arrangement with any other lawyer(s) and / or law firm(s)? Yes  No

**If "yes", provide complete details below, and attach a copy of the firm's letterhead to this application.**

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**ACTIVITIES**

7. **Billings**

- A. Total Gross Billings (whether collected or not, including estimate of contingent fee) for:

Last Fiscal Year: \$ \_\_\_\_\_ for 12 months ending: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Current Fiscal Year: \$ \_\_\_\_\_

- B. Indicate Percentage of Total Gross Billings derived from each of the following Areas of Practice:

- 1) Intellectual Property Litigation \_\_\_\_\_ %
- 2) Patent Infringement Counseling \_\_\_\_\_ %
- 3) Domestic Intellectual Property Licensing \_\_\_\_\_ %
- 4) Foreign Intellectual Property Licensing \_\_\_\_\_ %
- 5) Domestic Patent Prosecution \_\_\_\_\_ %
- 6) Foreign Patent Prosecution \_\_\_\_\_ %
- 7) Domestic Trademark Registration and Prosecution \_\_\_\_\_ %
- 8) Foreign Trademark Registration and Prosecution \_\_\_\_\_ %
- 9) Copyright Registration \_\_\_\_\_ %
- 10) Validity and Infringement / Non-Infringement Opinions / Counseling \_\_\_\_\_ %
- 11) Expert Testimony in IP Litigation \_\_\_\_\_ %
- 12) Patent Searches \_\_\_\_\_ %
- 13) Other IP-related work including, but not limited to, Trademark Secret Counseling \_\_\_\_\_ %
- 14) **Please provide percentage of Total Gross Billings derived from all practice areas other than Intellectual Property Law, and complete SUPPLEMENT 2 attached.** \_\_\_\_\_ %

**TOTAL: 100.00 %**

**8. Large Clients / Accounts**

- A. Does the Applicant currently have, or has the Applicant at any time in the last five (5) years had, any one client or group of related accounts which produce more than 10.0 % of Total Gross Billings? Yes  No

**If “yes”, please attach a separate addendum explaining in detail, the name and business activities of the client, the service the Applicant provides, areas of law involved and the Applicant’s relationship other than as independent legal advisor.**

**9. Litigation**

- A. Are there attorneys within the firm that devote the “majority” of their billable hours to litigation? Yes  No

**If “yes”, please specify which attorneys and estimate the percentage of their billable hours attributable to litigation, in a separate addendum.**

- B. Does the Applicant work with outside counsel to assist on litigation matters? Yes  No

**10. Technical Areas of Specialization**

- A. Please indicate the estimated percentage of the Applicant’s clients with intellectual property in the following specializations:

Chemical \_\_\_\_\_ %  
Electronics / Computers / Semiconductors / Software \_\_\_\_\_ %  
Pharmaceuticals / Biotechnology \_\_\_\_\_ %  
Mechanical / Industrial \_\_\_\_\_ %

- B. Does the Applicant represent any corporate clients having annual sales in excess of \$100,000,000? Yes  No

**If “yes”, please provide the name of each such client, and the length of time represented (in years), in a separate addendum.**

**11. Patent Searches**

- A. Is it the policy and practice of the firm to memorialize an agreement with a client to conduct a patent search? Yes  No

- B. When undertaking a patent search, is it the policy and practice of the firm to set forth in an engagement letter the nature, scope and limitations of a proposed patent search? Yes  No

- C. Does the firm engage the services of third parties to carry out patent searches? Yes  No

If so, how frequently and under what circumstances?

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- D. Is it the policy and practice of the firm to memorialize the results of a patent search in a written opinion letter? Yes  No

- E. When rendering an opinion letter as to the results of a patent search, is it the policy and practice of the firm to qualify the opinion by reference to the nature, scope and limitations of the search conducted? Yes  No

**12. Office Procedures**

- A. Is it the Applicant’s standard practice to use:

1) Engagement Letters? Yes  No

2) Non-Engagement Letters? Yes  No

**If “yes” to Question 1 and 2, please attach an example of each. If “no” to Question 1 or 2, please explain why Engagement and / or Non-Engagement Letters are not used in a separate addendum.**

B. Is it the Applicant’s standard practice to outline in writing the Applicant’s billing policy and procedure when agreeing to accept an engagement? Yes  No

C. Must a partner and at least one other attorney review and sign off on each opinion letter? Yes  No

D. Do letters to auditors have to be approved by at least two partners or officers of the Applicant? Yes  No

**13. Maintenance Fee Payments**

A. Is the firm’s responsibility for payment of maintenance fees, taxes or annuities clearly stated in the engagement letter? Yes  No

**If “no”, please explain why not on a separate addendum.**

B. If the client is responsible, or authorization is necessary, are notices of required payments sent well in advance of the due date? Yes  No

**If “no”, please explain why not in a separate addendum.**

**14. Docket and Calendar**

**IF “NO” TO ANY OF THE FOLLOWING QUESTIONS, PLEASE EXPLAIN IN A SEPARATE ADDENDUM.**

A. Does the Applicant maintain a planned docket control system and procedure with at least two independent date controls? Yes  No

B. Is the docket control system and procedure computerized? Yes  No

C. Describe briefly the items entered into the Applicant’s docket system (e.g. court dates, filing deadlines, maintenance fee due dates. etc.)

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D. Describe the system the Applicant uses to ensure that timely notices are sent to clients regarding all deadlines, including disclosure of limited time frames and additional requirements necessary to complete foreign filings:

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E. Does the planned docket control system and procedure produce a weekly calendar? Yes  No

F. Does the planned docket control system and procedure cover all aspects of the Applicant’s practice? Yes  No

G. Does the planned docket control system and procedure require lawyers to both calendar and remove from the calendar all filing dates? Yes  No

H. Are open calendar entries on the planned docket control system and procedure circulated to all lawyers or, if the Applicant is divided into formal departments, to all lawyers in the appropriate department? Yes  No

**15. Foreign Patent Filings**

- A. Does the Applicant have a separate foreign patent, trademark and copyright department? Yes  No
- B. If “yes” to Question #15A above, does the department have a separate docket control system? Yes  No

C. To what extent is foreign patent work performed by:

(1) The Applicant?

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(2) Associate counsel?

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**16. Patent Agents**

A. Describe the services performed by Patent Agents on behalf of the Applicant. Attach an addendum, if additional space is required:

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B. Provide the name of each Patent Agent responsible for performing the services described in Question 16A above, and the number of hours worked per-week. Attach an addendum, if additional space is required.

Name of Patent Agent	Hours	Name of Patent Agent	Hours
1.		6.	
2.		7.	
3.		8.	
4.		9.	
5.		10.	

C. Describe Applicant’s procedures for supervising Patent Agents. Attach an addendum, if additional space is required:

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**17. Paralegals**

A. Describe the relevant functions of Paralegals with respect to preparing trademark or copyright applications, or maintaining trademark registrations or patents. Attach an addendum, if additional space is required:

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**18. Independent Contractors**

A. Does the Applicant retain lawyers on an Independent Contractor basis to provide legal services to the Applicant's clients? Yes  No

B. If "yes" to Question 18A above:

(1) Does the Applicant require that all Independent Contractor services be performed on the Applicant's letterhead? Yes  No

(2) Is the Applicant exclusively responsible for billing the Applicant's clients for services performed by Independent Contractors? Yes  No

(3) Does the Applicant require that Independent Contractors carry their own professional liability insurance, and that they furnish written proof of insurance prior to their being retained to perform services? Yes  No

C. If "yes" to Question 18A above, explain the circumstances under which a decision might be made to retain an Independent Contractor to provide legal services to a client of the Applicant. Attach an addendum, if additional space is required:

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D. If "yes" to Question 18A above, provide the following information for each Independent Contractor retained by the Applicant during the last two (2) years. Attach an addendum if additional space is required:

Name of Independent Contractor	Description of Services Provided to Clients	Has Insurance
1.		Yes <input type="checkbox"/> No <input type="checkbox"/>
2.		Yes <input type="checkbox"/> No <input type="checkbox"/>
3.		Yes <input type="checkbox"/> No <input type="checkbox"/>
4.		Yes <input type="checkbox"/> No <input type="checkbox"/>
5.		Yes <input type="checkbox"/> No <input type="checkbox"/>
6.		Yes <input type="checkbox"/> No <input type="checkbox"/>

**NOTE: The policy for which you are completing this application does not provide coverage for Independent Contractors. However, this coverage may be available by special endorsement, subject to Underwriters' approval.**

**If you wish to apply for coverage for any lawyers retained by the Applicant on an Independent Contractor basis, you must include their name(s) in SUPPLEMENT #1 attached.**

**19. Billings**

A. Does the Applicant or partners, shareholders or employees of the Applicant accept royalties or shares of client's corporation as payment or partial payment for services? Yes  No

B. If "yes" to Question #19A above, what is your estimate of the proportion of the firm's billings in which such payments apply. \_\_\_\_\_ %

**INTERNAL CONTROLS**

**20. Management**

- A. Is the Applicant managed by a management committee? Yes  No
- B. If "yes" to Question #20A above, how many partners or officers comprise the management committee? \_\_\_\_\_
- C. Does the Applicant employ an administrator? Yes  No
- D. If "yes" to Question #20C above, what percentage of the administrator's time is devoted to the practice of law? \_\_\_\_\_ %
- E. Does the Applicant use a peer review system to evaluate the performance of partners or officers? Yes  No

**21. New Business**

- A. Are new clients subject to approval by the Applicant's management committee, or by at least two partners or officers of the Applicant? Yes  No
- B. If "yes" to Question #21A above, does the approval include credit checks? Yes  No
- C. Is information concerning all new clients made available on at least a weekly basis to all partners or officers of the Applicant? Yes  No
- D. Does the Applicant maintain a system to avoid conflicts of interest? Yes  No
- E. If "yes" to Question #21D above, is the conflicts system computerized? Yes  No
- F. Is a lawyer generating new business required to associate with a partner or officer with specific expertise in the matter? Yes  No

**22. Training and Supervision**

- A. Does the Applicant maintain a formal training program for new lawyers as to office and court procedures? Yes  No
- B. How many lawyers have participated in formal continuing legal education programs of at least seven hours during the last year? \_\_\_\_\_
- C. Are all associates of the Applicant under the direct supervision of a partner or officer? Yes  No
- D. Are all associates of the Applicant subject to periodic, formalized review? Yes  No
- E. Can the Applicant confirm that no lawyer listed in **Supplement 1** has been disciplined, censored, suspended or put on probation by any state bar, judicial body or regulatory agency? Yes  No

**If "no", please provide complete details in separate addendum.**

- F. Does the Applicant have a system requiring that complaints by either a client or other counsel be reviewed by a partner other than the lawyer about whom the complaint has been made? Yes  No

**23. Outside Interests / Conflicts of Interests**

- A. Where the Applicant provides legal services, is there a policy forbidding lawyers participating as a partner, officer or director in any entity other than the Applicant? Yes  No

**If "no", please provide a detailed explanation in a separate addendum.**

- B. Does any lawyer serve as a director, officer, trustee, consultant, employee or partner of, or exercise any **fiduciary\*** management control over any business or organization other than the Applicant? Yes  No
- C. Does any lawyer (and / or their spouse or an immediate family member) serve as a director or officer, in a **fiduciary\*** capacity, or have any ownership interest in the business of a client? Yes  No

\***Fiduciary** means administrator, conservator, executor, guardian, trustee receiver, escrow agent or any similar capacity.

If “yes”, to either Question 23B or 23C above, complete SUPPLEMENT 3 attached. All lawyers to whom the “yes” response applies must be included.

**24. Suits for Fees / Overdue Accounts**

- A. Do suits for the collection of fees have to be approved by the Applicant’s management committee or by at least two partners or officers before they are filed? Yes  No
- B. How many suits for the collection of fees have been filed by the Applicant during the past two years? \_\_\_\_\_
- C. What percentage of the Applicant’s billings are more than 90 days overdue? \_\_\_\_\_ %

**CLAIMS HISTORY**

25. A. Has insurance of the type for which the Applicant is now applying ever been declined, canceled or had the renewal thereof refused to the proposed insured? Yes  No

If “yes”, please provide complete details in a separate addendum.

- B. After inquiry have any claims or suits been made against any member(s) of the Applicant or any past or present owners, partners, shareholders, corporate officers or employees or its predecessors in business in the last five (5) years? Yes  No

**IT IS AGREED THAT ANY SUCH CLAIM OR SUIT WILL BE EXCLUDED FROM THIS PROPOSED COVERAGE.**

- C. After inquiry are any member(s) of the Applicant aware of any circumstances, allegations, or contentions as to any incident which may result in a claim being made against the Applicant or any of its past or present owners, partners, shareholders, corporate officers or employees or its predecessors in business? Yes  No

**IT IS AGREED THAT IF SUCH KNOWLEDGE OR INFORMATION EXISTS, ANY CLAIM OR ACTION ARISING THERE FROM WILL BE EXCLUDED FROM THIS PROPOSED COVERAGE.**

If “yes” to Question 25B or Question 25C above, a separate SUPPLEMENT 4, must be completed for each claim or incident in order for your application to be considered.

**PRIOR INSURANCE HISTORY**

26. Please give details of prior Insurance for the last five (5) years, including periods of no coverage (including any predecessor(s) to the Applicant that have been disclosed in response to Question 5 of this application).

**NOTE: INFORMATION BELOW MUST INCLUDE POLICY NUMBER**

Insurer Name In Reverse Chronological Order	Policy Number	Limits of Liability Each Claim / Aggregate	Deductible	Premium	Inception & Expiration Dates
1.		\$ / \$	\$	\$	to
2.		\$ / \$	\$	\$	to
3.		\$ / \$	\$	\$	to
4.		\$ / \$	\$	\$	to
5.		\$ / \$	\$	\$	to



27. Has the applicant firm ever purchased an Extended Reporting Endorsement from a prior insurer? Yes  No

If "yes", please provide a copy of the endorsement.

**INDIVIDUAL PRACTITIONERS**

28. Does the Applicant have at least one "back-up" lawyer that will respond on his / her behalf if he / she is absent, or is otherwise unable to practice law for an extended period of time? Yes  No

A. If "yes" to Question 28 above, please provide the following information for each "back-up":

Name of Lawyer / Firm: \_\_\_\_\_

Full Address: \_\_\_\_\_

Telephone Number: (        ) \_\_\_\_\_

Name of Lawyer / Firm: \_\_\_\_\_

Full Address: \_\_\_\_\_

Telephone Number: (        ) \_\_\_\_\_

B. Underwriting requirements mandate that Individual Practitioners have at least one "back-up" lawyer. If "no" to Question 28 above, and in the event that Underwriters issue a policy, Applicant hereby agrees to retain at least one "back-up" lawyer within sixty (60) days of the policy's inception.

**LIMITS OF LIABILITY / DEDUCTIBLE OPTIONS**

29. Requested Limits of Liability (Each Claim / Annual Aggregate)

- \_\_\_ \$ 250,000 / \$ 500,000      \_\_\_ \$1,000,000 / \$2,000,000
  - \_\_\_ \$ 500,000 / \$1,000,000      \_\_\_ \$2,000,000 / \$2,000,000
  - \_\_\_ \$1,000,000 / \$1,000,000      \_\_\_ \_\_\_\_\_
- Other (Please specify.)

30. Requested Deductible (Each Claim)

- \_\_\_ \$ 5,000                              \_\_\_ \$ 50,000
  - \_\_\_ \$ 10,000                            \_\_\_ \$100,000
  - \_\_\_ \$ 25,000                            \_\_\_ \_\_\_\_\_
- Other (Please specify.)

**SIGNATURE AND REPRESENTATIONS**

The undersigned partner or officer, acting on behalf of the Applicant and all proposed insureds, hereby declares after diligent inquiry that the above statements and particulars, including any statements and particulars in any supplemental applications or forms required hereby, are true, accurate and complete, and that no facts have been suppressed or misstated.

It is understood and agreed that the completion of this application and any supplemental applications or forms, does not bind the insurance company to issue, nor the Applicant to purchase, the insurance. However, this application and any supplemental applications or forms will be the basis of the contract if a policy is issued and they will be attached to and made part of the policy. All written statements and materials furnished in conjunction with this application are hereby incorporated by reference into this application and made part hereof.

The undersigned partner or officer agrees that if any of the information supplied on or attached to or incorporated by reference into this application changes between the date of the application and the effective date of the policy applied for, the undersigned partner or officer will immediately notify Herbert L. Jamison & Co., L. L. C. of such changes and the insurance company shall have the right to withdraw or modify any outstanding quotations and/or authorization or agreement to bind the insurance.

In the event that the insurance company issues a policy, the undersigned partner or officer, acting on behalf of the Applicant and all proposed insureds, acknowledges that the insurance company, in providing coverage, will have relied upon, as representations, the declarations and statements which are contained in or attached to or incorporated by reference into this application and which are incorporated into the policy.

**NOTICE TO NEW JERSEY, NEW YORK AND PENNSYLVANIA APPLICANTS:** ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SUBJECTS SUCH PERSON TO CRIMINAL AND CIVIL PENALTIES. UNDER NEW YORK LAW, SUCH PERSON SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS AND THE STATED VALUE OF THE CLAIM FOR EACH SUCH VIOLATION.

\_\_\_\_\_  
Signature of Owner, Partner or Officer

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

\_\_\_\_\_  
Please Type Name and Title

The JamisonPro lawyers professional liability insurance program has been organized as a purchasing group located and domiciled in New Jersey, pursuant to legislation enacted by Congress known as the Federal Liability Risk Retention Act of 1986. You will automatically become a member of the Purchasing Group once your completed application has been approved and your premium payment has been received. Completion of application or tendering of premium does not bind coverage. Application is subject to Underwriters' underwriting guidelines.

**THIS APPLICATION WILL NOT BE PROCESSED UNLESS ALL QUESTIONS ON THE APPLICATION AND APPLICABLE SUPPLEMENTS ARE ANSWERED.**

Return Applications to Paragon Underwriters  
Fax: (248)851-1205 or info@paragonunderwriters.com