

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
MIDDLE DISTRICT OF ALABAMA

[FILED]

SEP 19 2001

Civil Misc. No. 3100

Professional Liability Insurance Reimbursement Plan U. S. DISTRICT COURT
MIDDLE DIST. OF ALA. CLERK

Justification

The United States District and Bankruptcy Courts recognize that employees, in certain classes of positions, are more vulnerable to litigation that challenges the employee's liability for job related activities.

Authority

This professional liability insurance reimbursement plan is adopted pursuant to the authorities shown: Pub. L. No. 104-208, § 636 (1996); as amended by Pub. L. No. 105-277, § 644 (1998); as amended by Pub. L. No. 106-58, § 542 (1999); Proceedings of the Judicial Conference of the United States (JCUS-SEP 99, pp. 66-67).

Employees Eligible for Reimbursement

- A. The following employees are eligible to claim reimbursement pursuant to this policy:
1. Court Unit Executives and Chief Deputies
Clerk, District Court
Clerk, Bankruptcy Court
Chief Probation Officer
Bankruptcy Administrator
Chief Deputy Clerks, District and Bankruptcy Courts
Deputy Chief Probation Officer
 2. Probation Officers, Pretrial Services Officers and Probation Officer Assistants (includes supervising probation officers and specialists).
 3. Management Officials as listed:
Financial Administrator
Assistant Financial Administrator
Systems Manager
Human Resources Manager/Director
 4. Supervisors as listed:
Jury Administrator
Case Administration Supervisor

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- B. Designation of an employee as eligible for reimbursement is not intended to recommend or discourage the purchase of a policy by an employee. Each employee must evaluate the risks related to him or her employment and compare the costs and benefits associated with such insurance.
- C. No employee of the court should endorse or recommend a policy offered by a company or association, but employees may provide information as to those insurers known to provide policies of this type to enable an employee to request information about the policies offered.

Definition of Professional Liability Insurance

Professional liability insurance is insurance that provides coverage for:

- A. Legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious act, error, or omission of the covered individual (whether common law, statutory or constitutional) while in the performance of such individual's duties as a qualified employee; and
- B. The cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to such administrative or judicial proceeding.

Procedures for Claiming Reimbursement

Reimbursement request must be submitted to the Clerk of the District Court using the Professional Liability Insurance Reimbursement Program Form for Reimbursement Claim - (sample attached). Requests must be accompanied by a copy of the policy premium notice or statement of account showing the annual premium amount and the period covered by the policy. The request should indicate that the claim is being made pursuant to Pub. L. No. 104-208, § 636 (1996); as amended by Pub. L. No. 105-277, § 644 (1998); as amended by Pub. L. No. 106-58, § 542 (1999); Proceedings of the Judicial Conference of the United States (JCUS-SEP 99, pp. 66-67), and is in compliance with criteria established by the Judicial Conference and the Director of the Administrative Office.

Reimbursement will be made to the employee at the employee's current mailing address in

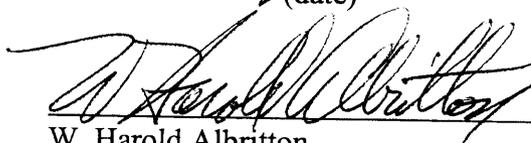
an amount equal to 50% of the annual premium. Reimbursement for any premium for a policy for any period less than 12 months will not be made. Should the employee cancel the policy after receiving reimbursement, the employee shall return a pro-rata share of the reimbursement to the Clerk of the District Court.

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Records

The Clerk of the District Court shall maintain records of all reimbursement payments.

APPROVED: September 19, 2001
(date)



W. Harold Albritton
Chief United States District Judge



Myron H. Thompson
United States District Judge



Ira DeMent
United States District Judge

Attachment

**Professional Liability Insurance Reimbursement Program
Form for Reimbursement Claim**

To: Clerk, U. S. District Court

From: Employee _____ Position Title _____

Address _____

SS# _____

Subject: CLAIM FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE

I hereby request reimbursement for the partial cost of professional liability insurance in the amount of \$ _____.

The annual policy premium is \$ _____ and provides coverage from _____ (date) to _____ (date).

A copy of the policy premium notice or statement of account showing the annual premium amount and the period covered by the policy is attached to this claim.

This claim is being made pursuant to Pub. L. No. 104-208, § 636 (1996); as amended by Pub. L. No. 105-277, § 644 (1998); as amended by Pub. L. No. 106-58, § 542 (1999); and is in compliance with criteria established by the Judicial Conference and the Director of the Administrative Office of the United States Courts and with the Professional Liability Insurance Reimbursement Plan for the Middle District of Alabama.

Signature _____

Date _____

Title _____

Approved: _____

Unit Executive