All Ohio Convocation 2019

More Questions from the Field
How Can I Get the Best Price for Professional Liability Insurance?

- Don’t just modify fees every year
- Be careful of those projections
- Project / Client type differences
- Location of projects
- Business practice improvements
- Risk management participation
- Claims experience
LOL vs Limit of Liability

- LOL - **limiting** liability to a dollar amount
- Limit of liability – total coverage available
- Meaning of *Certificate of Insurance*
Comply with ALL Laws

- Not obligated to do so
  Only obligation is to “take into account”
- “ALL” - a Small Word / BIG Liability
- May be coverage issue
- Must always be tied to *Standard of Care*
Lender Certifications or Assignments

- Should and can be modified
- Coverage Issue-Guarantees/Warrantees excluded unless would have been covered without agreement
- Only certify facts
  - i.e. Certify I’m a licensed professional in Ohio and to the best of my knowledge....
Drones

- BI / PD not covered unless you have Aviation Insurance
- Data is covered under most PL policies as it relates to your professional service much like GIS for surveyors
- Insurance cost dependent on drone size/value
OFCC Contract Changes - Is Oswald Involved?

- YES!
- Long process
- Need your comments
- Cogence involved
- ACEC involved
When to get Legal Counsel Involved in Contract Negotiation

- At the beginning - especially if getting push back on your comments
- In the long run save money (time) and better protection
- Be careful of multiple people in firm negotiating - different risk tolerances/some just better at it
- Our involvement
ProCore and Similar Platforms

- Submittals from contractor requiring you to select “approve” button
- Better to document that “approve” doesn’t apply
- Use shop drawing stamp wording
ProCore and Similar Platforms

Language to include on every submission on the software platform:

By using the approved button in submitting this document through the ProCore system, the Architect makes no certifications beyond those listed on the attached shop drawing coversheet. Corrections or comments listed on this form and made on the shop drawings during this review do not relieve the Contractor...
New Product
Contractual Defense Insurance

- Insuring Agreement Requires:
  - Wrongful act, error, omission caused by professional service
  - Primary practice policy must deny defense of client under contractual liability
  - Can’t be covered by other insurance
  - Executed contract prior to claim
  - No duty to defend
New Product
Contractual Defense Insurance

- No expenses incurred w/out insurer consent
- Does NOT permit waiver of Subrogation
- Coinsurance / Not Deductible
- Insure will pay costs that insurer “believes” to be covered.
- Reimbursement with invoice and adequate documentation
New Product Contractual Defense Insurance

- Key Exclusions
  - Copyright / Trademark Infringement
  - Directly or solely caused by client or any other 3rd party other than insured
  - BI / PD unless caused by performance of professional service
  - Cost to repair faulty workmanship
Life/Disability Insurance

- Need to review periodically
- Situations change
- Can determine company’s future
- New products need to be discussed especially for Executive Risk exposures
A/E Tax Credits - Still Available?

- Recent Changes
- 179D
- R&D
How Do We Handle Text Messages?

- Texts Should Be Limited to Minor Administrative Communications:
  - What time are we meeting for lunch?
  - When can I call regarding material selection?
How Do We Handles Text Messages?

- **Method One**: Screen Shot the text message and email it to your business email account
  - Reference your device manual

- **Method Two**: use the “Stich It!” application
  - Take a “Screen Shot” on your device
  - Open “Stich It!” and cut parts of the text messages to paste together
  - Save the text conversation as a PDF file and email it from the “Stich It!” application
  - [http://stitchitapp.com](http://stitchitapp.com)
Thank You
For Attending our
2019 All Ohio Convocation

Mark Your Schedule for Next Year
April 29, 2020