

PLI Disclosure Survey of the Public - November 2009

In an effort to collect the best, most timely information on the public's opinion regarding the issue of Texas lawyers professional liability insurance, the State Bar of Texas contracted with North Texas State University to survey 500 residents of Texas, reflective of the demographics of Texas. The survey built on a survey conducted under the auspices of a task force during 2008 as well as a series of public hearings held in the fall of 2009. The following are the results from this survey and an analysis of the findings. The precise wording of each question is given before the results are presented. This telephone survey was longer than the one conducted in April 2008; more questions were used to determine the public's distinction between different professionals with respect to insurance, and additional questions were used to determine what the public believes PLI would cover.

1. What are the top five things you would want to know about an attorney before you would hire them?

Most Frequent Five

Number of Responses	Category
200	Price
179	Success Rate
156	Experience
130	Specialty
135	Personality/Character

Next Most Frequent Five

Number of Responses	Category
90	Honest
85	References
81	Reputation
80	Education
59	Professional Practices

2. Of those top five you indicated, which is the most important to you?

Most Frequent Five

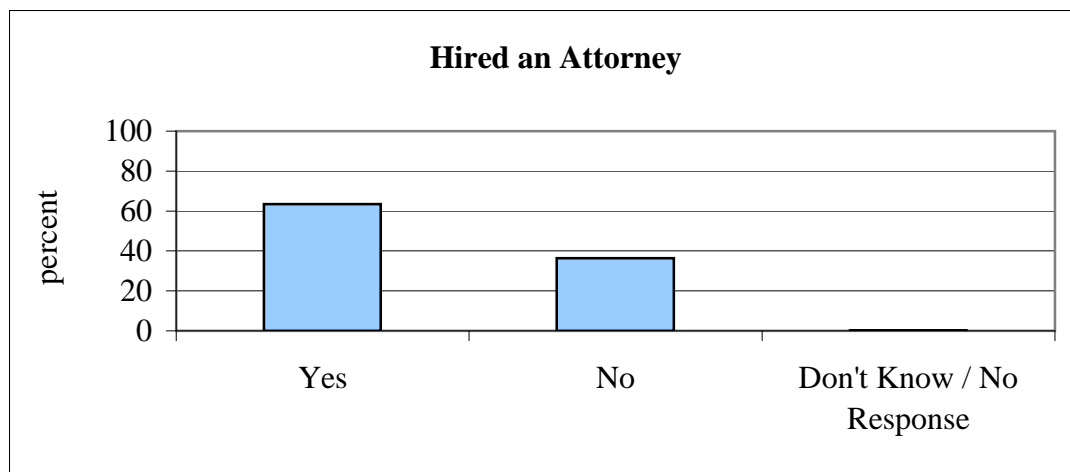
Number of Responses	Category
57	Honest
47	Success Rate
37	Experience
31	Price
29	Specialty

Next Most Frequent Five

Number of Responses	Category
28	Personality
26	Reputation
23	Recommendation
20	Professional Practices
18	History/Background

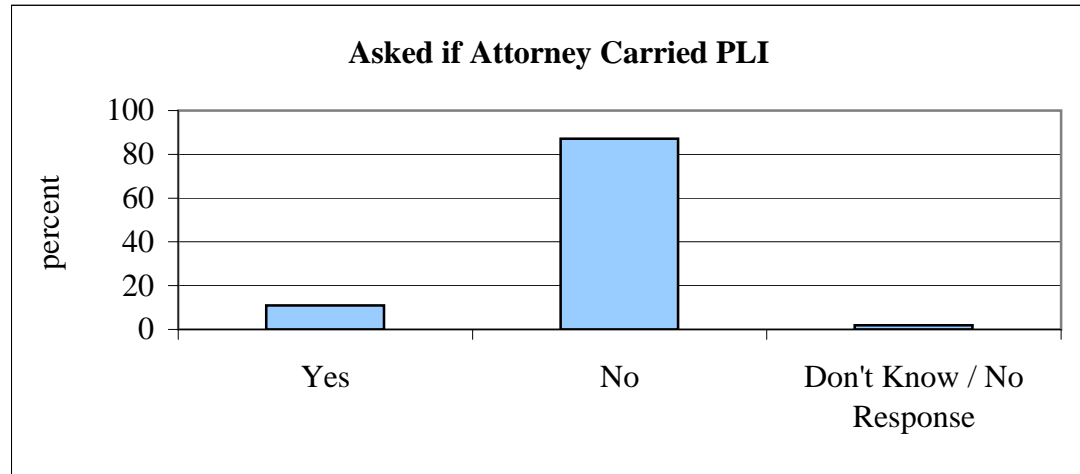
3. Have you ever hired an attorney?

	Percent
Yes	63.4
No	36.4
Don't Know / No Response	0.2



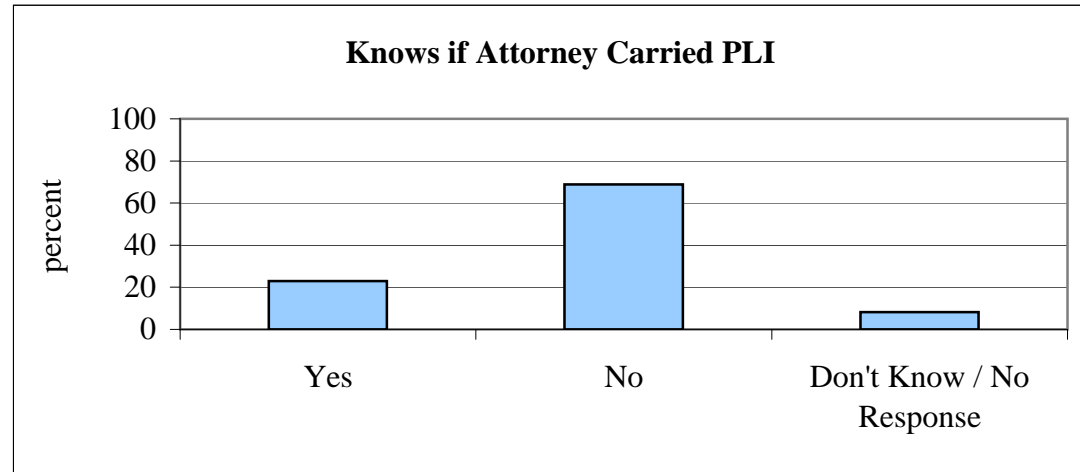
4. Did you ask if your attorney carried professional liability insurance?

	Percent
Yes	11.0
No	87.1
Don't Know / No Response	1.9



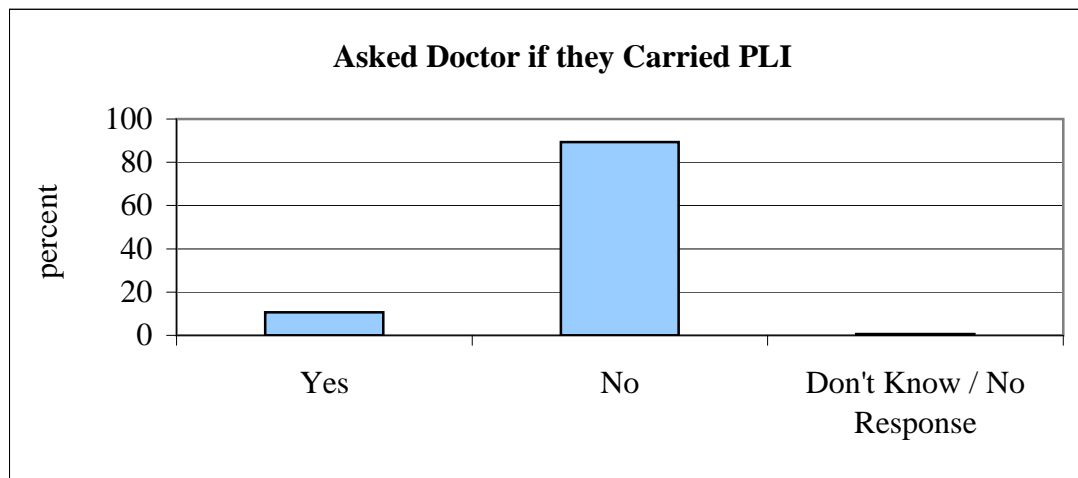
5. Do you know if your attorney carried professional liability insurance?

	Percent
Yes	23.0
No	68.8
Don't Know / No Response	8.2



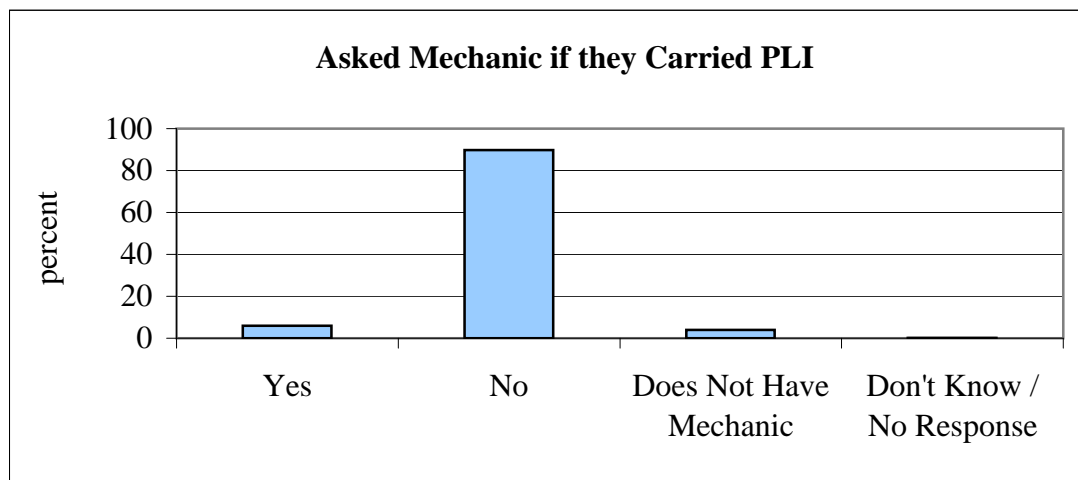
6. Have you ever asked your doctor if he or she has professional liability insurance?

	Percent
Yes	10.7
No	89.3
Don't Know / No Response	0.6



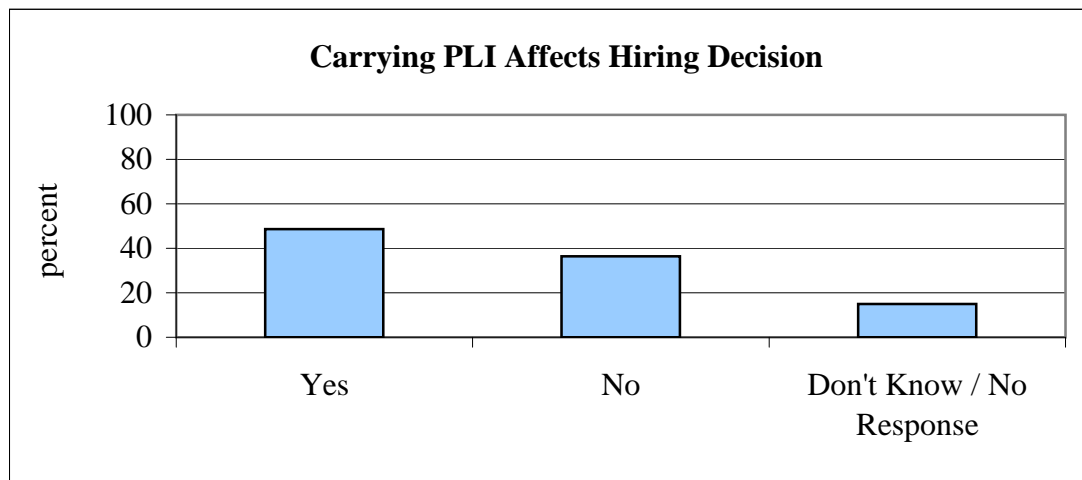
7. Have you ever asked your mechanic if he or she has professional liability insurance?

	Percent
Yes	6.0
No	89.8
Does Not Have Mechanic	4.0
Don't Know / No Response	0.2



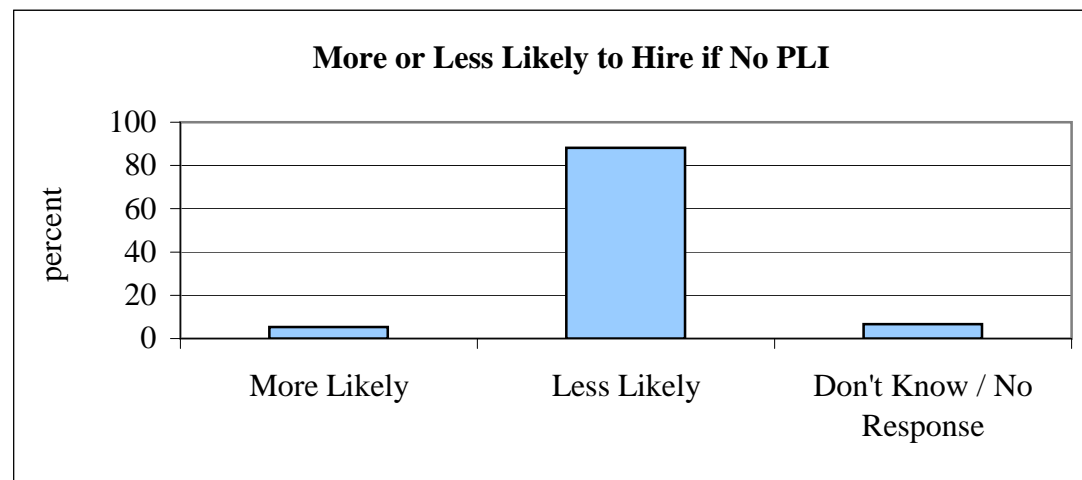
8. If a lawyer were to inform you that he or she does not carry professional liability insurance, would that information affect whether or not you hire them?

	Percent
Yes	48.6
No	36.4
Don't Know / No Response	15.0



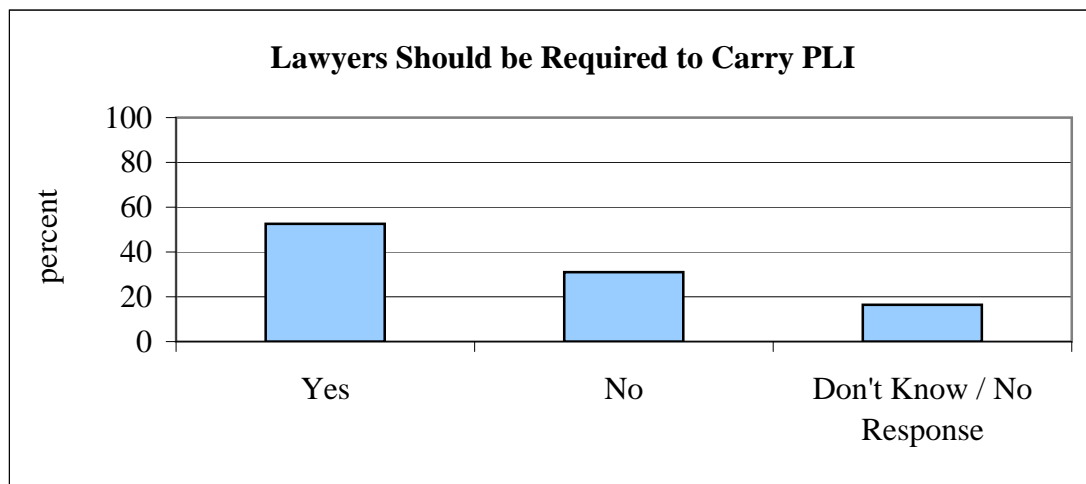
9. Are you more or less likely to hire a lawyer that informs you they do not carry professional liability insurance?

	Percent
More Likely	5.3
Less Likely	88.1
Don't Know / No Response	6.6



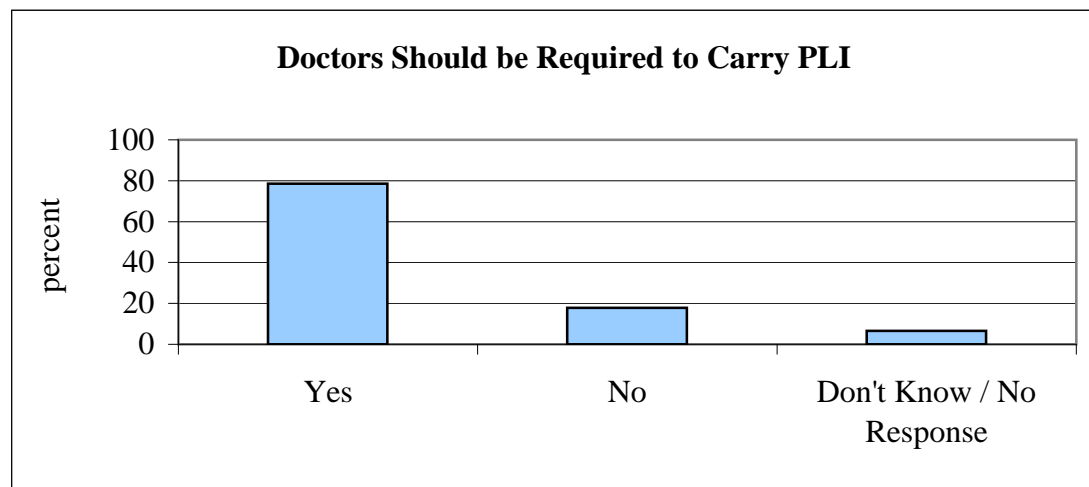
10. Do you believe that all lawyers should be required to carry professional liability insurance?

	Percent
Yes	52.6
No	31.0
Don't Know / No Response	16.4



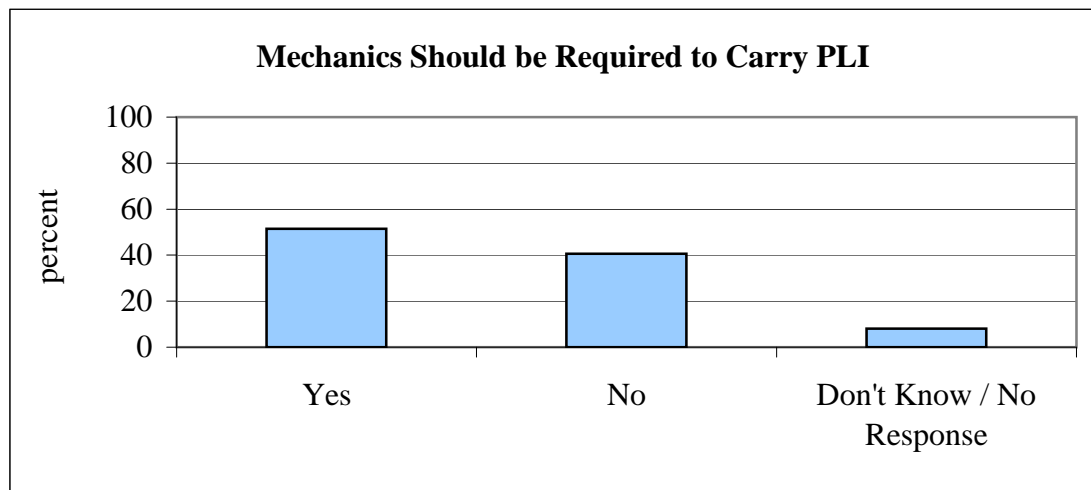
11. Do you believe that all doctors should be required to carry professional liability insurance?

	Percent
Yes	78.6
No	17.8
Don't Know / No Response	6.6



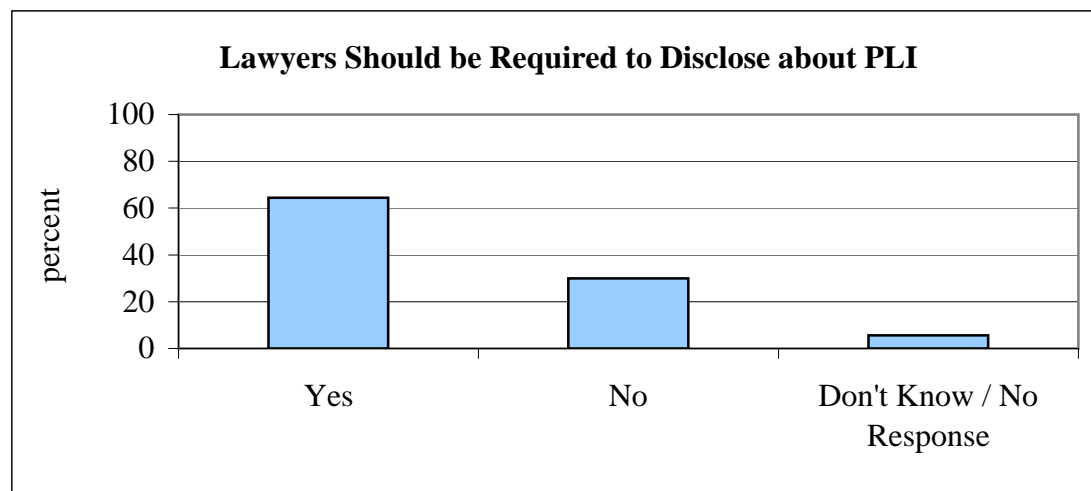
12. Do you believe that all mechanics should be required to carry professional liability insurance?

	Percent
Yes	51.4
No	40.6
Don't Know / No Response	8.0



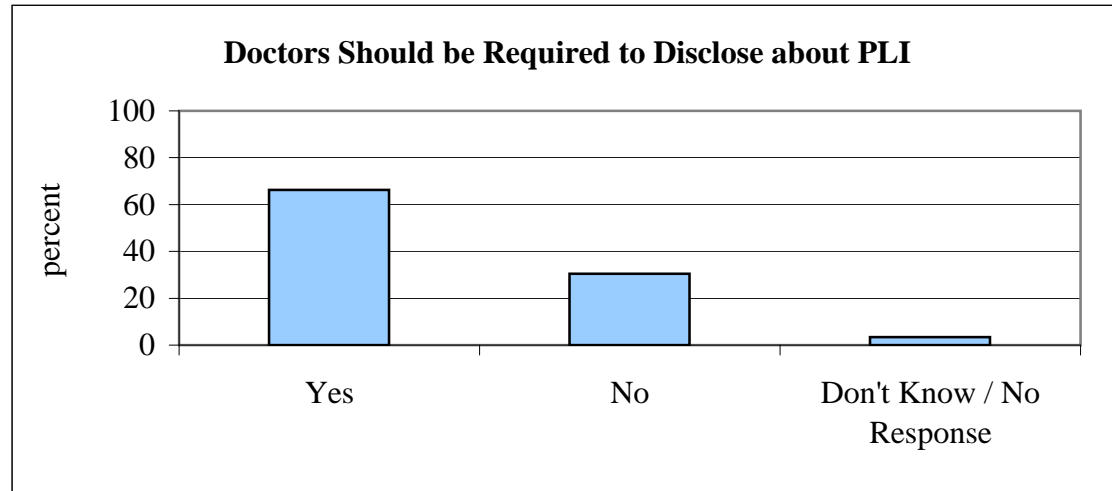
13. Do you believe that all lawyers should be required to disclose to their clients whether or not they carry professional liability insurance?

	Percent
Yes	64.4
No	30.0
Don't Know / No Response	5.6



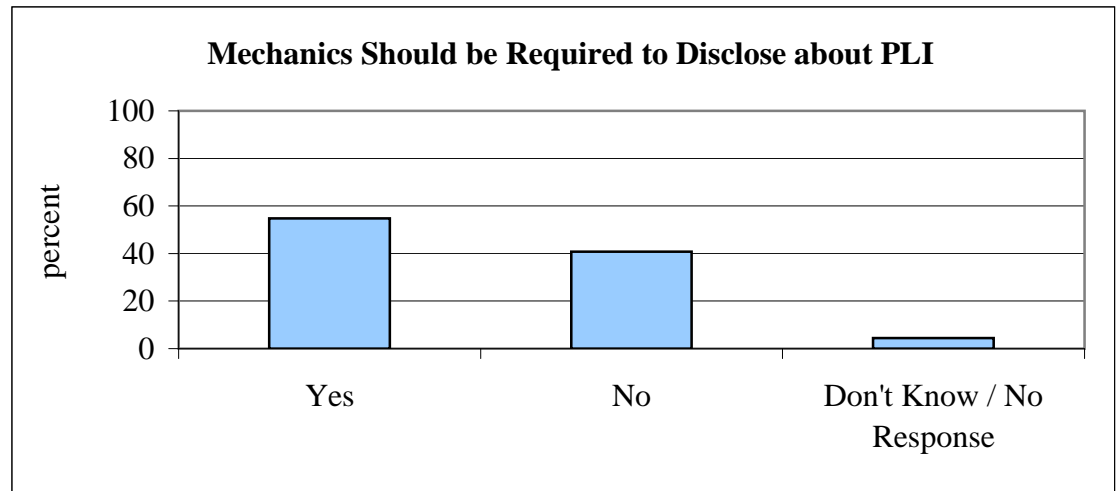
14. Do you believe that all doctors should be required to disclose to their clients whether or not they carry professional liability insurance?

	Percent
Yes	66.2
No	30.4
Don't Know / No Response	3.4



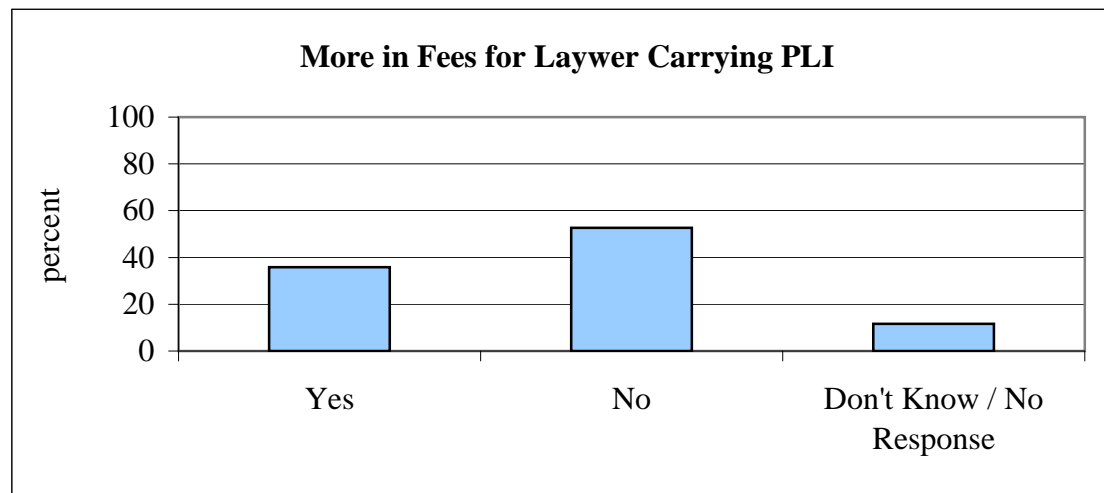
15. Do you believe that all mechanics should be required to disclose to their clients whether or not they carry professional liability insurance?

	Percent
Yes	54.8
No	40.8
Don't Know / No Response	4.4



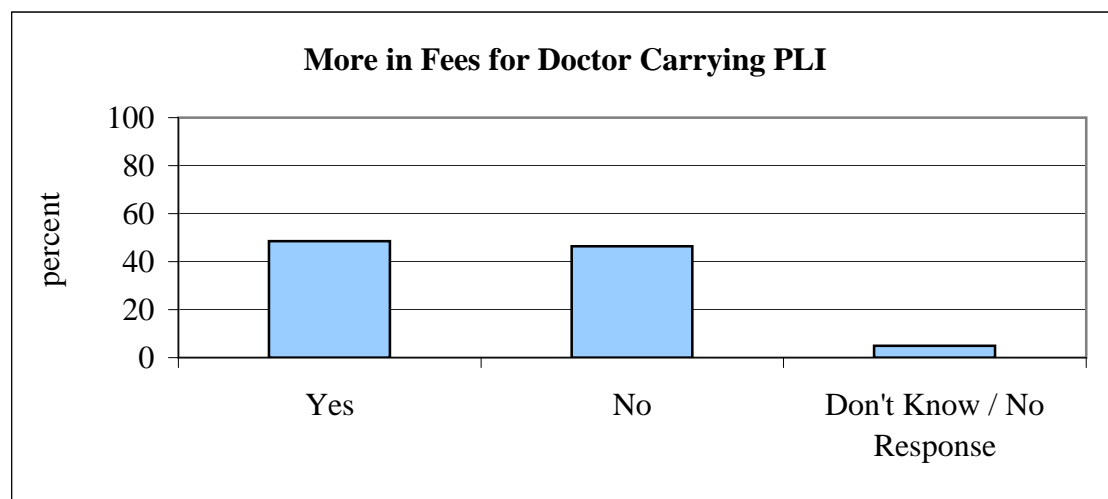
16. Would you pay more in fees in order to ensure that your attorney carries professional liability insurance?

	Percent
Yes	35.8
No	52.6
Don't Know / No Response	11.6



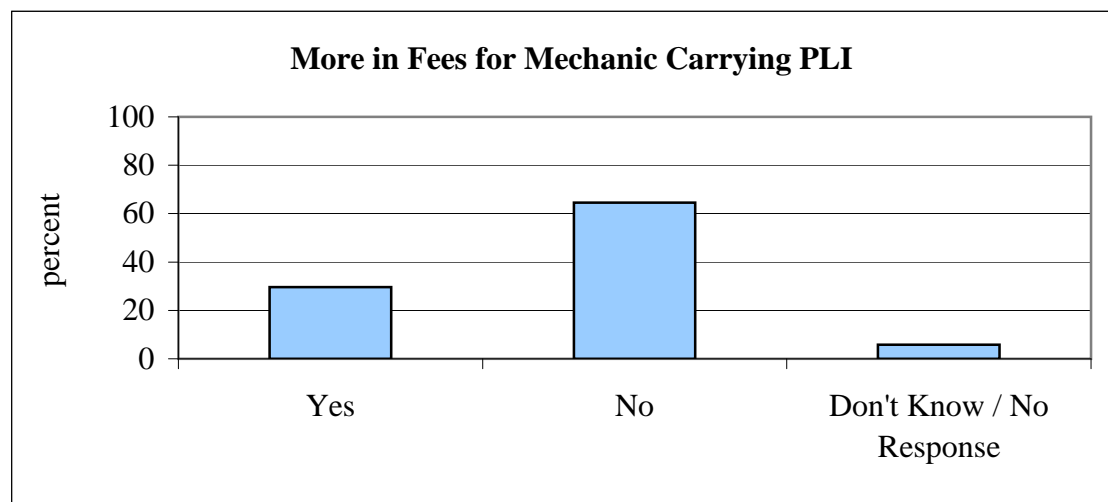
17. Would you pay more in fees in order to ensure that your doctor carries professional liability insurance?

	Percent
Yes	48.6
No	46.4
Don't Know / No Response	5.0



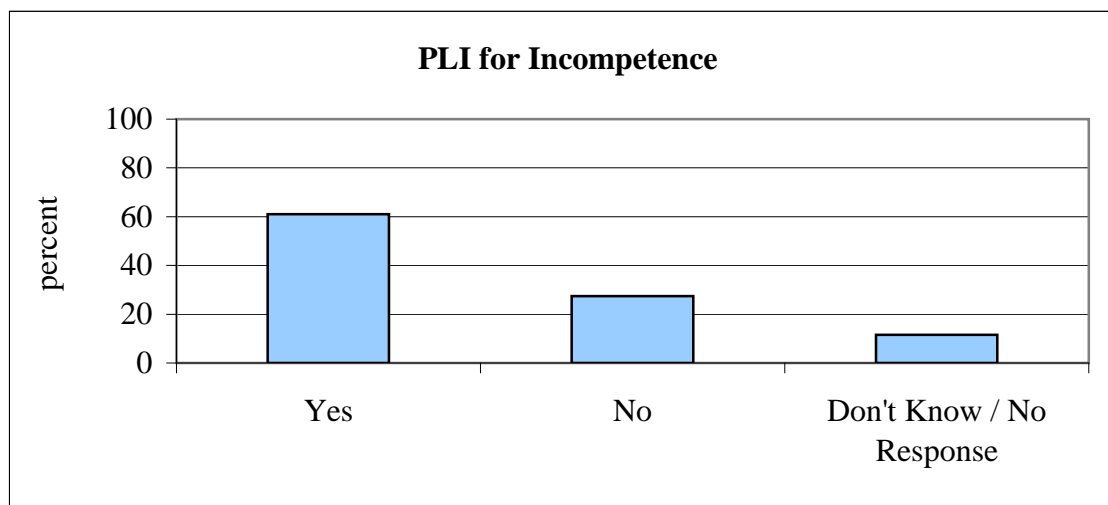
18. Would you pay more in fees in order to ensure that your mechanic carries professional liability insurance?

	Percent
Yes	29.6
No	64.6
Don't Know / No Response	5.8



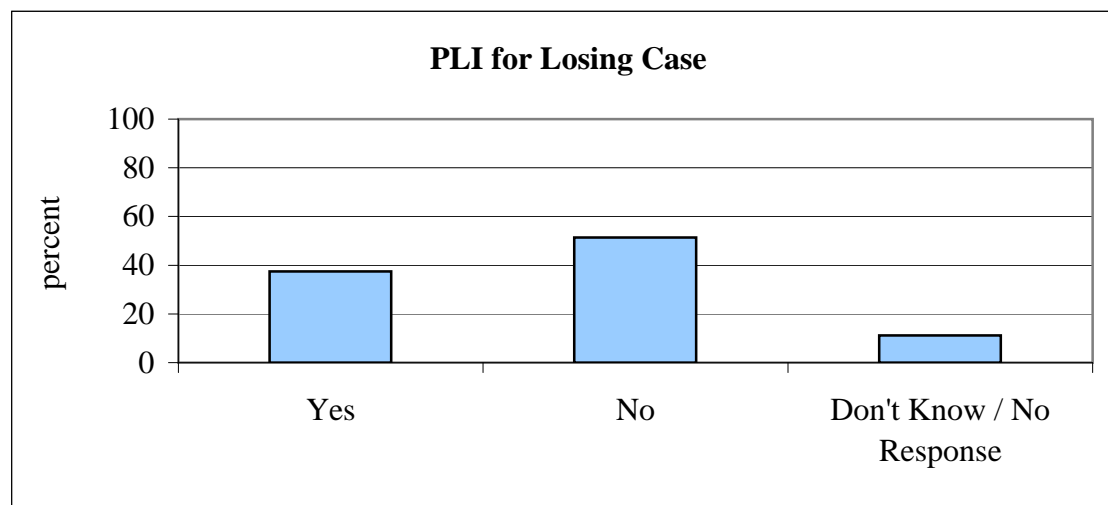
19a. Do you think PLI... would be a means for you to claim damages when your lawyer's processing of your case isn't up to the standard of skill you would expect of a competent attorney?

	Percent
Yes	61.0
No	27.4
Don't Know / No Response	11.6



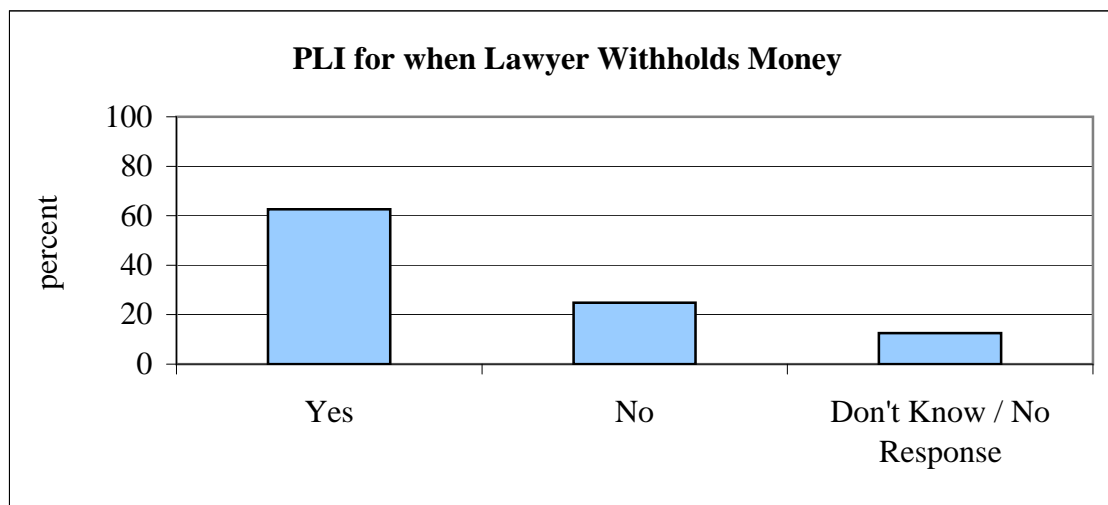
19b. Do you think PLI... would be a means for you to recover some of your damages or losses if you lost your case?

	Percent
Yes	37.4
No	51.4
Don't Know / No Response	11.2



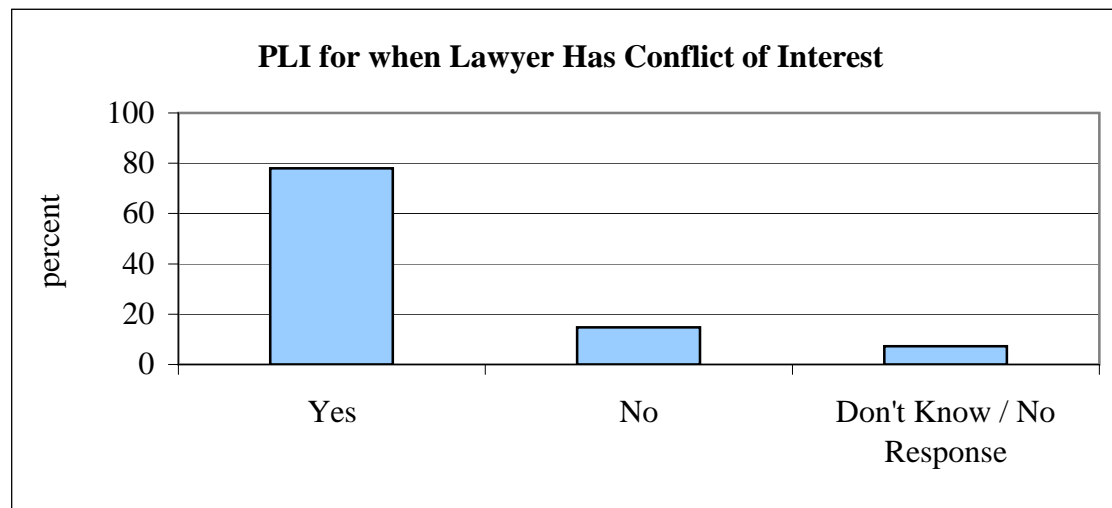
19c. Do you think PLI... would be a means for you to recover money you are due that your lawyer withholds?

	Percent
Yes	62.6
No	24.8
Don't Know / No Response	12.6



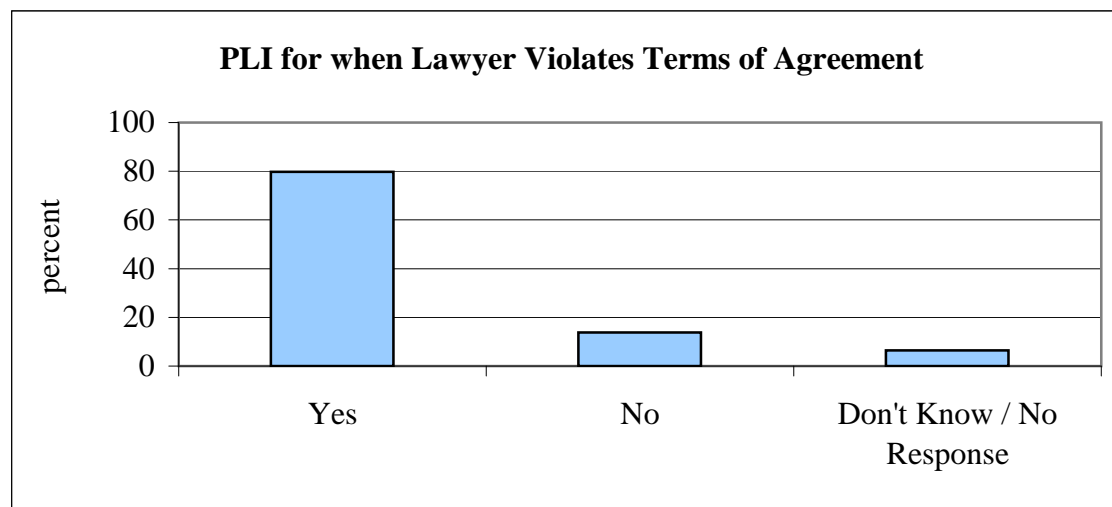
19d. Do you think PLI... would be a means for you to claim damages when your lawyer has a conflict of interest that harms you in some way?

	Percent
Yes	78.0
No	14.8
Don't Know / No Response	7.2



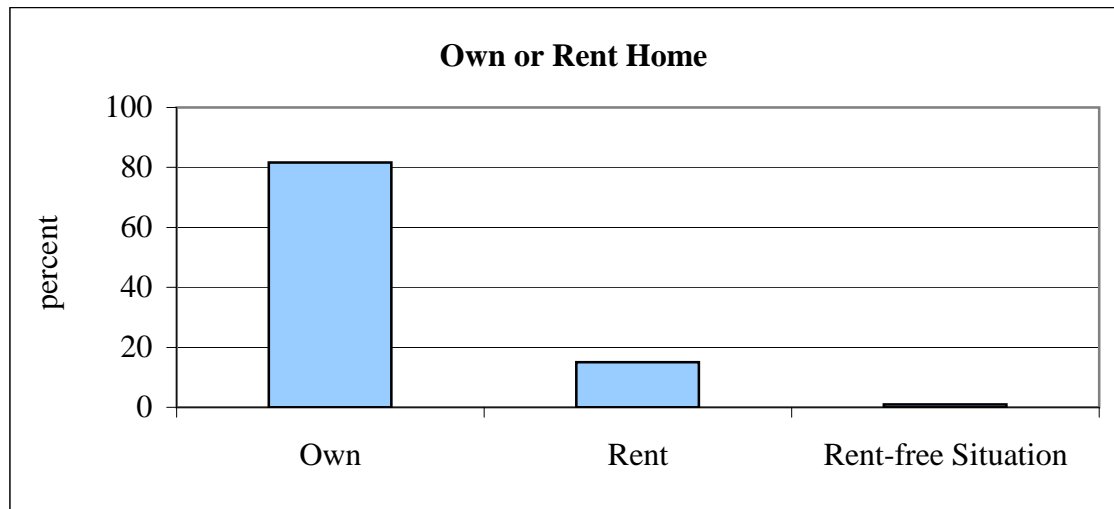
19e. Do you think PLI... would be a means to claim damages if your lawyer violates the terms of your specific agreement?

	Percent
Yes	79.8
No	13.8
Don't Know / No Response	6.4



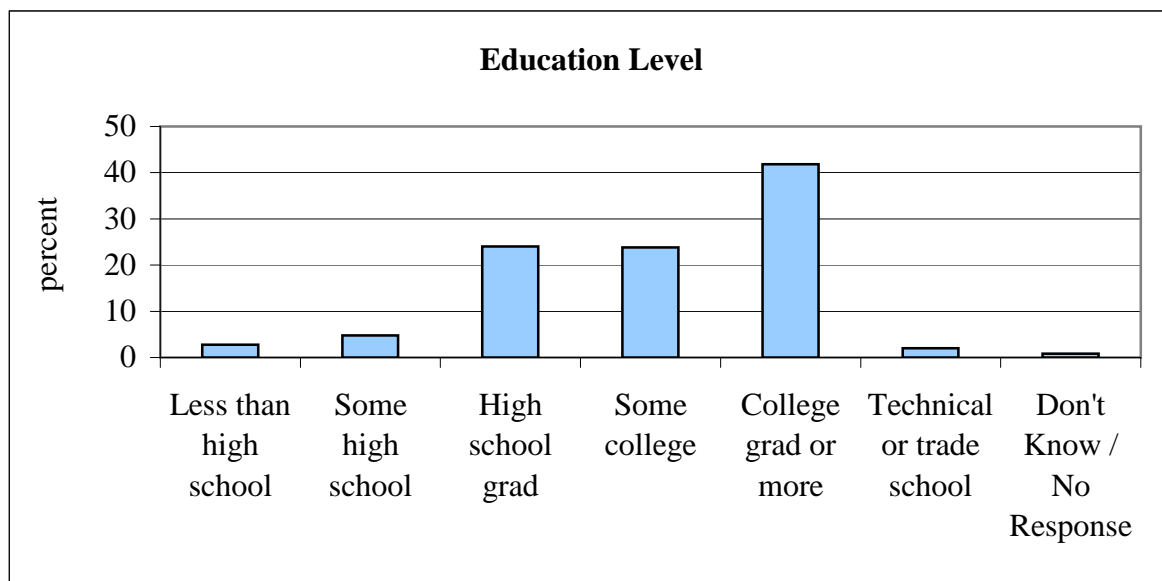
20. Do you own your home or do you rent?

	Percent
Own	81.6
Rent	15.0
Rent-free Situation	1.0



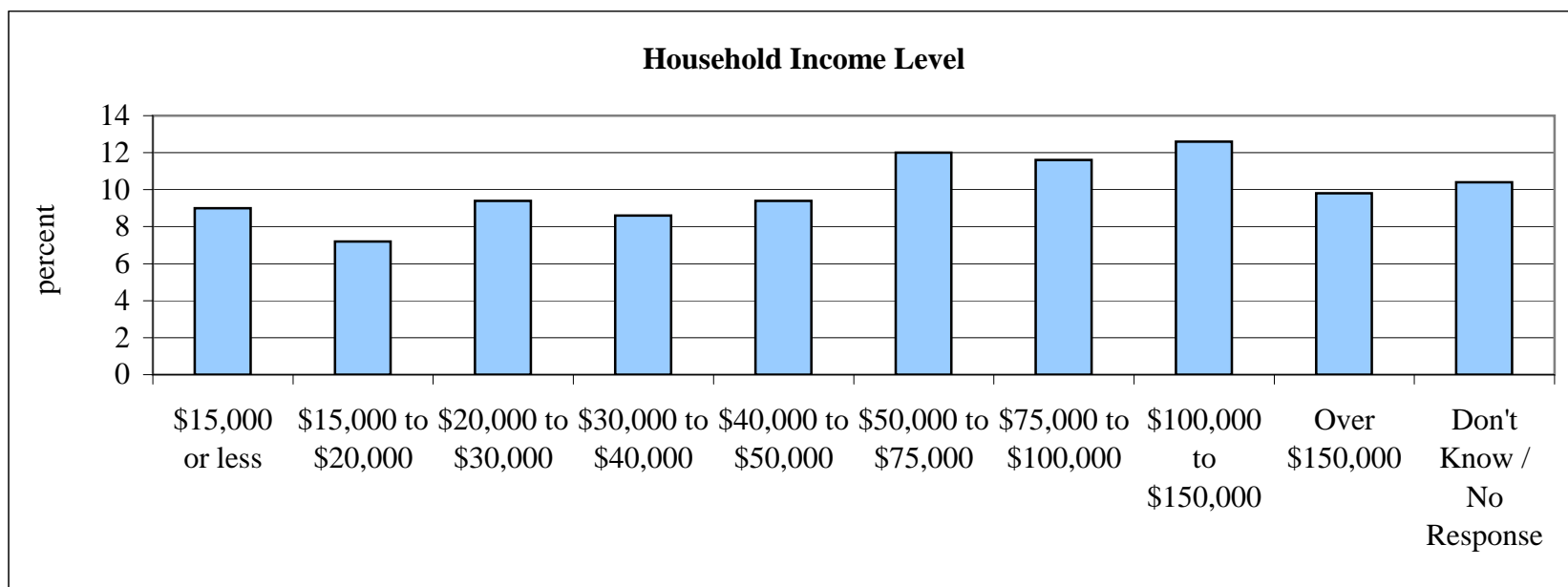
21. What is the last grade in school you completed?

	Percent
Less than high school	2.8
Some high school	4.8
High school grad	24.0
Some college	23.8
College grad or more	41.8
Technical or trade school	2
Don't Know / No Response	0.8



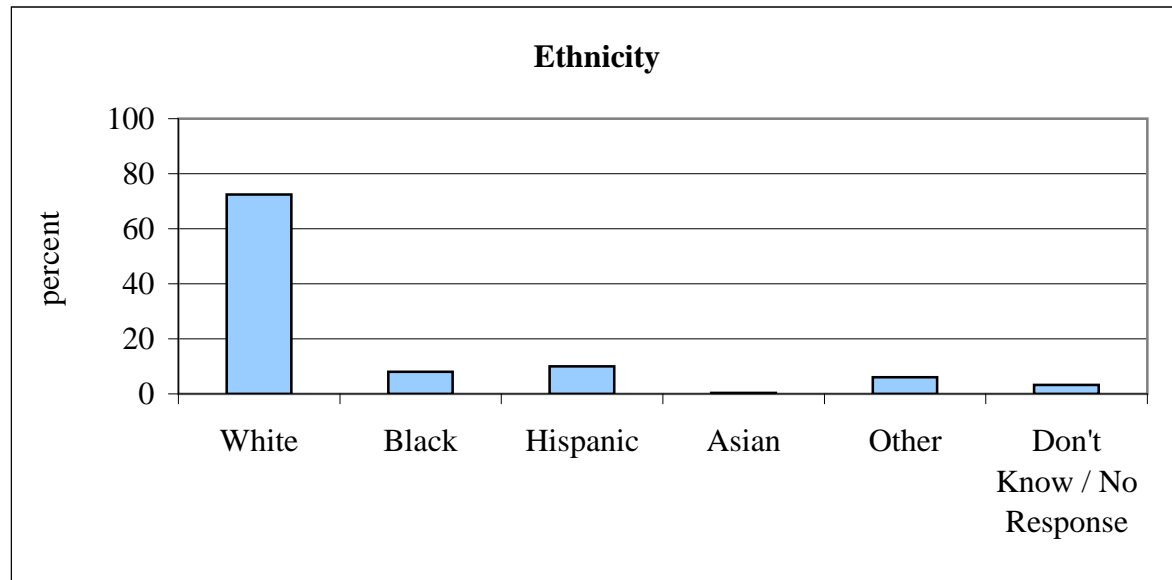
22. In which category does your total household income for the past year fall?

	Percent
\$15,000 or less	9.0
\$15,000 to \$20,000	7.2
\$20,000 to \$30,000	9.4
\$30,000 to \$40,000	8.6
\$40,000 to \$50,000	9.4
\$50,000 to \$75,000	12.0
\$75,000 to \$100,000	11.6
\$100,000 to \$150,000	12.6
Over \$150,000	9.8
Don't Know / No Response	10.4



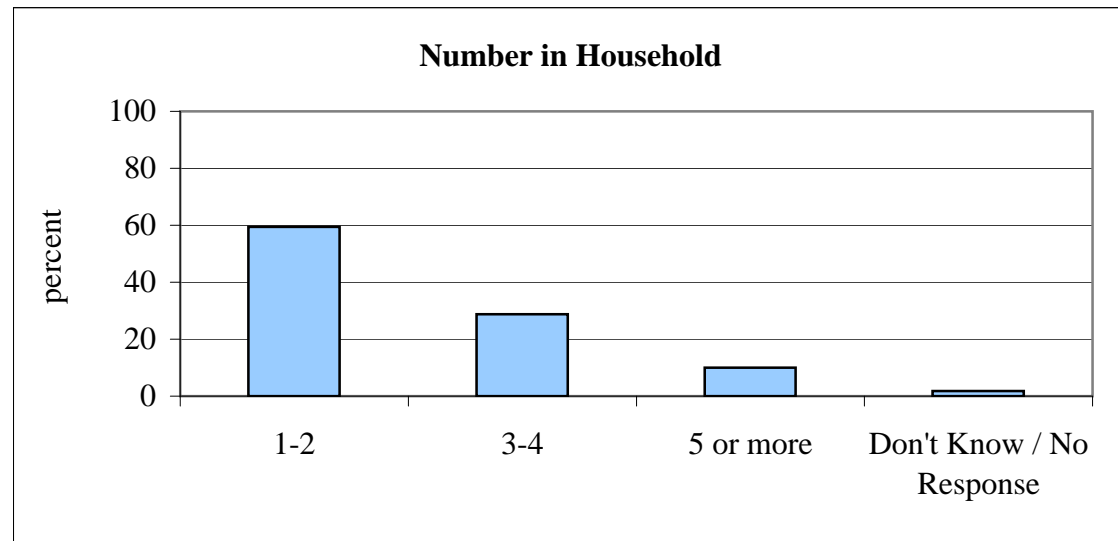
23. To what racial or ethnic group do you belong?

	Percent
White	72.4
Black	8.0
Hispanic	10.0
Asian	0.4
Other	6.0
Don't Know / No Response	3.2



24. How many people live in your household?

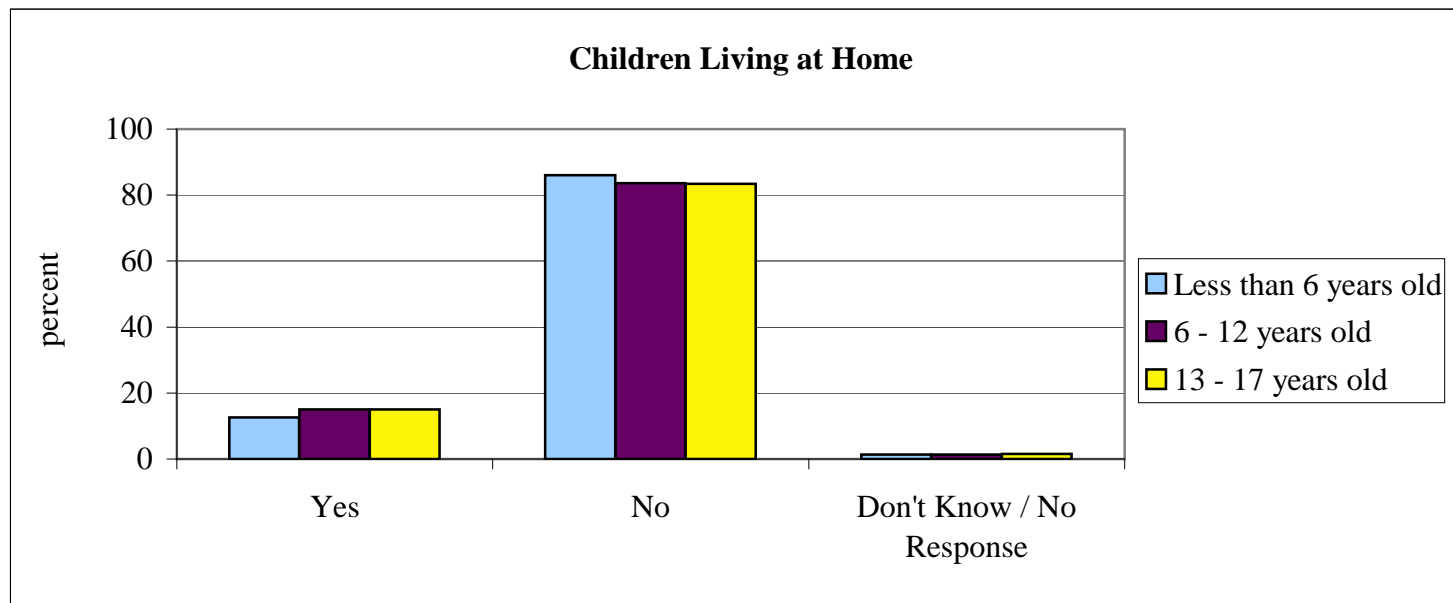
	Percent
1-2	59.4
3-4	28.8
5 or more	10.0
Don't Know / No Response	1.8



25. Please tell me if you have children living at home in the following age groups

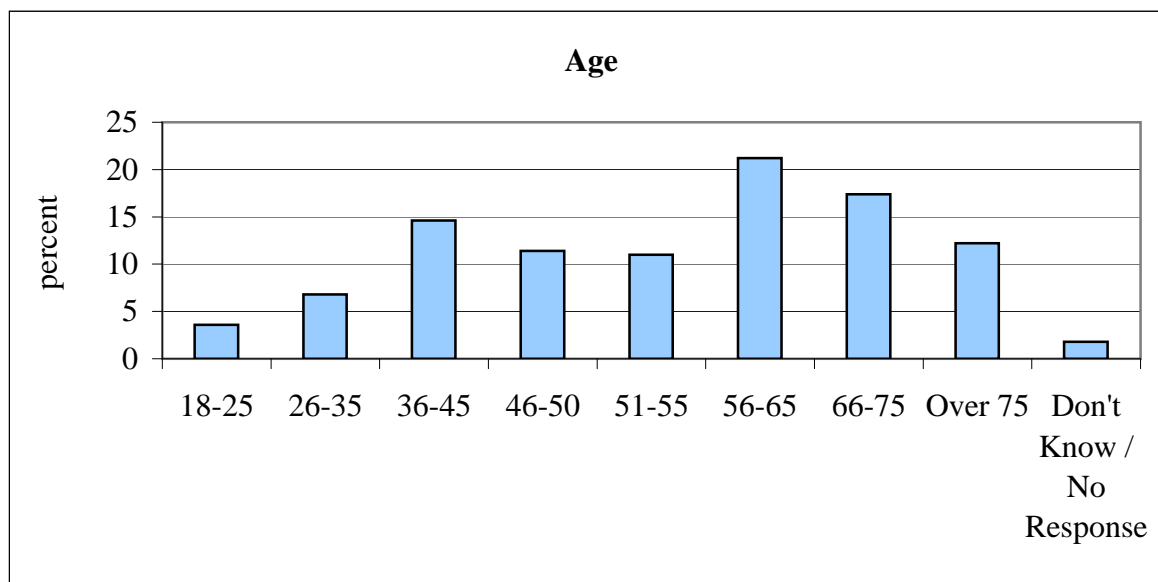
Percents

	Yes	No	Don't Know / No Response
Less than 6 years old	12.6	86.0	1.4
6 - 12 years old	15.0	83.6	1.4
13 - 17 years old	15.0	83.4	1.6



26. Into which of the following age groups do you fall?

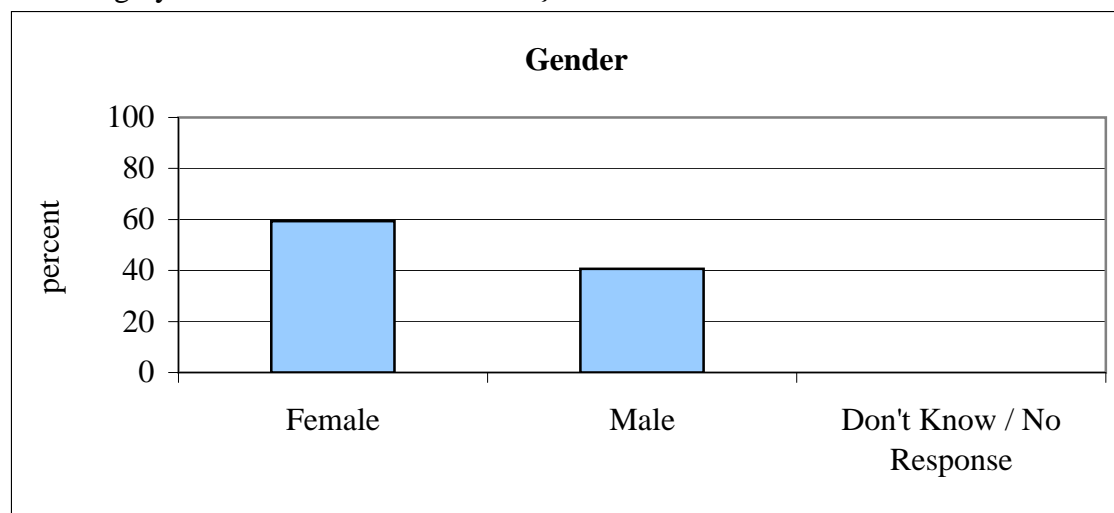
	Percent
18-25	3.6
26-35	6.8
36-45	14.6
46-50	11.4
51-55	11.0
56-65	21.2
66-75	17.4
Over 75	12.2
Don't Know / No Response	1.8



27. What is your residential zip code? {answers are a lengthy list from all around the state}

28. What is your gender?

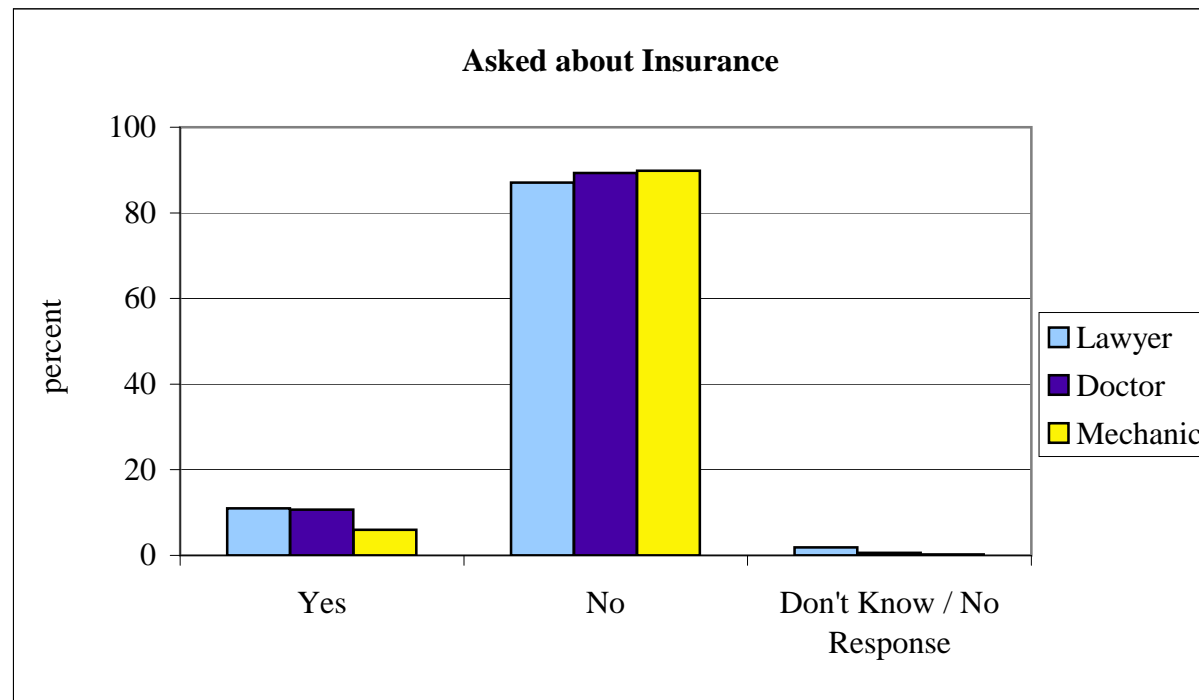
	Percent
Female	59.4
Male	40.6
Don't Know / No Response	0.0



Comparison between answers for questions 4, 6, and 7, regarding asking about coverage.

4,6,7. Have you ever asked your lawyer/doctor/mechanic if they have professional liability insurance?

	Lawyer	Doctor	Mechanic
Yes	11.0	10.7	6.0
No	87.1	89.3	89.8
Don't Know / No Response	1.9	0.6	0.2

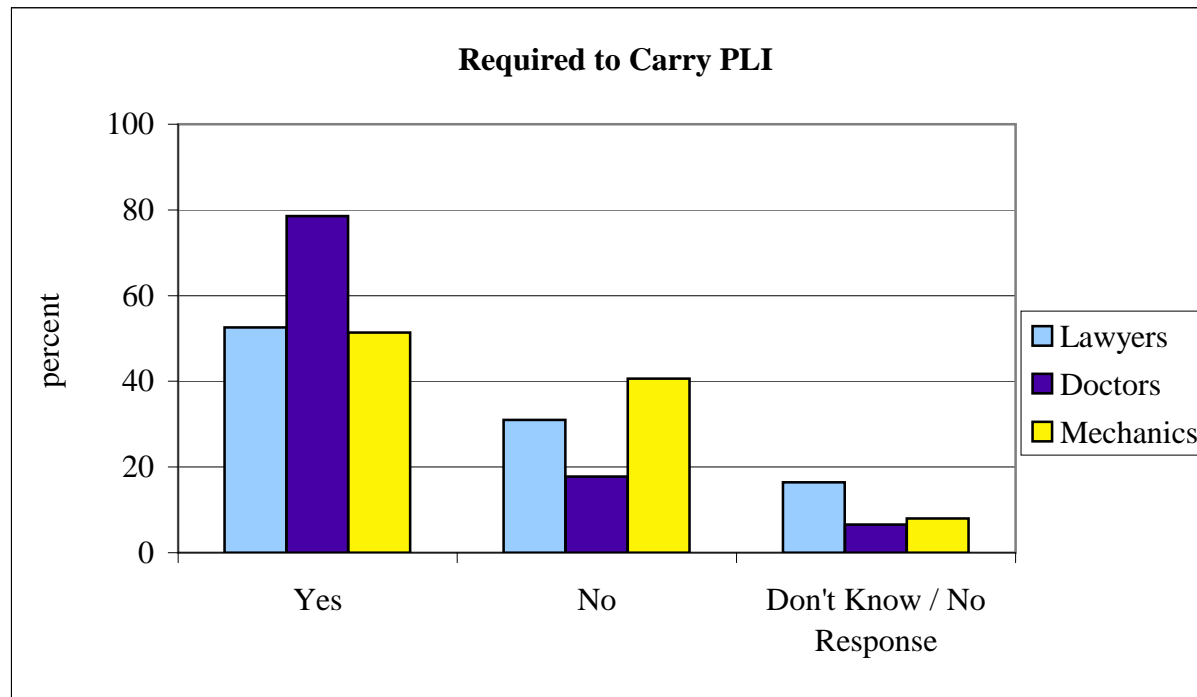


These results indicate that the public is equally likely to ask their lawyer, doctor, or mechanic about professional liability insurance coverage.

Comparison of answers from questions 10, 11, and 12, regarding a professional being required to carry PLI.

10,11,12. Do you believe all lawyers/doctors/mechanics should be required to carry professional liability insurance?

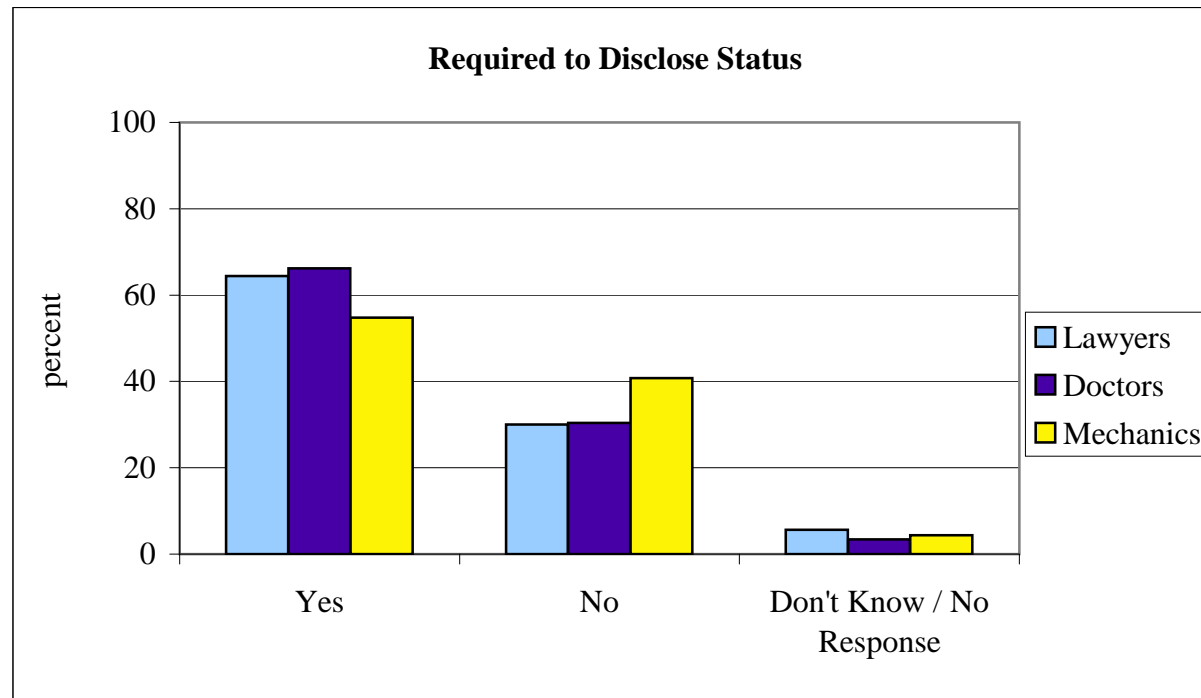
	Lawyers	Doctors	Mechanics
Yes	52.6	78.6	51.4
No	31.0	17.8	40.6
Don't Know / No Response	16.4	6.6	8.0



Comparison of answers from 13, 14, and 15, regarding requiring disclosure of insurance.

13,14,15. Do you believe that all lawyers/doctors/mechanics should be required to disclose to their clients whether or not they carry PLI?

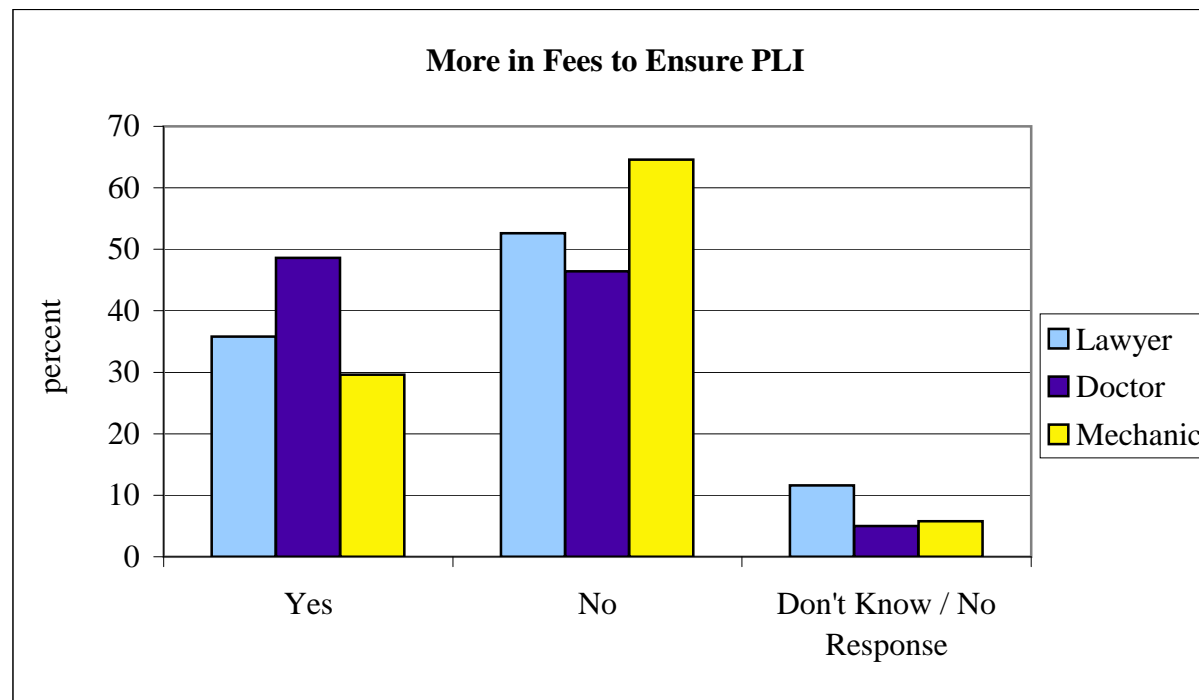
	Lawyers	Doctors	Mechanics
Yes	64.4	66.2	54.8
No	30.0	30.4	40.8
Don't Know / No Response	5.6	3.4	4.4



Comparison of answers from 16, 17, and 18, regarding paying more in fees to ensure insurance coverage.

16,17,18. Would you pay more in fees in order to ensure that your attorney/doctor/mechanic carries professional liability insurance?

	Lawyer	Doctor	Mechanic
Yes	35.8	48.6	29.6
No	52.6	46.4	64.6
Don't Know / No Response	11.6	5.0	5.8



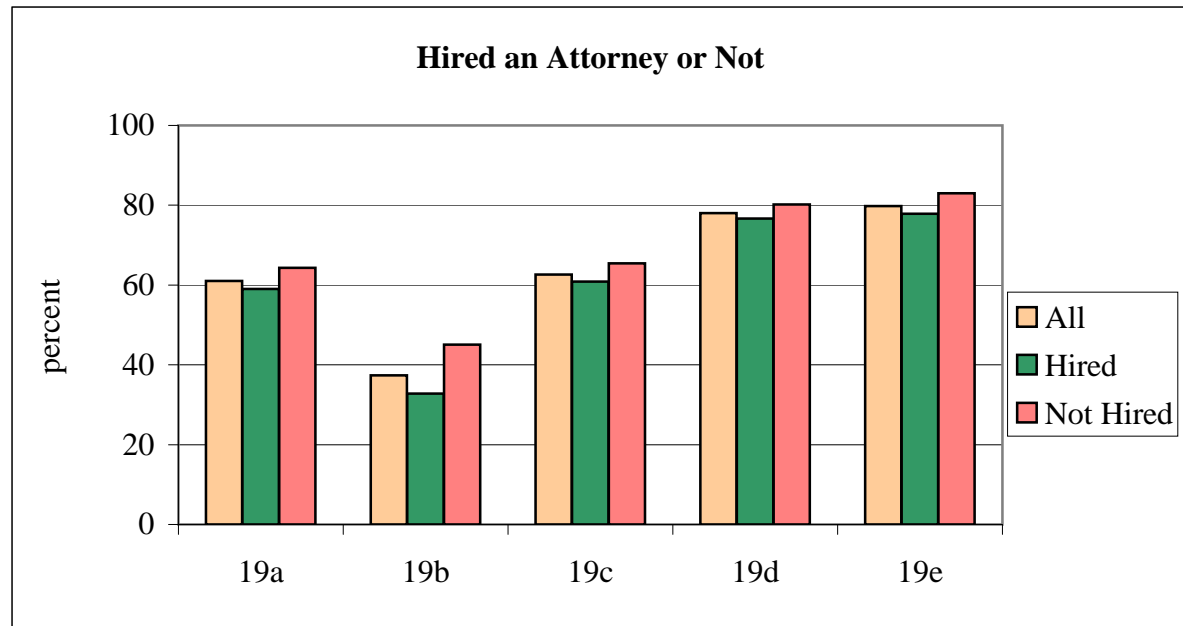
These results indicate that the public is more likely to pay more in fees to ensure that their doctor carries professional liability insurance, than they are to pay more in fees for their lawyer or mechanic. Additionally, those willing to pay more fees are significantly fewer in number than those who indicated that these professionals should be required to disclose their insurance coverage status (questions 13, 14, and 15).

Comparison on the five questions regarding what PLI would cover. The following questions were asked about PLI:

- 19a. Do you think PLI... would be a means for you to claim damages when your lawyer's processing of your case isn't up to the standard of skill you would expect of a competent attorney?
- 19b. Do you think PLI... would be a means for you to recover some of your damages or losses if you lost your case?
- 19c. Do you think PLI... would be a means for you to recover money you are due that your lawyer withholds?
- 19d. Do you think PLI... would be a means for you to claim damages when your lawyer has a conflict of interest that harms you in some way?
- 19e. Do you think PLI... would be a means to claim damages if your lawyer violates the terms of your specific agreement?

Comparing all respondents to those who indicated that they have hired an attorney and those who indicated they had not, these are the percentages that believe PLI does cover the above scenarios:

	All	Hired	Not Hired
19a	61.0	59.0	64.3
19b	37.4	32.8	45.1
19c	62.6	60.9	65.4
19d	78.0	76.7	80.2
19e	79.8	77.9	83.0



With each scenario, those who have hired an attorney are less likely to believe that PLI covers it, when compared to those who have not hired an attorney.

Comparing all respondents to those who indicated that they believe an attorney should disclose insurance status, and to those who indicated they should not, these are the percentages that believe PLI does cover the following scenarios:

19a. Do you think PLI... would be a means for you to claim damages when your lawyer's processing of your case isn't up to the standard of skill you would expect of a competent attorney?

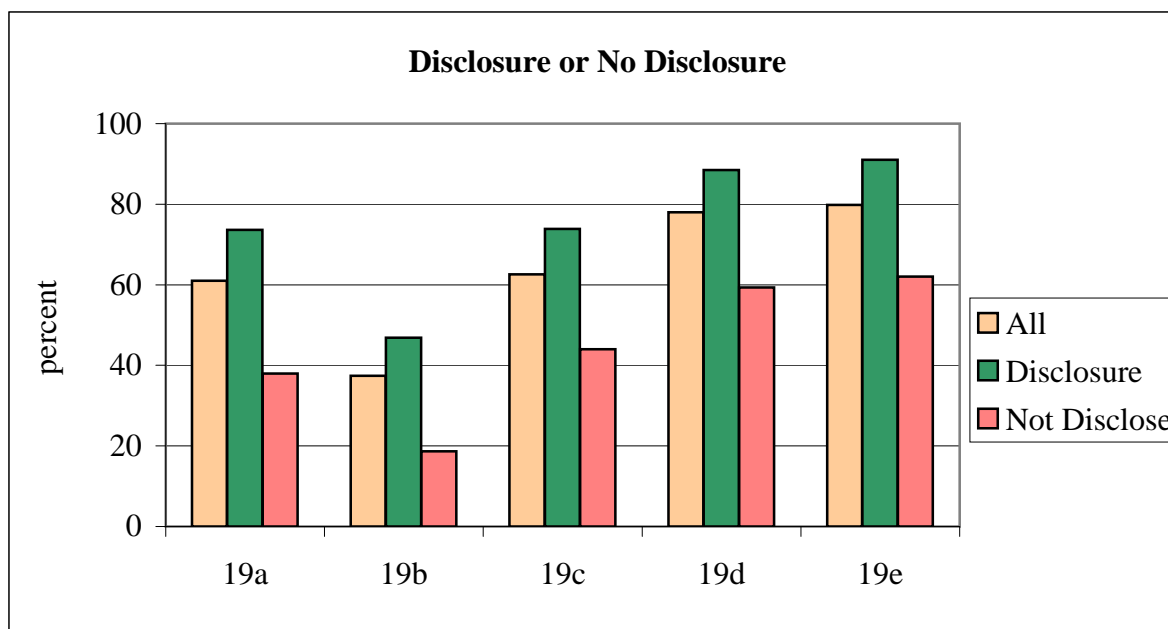
19b. Do you think PLI... would be a means for you to recover some of your damages or losses if you lost your case?

19c. Do you think PLI... would be a means for you to recover money you are due that your lawyer withholds?

19d. Do you think PLI... would be a means for you to claim damages when your lawyer has a conflict of interest that harms you in some way?

19e. Do you think PLI... would be a means to claim damages if your lawyer violates the terms of your specific agreement?

	All	Disclosure	Not Disclose
19a	61.0	73.6	38.0
19b	37.4	46.9	18.7
19c	62.6	73.9	44.0
19d	78.0	88.5	59.3
19e	79.8	91.0	62.0



These results indicate that those who are not in favor of a disclosure rule are less likely to believe that PLI covers that which is described in the five scenarios, as compared to those in favor of disclosure.

Summary:

Professional liability insurance, or coverage thereof, did not appear in the responses to the first two questions, in which respondents indicated what was most important to them when hiring a lawyer. Similarly, 87% indicated that they did not ask their lawyer if he or she carried PLI.

While most of the public (64%) believe that lawyers and other professionals should be required to disclose about their PLI coverage status, only 36% indicated they be willing to pay more in fees to ensure that their lawyer carried PLI.

Results from the demographic questions indicate a representative crosssection of Texans with this telephone survey.