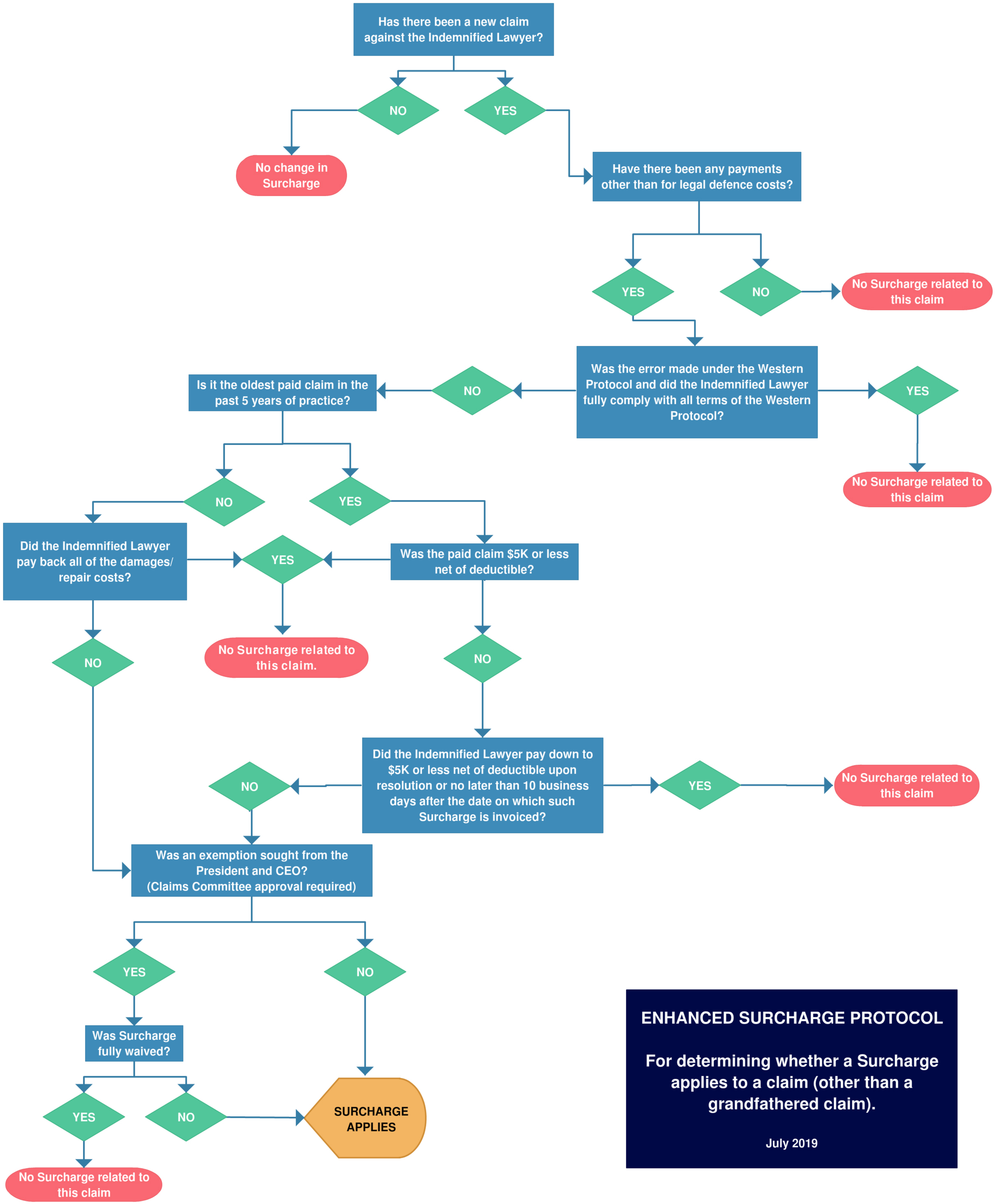
Has there been a new claim against the Indemnified Lawyer?
NO
YES
No change in Surcharge
Have there been any payments other than for legal defence costs?
YES
NO
No Surcharge related to this claim
Was the error made under the Western Protocol and did the Indemnified Lawyer fully comply with all terms of the Western Protocol?
YES
No Surcharge related to this claim
NO
Is it the oldest paid claim in the past 5 years of practice?
NO
YES
Did the Indemnified Lawyer pay back all of the damages/ repair costs?
YES
No Surcharge related to this claim.
Was the paid claim $5K or less net of deductible?
NO
NO
Did the Indemnified Lawyer pay down to $5K or less net of deductible upon resolution or no later than 10 business days after the date on which such Surcharge is invoiced?
YES
No Surcharge related to this claim
NO
Was an exemption sought from the President and CEO? (Claims Committee approval required)
YES
NO
Was Surcharge fully waived?
YES
NO
SURCHARGE APPLIES
No Surcharge related to this claim
ENHANCED SURCHARGE PROTOCOL
For determining whether a Surcharge applies to a claim (other than a grandfathered claim).
July 2019