



ASAE-Endorsed Errors & Omissions Insurance



About AXIS Capital

AXIS Capital is a leading global provider of specialty lines insurance and reinsurance with locations in Bermuda, the United States, Canada, Europe, Singapore, Australia and Latin America. The AXIS insurance and reinsurance companies are rated "A+" (Strong) by Standard & Poor's and "A+" (Superior) XV by A.M. Best.

About ASAE

ASAE represents more than 21,000 association executives and industry partners representing more than 9,300 organizations. Our members manage leading trade associations, individual membership societies and voluntary organizations across the United States and in nearly 50 countries around the world.

INDUSTRY-TRUSTED PROFESSIONAL LIABILITY COVERAGE

Every time an organization publishes information in print, produces content on the web or engages in standard setting and accreditation activity, it faces risk. Often, general liability and Directors' & Officers' liability insurance fail to cover this type of exposure. AXIS PRO® is the only ASAE-endorsed provider of professional errors & omissions liability coverage. Organizations can fulfill their goals and be supported by a team of experts who have tailored a program perfect for their needs.

Serving associations that

- Set and develop standards
- Produce and publish printed material
- Produce and publish interactive media
- Publish technical material in any format
- Perform consulting services
- Administer continuing education programs
- Offer certification and accreditation programs
- Create specifications, guidelines and principles
- Provide online and classroom development





AXIS PRO® Errors and Omissions Liability provides protection beyond what general liability policies cover.

Coverage Highlights

- Three-part insuring agreement for Professional Liability, Content Liability and Security/Privacy Liability
- Definition of services includes:
 - The administration of member services
 - Internet media services
- Definition of matter includes social media venues plus advertising services
- Sublimited coverages for:
 - Regulatory Proceedings
 - Insured's Claim Attendance Expenses
- First Party Coverages - Crisis Management and Public Relations Expense, Computer System Extortion Expense and Loss, and Business Interruption and Data Recovery Expense (optional by endorsement)
- Technology Services coverage (optional by endorsement)
- Liability coverage for associations' web sites
- Coverage for personal injury liability exposures
- Defense against allegations of unfair or deceptive trade practices
- Punitive damages coverage with provisions for most favorable venue where allowed by law
- Favorable consent to settle clause giving insured more control over settlement
- Coverage for innocent insureds for conduct of rogue employees
- Spousal coverage
- Worldwide coverage (where allowed by law)
- Primary or excess coverage available

Accreditation Organization Claim Example

The claim example below illustrates the type of exposure an association can face.¹

A medical specialty certification board negligently allowed a doctor to sit for a certification test, even though she did not meet basic requirements. Her tests were subsequently voided. She sued, asking the court to order the board to accept her scores and award \$1,000,000 in damages. The board won after eight months of litigation, which cost substantial legal fees.

Standards Developers/ Managers Claim Examples

The claims examples below illustrate the types of exposures an association can face.¹

- 1) An association that promulgates rules and regulations for manufacturers of rubber products was sued as one of many defendants when a plaintiff became injured and permanently disabled after attaching an improperly sized tire on a wheel, and the tire exploded. Plaintiff alleged his permanent, disabling injuries were due to the defendants' wrongful acts, including the association's negligent failures to properly test the designs of the tire and rim, to warn of the danger, and to instruct on the safe use. Although no damages were paid, the successful defense was costly.
- 2) While attending an annual seminar sponsored by a professional association one of the officers of the association had her laptop stolen out of her rental car. The computer contained the names and personal and financial information of the more than 2,500 members of the association. The association was required to notify all of the members whose information was or could have been accessed in the loss. The costs of notifying the members whose information had been released were in the high six figures. The association remains potentially liable for claims brought by members whose identities might be compromised and the association is still assessing the reputational harm done by the unauthorized leak of data.
- 3) An association was sued for defamation by a plaintiff that sold products to the association's members. The allegations were that the association had made disparaging comments about the plaintiff's products in presentations at the annual convention and on their web site. The plaintiff also sued individual board members for comments they made and posted on their own web sites. The association was defended by insurance, as were the individual board members, and the allegations were eventually thrown out but not before litigation was fought in two states over a period of several years.



Any organization dealing with accreditation or publishing faces risk.

¹ Coverage for these claims is not to be inferred from this list but must always be determined in reference to a particular insurance policy, which is the controlling document, as well as the facts and circumstances of each claim and applicable law.



CONTACT US

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