

UTAH COUNTIES INDEMNITY POOL PRE-LOSS LEGAL ASSISTANCE PROGRAM POLICY

SECTION A EFFECTIVE DATE AND FREQUENCY OF REVIEW

1. The effective date of this policy is August 8, 2018. The UCIP Board of Directors authorized staff to provide Members access to UCIP Defense Panel attorneys for limited consultative service prior to a claim being filed against the member, at no direct cost to the member, since sometime in the early 2000's (referred to as the UCIP Legal Hotlines). This Pre-Loss Legal Assistance Program Policy sets into policy the intent, procedures and scope of that Member service.
2. This policy should be reviewed annually, but not less than every five years by the Board of Directors.
3. This policy should also be reviewed any time that changes to laws governing the provision of legal services to a county or public agency are amended or recommendations are made by the UCIP CEO or CFO, which would require review and update to this policy.
4. Failure to review this policy in the frequency stated shall not nullify, void, limit or waive this policy or any action taken under this policy.
5. This policy is considered to be amended at the time any new federal or state law becomes effective which conflicts with this policy, but only to the extent necessary to come into compliance with new law.

SECTION B PURPOSE

1. The Pre-Loss Legal Assistance Program Policy outlines the policy of the UCIP Board of Directors related to UCIP providing access to and paying the cost of Members accessing attorneys on UCIP's Defense Panel for consultative services on issues which may lead to a civil claim against the Member, but for which the Member has received no notice of claim or suit.

SECTION C AUTHORITY

1. The Board has the authority to adopt this policy under the UCIP Interlocal Agreement and Bylaws.

SECTION D APPLICABILITY AND SCOPE

1. This policy applies to all legal consultative services provided by attorneys on UCIP's Defense Panel at UCIP expense to a Member prior to the Member being put on notice of a claim or suit related to the issue the consultative services are being provided for.

SECTION E DEFINITIONS

1. Board: the Board of Directors of the Utah Counties Indemnity Pool.
2. CEO: the Chief Executive Officer of the Utah Counties Indemnity Pool.
3. CFO: the Chief Financial Officer of the Utah Counties Indemnity Pool.
4. Covered Claim: a third-party claim for damages which is covered under the terms and conditions of the UCIP Bylaws Coverage Addendum.
5. Defense Panel: those attorneys approved by the Board of Directors to provide legal assistance to defend covered claims against UCIP Members.
6. Member: a current member of UCIP.
7. Pre-Loss Legal Assistance: legal consultative services provided by attorneys on UCIP's Defense Panel at UCIP expense to a Member prior to the Member being put on notice of a claim or suit related to the issue the consultative services are being sought.
8. UCIP: the Utah Counties Indemnity Pool.

SECTION F POLICY STATEMENTS

1. The Board of Directors believe that providing Members Pre-Loss Legal Assistance will result in many conflicts being resolved without a claim or suit being filed against the Member.
2. The Board of Directors believe that providing Members Pre-Loss Legal Assistance will limit UCIP's ultimate cost to defend the Member from claims or suits filed against the Member.

SECTION G PROCEDURES AND RESPONSIBILITIES

1. Members may access legal consultative assistance from attorneys on UCIP's Defense Panel for issues which may result in a covered claim against the Member.
2. UCIP will cover the cost of Pre-Loss Legal Assistance at rates approved for Defense Panel attorneys for up to two hours of services for each issue that may result in a covered claim. Pre-Loss Legal Assistance requiring more than two hours of consultative services must be approved by the CEO.
3. Members may access additional assistance beyond that approved under the Pre-Loss Legal Assistance Program at their own cost. If a covered claim does result, UCIP may, at its option, reimburse additional assistance paid by the Member which limits UCIP's cost to defend the claim.

4. UCIP will not reimburse or otherwise be responsible for the cost of legal consultative assistance provided by an attorney that is not approved to the UCIP Defense Panel at the time services are provided.
5. UCIP will not reimburse or otherwise be responsible for the cost of legal consultative assistance related to an issue which would not result in a covered claim unless approved by the CEO.
6. A Member which is a county must have approval of the Member's County Attorney to utilize the UCIP Pre-Loss Legal Assistance Program.
7. UCIP Defense Panel attorneys who are contacted by a Member seeking Pre-Loss Legal Assistance must contact the Member's attorney to coordinate on any opinion or advice to be provided the Member prior to providing such opinion or advice.
8. Any information provided Members about the UCIP Pre-Loss Legal Assistance Program will include clarification that services under the program must be coordinated with the Member's attorney.

SECTION H REVISION HISTORY

1. Adopted August 22, 2018
2. Revised: June 18, 2021

SECTION I APPENDICES

There are no appendices to this policy.