

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST. COURT
MIDDLE DIST. OF LA
2007 MAY 16 AM 10:46

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BY DEPUTY CLERK

PROFESSIONAL LIABILITY
REIMBURSEMENT PROGRAM

GENERAL ORDER.
NO. 2007-06

1. Eligible employees may be reimbursed for a portion of the cost of professional liability insurance subject to these guidelines.

2. Authority: Pub. L. No. 104-208, § 636 (1996); as amended by Pub. L. No. 105-277, § 644 (1998); as amended by Pub. L. No. 106-58, § 542 (1999); *Proceedings of the Judicial Conference of the United States* (JCUS-SEP 99, pp. 66-67).

3. Employees Eligible for Reimbursement:

A. The following employees are eligible to claim reimbursement pursuant to this policy:

1. Court unit executives;
2. Probation Officers and probation officer assistants;
3. Pretrial services officers and pretrial services officer assistants;
4. "Management officials" designated by the court unit executives. "Management official" means an individual employed in a position the duties and responsibilities of which require or authorize the employee to formulate, determine, or influence the policies of the Court. See 5 U.S.C. § 7103(a)(11).
5. "Supervisors" designated by the court unit executives. "Supervisor" means an individual having authority to hire, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees to adjust their grievances, or to effectively recommend such action, if the exercise of authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment. See 5 U.S.C. § 7103(a)(10).

B. Designation of an employee as eligible for reimbursement is not intended to recommend or discourage the purchase of a policy by an employee. Each employee must evaluate the risks related to his or her employment and compare the costs and benefits associated with such insurance.

C. No employee of the court should endorse or recommend a policy offered by any company or association, but employees may provide information as to those insurers known to provide policies of this type to enable an employee to request information about the policies offered.

4. Definition of "Professional Liability Insurance". Insurance which provides coverage for:

A. Legal liability for damages due to injuries to other persons, damage to their property, or other damage or loss to such other persons (including the expenses of litigation and settlement) resulting from or arising out of any tortious act, error, or omission of the covered individual (whether common law, statutory or constitutional) while in the performance of such individual's duties as a qualified employee; and

B. The cost of legal representation for the covered individual in connection with any administrative or judicial proceeding (including any investigation or disciplinary proceeding) relating to any act, error, or omission of the covered individual while in the performance of such individual's official duties as a qualified employee, and other legal costs and fees relating to such administrative or judicial proceeding.


5. Procedures for claiming reimbursement: Reimbursement requests must be submitted in writing to the clerk of the district court for payment and must be accompanied by a copy of the policy premium notice or statement of account showing the annual premium amount and the period covered by the policy. the request should indicate that the claim is being made pursuant to Pub. L. No. 104-208, § 636 (1996); as amended by Pub. L. No. 105-277, § 644 (1998); as amended by Pub. L. No. 106-58, § 542 (1999), and is in compliance with criteria established by the Judicial Conference and the Director of the Administrative Office.

6. The maximum reimbursement is one-half the cost of the policy, or \$150 per year, whichever is less.


7. The clerk of the district court shall maintain records of all reimbursement payments.

Baton Rouge, Louisiana, May 10, 2007.


RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA


JOHN V. PARKER
UNITED STATES DISTRICT JUDGE


JAMES J. BRADY
UNITED STATES DISTRICT JUDGE


FRANK J. POLOZOLA
UNITED STATES DISTRICT JUDGE