

**STATE BAR OF MICHIGAN  
MICHIGAN LITIGATION ASSISTANCE PARTNERSHIP PROGRAM  
MAKING A REFERRAL  
FOR MALPRACTICE INSURANCE COVERAGE  
OF A PRO BONO CASE**

- **Referrals from Access to Justice Campaign programs/other programs or clinics that do not have malpractice insurance coverage for their pro bono lawyers**

**INITIAL CONTACT:**

1. The legal service provider (LSP) initiates contact with SBM staff and has completely filled out the MI-LAPP Malpractice Intake referral form, which is located online.
2. Programs or clinics that are not Access to Justice Campaign programs will provide the SBM with documentation showing that they are assisting low income persons that fall under the 200 percent poverty guidelines in order to qualify for malpractice coverage under the MI-LAPP program.
3. The LSP sends the completed referral form to the State Bar of Michigan staff. This information can be mailed to State Bar of Michigan, Pro Bono Initiative, 306 Townsend Street, Lansing, MI 48933 or emailed to [pbi@mail.michbar.org](mailto:pbi@mail.michbar.org).
4. Requests for coverage must be made prior to beginning work on the case.

**APPROVAL:**

5. SBM staff will then review the request, and if coverage is granted, the SBM staff will issue a letter to the pro bono attorney stating he is covered and providing information about the malpractice coverage. A copy of the letter will be sent to the referring program. SBM staff will enter all information into PIKA, SBM's case management system.
6. Requests will be decided within seven days unless there is an indication on the form that an emergency exists.

**ADMINISTRATION:**

7. The LSP will maintain primary responsibility for case administration, including calendar, report, quality, and case closure purposes.
8. The pro bono attorney is responsible for informing the SBM when the case is considered closed, and if he becomes aware of any potential claim.
9. Both the LSP and the attorney are responsible for responding to any case update or reporting requests made by the SBM.

- **Requests for malpractice coverage from pro bono attorneys that do not carry their own malpractice insurance, or whose malpractice policy does not cover the pro bono case**

#### **INITIAL CONTACT:**

The pro bono attorney initiates contact with SBM staff and has completely filled out the MI-LAPP Malpractice Eligibility referral form, which is located online.

1. The pro bono attorney sends the completed referral form to the State Bar of Michigan staff. This information can be mailed to State Bar of Michigan, Pro Bono Initiative, 306 Townsend Street, Lansing, MI 48933 or emailed to [pbi@mail.michbar.org](mailto:pbi@mail.michbar.org).
2. Requests for coverage must be made prior to beginning work on the case.

#### **APPROVAL:**

3. SBM staff will then review the request, and if coverage is granted, the SBM staff will request that the pro bono attorney sign a pro bono retainer with the client and send a copy to the SBM to be kept in the MI-LAPP file folder. Upon receipt of the pro bono retainer agreement, the SBM staff will issue a letter to the pro bono attorney stating he is covered and include information about the malpractice coverage. SBM staff will enter all information into the PIKA case management system.
4. If coverage is not granted, the SBM will inform the pro bono attorney why coverage was declined.
5. Requests will be decided within seven days unless there is an indication on the form that an emergency exists.

#### **ADMINISTRATION:**

6. The pro bono attorney will maintain primary responsibility for case administration, including calendar, report, quality, and case closure purposes, and will promptly respond to requests from SBM for case updates.
7. The pro bono attorney is responsible for informing the SBM when the case is considered closed, and if he becomes aware of any potential claim.

Dated: November 2010