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## U.S. District Court for the Southern District of Ohio

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### Professional Liability Insurance Reimbursement Policy

Effective: July 1, 2023

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#### I. Purpose

The Professional Liability Insurance Reimbursement Policy allows Judicial Officers and eligible judiciary employees to be reimbursed for one-half the cost of the annual premium (including taxes and administrative fees that are part of the cost of procuring the policy) for professional liability insurance, regardless of cost. [Guide to Judiciary Policy, Volume 12, Chapter 7.](#)

#### II. Scope

This Policy applies to the following employees of the Southern District of Ohio (SDOH):

- Judicial Officers,
- Court Unit Executives,
- Probation Officers, Probation Officer Assistants,
- Pretrial Services Officers and Pretrial Services Officer Assistants; and
- “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\(a\)\(11\)](#).
- “Supervisors” designated by the Court Unit Executives.
  - “Supervisor” means an individual having authority to hire, direct, 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 the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment. See [5 U.S.C. § 7103\(a\)\(10\)](#).
- 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.
- 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.



- A person occupying an attorney, or a law clerk position is not eligible for the program unless the person serves in a supervisory capacity. See [JCUS-SEP 1999, pp68](#).

### **III. Definition of “Professional Liability Insurance.”**

Insurance that provides coverage for:

- 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 official duties as a qualified employee; and
- 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.

### **IV. Policy and Procedures**

#### **Reimbursement**

Reimbursement requests must be submitted using the [Reimbursement Claim for Professional Liability Insurance \(Form AO72\)](#). The completed form is to be emailed to the Appointing Officer or Court Unit Executive 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 as well as a receipt evidencing payment. 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, § 642 (1999), and follows criteria established by the Judicial Conference and the Director of the Administrative Office of the U.S. Courts.

- Judicial Officers will email their completed [Reimbursement Claim for Professional Liability Insurance \(Form AO72\)](#) to the Chief Judge for signature. The Chief Judge will then email the completed form to the Clerk's Office Finance Department, [<OHSDml\\_Col\\_Finance@ohsd.uscourts.gov>](mailto:<OHSDml_Col_Finance@ohsd.uscourts.gov>), for processing and copy the Judicial Officer.



- Court Unit Executives will email their completed [Reimbursement Claim for Professional Liability Insurance \(Form AO72\)](#) to the Chief Judge for signature. The Chief Judge will then email the completed form to the respective Finance Department for processing and copy the Court Unit Executive.
- Probation Officers and Probation Officer Assistants will email their completed [Reimbursement Claim for Professional Liability Insurance \(Form AO72\)](#) to the Chief Probation Officer for signature. The Chief Probation Officer will then email the completed form to their respective Finance Department for processing and copy the Probation Officer or Probation Officer Assistant.
- Pretrial Services Officers and Pretrial Services Officer Assistants will email their completed [Reimbursement Claim for Professional Liability Insurance \(Form AO72\)](#) to the Chief Pretrial Services Officer for signature. The Chief Pretrial Services Officer will then email the completed form to their respective Finance Department for processing and copy the Pretrial Services Officer or Pretrial Services Officer Assistant.
- Management Officials will email the completed [Reimbursement Claim for Professional Liability Insurance \(Form AO72\)](#) to their respective Court Unit Executive for signature. The Court Unit Executive will then email the completed form to their respective Finance Department for processing and copy the Management Official.
- Supervisors will email the completed [Reimbursement Claim for Professional Liability Insurance \(Form AO72\)](#) to their respective Court Unit Executive for signature. The Court Unit Executive will then email the completed form to their respective Finance Department for processing and copy the Supervisor.
- Supervisory Law Clerk's (DPLC or Pro Se) will email their completed [Reimbursement Claim for Professional Liability Insurance \(Form AO72\)](#) to the Chief Judge for signature. The Chief Judge will then email the completed form to the Clerk's Office Finance Department, [<OHSDml\\_Col\\_Finance@ohsd.uscourts.gov>](mailto:OHSDml_Col_Finance@ohsd.uscourts.gov), for processing and copy the Supervisory Law Clerk.

All claims for reimbursement should be submitted within 90 days from the date the expense was incurred. Claims submitted after the 90-day period generally will not qualify as reimbursements under an accountable plan and will be included in the requester's taxable gross income.

[Guide to Judiciary Policy, Vol. 13, § 1230 \(Reimbursements Under an Accountable Plan\)](#).



## V. Required Documentation

The following table describes the documentation that is required for reimbursement.

Required Documentation		
Document	Description	Signed by...
<a href="#">Reimbursement Claim for Professional Liability Insurance (Form AO 72)</a>	Requests reimbursement for the cost of Professional Liability Insurance.	<ul style="list-style-type: none"><li>• Employee</li><li>• Court Unit Executive or Appointing Officer</li></ul>
Premium Notice	Statement showing the annual premium amount and period covered by the policy.	
Receipt	Evidencing Payment of premium.	

The following provides the budget codes necessary to complete the [Reimbursement claim for Professional Liability Insurance \(Form AO 72\)](#).

§430.10.20(b) Fund Citations for Professional Liability Insurance Reimbursement				
	Fund Code	Budget Org. Code	Cost Org. Code	BOC
District Court	(FY) 092000	DXXBBCX	Court Unit Code	1229
Probation/Pretrial Services Offices	(FY) 092000	PXXBBCX	Court Unit Code	1229



#### IV. Signatures

  
Algenon L. Marbley  
Chief United States District Judge

  
Edmund A. Sargus, Jr.  
United States District Judge

  
Michael H. Watson  
United States District Judge

  
Sarah D. Morrison  
United States District Judge

  
Douglas R. Cole  
United States District Judge

  
Matthew W. McFarland  
United States District Judge

  
Michael J. Newman  
United States District Judge

  
Jeffery P. Hopkins  
United States District Judge

  
James L. Graham  
United States District Judge

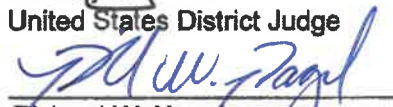
  
Walter H. Rice  
United States District Judge

  
Thomas M. Rose  
United States District Judge

  
Susan J. Dlott  
United States District Judge

  
Michael R. Barrett  
United States District Judge

  
Timothy S. Black  
United States District Judge

  
Richard W. Nagel  
Clerk of Court

  
Melanie A. Furry  
Chief U.S. Pretrial Services Officer

  
Mark R. Grawe  
Chief U.S. Probation Officer