

# SWISS RE CORPORATE SOLUTIONS AMERICA INSURANCE CORPORATION

## SUPPLEMENTAL AREA OF PRACTICE QUESTIONS FOR LAWYERS

**Applicant Instructions:**

- Answer all questions in ink. If answer is none, state 'none'.
- If space is insufficient to answer all questions fully, use separate sheets of paper.

**PLAINTIFF SUPPLEMENTAL QUESTIONS**     None

*If any of the Applicant's practice is allocated to plaintiff-specific AOP, the Applicant must complete this section, based on time spent on each case type, whether or not income has accrued. Do not include collection, divorce or other engagements not allocated to a Plaintiff AOP in Q16 of the Application.*

1. Please indicate the percentage of plaintiff's work devoted to the following specialties:

Admiralty	%	Medical Negligence	%	Commercial/Business	%
Aviation	%	Non-Medical Professional Liability	%	Employment Law	%
Asbestos	%	Products Liability	%	Personal Injury/Property Damage	%
Tobacco	%	Pharmaceutical	%	Other (please specify):	%
Other Toxic Torts	%	Workers' Compensation	%	TOTAL PLAINTIFF	<u>100</u> %

2. Does any of the indicated work include class action or mass tort suits or are you currently handling any class action or mass tort suits? .....  Yes  No

**If 'yes', please provide details.**

3. What is the average dollar value of plaintiff cases closed during the last twelve months?

- Less than \$25,000             \$100,000. - \$499,999             \$1,000,000. or more  
 \$25,000. - \$99,999             \$500,000. - \$999,999

4. What is the largest plaintiff verdict or settlement achieved by the firm in the last five years?

- \$1,000,000 or less             More than \$1,000,000 and less than \$5,000,000             \$5,000,000 or more

5. How many lawyers are in plaintiff practice? ..... \_\_\_\_\_

6. What is the average number of plaintiff cases an individual attorney handles per year? ..... \_\_\_\_\_

7. In the last twelve months, what percent of new cases did the firm reject: ..... \_\_\_\_\_ %

In the past twelve months, what percent of the firm's caseload

- A. went to trial? ..... \_\_\_\_\_ %  
 B. concluded without trial? ..... \_\_\_\_\_ %  
 C. is still pending? ..... \_\_\_\_\_ %

8. Does the Applicant accept cases venued outside the state(s) in which the firm has office(s)? .....  Yes  No

For Questions 9 and 10, "referral" means any fee-sharing or co-counsel/file-sharing arrangements for plaintiff cases.

9. A. Does the Applicant refer plaintiff cases to other law firms? .....  Yes  No

B. If 'yes' to A, does the Applicant use written referral agreements in all cases that are referred **by** the firm? .....  Yes  No

C. If 'yes' to A, does the Applicant obtain certificates of insurance from all firms to which cases are referred? .....  Yes  No

10. A. Does the Applicant take plaintiff case referrals from other law firms? .....  Yes  No

B. If 'yes' to A, does the Applicant use written referral agreements in all cases that are referred **to** the firm? .....  Yes  No

C. If 'yes' to A, does the Applicant obtain certificates of insurance from all firms that refer cases to the firm? .....  Yes  No

11. If the Applicant splits fees, is this arrangement always communicated in writing to the client? .....  Yes  No  No fees are split

If 'no', please explain. \_\_\_\_\_

12. Indicate all methods by which the Applicant has advertised in the last twelve months. **Check all that apply.**

- Television             Newspaper             Yellow Pages             Internet or other electronic media  
 Radio             Magazine             None             Other, **please specify:** \_\_\_\_\_

**ENTERTAINMENT SUPPLEMENTAL QUESTIONS**  None

*If the Applicant indicated any percentage of the firm's practice is entertainment / sports or for public figures, the Applicant must complete this section. Please provide details for any 'yes' response.*

- 1. Does the firm, or any member of the firm, exercise any authority to write checks? .....  Yes  No
- 2. Does the firm, or any member of the firm, provide investment advice, make investments, or have discretionary control of funds for entertainment / sports clients or other public figures? .....  Yes  No
- 3. Does the firm negotiate personal appearances, product endorsements, serve as a talent agent or manager for the entertainment / sports clients or other public figures? .....  Yes  No

**ESTATE / PROBATE / TRUST SUPPLEMENTAL QUESTIONS**  None

*If the Applicant indicated any percentage of the firm's practice is estate / probate / trust work, the Applicant must complete this section. Please provide details for any 'yes' response.*

- 1. A. Does the firm, or any member of the firm, exercise any authority to write checks? .....  Yes  No
- B. If 'yes', do you obtain an independent reconciliation of each account to the court or beneficiary(ies) on at least an annual basis? If not, please explain the fiduciary oversight performed. ....  Yes  No
- 2. Does the firm, or any member of the firm, provide investment advice, make investments, or have discretionary control of funds for the estate / probate / trust clients? .....  Yes  No
- 3. Does the value of any estate or trust handled by the firm exceed \$5,000,000? .....  Yes  No
- 4. A. Is the firm responsible for completion and filing of any estate tax return? .....  Yes  No
- B. If 'yes', do you have written procedures to ensure timely filing? .....  Yes  No
- C. If 'no' to 4.A., do you confirm in writing to the client that you are not responsible for completion of the tax return and advise the deadline for filing? .....  Yes  No
- 5. Are all attorney fees approved by the court or beneficiaries before the attorney fees are disbursed? .....  Yes  No

**REAL ESTATE SUPPLEMENTAL QUESTIONS**  None

*If the Applicant indicated any percentage of the firm's practice is real estate work, the Applicant must complete this section.*

- 1. Does anyone in the firm provide services to clients who form, manage, or organize group investments / syndications (e.g., limited partnerships, general partnerships, real estate investment trusts or corporations) for the purpose of investing in real property? .....  Yes  No
- 2. Does anyone in the firm solicit or seek investors in real estate mortgages or similar real estate-based investments? .....  Yes  No
- 3. Does the firm always use a disclosure form and have this form signed by both parties when acting in a dual capacity in the same real estate transaction? .....  N/A  Yes  No
- 4. A. Does your firm conduct property transfers or leasing agreements? .....  Yes  No
- B. If 'yes' to 4.A., do you counsel the client in writing to obtain an independent environmental evaluation of the property? .....  Yes  No
- C. If 'yes' to 4.A., do you disclaim any responsibility for environmental exposures, whether known or unknown, to the client in writing? .....  Yes  No
- 5. Does the firm undertake any aspect of financial or valuation analysis or review of transactions for clients (e.g. tax ramifications or appraisals)? .....  Yes  No

**FINANCIAL INSTITUTION SUPPLEMENTAL QUESTIONS**  None

*If the Applicant indicated any percentage of the firm's practice is financial institution work, the Applicant must complete this section.*

- 1. What type of financial institution work does the Applicant perform?  
 Regulatory       General Counsel       Loan Closings       Repossessions and Foreclosures  
 Other (please describe on separate page)
- 2. Are any attorneys on the board of directors of any financial institution for which the firm rendered regulatory or general counsel services? .....  Yes  No

**If any director or officer position is held, please complete the Outside Interest Supplement.**

3. Has any institution that has been a client within the last five years been under regulatory review at any time by any state or government agency or had any action taken against them? Do not include routine reviews that apply to all financial institutions.  Yes  No

If 'yes', please describe the services rendered to such institutions and advise if services were rendered pre- or post-regulatory review on a separate sheet of paper.

4. Has any financial institution for which the Applicant has done work in the last five years become bankrupt or insolvent?  Yes  No

If 'yes', please describe the services rendered to such institutions and advise if services were rendered pre- or post-insolvency on a separate sheet of paper.

**BANKRUPTCY SUPPLEMENTAL QUESTIONS**  None

*If the Applicant indicated any percentage of the firm's practice is bankruptcy work, the Applicant must complete this section.*

1. State the number of bankruptcy cases which fall into the following categories: For Debtor For Creditor As Trustee

\_\_\_\_\_

2. Indicate percentage of bankruptcy cases which are:

a. Personal Bankruptcies \_\_\_\_\_%      b. Commercial Bankruptcies \_\_\_\_\_%      c. Other \_\_\_\_\_%

3. List attorneys involved in this area of practice: % of Time Spent on Bankruptcy Work Years of Experience

_____	_____%	_____
_____	_____%	_____
_____	_____%	_____

**COLLECTION SUPPLEMENTAL QUESTIONS**  None

*If the Applicant indicated any percentage of the firm's practice is collection work, the Applicant must complete this section.*

1. Do all lawyers and staff in this specialty receive training on the Fair Debt Collection Practices Act?  Yes  No

2. Are form letters and other correspondence regularly reviewed for compliance with all current federal and state statutes?  N/A  Yes  No

3. Does the firm require use of a script which has been reviewed for compliance with the Fair Debt Collection Practices Act and applicable state laws when collecting debts via phone?  N/A  Yes  No

**MERGERS & ACQUISITIONS SUPPLEMENTAL QUESTIONS**  None

*If the Applicant indicated any percentage of the firm's practice is merger & acquisition work, the Applicant must complete this section.*

1. A. How many lawyers are engaged in mergers & acquisition-related activities? \_\_\_\_\_  
 B. What are their average years of experience? \_\_\_\_\_  
 C. How many have less than three years' experience? \_\_\_\_\_

2. Has the applicant firm been involved in any hostile or unfriendly mergers or acquisitions over the last year?  Yes  No

3. Based on the specific asset size of the transaction, list the top five transactions completed over the previous 12 months, including client's name, client's industry and the specific asset size of the transaction:

1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_  
 4. \_\_\_\_\_  
 5. \_\_\_\_\_

4. A. During the past 12 months, what percentage of completed M&A transactions involved publicly-traded companies, as your client? \_\_\_\_\_

If any, please complete the SEC Supplement.

B. During the past 12 months, what percentage of completed M&A transactions involved your privately-held client's transaction with a publicly-traded company? \_\_\_\_\_%

5. During the last 12 months, did the applicant firm or any attorney represent a client in a failed merger or acquisition? .....  Yes  No  
If 'yes', please attach details.
6. How many transactions does the firm expect to complete in the next 12 months? .....
7. Did the firm or any attorney within the firm represent a client in a merger or acquisition where the firm or any attorney within the firm owned an equity interest in the client? .....  Yes  No
8. In the last five years has any member of your firm assisted a foreign corporation (not incorporated in the US) in becoming a publicly-traded company on an US stock exchange or traded over the counter (OTC) through a reverse-merger acquisition? .....  Yes  No  
If 'yes', please complete the SEC Supplement.
9. Does a principal of the firm ensure that all post-close transactions such as UCC-1 filings and mortgage filings are completed? .....  Yes  No  
If 'no', please explain on a separate sheet of paper.

**CORPORATE SUPPLEMENTAL QUESTIONS**  None

*If the Applicant indicated any percentage of the firm's practice is corporate work, the Applicant must complete this section.*

1. Do you provide corporate services other than the following: general counsel / corporate governance; contract drafting and review; legal entity formations; employment contracts; partnership agreements; ERISA and employee benefit consulting? .....  Yes  No  
If 'yes', please provide a brief description of those corporate services not named above and, for each service, the percent of total firm income derived from such services for the past year:

NOTE: Services related to any intellectual property matters must be reported under the appropriate Intellectual Property AOP. Services related to bonds, private placements, exempt transactions and stock offerings must be reported under SEC. Mergers & Acquisitions must be reported under that specific AOP.

2. Does the firm render services to publicly-traded clients other than services related to the raising of capital? .....  Yes  No  
If 'yes', please advise what percent of your corporate engagements are for publicly-held companies ..... %  
Please describe the services rendered: \_\_\_\_\_
3. Does the firm address potential conflict of interest issues between the corporate entity and its individual directors and officers in writing? .....  Yes  No  
If 'yes', does the firm obtain a conflict waiver signed and dated by all parties? .....  Yes  No

**I understand information submitted herein becomes a part of the application and is subject to the same conditions as stated on the Application.**

**THIS SUPPLEMENT MUST BE SIGNED BY AN OWNER, PARTNER OR PRINCIPAL OF THE FIRM.**

Signed: \_\_\_\_\_ Date \_\_\_\_\_  
Owner, Officer or Partner  
\_\_\_\_\_  
Title

Name of Firm: \_\_\_\_\_

**The Applicant understands and agrees that she or he is obligated to report any changes in the information provided in the supplement that occur after the date of the application and before policy inception.**

**IF YOU ARE SIGNING AND SUBMITTING THIS DOCUMENT ELECTRONICALLY:** By checking the Electronic Signature Acceptance box below, you acknowledge that it is your intent that the name typed in the Signature of Owner, Officer or Partner line will serve as your signature for the purpose of this application and that you agree to complete and submit this application electronically. Once submitted, your signed application will be just as enforceable as a written document signed by hand.

Electronic Signature and Acceptance of the Owner, Officer or Partner.

Signed: \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_  
Owner, Officer or Partner