



**Majlis Peguam
Bar Council Malaysia**

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**Circular No 320/2022
Dated 19 Oct 2022**

To Members of the Malaysian Bar

**2022 Professional Indemnity Insurance:
Requirement to make a notification in the event of a claim**

We refer to [Circular No 335/2021](#) dated 23 Aug 2021 entitled “Terms and Conditions for 2022 Professional Indemnity Insurance Renewal | Bar Council to Bear Increase in Base Premium”.

Members of the Bar are reminded and urged to make a notification to the 2022 Professional Indemnity Insurance (“PII”) Scheme Insurer in respect of any known claim, or potential claim that you have knowledge of, that may or may not result in a suit against you. Notifications must be made as soon as possible, within 60 days of awareness. Failure to submit a notification within the specified period may result in the Insurer of the 2022 PII Scheme declining your notification.

The 2022 Certificate of Insurance defines a “claim” as:

- (a) a demand for, or an assertion of a right to, compensation, damages or such other remedies for civil liability which arises from your legal practice; or
- (b) an intimation of an intention to seek compensation, damages or such other remedies for civil liability which arises from your legal practice.

Notification of claims or notifiable circumstances must be made in writing as soon as possible within 60 days of awareness, to:

Marsh Insurance Brokers (M) Sdn Bhd
Level 42-01 (West Wing), Q Sentral
Jalan Stesen Sentral 2
Kuala Lumpur Sentral
50470 Kuala Lumpur

Tel: 03-2723 3388 / 3241
Fax: 03-2732 3301
Email: mbar@marsh.com

We encourage Members of the Bar to immediately make a notification if you have received a writ, notice of demand, intimation of a claim, or any hint of a possible claim in the future. There are no claims loading imposed upon a notification made to the Insurer. Click [here](#) to view a chart on how to make a notification of a claim.

Members of the Bar are reminded to always be vigilant and practise good risk management to minimise the possibility of a negligence claim against you and your law firm.

If you require clarification or have any suggestions regarding PII and risk management, or have an issue with a claim or the services of the PII Scheme's insurance broker, please contact the PII and Risk Management Department by telephone at 03-2050 2001, or by email at pirm@malaysianbar.org.my.

Thank you.

Burhanudeen Abd Wahid and Kuthubul Zaman Bukhari
Co-Chairpersons
Professional Indemnity Insurance Committee

MAKING A NOTIFICATION UNDER THE PII SCHEME



WHAT IS A CLAIM?

A claim is defined under Clause 35(d) (i) and (ii) of the 2022 Certificate of Insurance ("COI") as:

- ✔ a demand for or an assertion of a right; or
- ✔ an intimation of an intention to seek compensation, damages or such other remedies for civil liability which arises from your legal practice.

A claim can include:

- ✔ an outright claim made through a writ, summon or letter of demand; or
- ✔ a circumstance or potential claim that can lead to a threat to file a legal suit against you or discovering embezzlement in your law firm.



WHEN TO NOTIFY?

- ✔ When you become aware of or receive a claim or a potential claim.
- ✔ No later than 60 days from the date of awareness of the claim.
- ✔ The 2022 COI also states that you must provide full disclosure of a claim or a potential claim.



HOW TO NOTIFY?

Notify the PII Scheme Broker, appointed by the Bar Council, Marsh Insurance Brokers (M) Sdn Bhd ("Marsh"). Provide the following details:

- ✔ A brief description of the claim;
- ✔ Events leading up to the claim;
- ✔ Status of the claim;
- ✔ Contact details of the sole proprietor or partners in charge in the firm; and
- ✔ Relevant documents eg:
 - writ or summons and statement of claim; or
 - letter of demand or allegations against you.

Marsh's contact details:
Tel: 03-2723 3388 / 3241
Email: mbar@marsh.com

WHAT HAPPENS AFTER YOU NOTIFY?



- ✔ Marsh will forward your notification to Echelon;
- ✔ Echelon will contact you to follow up on your notification; and
- ✔ The Insurer will appoint a panel solicitor to handle your matter.



KEEP CALM AND DON'T PANIC

- ✔ Don't take any steps to try to resolve any disputes yourself as you may risk admitting liability;
- ✔ Compile any other documents that may be of help to the panel solicitor; and
- ✔ Give full cooperation to the parties appointed by the Insurer, namely the Claims Manager, Echelon Claims Consultants ("Echelon") and the panel solicitor.



For enquiries on PII and risk management, or if you have an issue with a claim or the services of the PII Scheme's insurance broker, please contact:

Mysahra Shawkat, Assistant Director | **Azwa Zulsamli**, Senior Officer | **Asri Azman**, Officer
Tel: 03-2050 2001 | Email: pirm@malaysianbar.org.my