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Reasons to Hold Professional Liability Insurance

Issues arising from professional liability are of great concern today, both for the Registered Professional Forester and their clients. There was a time when the professional forester was not a target for lawsuits; clients would never have considered bringing an action against a member of the profession, not even in instances where negligence or errors were obvious.

Times have changed. Today, the public and our legal system expect much more from the professional forester and are much more inclined to initiate a lawsuit. When adjudicating cases, the courts have based their judgments on an increasingly higher standard of care and responsibility. The ever-increasing levels of education, training, experience and reputation of the professional forester, have led the courts and the public to expect service which is superior to that provided by the average person.

This higher accountability can be overwhelming and even frightening for Registered Professional Foresters. To think that one is responsible for every action he or she does or fails to do, and that any error, however innocent, could bring severe or negative consequences, is quite unnerving.

Why have public attitudes changed towards the professional? There are a number of causal factors. Part of the answer is that the public has become more informed of its legal and contractual rights, and, rightly or wrongly, has been led to believe that a legal action may be initiated from any turn of events that was not an expected outcome by the client.

In addition, the media has brought to public attention the litigious climate of our modern society. Many legal actions have been sensationalized in the press. Lawyers have become much more aggressive in the demands for compensation, seeking ever larger and more extensive settlements.

Another reason why public attitudes have changed is because the relationships professionals have had with their clients have evolved. Traditionally, the connection between the professional and the client was much more personalized than it is today. In the past, clients' trust and confidence in the professional forester was absolute. Our changing society and financial constraints felt by many clients have heightened their awareness and increased the professional foresters accountability to the client.

Professional liability insurance is one form of protection for Registered Professional Foresters and for their clients. Coverage will shield personal assets and will help maintain a good reputation though the defence of allegations of wrongdoing which might be frivolous or false. For the client who has suffered some damages through the actions of a Registered Professional Forester, liability insurance will ensure that there are adequate funds available to make amends for the wrong that has been done.

A professional liability policy covers errors, omissions or negligent acts which may arise from the normal or usual duties carried out by a Registered Professional Forester.

Should the limits of the employer's insurance be insufficient to meet the settlement of a claim in which the Registered Professional Forester was co-defendant, then personal assets of the Registered Professional Forester could be at risk. The difference in limits between the employer's insurance policy and the Registered Professional Forester's is available to cover any shortfalls in these instances. A professional liability policy offers a Registered Professional Forester peace of mind by knowing that he or she has independent coverage and by knowing what limits of that coverage are available.