

**Professional Liability Insurance Reimbursement Plan
for
The United States District Court for the District of Nebraska,
including
The Clerk of the District Court
and
The United States Probation and Pretrial Services Office**

1. Judges and eligible employees may be reimbursed 50% of the cost of the annual premium for professional liability insurance subject to these guidelines.
2. Authority: Pub. L. No. 104-208, § 636 (1996), as amended by Pub. L. No. 105-277, § 644 (1998) and Pub. L. No. 106-58, § 642 (1999); *Proceedings of the Judicial Conference of the United States*, JCUS-SEP 99, pp. 66-67; and JCUS-MAR 01, p. 26.
3. All active district judges, all senior district judges, and all magistrate judges are eligible to claim reimbursement pursuant to this policy.
4. Employees Eligible for Reimbursement
 - a. The following employees are eligible to claim reimbursement under this policy:
 - i. Court unit executives;
 - ii. Probation and pretrial services officers and officer assistants;
 - iii. “Management officials” designated by the court unit executives;

Note: “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).
 - iv. “Supervisors” designated by the court unit executives;

Note: “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).

- b. 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.
- c. No employee of the court should endorse or recommend a policy offered by any company or association, but judges and 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.

5. Definition of "Professional Liability Insurance"

Insurance that provides coverage for:

- a. 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 duties as a qualified employee; and
- b. 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.

6. Procedures for claiming reimbursement

- a. Reimbursement requests must be submitted in writing to the court unit executive for payment as required in the *Guide to Judiciary Policy, Volume 13, Chapter 4 (Disbursing Appropriated Funds)*, § 420.10, § 420.30, and § 420.70 (see also 28 U.S.C. § 613(b)(1) (Disbursing and certifying officers)) 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. The request should indicate that the claim is being made under Pub. L. No. 104-208, § 636 (1996), as amended by Pub. L. No. 105-277, § 644 (1998) and 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. The request should be submitted on a form that is substantially similar to Form AO 72.

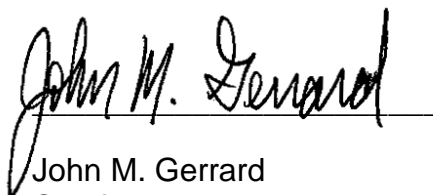
- b. The approving/certifying officer/disbursing officer must maintain records of all reimbursement payments in JIFMS or as otherwise required in the *Guide*, Volume 13, Chapter 4.

7. Miscellaneous


This plan is subject to the availability of funds. This plan is effective for all premiums paid on or after July 1, 2019.

Dated this 25th day of June, 2019.

BY THE COURT:



John M. Gerrard
Chief District Judge



Denise M. Lucks
Clerk of District Court