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*Best Practices to
Avoid Costly Claims*



NARdotRealtor



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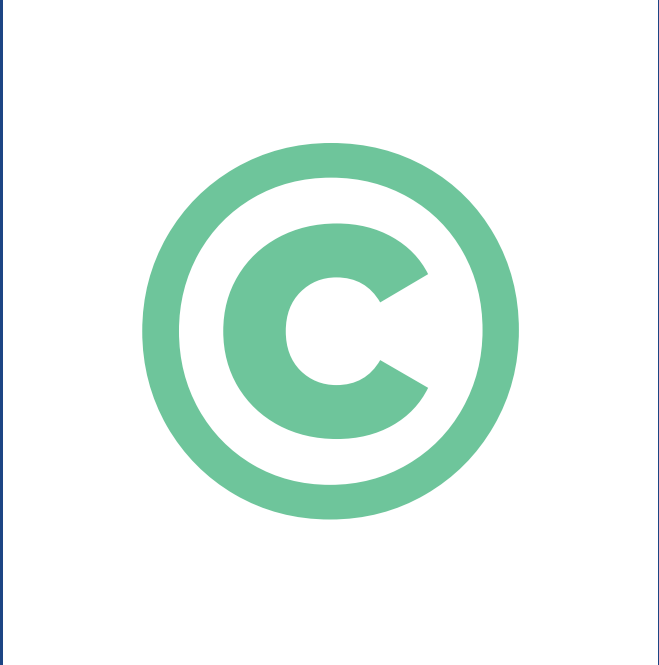
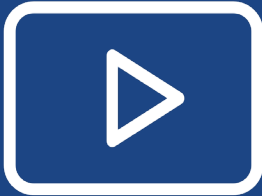


TODAY'S TOPICS

- Copyright basics
- Tips for using third-party materials
- Digital Millennium Copyright Act
- Lessons from a closed claim

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WHY ARE WE HERE?



ARE WE COVERED?

NAR Institutes, Societies & Councils

- State and Local Chapters
- Subsidiaries

State and Local REALTOR® Associations

- Charitable Foundations
- Political Committees
- Educational Endeavors

MLSs wholly-owned and operated by two or more Associations

ARE WE COVERED?

Publisher's Liability:

- Publication, dissemination, or utterance
- Libel, defamation, trademark or copyright infringement
- Publications, advertising, broadcasting, web log, social networking or telecasting activities

Claim limit is \$1,000,000 per claim



CHLOE HECHT

NAR Senior Counsel



MITCH SKINNER

Larson Skinner

NEXT WEBINAR



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EMPLOYMENT LAW ISSUES

Thursday, December 9
@ 2 pm CT

QUARTERLY TREND REPORT

Available on
nar.realtor/nar-insurance-program

NAR Insurance Program QUARTERLY TREND REPORT Q2 2021

SUMMARY: Association claims activity decreased 33 percent compared to Q2 2020. Member challenges to association governance and professional standards decisions comprised 75 percent of all active and potential claims reported this quarter, a 40 percent increase over last quarter. Nationwide, ransomware attacks increased sharply, signaling the importance of having a plan to prevent and mitigate damage should one occur.

The NAR Insurance Program provides professional liability and limited patent coverage to all eligible associations, affiliates, and MLSs.

MARKET INSIGHTS + TAKEAWAYS

CLAIMS DENIALS:

Insurers frequently assert late notice as a basis to deny coverage, as claim denials continue to be an issue.

TAKEAWAY: Be sure to provide prompt notice of any formal or potential claim. Don't wait for a formal lawsuit or demand to notify the carrier. Notify the carrier anytime there is a credible threat by following the "How to File a Claim" guidance [here](#).

CYBER INCIDENTS:

Ransomware attacks are up 486% from Q1 2018 to Q4 2020. Conversely, in 2020, data breach and privacy claims declined for the first time in five years.

TAKEAWAY: Ensure your [disaster preparedness plan](#) includes specific steps to prevent and respond to ransomware attacks. Check out these resources: [White House Ransomware Memo](#), and [A Guide to Ransomware](#).

EMPLOYMENT PRACTICE LIABILITY:

Insurers expect an overall claims increase related to employers' response to COVID-19-related issues in the workplace, as well as a claims increase trend related to #MeToo, gender pay equity, and disability claims.

TAKEAWAY: Create a reentry plan that incorporates the most up-to-date guidance from federal and state authorities, including the [EEOC](#), [OSHA](#) and the [CDC](#), and consult with local counsel as necessary.

Source: Aon, NAR's broker for the NAR Insurance Program, professional liability trends across market sectors.

RESOURCES

Have you recently dealt with challenging parties in professional standards cases? Following are some resources that may be helpful. Plus, sharpen your dispute resolution skills with mediation training and invite your legal counsel to take the Professional Standards training.

TRAININGS

[Mediation Training](#)

[Professional Standards for Legal Counsel Training](#)

PROFESSIONAL STANDARDS RESOURCES

[Resources for Professional Standards Administrators](#)

[Professional Standards Training Guide](#)

[Making Your Arbitration Decisions Stick](#)

[Model Citation Policy](#)

DISPUTE RESOLUTION RESOURCES

[Ombudsman Services](#)

[Ethics Mediation](#)

[Resources from Mediation Trainings](#)

RISK MANAGEMENT WEBINAR

Copyright: Best Practices to Avoid Costly Claims

September 15 // 1:00 pm CT

REGISTER NOW!

CLAIMS REPORTED: 12

(5 active demands/lawsuits and 7 potential claims)

- 6 Professional Standards
- 3 Association Governance
- 2 Employment
- 1 Discrimination (ADA)s

MORE INFORMATION

NAR INSURANCE PROGRAM

nar.realtor/nar-insurance-program

AON ACCOUNT EXECUTIVES

Gayle Andrews

Gayle.Andrews@aon.com

312-381-7049

Laura Sereika

Laura.Sereika@aon.com

312-381-2602

THANK YOU.



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