

What's in a Name?

Why names matter on a professional liability insurance policy

By Cindy Russell

Assistant Vice President, Senior Claims Examiner, Berkley Alliance Managers, a Berkley Company

December 8, 2022



Let me introduce myself. My name is Cindy Russell; well, my full name is Cynthia Russell. Maybe you need to know my maiden name was Ellis. Why does all this matter? Depends on what you need it for: looking up my records at the doctor's office (Cynthia Russell), if I'm calling the financial company that has my IRA (Cynthia Ellis Russell) or social media (Cindy Russell), for example.

For architects and engineers, it matters for insurance coverage, contract considerations and the name by which the public knows them.

A design professional liability insurance policy (and likely other types of policies) provides coverage for a specific firm name or names. If a claim is made against a firm name that's not included on the insurance policy, coverage may not be provided for that claim.

Sometimes even a small difference has a big effect. For example, John and Julie's Architectural Group is a Named Insured on a policy but it also uses the legal name of J&J Architectural Group in certain markets or maybe it used that name previously but changed it a couple of years ago. A claim is made against J&J Architectural Group and that claim is based on a project it took on under this alternate name or the prior name. However, this additional name wasn't provided to the insurance broker (or the insurance company underwriter) so it's not a Named Insured on the professional liability policy and because of this it may not have coverage for the claim.

This may also be true if a firm uses a Doing Business As (DBA) name when dealing with the public and clients. Some insurance companies need to know all the names a firm uses (or used, if there might be a claim lurking out there yet to be reported on an older project). If the company doesn't have all the firm names and one of those names is a defendant in a lawsuit, the firm may not have any insurance coverage to defend it or pay the damages owed.

Finally, which name is used on a contract between a client and the professional design firm may affect coverage as well. When reviewing your contracts and before signing them (or before sending the draft to a client), be sure the firm name is correctly stated because, if there's a claim down the road, that's the name the plaintiff will use when drafting the lawsuit. You do not want to receive a coverage denial letter if this detail was overlooked!

Your name, my name, our names matter! They can be the difference between insurance protection if a claim is made or having to pay for the legal defense and possibly damages from the design firm's account.

So, that's what's in a name!

About the Author



Cindy Russell is assistant vice president, senior claims examiner at Berkley Alliance Managers, a Berkley Company. She has more than 30 years of experience as a claim professional. For more than 20 years Cindy has handled professional liability claims with the last 13 years dedicated to architects and engineers. She earned her Bachelor of Arts degree in Psychology from Arizona State University and is based in Chicago, Illinois.

Contact Cindy at crussell@berkleyalliance.com



© 2022 Berkley Design Professional, a Berkley Company.
All Rights Reserved