

Legal Expense Insurance FAQ

What is Legal Expense Insurance (LEI) and will any legal dispute be covered?

LEI is a type of insurance that covers the potential costs of legal action brought by or against the policyholder. An insured event is defined in the policy and would need to occur for the policy to respond. Examples include coverage for contractual disputes related to the provision of care (i.e. for midwives' contracts with MPGs), for their personal tax affairs, to enforce human rights, and to get free legal advice.

Does my HIROC Professional Liability Insurance (PLI) policy not provide coverage for legal expenses?

When a liability claim is covered, the HIROC policy will pay for the legal costs to defend you from the actions brought from an injured third party. Every year prior to renewal the AOM reviews the midwives' coverage to determine whether it is adequate or to seek additional coverage. The AOM is satisfied that midwives' are well-protected through their current professional liability insurance (PLI) coverage.

LEI is distinct from the PLI coverage, particularly for matters not involving legal action brought by third parties arising out of your professional negligence, but where legal advice or representation is still recommended. The ARAG Legal Expense Insurance policy serves as complimentary and not replacement coverage to your liability insurance with HIROC.

If an insured event occurred, is ARAG obligated to pursue or defend my legal dispute?

ARAG's panel of lawyers will not pursue frivolous lawsuits or defend claims with a low probability of success. A 'reasonable prospect of success' must exist before legal action is approved by ARAG and at all stages of the legal dispute.

If ARAG confirms coverage for my legal matter are they obligated to pursue or defend the matter to court?

The majority of all legal disputes are settled and negotiated out of court as this usually has been beneficial to both parties. Your lawyer will advise if a negotiated settlement is in your best interest.

Which law firm will be appointed to represent me?

ARAG has partnered with a number of reputable and sage law firms in Ontario. Your lawyer will be selected by an ARAG claims adjuster and the selection will be based on legal specialty and/or possibly proximity to the midwife. If you have any issues with your lawyer please advise your ARAG appointed claims adjuster.

If my legal matter is not claimable under the policy, will I still be able to access the Telephone Helpline?

Yes, you can receive legal advice over the telephone on any matter within Canadian law.

Will there be coverage for a legal dispute that has occurred before obtaining this policy?

No, there will not be coverage for disputes or matters occurring before this policy has been obtained

I will need legal advice. Who do I call?

Please call the **Telephone Helpline at 1-844-901-2724** available 24 Hours 7 days a week. An intake agent will ask for your name, ARAG policy number, and will listen to your situation to identify the area of law to be discussed. You will then agree on a window of time for an Advice lawyer to call back. If it is determined that the matter is claimable under the policy, an ARAG claims adjuster will send your matter to the appropriate ARAG panel law firm. The appointed law firm will contact you in a timely manner.

Your policy number is referenced on your ARAG Evidence of Insurance.

Does ARAG provide any additional legal resources?

The ARAG Legal Document Centre provides access to a variety of helpful legal documents drafted by experienced third party lawyers. Please login to ontariomidwives.ca for access instructions including login credentials to the Legal Document Centre.



Association of
Ontario **Midwives**

