

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Cc:** [Tracy, Mary](#)  
**Subject:** FW: I am against mandatory malpractice insurance  
**Date:** Tuesday, September 29, 2020 3:19:34 PM  
**Attachments:** [Revised Mandatory Malpractice Insurance.doc](#)  
**Importance:** High

---

**From:** Merry A. Kogut [mailto:merryakogut@gmail.com]  
**Sent:** Tuesday, September 29, 2020 3:18 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** 'Merry Kogut' <merryakogut@gmail.com>  
**Subject:** I am against mandatory malpractice insurance  
**Importance:** High

When mandatory malpractice insurance came up before, I wrote against it several times, including submitting the attached, angry letter to the editor of the Bar News (it was published).

I am now 67, and still do not practice law. I value my license for two reasons: First, my license is a matter of pride. Second, I can answer the occasional very general question about wills and POA's where I volunteer, an organization that helps low income seniors and people with disabilities—I provide legal information, not advice. There are a couple of other small additional reasons.

If I suddenly had to start paying \$3000/year in malpractice insurance, I may be forced to give up my license. If I do so, I can no longer help low income seniors, and the bar would lose out on the annual payments I make for my bar membership and CLE's. **Who would benefit? Insurance companies.** There is no benefit to clients, because I don't have any clients, and haven't had any in years.

When I actively practiced law, I maintained malpractice insurance, plus a \$1 million rider on my home insurance. I am a responsible person, and if someone sued me for malpractice, I have the means to pay. However, it's extremely unlikely I am going to get sued for suggesting to seniors that they have a will, living will, and POA's.

Thank you for listening. This topic is very upsetting to me. If you are going to institute mandatory malpractice insurance, PLEASE carve out an exception for attorneys who have no clients - people like me, government attorneys, judges, and, yes, Supreme Court Justices.

Sincerely,  
Merry A. Kogut  
#16153

PS: My email listed with the bar association is [mkogut@lawyer.com](mailto:mkogut@lawyer.com)

Merry A. Kogut, Attorney at Law  
Trustee, Merry A. Kogut Revocable Living Trust  
22415 So. Herron Blvd. NW  
Herron Island



Lakebay, WA 98349-8143  
Landline: 253.265.0060  
Cell/Text: 253.884.8484  
Email: [merryakogut@gmail.com](mailto:merryakogut@gmail.com)

## **Mandatory Malpractice Insurance**

In response to your August 2018 article question, NO! Malpractice insurance should NOT be mandatory for all Washington attorneys!

I'm one of the 69 who submitted comments. I have been retired for over six years, but I maintain my license as a matter of pride; as a fall-back position; and as a way to be able to answer the occasional legal question.

I don't need or want malpractice insurance because I am not practicing law. I do not need the insurance. I can well afford insurance, but why should I have to pay \$3000 a year for something I do not need or want? The article implies that a benefit in favor of insurance is to encourage lawsuits to collect damages. What a ridiculous argument!

Moreover, I am appalled and angry that the author of the article states that attorneys who cannot afford insurance "can seek to join law firms...[or] work in other settings (e.g. the government, in-house.)" Who, may I ask, is going to hire a 65 year old attorney with disabilities? The nerve of the author! What an incredibly naïve thing to say!

If the Bar makes malpractice insurance mandatory, it will force me and many members to change their status. Who benefits from that? No one. The Bar doesn't benefit, and members certainly do not benefit. Please reconsider.

Sincerely,

Merry A. Kogut

A (thus far) happily retired attorney in Lakebay, WA.