



GENERALI – U.S. BRANCH

ATTORNEY FEES COVERAGE

**THIS ‘POLICY’ LIMITS COVERAGE FOR ATTORNEY FEES UNDER
ALASKA RULE OF CIVIL PROCEDURE 82**

In any suit in Alaska in which we have a right or duty to defend an ‘insured’ within the limits of liability, ‘our’ obligation under the applicable coverage to pay attorney fees taxable as costs against the ‘insured’ is limited as follows:

Alaska Rule of Civil Procedure 82 provides that if you are held liable, some or all of the attorney fees of the person making a claim against you must be paid by you. The amount that must be paid by you is determined by Alaska Rule of Civil Procedure 82. We provide coverage for attorney fees for which you are liable under Alaska Rule of Civil Procedure 82 subject to the following limitation:

If the limit of liability of the applicable coverage is \$1,000,000 or more, ‘we’ will not pay any combination or judgment or claim settlement and attorney fees under Alaska Rule of Civil Procedure 82 that exceed the limit of liability of the applicable coverage.

If the limit of liability of the applicable coverage is less than \$1,000,000, ‘we’ will not pay more than the greater of:

- 1. That portion of any attorney’s fees that is calculated by applying the schedule for contested cases in Alaska Rule of Civil Procedure 82 (b)(1) to the limit of liability of the applicable coverage;**
or
- 2. \$10,000.**

This means the potential costs that may be awarded against you as attorney fees may not be covered in full. You will have to pay any attorney fees not covered directly.

Example 1:

The attorney fees provided by the schedule for contested cases in Alaska Rule of Civil Procedure 82 (b)(1) are:

- 20% of the first \$25,000 of a judgment;
- 10% of the amounts over \$25,000 of a judgment.

Therefore, if a court awards a judgment against you in the amount of \$1,250,000, in addition to that amount you will be liable for attorney fees of \$127,500 under Alaska Rule of Civil Procedure 82 (b)(1), calculated as follows:

	20% of \$25,000	\$5,000
	10% of \$1,225,000	\$122,500
Total Award	\$1,250,000	Total Attorney Fees \$127,500

If the limit of liability of the applicable coverage is \$1,000,000, we would pay \$1,000,000 of the \$1,250,000 award, less the costs incurred defending you, and none of the attorney fees under Alaska Rule of Civil Procedure 82 (b)(1).

You would be liable to pay, directly and without our assistance, the remaining judgment in excess of the remaining ‘policy’ limit plus \$127,500 attorney fees under Alaska Rule of Civil Procedure 82.

Example 2:

The attorney fees provided by the schedule for contested cases in Alaska Rule of Civil Procedure 82 (b)(1) are:

- 20% of the first \$25,000 of a judgment;
- 10% of the amounts over \$25,000 of a judgment.

Therefore, if a court awards a judgment against you in the amount of \$650,000, in addition to that amount you will be liable for attorney fees of \$67,500 under Alaska Rule of Civil Procedure 82 (b)(1), calculated as follows:

	20% of \$25,000	\$5,000
	10% of \$625,000	\$62,500
Total Award	\$650,000	Total Attorney Fees \$67,500

If the limit of liability of the applicable coverage is \$500,000, we would pay \$500,000 of the \$650,000 award, less the costs incurred defending you, and \$52,500 of the attorney fees under Alaska Rule of Civil Procedure 82 (b)(1), calculated as follows:

	20% of \$25,000	\$5,000
	10% of \$475,000	\$47,500
Total Limit of Liability	\$500,000	Total Attorney Fees Covered \$52,500

You would be liable to pay, directly and without our assistance, the remaining judgment in excess of the remaining 'policy' limit plus the remaining \$15,000 for attorney fees under Alaska Rule of Civil Procedure 82 not covered by the 'policy'.

Example 3:

The attorney fees provided by the schedule for contested cases in Alaska Rule of Civil Procedure 82 (b)(1) are:

- 20% of the first \$25,000 of a judgment;
- 10% of the amounts over \$25,000 of a judgment.

Therefore, if a court awards a judgment against you in the amount of \$500,000, in addition to that amount you will be liable for attorney fees of \$52,500 under Alaska Rule of Civil Procedure 82 (b)(1), calculated as follows:

	20% of \$25,000	\$5,000
	10% of \$475,000	\$47,500
Total Award	\$500,000	Total Attorney Fees \$52,500

If the limit of liability of the applicable coverage is \$50,000, we would pay \$50,000 of the \$500,000 award, less the costs incurred defending you, and \$10,000 of the attorney fees under Alaska Rule of Civil Procedure 82 (b)(1), calculated as follows

	20% of \$25,000	\$5,000
	10% of \$25,000	\$2,500
		Minimum limit: \$10,000
Total Limit of Liability	\$50,000	Total Attorney Fees Covered \$10,000

You would be liable to pay, directly and without our assistance, the remaining judgment in excess of the remaining 'policy' limit plus the remaining \$42,000 for attorney fees under Alaska Rule of Civil Procedure 82 not covered by the 'policy'.