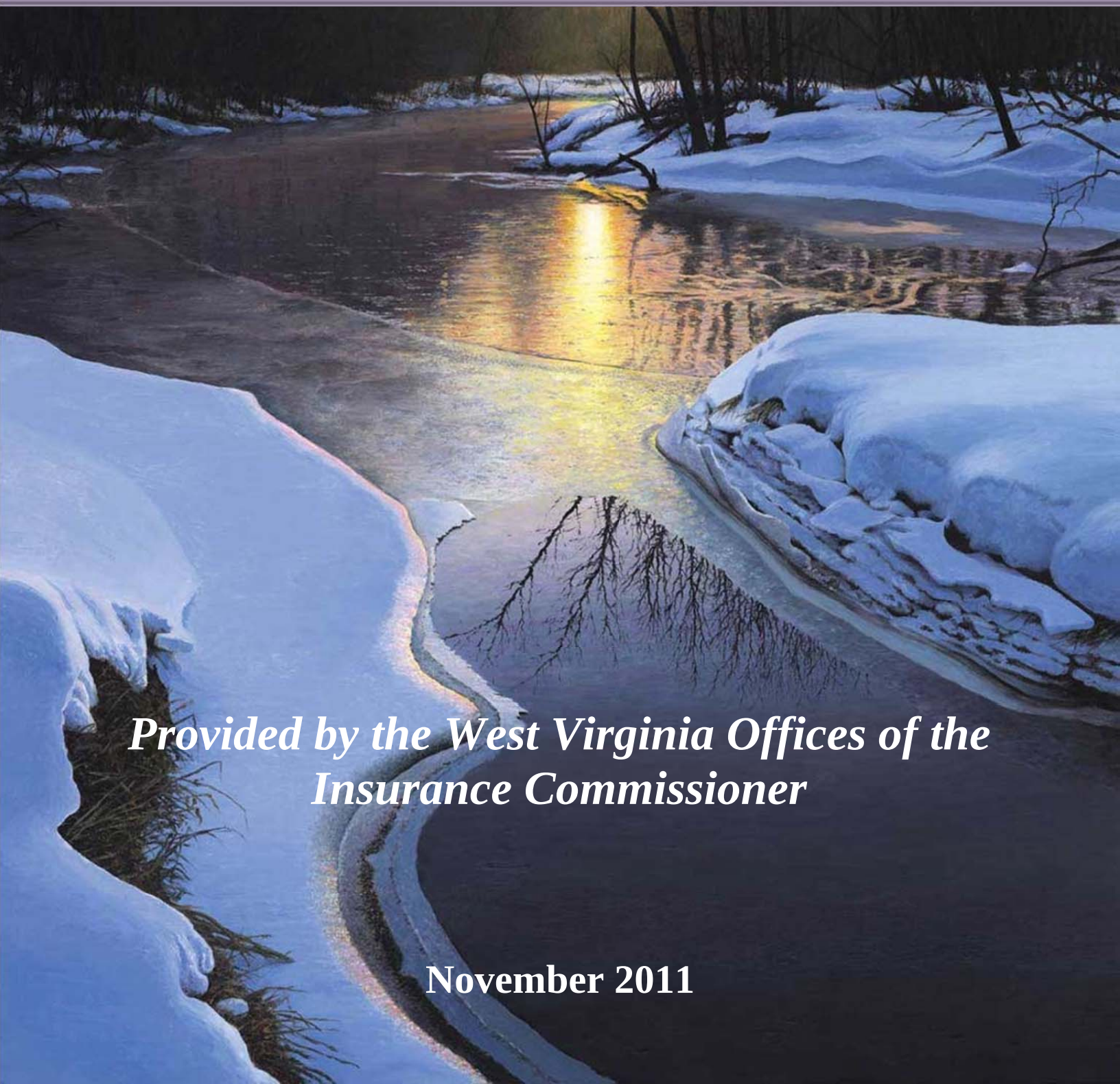
State of West Virginia

Medical Malpractice Report
Insurers with 5% Market Share



Provided by the West Virginia Offices of the Insurance Commissioner

November 2011

Introduction

The West Virginia Offices of the Insurance Commissioner has prepared this report on Medical Professional Liability Insurance to fulfill the requirements and intent of West Virginia Regulations §114CSR22, §114CSR23, West Virginia Code §33-20B-6, and §33-20B-7. The information used in the preparation of this report encompasses the experience found in the statutorily required "filed information" of those insurers with a 5% or greater written premium market share, the rate filings of those companies, National Association of Insurance Commissioners (***NAIC***) supplementary information, Insurance Services Office (***ISO***) loss cost filings and other ***ISO*** reports, ***A. M. Best*** reports, data collected in accordance with §33-20B-8, and data from the West Virginia Board of Medicine.

A "*claim for medical malpractice*"[1] means a claim arising out of the rendering of, or the failure to render, medical care services. An "*action of medical malpractice*" is a tort or breach of contract claim for damages due to the death, injury, or monetary loss to any person arising out of any medical, dental, or surgical diagnosis, treatment, or care by any provider of healthcare.

In any action for the recovery of damages based upon medical malpractice, a claimant has the burden of proving the alleged actions of the healthcare provider represented a breach of, or failure to meet, the prevailing standard of care for that type of healthcare provider. The prevailing professional standard of care for a given healthcare provider is the level of care, skill and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar healthcare providers.

[1] *2003 University of Central Florida Governor's Select Task Force on Healthcare Professional Liability Insurance*

The medical malpractice insurance market has gone through three crisis periods or "hard" markets during the past thirty years. The first medical malpractice crisis occurred in the mid-to–late 1970s. The second medical malpractice crisis occurred in the mid-1980s. The most recent medical malpractice crisis began in early 2001. This hard insurance market was driven by a number of factors[2]:

- Rising loss trends;
- Higher and more volatile jury awards;
- Adverse reserve development on prior accident/report year reserves;
- Reduced carrier capacities;
- Rising cost and availability of reinsurance;
- Varying success of tort reform packages in multiple states (e.g., constitutionality, ability to pass reforms); and
- Declining investment returns.

As this report will show, West Virginia's **medical malpractice insurance results have displayed continuous improvement compared to that of the years subsequent to the recent "*hard*" market period.** Rate level changes which have been approved over the last few years, the passage of H.B. 601 and H.B. 2122 creating the policyholder owned ***West Virginia Mutual Insurance Company*** have all contributed to the change in the Medical Malpractice Liability results in West Virginia. In 2010, we experienced a continued overall general stabilization in rate (*i.e. little to no change*) from the major admitted writers in West Virginia.

[2] *July/August 2004 Contingencies Magazine (www.contingencies.org), The Medical Malpractice Market: From National Dominance to Regional Focus, Kevin Bingham.*

This year's report covers the following medical malpractice insurance areas:

- **Section I:** An overview of the Industry's *by-line* insurance results in 2010 together with a *comparison* of Industry results and West Virginia results for the Medical Malpractice Insurance line.

- **Section II:** A review of §33-20B-8 closed claim data and the West Virginia Board of Medicine paid claim data covering 1994–2010.

- **Section III:** A *fulfillment of the legislative requirements* examining market positions, rating plans and rules, and a comparison of filed information to rate filings and financial statement information. This section includes a commentary concerning Joint Underwriting Associations pursuant to §33-20B-7. A review of rate filings and investment returns is also provided, as well as a sample comparison of currently approved physician's and surgeon's rates in West Virginia.

- **Section IV:** A review of Medical Liability Fund data, Board of Medicine licensure data, and other claim data gathered from Company financial statements.

- **Section V:** Summary observations

The overall goal of this report is to provide the reader with insight into the current Medical Malpractice Insurance market in the State of West Virginia.

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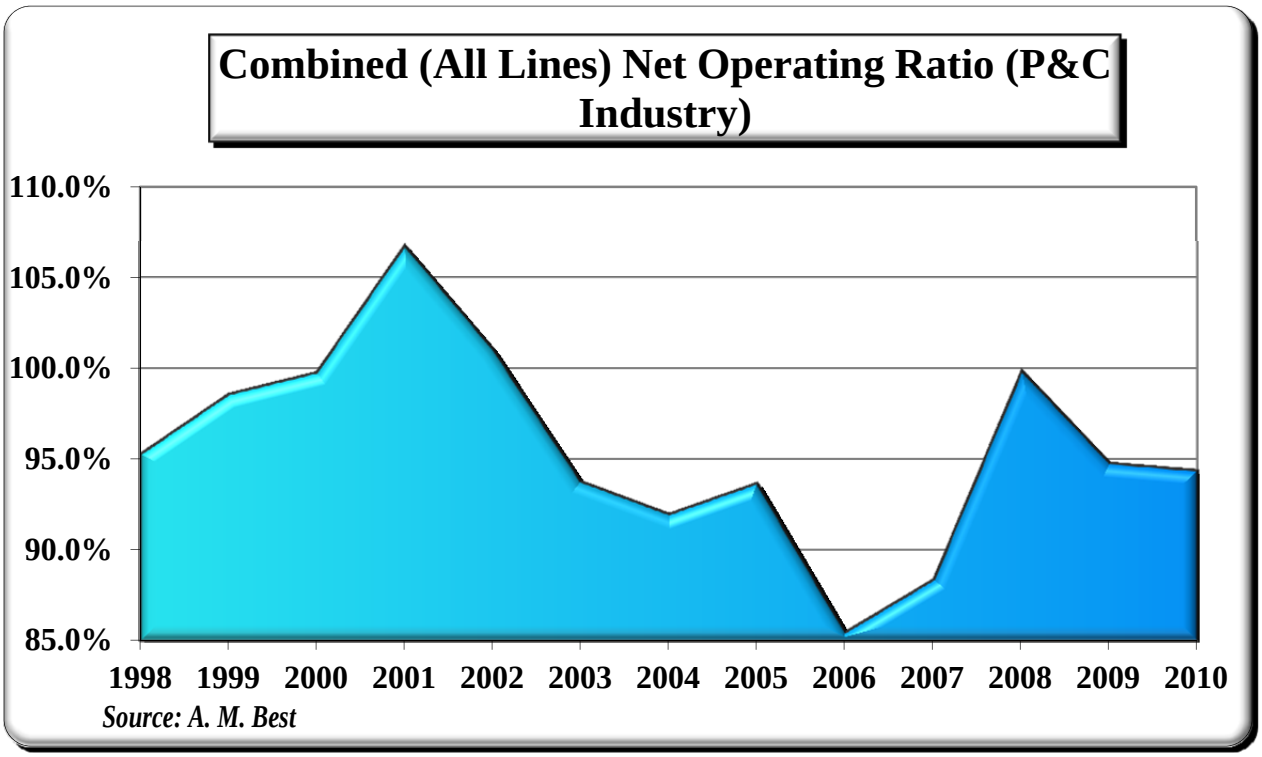
Section I

Overview

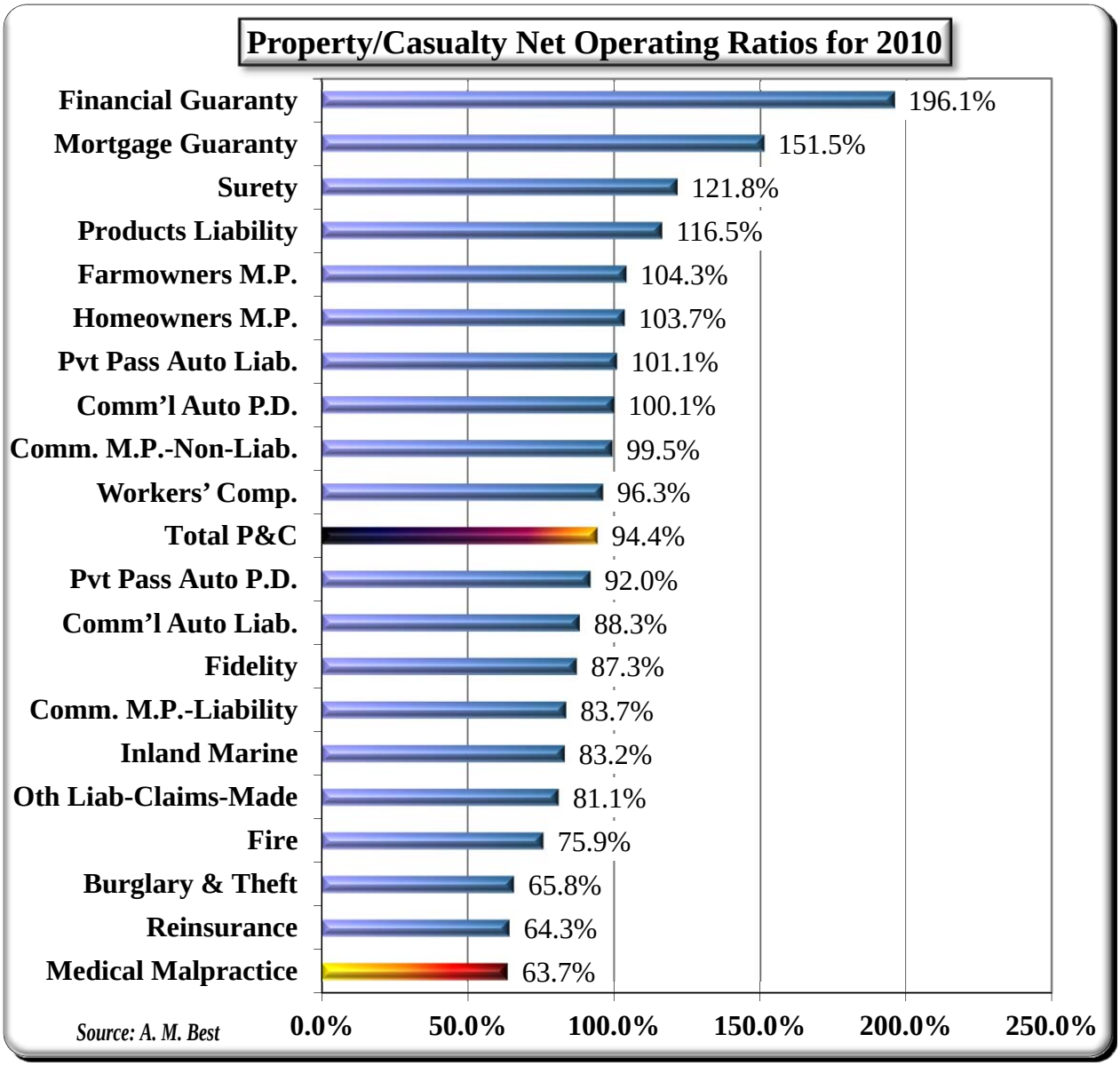
I. Overview of Countrywide P&C Insurance Industry Results for 2010

Experience for the combined all lines property and casualty insurance industry improved slightly again during 2010, maintaining overall profitability. However, the results continue to be somewhat influenced by the general recession and further remain above the particularly favorable levels which were realized around 2006 and 2007.



The combined all lines property and casualty insurance industry operating ratio for 2010 was 94.4%. This net operating ratio reflects the results after paying/reserving for all claims and claim expenses; paying underwriting expenses and dividends; paying and collecting on reinsurance agreements; and accounting for investment gains/losses.

The 2010 net operating experience of the P& C Industry as compared to some of its key element lines were as follows:

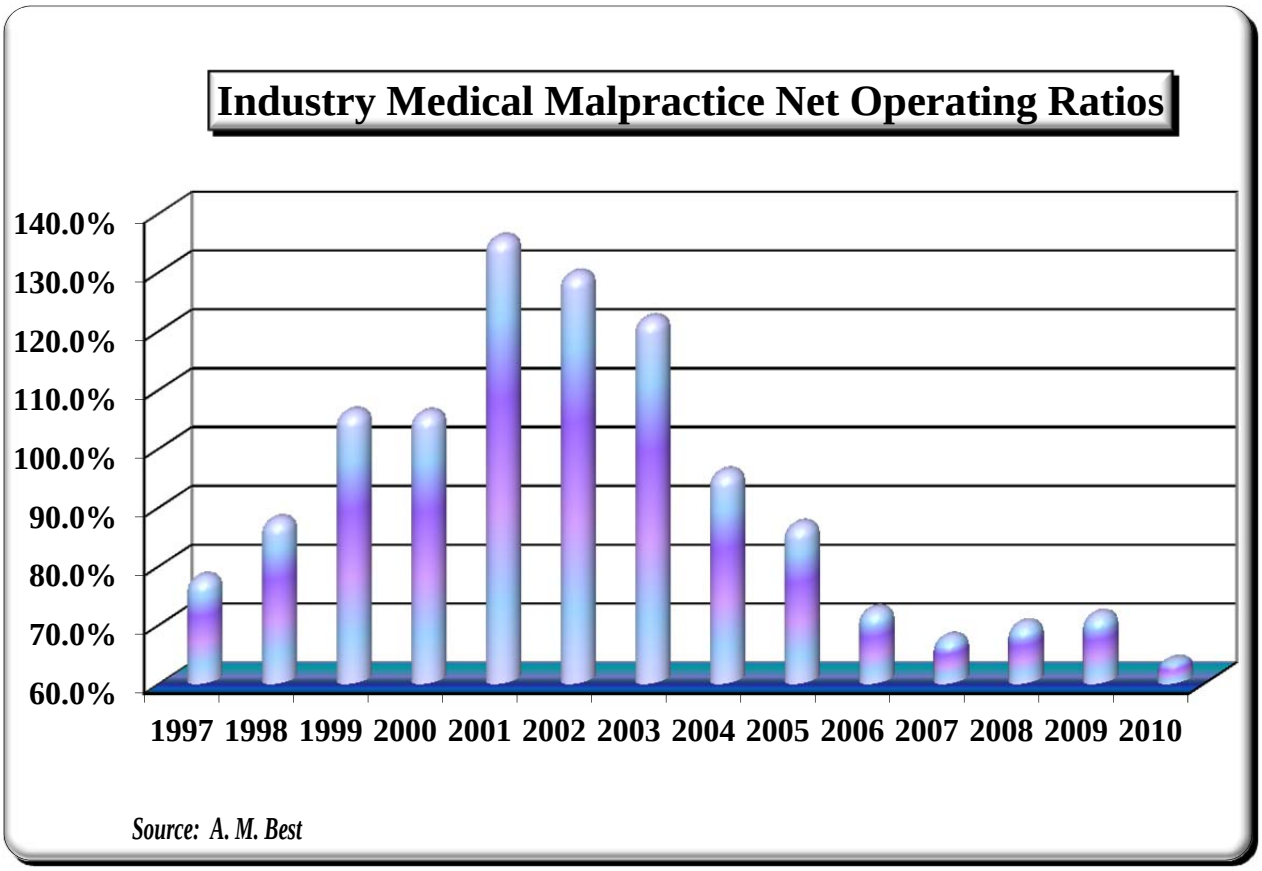


Several points can be noted from the industry results for 2010:

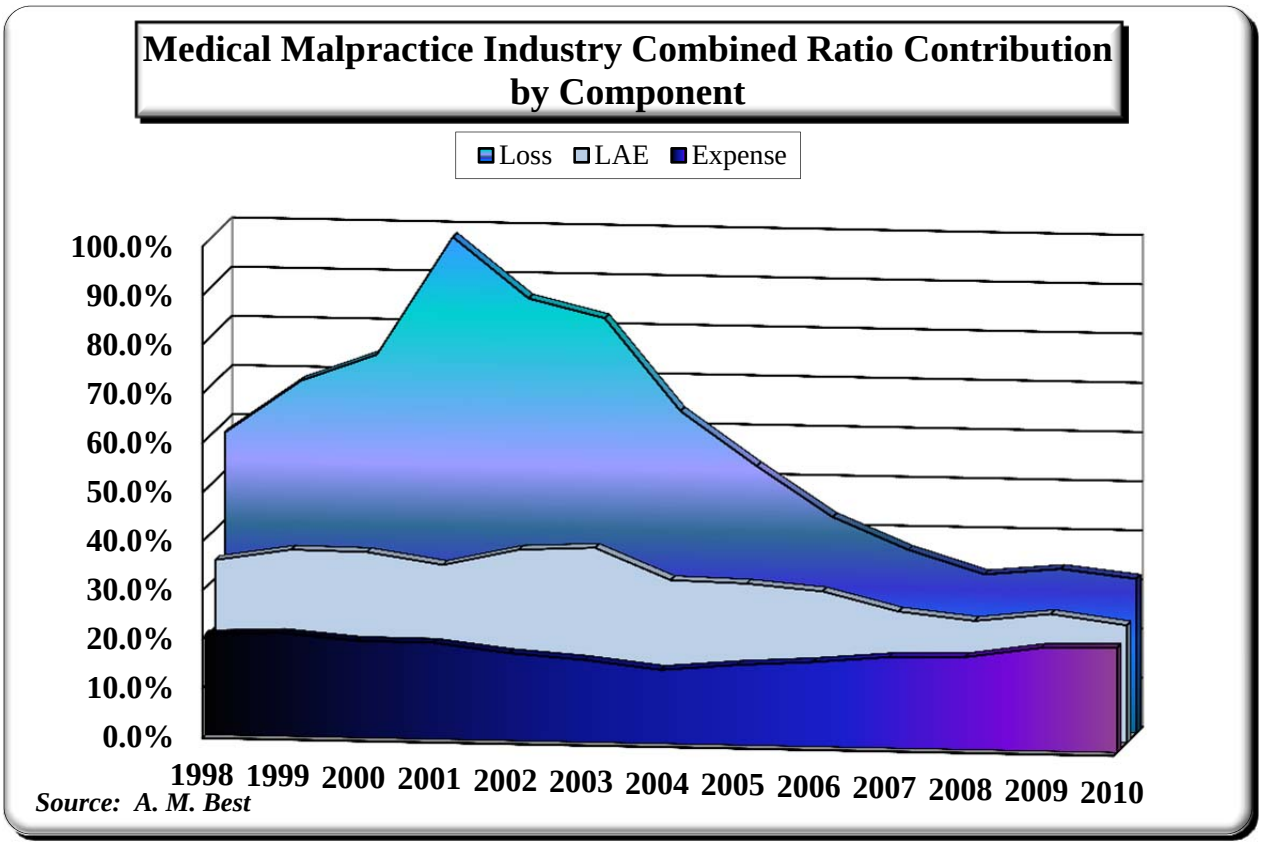
- The highly adverse impact of the national financial crisis upon the Financial and Mortgage Guaranty lines, having begun in 2008, is shown to have continued during this time.
- Reinsurance industry results, which often influence future outcomes for other lines of business, again remained favorable (64.3%) as its net operating ratio had been 234.3% in 2005.
- Results for Medical Malpractice continue to be very encouraging.

I-A. Medical Malpractice Insurance Results for the Industry

Medical Malpractice, which was the poorest performing line of insurance shortly after the millennium, has continued to show improvement since the adverse level which occurred in 2001, and is now performing well below the total combined industry results. The graph below displays industry net operating ratios occurring since 1997:



The next chart displays the combined ratio contribution by component excluding investment income:



Profitability for medical malpractice writers can be examined in the following table. Profitability can be volatile from year to year, thus *it is important to look at a number of years:*

Profitability - 117 Medical Malpractice Organizations											
	2000	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Net Income ($M)	$523	($263)	($782)	($544)	$77	$652	$1,615	$1,658	$1,220	$1,708	$1,934
Surplus ($M)	$7,102	$6,678	$5,786	$6,150	$6,638	$7,195	$7,958	$9,443	$10,274	$11,879	$12,290
Return on Surplus	7.4%	-3.9%	-13.5%	-8.8%	1.2%	9.1%	20.3%	17.0%	4.80%	11.9%	16.9%

Source: A. M. Best

Over the past eleven years, the 117 medical malpractice organizations above have amassed a fairly substantial policyholder surplus. Note that whereas earlier reports had indicated an overall loss of net income in hundreds of millions of dollars, the 2010 results demonstrate the just opposite with a 16.9% return. Note also that the diminishing return on surplus beginning in 2007, and stemming from the U.S. financial market crisis, did not continue into 2009 and 2010.

I-B. Medical Malpractice: Industry vs. West Virginia Comparison

The following exhibit provides a comparison of Medical Malpractice results for the Industry along with results for West Virginia specifically over the past twelve years. In reviewing this exhibit, a few key areas of difference (other than the premium totals) are noted. A continued decline in total West Virginia premiums since 2004; greater volatility in direct West Virginia loss ratios and loss adjustment expenses (due to our relatively small market size), and a quicker return to overall profitability than that which was experienced on a countrywide basis.

Industry vs. West Virginia Medical Malpractice Results

(000's)

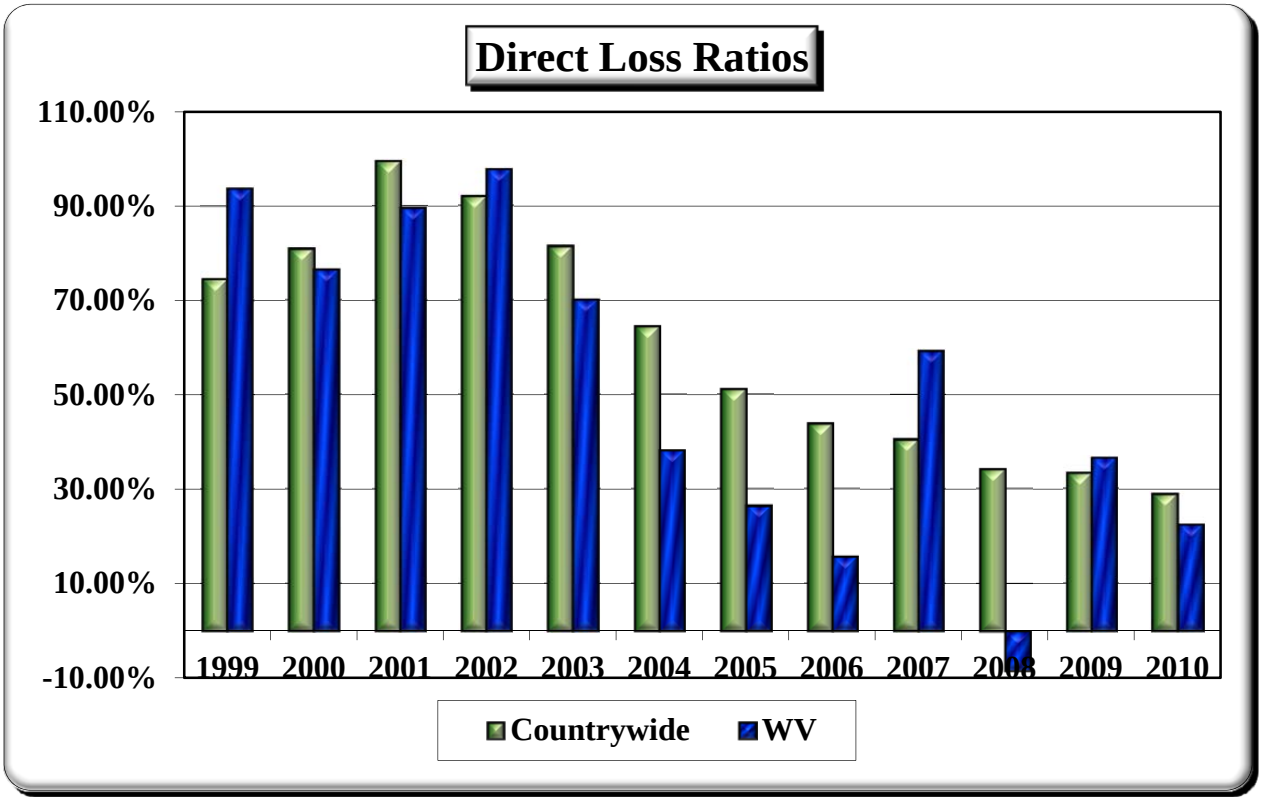
INDUSTRY (Best's Aggregates & Averages)

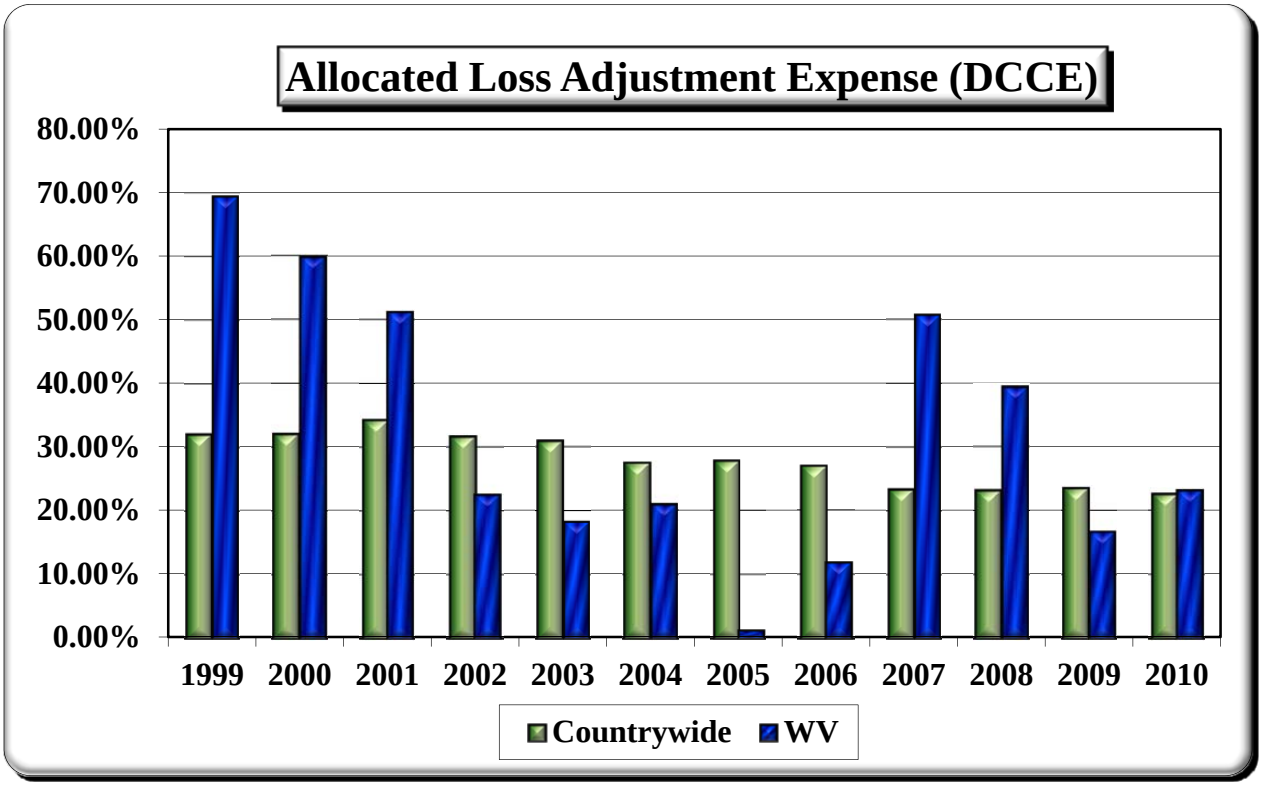
Year	Direct Written Premium	Direct Earned Premium	Direct Loss Ratio	Loss Adjustment Expense	Underwriting Expense	Direct Combined Ratio
1999	$6,027,964	$6,013,442	74.60%	32.10%	20.10%	126.80%
2000	$6,376,040	$6,329,556	81.00%	32.10%	19.20%	132.30%
2001	$7,457,325	$6,928,413	99.60%	34.30%	18.50%	152.40%
2002	$9,308,354	$8,796,700	92.10%	31.70%	17.40%	141.20%
2003	$10,755,416	$10,268,287	81.60%	31.00%	15.20%	127.80%
2004	$10,665,495	$10,330,639	64.50%	27.40%	14.20%	106.10%
2005	$10,988,548	$10,795,144	51.20%	27.80%	15.40%	94.40%
2006	$11,458,078	$11,361,475	43.90%	26.90%	15.80%	86.60%
2007	$10,653,232	$10,766,483	40.70%	23.40%	17.40%	81.50%
2008	$10,307,742	$10,495,895	34.20%	23.20%	17.90%	75.30%
2009	$9,458,646	$9,548,279	33.40%	23.50%	19.40%	76.30%
2010	$8,864,495	$8,862,968	29.10%	22.60%	23.90%	75.60%
Total	**$112,321,335**	**$110,497,281**	**57.84%**	**27.51%**	**17.57%**	**102.92%**

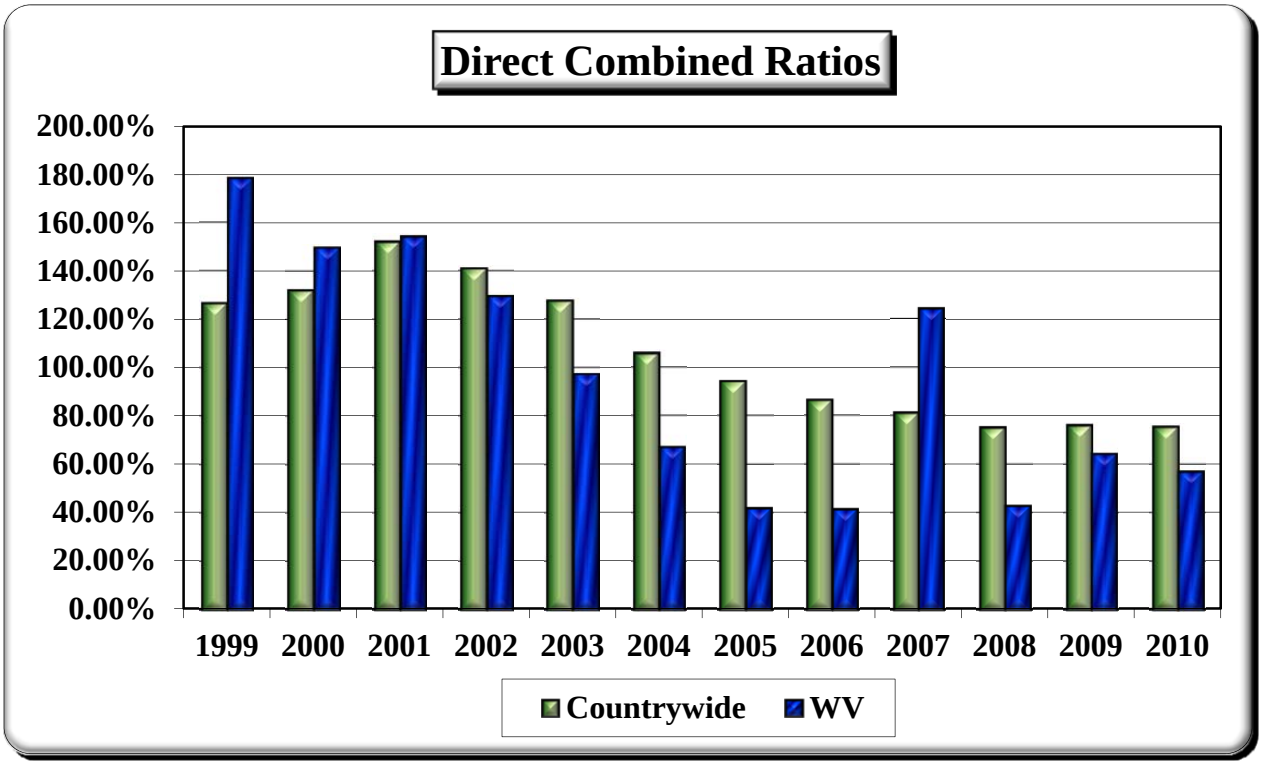
WEST VIRGINIA (NAIC Annual Statement Data)						
Year	Direct Written Premium	Direct Earned Premium	Direct Loss Ratio	Loss Adjustment Expense	Underwriting Expense	Direct Combined Ratio
1999	$44,387	$42,565	93.82%	69.48%	15.23%	178.53%
2000	$67,635	$57,081	76.51%	59.91%	13.54%	149.96%
2001	$67,248	$67,451	89.68%	51.23%	13.61%	154.51%
2002	$71,909	$86,550	97.76%	22.56%	9.41%	129.73%
2003	$50,312	$52,792	70.17%	18.27%	9.01%	97.44%
2004	$113,237	$94,994	38.23%	20.99%	8.00%	67.22%
2005	$83,680	$79,774	26.59%	1.25%	14.21%	42.05%
2006	$78,739	$77,969	15.72%	11.86%	14.00%	41.58%
2007	$60,323	$60,264	59.39%	50.76%	14.32%	124.47%
2008	$53,272	$54,743	-8.35%	39.42%	11.88%	42.96%
2009	$51,721	$52,199	36.55%	16.67%	11.13%	64.35%
2010	$47,827	$51,315	22.52%	23.14%	11.47%	57.13%
Total	**$790,290**	**$726,382**	**54.71%**	**31.72%**	**12.80%**	**99.23%**

As indicated in earlier reports, note that the 2007 West Virginia results appear to be somewhat of an anomaly, and upon detailed review were shown to be largely driven by the exit of just two companies from our market during that year. Specifically, ***Health Care Indemnity Incorporated*** (*a hospital policy writer, included in the 2006 report with 5.26% market share*) did not renew their single hospital policy for 2007 and posted a Direct Defense Cost Containment and Expense Incurred figure of $19.3M for the year. Note that this amount ($19.3M) is 4.7 times larger than their entire earned premium for that same exposure ($4.1M) in 2006, and that the same heavily influenced the LAE ratio noted above as it was more than half of all incurred LAE ($30.6M). Secondly, ***NCRIC, Inc***. (*the 9th largest admitted writer in West Virginia by market share in 2006, and 4th largest in 2004)* fully exited the West Virginia market during 2007, posting negative earned premium figures for 2007, and a direct incurred DCCE figure ($1.7M) that were more than 50% of their last positive earned premium ($3.3M) amounts for 2006. Were it not for the two companies mentioned above leaving our market during 2007, the State-wide results would have been significantly different.

Visually, a comparison of Industry results with West Virginia results for Medical Malpractice in the decade from the proceeding table can be seen in the three graphs which follow:







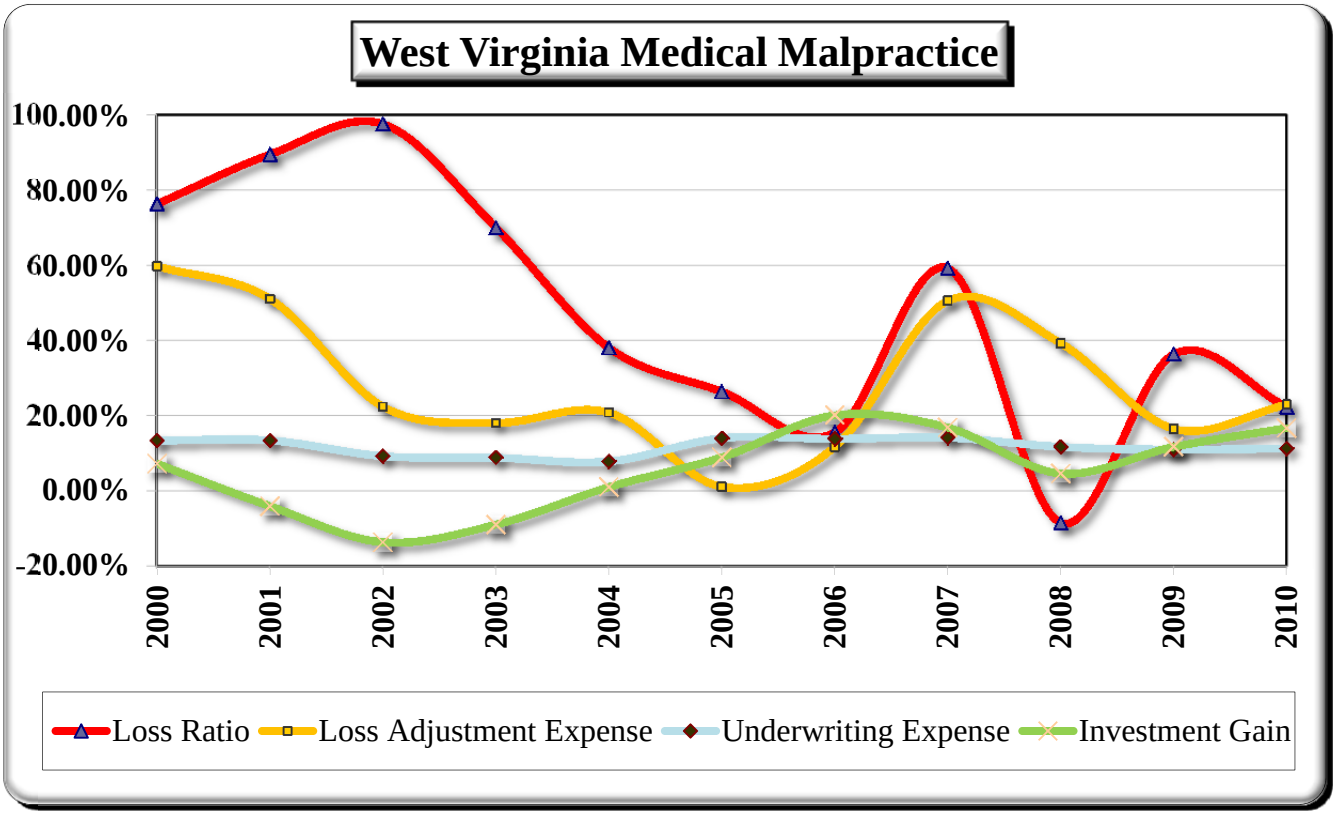
A review of the Direct *Operating* Ratio (which further reflects Dividends Paid and Investment Gain/Loss) produces the results which follow:

INDUSTRY (Best's Aggregates & Averages)					
Year	**Direct Combined Ratio**	**Dividend**	**Combined Ratio (after Dividend)**	**Investment Gain**	**Direct Operating Ratio**
2000	132.30%	3.70%	136.00%	7.40%	128.60%
2001	152.40%	2.70%	155.10%	-3.90%	159.00%
2002	141.20%	1.60%	142.80%	-13.50%	156.30%
2003	127.80%	0.40%	128.20%	-8.80%	137.00%
2004	106.10%	0.50%	106.60%	1.20%	105.40%
2005	94.40%	0.60%	95.00%	9.10%	85.90%
2006	86.60%	0.70%	87.30%	20.30%	67.00%
2007	81.50%	2.30%	83.80%	17.00%	66.80%
2008	75.30%	2.30%	77.60%	4.80%	72.80%
2009	76.30%	2.50%	78.80%	11.90%	66.90%
2010	75.60%	3.10%	78.70%	16.90%	61.80%
Total	**101.58%**	**1.72%**	**103.30%**	**6.21%**	**97.09%**

WEST VIRGINIA (NAIC Annual Statement Data)					
Year	**Direct Combined Ratio**	**Dividend**	**Combined Ratio (after Dividend)**	**Investment Gain**	**Direct Operating Ratio**
2000	149.96%	0.06%	150.01%	7.40%	142.61%
2001	154.51%	0.05%	154.57%	-3.90%	158.47%
2002	129.73%	0.05%	129.78%	-13.50%	143.28%
2003	97.44%	0.05%	97.49%	-8.80%	106.29%
2004	67.22%	0.02%	67.24%	1.20%	66.04%
2005	42.05%	0.04%	42.08%	9.10%	32.98%
2006	41.58%	0.06%	41.64%	20.30%	21.34%
2007	124.47%	0.11%	124.58%	17.00%	107.58%
2008	42.96%	0.19%	43.15%	4.80%	38.35%
2009	64.35%	0.15%	64.50%	11.90%	52.60%
2010	57.13%	0.24%	57.37%	16.90%	40.47%
Total	**87.71%**	**0.08%**	**87.79%**	**5.07%**	**82.72%**

- The figures above demonstrate that after accounting for dividends and investment gain, medical malpractice produced an ***operating profit*** in West Virginia from 2004 to 2006 and again in 2008 through 2010, and that it remains profitable and notably more profitable overall than that of the countrywide average over the period shown above.

I-C. Key Drivers of West Virginia Medical Malpractice Insurance Results



Negative Factors

- Recently volatile Loss Ratio
- Highly volatile Loss Adjustment Expenses

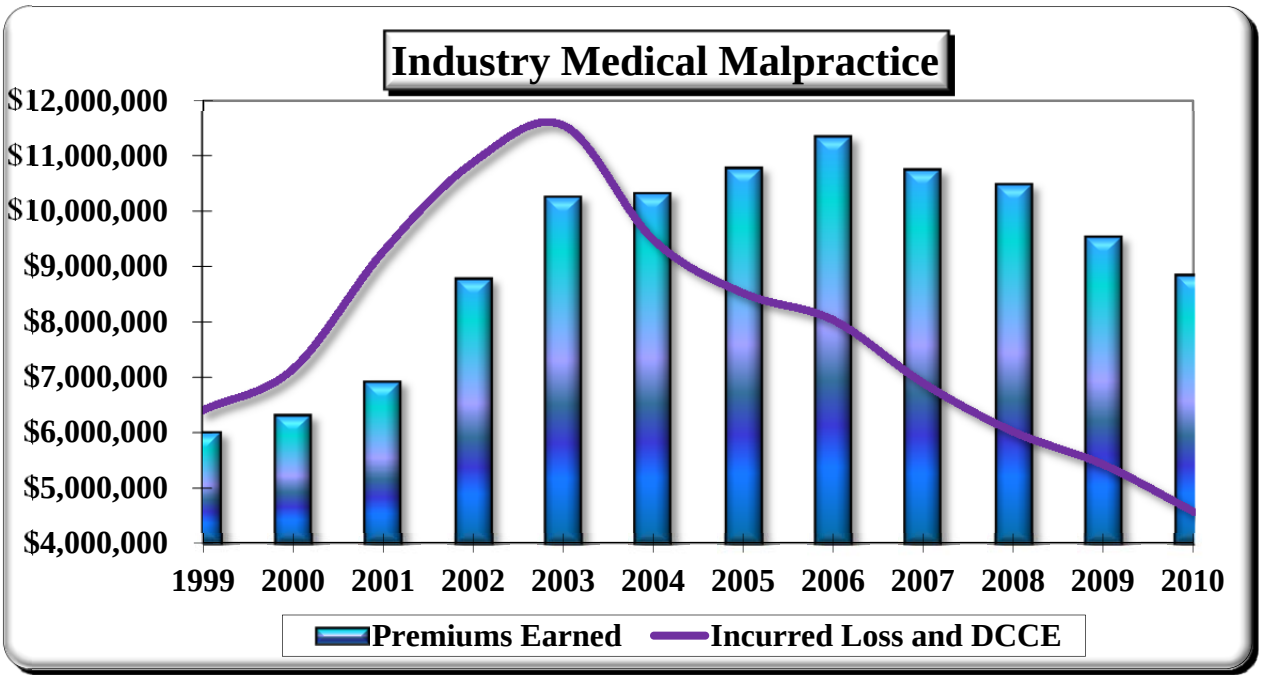
Positive Factors

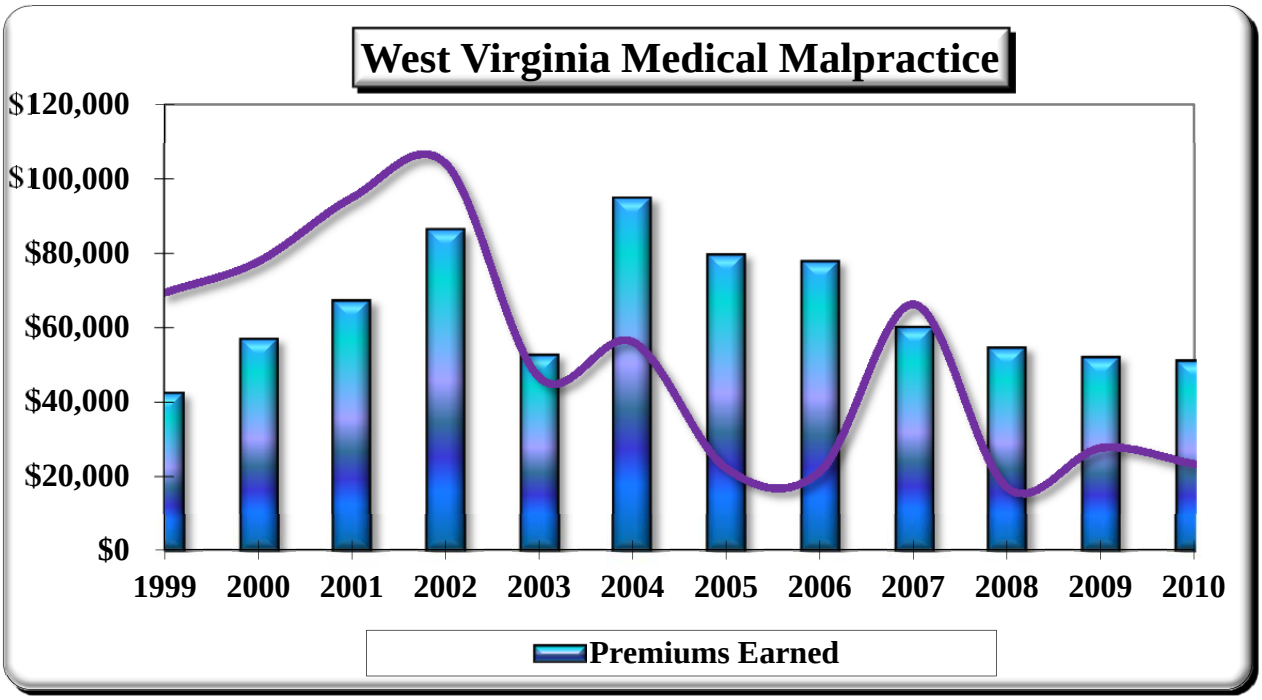
- General overall decline in Loss Ratio since 2002
- Relatively stable Underwriting Expense
- Generally favorable Investment income (offset)

Overall, the ***graph above visually demonstrates a marked and continued improvement over the experience of earlier years for the West Virginia Medical Malpractice market.***

I-D. Loss and Defense Costs Incurred vs. Premiums Earned

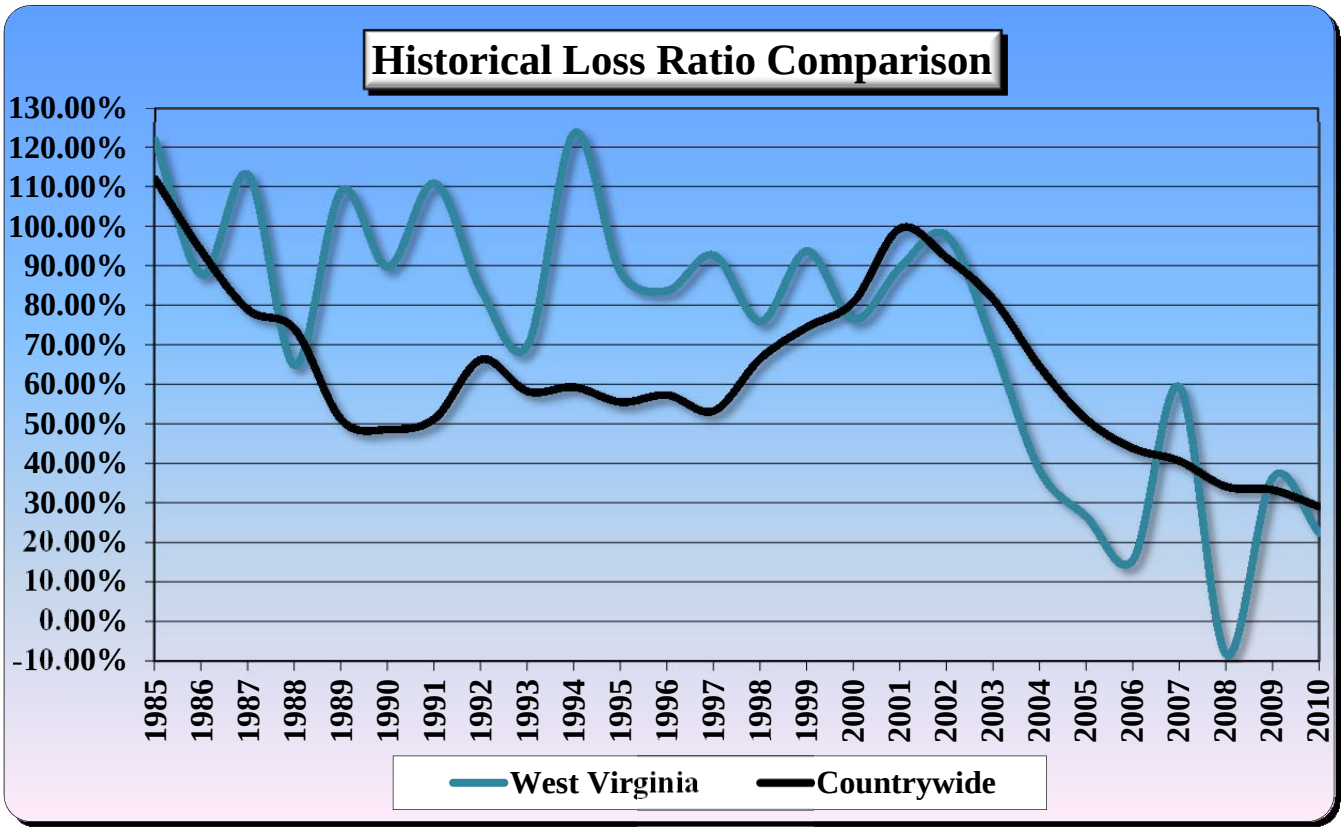
The charts below compare losses and defense costs for the Industry (countrywide basis) against the comparable figures for West Virginia alone. They clearly show that results for loss and defense cost in West Virginia had far exceeded premiums until the turnaround reported for 2003, and afterward have remained favorable overall, yet somewhat volatile. *Note that each graph is on a per thousand basis.*





I-E. A Cautionary Note

Recent loss ratio experience in West Virginia for Medical Malpractice clearly remains as an improvement over that experienced as recently as 2002. However, as the graph below (*comparing West Virginia Loss Ratios with those countrywide*) suggests, West Virginia Medical Malpractice loss ratios have not been stable historically. This is likely the result of the limited volume of business written in our State, and the potential for significant variance will likely increase if overall premium volumes continue their decline. Accordingly, ***rate changes*** *(or stabilization provided by a lack thereof)* ***will likely play an increasingly crucial role for future results***.



Section II

A Review of Paid / Closed Claim Data

II. Analysis of Paid Claim Information

*Cautionary note: The Board of Medicine information is **not insurance data**; rather it is information provided to the **West Virginia Board of Medicine** about Medical Malpractice claims after their disposition, and as such, it has not been audited for accuracy. "**Disposition**" in this case means claims which have been dismissed, settled, or adjudicated. These data represent indemnity payments only, thus, loss adjustment expense amounts are necessarily excluded. While not strictly matching insurance data, this information is useful in attempting to identifying trends. It should also be noted that the data does not include hospitals or doctors working within corporate structures. Even with eighteen years of data, the number of claims and loss dollars are still small enough to limit the credibility of the information. Additionally note that this information does include **BRIM** claim payments.*

***Advisory**: The sections below which review both Judgments and Settlements with payment where the data is noted to have been capped at $1,000,000 differs from that included in reports prior to 2007 due to the application of the $1,000,000 cap. Specifically, the 2004 report only considered Judgments and Settlements under $1,000,000 (excluding all those above that amount), the 2005-2006 reports continued to provide the data in this manner, but noted it as having been capped at $1,000,000 (i.e. all individual payment amounts greater than $1M only count only as $1M each) as a smoothing procedure. However, only the 2007 and later reports, including this report, actually apply the noted capping methodologies in order to limit large swings in the data from year to year, yet also fully consider indemnity amounts over $1,000,000 (counted as capped at $1M) in order to attempt to identify any notable trend in payments. This creates some disparity between the figures provided within this report and that of earlier reports.*

II-A. How Malpractice Claims are disposed in West Virginia

The exhibit below displays paid claim count information for 1993 – 2010.

West Virginia Board of Medicine									
Claim Count Review									
Year	Number of **Dismissals**	% of Total	**Judgments** Non Zero	**Judgments** Total	% of Total	**Settlements** Non Zero	**Settlements** Total	% of Total	**All Total**
1993	79	28%	8	18	6%	186	187	66%	**284**
1994	74	23%	10	36	11%	203	208	65%	**318**
1995	103	31%	14	38	11%	187	190	57%	**331**
1996	81	27%	5	20	7%	191	194	66%	**295**
1997	114	27%	9	28	7%	286	286	67%	**428**
1998	53	22%	9	27	11%	153	156	66%	**236**
1999	99	30%	15	28	8%	203	206	62%	**333**
2000	104	30%	7	37	11%	199	203	59%	**344**
2001	112	30%	9	37	10%	225	226	60%	**375**
2002	122	39%	7	25	8%	164	165	53%	**312**
2003	108	42%	4	23	9%	125	127	49%	**258**
2004	87	39%	6	24	11%	113	113	50%	**224**
2005	77	44%	5	15	9%	81	82	47%	**174**
2006	72	35%	3	12	6%	120	120	59%	**204**
2007	40	24%	1	15	9%	104	109	66%	**164**
2008	73	37%	8	14	7%	105	108	55%	**195**
2009	71	41%	5	14	8%	86	89	51%	**174**
2010	23	12%	1	7	4%	158	158	84%	**188**
Total	**1,492**	**31%**	**126**	**418**	**9%**	**2,889**	**2,927**	**61%**	**4,837**

- West Virginia now averages 269 malpractice claims per year (*down from 273 in 2009, and from a high of 327 in 2001*). Over the past eighteen years, **31% of malpractice claims have been dismissed** (*32 in 2009*). In 2001, H.B. 601 was passed. One of its key elements was §55-7B-6, requiring that a "*certificate of merit*" be obtained prior to the filing of a medical professional liability action against a health care provider. Specifically, "*[the] certificate of merit shall be executed under oath <u>by a health care provider qualified as an expert</u> under the West Virginia rules of evidence and shall state with particularity: (1) <u>the expert's familiarity with the applicable standard of care</u> in issue; (2) <u>the expert's qualifications</u>; (3) <u>the expert's</u>*

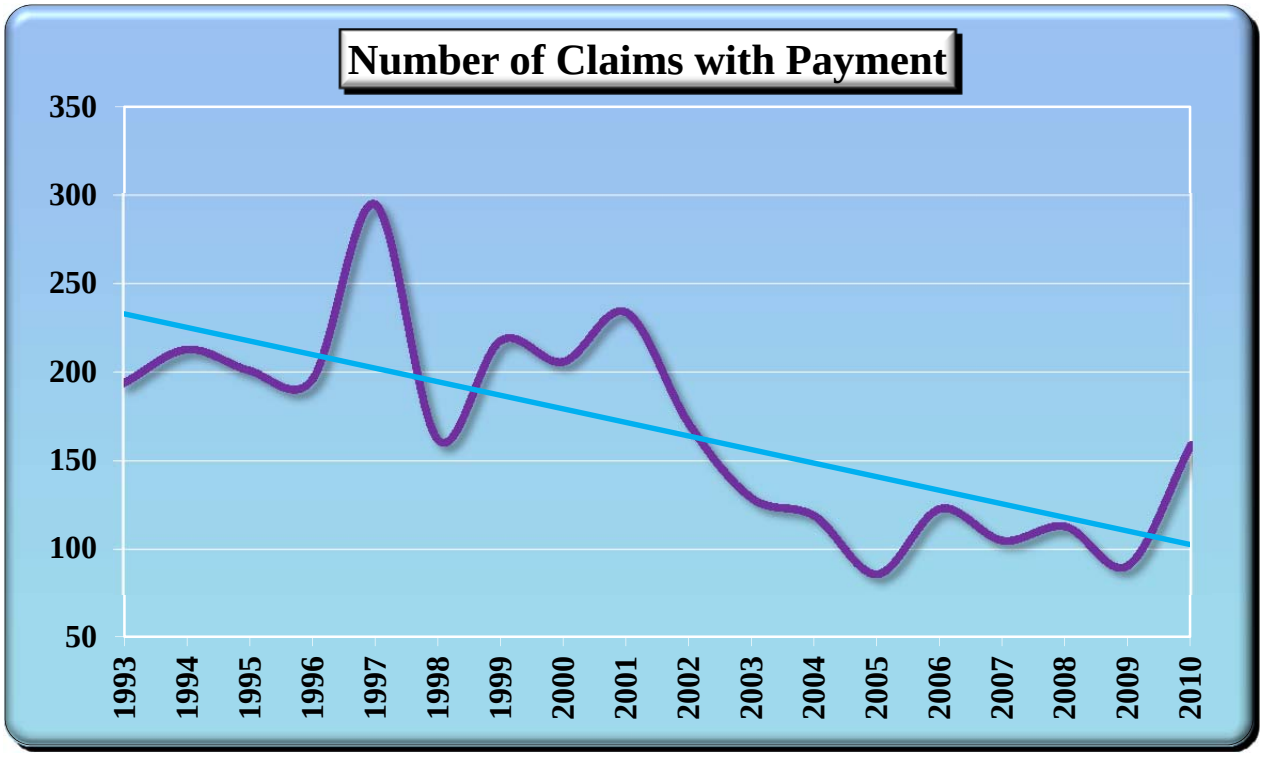
opinion as to how the breach of the applicable standard of care resulted in injury or death". (Emphasis Added) We believe that this new ***screening process explains in part the increase in the percentage of dismissals seen beginning in 2002***.

- In general, **the number of claims filed has dropped significantly since the passage of the 2001 legislation**. Specifically, the 2010 claim count was about 50% of the 2001 total.

- On average, only about 9% of malpractice claims go to court. Of the claims that do go to court, roughly 70% receive a judgment of $0. In other words, only about 30% of the claims that are adjudicated actually receive a judgment with payment.

- On average, **61% of malpractice claims are settled** without court involvement.

- Graphically, note the downward linear trend (blue line) in the number of paid claims since 1997:



This is consistent with previous reports which have noted a decline in Medical Malpractice claims countrywide.

II-B. Historical Judgments

Capping large awards at $1,000,000 (as a smoothing procedure) leads to the following:

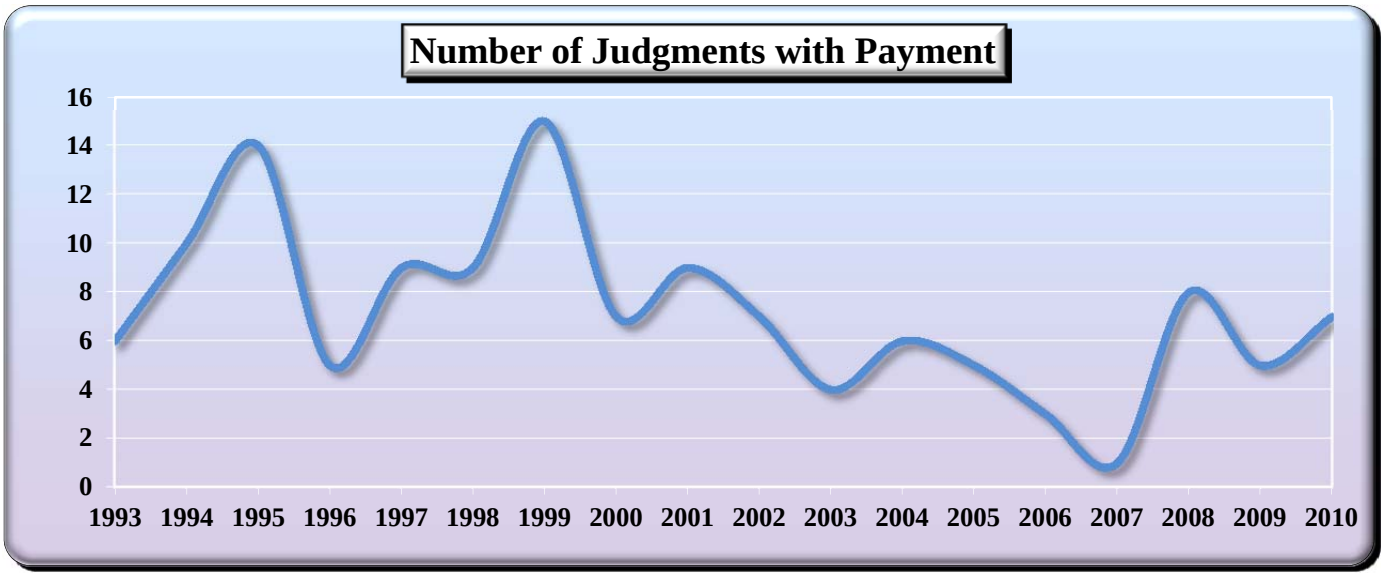
West Virginia Board of Medicine			
Judgments with payments capped at $1,000,000			
Year	**#**	**Amount**	**Average**
1993	6	$785,547	$130,925
1994	10	$3,946,419	$394,642
1995	14	$4,055,745	$289,696
1996	5	$2,585,837	$517,167
1997	9	$3,951,907	$439,101
1998	9	$5,409,154	$601,017
1999	15	$6,566,669	$437,778
2000	7	$4,767,554	$681,079
2001	9	$3,179,290	$353,254
2002	7	$2,855,223	$407,889
2003	4	$1,355,000	$338,750
2004	6	$3,456,244	$576,041
2005	5	$3,524,909	$704,982
2006	3	$1,830,989	$610,330
2007	1	$1,000,000	$1,000,000
2008	8	$4,325,596	$540,700
2009	5	$1,475,000	$295,000
2010	7	$250,000	$35,714
18 Years	**130**	**$55,321,083**	**$425,546.79**

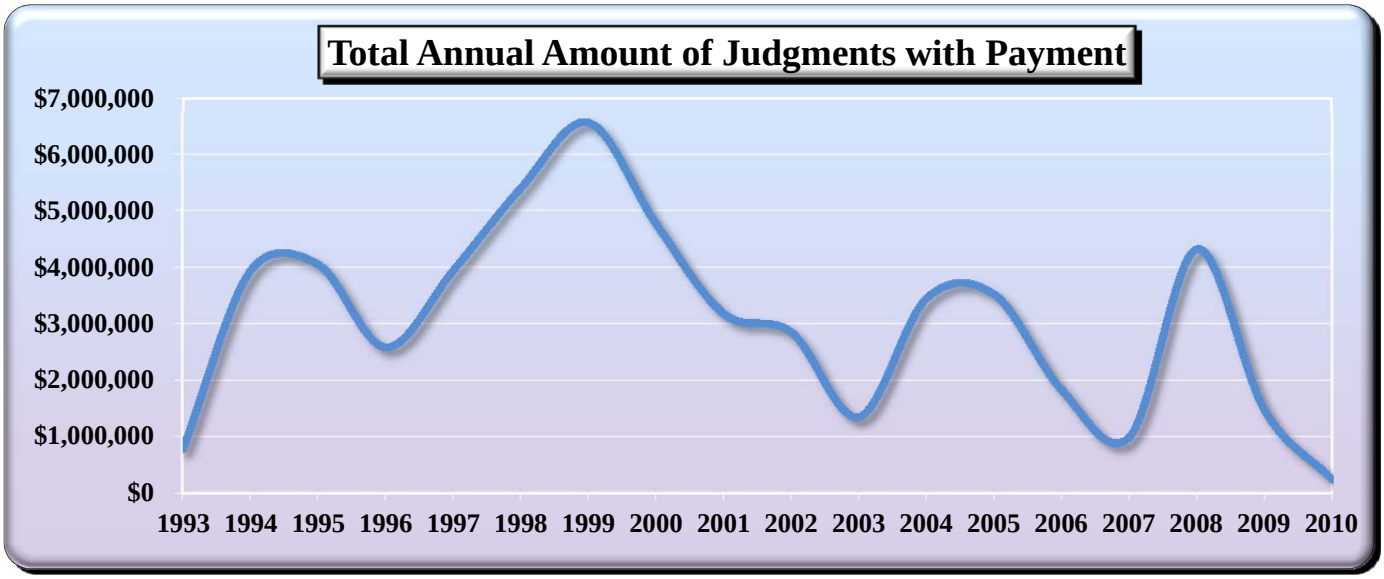
- This table shows that even after limiting large awards to reduce volatility, there is ***no clear pattern*** of either an increasing number of judgments or a consistent increase in total paid judgments. Rather, the ***small number of judgments restricts credible inferences*.**

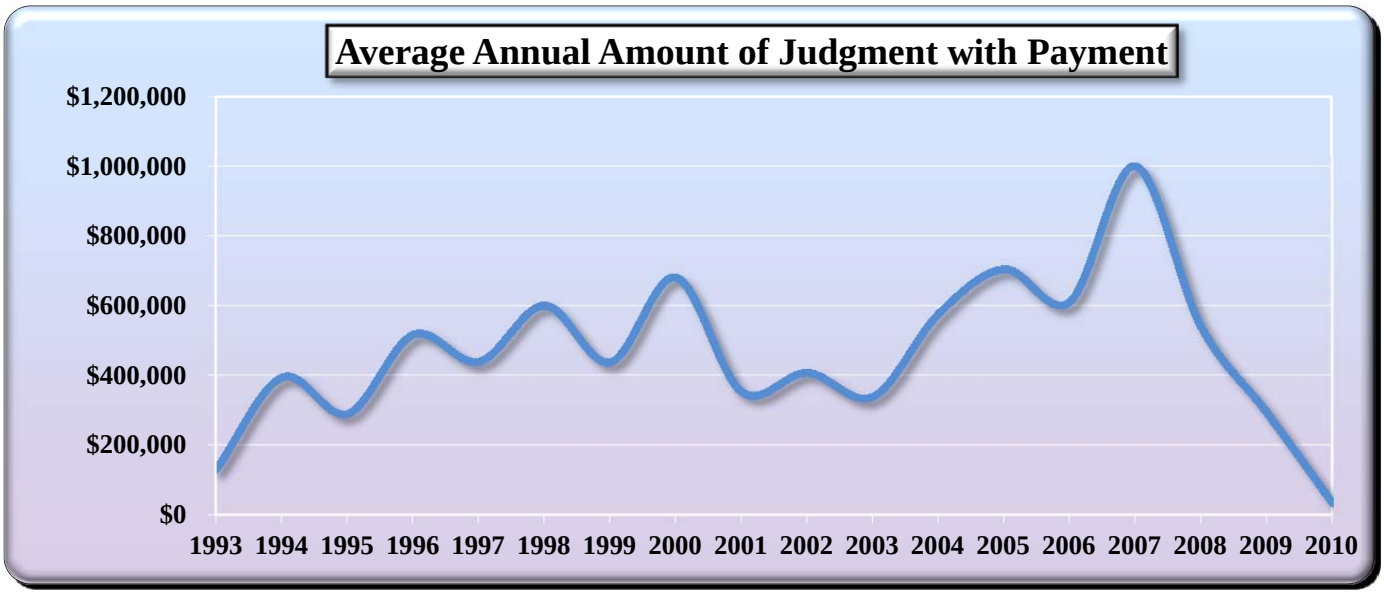
- A general historical decline in the number of judgments with payment over the period reviewed above can be observed.

- A general historical increase in the average annual amount of judgments with payment over the period reviewed above can also be observed.

Graphical linear representations of the above tabled data:


Number of Judgments with Payment
16
14
12
10
8
6
4
2
0
1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010


Total Annual Amount of Judgments with Payment
$7,000,000
$6,000,000
$5,000,000
$4,000,000
$3,000,000
$2,000,000
$1,000,000
$0
1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010


Average Annual Amount of Judgment with Payment
$1,200,000
$1,000,000
$800,000
$600,000
$400,000
$200,000
$0
1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010

- It should be noted that the number of judgments in each year is very small and that actual paid amounts can vary significantly from year to year. For example, the Average Annual Amount of Judgments with Payment graphic above appears to indicate a significant increase in this average for 2007. Yet, note in the tabled data that the number of non-zero judgments for 2007 was only 1.

The next exhibit displays Paid Judgments by size of payment.

West Virginia Board of Medicine

Size of Paid Judgments

	1994		1995		1996		1997		1998	
Interval	#	$	#	$	#	$	#	$	#	$
Loss=$0	26	$0	24	$0	15	$0	19	$0	18	$0
$0<loss<=$100K	0	$0	7	$301,907	1	$18,000	0	$0	2	$132,514
$100K<loss<=$250K	2	$320,000	2	$355,200	1	$130,337	5	$914,921	2	$336,640
$250K<loss<=$500K	5	$1,731,819	2	$647,127	1	$437,500	0	$0	0	$0
$500K<loss<=$1M	3	$1,894,600	1	$751,511	1	$1,000,000	3	$2,036,986	2	$1,940,000
$1M<loss	0	$0	2	$3,966,624	1	$1,500,000	1	$3,684,822	3	$4,270,552
Total Judgments	36	$3,946,419	38	$6,022,369	20	$3,085,837	28	$6,636,729	27	$6,679,706
Total Non-Zero*	10	$3,946,419	14	$4,055,745	5	$2,585,837	9	$3,951,907	9	$5,409,154
	1999		**2000**		**2001**		**2002**		**2003**	
Interval	#	$	#	$	#	$	#	$	#	$
Loss=$0	13	$0	30	$0	28	$0	18	$0	19	$0
$0<loss<=$100K	6	$197,576	0	$0	3	$210,000	3	$175,073	0	$0
$100K<loss<=$250K	2	$371,829	0	$0	3	$440,557	0	$0	1	$160,000
$250K<loss<=$500K	0	$0	3	$1,157,054	0	$0	2	$680,150	3	$1,195,000
$500K<loss<=$1M	4	$2,997,264	2	$1,610,500	1	$528,733	1	$1,000,000	0	$0
$1M<loss	3	$3,527,451	2	$2,381,508	2	$3,612,000	1	$6,238,000	0	$0
Total Judgments	28	$7,094,120	37	$5,149,062	37	$4,791,290	25	$8,093,223	23	$1,355,000
Total Non-Zero*	15	$6,566,669	7	$4,767,554	9	$3,179,290	7	$2,855,223	4	$1,355,000
	2004		**2005**		**2006**		**2007**		**2008**	
Interval	#	$	#	$	#	$	#	$	#	$
Loss=$0	18	$0	10	$0	9	$0	14	$0	6	$0
$0<loss<=$100K	1	$75,000	0	$0	0	$0	0	$0	1	$75,000
$100K<loss<=$250K	0	$0	1	$250,000	1	$227,449	0	$0	2	$450,000
$250K<loss<=$500K	2	$811,994	1	$274,909	0	$0	0	$0	2	$800,596
$500K<loss<=$1M	3	$2,569,250	0	$0	1	$603,540	0	$0	0	$0
$1M<loss	0	$0	3	$8,321,888	1	$1,014,165	1	$1,705,936	3	$8,350,000
Total Judgments	24	$3,456,244	15	$8,846,797	12	$1,845,154	15	$1,705,936	14	$9,675,596
Total Non-Zero*	6	$3,456,244	5	$3,524,909	3	$1,830,989	1	$1,000,000	8	$4,325,596
	2009		**2010**							
Interval	#	$	#	$						
Loss=$0	9	$0	6	$0						
$0<loss<=$100K	0	$0	0	$0						
$100K<loss<=$250K	3	$575,000	1	$250,000						
$250K<loss<=$500K	1	$300,000	0	$0						
$500K<loss<=$1M	1	$600,000	0	$0						
$1M<loss	0	$0	0	$0						
Total Judgments	14	$1,475,000	7	$250,000						
Total Non-Zero*	5	$1,475,000	1	$250,000						

**The second Total excludes claims which resulted in no indemnity payment and caps individual claims greater than $1M at a $1M value.*

- Over the last 17 years, there have been a total of 23 judgments in excess of $1,000,000; or an average of 1.35 per year.

II-C. Historical Settlements

In a manner similar to judgments, we now look at settlements.

West Virginia Board of Medicine

Size of Paid Settlements

	1994		1995		1996		1997		1998	
Interval	**#**	**$**	**#**	**$**	**#**	**$**	**#**	**$**	**#**	**$**
Loss=$0	5	$0	3	$0	3	$0	3	$0	3	$0
$0<loss<=$50K	78	$1,704,102	79	$1,811,405	75	$1,718,264	177	$1,756,801	67	$1,152,744
$50K<loss<=$100K	40	$3,199,200	23	$1,892,250	33	$2,642,584	24	$2,040,933	19	$1,612,092
$100K<loss<=$250K	38	$6,665,678	44	$8,410,952	37	$6,786,025	33	$5,987,500	28	$4,700,000
$250K<loss<=$500K	32	$11,980,951	26	$10,015,000	33	$11,947,319	39	$14,664,111	21	$7,188,000
$500K<loss<=$1M	15	$11,694,010	15	$11,940,000	13	$8,560,000	13	$9,425,000	18	$13,660,000
$1M<loss	5	$9,175,000	3	$7,650,000	3	$4,159,000	3	$6,550,000	3	$5,468,431
Total Settlements	213	$44,418,941	193	$41,719,607	197	$35,813,192	292	$40,424,345	159	$33,781,267
Total Non-Zero*	208	$40,243,941	190	$37,069,607	194	$34,654,192	289	$36,874,345	156	$31,312,836

	1999		2000		2001		2002		2003	
Interval	**#**	**$**	**#**	**$**	**#**	**$**	**#**	**$**	**#**	**$**
Loss=$0	3	$0	4	$0	1	$0	1	$0	2	$0
$0<loss<=$50K	87	$1,488,737	65	$1,633,255	84	$1,806,781	57	$1,229,665	26	$625,434
$50K<loss<=$100K	28	$2,278,500	36	$2,892,600	37	$2,934,401	15	$1,214,000	15	$1,252,000
$100K<loss<=$250K	34	$5,936,000	45	$8,124,710	48	$8,350,814	49	$8,500,031	35	$6,725,418
$250K<loss<=$500K	42	$13,884,542	34	$12,753,796	29	$10,671,417	26	$10,065,000	29	$11,363,125
$500K<loss<=$1M	12	$9,615,000	19	$16,152,535	27	$21,817,833	18	$13,255,516	16	$13,878,750
$1M<loss	3	$10,995,605	4	$5,675,000	1	$1,250,000	0	$0	6	$14,438,368
Total Settlements	209	$44,198,384	207	$47,231,896	227	$46,831,246	166	$34,264,212	129	$48,283,095
Total Non-Zero*	206	$36,202,779	203	$47,231,896	226	$46,581,246	165	$34,264,212	127	$39,844,727

	2004		2005		2006		2007		2008	
Interval	**#**	**$**	**#**	**$**	**#**	**$**	**#**	**$**	**#**	**$**
Loss=$0	0	$0	1	$0	0	$0	5	$0	3	$0
$0<loss<=$50K	40	$861,532	29	$803,164	47	$1,352,631	27	$605,014	36	$982,998
$50K<loss<=$100K	16	$1,362,500	8	$660,000	19	$1,452,250	11	$705,800	16	$1,261,000
$100K<loss<=$250K	21	$4,016,403	19	$3,198,750	26	$4,812,500	29	$4,486,666	27	$4,543,528
$250K<loss<=$500K	24	$9,529,000	16	$5,752,500	18	$6,393,000	17	$6,062,500	13	$5,127,500
$500K<loss<=$1M	5	$3,550,000	8	$5,731,250	7	$5,400,000	13	$9,288,182	12	$9,900,000
$1M<loss	7	$11,500,000	2	$3,250,000	3	$6,350,000	7	$8,896,822	1	$1,900,000
Total Settlements	113	$30,819,435	83	$19,395,664	120	$25,760,381	109	$30,044,984	108	$23,715,026
Total Non-Zero*	113	$26,319,435	82	$18,145,664	120	$22,410,381	104	$28,148,162	105	$22,815,026

	2009		2010	
Interval	**#**	**$**	**#**	**$**
Loss=$0	3	$0	0	$0
$0<loss<=$50K	23	$697,523	93	$1,052,198
$50K<loss<=$100K	18	$1,397,458	16	$1,261,125
$100K<loss<=$250K	23	$4,327,625	24	$4,393,999
$250K<loss<=$500K	16	$5,999,490	14	$4,911,250
$500K<loss<=$1M	6	$4,900,000	9	$6,875,000
$1M<loss	0	$0	2	$2,750,000
Total Settlements	89	$17,322,096	158	$21,243,572
Total Non-Zero*	86	$17,322,096	158	$20,493,572

**The second Total excludes claims which resulted in no indemnity payment and caps individual claims greater than $1M at a $1M value.*

- Settlements comprise the most common resolution for claim payments. Over the last 17 years, 53 settlements have exceeded $1,000,000, or about 3.12 per year on average.

- For this entire period, the average settlement over $1M is $1,886,948. The average for 2006 and all prior years was slightly more than $2,000,000.

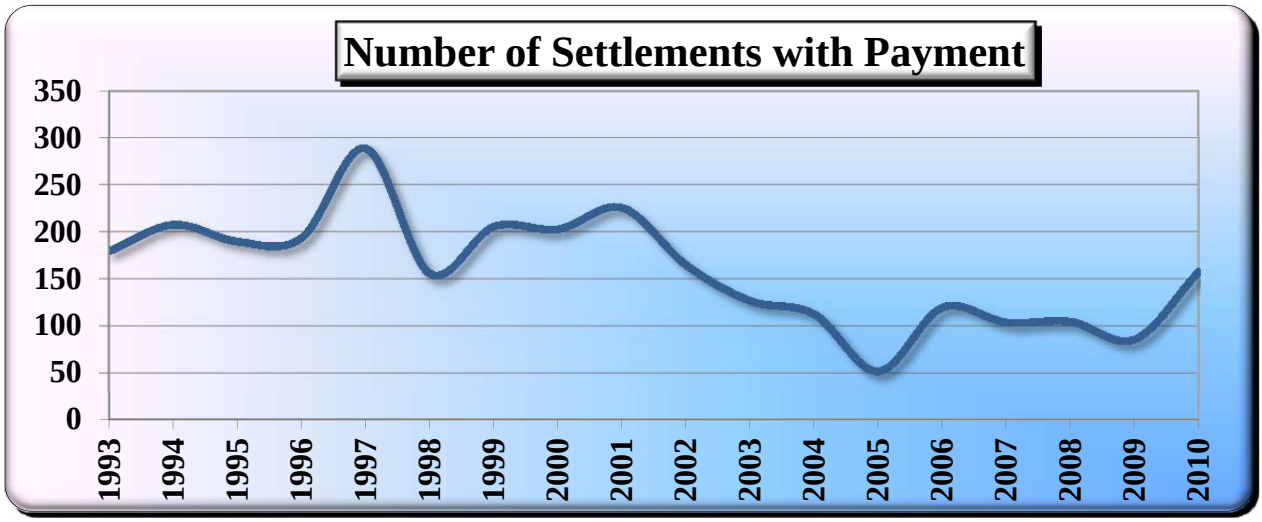
As was done for judgments, we will cap claims at $1,000,000 and look for trends:

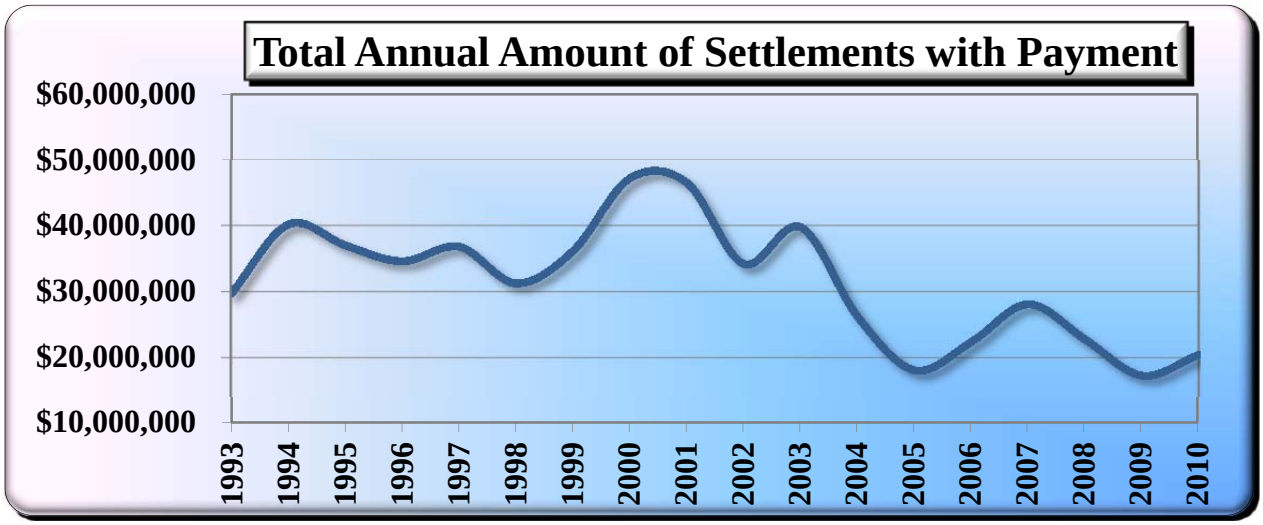
West Virginia Board of Medicine			
Settlements with payment capped at $1,000,000			
Year	**#**	**Amount**	**Average**
1993	180	$29,789,721	$165,498
1994	208	$40,243,941	$198,246
1995	190	$37,069,607	$198,233
1996	194	$34,654,192	$181,436
1997	289	$36,874,345	$128,931
1998	156	$31,312,836	$204,659
1999	206	$36,202,779	$178,339
2000	203	$47,231,896	$237,346
2001	226	$46,581,246	$207,028
2002	165	$34,264,212	$208,928
2003	127	$39,844,727	$318,758
2004	113	$26,319,435	$232,915
2005	52	$18,145,664	$224,021
2006	120	$22,410,381	$186,753
2007	104	$28,148,162	$284,325
2008	105	$22,815,026	$217,286
2009	86	$17,322,096	$201,420
2010	158	$20,493,572	$129,706
18 Years	**2,882**	**$569,723,838**	**$197,683**

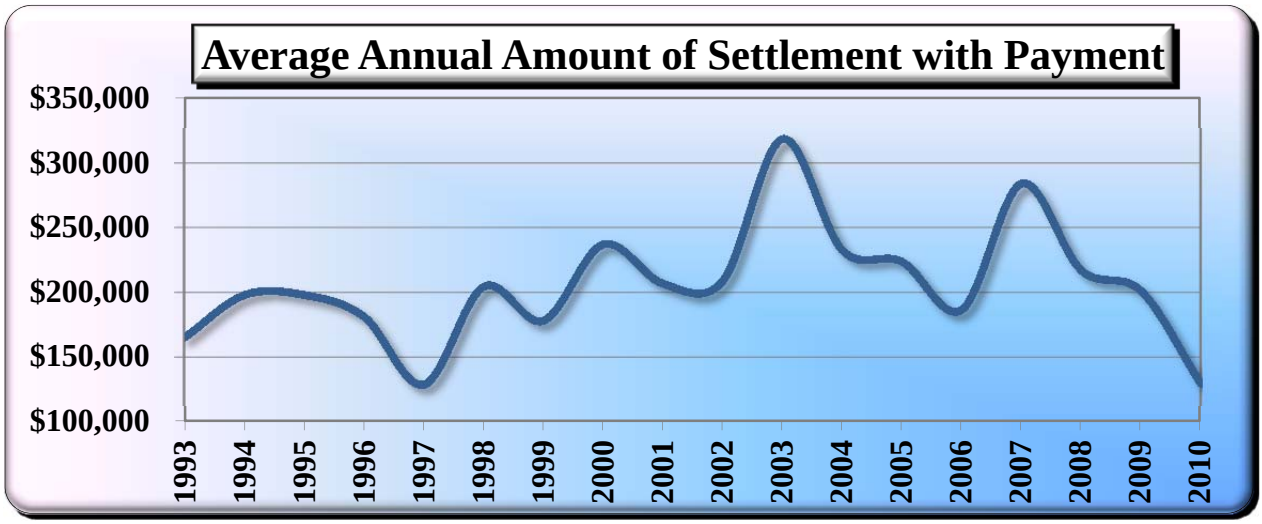
- From the above data, which limits claims to $1,000,000, a general escalation in the average settlement paid can be observed. For example, for the years of 1993-2001 combined the average paid settlement was $183,564. For 2001-2010 combined, the average paid settlement was $223,071.

- As with judgments, the small number of settlements restricts the credibility of the data. The actual number of settlements occurring since 2001 indicates a general decline in the frequency of paid settlements.

Again, graphical linear representations of the Settlement data:







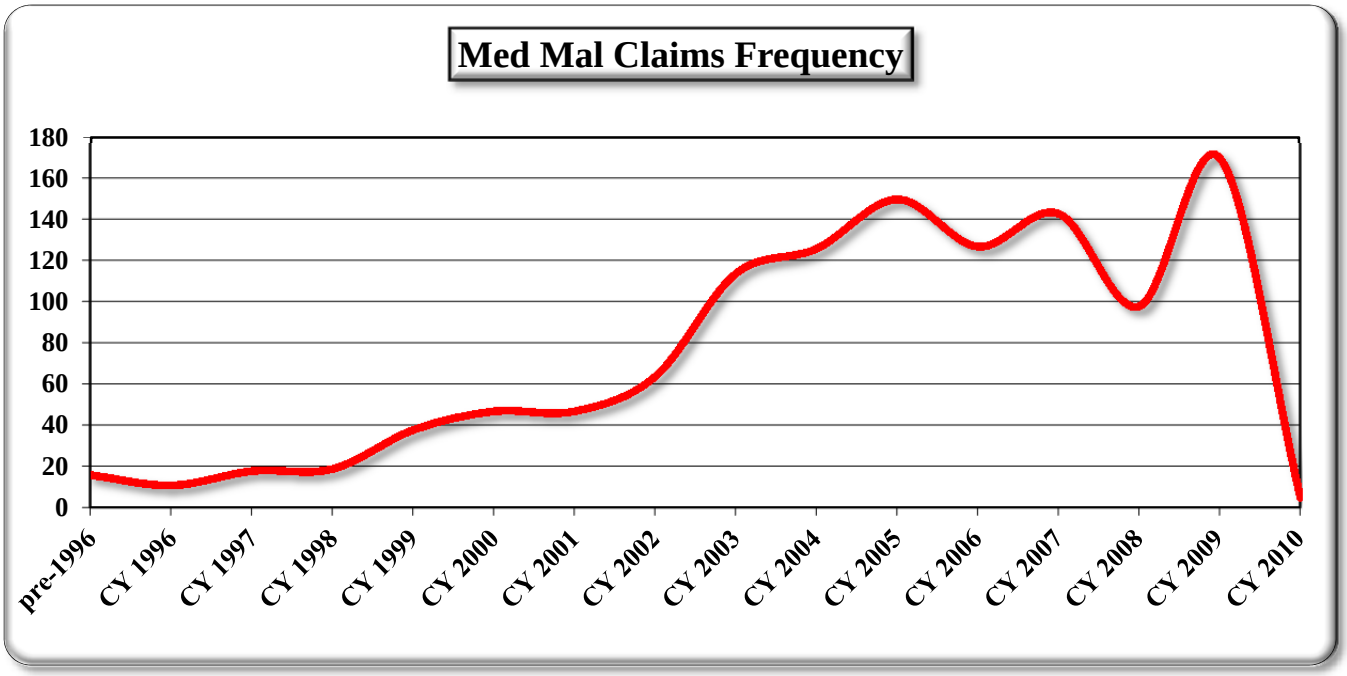
II-D. Closed Claim (20B-8) Data

In accordance with §33-20B-8, enhanced closed/paid medical malpractice information has been collected from insurers. This information includes the physician's primary specialty, the 'cause of loss', amount paid on defense costs for each filed claim and the split of the indemnity payment between economic and non-economic damages. In review of this data, and examining only physician and surgeon claims, the following general financial overview can be found on a accident year basis.

Date of Injury	Claims	Indemnity Pd	Economic Damages	Non-Economic Damages	Punitive Damages
pre-1996	16	$748,500.00	$80,100.00	$223,500.00	$0.00
CY 1996	11	$2,105,821.92	$47,000.00	$678,000.00	$0.00
CY 1997	18	$1,013,000.00	$0.00	$478,000.00	$0.00
CY 1998	19	$799,284.76	$0.00	$40,000.00	$0.00
CY 1999	38	$6,954,928.75	$518,767.00	$562,823.00	$0.00
CY 2000	47	$3,319,259.92	$893,777.00	$1,763,723.00	$0.00
CY 2001	47	$5,309,500.00	$10,938,093.23	$3,586,906.77	$0.00
CY 2002	64	$9,470,799.78	$2,930,587.89	$1,164,795.59	$0.00
CY 2003	114	$17,999,973.66	$10,714,690.93	$5,412,827.96	$0.00
CY 2004	126	$8,068,543.27	$4,802,839.67	$3,646,903.60	$42,179.99
CY 2005	150	$8,049,985.55	$4,167,566.13	$4,789,419.43	$139,500.00
CY 2006	127	$11,213,427.64	$4,996,117.79	$4,677,309.85	$0.00
CY 2007	143	$9,451,826.95	$4,808,901.23	$4,462,925.72	$0.00
CY 2008	98	$3,738,972.85	$2,130,430.11	$1,545,542.74	$0.00
CY 2009	170	$3,876,019.89	$1,048,922.23	$2,776,298.63	$410.51
CY 2010	5	$3,000.00	$0.00	$3,000.00	$0.00

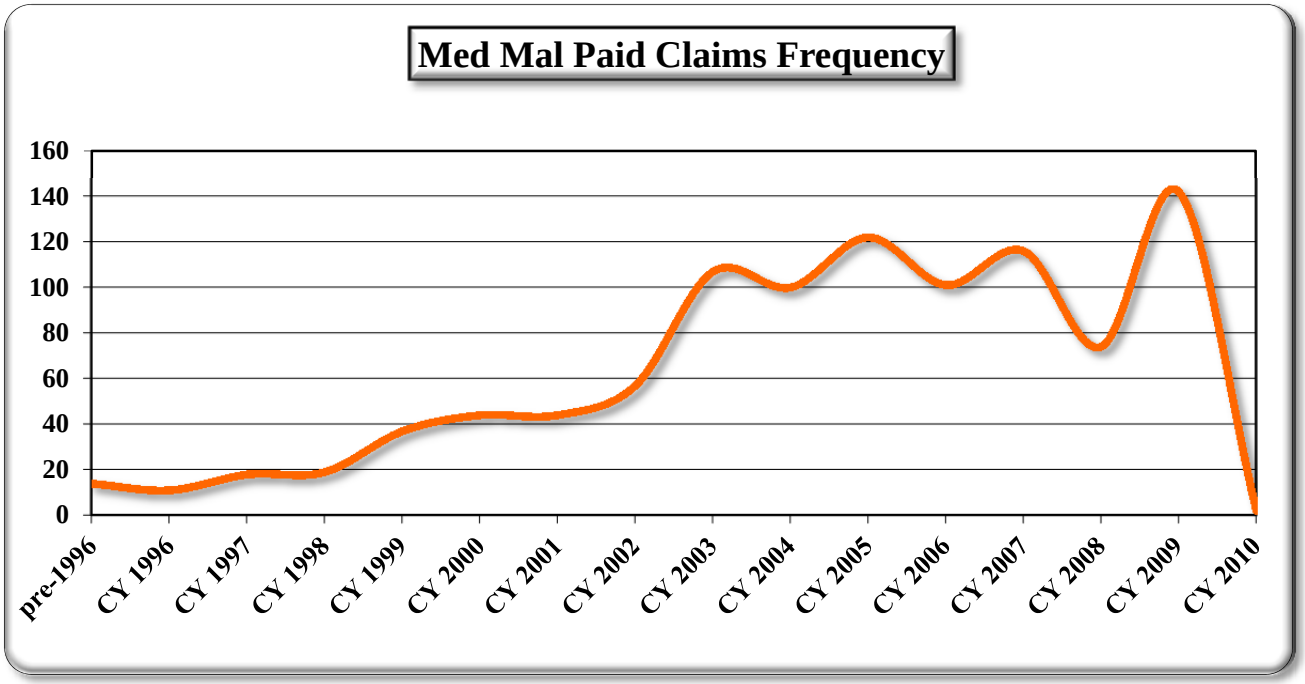
Date of Injury	Non-LAE Total	Non-LAE Avg	LAE Pd	Total Claim Payments	Total Avg	Zero Paids
pre-1996	$1,052,100.00	$75,150.00	$1,294,367.93	$2,346,467.93	$167,604.85	2
CY 1996	$2,830,821.92	$257,347.45	$1,014,780.74	$3,845,602.66	$349,600.24	0
CY 1997	$1,491,000.00	$82,833.33	$1,561,978.32	$3,052,978.32	$169,609.91	0
CY 1998	$839,284.76	$44,172.88	$2,210,061.83	$3,049,346.59	$160,491.93	0
CY 1999	$8,036,518.75	$217,203.21	$5,097,173.16	$13,133,691.91	$354,964.65	1
CY 2000	$5,976,759.92	$135,835.45	$3,533,705.71	$9,510,465.63	$216,146.95	3
CY 2001	$19,834,500.00	$450,784.09	$4,198,060.83	$24,032,560.83	$546,194.56	3
CY 2002	$13,566,183.26	$238,003.22	$4,489,146.67	$18,055,329.93	$316,760.17	7
CY 2003	$34,127,492.55	$318,948.53	$7,500,662.40	$41,628,154.95	$389,048.18	7
CY 2004	$16,560,466.53	$165,604.67	$4,622,014.38	$21,182,480.91	$211,824.81	26
CY 2005	$17,146,471.11	$140,544.85	$5,328,881.66	$22,475,352.77	$184,224.20	28
CY 2006	$20,886,855.28	$206,800.55	$5,033,191.25	$25,920,046.53	$256,634.12	26
CY 2007	$18,723,653.90	$161,410.81	$3,812,104.90	$22,535,758.80	$194,273.78	27
CY 2008	$7,414,945.70	$100,201.97	$1,089,157.46	$8,504,103.16	$114,920.31	24
CY 2009	$7,701,651.26	$54,236.98	$299,680.21	$8,001,331.47	$56,347.40	28
CY 2010	$6,000.00	$3,000.00	$0.00	$6,000.00	$3,000.00	3

Accordingly, from this dataset the accident year claim incidence is as follows:

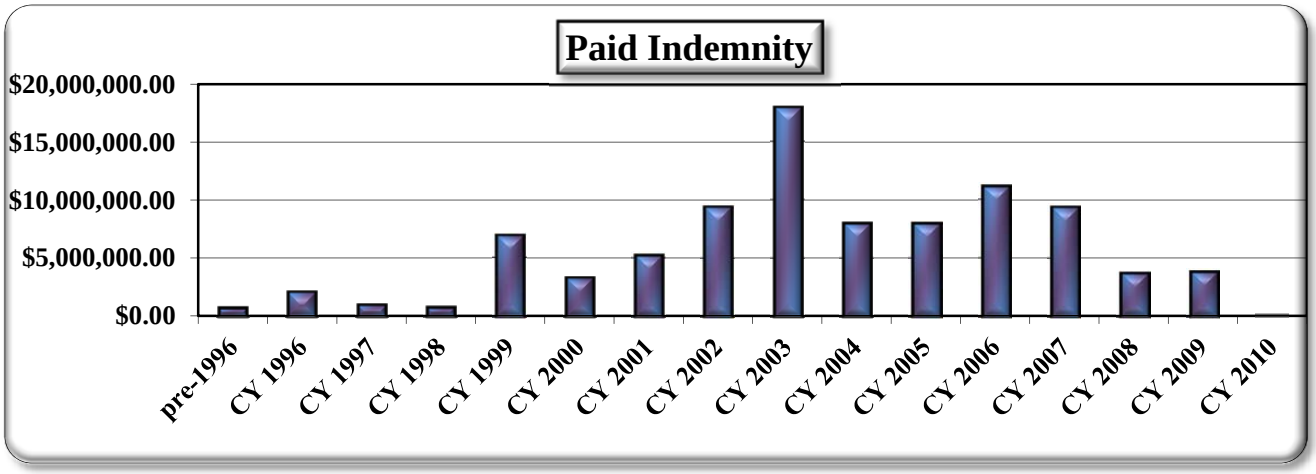


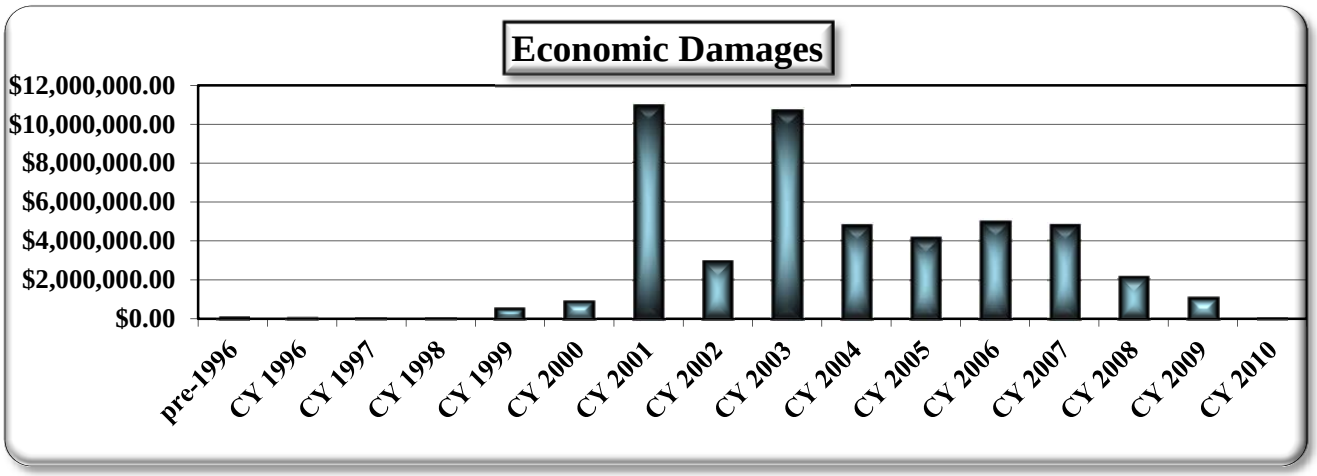
Note from the table and the preceding paragraph, that this incidence frequency does not exclude zero paid claims and again is comprised of closed claims only. Further, these claims are distributed on a accident year basis and not on a policy year basis.

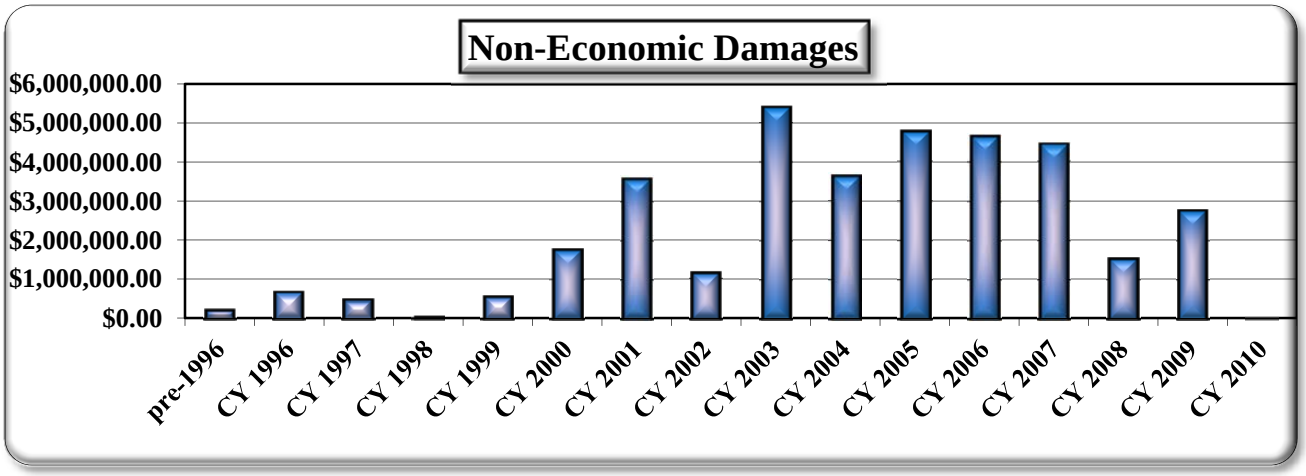
Removing the zero paid claims results in the following distribution:

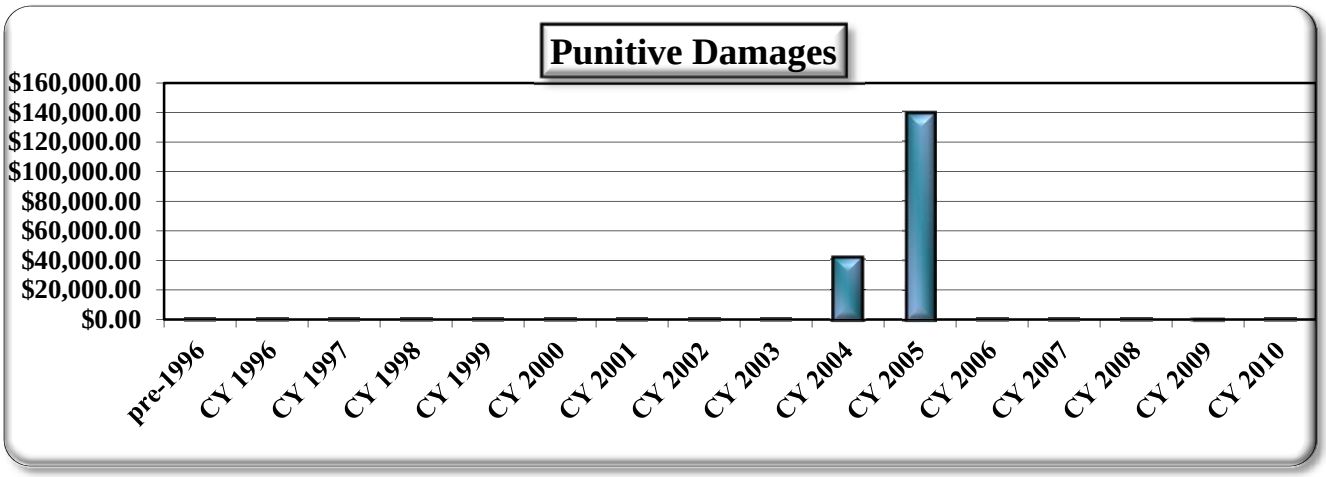


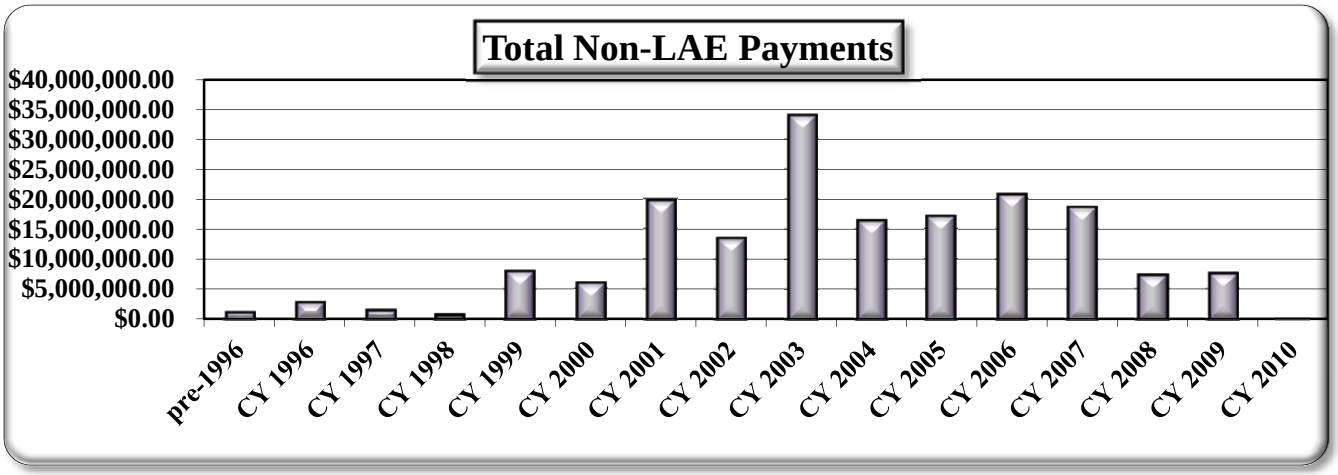
Utilizing the data from the table on page 30, we will now review the breakdown of payments between indemnity, economic damages, non-economic damages, punitive damages, and loss adjustment expenses over time, again on an accident year basis.

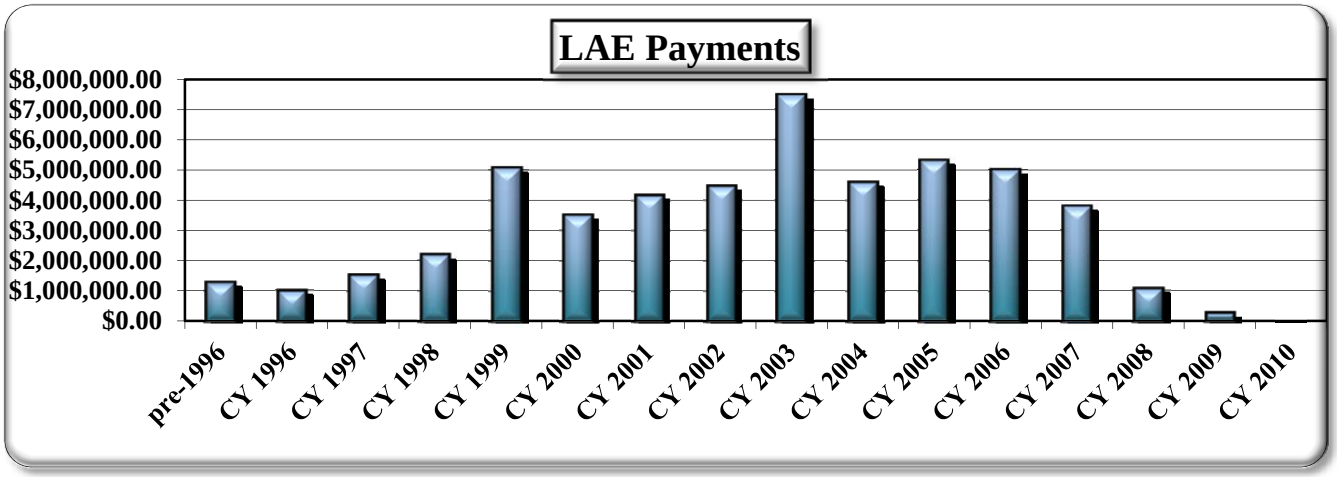







Punitive Damages
$160,000.00
$140,000.00
$120,000.00
$100,000.00
$80,000.00
$60,000.00
$40,000.00
$20,000.00
$0.00
pre-1996
CY 1996
CY 1997
CY 1998
CY 1999
CY 2000
CY 2001
CY 2002
CY 2003
CY 2004
CY 2005
CY 2006
CY 2007
CY 2008
CY 2009
CY 2010


Total Non-LAE Payments
$40,000,000.00
$35,000,000.00
$30,000,000.00
$25,000,000.00
$20,000,000.00
$15,000,000.00
$10,000,000.00
$5,000,000.00
$0.00
pre-1996
CY 1996
CY 1997
CY 1998
CY 1999
CY 2000
CY 2001
CY 2002
CY 2003
CY 2004
CY 2005
CY 2006
CY 2007
CY 2008
CY 2009
CY 2010


LAE Payments
$8,000,000.00
$7,000,000.00
$6,000,000.00
$5,000,000.00
$4,000,000.00
$3,000,000.00
$2,000,000.00
$1,000,000.00
$0.00
pre-1996
CY 1996
CY 1997
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CY 1999
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CY 2002
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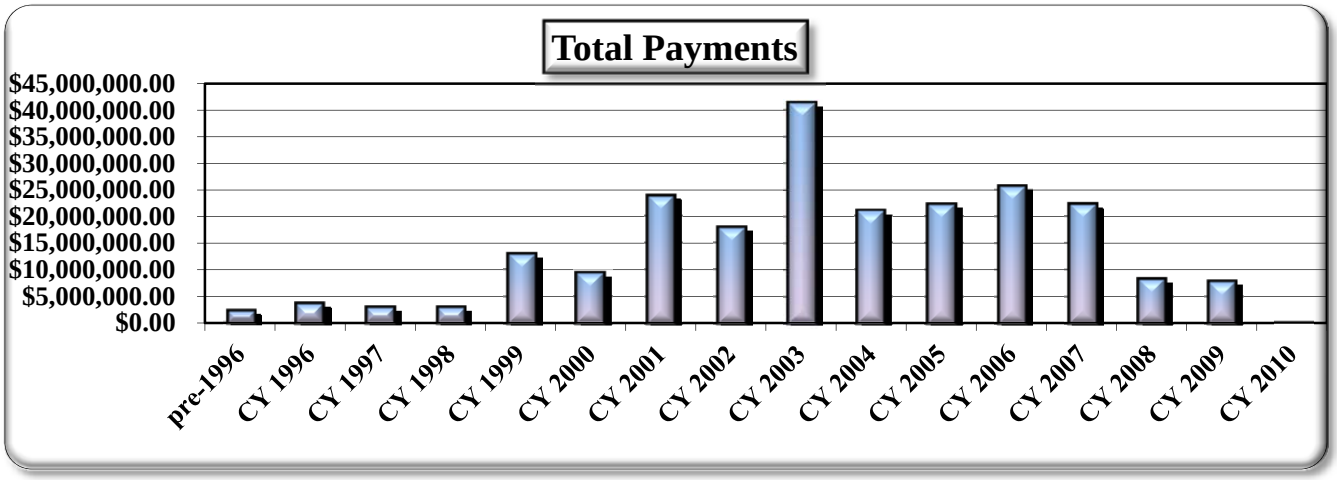
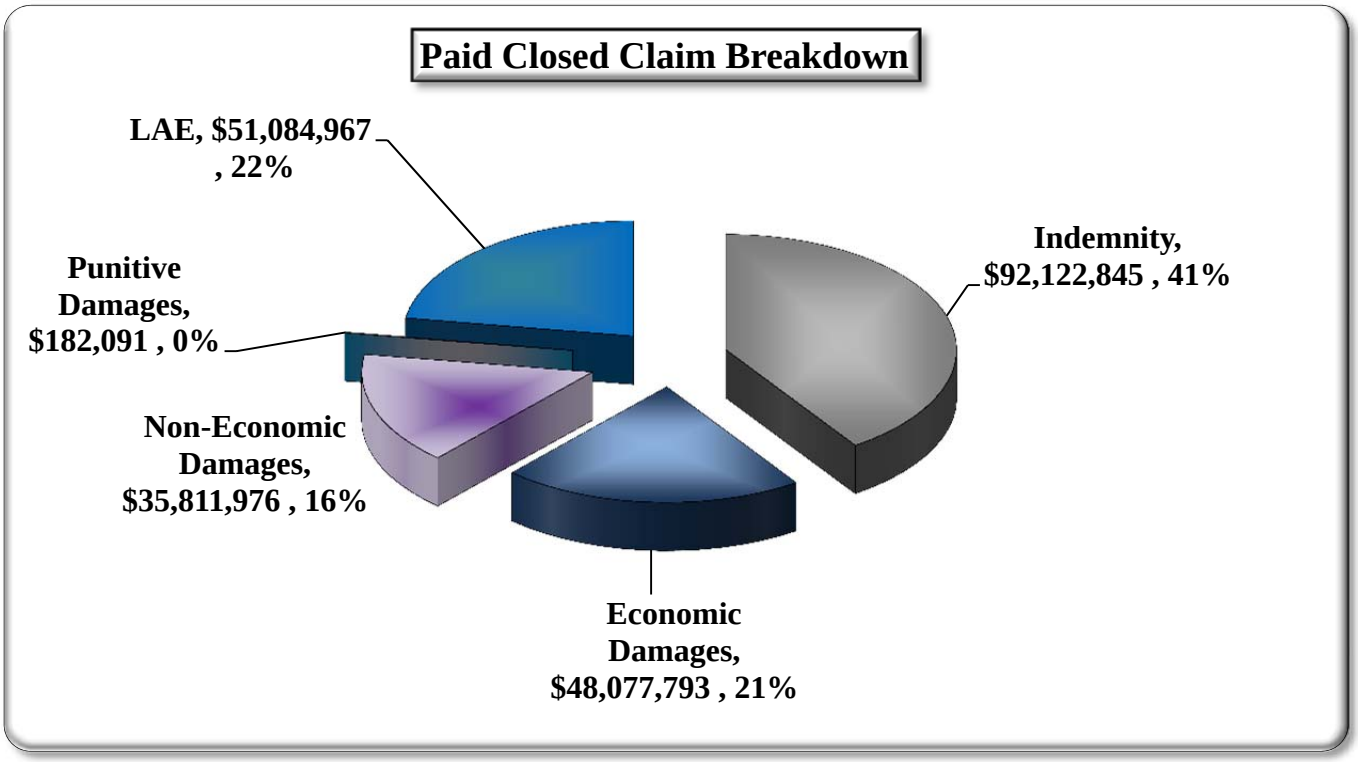
CY 2005
CY 2006
CY 2007
CY 2008
CY 2009
CY 2010

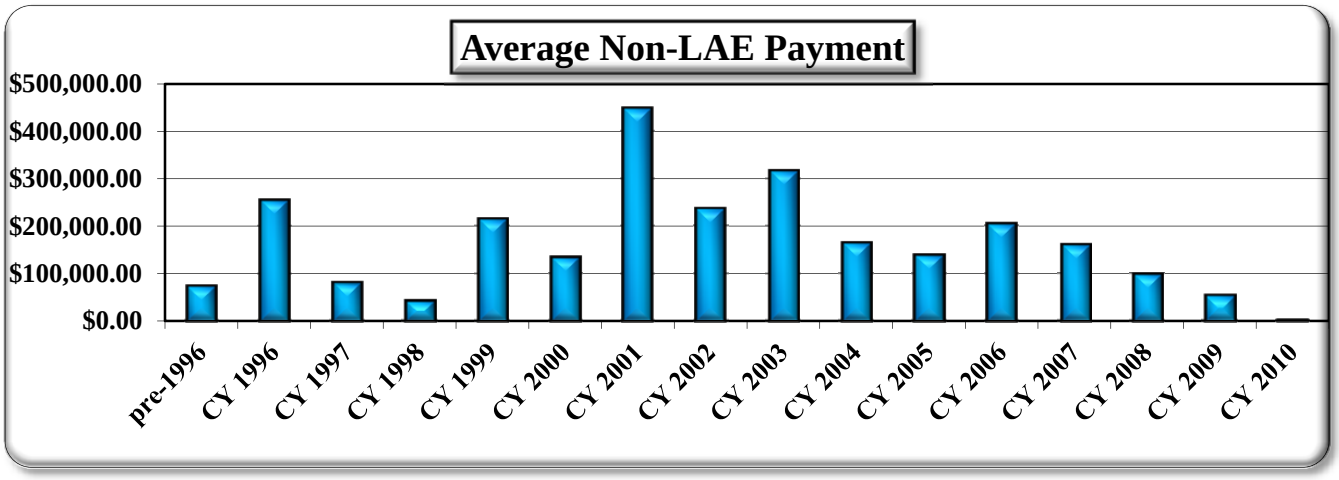


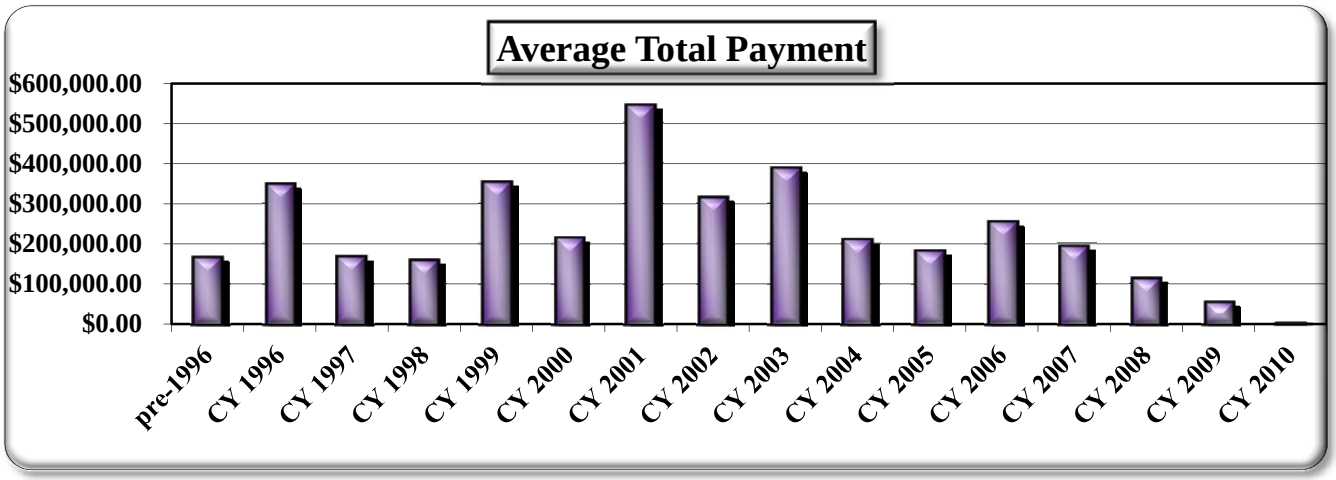
Then from the entire dataset, you can determine how each of the damage types and loss adjustment expenses are related.



As you may determine, actual punitive damages are shown to constitute a very small portion of total damages, but non-economic damages are shown to be somewhat substantial.

Now we will look at the averages.





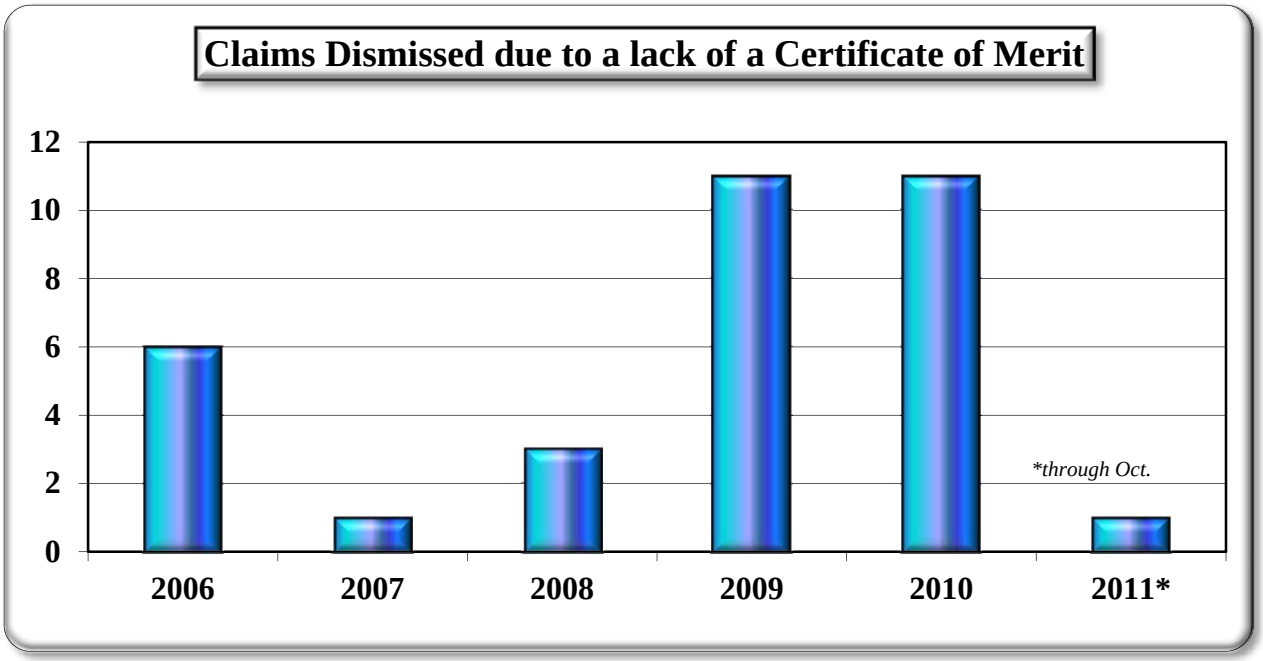
The 1996-2003 average Non-LAE payment is about $218K, and the 2003-2010 average Non-LAE payment is about $144K. Similarly, the 1996-2003 average total payment is about $313K and the 2003-2010 average total payment is about $176K. Being that these data are on an accident year basis, and that medical malpractice is a relatively long tail line of insurance, it may be likely that the experience of later years will be subject to further adverse development. However, both of these measures indicate a general improvement in the line over time in West Virginia.

Similar to the Board of Medicine (BOM) data, we can also consider claim outcomes for those claims for which an outcome was listed.

Closed yr	Judgment	Settlement	Dismissal
2000	1	0	0
2001	0	1	1
2002	0	4	0
2003	2	1	2
2004	1	3	2
2005	1	3	2
2006	8	46	54
2007	14	69	50
2008	11	90	64
2009	8	62	64
2010	8	133	36
2011*	5	74	29
	59	**486**	**304**
	7%	57%	36%

**Through October*

Again we find that most claims are settled (57% vs. BOM 61% since 1993), dismissals constitute 36% (vs. BOM 31% since 1993) and that very few claims receive a judgment 7% (vs. BOM 9% since 1993.) These findings appear to be fairly consistent. It is also interesting to note that since the Certificate of Merit began being required in accordance with §55-7B-6, a total of 33 claims have been dismissed due to a lack of Certificate of Merit.



Being that the specialty class code of the physician or surgeon was included in the claims database, we can also test the long standing rating assumption that physician rates should be lower than surgeon rates solely due to risk. As per the demonstrated differences in rates from rating examples of **Exhibit VII**, we can segregate physician class claims from surgeon class claims to in order to provide a general litmus test as to whether or not, on average, physicians represent a lesser exposure than do surgeons.

Accordingly for physician classes and similar:

Claims	Class Code	Physician Class	Total Claim Payments	Zero Pds
1	80254	Allergy-Immunology	$0.00	1
13	80255	Cardiovascular Dis/No Surg	$1,117,647.10	3
2	80256	Dermatology-No Surgery	$145,500.08	0
6	80238	Endocrinology-No Surgery	$1,584,486.63	0
9	80241	Gastroenterology/No Surgery	$852,144.34	0
1	80420	General Practicioners-No Surgery	$0.00	1
1	84420	General Practicioners-No Surgery (D.O.)	$1,503.64	0
9	80231	General Preventative Medicine	$2,063,659.20	1
5	80245	Hematology-No Surgery	$1,063,247.47	1
5	80246	Infectious Diseases-No Surgery	$4,041.00	2
90	80257	Internal Medicine/No Surgery	$8,802,132.17	19
1	80259	Neoplastic Diseases-No Surgery	$0.00	1
3	80260	Nephrology	$1,669,403.59	1
3	80262	Nuclear Medicine	$71,276.47	0
1	80233	Occupational Medicine	$63,000.00	0
1	80114	Opthamology/Major Surgery	$143,031.61	0
1	80289	Opthamology-Minor Surgery	$2,288.00	0
1	80264	Otology-No Surgery	$0.00	1
49	80265	Otorhinolaryngology/No Surgery	$8,825,789.50	4
8	80266	Pathology	$2,263,066.03	1
22	80267	Pediatrics-No Surgery	$6,961,029.06	6
2	80235	Physical Medicine & Rehabilitation	$18,002.02	0
70	80268	Physician (NOC)-No Surgery	$6,806,437.41	5
1	80938	Physiotherapists	$49,086.23	0
14	80249	Psychiatry	$4,112,131.68	4
1	80236	Public Health	$0.00	1
16	80269	Pulmonary Diseases-No Surgery	$4,580,201.59	3
37	80253	Radiology-Diagnostic-No Surgery	$4,677,837.40	6
2	80252	Rheumatology-No Surgery	$343,249.00	1
375			**$56,220,191.22**	

Claims per class code	**12.93**

Average cost per claim	**$149,920.51**

Secondly, for surgeon classes and surgery operations:

Claims	Class Code	Surgeon Class	Total Claim Payments	Zero Pds
5	80166	Abdominal Surgery	$1,986,784.13	0
20	80151	Anesthesiology	$7,079,043.76	1
14	80141	Cardiac Surgery	$2,356,546.18	2
22	80281	Cardiovascular Disease-Minor Surgery	$8,062,846.36	3
9	80150	Cardiovascular Surgery	$2,697,767.83	2
9	80115	Colon & Rectal Surgery	$1,691,128.14	2
4	80282	Dermatology-Minor Surgery	$570,562.87	0
3	80157	Emergency Med/Incl Surgery	$113,203.51	1
54	80102	Emergency Medicine-No Surgery	$11,997,580.68	12
1	84102	Emergency Medicine-No Surgery (D.O.)	$191,106.00	0
17	80274	Gastroenterology/Minor Surgery	$1,221,905.87	4
6	80104	Gastroenterology-Major Surgery	$1,366,937.61	0
15	80117	General Practice-Major Surgery	$6,178,673.97	2
40	80421	General Practicioners/Minor Surg	$8,088,173.32	7
86	80143	General Surgery	$19,187,643.89	7
5	80276	Geriatrics-Minor Surgery	$250,132.76	0
11	80167	Gynecology/Major Surgery	$1,416,524.73	2
6	80277	Gynecology/Minor Surgery	$1,205,975.31	0
8	80284	Internal Medicine/Minor Surgery	$1,820,265.22	1
2	80108	Nephrology/Major Surgery	$129,329.52	0
1	80287	Nephrology-Minor Surgery	$0.00	1
25	80152	Neurology/incl Child-Major Surgery	$7,050,475.65	3
76	80153	OBGYN-Major Surgery	$28,037,838.85	10
5	80168	Obstetrics-Major Surgery	$2,066,564.75	0
78	80154	Orthopedic Surgery/Incl Spine	$18,226,465.09	11
7	80291	Otorhinolaryngology/Minor Surgery	$571,353.77	1
6	80159	Otorhinolaryngology-Major Surgery	$2,656,967.78	0
4	80293	Pediatrics-Minor Surgery	$1,704,423.51	0
101	80294	Physician (NOC)-Minor Surgery	$3,956,549.25	18
1	80443	Physician/No Major Surgery/Incl Colon	$0.00	1
27	80156	Plastic Surgery	$1,468,984.81	8
25	80280	Radiology-Diagnostic-Minor Surgery	$3,705,426.61	1
7	80144	Thoracic Surgery	$459,781.28	2
1	80171	Traumatic Surgery	$46,205.00	0
43	80145	Urological -Surgery	$8,114,360.92	4
8	80146	Vascular Surgery	$2,287,471.88	2
752			**$157,965,000.81**	

Claims per class code	**20.89**

Average cost per claim	**$210,059.84**

Accordingly, it can be shown that the rating differences between physician class exposures and surgeon class exposures is meritorious.

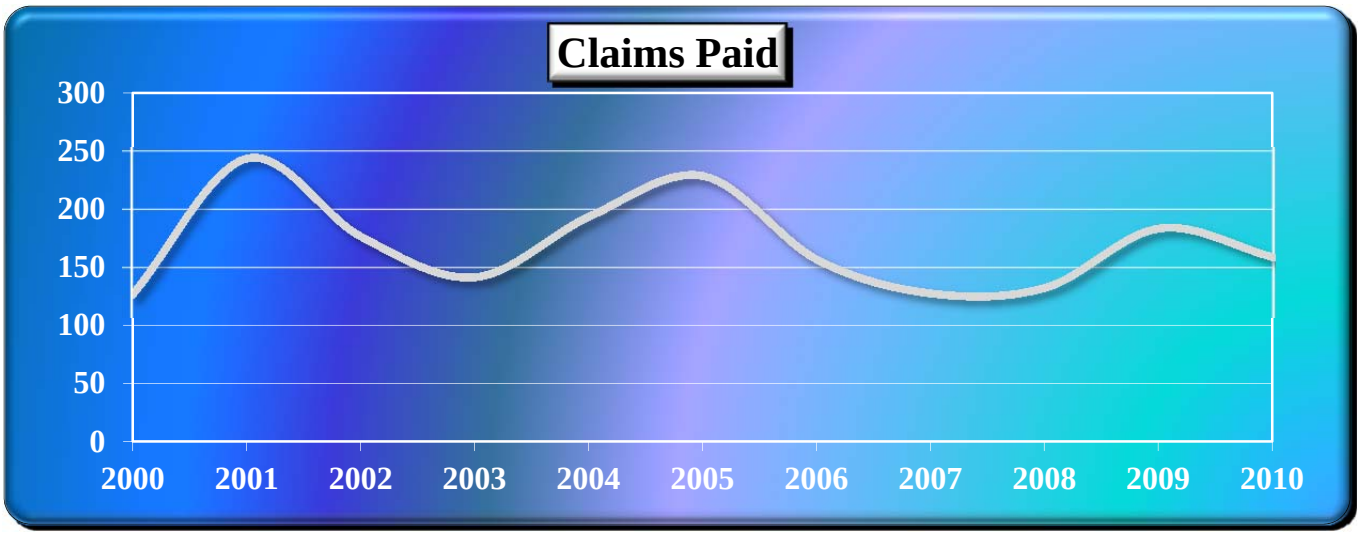
II-E Paid Data Collection

As a further source of information, examining financial statement information provided by insurance companies provides some insight as to the total number of active paid and reserved claims by year. However, these counts do not tie the claims which are either paid or reserved in the reporting year to the year in which the claim initially occurred. For example, a claim payment by an insurer during 2006 may have been for a claim that was filed during 2006 or it may have just as easily been for a claim that was filed in any year prior to 2006.

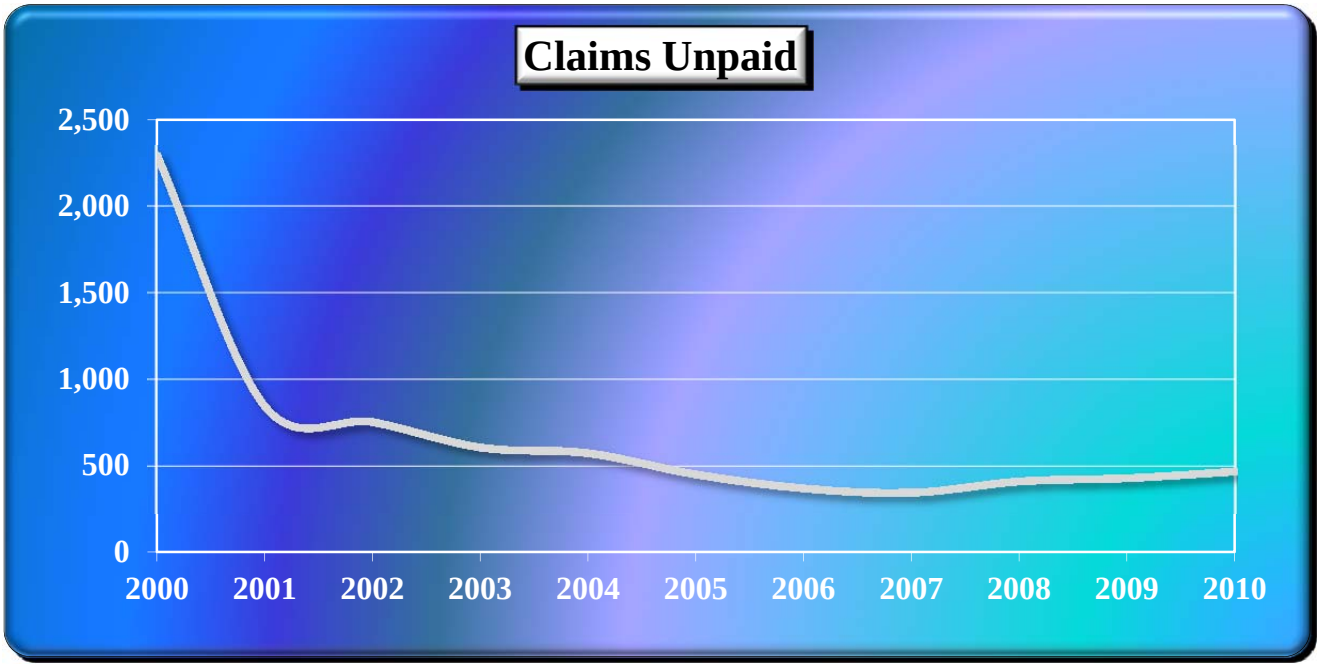
In looking at the paid and open claim information provided by insurers since 2000 who write Malpractice insurance in West Virginia for Physicians and Surgeons, the following aggregated data is found.

	# of Paid Claims	# of Unpaid Claims	Total Claims
2000	127	2,297	2,424
2001	244	848	1,092
2002	177	758	935
2003	142	611	753
2004	194	578	772
2005	229	455	684
2006	157	375	532
2007	128	350	478
2008	133	416	549
2009	184	434	618
2010	159	473	632

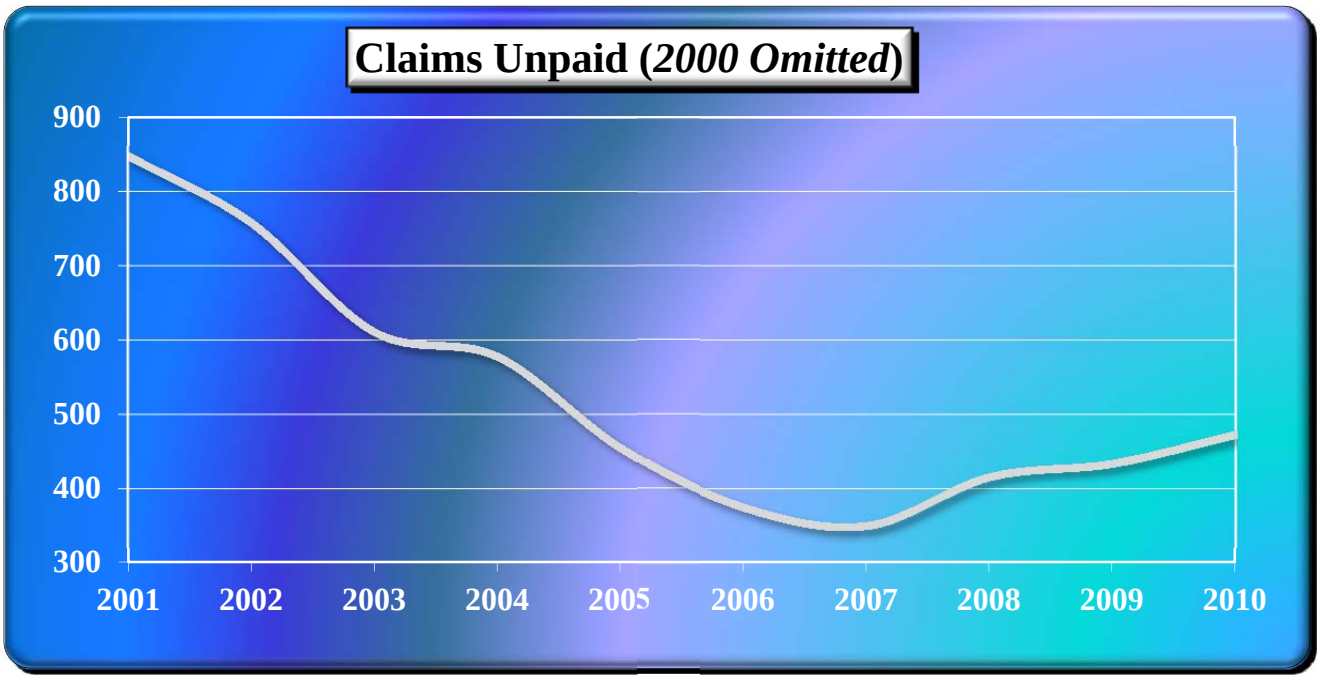
Again, graphical linear representations make the data a little easier to interpret:



The claims paid data shows little in the way of any historical pattern.



Looking at only the reserved (unpaid) claims by year since 2000 does appear to show a general decline with the year 2000 appearing to be somewhat of an anomaly. Eliminating that outlier and rescaling does demonstrate a favorable trend in the number of open claims by year for the Physicians and Surgeons line in West Virginia.

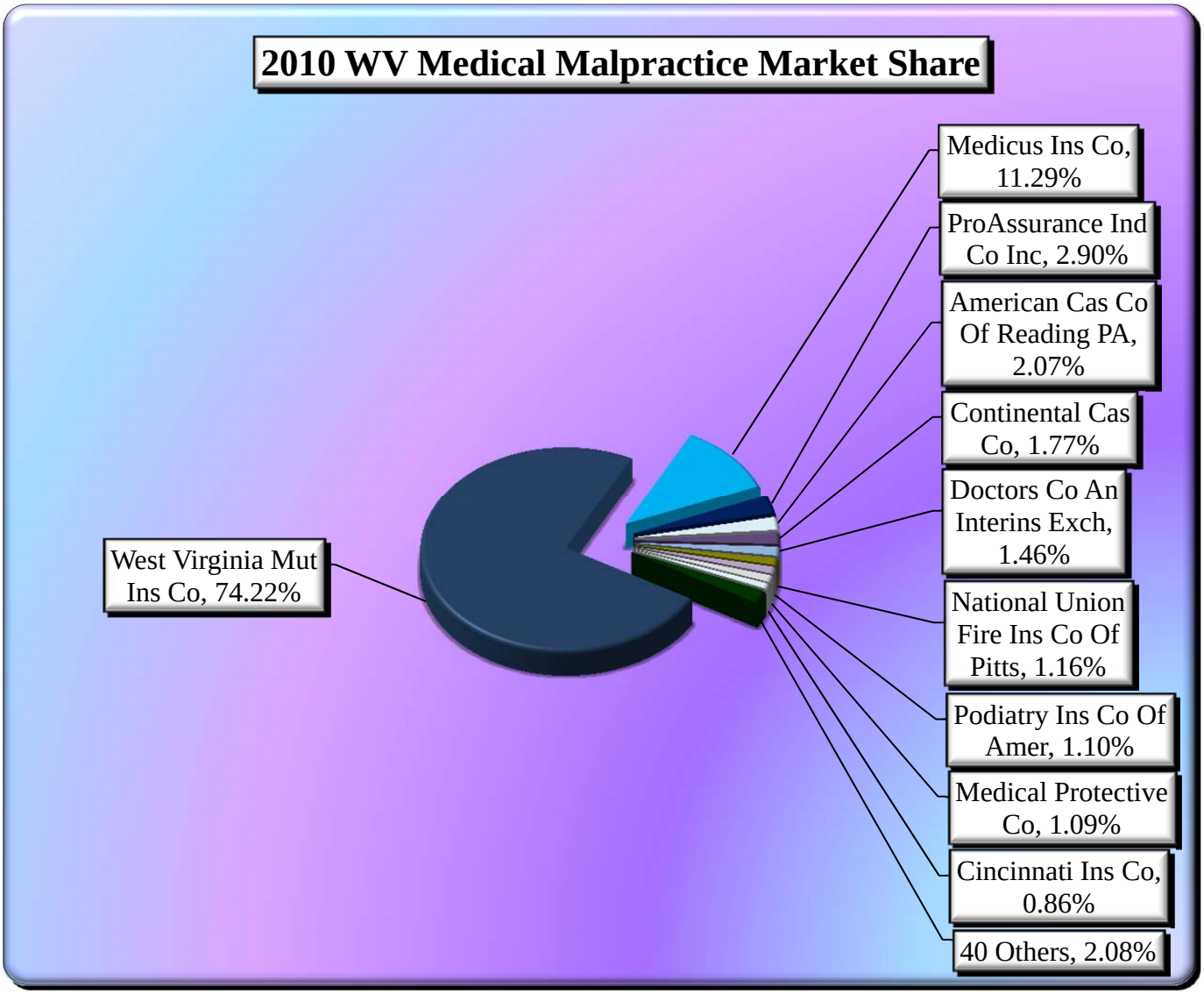


Section III

Review of 5% Market Share Companies

III. Review of major West Virginia Medical Malpractice Writers

This section of the report reviews the medical malpractice rates and rules of those insurers with 5% or greater market share. Based on admitted Company written premiums for 2010, the West Virginia medical malpractice market currently looks like this:



In the table below, only 2 insurers are shown to have met the statutory 5% reporting requirement threshold for 2010; ***West Virginia Mutual Insurance Company*** and ***Medicus Insurance Company.***

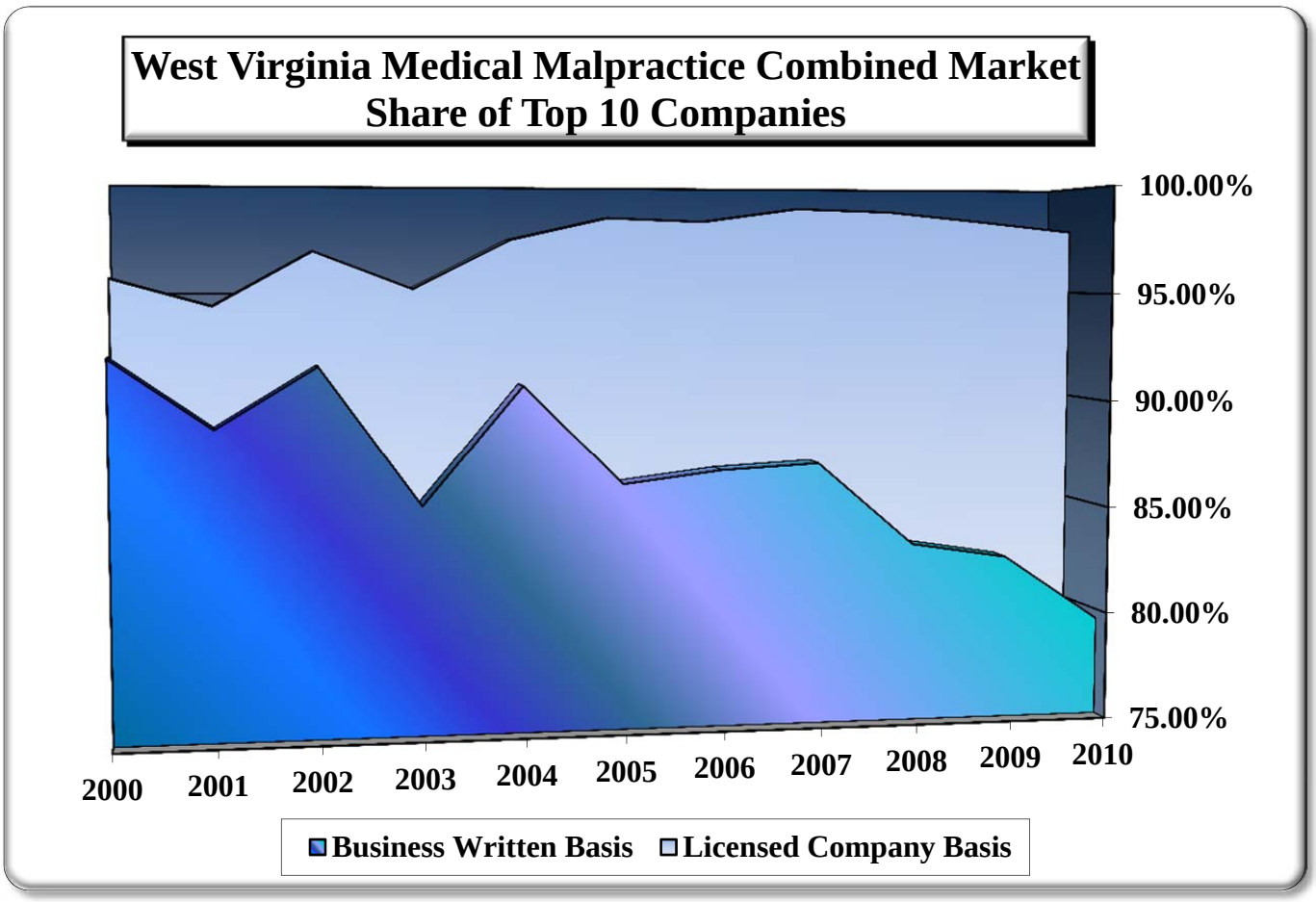
Total Medical Malpractice	**2010 West Virginia Licensed Companies**				
(NAIC Database) **Company**	**Direct Premiums Written**	**Market Share**	**Direct Premiums Earned**	**Direct Loss Incurred**	**Pure Direct Loss Ratio***
West Virginia Mut Ins Co	35,496,599	74.22%	39,487,249	9,421,239	23.86%
Medicus Ins Co	5,399,506	11.29%	4,935,161	3,255,842	65.97%
ProAssurance Ind Co Inc	1,388,430	2.90%	1,489,555	1,178,140	79.09%
American Cas Co Of Reading PA	989,143	2.07%	1,027,900	144,100	14.02%
Continental Cas Co	845,654	1.77%	816,252	381,390	46.72%
Doctors Co An Interins Exch	697,902	1.46%	647,666	-528,511	-81.60%
National Union Fire Ins Co Of Pitts	557,061	1.16%	542,659	665,905	122.71%
Podiatry Ins Co Of Amer	524,745	1.10%	519,860	299,256	57.56%
Medical Protective Co	521,056	1.09%	359,928	219,000	60.85%
Other (41) Companies	*1,407,291*	*2.94%*	*1,489,144*	*-3,481,256*	*-233.78%*
Total	**$47,827,387**	**100.00%**	**$51,315,374**	**$11,555,105**	**22.52%**

However, by looking at the entire market, which includes the Excess & Surplus writers *(i.e. non-admitted insurers including Risk Retention Groups [RRG's]*), the following information is found:

Total Medical Malpractice	**2010 West Virginia Business Written**				
(NAIC Database) **Company**	**Direct Premiums Written**	**Market Share**	**Direct Premiums Earned**	**Direct Loss Incurred**	**Pure Direct Loss Ratio***
West Virginia Mut Ins Co	35,496,599	43.01%	39,487,249	9,421,239	23.86%
Lexington Ins Co	*7,328,968*	*8.88%*	*8,215,384*	*2,622,827*	*31.93%*
Mountaineer Freedom RRG Inc	5,920,649	7.17%	5,921,327	2,308,621	38.99%
Medicus Ins Co	5,399,506	6.54%	4,935,161	3,255,842	65.97%
Community Hospital RRG	4,417,875	5.35%	4,417,875	1,880,228	42.56%
Darwin Select Ins Co	2,221,105	2.69%	2,352,111	1,284,495	54.61%
ProAssurance Ind Co Inc	1,388,430	1.68%	1,489,555	1,178,140	79.09%
Health Care Ind Liab Recip Ins	1,215,102	1.47%	1,132,229	594,420	52.50%
Steadfast Ins Co	1,149,782	1.39%	867,020	581,197	67.03%
Homeland Ins Co of NY	*1,123,783*	*1.36%*	*627,709*	*45,479*	*7.25%*
Nautilus Ins Co	1,039,744	1.26%	1,041,727	935,686	89.82%
Evanston Ins Co	1,004,660	1.22%	1,302,270	277,800	21.33%
Other (94) Companies	14,823,497	17.96%	13,709,447	-485,695	-3.54%
Totals	**$82,529,700**	**100.00%**	**$85,499,064**	**$23,900,279**	**27.95%**

**Direct Loss Ratio does not include LAE or other expenses*

As you can determine, the Excess & Surplus lines writers (*italicized*) have a significant amount of penetration into our Malpractice market. However, considering historical premium volumes it can be found that this penetration has actually generally declined over recent years:



On a business written basis (which includes E&S Companies and RRG's), the 11-year average market share for the top 10 writers (by premium volume) captures about 87% of the entire market. Taking this same metric for the most recent three years only captures just 82% of the entire market.

Below is a breakdown, by sub-line, for some of the key Malpractice writers in West Virginia including those writing on an Excess and Surplus basis:

Company	Subline	2010 Written Premium
West Virginia Mutual Ins. Co.	Physicians & Surgeons	$35,496,599
	Hospitals	$0
	Other	$0
	Total	**$35,496,599**
Lexington Ins. Co.	Physicians & Surgeons	$0
	Hospitals	$6,952,665
	Other	$376,303
	Total	**$7,328,968**
Mountaineer Freedom, RRG	Physicians & Surgeons	$474,328
	Hospitals	$5,446,321
	Other	$0
	Total	**$5,920,649**
Medicus Ins. Co.	Physicians & Surgeons	$5,399,506
	Hospitals	$0
	Other	$0
	Total	**$5,399,506**
Community Hospital RRG	Physicians & Surgeons	$0
	Hospitals	$4,417,875
	Other	$0
	Total	**$4,417,875**
Darwin Select Ins Co	Physicians & Surgeons	$86,550
	Hospitals	$1,890,186
	Other	$244,369
	Total	**$2,221,105**

III-A. Enabling Legislation

The reporting of experience for insurance carriers with 5% or more of the West Virginia Medical Malpractice direct written premium is *required* by:

West Virginia Regulation §114CSR22
West Virginia Regulation §114CSR23
West Virginia Code §33-20B-6

The regulations and referenced statutes set forth the form in which certain information needs to be reported to the Commissioner. This section of the report is provided to assist the Commissioner in fulfilling obligations under the above regulations and code section and enhance our knowledgebase.

Pursuant to West Virginia Regulation §114CSR23-6, the Commissioner is required to "*...evaluate the information reported pursuant to Section 5 of the rule in order to determine whether the filing insurers have fairly and accurately determined the loss experience and loss expense data in the filing*."

Per West Virginia Code §33-20B-6(a), the Commissioner is required to "*...review annually the rules, rates and rating plans filed and in effect for each insurer providing five percent or more of the malpractice insurance coverage in this state in the proceeding calendar year to determine whether such filings continue to meet the requirements of this article and whether such filings are unfair or inappropriate given the loss experience in this state in the preceding year*."

In 1986, the legislature passed §33-20B-7 which required a study of the feasibility and desirability of creating a joint underwriting association or alternative pooling agreement to facilitate the issuance and underwriting of malpractice policies in West Virginia. As nothing in Chapter 33 (Insurance) of the Code of West Virginia would expressly prohibit the forming of any such JUA, it can only be assumed that desirability for the same has historically been absent and remains so to this day as no JUA has ever been formed in West Virginia for the purposes of issuing or underwriting policies of medical malpractice insurance.

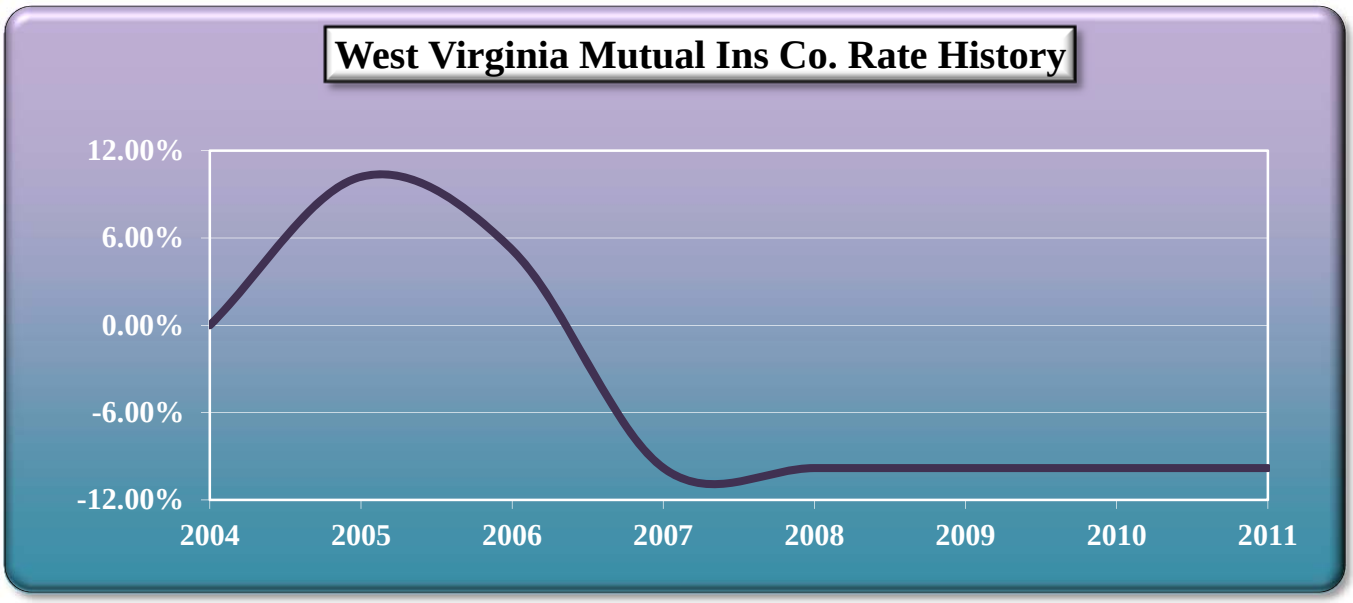
III-B. Discussion of Market Positions

West Virginia Mutual Insurance Company (WVMIC)

Since its inception in July 1, 2004, ***WVMIC*** has dominated the Physicians & Surgeons market in West Virginia. During the height of the most recent Medical Malpractice "hard market" in West Virginia, a very large number of West Virginia Physicians and Surgeons that were unable to procure coverage via the **admitted market** were ultimately insured by the State of West Virginia itself utilizing our Board of Risk and Insurance Management (***BRIM***—*generally the insurer of State owned property and liability exposures*).

As a long term solution to the availability of coverage for Physicians and Surgeons in West Virginia, §33-20F established ***WVMIC*** and all policies previously insured in the ***BRIM II*** program novated to the new Company upon inception. ***WVMIC*** has since added new business and has worked with the Offices of the West Virginia Insurance Commissioner to accommodate difficult situations while maintaining underwriting standards. The rate history of ***WVMIC*** since inception follows:

2010 Market Share	Company	Effective date	%Requested	% Granted	WV #:
74.22%	***West Virginia Mutual Ins Co***	1/1/2011	0%	0%	100006008
	**fka W.V. Physicians Mutual Ins. Co.*	1/1/2010	0%	0%	90918009
		1/1/2009	0%	0%	80903007
		3/1/2008	-0.01%	-0.01%	80129001
		1/1/2008	0%	0%	70918006
		1/1/2007	-15.00%	-15.00%	60915016
		1/1/2006	-5.00%	-5.00%	50826007
		1/1/2005	10.20%	10.20%	41006013
		7/1/2004	initial filing	initial filing	40331017

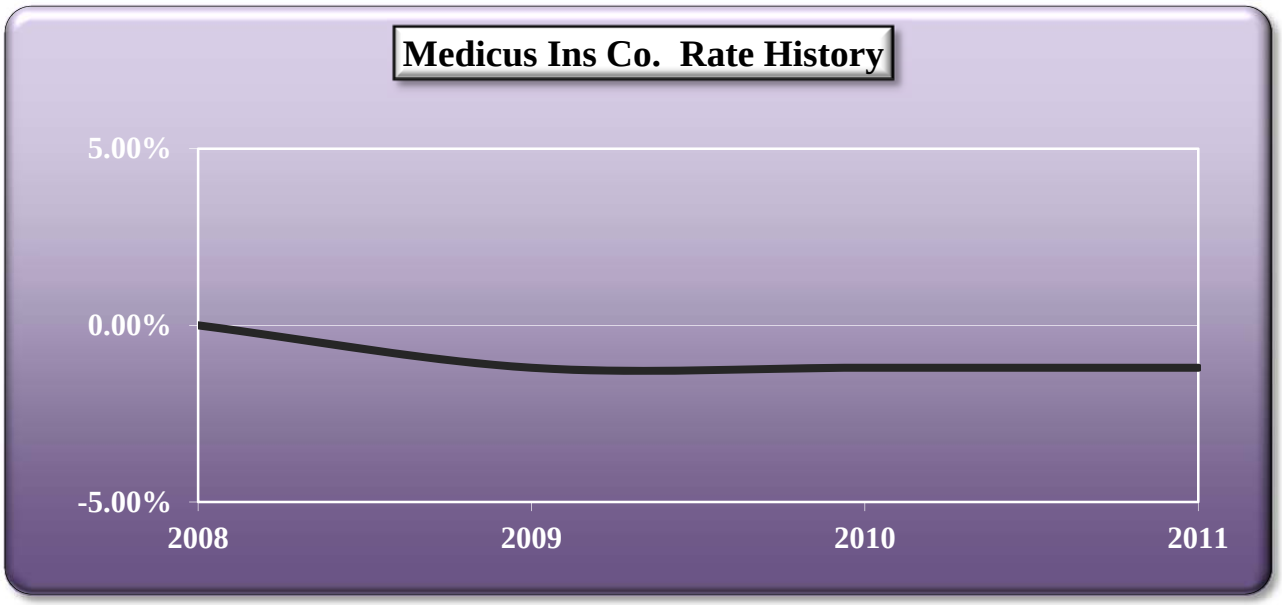


The company's results continue to be favorable and subsequent changes made to their rating plan establish their current rates below those that were utilized upon inception, as per the graph above. ***WVMIC*** writes only Physicians and Surgeons coverage and historically had only written within West Virginia. However, having fully repaid their original surplus note ($26.1M start-up loan) back to the State of West Virginia before the end of 2008, they have begun to explore opportunities for expansion into neighboring states, and accordingly reported $53,302 in written premium from the State of Ohio during 2010.

Medicus Insurance Company

Domiciled in Texas and initially incorporated in 2006, ***Medicus*** provides medical malpractice insurance to physicians, surgeons and related medical service providers. They received their initial Certificate of Authority to write casualty insurance in West Virginia in December 2007 and had gained approval of their first Physicians and Surgeons rate, rule and form filing here by March 2008. They are currently licensed, admitted, and writing in 24 states including West Virginia. Notably, they became 2nd in overall admitted West Virginia market share by the end of 2009 with 9.17% of the market, and held 11.29% of the market as of 2010. The rate history of ***Medicus*** follows, and likewise includes a graph of their current rates relative to inception:

2010 Market Share	Company	Effective date	%Requested	% Granted	WV #:
11.29%	***Medicus Insurance Company***	*pending*	0%	*pending*	100010073
		9/24/2010	0%	0%	100004152
		10/1/2009	-1.20%	-1.20%	90630015
		3/20/2008	initial filing	initial filing	80212014



Lexington Insurance Company

Lexington is a **surplus lines** writer (an ***AIG*** subsidiary) writing coverage primarily for hospitals and other healthcare facilities. They wrote $7,328,968 in West Virginia in the Medical Malpractice line during 2010, representing 8.88% of the market share in the total market (combined admitted and non-admitted.) This represents an increase in written premium in West Virginia for ***Lexington*** over 2009 where their written premiums had been in decline over the past five years ($10,819,121, $9,422,341, $7,951,210, $6,354,708, & $3,377,970 respectively.) In the year 2000, Lexington entered the West Virginia market on a surplus lines basis and reported $58,000 in written premium for the year. This increased to over $7M by the 2002-2003 time period reaching the high levels noted above. As a surplus lines writer ***Lexington*** did not provide 5% market share information for this report and no rate history information is available for this company.

Mountaineer Freedom RRG, Inc.

Mountaineer Freedom is a West Virginia domiciled risk retention group which was newly incorporated during 2006. This RRG was formed in order to provide professional and general liability coverage to Wheeling Hospital and its affiliated staff (which was previously self-insured.) As ***Mountaineer Freedom*** is not an admitted insurer, they did not provide information for this report.

Community Hospital RRG

Community Hospital RRG, also known as ***CHART***, is a Vermont domiciled insurer newly formed in 2002. As a reciprocal risk retention group, it is owned by its member insurers which include 8 hospitals in West Virginia. It also operates in Pennsylvania and New York. As a surplus lines insurer ***CHART*** did not provide 5% market share information and no rate history information is available for this company.

ProAssurance Indemnity Co., Inc.

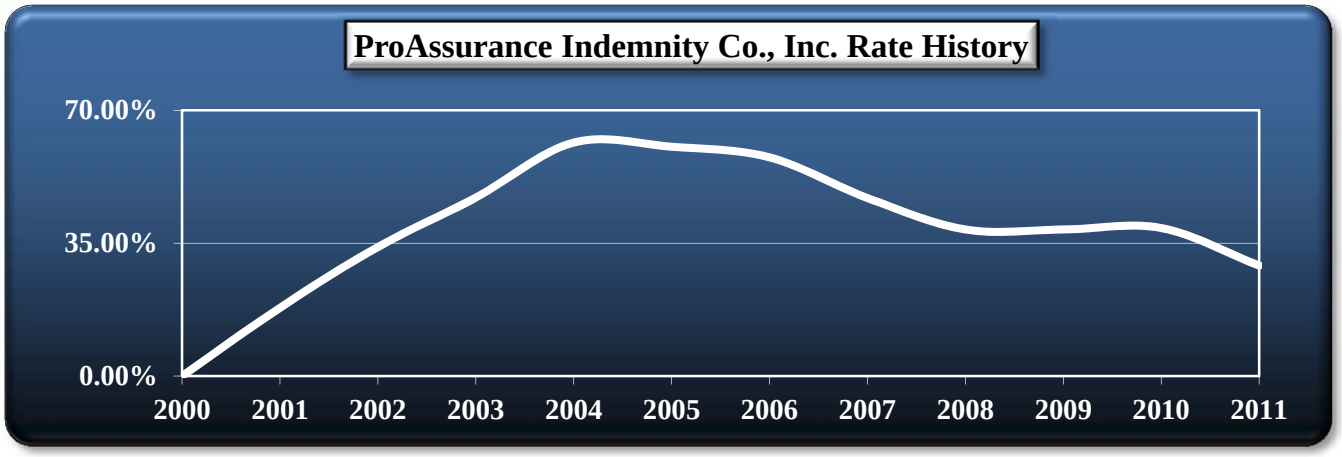
ProAssurance Indemnity Co., Inc. (*formerly* ***Medical Assurance of West Virginia*** *until 2005, and becoming* ***Woodbrook Casualty Insurance Company*** *until 2008)* was the leading commercial writer of malpractice insurance for Physicians and Surgeons in West Virginia in the years 2000 and 2003, and was 2nd in West Virginia admitted market share from 2001-2002 and from 2004 to 2008.

ProAssurance's in-force policy exposure in West Virginia has generally declined since its peak which occurred in 1998. Beginning with a high of 856, it had dropped to 417 by 2001, 133 by 2004, and stood at only 42 in their last rate filing. The rate history of ***ProAssurance*** since the year 2000 follows:

2010 Market Share	Company	Eff date	% Req'd	% Granted	WV #:
2.90%	***ProAssurance Indemnity Co., Inc.***	4/1/2011	-9.9%	-9.9%	100007562 (S)
	**fka Woodbrook Casualty Ins, Inc*	2/23/2010	0.4%	0.4%	100000816 (S)
	**fka Medical Assur. of WV*	12/15/2008	0%	0%	81106028(S)
		11/1/2008	-8.30%	-8.30%	80827030 (S)
		11/1/2007	-10.70%	-10.70%	70810017 (S)
		10/20/2006	-2.80%	-2.80%	60711005
		10/20/2005	-1.10%	-1.10%	50718024
		10/20/2004	18.50%	14.50%	40721020
		10/3/2003	17.30%	13.00%	30623002
		7/1/2002	23.00%	16.00%	161405
		9/14/2001	30.00%	18.00%	155255
		8/1/2000	35.00%	35.00%	50507

Improved experience has resulted in overall rate level decreases for ***ProAssurance*** generally since 2004. The net effect of the rate decrease filings roughly offset their two most recent rate level increase filings which became effective in 2003 and 2004, and resulting in their current pricing being roughly equivalent to the 2002-2003 levels. Notably, the declining policy count in combination with the declining rate level has caused ***ProAssurance*** to fall below the statutory participation level of 5% or more of the market share in accordance §33-20B-6, and accordingly ***ProAssurance*** did not participate in this year's report.

A year 2000 baseline representation of ***ProAssurance's*** current rate level follows:



Finally, it is of important note that two new Physician & Surgeon writers recently made their initial West Virginia Rate, Rule, & Form filings and had the same approved for use in the State. Specifically, ***Capson Physicians Insurance Company*** received departmental approval of their new West Virginia program effective as of September 2011. ***Capson*** is currently licensed in 24 states, and is domiciled in Texas. Additionally, ***MAG Mutual Insurance Company*** received approval to write in West Virginia effective as of January 2011. ***MAG Mutual*** currently writes Malpractice Insurance in 11 States in the Southeast, and is domiciled in Georgia.

III-C. Rating Plans and Rating Rules

Physicians and Surgeons

Coverage is provided by each of the insurers on a claims-made (or less frequently, occurrence) basis. The coverage provided by all plans is relatively standard. Differences may occur in:

- Number of classes
- Assignment of specialties to class
- Definition of specialties
- Class relativities
- Maturity and tail factors
- Discounts offered

None of these differences produce an unfair advantage or inappropriate rating plan. Physicians and Surgeons rating plans are consistent with other industry plans and are reasonable.

Hospitals

Each insurer provides coverage on a claims-made (or less frequently, occurrence) basis. Variations in the rating plans may occur in the:

- Exposure base
- Experience rating plan
- Schedule rating plan
- Surcharge programs
- Deductible credits
- Increased limits factors

Flexibility in pricing through the use of guide (a) rating (aka 'refer to company') allows underwriters the ability to customize the price and coverage to the risk. Such a feature is common when rating large, unique risks such as hospitals.

III-D. Reconciliation of Filed Information to Rate Filing Information

As Required by West Virginia Code §33-20B-3

1. **<u>Reconcile the most recent filed information to the experience reported in the rate filings</u>.**

   Exhibit I-Sheet 1a through 1c provides the premium and loss for each carrier.
   (Exhibits begin on page 75.)

   - ✓ ***WVMIC*** figures (*Sheets 1a through 1c*) are noted to have undergone further development as the experience of the legacy program which they had inherited (***BRIM II***) becomes better known. This development appears to have been favorable to ***WVMIC*** and generally does not provide concerns.

   - ✓ ***Medicus*** figures (*Sheets 1a through 1c*) while favorable, are still rather immature and due to the long tail nature of this line of business are anticipated to undergo further development. Notably, due to the small volume of business written at this time, these figures could easily become subject to volatility.

2. **<u>Reconcile the experience in the filed information to the most recent experience reported in the company's financial statements.</u>**

   - ✓ **Exhibit VI** provides the comparison of Annual Statement information with the filed 5% Report information for each company. The results are demonstrated to wholly reconcile for ***Medicus***, while ***WVMIC*** included $53,302 of Ohio written premium within their West Virginia filed information exhibit. Apart from this minor discrepancy, their results likewise reconcile.

3. **<u>Compare the assumptions underlying the filed information to the most recent rate filing assumptions or other information.</u>**

- ✓ **Exhibits II-V** provide the key assumptions underlying the most recent rate filings to the filed 5% Report information, prior rate filings and abstracts, Annual Statement data, and other source documents. A notable increase in underwriting expense provisions are observed for ***WVMIC*** since inception in 2004, and due to the nature of the fixed expense loading procedure the filed information and the most recent rate filing do not match precisely. Further it is again noted that the specific methodology by which ***WVMIC*** has accounted for any offset of investment income within their rate filings remains unclear.

4. **<u>Is the filed information filled out correctly and accurately?</u>**

- ✓ It is clear that each company has attempted to provide accurate information in response to the 5% Report data call.

5. **<u>Does the filed information support our conclusion on the rates as of 12/31/04?</u>**

- ✓ **Exhibit VII** provides rate comparisons for a number of specialties utilizing the filed rates of several companies writing physicians and surgeon's coverage in West Virginia as well as those filed by a Rating Organization. Note that in review of the by-company rate histories as provided in Section III-B above, that by premium volume **rates have generally remained stable in West Virginia after having generally declined during the most recent prior years.**

III-E: Analysis of Rate Filings

West Virginia Mutual Insurance Company

The company most recently filed for and received approval of a 0.0% change to their base rates to become effective on January 1, 2011. Similar "no change" filings were approved for January 1, 2010, 2009, & 2008. ***WVMIC*** has also increased the renewal discount in their rating manual. In January of 2007, the company filed for and received approval of an overall rate level decrease of -15%; this followed a similar overall decrease of -5% in 2006. As indicated in Section **III-B**, the Company's current rates are about -10% below that of their initial rate filing which became effective on July 1, 2004. It is also relevant to note that ***WVMIC*** has a pending -5.00% overall rate level decrease filing under review by the Commissioner's Office at the time of the writing of this report.

Medicus Insurance Company

The company most recently filed for and received approval of a 0.0% change to their base rates to become effective September 24, 2010. Prior to this filing a -1.2% overall filing became effective for ***Medicus*** in West Virginia on October 1, 2009. That filing was subsequent to their initial rate filing in the state which became effective on March 20, 2008. As also indicated in Section **III-B**, the Company's current rates are about -1.2% below that of their initial rate filing. Of important note, ***Medicus*** has a pending 0% overall rate level filing under review by the Commissioner's Office at the time of the writing of this report.

III-F: Investment Portfolio

Exhibit III presents a comparison of net investment gains and investment income provisions from rate filings. In earlier years, investment gains had generally declined but are now showing upward movement. It is again noted that ***WVMIC*** should clearly and specifically account for an investment income offset in its rate filings.

III-G: Overall Medical Malpractice Market (Annual Statement Line of Business 11)

Although sub-lines of medical malpractice (e.g. physicians, hospitals, etc.) are considered individually in the Appendix of this report, a detailed view of the entire medical malpractice line of business on an admitted company basis for 2010 provides the following: (*Companies under $100.00 omitted*)

Company Name	Premiums Written	Market Share	Premiums Earned	Losses Incurred	Loss Ratio
West Virginia Mut Ins Co	35,496,599	74.22%	39,487,249	9,421,239	23.86%
Medicus Ins Co	5,399,506	11.29%	4,935,161	3,255,842	65.97%
ProAssurance Ind Co Inc	1,388,430	2.90%	1,489,555	1,178,140	79.09%
American Cas Co Of Reading PA	989,143	2.07%	1,027,900	144,100	14.02%
Continental Cas Co	845,654	1.77%	816,252	381,390	46.72%
Doctors Co An Interins Exch	697,902	1.46%	647,666	-528,511	-81.60%
National Union Fire Ins Co Of Pitts	557,061	1.16%	542,659	665,905	122.71%
Podiatry Ins Co Of Amer	524,745	1.10%	519,860	299,256	57.56%
Medical Protective Co	521,056	1.09%	359,928	219,000	60.85%
Cincinnati Ins Co	410,997	0.86%	408,240	286,239	70.12%
NCMIC Ins Co	323,859	0.68%	328,514	120,903	36.80%
Darwin Natl Assur Co	139,516	0.29%	117,925	24,832	21.06%
Ace Amer Ins Co	111,988	0.23%	112,897	3,053	2.70%
American Alt Ins Corp	88,490	0.19%	90,993	-10,528	-11.57%
Chicago Ins Co	79,379	0.17%	177,883	90,971	51.14%
Liberty Ins Underwriters Inc	69,735	0.15%	23,555	-8,648	-36.71%
Zurich Amer Ins Co	44,323	0.09%	10,938	0	0%
Church Mut Ins Co	44,008	0.09%	45,318	-117	-0.26%
Campmed Cas & Ind Co Inc MD	37,598	0.08%	37,599	-11,258	-29.94%
State Farm Fire & Cas Co	20,087	0.04%	20,587	13,500	65.58%
PACO Assur Co Inc	15,974	0.03%	11,777	9,688	82.26%
Pharmacists Mut Ins Co	13,355	0.03%	13,734	4,970	36.19%
Fortress Ins Co	12,764	0.03%	11,119	18,176	163.47%
Granite State Ins Co	7,968	0.02%	7,073	-8,903	-125.87%
Nationwide Mut Ins Co	1,650	0.00%	2,279	-3,403	-149.32%
Nationwide Mut Fire Ins Co	200	0.00%	262	-105	-40.08%
St Paul Mercury Ins Co	0	0%	0	7,121	0%
Travelers Ind Co	0	0%	0	-2,236,207	0%
Standard Fire Ins Co	0	0%	0	-1,945,528	0%
TIG Ins Co	0	0%	0	-1,299	0%
Pacific Employers Ins Co	0	0%	0	-2,014	0%
Ohic Ins Co	0	0%	0	1,652,489	0%
Firemans Fund Ins Co	0	0%	0	70,177	0%
Westport Ins Corp	0	0%	0	-3,517	0%
St Paul Fire & Marine Ins Co	0	0%	0	67,729	0%
Travelers Cas & Surety Co	0	0%	0	-187,674	0%
Ace Fire Underwriters Ins Co	0	0%	0	-202	0%
ProAssurance Natl Capital Ins Co	0	0%	0	-721,152	0%
Professionals Advocate Ins Co	0	0%	0	-288,870	0%
American Ins Co	0	0%	0	1,064	0%
Executive Risk Ind Inc	0	0%	6,348	-46,629	-734.55%
American Home Assur Co	0	0%	1,157	112	9.68%
National Fire Ins Co Of Hartford	0	0%	0	-381,618	0%
Empire Fire & Marine Ins Co	-14,600	-0.03%	60,946	5,358	8.79%
50 Companies in Report	**47,827,387**	**100%**	**51,315,374**	**11,555,105**	**22.52%**

Note that only a very small number of companies (50) are reporting any activity in West Virginia for 2010, and further that our domiciled mutual company (***West Virginia Mutual***) appears to have a material and significant concentration of the total market share. Looking back on these considerations historically, on an admitted basis as well as on a business written basis (*which includes the excess and surplus writers*), the following summary information can be found.

Licensed Company Basis			
	Active Co's	**Loss Ratio**	**HHI**
1997	59	90.69%	3,142
1998	58	79.77%	3,038
1999	60	93.82%	2,829
2000	61	76.51%	2,672
2001	61	89.68%	2,850
2002	60	97.76%	2,773
2003	58	70.17%	1,913
2004	65	38.23%	4,911
2005	59	26.54%	4,547
2006	56	15.78%	5,575
2007	52	59.39%	6,819
2008	57	-8.35%	7,039
2009	55	36.55%	6,023
2010	50	22.52%	5,659

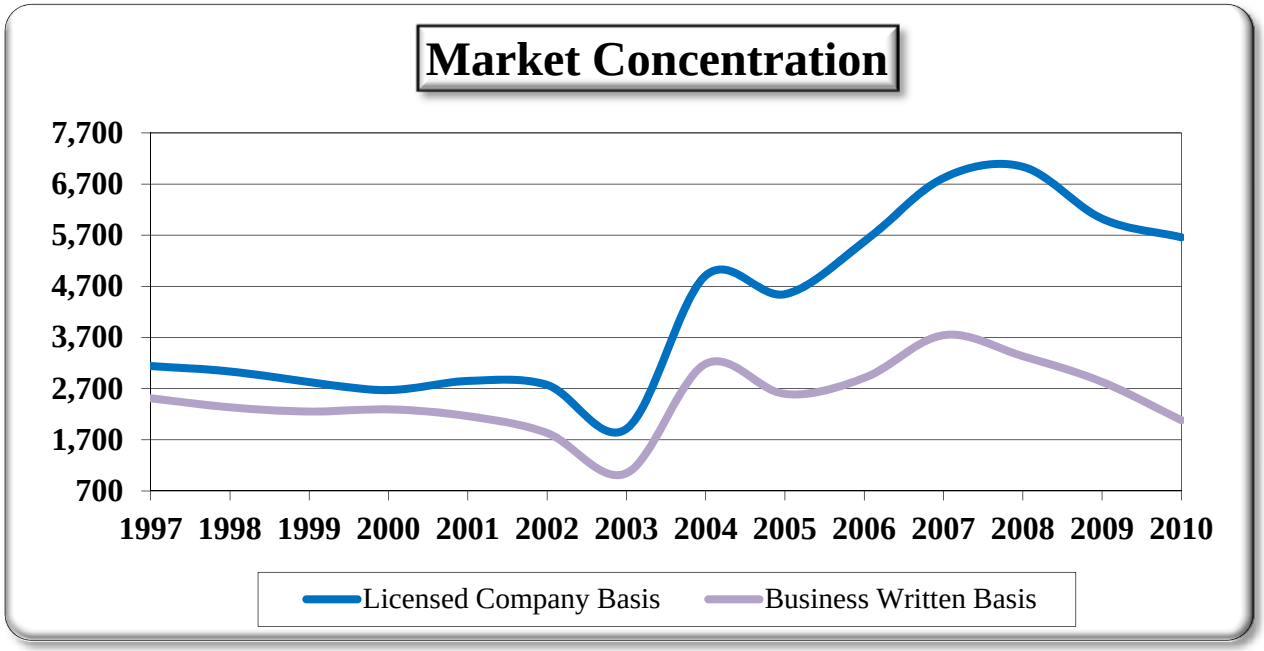
Business Written Basis			
	Active Co's	**Loss Ratio**	**HHI**
1997	79	92.81%	2,512
1998	87	76.04%	2,335
1999	91	93.69%	2,252
2000	93	85.64%	2,295
2001	93	91.36%	2,163
2002	94	93.27%	1,834
2003	94	67.19%	1,047
2004	100	36.84%	3,185
2005	104	25.85%	2,595
2006	104	17.44%	2,909
2007	102	51.90%	3,746
2008	107	3.73%	3,335
2009	111	29.14%	2,832
2010	106	27.95%	2,083

Note that "**HHI**" represents the ***Herfindahl-Hirschman Index***, a metric named for its originators. This is a commonly accepted measure of marketplace concentration. It is calculated by squaring the market share of each firm competing in a market and then summing the resulting numbers for all firms. For

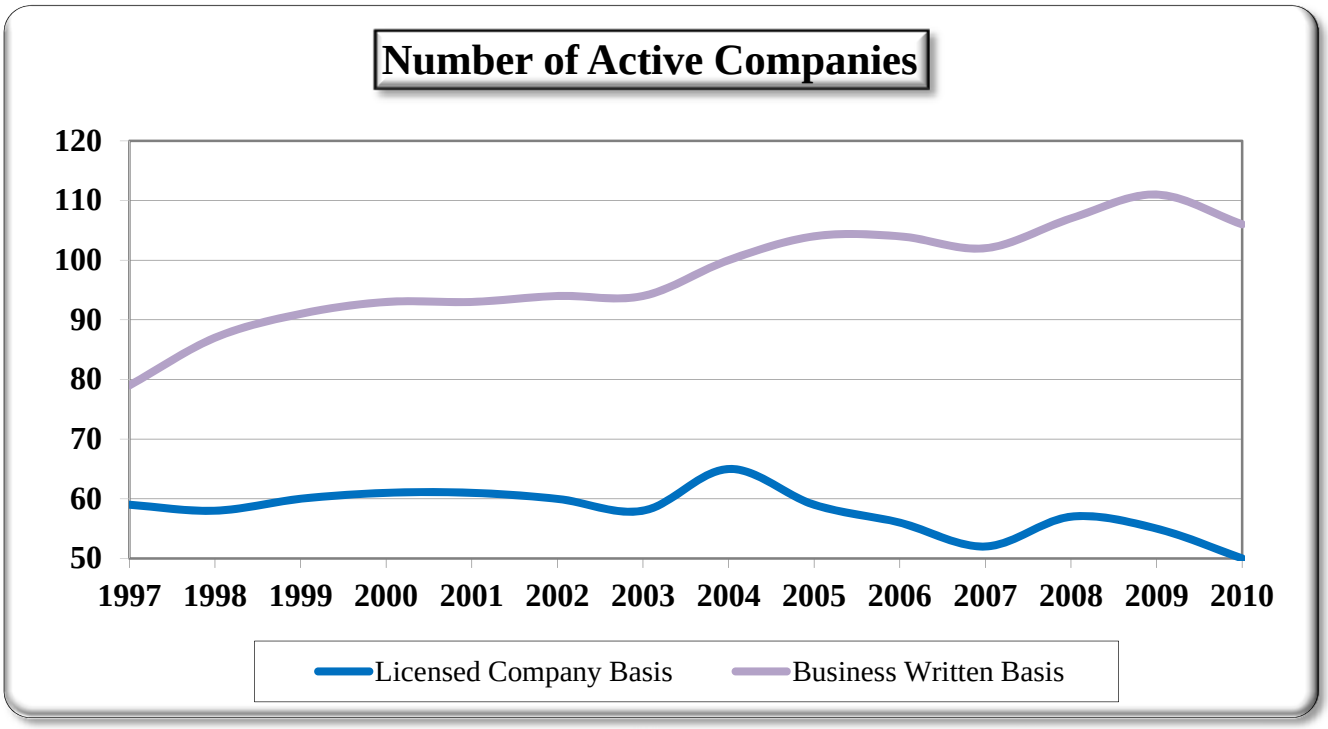
example, in a market consisting of only four firms with market shares of 30%, 30%, 20% and 20%, the **HHI** would be found to be 2,600 or ($30^2 + 30^2 + 20^2 + 20^2$). A market having only a single firm with a market share of 100% would be found to be 10,000 or (100^2) in what is otherwise known as a monopoly.

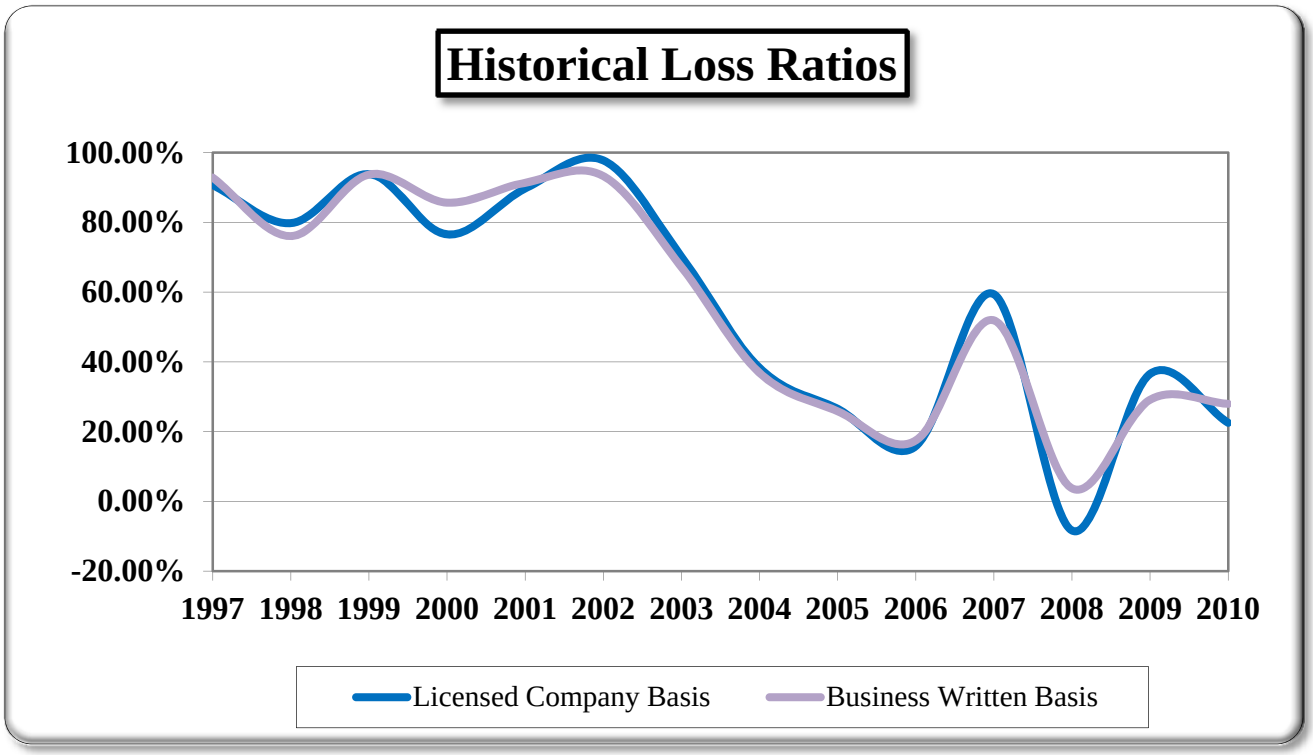
The **HHI** takes into account the relative size and distribution of the firms in a market and approaches zero when a market consists of a large number of firms of relatively equal size. The **HHI** increases both as the number of firms in the market decreases and as the disparity in size between those firms increases. Markets in which the **HHI** is between 1,000 and 1,800 points are considered to be moderately concentrated and those in which the HHI is in excess of 1,800 points are considered to be concentrated.

While the general medical malpractice market is demonstrated to be in somewhat more of a healthy state simply due to the presence of the excess and surplus markets, both markets (admitted and non-admitted) have been becoming generally more concentrated since 2003, and only once (2003 Business Written basis) in the past 11 years would have been defined as having been only moderately concentrated.



Other graphical representations of the historical market data:





Section IV

Other Sources of Data

IV. Other Sources of Data

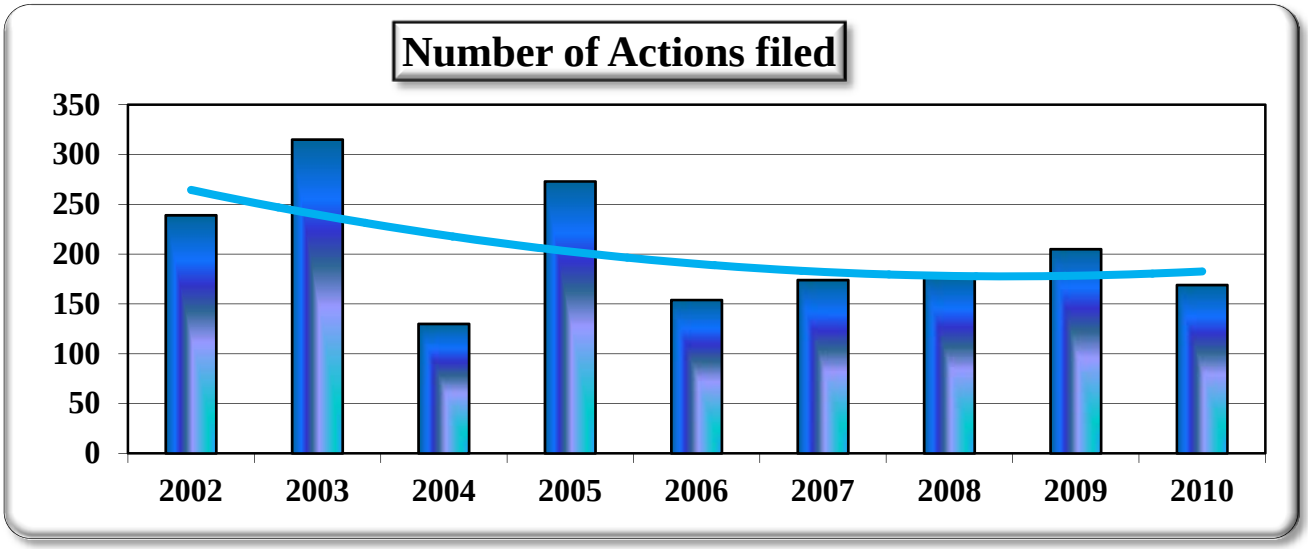
IV-A: Medical Liability Fund Data

Becoming effective on January 1, 2002, *HB 601* increased the fee associated with filing a medical professional liability action in part to support the Medical Liability Fund created pursuant to §29-12B-1 et seq. As part of this change, a portion of the moneys received for each such action filed are received by the State Treasurers Office. It is noted that due to the particular timing involved in posting these transactions the data appears to lag by a period of approximately one month from the actual date that the action in consideration was actually filed in a court of law. The data associated with these transactions can be examined to roughly establish the total number of actions involving Medical Professional Liability filed in West Virginia per year and as well the total number filed by county of venue.

Examining this data in aggregate, the following information is noted:

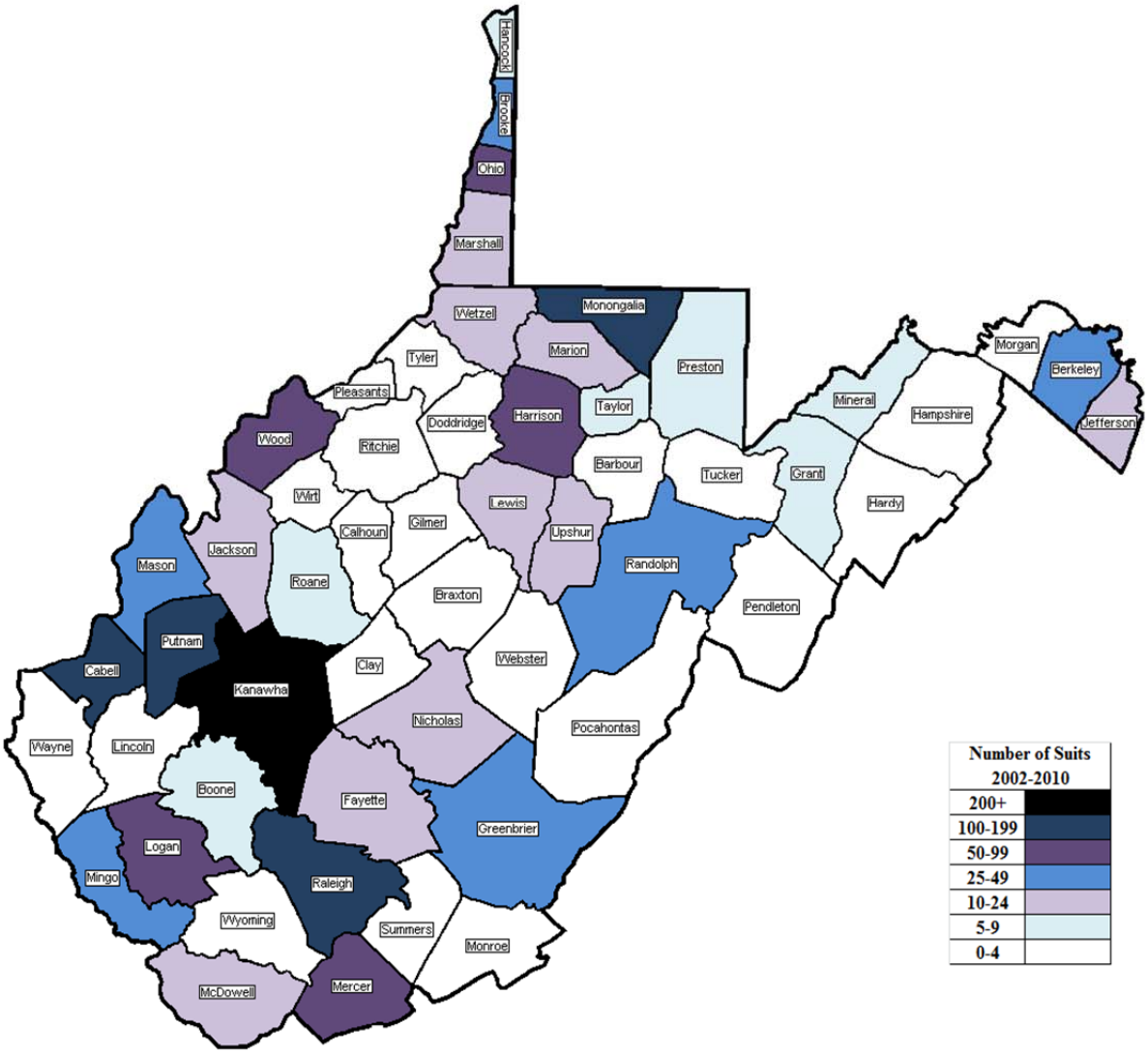
Year	# of Filed Actions
2002	239
2003	315
2004	130
2005	273
2006	154
2007	174
2008	178
2009	205
2010	169

Although 2004 is clearly a low point, and the 2010 figure is below the nine year average of 204.1, not a great deal of information can be gleaned from these figures apart from what appears to be a general decline (indicated by the polynomial trend line in the graph below) in the number of actions filed by year.



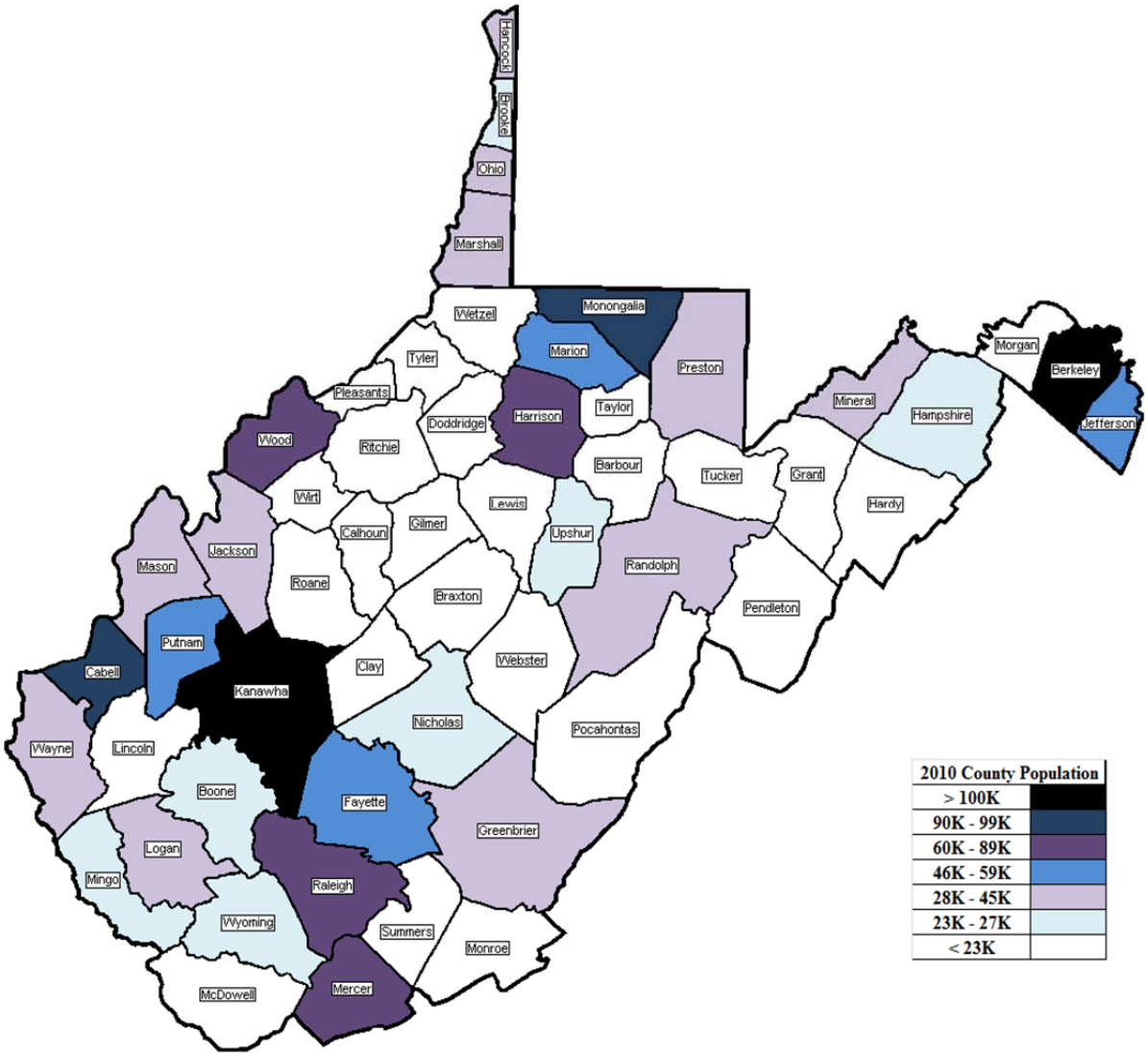
Perhaps of more interest than the annual counts above, the Medical Liability Fund data also provides the county of venue where the action was filed. Compiling this data from 2002-2010 provides the following: (See also Appendix page 91.)

Number of Actions Filed by County of Venue 2002-2010



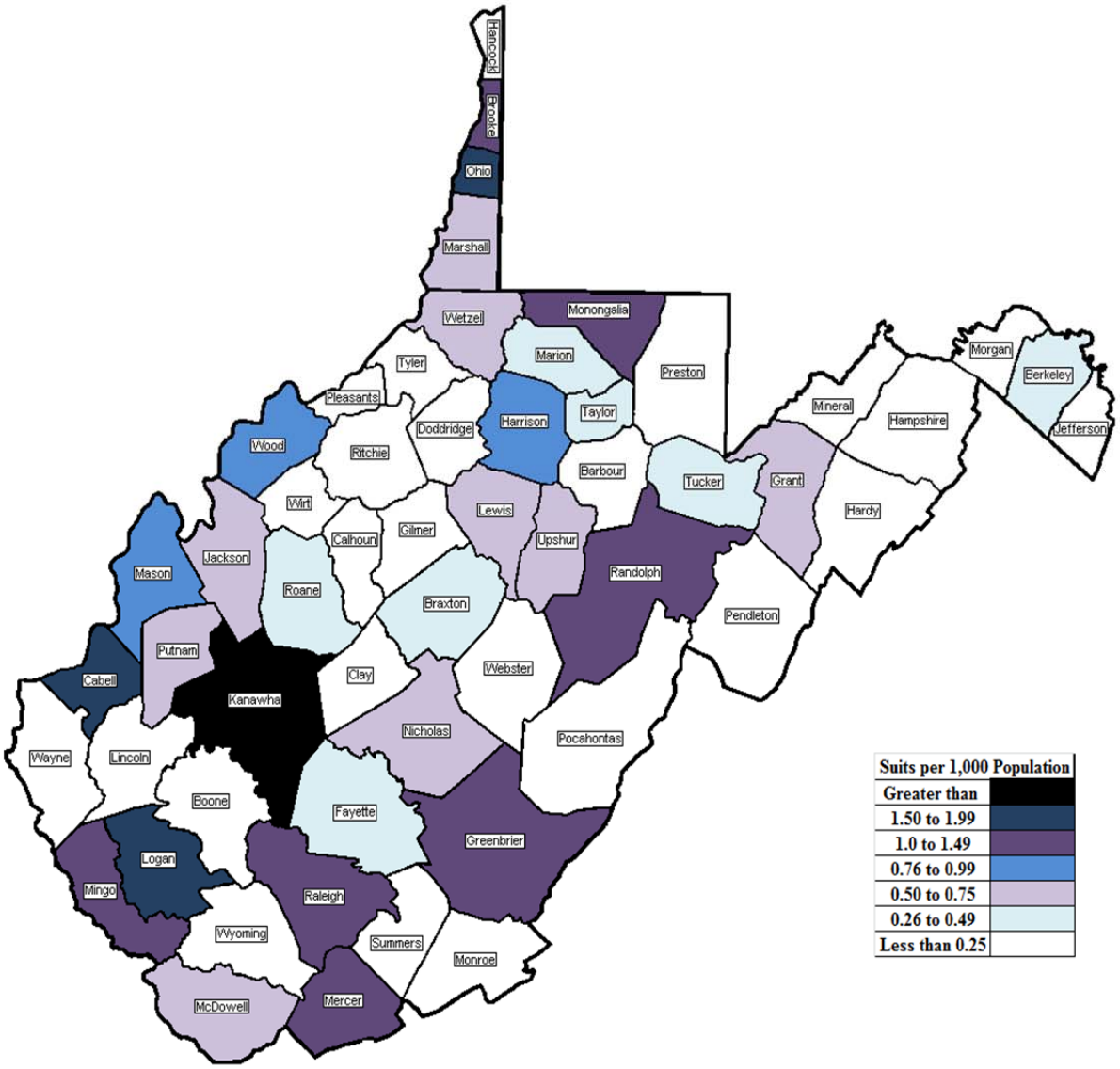
The data on suits by county above appears to be roughly equivalent to population levels by county: (See also Appendix page 111.)

West Virginia County Population (*2010 U.S. Census*)



By making the suits by county data relative to the number of residents per county, we can determine which counties have the highest suit ratios per 1,000 of population.

Total (2002-2010) Suits filed per 1,000 Population (*2010 U.S. Census*)



It is noted that approximately 146 cases were filed against a single Doctor in Putnam County over the time period being reviewed above. Adjusting the county level data to account for this outlier results in a Putnam County ratio of 0.73 (otherwise 3.37), and a State-wide average ratio of 0.91 (otherwise 0.99).

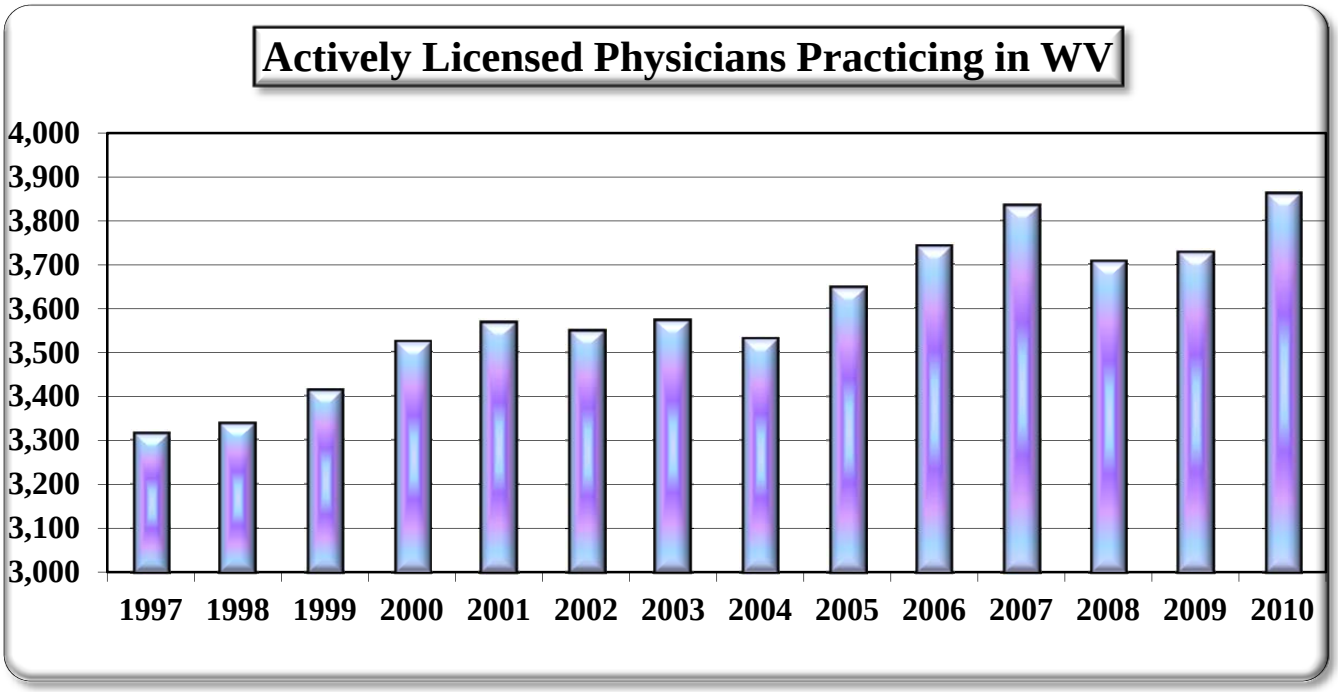
IV-B: Board of Medicine Data

Obtaining data from the West Virginia Board of Medicine regarding physician licensure in West Virginia, the following history can be observed.

West Virginia Board of Medicine Licensure Data	1997	1998	1999	2000	2001	2002	2003
Actively Licensed Physicians (M.D.)	5,026	5,107	5,251	5,212	5,246	5,199	5,182
Inactively Licensed Physicians	937	896	869	920	947	901	631
Actively Licensed Podiatrists (D.P.M.)	102	115	104	110	104	114	110
Inactively Licensed Podiatrists	13	13	22	24	22	22	17
Actively Licensed Physicians Practicing in WV	3,317	3,339	3,415	3,525	3,570	3,552	3,575
Actively Licensed Podiatrists Practicing in WV	58	59	65	67	68	71	73
Physician Assistants (P.A.)	289	333	335	371	378	405	421
Medical Corporations	585	595	590	603	611	568	565
Professional Limited Liability Companies	11	26	34	42	41	45	55
Special Volunteer Medical Licenses	-----	-----	-----	4	9	13	21
Medical School Faculty Limited Licenses	-----	-----	-----	-----	-----	-----	2

West Virginia Board of Medicine Licensure Data	2004	2005	2006	2007	2008	2009	2010
Actively Licensed Physicians (M.D.)	4,873	5,058	5,187	5,379	5,594	5,776	5,857
Inactively Licensed Physicians	853	757	734	692	650	627	628
Actively Licensed Podiatrists (D.P.M.)	105	99	105	103	104	101	111
Inactively Licensed Podiatrists	22	20	20	16	16	15	14
Actively Licensed Physicians Practicing in WV	3,532	3,650	3,743	3,837	3,708	3,730	3,864
Actively Licensed Podiatrists Practicing in WV	72	68	66	75	73	64	68
Physician Assistants (P.A.)	467	480	540	542	580	604	658
Medical Corporations	557	540	521	513	502	500	498
Professional Limited Liability Companies	57	54	51	47	50	50	53
Special Volunteer Medical Licenses	20	16	15	13	16	15	16
Medical School Faculty Limited Licenses	4	4	4	4	2	3	4

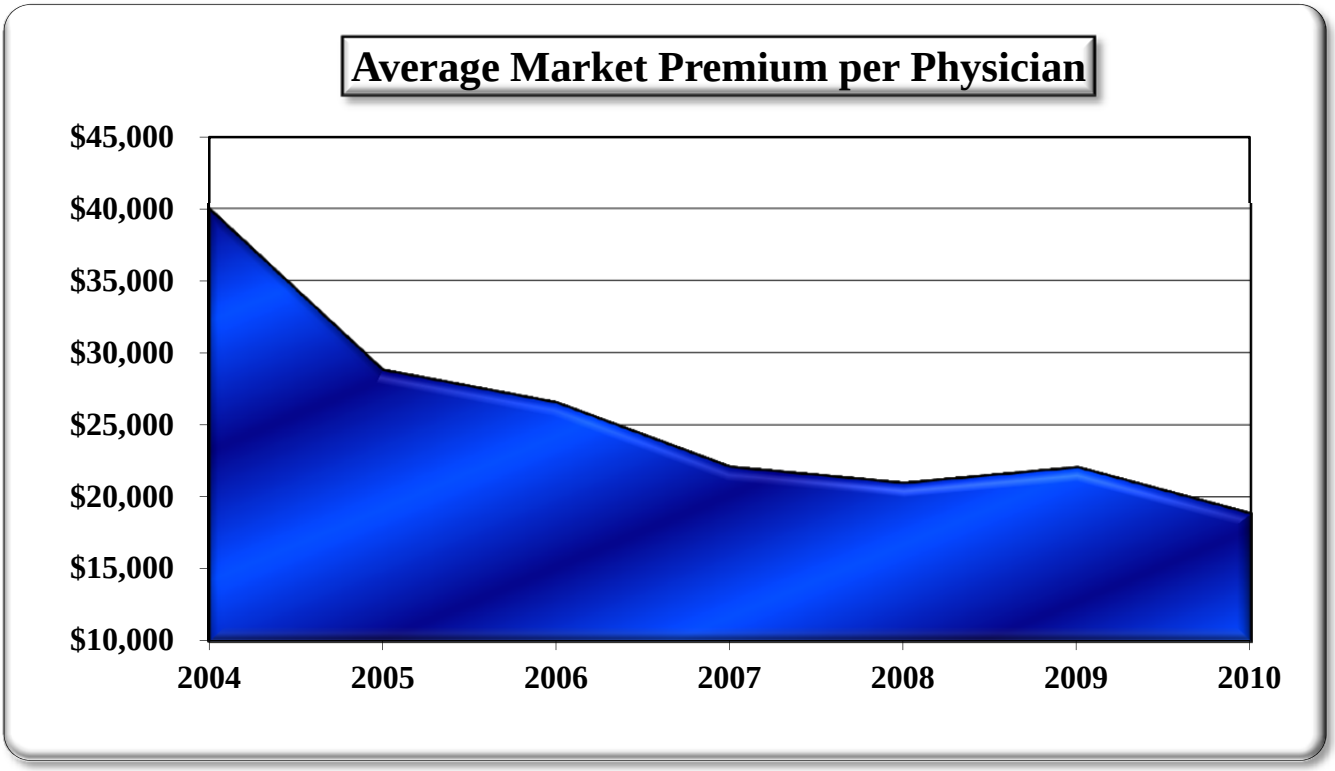
Looking at only actively licensed physicians that are reported to actually practice in West Virginia, an overall favorable increase can be observed for the State.



Tying the physician licensure data to historical premium data for the physician sub-line of medical malpractice, we can estimate how the cost of malpractice premiums might be spread on average throughout the physician population.

	Business Written Basis			
	P &S Written Premiums	**Physicians practicing in WV**	**Board of Risk insured Physicians**	**Averaged Premium per Physician**
2004	$104,451,130	3,532	923	$40,034.93
2005	$77,791,000	3,650	955	$28,864.94
2006	$76,117,773	3,743	881	$26,596.01
2007	$63,070,586	3,837	988	$22,137.80
2008	$55,572,225	3,708	1,065	$21,026.19
2009	$53,932,735	3,730	1,291	$22,112.64
2010	$49,672,860	3,864	1,237	$18,907.44

Note the significant decrease in average premium occurring from 2004 to present.



Note also that the "averaged" premiums above are not necessarily representative of the premium that a given physician doing business in West Virginia may actually be paying, as that premium would be influenced by the physicians specialty (e.g. physician classes versus surgeon classes), the maturity of their claims-made policy, the limits of insurance afforded, presence of rating credits and debits, etc. However it is clear from the representative information above that, on average, malpractice rates in West Virginia are continuing to decline. This is also directly observable via the rate filing history appearing on page 109.

Section V

Summary Observations

V. Summary Observations

- In 2010, medical malpractice insurance in **West Virginia** continued to demonstrate highly favorable results, culminating in a very favorable loss ratio of **22.52%.** Total premium volume for 2010 declined slightly from 2009 to a level comparable to that last experienced here during 2003. With yet a subsequent decline in premium volume, a significant concern remains the possibility of future adverse volatility occurring within our marketplace due to its inherently small (and still declining) size.

- **Countrywide** net operating results for <u>all lines of business</u> in 2010 remained at a favorable (94.4%), but **overall medical malpractice results remain stable** (63.7% for 2010, 71.3% for 2009, 70.1% in 2008, 67.6% in 2007 and 72.3% in 2006.)

- The key volume writer in the state, ***West Virginia Mutual Insurance Company*** which holds 74.2% of the admitted market and 43% of the entire West Virginia market, again **experienced a favorable year in 2010**, posting a pure direct loss ratio of just 23.86%. Encouragingly, there were 2 companies again who met the 5% or more market share threshold for inclusion in the 2010 report, whereas only ***WVMIC*** met that threshold in 2008. Notably, there were also only 2 companies which met this criterion in 2007 and 3 in 2006.

- During 2010 medical malpractice **<u>rates in West Virginia remained stable.</u>** **WVMIC** held a substantial majority of the market share and proposed no change in rate, and while other top writers did amend their rates, this only impacted the entire market by less than 1% (+0.01%).

- As noted in previous reports, one of the key elements underlying the historical adverse results for West Virginia had been a very **high level of defense costs**. Loss adjustment expenses in West Virginia had fallen from a high of 69.5% in 1999 to be more in line with (or better) than the industry countrywide ratios by 2002. However, this favorable change did not continue in 2007 as Loss Adjustment Expense grew to 50.8% of premium (up from only 11.8% in 2006), and only improved slightly over that level for 2008 with 39.42%. While in 2010, Loss Adjustment Expense returned to a somewhat favorable 23.1%. This volatility remains an item of concern for the future.

- In the admitted market, the top five malpractice writers in West Virginia by premium written accounted for 92.25% of the entire admitted market (previously 93.7%). In the whole market (admitted and non-admitted), the top five writers account for 70.96% of the market (previously 72.2%). Also, ***Lexington*** returned as a key Excess & Surplus writer. In 2010, our **medical malpractice market improved slightly in its level of concentration**, but still indicates an overall absence of competition.

- The **small size** of our medical malpractice marketplace in West Virginia, with only 3,864 active physicians practicing in our State, inherently **lends itself toward volatility**, as can be demonstrated by simply considering the 2006 through 2010 results (with Direct Loss Ratios of 15.7%, 59.4%, -8.4%, 36.6%, and 22.5% respectively).

- An analysis of West Virginia Board of Medicine data revealed the following:
    - The number of **paid claims** continues to generally **decline** in West Virginia.
    - Roughly **31% of claims** filed are still being **dismissed**.
    - The total number of **claims in 2010** (188) is about **half** of that experienced in 2001 (375 or 50.13%).

This appears to suggest that the "*certificate of merit*", required by H. B. 601, continues to have a diminishing impact on medical malpractice claims.

- Approximately **9% of claims** filed actually **go to court**.
- **61% of** Malpractice **claims are settled** outside of court.
- There still does not appear to be any clear and credible pattern of escalating jury awards, although the small number of awards yields little in the way of credible data upon which to draw conclusions.

- A review of Medical Liability fund data indicates that **the number of filed actions** in West Virginia **remain below that of earlier years** overall**,** although notably increasing slightly just over the past 4 years.

- Examination of the **5% market share companies data** as required by §114CSR22, §114CSR23, and §33-20B-6 **found no areas of material concern**.

Glossary of Terms

Accident Year Experience: Measures premiums and losses relating to accidents which occurred during a 12-month period.

Admitted Market: Comprised of only Insurance Companies that are specifically authorized and licensed to write business in a given state. Contrast this with the market as a whole which would also include non-admitted insurers who write in a given state on an Excess and Surplus lines basis. (i.e. Business Written Basis.)

BRIM: ***West Virginia Board of Risk and Insurance Management***

BRIM I: Term to identify the medical malpractice program for teaching schools and their physicians. This program is administered by ***National Union Fire of Pittsburgh*** (an ***AIG*** subsidiary) under a fronting arrangement. ***AIG*** assumes no real risk under this arrangement; they simply issue the policies on ***AIG*** paper and are fully reimbursed by **BRIM** for loss and other expenses. They receive a percentage of premium for providing this service. **BRIM I** policies are written on an occurrence basis.

BRIM II: Term to identify the medical malpractice program for private physicians and hospitals. This program was administered by ***Marsh***. **BRIM II** was written on a claims-made basis. All **BRIM II** business novated to the ***West Virginia Mutual Insurance Company*** (***WVMIC***) on July 1, 2004.

Claims-made Coverage: A policy which provides coverage only when a claim is made during its active policy period or any automatic or purchased supplemental extended reporting period. For example, generally a claim that is made in the current year will be charged against the current policy even if the injury or loss giving rise to the claim had occurred many years in the past. However, a claims-made policy will also have a set specific retroactive date, prior to which any occurrence giving rise to a claim will not be covered. From a pricing perspective, claims-made coverage is much more straightforward since it strictly limits the insurers' exposure only to unknown future liabilities (called "incurred but not reported" claims). Contrast this coverage with "***Occurrence Coverage***". Claims-

made coverage became a more accepted approach towards writing long-tailed exposure lines like medical malpractice and products liability during the mid-'80's after its introduction by the ***Insurance Services Organization*** (***ISO***).

Combined Ratio: Percentage of each premium dollar a property/casualty insurer spends on claims and expenses. A decrease in the combined ratio means financial results are improving; an increase means that they are deteriorating. When the ratio is over 100%, the insurer has an *underwriting* loss.

Direct Combined Ratio: The sum of expenses and incurred losses combined versus earned premiums. On a direct basis, this ratio does not take into account any adjustments for reinsurance recoveries or payments for reinsurance coverage.

Direct Loss Ratio: The ratio of incurred losses to earned premium. The direct loss ratio is in contrast to a 'net loss ratio' which compares losses after reinsurance recoveries to earned premiums after paying for reinsurance.

Earned Premium: The pro rata portion of written premium which represents the expired portion of the insurance contract. For example, an annual policy of $100 written on July 1, 2001, assuming a calendar year accounting period, will be shown on the company's books as being partially earned in 2001 and 2002, i.e. fifty dollars earned in 2001 and fifty dollars in 2002.

Guide (a) rating (also known as 'refer to company' and 'judgment rating'): (a)-rating is typically used for large and/or unique commercial risks. It is generally provided for in the rules section of a company's underwriting manual. When a risk, such as a hospital, qualifies for (a)-rating, the actual price for the risk will be determined by an experienced underwriter. In this situation, actual filed rates are superseded by the underwriter's judgment.

"**HHI**": The ***Herfindahl-Hirschman Index.*** A commonly accepted measure of marketplace concentration, calculated by squaring the market share of each firm competing in a market and then summing the resulting numbers for all firms. The measurement accounts for the relative size and distribution of firms within a market. It approaches 0 when a market consists of a large number of firms of relatively equal size, and 10,000 when a monopoly is measured.

Incurred Loss: A monetary payment and/or reserve on the part of the insurance company to cover claims of the insureds which are payable by the terms of the insurance contract.

Investment Gain/(Loss): The investment gain relates a company's total *return on all invested funds* (premiums, reserves, and equity) to the calendar year earned premium. Thus this figure will usually be quite substantial for a long-tailed line like medical malpractice which requires considerable funds to be held in reserves and surplus.

Loss Adjustment Expense (LAE): Costs on the part of an insurance company to cover expenses incurred in settling their claims. This expense can be divided into two types: Allocated Loss Adjustment Expenses (ALAE aka Direct Cost Containment Expense [DCCE]) which are those expenses such as outside attorney and necessary court fees which can be directly tied to a specific claim, and Unallocated Loss Adjustment Expenses (ULAE aka Adjusting and Other [AO]) which are insurance company general claim department expenses, etc. and are not directly allocated to a particular claim.

Loss Development Factors: Designed to account for the subsequent development of losses or those that are late in being reported in order to attempt to reasonably estimate ultimate settlement amounts. Loss development factors are frequently utilized in those lines of insurance where claims develop slowly or are commonly reported later than the year in which the original premiums were earned. Prospective loss development factors are based upon changes in the relationships of historical claim data at specific and set periods during their subsequent development, such as after 12, 24, and 36 months, etc.

Occurrence Coverage: A policy that pays claims arising out of incidents that occur during the policy term, even if the claims are filed many years later.

Operating Profit/(Loss): Bottom-line profit or loss of an insurance company. Calculated by adding investment income to underwriting profit/(loss).

Premium-to-Surplus Ratio: The ratio of written premium to surplus. This ratio is commonly used in the property/casualty insurance industry as a measure of financial strength or to indicate the degree to

which a company is leveraged. In Medical Malpractice insurance, this ratio is often less than one-to-one.

Punitive Damages: Damages awarded over and above compensatory (economic) damages to punish a negligent party because of wanton, reckless, or malicious acts or omissions.

Pure Premium: The portion of the total premium only needed to pay expected losses. The pure premium does not take into account the portion of premium necessary for company expenses (e.g., commissions, taxes, etc.)

Risk Retention Group: Liability Insurance Companies which are owned by their policyholders. Membership is limited to people in the same business or activity which exposes them to similar risks. The purpose is to assume and spread liability exposure to group members and to provide an alternative risk financing mechanism for liability. (See also the federal Liability Risk Retention Act of 1986.)

Severity: Average loss per claim.

Surplus Line: (aka **Excess Line**) A risk or part of a risk for which there is no market available through the original broker or agent in its jurisdiction. Therefore, it is placed with non-admitted insurers on an unregulated basis, in accordance with the surplus or excess lines provisions of the state law.

Underwriting Expense: The expenses which are realized by an insurance company in acquiring, selecting, and servicing policies. Underwriting expense includes agents' commissions, general administration expenses, inspection & bureau expenses, and taxes, licenses and fees. It does not include any loss adjustment expenses.

Underwriting Profit/(Loss): The remainder when loss, loss adjustment expense and underwriting expense are subtracted from earned premium income.

Written Premium: The total premium from all policies with effective dates within a given time period.

Exhibits

West Virginia Offices of the Insurance Commissioner

5% Market Share Report — Exhibit I--Sheet 1a

I: Loss and Premium Information/Reconciliation

West Virginia Mutual Ins Co

Physicians & Surgeons

2011 Rate Filing	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Adjusted On-Level E.P.	---	---	---	---	---	$42,371,112	$44,117,064	$43,350,125	$41,043,960	$37,300,513
Trended, Dev Ult Loss & ALAE	---	---	---	---	---	$9,694,646	$18,824,555	$22,845,334	22,179,936	$26,917,398
Loss & ALAE Ratio	---	---	---	---	---	22.9%	42.7%	52.7%	54.0%	72.2%

2010 Rate Filing	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	*half year	**2010**
Adjusted On-Level E.P.	---	---	---	---	$43,726,967	$42,058,272	$44,141,025	$42,314,798	$19,048,681	---
Trended, Dev Ult Loss & ALAE	---	---	---	---	$13,315,023	$11,422,667	$22,179,936	$33,915,921	10,819,226	---
Loss & ALAE Ratio	---	---	---	---	30.5%	27.2%	50.2%	80.2%	56.8%	---

2009 Rate Filing	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Adjusted On-Level E.P.	---	---	---	$34,273,000	$43,727,000	$42,058,000	$44,141,000	$42,315,000	---	---
Trended, Dev Ult Loss & ALAE	---	---	---	$5,692,000	$13,494,000	$11,891,000	$24,407,000	$34,101,000	---	---
Loss & ALAE Ratio	---	---	---	16.6%	30.9%	28.3%	55.3%	80.6%	---	---

2008 Rate Filing	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Adjusted On-Level E.P.	---	---	$18,332,000	$34,424,000	$44,832,000	$42,951,000	$44,979,000	---	---	---
Trended, Dev Ult Loss & ALAE	---	---	$15,599,000	$5,567,000	$15,340,000	$14,595,000	$33,415,000	---	---	---
Loss & ALAE Ratio	---	---	85.1%	16.2%	34.2%	34.0%	74.3%	---	---	---

2007 Rate Filing	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	*half year	**2008**	**2009**	**2010**
Adjusted On-Level E.P.	$104,072	$7,341,768	$24,848,844	$45,745,391	$39,504,147	$43,510,815	$21,755,014	---	---	---
Trended, Dev Ult Loss & ALAE	$435,307	$1,074,647	$13,215,724	$5,171,540	$18,815,166	$16,550,040	$13,081,000	---	---	---
Loss & ALAE Ratio	418.3%	14.6%	53.2%	11.3%	47.6%	38.0%	60.1%	---	---	---

2006 Rate Filing	**2001**	**2002**	**2003**	**2004**	**2005**	*half year	**2007**	**2008**	**2009**	**2010**
Adjusted On-Level E.P.	$104,072	$7,341,768	$24,848,844	$43,605,369	$51,300,290	$26,274,295	---	---	---	---
Trended, Dev Ult Loss & ALAE	$424,135	$998,079	$14,669,012	$11,063,944	$28,416,681	$16,601,162	---	---	---	---
Loss & ALAE Ratio	407.5%	13.6%	59.0%	25.4%	55.4%	63.2%	---	---	---	---

2005 Rate Filing	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Adjusted On-Level E.P.	$109,340	$7,713,356	$26,106,517	$44,434,475	$23,102,934	---	---	---	---	---
Trended, Dev Ult Loss & ALAE	$596,784	$3,020,844	$17,615,263	$23,339,607	$16,236,906	---	---	---	---	---
Loss & ALAE Ratio	545.8%	39.2%	67.5%	52.5%	70.3%	---	---	---	---	---

Medicus Insurance Company

Physicians & Surgeons

2011 Rate Filing	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Adjusted On-Level E.P.	---	---	---	---	---	---	---	$535,288	3,554,347	4,668,761
Trended, Dev Ult Loss & ALAE	---	---	---	---	---	---	---	$939,225	3,681,941	2,543,309
Loss & ALAE Ratio	---	---	---	---	---	---	---	175.5%	103.6%	54.5%

2010 Rate Filing	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Adjusted On-Level E.P.	---	---	---	---	---	---	---	$541,789	3,706,372	---
Trended, Dev Ult Loss & ALAE	---	---	---	---	---	---	---	$218,000	1,123,000	---
Loss & ALAE Ratio	---	---	---	---	---	---	---	40.2%	30.3%	---

2009 Rate Filing	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Adjusted On-Level E.P.	---	---	---	---	---	---	---	$535,288	---	---
Trended, Dev Ult Loss & ALAE	---	---	---	---	---	---	---	$69,832	---	---
Loss & ALAE Ratio	---	---	---	---	---	---	---	13.0%	---	---

West Virginia Offices of the Insurance Commissioner

5% Market Share Report **Exhibit I--Sheet 1b**

Loss and Premium Information/Reconciliation

West Virginia Mutual Ins Co

Physicians & Surgeons

2011 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Earned Premium	---	---	---	---	$40,430,000	$44,959,000	$44,390,000	$40,022,000	$36,800,000	$35,077,000
Incurred Losses	---	---	---	---	$13,198,000	($1,306,000)	$18,123,000	$8,095,000	$13,331,000	7,974,000
Loss Ratio	---	---	---	---	32.6%	-2.9%	40.8%	20.2%	36.2%	22.7%

2010 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Earned Premium	---	---	---	$52,850,000	$40,429,000	$44,959,000	$44,390,000	$40,022,000	$36,800,000	---
Incurred Losses	---	---	---	$45,549,000	$16,203,000	$1,837,000	$28,544,000	$20,816,000	$22,760,000	---
Loss Ratio	---	---	---	86.2%	40.1%	4.1%	64.3%	52.0%	61.8%	---

2009 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Earned Premium	---	---	---	$52,850,000	$40,429,000	$44,959,000	$44,390,000	$40,022,000	---	---
Incurred Losses	---	---	---	$45,549,000	$16,203,000	$1,837,000	$28,544,000	$20,816,000	---	---
Loss Ratio	---	---	---	86.2%	40.1%	4.1%	64.3%	52.0%	---	---

2008 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Earned Premium	---	---	---	$52,850,000	$40,429,000	$44,959,000	$44,390,000	---	---	---
Incurred Losses	---	---	---	$45,549,000	$16,203,000	$1,837,000	$28,544,000	---	---	---
Loss Ratio	---	---	---	86.2%	40.1%	4.1%	64.3%	---	---	---

2007 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Earned Premium	---	---	---	$52,850,000	$40,429,000	$44,959,000	---	---	---	---
Incurred Losses	---	---	---	$45,549,000	$16,203,000	$1,837,000	---	---	---	---
Loss Ratio	---	---	---	86.2%	40.1%	4.1%	---	---	---	---

2006 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Earned Premium	---	---	---	$57,965,000	$51,303,000	---	---	---	---	---
Incurred Losses	---	---	---	$32,051,000	$15,521,000	---	---	---	---	---
Loss Ratio	---	---	---	55.3%	30.3%	---	---	---	---	---

2005 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Earned Premium	---	---	---	---	---	---	---	---	---	---
Incurred Losses	---	---	---	---	---	---	---	---	---	---
Loss Ratio	---	---	---	---	---	---	---	---	---	---

Medicus Insurance Company

Physicians & Surgeons

2011 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Earned Premium	---	---	---	---	---	---	---	$541,789	$3,706,372	$4,935,161
Incurred Losses	---	---	---	---	---	---	---	$69,832	$1,990,249	$3,255,843
Loss Ratio	---	---	---	---	---	---	---	12.9%	53.7%	66.0%

2010 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Earned Premium	---	---	---	---	---	---	---	$541,789	$3,706,372	---
Incurred Losses	---	---	---	---	---	---	---	$69,832	$1,990,249	---
Loss Ratio	---	---	---	---	---	---	---	12.9%	53.7%	---

West Virginia Offices of the Insurance Commissioner

5% Market Share Report **Exhibit I--Sheet 1c**

Loss and Premium Information/Reconciliation

West Virginia Mutual Ins Co

Physicians & Surgeons

2011 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Current Level E.P.	---	---	---	---	$45,874,000	$42,371,000	$44,117,000	43,350,000	41,044,000	---
Trended, Dev Inc Loss & ALAE	---	---	---	---	$12,305,000	$12,520,000	$22,898,000	29,662,000	35,636,000	---
Loss & ALAE Ratio	---	---	---	---	26.8%	29.5%	51.9%	68.4%	86.8%	---
2010 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Current Level E.P.	---	---	---	$34,273,000	$43,727,000	$42,058,000	$44,141,000	42,315,000	---	---
Trended, Dev Inc Loss & ALAE	---	---	---	$5,692,000	$13,494,000	$11,891,000	$24,407,000	34,101,000	---	---
Loss & ALAE Ratio	---	---	---	16.6%	30.9%	28.3%	55.3%	80.6%	---	---
2009 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Current Level E.P.	---	---	$18,332,000	$34,424,000	$44,832,000	$42,951,000	$44,979,000	---	---	---
Trended, Dev Inc Loss & ALAE	---	---	$15,599,000	$5,567,000	$15,340,000	$14,595,000	$33,415,000	---	---	---
Loss & ALAE Ratio	---	---	85.1%	16.2%	34.2%	34.0%	74.3%	---	---	---
2008 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Current Level E.P.	---	$7,342,000	$24,849,000	$45,745,000	$39,504,000	$45,511,000	---	---	---	---
Trended, Dev Inc Loss & ALAE	---	$1,244,000	$13,860,000	$5,362,000	$18,541,000	$16,205,000	---	---	---	---
Loss & ALAE Ratio	---	16.9%	55.8%	11.7%	46.9%	35.6%	---	---	---	---
2007 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Current Level E.P.	$104,072	$7,341,768	$24,848,844	$43,605,369	$51,300,290	$44,959,028	---	---	---	---
Trended, Dev Inc Loss & ALAE	$490,362	$1,312,395	$15,847,538	$12,026,064	$29,260,900	$21,595,000	---	---	---	---
Loss & ALAE Ratio	471.2%	17.9%	63.8%	27.6%	57.0%	48.0%	---	---	---	---
2006 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Current Level E.P.	---	---	---	---	$71,232,000	---	---	---	---	---
Trended, Dev Inc Loss & ALAE	---	---	---	---	$51,017,000	---	---	---	---	---
Loss & ALAE Ratio	---	---	---	---	71.6%	---	---	---	---	---
2005 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Current Level E.P.	---	---	---	---	---	---	---	---	---	---
Trended, Dev Inc Loss & ALAE	---	---	---	---	---	---	---	---	---	---
Loss & ALAE Ratio	---	---	---	---	---	---	---	---	---	---

Medicus Insurance Company

Physicians & Surgeons

2010 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Current Level E.P.	---	---	---	---	---	---	---	$535,288	$3,706,372	$4,935,161
Trended, Dev Inc Loss & ALAE	---	---	---	---	---	---	---	$73,367	$1,320,487	$3,255,844
Loss & ALAE Ratio	---	---	---	---	---	---	---	13.7%	35.6%	66.0%
2010 Filed Information	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**
Current Level E.P.	---	---	---	---	---	---	---	$535,288	$3,706,372	---
Trended, Dev Inc Loss & ALAE	---	---	---	---	---	---	---	$71,578	$1,288,280	---
Loss & ALAE Ratio	---	---	---	---	---	---	---	13.4%	34.8%	---

West Virginia Offices of the Insurance Commissioner
5% Market Share Report

Exhibit II

II: Comparison of Budgeted Expenses

West Virginia Mutual Ins Co

Physicians & Surgeons									
Filing Number	§114CSR22	100006008	90918009	80903007	70918006	60915016	50826007	41006013	40331017
Effective Date	n/a	1/1/2011	1/1/2010	1/1/2009	1/1/2008	1/1/2007	1/1/2006	1/1/2005	7/1/2004
Variable Expense									
Commission & Brokerage	7.00%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
General & Other Acquisition	20.30%	6.50%	6.00%	6.00%	7.50%	7.50%	13.20%	13.20%	13.30%
Taxes, Licenses, & Fees	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
Other	3.80%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Profit & Contingency	6.10%	6.10%	6.10%	6.10%	6.10%	6.10%	6.10%	6.10%	4.30%
Total Variable Expense	**42.20%**	**17.60%**	**17.10%**	**17.10%**	**18.60%**	**18.60%**	**24.30%**	**24.30%**	**22.60%**
Fixed Expense									
Fixed Expense (Per Policy)	n/a	$5,532	$4,977	$4,481	$4,289	$3,840	$1,304	$1,254	$469
Base Rate (Mature Class 3)	n/a	$20,528	$20,528	$20,528	$20,389	$23,612	$24,856	$24,856	$22,558
Fixed Expense loading	**n/a**	**26.95%**	**24.24%**	**21.83%**	**21.04%**	**16.26%**	**5.25%**	**5.05%**	**2.08%**
Total Expense (Loading %)	**42.20%**	**44.55%**	**41.34%**	**38.93%**	**39.64%**	**34.86%**	**29.55%**	**29.35%**	**24.68%**

Medicus Insurance Company

Physicians & Surgeons				
Filing Number	§114CSR22	100010073	100004152	90630015
Effective Date	n/a	*pending*	9/24/2010	10/1/2009
Variable Expense				
Commission & Brokerage	9.00%	9.00%	8.00%	9.00%
General & Other Acquisition	12.00%	12.00%	10.00%	12.00%
Taxes, Licenses, & Fees	5.00%	5.00%	5.00%	5.00%
Other	0.00%	0.00%	0.00%	0.00%
Profit & Contingency	0.00%	0.00%	1.50%	0.00%
Total Variable Expense	**26.00%**	**26.00%**	**24.50%**	**26.00%**
Fixed Expense				
Fixed Expense (Per Policy)	n/a	n/a	n/a	n/a
Base Rate (Mature Class 3)	n/a	n/a	n/a	n/a
Fixed Expense loading	**n/a**	n/a	n/a	n/a
Total Expense (Loading %)	**26.00%**	**26.00%**	**24.50%**	**26.00%**

West Virginia Offices of the Insurance Commissioner
5% Market Share Report

Exhibit III

III: Comparison of Investment Income Provisions

Calendar Year		Net Investment Gain
West Virginia Mutual Insurance Company		
2004		0.5%
2005		2.9%
2006		3.6%
2007		10.8%
2008		12.1%
2009		13.1%
2010		16.2%

Rate of Return Underlying	2005 Filing:	3.50%
	2006 Filing:	N/A
	2007 Filing:	N/A
	2008 Filing:	N/A
	2009 Filing	N/A
	2010 Filing	N/A
	2010 Filing	N/A

Calendar Year		Net Investment Gain
Medicus Insurance Company		
2008		1.1%
2009		7.3%
2010		5.5%

Rate of Return Underlying	2008 Filing:	N/A
	2009 Filing	5%
	2010 Filing	5%
	2010 Filing	5%

West Virginia Offices of the Insurance Commissioner
5% Market Share Report

Exhibit IV

IV: Comparison of Pure Premium Trends

	Rate Filings							5% Report
	2005	2006	2007	2008	2009	2010	2011	Physicians & Surgeons Program
West Virginia Mutual Ins Co	4.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%	3.00%

	Rate Filings				5% Report
	2008	2009	2010	2011	Physicians & Surgeons Program
Medicus Insurance Company	0.00%	0.00%	0.00%	0.00%	0.00%

West Virginia Offices of the Insurance Commissioner
5% Market Share Report

Exhibit V

V: Comparison of Incurred Loss Development Factors

West Virginia Mutual Insurance Company	
Maturity (mos)	**Incurred LDFs**
12-ultimate	1.659
24-ultimate	1.100
36-ultimate	1.009
48-ultimate	0.999
60-ultimate	1.001
72-ultimate	1.000
84-ultimate	1.000
96-ultimate	1.000
108-ultimate	1.000
120-ultimate	1.000

Medicus Insurance Company	
Maturity (mos)	**Incurred LDFs**
12-ultimate	1.763
24-ultimate	1.135
36-ultimate	1.075
48-ultimate	1.050
60-ultimate	n/a
72-ultimate	n/a
84-ultimate	n/a
96-ultimate	n/a
108-ultimate	n/a
120-ultimate	n/a

West Virginia Offices of the Insurance Commissioner
5% Market Share Report

Exhibit VI

VI: Premium Reconciliation

Company	Schedule T-Written Premium	Filing Forms
West Virginia Mutual Ins Co		
Physicians & Surgeons Premium	$35,496,599	$35,549,901
All Other Lines Premium	$0	$0
Total	$35,496,599	$35,549,901

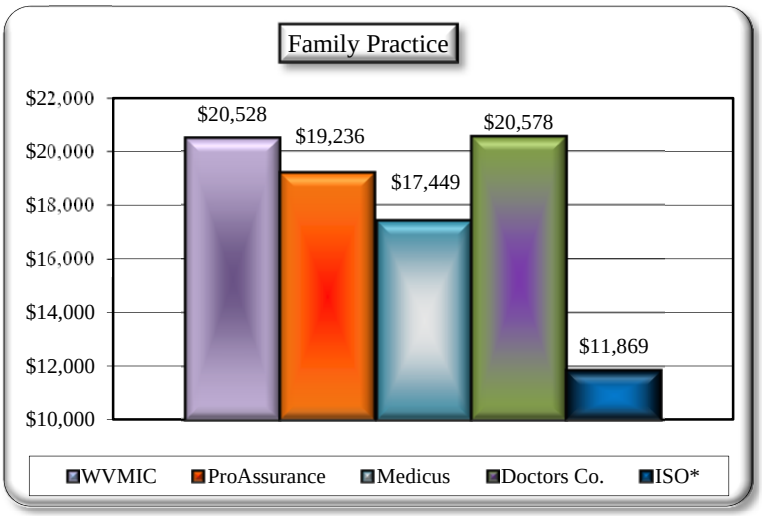
Company	Schedule T-Written Premium	Filing Forms
Medicus Ins Co		
Physicians & Surgeons Premium	$5,399,506	$5,399,506
All Other Lines Premium	$0	$0
Total	$5,399,506	$5,399,506

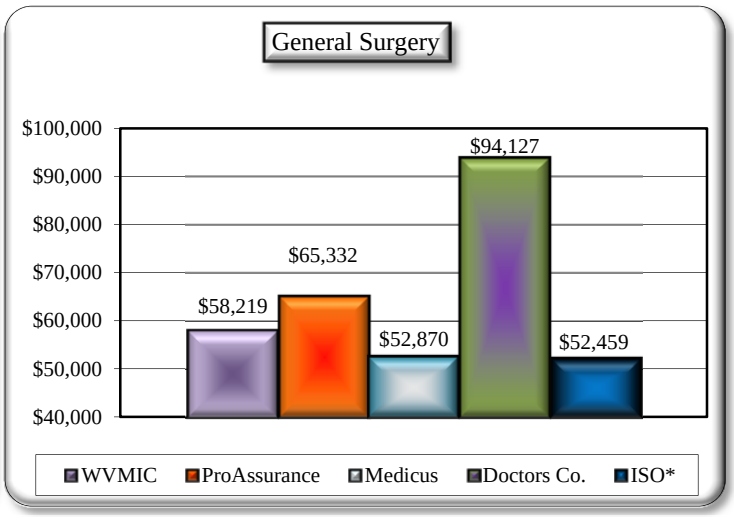
West Virginia Offices of the Insurance Commissioner
5% Market Share Report
Exhibit VII
VII: Sample Comparison of Physicians & Surgeons Rates

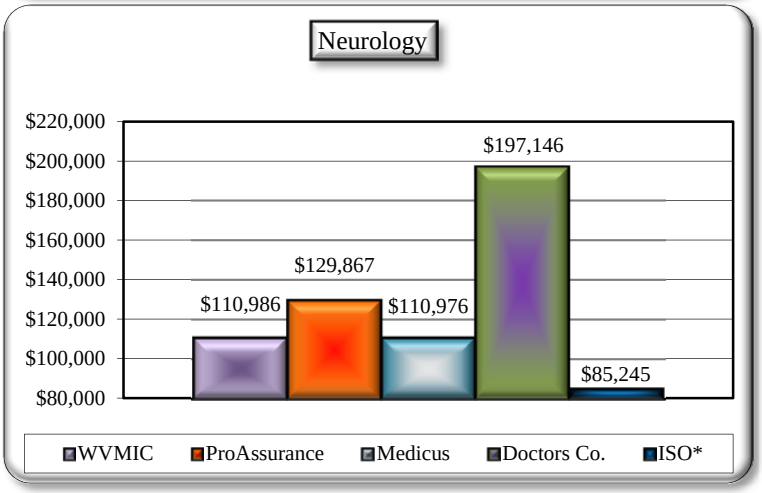
Claims Made Policies -- Mature Rate -- $1M/$3M Limits

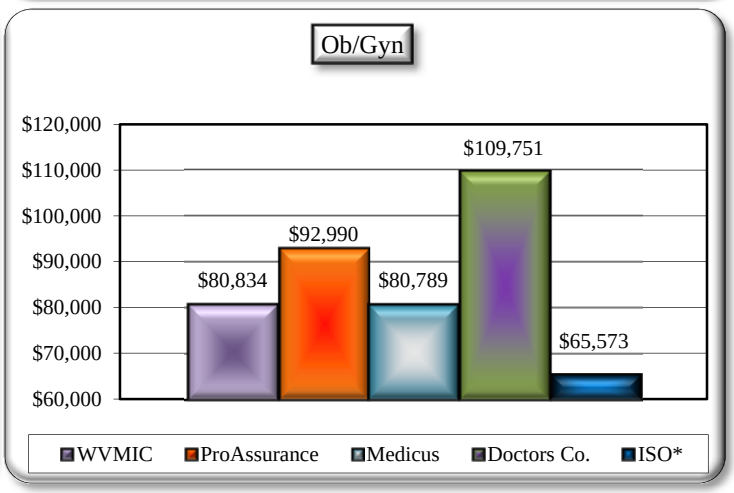
Class Code	Description	Eff. Date=>	WVMIC 1/1/2011	ProAssurance 4/1/2011	Medicus 9/24/2010	Doctors Co. 9/1/2011	ISO* 3/1/2012
80254	Allergy		$12,989	$10,016	$12,214	$9,153	$7,123
80151	Anesthesiology - Major Surgery		$32,589	$23,845	$25,476	$33,789	$32,786
80150	Cardiovascular Disease - Major Surgery		$73,295	$83,770	$65,957	$38,108	$59,017
80282	Dermatology - Minor Surgery		$28,066	$28,455	$17,449	$18,959	$12,224
80102 (C)	Emergency Medicine - Minor Surgery		$35,604	$37,674	$30,012	$53,351	$29,670
80420	Family Practitioner - No Surgery		$20,528	$19,236	$17,449	$20,578	$11,869
80117 (A)	General Practitioner - Major Surgery		$43,142	$46,893	$44,146	$94,127	$39,344
80143	General Surgery		$58,219	$65,332	$52,870	$94,127	$52,459
80244	Gynecology - No Surgery		$20,528	$19,236	$17,449	$53,351	$8,902
80284	Internal Medicine - Minor Surgery		$28,066	$28,455	$23,207	$25,405	$17,802
80152	Neurology- Major Surgery		$110,986	$129,867	$110,976	$197,146	$85,245
80153	Obstetrics/Gynecology		$80,834	$92,990	$80,789	$109,751	$65,573
80286	Oncology - Minor Surgery		$28,066	$28,455	$17,449	$21,595	$21,390
80114	Ophthalmology - Major Surgery		$24,297	$23,845	$20,066	$23,754	$19,670
80154 (B)	Orthopedics - Incl Spinal Surgery		$73,295	$83,770	$71,890	$77,487	$59,017
80155	Otorhinolaryngology-Incl Plastic Surgery		$50,680	$56,113	$44,146	$56,146	$45,902
80266	Pathology		$16,759	$19,236	$14,382	$23,373	$9,168
80267	Pediatrics - No Surgery		$20,528	$19,236	$17,449	$25,405	$11,869
80145 (C)	Urology - Major Surgery		$32,589	$28,455	$27,744	$39,887	$32,786

These rates are a starting point for rating a physician. Rates may be further adjusted by other rating plans.
**ISO only files loss costs and increased limit factors. Affiliated Insurers may use ISO as a basis for their rates.*
An underwriting expense load of 25% was used to convert ISO loss costs to rates.









Appendix

2010 Physicians/Hospitals/Other Facilities/Professionals-Totals

Physicians	2010 West Virginia Business Written				
(NAIC Database) COMPANY	Direct Premium Written	Physicians Market Share	Direct Premium Earned	Direct Loss Incurred	Pure Direct Loss Ratio
West Virginia Mut Ins Co	**$35,496,599.00**	**71.46%**	**$39,487,906.00**	**$9,421,239.00**	**23.86%**
Medicus Ins Co	**$5,399,506.00**	**10.87%**	**$4,935,161.00**	**$3,255,843.00**	**65.97%**
ProAssurance Ind Co Inc	**$1,377,918.00**	**2.77%**	**$1,479,043.00**	**$1,169,826.00**	**79.09%**
Ophthalmic Mut Ins Co RRG	$959,958.00	1.93%	$966,547.00	$265,459.00	27.46%
Doctors Co An Interins Exch	**$683,806.00**	**1.38%**	**$630,443.00**	**($528,511.00)**	**-83.83%**
Physicians Specialty Ltd RRG	$587,282.00	1.18%	$587,282.00	$77,943.00	13.27%
Applied Medico Legal Solutions RRG	$585,448.00	1.18%	$587,982.00	($5,067.00)	-0.86%
Oceanus Ins Co A RRG	$550,146.00	1.11%	$519,134.00	$354,716.00	68.33%
Mountaineer Freedom RRG Inc	$474,328.00	0.95%	$475,006.00	$1,540,945.00	324.41%
Catlin Specialty Ins Co	*$433,060.00*	*0.87%*	*$412,148.00*	*$86,424.00*	*20.97%*
Evanston Ins Co	*$432,938.00*	*0.87%*	*$671,487.00*	*$221,473.00*	*32.98%*
National Union Fire Ins Co Of Pitts	**$428,115.00**	**0.86%**	**$414,497.00**	**$27,401.00**	**6.61%**
General Star Ind Co	*$402,371.00*	*0.81%*	*$331,889.00*	*$138,000.00*	*41.58%*
National Guardian RRG Inc	$342,324.00	0.69%	$342,324.00	$425,289.00	124.24%
Preferred Physicians Medical RRG	$271,011.00	0.55%	$272,096.00	$39,358.00	14.46%
National Fire & Marine Ins Co	*$226,519.00*	*0.46%*	*$268,284.00*	*$756,902.00*	*282.13%*
Medical Protective Co	**$201,323.00**	**0.41%**	**$86,267.00**	**$217,000.00**	**251.54%**
Admiral Ins Co	*$168,088.00*	*0.34%*	*$223,196.00*	*$702,542.00*	*314.76%*
Columbia Cas Co	*$149,256.00*	*0.30%*	*$175,334.00*	*$750.00*	*0.43%*
Care RRG Inc	$111,634.00	0.22%	$107,211.00	$18,828.00	17.56%
Darwin Select Ins Co	*$86,550.00*	*0.17%*	*$289,051.00*	*$349,322.00*	*120.85%*
Darwin Natl Assur Co	**$60,500.00**	**0.12%**	**$63,704.00**	**$5,515.00**	**8.66%**
Green Hills Ins Co RRG	$57,206.00	0.12%	$56,794.00	($48,745.00)	-85.83%
Essex Ins Co	*$42,065.00*	*0.08%*	*$41,918.00*	*$6,564.00*	*15.66%*
Professional Underwriters Liab Ins C	*$41,014.00*	*0.08%*	*$37,063.00*	*$0.00*	*0.00%*
Healthcare Safety & Protection RRG I	$34,450.00	0.07%	$60,350.00	($8,802.00)	-14.58%
National Medical Professional RRG In	$22,877.00	0.05%	$24,259.00	$1,146.00	4.72%
American Cas Co Of Reading PA	**$20,013.00**	**0.04%**	**$18,038.00**	**$11,189.00**	**62.03%**
Southwest Physicians RRG Inc	$16,558.00	0.03%	$16,558.00	$4,756.00	28.72%
Hallmark Specialty Ins Co	*$9,997.00*	*0.02%*	*$417.00*	*$0.00*	*0.00%*
Lexington Ins Co	*$0.00*	*0.00%*	*$74,248.00*	*($463,332.00)*	*-624.03%*
Cincinnati Ins Co	**$0.00**	**0.00%**	**$468.00**	**$0.00**	**0.00%**
Ohic Ins Co	**$0.00**	**0.00%**	**$0.00**	**$1,652,489.00**	---
Continental Cas Co	**$0.00**	**0.00%**	**$0.00**	**$571,225.00**	---
TIG Ins Co	**$0.00**	**0.00%**	**$0.00**	**$769.00**	---
St Paul Mercury Ins Co	**$0.00**	**0.00%**	**$0.00**	**$7.00**	---
Athena Assur Co	**$0.00**	**0.00%**	**$0.00**	**$1.00**	---
Travelers Prop Cas Co Of Amer	**$0.00**	**0.00%**	**$0.00**	**($2.00)**	---
National Cas Co	**$0.00**	**0.00%**	**$0.00**	**($49.00)**	---
Everest Ind Ins Co	*$0.00*	*0.00%*	*$0.00*	*($968.00)*	---
Pacific Employers Ins Co	**$0.00**	**0.00%**	**$0.00**	**($1,851.00)**	---
Ironshore Specialty Ins Co	*$0.00*	*0.00%*	*$0.00*	*($3,717.00)*	---
APSpeciality Ins Corp	*$0.00*	*0.00%*	*$0.00*	*($10,000.00)*	---
Homeland Ins Co of NY	*$0.00*	*0.00%*	*$0.00*	*($11,838.00)*	---
Scottsdale Ins Co	*$0.00*	*0.00%*	*$0.00*	*($13,903.00)*	---
Capitol Specialty Ins Corp	*$0.00*	*0.00%*	*$0.00*	*($16,819.00)*	---
Interstate Fire & Cas Co	*$0.00*	*0.00%*	*$0.00*	*($55,155.00)*	---
St Paul Fire & Marine Ins Co	**$0.00**	**0.00%**	**$0.00**	**($90,667.00)**	---
Professionals Advocate Ins Co	**$0.00**	**0.00%**	**$0.00**	**($288,870.00)**	---
National Fire Ins Co Of Hartford	**$0.00**	**0.00%**	**$0.00**	**($380,423.00)**	---
ProAssurance Natl Capital Ins Co	**$0.00**	**0.00%**	**$0.00**	**($721,153.00)**	---
Standard Fire Ins Co	**$0.00**	**0.00%**	**$0.00**	**($1,284,048.00)**	---
Steadfast Ins Co	*$0.00*	*0.00%*	*($5.00)*	*($15,566.00)*	*311320.00%*
TOTALS	**$49,672,860.00**	**100.00%**	**$53,656,100.00**	**$17,373,435.00**	**32.38%**
Licensed Companies (22)	**$43,667,780.00**	**87.91%**	**$47,115,527.00**	**$13,036,930.00**	**27.67%**
Surplus Line Co's (19)	*$1,991,858.00*	*4.01%*	*$2,525,030.00*	*$1,670,679.00*	*66.16%*
Risk Retention Groups (12)	$4,013,222.00	8.08%	$4,015,543.00	$2,665,826.00	66.39%

Hospitals	2010 West Virginia Business Written				
COMPANY *(NAIC Database)*	**Written Direct Premium**	**Market Share Hospitals**	**Earned Direct Premium**	**Loss Incurred Direct**	**Loss Ratio Pure Direct**
Lexington Ins Co	*$6,952,665.00*	*29.20%*	*$7,730,186.00*	*$3,114,542.00*	*40.29%*
Mountaineer Freedom RRG Inc	$5,446,321.00	22.88%	$5,446,321.00	$834,712.00	15.33%
Community Hospital RRG	$4,417,875.00	18.56%	$4,417,875.00	$1,880,228.00	42.56%
Darwin Select Ins Co	*$1,890,186.00*	*7.94%*	*$1,843,680.00*	*$941,278.00*	*51.05%*
Steadfast Ins Co	*$1,149,682.00*	*4.83%*	*$866,925.00*	*$596,744.00*	*68.83%*
Nautilus Ins Co	*$1,039,744.00*	*4.37%*	*$1,041,727.00*	*$935,686.00*	*89.82%*
Homeland Ins Co of NY	*$925,000.00*	*3.89%*	*$400,074.00*	*$52,357.00*	*13.09%*
American Excess Ins Exch RRG	$807,500.00	3.39%	$801,170.00	$90,119.00	11.25%
Illinois Union Ins Co	*$675,978.00*	*2.84%*	*$168,532.00*	*($547,342.00)*	*-324.77%*
Arch Speciaity Ins Co	*$390,000.00*	*1.64%*	*$345,370.00*	*$184,546.00*	*53.43%*
Darwin Natl Assur Co	**$79,016.00**	**0.33%**	**$54,221.00**	**$19,317.00**	**35.63%**
Zurich Amer Ins Co	**$44,323.00**	**0.19%**	**$10,938.00**	**$0.00**	**0.00%**
Columbia Cas Co	*$3,500.00*	*0.01%*	*$5,676.00*	*($14,675.00)*	*-258.54%*
Ace Amer Ins Co	**$310.00**	**0.00%**	**$310.00**	**($3,573.00)**	**-1152.58%**
St Paul Fire & Marine Ins Co	**$0.00**	**0.00%**	**$0.00**	**$141,932.00**	**---**
First Specialty Ins Corp	*$0.00*	*0.00%*	*$0.00*	*$67,559.00*	---
St Paul Mercury Ins Co	**$0.00**	**0.00%**	**$0.00**	**$5,469.00**	**---**
Ironshore Specialty Ins Co	*$0.00*	*0.00%*	*$0.00*	*$2,694.00*	---
TIG Ins Co	**$0.00**	**0.00%**	**$0.00**	**$43.00**	**---**
Bankers Standard Ins Co	**$0.00**	**0.00%**	**$0.00**	**($4.00)**	**---**
Ace Fire Underwriters Ins Co	**$0.00**	**0.00%**	**$0.00**	**($16.00)**	**---**
Pacific Employers Ins Co	**$0.00**	**0.00%**	**$0.00**	**($26.00)**	**---**
Executive Risk Speciality Ins Co	*$0.00*	*0.00%*	*$0.00*	*($15,538.00)*	---
ProAssurance Specialty Ins Co	*$0.00*	*0.00%*	*$0.00*	*($17,500.00)*	---
Executive Risk Ind Inc	**$0.00**	**0.00%**	**$0.00**	**($30,775.00)**	**---**
Premier Ins Exch RRG	$0.00	0.00%	$0.00	($33,511.00)	---
Admiral Ins Co	*$0.00*	*0.00%*	*$0.00*	*($94,440.00)*	---
Capitol Specialty Ins Corp	*$0.00*	*0.00%*	*$0.00*	*($123,901.00)*	---
Travelers Cas & Surety Co	**$0.00**	**0.00%**	**$0.00**	**($176,526.00)**	**---**
Everest Ind Ins Co	*$0.00*	*0.00%*	*$0.00*	*($205,978.00)*	---
Standard Fire Ins Co	**$0.00**	**0.00%**	**$0.00**	**($352,335.00)**	**---**
Interstate Fire & Cas Co	*($132.00)*	*0.00%*	*$15,611.00*	*($3,726.00)*	*-23.87%*
Empire Fire & Marine Ins Co	**($14,600.00)**	**-0.06%**	**$60,946.00**	**$5,358.00**	**8.79%**
TOTALS	**$23,807,368.00**	**100.00%**	**$23,209,562.00**	**$7,252,718.00**	**31.25%**
Licensed Companies (13)	**$109,049.00**	**0.46%**	**$126,415.00**	**($391,136.00)**	**-309.41%**
Surplus Line Co's (16)	*$13,026,623.00*	*54.72%*	*$12,417,781.00*	*$4,872,306.00*	*39.24%*
Risk Retention Groups (4)	$10,671,696.00	44.83%	$10,665,366.00	$2,771,548.00	25.99%

Other Health Care Facilities	2010 West Virginia Business Written				
(NAIC Database) **COMPANY**	**Direct Premium Written**	**Other Facilities Market Share**	**Direct Premium Earned**	**Direct Loss Incurred**	**Pure Direct Loss Ratio**
General Star Ind Co	*$388,483.00*	*18.50%*	*$81,616.00*	*($30,000.00)*	*-36.76%*
Guardian RRG Inc	$336,342.00	16.01%	$336,342.00	($66,496.00)	-19.77%
Evanston Ins Co	*$318,350.00*	*15.16%*	*$389,552.00*	*$57,445.00*	*14.75%*
Darwin Select Ins Co	*$244,369.00*	*11.64%*	*$219,379.00*	*($6,105.00)*	*-2.78%*
Homeland Ins Co of NY	*$198,783.00*	*9.46%*	*$227,635.00*	*$4,961.00*	*2.18%*
Cincinnati Ins Co	**$158,182.00**	**7.53%**	**$141,737.00**	**$17,020.00**	**12.01%**
Lexington Ins Co	*$127,318.00*	*6.06%*	*$139,738.00*	*($151,818.00)*	*-108.64%*
Arch Speciaity Ins Co	*$108,846.00*	*5.18%*	*$103,892.00*	*($209,765.00)*	*-201.91%*
American Alt Ins Corp	**$88,490.00**	**4.21%**	**$90,993.00**	**($10,528.00)**	**-11.57%**
ProAssurance Specialty Ins Co	*$41,486.00*	*1.98%*	*$31,422.00*	*$11,312.00*	*36.00%*
Church Mut Ins Co	**$39,640.00**	**1.89%**	**$41,002.00**	**($1,593.00)**	**-3.89%**
Ironshore Specialty Ins Co	*$36,550.00*	*1.74%*	*$133,799.00*	*$62,626.00*	*46.81%*
Catlin Specialty Ins Co	*$12,500.00*	*0.60%*	*$12,500.00*	*($1,588.00)*	*-12.70%*
Illinois Union Ins Co	*$668.00*	*0.03%*	*$126.00*	*$72.00*	*57.14%*
Affiliates Ins Recip a RRG	$280.00	0.01%	$280.00	$539.00	192.50%
Executive Risk Ind Inc	**$0.00**	**0.00%**	**$6,348.00**	**($15,854.00)**	**-249.75%**
Houston Cas Co	*$0.00*	*0.00%*	*$1,890.00*	*$852.00*	*45.08%*
Steadfast Ins Co	*$0.00*	*0.00%*	*$24.00*	*($34.00)*	*-141.67%*
National Union Fire Ins Co Of Pitts	**$0.00**	**0.00%**	**$5.00**	**$608,811.00**	**12176220.00%**
Everest Ind Ins Co	*$0.00*	*0.00%*	*$0.00*	*$164,149.00*	---
St Paul Fire & Marine Ins Co	**$0.00**	**0.00%**	**$0.00**	**$9,651.00**	---
St Paul Mercury Ins Co	**$0.00**	**0.00%**	**$0.00**	**$1,638.00**	---
Interstate Fire & Cas Co	*$0.00*	*0.00%*	*$0.00*	*$183.00*	---
Travelers Prop Cas Co Of Amer	**$0.00**	**0.00%**	**$0.00**	**($3.00)**	---
National Fire & Marine Ins Co	*$0.00*	*0.00%*	*$0.00*	*($70.00)*	---
TIG Ins Co	**$0.00**	**0.00%**	**$0.00**	**($88.00)**	---
Capitol Specialty Ins Corp	*$0.00*	*0.00%*	*$0.00*	*($453.00)*	---
Standard Fire Ins Co	**$0.00**	**0.00%**	**$0.00**	**($2,724.00)**	---
Executive Risk Speciality Ins Co	*$0.00*	*0.00%*	*$0.00*	*($10,799.00)*	---
TOTALS	**$2,100,287.00**	**100.00%**	**$1,958,280.00**	**$431,341.00**	**22.03%**
Licensed Companies (10)	$286,312.00	13.63%	$280,085.00	$606,330.00	216.48%
Surplus Line Co's (17)	*$1,477,353.00*	*70.34%*	*$1,341,573.00*	*($109,032.00)*	*-8.13%*
Risk Retention Groups (2)	$336,622.00	16.03%	$336,622.00	($65,957.00)	-19.59%

Other Health Care Professionals	2010 West Virginia Business Written				
(NAIC Database) COMPANY	Direct Premium Written	Other Prof'ls Market Share	Direct Premium Earned	Direct Loss Incurred	Pure Direct Loss Ratio
American Cas Co Of Reading PA	**$969,130.00**	**16.78%**	**$1,009,862.00**	**$132,910.00**	**13.16%**
Continental Cas Co	**$845,654.00**	**14.64%**	**$816,252.00**	**($189,835.00)**	**-23.26%**
Podiatry Ins Co Of Amer	**$524,745.00**	**9.08%**	**$519,860.00**	**$299,256.00**	**57.56%**
Liberty Surplus Ins Corp	*$428,776.00*	*7.42%*	*$209,202.00*	*$107,246.00*	*51.26%*
Cincinnati Ins Co	**$328,872.00**	**5.69%**	**$317,196.00**	**$269,219.00**	**84.87%**
NCMIC Ins Co	**$323,859.00**	**5.61%**	**$328,514.00**	**$120,903.00**	**36.80%**
Medical Protective Co	**$319,733.00**	**5.54%**	**$273,661.00**	**$2,000.00**	**0.73%**
Landmark Amer Ins Co	*$301,600.00*	*5.22%*	*$288,905.00*	*($8,505.00)*	*-2.94%*
Oms Natl Ins Co Rrg	$258,522.00	4.48%	$257,006.00	$31,962.00	12.44%
Evanston Ins Co	*$253,372.00*	*4.39%*	*$241,231.00*	*($1,119.00)*	*-0.46%*
Lexington Ins Co	*$248,985.00*	*4.31%*	*$271,213.00*	*$123,435.00*	*45.51%*
Western World Ins Co	*$181,361.00*	*3.14%*	*$194,515.00*	*($14,255.00)*	*-7.33%*
National Union Fire Ins Co Of Pitts	**$128,946.00**	**2.23%**	**$128,157.00**	**$29,693.00**	**23.17%**
Columbia Cas Co	*$121,224.00*	*2.10%*	*$102,498.00*	*($112,887.00)*	*-110.14%*
Ace Amer Ins Co	**$111,678.00**	**1.93%**	**$112,587.00**	**$6,626.00**	**5.89%**
Chicago Ins Co	**$79,379.00**	**1.37%**	**$177,883.00**	**$90,971.00**	**51.14%**
Admiral Ins Co	*$70,336.00*	*1.22%*	*$108,902.00*	*($62,125.00)*	*-57.05%*
Liberty Ins Underwriters Inc	**$69,735.00**	**1.21%**	**$23,555.00**	**($8,648.00)**	**-36.71%**
Campmed Cas & Ind Co Inc MD	**$37,598.00**	**0.65%**	**$37,599.00**	**($11,258.00)**	**-29.94%**
ProAssurance Specialty Ins Co	*$23,946.00*	*0.41%*	*$24,168.00*	*$8,701.00*	*36.00%*
Ironshore Specialty Ins Co	*$20,289.00*	*0.35%*	*$18,103.00*	*$8,648.00*	*47.77%*
State Farm Fire & Cas Co	**$20,087.00**	**0.35%**	**$20,587.00**	**$13,500.00**	**65.58%**
PACO Assur Co Inc	**$15,974.00**	**0.28%**	**$11,777.00**	**$9,688.00**	**82.26%**
Doctors Co An Interins Exch	**$14,096.00**	**0.24%**	**$17,223.00**	**$0.00**	**0.00%**
Pharmacists Mut Ins Co	**$13,355.00**	**0.23%**	**$13,734.00**	**$4,970.00**	**36.19%**
Fortress Ins Co	**$12,764.00**	**0.22%**	**$11,119.00**	**$18,176.00**	**163.47%**
Allied Professionals Ins Co RRG	$11,541.00	0.20%	$10,542.00	$129.00	1.22%
ProAssurance Ind Co Inc	**$10,512.00**	**0.18%**	**$10,512.00**	**$8,314.00**	**79.09%**
American Assoc Of Othodontists RRG	$10,510.00	0.18%	$10,997.00	($9,011.00)	-81.94%
Granite State Ins Co	**$7,968.00**	**0.14%**	**$7,073.00**	**($8,903.00)**	**-125.87%**
Interstate Fire & Cas Co	*$4,787.00*	*0.08%*	*$7,171.00*	*$1,790.00*	*24.96%*
Church Mut Ins Co	**$4,368.00**	**0.08%**	**$4,316.00**	**$1,476.00**	**34.20%**
Nationwide Mut Ins Co	**$1,650.00**	**0.03%**	**$2,279.00**	**($3,403.00)**	**-149.32%**
Essex Ins Co	*$504.00*	*0.01%*	*$504.00*	*$217.00*	*43.06%*
Nationwide Mut Fire Ins Co	**$200.00**	**0.00%**	**$262.00**	**($105.00)**	**-40.08%**
Steadfast Ins Co	*$100.00*	*0.00%*	*$76.00*	*$53.00*	*69.74%*
Professional Underwriters Liab Ins C	*$0.00*	*0.00%*	*$1,415.00*	*$0.00*	*0.00%*
American Home Assur Co	**$0.00**	**0.00%**	**$1,157.00**	**$112.00**	**9.68%**
Firemans Fund Ins Co	**$0.00**	**0.00%**	**$0.00**	**$70,177.00**	---
St Paul Fire & Marine Ins Co	**$0.00**	**0.00%**	**$0.00**	**$6,813.00**	---
American Ins Co	**$0.00**	**0.00%**	**$0.00**	**$1,064.00**	---
National Surety Corp	**$0.00**	**0.00%**	**$0.00**	**$61.00**	---
American Automobile Ins Co	**$0.00**	**0.00%**	**$0.00**	**$30.00**	---
St Paul Mercury Ins Co	**$0.00**	**0.00%**	**$0.00**	**$7.00**	---
Illinois Union Ins Co	*$0.00*	*0.00%*	*$0.00*	*($71.00)*	---
Pacific Employers Ins Co	**$0.00**	**0.00%**	**$0.00**	**($137.00)**	---
Ace Fire Underwriters Ins Co	**$0.00**	**0.00%**	**$0.00**	**($186.00)**	---
National Fire Ins Co Of Hartford	**$0.00**	**0.00%**	**$0.00**	**($1,195.00)**	---
TIG Ins Co	**$0.00**	**0.00%**	**$0.00**	**($2,023.00)**	---
Westport Ins Corp	**$0.00**	**0.00%**	**$0.00**	**($3,517.00)**	---
Gulf Underwriters Ins Co	*$0.00*	*0.00%*	*$0.00*	*($6,229.00)*	---
Clarendon Amer Ins Co	*$0.00*	*0.00%*	*$0.00*	*($17,795.00)*	---
Travelers Ind Co	**$0.00**	**0.00%**	**$0.00**	**($2,236,207.00)**	---
TOTALS	**$5,776,156.00**	**100.00%**	**$5,591,613.00**	**($1,329,267.00)**	**-23.77%**
Licensed Companies (34)	**$3,840,303.00**	**66.49%**	**$3,845,165.00**	**($1,379,451.00)**	**-35.87%**
Surplus Line Co's (16)	*$1,655,280.00*	*28.66%*	*$1,467,903.00*	*$27,104.00*	*1.85%*
Risk Retention Groups (3)	$280,573.00	4.86%	$278,545.00	$23,080.00	8.29%

Total Medical Malpractice	2010 West Virginia Business Written				
(NAIC Database) **COMPANY**	**Direct Premium Written**	**Total Med Mal Market Share**	**Direct Premium Earned**	**Direct Loss Incurred**	**Pure Direct Loss Ratio**
West Virginia Mut Ins Co	**35,496,599.00**	**43.01%**	**39,487,249.00**	**9,421,239.00**	**23.86%**
Lexington Ins Co	*7,328,968.00*	*8.88%*	*8,215,384.00*	*2,622,827.00*	*31.93%*
Mountaineer Freedom RRG Inc	5,920,649.00	7.17%	5,921,327.00	2,308,621.00	38.99%
Medicus Ins Co	**5,399,506.00**	**6.54%**	**4,935,161.00**	**3,255,842.00**	**65.97%**
Community Hospital RRG	4,417,875.00	5.35%	4,417,875.00	1,880,228.00	42.56%
Darwin Select Ins Co	*2,221,105.00*	*2.69%*	*2,352,111.00*	*1,284,495.00*	*54.61%*
ProAssurance Ind Co Inc	**1,388,430.00**	**1.68%**	**1,489,555.00**	**1,178,140.00**	**79.09%**
Health Care Industry Liab Recip Ins	*1,215,102.00*	*1.47%*	*1,132,229.00*	*594,420.00*	*52.50%*
Steadfast Ins Co	*1,149,782.00*	*1.39%*	*867,020.00*	*581,197.00*	*67.03%*
Homeland Ins Co of NY	*1,123,783.00*	*1.36%*	*627,709.00*	*45,479.00*	*7.25%*
Nautilus Ins Co	*1,039,744.00*	*1.26%*	*1,041,727.00*	*935,686.00*	*89.82%*
Evanston Ins Co	*1,004,660.00*	*1.22%*	*1,302,270.00*	*277,800.00*	*21.33%*
American Cas Co Of Reading PA	**989,143.00**	**1.20%**	**1,027,900.00**	**144,100.00**	**14.02%**
Ophthalmic Mut Ins Co RRG	959,958.00	1.16%	966,547.00	265,459.00	27.46%
Continental Cas Co	**845,654.00**	**1.02%**	**816,252.00**	**381,390.00**	**46.72%**
American Excess Ins Exch RRG	807,500.00	0.98%	801,170.00	90,119.00	11.25%
General Star Ind Co	*790,854.00*	*0.96%*	*413,505.00*	*108,000.00*	*26.12%*
Doctors Co An Interins Exch	**697,902.00**	**0.85%**	**647,666.00**	**(528,511.00)**	**-81.60%**
Illinois Union Ins Co	*676,646.00*	*0.82%*	*168,658.00*	*(547,341.00)*	*-324.53%*
Physicians Specialty Ltd RRG	587,282.00	0.71%	587,282.00	77,943.00	13.27%
Applied Medico Legal Solutions RRG	585,448.00	0.71%	587,982.00	(5,067.00)	-0.86%
National Union Fire Ins Co Of Pitts	**557,061.00**	**0.68%**	**542,659.00**	**665,905.00**	**122.71%**
Oceanus Ins Co A RRG	550,146.00	0.67%	519,134.00	354,716.00	68.33%
Podiatry Ins Co Of Amer	**524,745.00**	**0.64%**	**519,860.00**	**299,256.00**	**57.56%**
Medical Protective Co	**521,056.00**	**0.63%**	**359,928.00**	**219,000.00**	**60.85%**
Arch Speciaity Ins Co	*498,846.00*	*0.60%*	*449,261.00*	*(25,219.00)*	*-5.61%*
Catlin Specialty Ins Co	*445,560.00*	*0.54%*	*424,648.00*	*84,836.00*	*19.98%*
Liberty Surplus Ins Corp	*428,776.00*	*0.52%*	*209,202.00*	*107,246.00*	*51.26%*
Cincinnati Ins Co	**410,997.00**	**0.50%**	**408,240.00**	**286,239.00**	**70.12%**
National Guardian RRG Inc	342,324.00	0.41%	342,324.00	425,289.00	124.24%
Guardian RRG Inc	336,342.00	0.41%	336,342.00	(66,496.00)	-19.77%
NCMIC Ins Co	**323,859.00**	**0.39%**	**328,514.00**	**120,903.00**	**36.80%**
Landmark Amer Ins Co	*301,600.00*	*0.37%*	*288,905.00*	*(8,505.00)*	*-2.94%*
Columbia Cas Co	*273,980.00*	*0.33%*	*283,508.00*	*(126,812.00)*	*-44.73%*
Preferred Physicians Medical RRG	271,011.00	0.33%	272,096.00	39,358.00	14.46%
Oms Natl Ins Co Rrg	258,522.00	0.31%	257,006.00	31,962.00	12.44%
Admiral Ins Co	*238,424.00*	*0.29%*	*332,098.00*	*545,977.00*	*164.40%*
National Fire & Marine Ins Co	*226,519.00*	*0.27%*	*268,284.00*	*756,832.00*	*282.10%*
Western World Ins Co	*181,361.00*	*0.22%*	*194,515.00*	*(14,255.00)*	*-7.33%*
Darwin Natl Assur Co	**139,516.00**	**0.17%**	**117,925.00**	**24,832.00**	**21.06%**
Ace Amer Ins Co	**111,988.00**	**0.14%**	**112,897.00**	**3,053.00**	**2.70%**
Care RRG Inc	111,634.00	0.14%	107,211.00	18,826.00	17.56%
American Alt Ins Corp	**88,490.00**	**0.11%**	**90,993.00**	**(10,528.00)**	**-11.57%**
Chicago Ins Co	**79,379.00**	**0.10%**	**177,883.00**	**90,971.00**	**51.14%**
Liberty Ins Underwriters Inc	**69,735.00**	**0.08%**	**23,555.00**	**(8,648.00)**	**-36.71%**
ProAssurance Specialty Ins Co	*65,432.00*	*0.08%*	*55,590.00*	*2,512.00*	*4.52%*
Green Hills Ins Co RRG	57,206.00	0.07%	56,794.00	(48,745.00)	-85.83%
Ironshore Specialty Ins Co	*56,839.00*	*0.07%*	*151,901.00*	*70,251.00*	*46.25%*
Zurich Amer Ins Co	**44,323.00**	**0.05%**	**10,938.00**	**0.00**	**0%**
Church Mut Ins Co	**44,008.00**	**0.05%**	**45,318.00**	**(117.00)**	**-0.26%**
Essex Ins Co	*42,569.00*	*0.05%*	*42,422.00*	*6,781.00*	*15.98%*
Professional Underwriters Liab Ins C	*41,014.00*	*0.05%*	*38,478.00*	*0.00*	*0%*
Campmed Cas & Ind Co Inc MD	**37,598.00**	**0.05%**	**37,599.00**	**(11,258.00)**	**-29.94%**
Novus Ins Co RRG	34,450.00	0.04%	60,350.00	(8,802.00)	-14.58%
National Medical Professional RRG In	22,877.00	0.03%	24,259.00	1,146.00	4.72%
State Farm Fire & Cas Co	**20,087.00**	**0.02%**	**20,587.00**	**13,500.00**	**65.58%**
American Safety Ind Co	*17,207.00*	*0.02%*	*7,496.00*	*0.00*	*0%*
Southwest Physicians RRG Inc	16,558.00	0.02%	16,558.00	4,555.00	27.51%
PACO Assur Co Inc	**15,974.00**	**0.02%**	**11,777.00**	**9,688.00**	**82.26%**
Pharmacists Mut Ins Co	**13,355.00**	**0.02%**	**13,734.00**	**4,970.00**	**36.19%**

Fortress Ins Co	**12,764.00**	**0.02%**	**11,119.00**	**18,176.00**	**163.47%**
Allied Professionals Ins Co RRG	11,541.00	0.01%	10,542.00	129.00	1.22%
American Assoc Of Othodontists RRG	10,510.00	0.01%	10,997.00	(9,011.00)	-81.94%
Hallmark Specialty Ins Co	*9,997.00*	*0.01%*	*417.00*	*259.00*	*62.11%*
Chartis Specialty Ins Co	*9,277.00*	*0.01%*	*(10,006.00)*	*(15,148.00)*	*151.39%*
Granite State Ins Co	**7,968.00**	**0.01%**	**7,073.00**	**(8,903.00)**	**-125.87%**
Houston Cas Co	*7,500.00*	*0.01%*	*7,500.00*	*586.00*	*7.81%*
Interstate Fire & Cas Co	*4,655.00*	*0.01%*	*22,782.00*	*(56,908.00)*	*-249.79%*
Nationwide Mut Ins Co	**1,650.00**	**0.00%**	**2,279.00**	**(3,403.00)**	**-149.32%**
Affiliates Ins Recip a RRG	280.00	0.00%	280.00	539.00	192.50%
Nationwide Mut Fire Ins Co	**200.00**	**0.00%**	**262.00**	**(105.00)**	**-40.08%**
National Fire Ins Co Of Hartford	**0.00**	**0%**	**0.00**	**(381,618.00)**	**0%**
American Home Assur Co	**0.00**	**0%**	**1,157.00**	**112.00**	**9.68%**
Executive Risk Speciality Ins Co	*0.00*	*0%*	*0.00*	*(26,337.00)*	*0%*
First Specialty Ins Corp	*0.00*	*0%*	*0.00*	*67,559.00*	*0%*
Athena Assur Co	**0.00**	**0%**	**0.00**	**1.00**	**0%**
Executive Risk Ind Inc	**0.00**	**0%**	**6,348.00**	**(46,629.00)**	**-734.55%**
American Ins Co	**0.00**	**0%**	**0.00**	**1,064.00**	**0%**
Professionals Advocate Ins Co	**0.00**	**0%**	**0.00**	**(288,870.00)**	**0%**
Premier Ins Exch RRG	0.00	0%	0.00	(33,511.00)	0%
Landmark Ins Co	*0.00*	*0%*	*0.00*	*(29,629.00)*	*0%*
ProAssurance Natl Capital Ins Co	**0.00**	**0%**	**0.00**	**(721,152.00)**	**0%**
Ace Fire Underwriters Ins Co	**0.00**	**0%**	**0.00**	**(202.00)**	**0%**
National Surety Corp	**0.00**	**0%**	**0.00**	**61.00**	**0%**
Everest Ind Ins Co	*0.00*	*0%*	*0.00*	*(42,796.00)*	*0%*
Travelers Cas & Surety Co	**0.00**	**0%**	**0.00**	**(187,674.00)**	**0%**
Gulf Underwriters Ins Co	*0.00*	*0%*	*0.00*	*(6,229.00)*	*0%*
Travelers Prop Cas Co Of Amer	**0.00**	**0%**	**0.00**	**(5.00)**	**0%**
Aspen Specialty Ins Co	*0.00*	*0%*	*0.00*	*7,224.00*	*0%*
St Paul Fire & Marine Ins Co	**0.00**	**0%**	**0.00**	**67,729.00**	**0%**
Westport Ins Corp	**0.00**	**0%**	**0.00**	**(3,517.00)**	**0%**
Firemans Fund Ins Co	**0.00**	**0%**	**0.00**	**70,177.00**	**0%**
Ohic Ins Co	**0.00**	**0%**	**0.00**	**1,652,489.00**	**0%**
National Cas Co	**0.00**	**0%**	**0.00**	**(49.00)**	**0%**
Pacific Employers Ins Co	**0.00**	**0%**	**0.00**	**(2,014.00)**	**0%**
TIG Ins Co	**0.00**	**0%**	**0.00**	**(1,299.00)**	**0%**
Standard Fire Ins Co	**0.00**	**0%**	**0.00**	**(1,945,528.00)**	**0%**
American Automobile Ins Co	**0.00**	**0%**	**0.00**	**30.00**	**0%**
Travelers Ind Co	**0.00**	**0%**	**0.00**	**(2,236,207.00)**	**0%**
Scottsdale Ins Co	*0.00*	*0%*	*0.00*	*(13,903.00)*	*0%*
Capitol Specialty Ins Corp	*0.00*	*0%*	*0.00*	*(141,174.00)*	*0%*
APSpeciality Ins Corp	*0.00*	*0%*	*0.00*	*(10,000.00)*	*0%*
Bankers Standard Ins Co	**0.00**	**0%**	**0.00**	**(4.00)**	**0%**
St Paul Mercury Ins Co	**0.00**	**0%**	**0.00**	**7,121.00**	**0%**
Clarendon Amer Ins Co	*0.00*	*0%*	*0.00*	*(17,795.00)*	*0%*
Empire Fire & Marine Ins Co	**(14,600.00)**	**-0.02%**	**60,946.00**	**5,358.00**	**8.79%**
TOTALS	**$82,529,700.00**	**100%**	**$85,499,064.00**	**$23,900,279.00**	**27.95%**

Licensed Companies (50)	**$47,827,387.00**	**57.95%**	**$51,315,374.00**	**$11,555,105.00**	**22.52%**
Surplus Line Co's (36)	*$19,400,200.00*	*23.51%*	*$18,887,614.00*	*$7,017,916.00*	*37.16%*
Risk Retention Groups (19)	$15,302,113.00	18.54%	$15,296,076.00	$5,327,258.00	34.83%

Medical Liability Fund suits filed by year and County

County	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Barbour	0	1	0	1	0	0	1	0	0	**3**
Berkeley	6	9	2	4	3	3	2	2	2	**33**
Boone	0	1	1	0	1	1	0	1	1	**6**
Braxton	0	0	1	1	1	0	0	0	1	**4**
Brooke	5	7	1	4	0	2	3	2	1	**25**
Cabell	29	28	15	7	14	14	13	27	17	**164**
Calhoun	0	0	0	0	0	0	0	0	0	**0**
Clay	1	0	0	0	0	0	0	0	0	**1**
Doddridge	0	0	0	0	0	1	0	0	0	**1**
Fayette	1	5	0	1	5	3	2	5	0	**22**
Gilmer	1	0	0	0	0	0	0	0	0	**1**
Grant	4	2	0	0	1	1	1	0	0	**9**
Greenbrier	5	7	3	4	3	5	5	6	5	**43**
Hampshire	0	1	1	1	0	1	0	0	0	**4**
Hancock	0	1	2	0	1	0	1	0	0	**5**
Hardy	0	1	1	0	0	0	0	0	0	**2**
Harrison	2	14	6	8	5	9	6	5	7	**62**
Jackson	1	1	1	1	3	4	1	4	1	**17**
Jefferson	1	2	1	1	0	2	3	2	1	**13**
Kanawha	70	66	20	37	47	46	49	53	56	**444**
Lewis	2	2	4	1	1	1	0	0	0	**11**
Lincoln	0	0	0	0	1	0	0	0	0	**1**
Logan	15	10	4	9	2	4	6	7	9	**66**
Marion	0	2	0	2	1	0	4	4	2	**15**
Marshall	4	6	2	2	2	2	0	0	0	**18**
Mason	8	2	1	3	1	2	5	3	2	**27**
McDowell	3	3	1	0	1	1	3	4	0	**16**
Mercer	8	17	9	4	8	9	8	15	5	**83**
Mineral	0	0	0	3	0	0	0	1	1	**5**
Mingo	4	4	2	5	3	3	2	4	3	**30**
Monongalia	17	31	7	10	15	15	14	17	15	**141**
Monroe	0	0	0	1	0	1	0	0	0	**2**
Morgan	0	1	1	0	0	0	0	1	0	**3**
Nicholas	0	4	1	2	1	2	1	5	0	**16**
Ohio	15	20	7	10	5	6	5	4	11	**83**
Pendleton	0	0	0	0	0	0	0	0	0	**0**
Pleasants	0	0	0	0	0	0	0	0	0	**0**
Pocahontas	0	0	0	1	0	0	0	0	0	**1**
Preston	2	1	0	0	2	0	0	0	0	**5**
Putnam	4	20	10	126	4	5	7	6	5	**187**
Raleigh	13	21	6	10	7	14	18	11	6	**106**
Randolph	2	3	3	4	2	5	3	4	4	**30**
Ritchie	0	0	0	0	0	1	0	0	0	**1**
Roane	2	0	0	1	0	1	1	0	0	**5**
Summers	0	0	1	0	0	1	0	1	0	**3**
Taylor	0	1	3	0	2	0	1	0	0	**7**
Tucker	0	1	0	0	0	1	0	0	0	**2**
Tyler	1	1	0	0	0	0	0	0	0	**2**
Upshur	1	2	1	1	3	1	1	0	4	**14**
Wayne	0	1	0	0	0	0	0	0	0	**1**
Webster	0	0	0	0	0	0	0	1	0	**1**
Wetzel	3	2	1	2	1	0	1	1	1	**12**
Wirt	0	0	0	0	1	0	0	0	0	**1**
Wood	9	14	11	6	5	6	11	8	9	**79**
Wyoming	0	0	0	0	2	1	0	1	0	**4**
Total	**239**	**315**	**130**	**273**	**154**	**174**	**178**	**205**	**169**	**1,837**

2010 to 2000 Paid and Reserved Physicians Claims by Year

2010 PHYSICIANS	# of Claims Direct	# of Claims Direct	Total # of Direct
COMPANY	**Loss Paid**	**Loss UnPaid**	**Claims**
West Virginia Mut Ins Co	129	274	403
Continental Cas Co	0	62	62
National Fire Ins Co Of Hartford	0	43	43
Medicus Ins Co	3	25	28
ProAssurance Ind Co Inc	3	15	18
Evanston Ins Co	7	7	14
Doctors Co An Interins Exch	0	9	9
National Union Fire Ins Co Of Pitts	6	3	9
Ophthalmic Mut Ins Co RRG	0	6	6
St Paul Fire & Marine Ins Co	4	2	6
National Guardian RRG Inc	0	5	5
American Cas Co Of Reading PA	0	5	5
Physicians Specialty Ltd RRG	0	4	4
Admiral Ins Co	1	2	3
ProAssurance Natl Capital Ins Co	1	2	3
Applied Medico Legal Solutions RRG	1	1	2
Mountaineer Freedom RRG Inc	0	2	2
Oceanus Ins Co A RRG	1	0	1
Catlin Specialty Ins Co	0	1	1
Preferred Physicians Medical RRG	1	0	1
National Fire & Marine Ins Co	0	1	1
Medical Protective Co	0	1	1
Columbia Cas Co	0	1	1
Care RRG Inc	1	0	1
Darwin Select Ins Co	0	1	1
Lexington Ins Co	1	0	1
Ohic Ins Co	0	1	1
TOTALS	**159**	**473**	**632**
Licensed Companies (13)	**146**	**443**	**589**
Surplus Line Co's (6)	*9*	*12*	*21*
Risk Retention Groups (8)	4	18	22

2009 PHYSICIANS	# of Claims Direct	# of Claims Direct	Total # of Direct
COMPANY	**Loss Paid**	**Loss UnPaid**	**Claims**
West Virginia Mut Ins Co	46	221	267
Continental Cas Co	55	69	124
National Fire Ins Co Of Hartford	0	42	42
Ohic Ins Co	37	1	38
ProAssurance Ind Co Inc	10	21	31
Doctors Co An Interins Exch	2	14	16
Medicus Ins Co	1	15	16
National Union Fire Ins Co Of Pitts	6	7	13
St Paul Fire & Marine Ins Co	8	3	11
Evanston Ins Co	3	7	10
Ophthalmic Mut Ins Co RRG	4	3	7
ProAssurance Natl Capital Ins Co	2	4	6
American Cas Co Of Reading PA	0	6	6
Everest Ind Ins Co	0	5	5
Lexington Ins Co	4	0	4
Oceanus Ins Co A RRG	1	2	3
National Guardian RRG Inc	1	2	3
Physicians Specialty Ltd RRG	0	3	3
Oms Natl Ins Co RRG	2	0	2
Applied Medico Legal Solutions RRG	1	1	2
Mountaineer Freedom RRG Inc	0	2	2
Preferred Physicians Medical RRG	0	2	2
Admiral Ins Co	1	0	1
Darwin Select Ins Co	0	1	1
Care RRG Inc	0	1	1
Green Hills Ins Co RRG	0	1	1
Medical Protective Co	0	1	1
TOTALS	**184**	**434**	**618**
Licensed Companies (13)	**175**	**417**	**592**
Surplus Line Co's (4)	*8*	*12*	*20*
Risk Retention Groups (10)	9	17	26

2008 PHYSICIANS	# of Claims Direct	# of Claims Direct	Total # of Direct
COMPANY	**Loss Paid**	**Loss UnPaid**	**Claims**
West Virginia Mut Ins Co	53	190	243
St Paul Fire & Marine Ins Co	29	7	36
ProAssurance Ind Co Inc	15	44	59
National Union Fire Ins Co Of Pitts	10	5	15
ProAssurance Natl Capital Ins Co	6	11	17
National Fire Ins Co Of Hartford	5	40	45
Physicians Specialty Ltd RRG	3	3	6
Continental Cas Co	2	76	78
Doctors Co An Interins Exch	2	11	13
Oms Natl Ins Co RRG	2	1	3
Evanston Ins Co	1	4	5
National Guardian RRG Inc	1	3	4
Lexington Ins Co	1	2	3
Medical Protective Co	1	1	2
Darwin Natl Assur Co	1	1	2
Standard Fire Ins Co	1	0	1
American Cas Co Of Reading PA	0	6	6
Medicus Ins Co	0	2	2
Oceanus Ins Co A RRG	0	2	2
Care RRG Inc	0	2	2
Preferred Physicians Medical RRG	0	1	1
Applied Medico Legal Solutions RRG	0	1	1
Admiral Ins Co	0	1	1
Green Hills Ins Co RRG	0	1	1
Professionals Advocate Ins Co	0	1	1
TOTALS	**133**	**416**	**549**
Licensed Companies (14)	**125**	**395**	**520**
Surplus Line Co's (3)	*2*	*7*	*9*
Risk Retention Groups (8)	6	14	20

2007 PHYSICIANS	# of Claims Direct	# of Claims Direct	Total # of Direct
COMPANY	**Loss Paid**	**Loss UnPaid**	**Claims**
West Virginia Mut Ins Co	41	167	208
St Paul Fire & Marine Ins Co	20	30	50
Woodbrook Cas Ins Inc	19	63	82
National Union Fire Ins Co Of Pitts	19	6	25
National Fire Ins Co Of Hartford	6	22	28
NCRIC Inc	6	17	23
Physicians Specialty Ltd RRG	5	4	9
Continental Cas Co	3	8	11
Standard Fire Ins Co	3	4	7
Medical Protective Co	3	1	4
Ohic Ins Co	2	5	7
Preferred Physicians Medical RRG	1	2	3
Doctors Co An Interins Exch	0	8	8
National Guardian RRG Inc	0	3	3
Oms Natl Ins Co RRG	0	3	3
Green Hills Ins Co RRG	0	1	1
Care RRG Inc	0	1	1
Darwin Natl Assur Co	0	1	1
Lexington Ins Co	0	1	1
Health Care Ind Inc	0	1	1
American Cas Co Of Reading PA	0	1	1
Professionals Advocate Ins Co	0	1	1
TOTALS	**128**	**350**	**478**
Licensed Companies (15)	**122**	**335**	**457**
Surplus Line Co's (1)	*0*	*1*	*1*
Risk Retention Groups (6)	6	14	20

2006 PHYSICIANS	# of Claims Direct	# of Claims Direct	Total # of Direct
COMPANY	**Loss Paid**	**Loss UnPaid**	**Claims**
West Virginia Mut Ins Co	24	135	159
Woodbrook Cas Ins Inc	9	95	104
Nationwide Mut Ins Co	78	2	80
Essex Ins Co	13	48	61
National Fire Ins Co Of Hartford	6	31	37
NCRIC Inc	4	26	30
National Union Fire Ins Co Of Pitts	12	3	15
Continental Ins Co	3	7	10
Doctors Co An Interins Exchn	2	5	7
Pacific Employers Ins Co	-1	6	5
National Guardian RRG Inc	1	3	4
Preferred Physicians Medical RRG	0	3	3
American Cas Co Of Reading PA	2	1	3
Evanston Ins Co	1	1	2
Green Hills Ins Co RRG	0	2	2
Oms Natl Ins Co RRG	0	2	2
Standard Fire Ins Co	0	2	2
Health Care Ind Inc	0	1	1
Professionals Advocate Ins Co	0	1	1
Darwin Natl Assur Co	0	1	1
St Paul Mercury Ins Co	1	0	1
Steadfast Ins Co	1	0	1
Scottsdale Ins Co	1	0	1
TOTALS	**157**	**375**	**532**
Licensed Companies (15)	**140**	**316**	**456**
Surplus Line Co's (8)	*17*	*59*	*76*
Risk Retention Groups (4)	1	10	11

2005 PHYSICIANS	# of Claims Direct	# of Claims Direct	Total # of Direct
COMPANY	**Loss Paid**	**Loss UnPaid**	**Claims**
West Virginia Mut Ins Co	33	125	158
St Paul Fire & Marine Ins Co	74	80	154
Woodbrook Cas Ins Inc	16	129	145
Continental Cas Co	78	4	82
NCRIC Inc	4	71	75
Ohic Ins Co	5	8	13
Doctors Co An Interins Exchn	3	9	12
National Union Fire Ins Co Of Pitts	6	5	11
Standard Fire Ins Co	3	6	9
Podiatry Ins Co Of Amer A Mut Co	1	6	7
Medical Protective Co	1	2	3
Evanston Ins Co	2	1	3
American Cas Co Of Reading PA	2	1	3
Scottsdale Ins Co	0	2	2
APSpeciality Ins Corp	0	1	1
Preferred Physicians Medical RRG	0	1	1
Darwin Natl Assur Co	0	1	1
TIG Ins Co	0	1	1
Steadfast Ins Co	0	1	1
Illinois Natl Ins Co	0	1	1
American Physicians Assur Corp	1	0	1
TOTALS	**229**	**455**	**684**
Licensed Companies (16)	**227**	**449**	**676**
Surplus Line Co's (5)	*2*	*6*	*8*
Risk Retention Groups (1)	0	1	1

2004 PHYSICIANS	# of Claims Direct	# of Claims Direct	Total # of Direct
COMPANY	**Loss Paid**	**Loss UnPaid**	**Claims**
Woodbrook Cas Ins Inc	34	191	225
St Paul Fire & Marine Ins Co	44	140	184
West Virginia Mut Ins Co	3	123	126
Continental Cas Co	80	5	85
NCRIC Inc	7	64	71
Ohic Ins Co	1	15	16
Standard Fire Ins Co	7	8	15
Doctors Co An Interins Exchn	1	8	9
National Union Fire Ins Co Of Pitts	6	3	9
Podiatry Ins Co Of Amer A Mut Co	0	6	6
Evanston Ins Co	4	1	5
Scottsdale Ins Co	3	2	5
APSpeciality Ins Corp	1	2	3
Medical Protective Co	0	3	3
American Cas Co Of Reading PA	2	1	3
Green Hills Ins Co RRG	0	2	2
American Hlthcare Ind Co	0	1	1
Columbia Cas Co	1	0	1
Steadfast Ins Co	0	1	1
Illinois Natl Ins Co	0	1	1
American Physicians Assur Corp	0	1	1
TOTALS	**194**	**578**	**772**
Licensed Companies (15)	**185**	**570**	**755**
Surplus Line Co's (6)	*9*	*8*	*17*
Risk Retention Groups (1)	0	2	2

2003 PHYSICIANS	# of Claims Direct	# of Claims Direct	Total # of Direct
COMPANY	**Loss Paid**	**Loss UnPaid**	**Claims**
Woodbrook Cas Ins Inc	48	244	292
St Paul Fire & Marine Ins Co	53	212	265
NCRIC Inc	2	79	81
National Union Fire Ins Co Of Pitts	10	6	16
Standard Fire Ins Co	1	14	15
Continental Cas Co	1	10	11
Doctors Co An Interins Exchn	2	8	10
Ohic Ins Co	2	8	10
Evanston Ins Co	7	1	8
Podiatry Ins Co Of Amer A Mut Co	2	5	7
Medical Protective Co	1	5	6
Scottsdale Ins Co	0	5	5
APSpeciality Ins Corp	1	2	3
Professionals Advocate Ins Co	2	1	3
Travelers Property Cas Co Of Amer	3	0	3
Illinois Natl Ins Co	2	1	3
Physicians Specialty Ltd RRG	0	2	2
American Hlthcare Ind Co	1	1	2
American Physicians Assur Corp	0	2	2
American Cas Co Of Reading PA	1	1	2
Steadfast Ins Co	0	2	2
Columbia Cas Co	1	0	1
US Fidelity & Guaranty Co	0	1	1
Frontier Ins Co	0	1	1
Medical Assur Co Inc	1	0	1
Safeco Surplus Lines Ins Co	1	0	1
TOTALS	**142**	**611**	**753**
Licensed Companies (19)	**132**	**599**	**731**
Surplus Line Co's (7)	*10*	*10*	*20*
Risk Retention Groups (1)	0	2	2

2002 PHYSICIANS	# of Claims Direct	# of Claims Direct	Total # of Direct
COMPANY	**Loss Paid**	**Loss UnPaid**	**Claims**
Woodbrook Cas Ins Inc	79	307	386
St Paul Fire & Marine Ins Co	60	298	358
Commonwealth Medical Liability Ins Co	1	55	56
Ohic Ins Co	5	19	24
National Union Fire Ins Co Of Pitts	9	9	18
Standard Fire Ins Co	1	15	16
Continental Cas Co	1	14	15
Evanston Ins Co	6	4	10
Podiatry Ins Co Of Amer A Mut Co	1	8	9
Illinois Natl Ins Co	6	3	9
Medical Protective Co	0	4	4
Interstate Fire & Cas Co	0	3	3
Travelers Property Cas Co Of Amer	0	3	3
APSpeciality Ins Corp	0	2	2
Professionals Advocate Ins Co	0	2	2
American Hlthcare Ind Co	0	2	2
Columbia Cas Co	1	1	2
American Cas Co Of Reading PA	1	1	2
American Physicians Assur Corp	0	2	2
Western Ind Ins Co	2	0	2
American Equity Ins Co	1	1	2
Scottsdale Ins Co	1	1	2
Medical Assur Co Inc	1	1	2
Preferred Physicians Medical RRG	0	1	1
American Equity Specialty Ins Co	0	1	1
Continental Ins Co	1	0	1
Frontier Ins Co	0	1	1
TOTALS	**177**	**758**	**935**
Licensed Companies (19)	**166**	**745**	**911**
Surplus Line Co's (8)	*11*	*13*	*24*
Risk Retention Groups (1)	0	1	1

2001 PHYSICIANS	# of Claims Direct	# of Claims Direct	Total # of Direct
COMPANY	**Loss Paid**	**Loss UnPaid**	**Claims**
Woodbrook Cas Ins Inc	83	387	470
American Continental Ins Co	48	197	245
St Paul Fire & Marine Ins Co	26	161	187
Standard Fire Ins Co	45	15	60
Ohic Ins Co	2	35	37
National Union Fire Ins Co Of Pitts	13	7	20
Evanston Ins Co	7	7	14
Illinois Natl Ins Co	7	4	11
Professionals Advocate Ins Co	1	7	8
American Equity Ins Co	1	4	5
Podiatry Ins Co Of Amer A Mut Co	2	2	4
Continental Ins Co	0	4	4
Travelers Property Cas Co Of Amer	2	2	4
Medical Protective Co	0	2	2
American Hlthcare Ind Co	0	2	2
Scottsdale Ins Co	1	1	2
MIIX Ins Co	1	1	2
Medical Assur Co Inc	0	2	2
American Cas Co Of Reading PA	1	1	2
Continental Cas Co	1	1	2
Columbia Cas Co	1	1	2
Western Ind Ins Co	0	2	2
Preferred Physicians Medical RRG	0	1	1
Travelers Ind Co Of CT	1	0	1
Maxum Ind Co	0	1	1
American Intl Specialty Lines Ins Co	1	0	1
Frontier Ins Co	0	1	1
TOTALS	**244**	**848**	**1092**
Licensed Companies (19)	**233**	**831**	**1064**
Surplus Line Co's (8)	*11*	*17*	*28*
Risk Retention Groups (1)	0	1	1

2000 PHYSICIANS	# of Claims Direct	# of Claims Direct	Total # of Direct
COMPANY	**Loss Paid**	**Loss UnPaid**	**Claims**
Woodbrook Cas Ins Inc	55	1776	1831
American Continental Ins Co	13	211	224
St Paul Fire & Marine Ins Co	21	94	115
Standard Fire Ins Co	20	58	78
Professionals Advocate Ins Co	1	45	46
Phico Ins Co	4	28	32
Ohic Ins Co	0	26	26
Evanston Ins Co	9	8	17
Continental Cas Co	2	15	17
Continental Ins Co	0	13	13
American Equity Ins Co	0	5	5
Podiatry Ins Co Of Amer A Mut Co	1	4	5
Preferred Physicians Medical RRG	0	4	4
Scottsdale Ins Co	0	3	3
MIIX Ins Co	0	2	2
American Cas Co Of Reading PA	1	1	2
Independence Ind Ins Co	0	1	1
Travelers Property Cas Co Of Amer	0	1	1
Columbia Cas Co	0	1	1
Travelers Ind Co Of CT	0	1	1
TOTALS	**127**	**2297**	**2297**
Licensed Companies (14)	**118**	**2275**	**2393**
Surplus Line Co's (6)	*9*	*22*	*31*
Risk Retention Groups (1)	0	4	4

Historical top 10 Companies in WV Market Share for the Medical Malpractice line			
	Admitted Company Basis	Market Share	Pure Direct L/R
2010	**West Virginia Mut Ins Co**	74.22%	23.86%
2010	**Medicus Ins Co**	11.29%	65.97%
2010	**ProAssurance Ind Co Inc**	2.90%	79.09%
2010	**American Cas Co Of Reading PA**	2.07%	14.02%
2010	**Continental Cas Co**	1.77%	46.72%
2010	**Doctors Co An Interins Exch**	1.46%	-81.60%
2010	**National Union Fire Ins Co Of Pitts**	1.16%	122.71%
2010	**Podiatry Ins Co Of Amer**	1.10%	57.56%
2010	**Medical Protective Co**	1.09%	60.85%
2010	**Cincinnati Ins Co**	0.86%	70.12%
2009	**West Virginia Mut Ins Co**	76.89%	35.06%
2009	**Medicus Ins Co**	9.17%	34.76%
2009	**ProAssurance Ind Co Inc**	3.68%	-84.22%
2009	**American Cas Co Of Reading PA**	2.33%	29.83%
2009	**Continental Cas Co**	1.65%	197.54%
2009	**Doctors Co An Interins Exch**	1.15%	53.80%
2009	**Podiatry Ins Co Of Amer**	1.04%	150.83%
2009	**National Union Fire Ins Co Of Pitts**	1.04%	469.85%
2009	**Cincinnati Ins Co**	0.81%	58.67%
2009	**NCMIC Ins Co**	0.65%	-17.31%
2008	**West Virginia Mut Ins Co**	83.69%	21.14%
2008	**Medical Assur Co Inc**	3.93%	-49.44%
2008	**Medicus Ins Co**	2.61%	12.89%
2008	**American Cas Co Of Reading PA**	2.26%	-3.91%
2008	**Continental Cas Co**	1.63%	-581.45%
2008	**Doctors Co An Interins Exch**	1.24%	97.86%
2008	**National Union Fire Ins Co Of Pitts**	1.11%	231.61%
2008	**Podiatry Ins Co Of Amer A Mut Co**	0.95%	46.15%
2008	**Cincinnati Ins Co**	0.81%	-23.82%
2008	**NCMIC Ins Co**	0.62%	42.56%
2007	**West Virginia Mut Ins Co**	82.15%	40.37%
2007	**Woodbrook Cas Ins Inc**	7.63%	-12.14%
2007	**American Cas Co Of Reading PA**	1.94%	45.22%
2007	**Doctors Co An Interins Exch**	1.39%	-100.45%
2007	**Continental Cas Co**	1.30%	-186.21%
2007	**Podiatry Ins Co Of Amer A Mut Co**	1.29%	-3.75%
2007	**National Fire Ins Co Of Hartford**	1.15%	-102.80%
2007	**National Union Fire Ins Co Of Pitts**	0.93%	373.53%
2007	**Cincinnati Ins Co**	0.65%	54.35%
2007	**NCMIC Ins Co**	0.57%	6.53%

Historical top 10 Companies in WV Market Share for the Medical Malpractice line			
	Admitted Company Basis	Market Share	Pure Direct L/R
2006	**West Virginia Mut Ins Co**	73.13%	-3.61%
2006	**Woodbrook Cas Ins Inc**	9.77%	-12.62%
2006	**Health Care Ind Inc**	5.22%	20.52%
2006	**National Fire Ins Co Of Hartford**	3.23%	35.51%
2006	**American Cas Co Of Reading PA**	1.41%	34.91%
2006	**Doctors Co An Interins Exchn**	1.13%	36.61%
2006	**Continental Cas Co**	1.01%	432.48%
2006	**Podiatry Ins Co Of Amer A Mut Co**	0.96%	-77.87%
2006	**NCRIC Inc**	0.96%	-20.75%
2006	**National Union Fire Ins Co Of Pitts**	0.79%	1277.56%
2005	**West Virginia Mut Ins Co**	65.82%	30.25%
2005	**Woodbrook Cas Ins Inc**	9.26%	26.65%
2005	**Health Care Ind Inc**	7.78%	147.73%
2005	**National Fire Ins Co Of Hartford**	5.20%	35.51%
2005	**NCRIC Inc**	5.10%	6.95%
2005	**Doctors Co An Interins Exchn**	1.30%	14.47%
2005	**American Cas Co Of Reading PA**	1.16%	12.01%
2005	**National Union Fire Ins Co Of Pitts**	1.03%	-508.11%
2005	**Continental Cas Co**	0.95%	1007.96%
2005	**Podiatry Ins Co Of Amer A Mut Co**	0.83%	-111.48%
2004	**West Virginia Physicians Mut Ins Co**	68.87%	55.29%
2004	**Medical Assur Of WV Inc**	8.59%	2.75%
2004	**NCRIC Inc**	6.34%	49.80%
2004	**Health Care Ind Inc**	6.23%	44.09%
2004	**National Fire Ins Co Of Hartford**	3.21%	39.99%
2004	**Physicians Specialty Ltd RRG**	1.20%	30.44%
2004	**Doctors Co An Interins Exchn**	1.05%	27.77%
2004	**American Cas Co Of Reading PA**	0.71%	33.99%
2004	**National Union Fire Ins Co Of Pitts**	0.66%	212.50%
2004	**Continental Cas Co**	0.65%	-144.77%
2003	**Medical Assur Of WV Inc**	30.59%	43.84%
2003	**St Paul Fire & Marine Ins Co**	21.04%	99.04%
2003	**Health Care Ind Inc**	15.97%	77.12%
2003	**NCRIC Inc**	15.77%	50.55%
2003	**National Fire Ins Co Of Hartford**	3.34%	104.46%
2003	**Doctors Co An Interins Exchn**	2.97%	28.34%
2003	**Gulf Ins Co**	1.59%	214.50%
2003	**National Union Fire Ins Co Of Pitts**	1.39%	-383.84%
2003	**Continental Cas Co**	1.36%	-277.27%
2003	**American Cas Co Of Reading PA**	1.20%	249.04%

Historical top 10 Companies in WV Market Share for the Medical Malpractice line			
	Admitted Company Basis	**Market Share**	**Pure Direct L/R**
2002	**St Paul Fire & Marine Ins Co**	41.09%	79.75%
2002	**Medical Assur Of WV Inc**	29.86%	88.83%
2002	**Commonwealth Medical Liability Ins C**	10.69%	59.25%
2002	**Health Care Ind Inc**	8.20%	251.96%
2002	**Ohic Ins Co**	1.85%	462.81%
2002	**Doctors Co An Interins Exchn**	1.76%	41.99%
2002	**Executive Risk Ind Inc**	1.05%	77.80%
2002	**National Union Fire Ins Co Of Pitts**	0.92%	811.81%
2002	**Continental Cas Co**	0.82%	-1258.16%
2002	**American Cas Co Of Reading PA**	0.73%	25.51%
2001	**St Paul Fire & Marine Ins Co**	40.46%	95.41%
2001	**Medical Assur Of WV Inc**	33.18%	73.17%
2001	**American Continental Ins Co**	8.98%	193.74%
2001	**Commonwealth Medical Liability Ins C**	4.29%	85.76%
2001	**Doctors Co An Interins Exchn**	1.78%	69.79%
2001	**Ohic Ins Co**	1.60%	258.05%
2001	**Executive Risk Ind Inc**	1.52%	-10.99%
2001	**National Union Fire Ins Co Of Pitts**	0.94%	120.23%
2001	**Medical Protective Co**	0.85%	45.90%
2001	**Gulf Ins Co**	0.85%	90.15%
2000	**Medical Assurance Of W Virginia Inc**	42.66%	74.60%
2000	**American Continental Ins Co**	24.75%	94.60%
2000	**National Union Fire Ins Co Of Pitts**	12.95%	27.72%
2000	**St Paul Fire & Marine Ins Co**	7.60%	92.84%
2000	**Pennsylvania Casualty Co**	2.67%	105.03%
2000	**Ohic Ins Co**	1.45%	-274.22%
2000	**Virginia Ins Recip**	1.17%	214.48%
2000	**St Paul Mercury Ins Co**	0.95%	74.44%
2000	**Legion Ins Co**	0.84%	155.60%
2000	**American Cas Co Of Reading Pa**	0.67%	40.16%

Historical top 10 Companies in WV Market Share for the Medical Malpractice line			
	Business Written Basis	**Market Share**	**P Direct L/R**
2010	**West Virginia Mut Ins Co**	43.01%	23.86%
2010	*Lexington Ins Co*	8.88%	31.93%
2010	**Mountaineer Freedom RRG Inc**	7.17%	38.99%
2010	**Medicus Ins Co**	6.54%	65.97%
2010	Community Hospital RRG	5.35%	42.56%
2010	*Darwin Select Ins Co*	2.69%	54.61%
2010	**ProAssurance Ind Co Inc**	1.68%	79.09%
2010	*Health Care Industry Liab Recip Ins*	1.47%	52.50%
2010	*Steadfast Ins Co*	1.39%	67.03%
2010	*Homeland Ins Co of NY*	1.36%	7.25%
2009	**West Virginia Mut Ins Co**	51.87%	35.06%
2009	**Medicus Ins Co**	6.19%	34.76%
2009	**Mountaineer Freedom RRG Inc**	5.25%	37.27%
2009	Community Hospital RRG	4.51%	-2.18%
2009	*Lexington Ins Co*	4.41%	-38.51%
2009	*Darwin Select Ins Co*	3.43%	25.78%
2009	**ProAssurance Ind Co Inc**	2.48%	-84.22%
2009	**American Cas Co Of Reading PA**	1.57%	29.83%
2009	*Health Care Industry Liab Recip Ins*	1.53%	50.69%
2009	*Nautilus Ins Co*	1.38%	45.10%
2008	**West Virginia Mut Ins Co**	56.65%	21.14%
2008	*Lexington Ins Co*	8.07%	-31.66%
2008	**Mountaineer Freedom RRG Inc**	4.31%	98.32%
2008	**Medical Assur Co Inc**	2.66%	-49.44%
2008	*Evanston Ins Co*	2.25%	27.99%
2008	Community Hospital RRG	2.14%	70.09%
2008	*Health Care Industry Liab Recip Ins*	1.86%	49.26%
2008	*Homeland Ins Co of NY*	1.85%	45.93%
2008	**Medicus Ins Co**	1.77%	12.89%
2008	*Darwin Select Ins Co*	1.75%	61.78%
2007	**West Virginia Mut Ins Co**	59.92%	40.37%
2007	*Lexington Ins Co*	9.61%	-3.40%
2007	**Woodbrook Cas Ins Inc**	5.56%	-12.14%
2007	**Mountaineer Freedom RRG Inc**	2.33%	77.99%
2007	*Evanston Ins Co*	2.03%	10.07%
2007	*Columbia Cas Co*	1.79%	91.20%
2007	*Health Care Industry Liab Recip Ins*	1.68%	63.87%
2007	*Darwin Select Ins Co*	1.44%	38.39%
2007	**American Cas Co Of Reading PA**	1.42%	45.22%
2007	*Ophthalmic Mut Ins Co RRG*	1.39%	90.45%

Historical top 10 Companies in WV Market Share for the Medical Malpractice line			
	Business Written Basis	**Market Share**	**P Direct L/R**
2006	**West Virginia Mut Ins Co**	51.94%	-3.61%
2006	*Lexington Ins Co*	8.50%	22.23%
2006	*Darwin Select Ins Co*	7.39%	42.90%
2006	**Woodbrook Cas Ins Inc**	6.94%	-12.62%
2006	**Health Care Ind Inc**	3.71%	20.52%
2006	**National Fire Ins Co Of Hartford**	2.29%	35.51%
2006	*Admiral Ins Co*	1.97%	57.17%
2006	*Everest Ind Ins Co*	1.58%	-45.85%
2006	*Health Care Industry Liab Recip Ins*	1.44%	36.69%
2006	*Ophthalmic Mut Ins Co RRG*	1.18%	-16.03%
2005	**West Virginia Mut Ins Co**	48.63%	30.25%
2005	*Lexington Ins Co*	9.55%	11.65%
2005	**Woodbrook Cas Ins Inc**	6.84%	26.65%
2005	**Health Care Ind Inc**	5.75%	147.73%
2005	*Capitol Specialty Ins Corp*	3.89%	28.31%
2005	**National Fire Ins Co Of Hartford**	3.84%	35.51%
2005	**NCRIC Inc**	3.77%	6.95%
2005	*Everest Ind Ins Co*	1.47%	45.87%
2005	*Health Care Industry Liab Recip Ins*	1.38%	51.80%
2005	*Illinois Union Ins Co*	1.23%	68.36%
2004	**West Virginia Physicians Mut Ins Co**	54.55%	55.29%
2004	*Lexington Ins Co*	9.36%	68.54%
2004	**Medical Assur Of WV Inc**	6.80%	2.75%
2004	**NCRIC Inc**	5.02%	49.80%
2004	**Health Care Ind Inc**	4.94%	44.09%
2004	**National Fire Ins Co Of Hartford**	2.54%	39.99%
2004	*Capitol Specialty Ins Corp*	2.38%	42.82%
2004	*First Specialty Ins Corp*	2.21%	-82.27%
2004	*Everest Ind Ins Co*	1.63%	41.56%
2004	*APSpeciality Ins Corp*	1.48%	-1.45%
2003	**Medical Assur Of WV Inc**	20.05%	43.84%
2003	**St Paul Fire & Marine Ins Co**	13.79%	99.04%
2003	**Health Care Ind Inc**	10.46%	77.12%
2003	**NCRIC Inc**	10.34%	50.55%
2003	*Lexington Ins Co*	10.32%	54.18%
2003	*First Specialty Ins Corp*	8.42%	105.84%
2003	*Everest Ind Ins Co*	6.01%	29.34%
2003	**National Fire Ins Co Of Hartford**	2.19%	104.46%
2003	*APSpeciality Ins Corp*	1.98%	141.28%
2003	**Doctors Co An Interins Exchn**	1.95%	28.34%

Historical top 10 Companies in WV Market Share for the Medical Malpractice line			
	Business Written Basis	**Market Share**	**P Direct L/R**
2002	**St Paul Fire & Marine Ins Co**	32.13%	79.75%
2002	**Medical Assur Of WV Inc**	23.35%	88.83%
2002	*Everest Ind Ins Co*	8.75%	55.56%
2002	**Commonwealth Medical Liability Ins C**	8.36%	59.25%
2002	*Lexington Ins Co*	7.67%	52.61%
2002	**Health Care Ind Inc**	6.41%	251.96%
2002	**Ohic Ins Co**	1.44%	462.81%
2002	**Doctors Co An Interins Exchn**	1.38%	41.99%
2002	*APSpeciality Ins Corp*	1.31%	55.91%
2002	**Physicians Specialty Ltd RRG**	1.04%	57.29%
2001	**St Paul Fire & Marine Ins Co**	34.90%	95.41%
2001	**Medical Assur Of WV Inc**	28.62%	73.17%
2001	**American Continental Ins Co**	7.75%	193.74%
2001	**Health Care Ind Inc**	5.61%	133.34%
2001	**Commonwealth Medical Liability Ins C**	3.70%	85.76%
2001	*Clarendon Amer Ins Co*	2.41%	72.21%
2001	*Lexington Ins Co*	1.86%	60.05%
2001	**Doctors Co An Interins Exchn**	1.54%	69.79%
2001	**Ohic Ins Co**	1.38%	258.05%
2001	**Executive Risk Ind Inc**	1.31%	-10.99%
2000	**Medical Assurance Of W Virginia Inc**	39.35%	74.60%
2000	**American Continental Ins Co**	22.83%	94.60%
2000	**National Union Fire Ins Co Of Pitts**	11.95%	27.72%
2000	**St Paul Fire & Marine Ins Co**	7.01%	92.84%
2000	**Health Care Ind Inc**	4.56%	95.52%
2000	**Pennsylvania Casualty Co**	2.47%	105.03%
2000	**Ohic Ins Co**	1.34%	-274.22%
2000	**Virginia Ins Recip**	1.08%	214.48%
2000	**St Paul Mercury Ins Co**	0.87%	74.44%
2000	**Legion Ins Co**	0.78%	155.60%

Approved Rate Change History of Admitted Carriers for Medical Malpractice (Physicians & Surgeons unless noted)					
2010 Market Share	**Company**	**Eff date**	**% Req'd**	**% Granted**	**WV #:**
74.22%	***West Virginia Mutual Ins Co***	*pending*	-5%	*pending*	100011255 (S)
	**fka W.V. Physicians Mutual*	1/1/2011	0%	0%	100006008 (S)
		1/1/2010	0%	0%	90918009
		1/1/2009	0%	0%	80903007
		3/1/2008	-0.01%	-0.01%	80129001
		1/1/2008	0%	0%	70918006
		1/1/2007	-15.00%	-15.00%	60915016
		1/1/2006	-5.00%	-5.00%	50826007
		1/1/2005	10.20%	10.20%	41006013
		7/1/2004	initial filing	initial filing	40331017

2010 Market Share	Company	Eff date	% Req'd	% Granted	WV #:
11.29%	***Medicus Insurance Company***	*pending*	0%	*pending*	100010073 (S)
		9/24/2010	0%	0%	100004152
		10/1/2009	-1.20%	-1.20%	90630015
		3/20/2008	initial filing	initial filing	80212014

2010 Market Share	Company	Eff date	% Req'd	% Granted	WV #:
2.90%	***ProAssurance Indemnity Co., Inc.***	4/1/2011	-9.9%	-9.9%	100007562 (S)
	**fka Woodbrook Casualty Ins, Inc*	2/23/2010	0.4%	0.4%	100000816 (S)
	**fka Medical Assur. of WV*	12/15/2008	0%	0%	81106028(S)
		11/1/2008	-8.30%	-8.30%	80827030 (S)
		11/1/2007	-10.70%	-10.70%	70810017 (S)
		10/20/2006	-2.80%	-2.80%	60711005
		10/20/2005	-1.10%	-1.10%	50718024
		10/20/2004	18.50%	14.50%	40721020
		10/3/2003	17.30%	13.00%	30623002
		7/1/2002	23.00%	16.00%	161405
		9/14/2001	30.00%	18.00%	155255
		8/1/2000	35.00%	35.00%	50507

2010 Market Share	Company	Eff date	% Req'd	% Granted	WV #:
2.07%	***Amer. Casualty Co. of Reading, PA***	7/30/2010	3.90%	3.90%	100003916(S)
	*Nurse Programs	7/17/2009	3.70%	3.70%	90602012 (S)
		5/1/2008	0.00%	0.00%	80324027 (S)
		8/1/2007	2.87%	2.87%	70425011 (S)
		5/1/2006	3.00%	3.00%	60210003 (S)
		12/16/2005	6.20%	6.20%	50831026 (S)
		8/13/2004	26.80%	26.80%	40525004
		n/a	83.40%	0.00%	30819021
		12/1/2002	4.20%	4.20%	20923013
		6/21/2002	12.50%	12.50%	161467

Approved Rate Change History of Admitted Carriers for Medical Malpractice (Physicians & Surgeons unless noted)					
2010 Market Share	**Company**	**Eff date**	**% Req'd**	**% Granted**	**WV #:**
1.77%	***Continental Casualty Co.***	8/29/2008	0.00%	0.00%	80815032 (S)
	*Dentist Programs	8/1/2007	6.30%	6.30%	70529010 (S)
		11/1/2005	3.90%	3.90%	50408008
		11/1/2004	10.00%	10.00%	40402013 (S)
		10/2/2003	10.00%	10.00%	30804003
		6/12/2002	30.00%	30.00%	159431
		4/11/2000	initial filing	initial filing	40147

2010 Market Share	Company	Eff date	% Req'd	% Granted	WV #:
1.46%	***The Doctors Co., An Interins. Exch.***	9/1/2011	0.00%	0.00%	100009181 (S)
		9/1/2010	0.00%	0.00%	100004130(S)
		9/1/2009	-5.00%	-5.00%	90626022 (S)
		10/1/2008	-10.00%	-10.00%	80714017 (S)
		9/1/2007	-9.70%	-9.70%	70612012 (S)
		9/1/2006	-10.90%	-10.90%	60626020
		10/1/2005	0.00%	0.00%	50607000
		6/1/2004	4.90%	4.90%	40218038
		10/14/2003	3.10%	0.00%	30528010
		4/1/2003	45.70%	17.00%	21121000
		7/1/2002	87.30%	26.40%	159937
		12/1/2001	7.50%	7.50%	155338
		12/1/2000	-0.70%	-0.70%	100510
		10/1/1999	2.50%	2.50%	99060131

2010 West Virginia Population by County

County	US Census 2010 Est
Barbour	16,589
Berkeley	104,169
Boone	24,629
Braxton	14,523
Brooke	24,069
Cabell	96,319
Calhoun	7,627
Clay	9,386
Doddridge	8,202
Fayette	46,039
Gilmer	8,693
Grant	11,937
Greenbrier	35,480
Hampshire	23,964
Hancock	30,676
Hardy	14,025
Harrison	69,099
Jackson	29,211
Jefferson	53,498
Kanawha	193,063
Lewis	16,372
Lincoln	21,720
Logan	36,743
Marion	56,418
Marshall	33,107
Mason	27,324
McDowell	22,113
Mercer	62,264

County	US Census 2010 Est
Mineral	28,212
Mingo	26,839
Monongalia	96,189
Monroe	13,502
Morgan	17,541
Nicholas	26,233
Ohio	44,443
Pendleton	7,695
Pleasants	7,605
Pocahontas	8,719
Preston	33,520
Putnam	55,486
Raleigh	78,859
Randolph	29,405
Ritchie	10,449
Roane	14,926
Summers	13,927
Taylor	16,895
Tucker	7,141
Tyler	9,208
Upshur	24,254
Wayne	42,481
Webster	9,154
Wetzel	16,583
Wirt	5,717
Wood	86,956
Wyoming	23,796
Total	**1,852,994**

Source: 2010 U.S. Census