

The Client Protection Webb*

A Publication of the National
Client Protection Organization

Celebrating 25 Years

February 2023

On the road again....

Registration Opens for NCPO/ABA Events

The 39th Annual Forum on Client Protection and NCPO's Annual Workshop have been scheduled for 2023 – the first time both events have occurred in-person since 2019. Here are the specifics for these two opportunities to learn about and network with funds from across the U.S. and Canada.

The ABA Forum travels to New Orleans for two days of sessions on June 2 and 3, 2023. On the top of the list for most funds right now is understanding – and dealing with – the decline in the number of filed claims since the onset of the pandemic. Is this the “new normal” or are there other issues in play? How can funds make sure they are easily found by potential claimants? What are strategies for dealing with those difficult claims, particularly involving deceased attorneys?

Register at <https://web.cvent.com/event/b97c1c8b-3239-42fc-9917-80e67bca96d2/summary>



NCPO will celebrate its 25th anniversary at its annual workshop in Des Moines, Iowa on September 19 and 20, 2023. Sessions will focus on the issues of the day – which may very well change by September! Already scheduled is a deep dive into how smaller funds can cope with catastrophic losses, with “Exhibit A” being how the Oregon Fund recently met the challenge of a \$3.8 theft from 135 clients. Also on tap: “The Joys of E-Audits,” succession planning, and how to ensure that your fund’s debt is not discharged in bankruptcy. **Register today at** <https://www.ncpo.org/2023-ncpo-workshop>



Both conferences will offer CLE credits to attendees accepted in their respective jurisdictions. There will also be plenty of opportunities for great networking in unique & exciting cities.

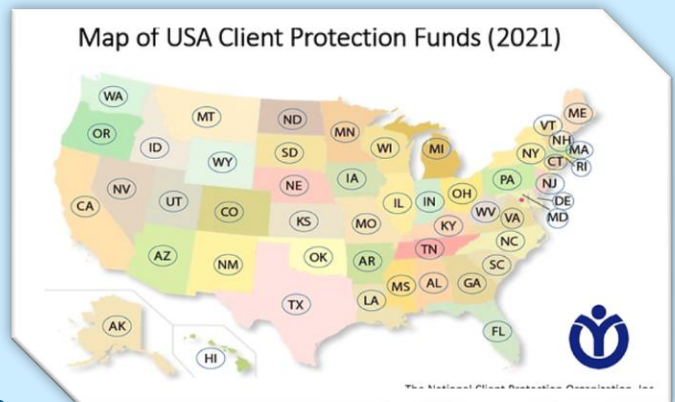
Help covering travel expenses to the Des Moines workshop is available through NCPO's Workshop Assistance Program - <https://www.ncpo.org/workshop-assistance>

Hide & Seek?

How Accessible is YOUR Fund?

For a fund to successfully redress the loss of a client victim of attorney theft two things must happen at the very beginning of the process: (1) The client must be able to find the fund in their jurisdiction and (2) The fund's claim form must be accessible and straight-forward. Sometimes, what seems simple to us (since we see it every day) is not so simple for a potential claimant.

It's from this perspective that NCPO's president-elect, Gabe Huertas of New York, conducted a survey of every U.S. fund. Gabe looked for each fund's website. He checked to see how easy they were to find and navigate, and this is what he discovered:



- ★ Each of the 50 states and the District of Columbia have client protection fund web pages. At the time Gabe checked, 50 were in working order and only 1 was not.
 - ★ 6 funds maintain a web page independent of their respective judiciary or bar association. The others have subpages that are found under their judiciary or bar association websites.
 - ★ 5 funds have direct links to their web page located on their judiciary or bar association home page. The others require you to click through two or more links on the judiciary or bar association home page before arriving at the fund web page.
 - ★ Using their respective names, all Funds appeared in Yahoo, Bing and Google search queries as the first search result.
 - ★ 35 funds maintain direct contact information (email, telephone number) on their respective web pages. The others do not and require a potential claimant to contact a general judiciary or bar association telephone number or email.
 - ★ 40 funds have made their reimbursement application available on their web page. The others require potential claimants to make contact by telephone or email for application materials.
 - ★ 39 funds have made their statutory/regulatory authority available on their web page.
 - ★ 23 funds have made their annual report available on their web page.
- The full survey results are available at <https://www.ncpo.org/resources>.



The survey shows funds have made progress improving their accessibility, but much remains to be done. NCPO can help your fund improve its visibility on the web and in your community so that potential claimants can easily find you and know when and how to file a claim. Funding is available through NCPO's grant program. As a first step, check your fund's listing on NCPO's website map to make sure it is up-to-date and complete with working links to everything a potential claimant might need. The map is posted at <http://www.nylawfund.org/cpf.pdf>

Where are you going?



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Where are you going?

It can be a loaded question leading us down professional, physical, personal, and even psychological paths. If posed in a multiple choice format, the answer for us and our funds would include "all of the above" components. We need every tool we can get to be able to sustain funds that provide meaningful, timely relief to client victims. We also need to be "in a good place" ourselves to have the stamina, enthusiasm and dedication that our niche of the legal profession requires.

With one month of the new year already behind us, it's time we find an answer to the question that works for our specific situation. The information in this edition of *The Client Protection Webb* is intended to both flag the issues and provide direct, workable solutions that any fund can afford (in many instances because NCPO will help pay for it).

At the core of an attainable answer can and should be the collective wisdom of our peers. When asked "Where are you going" this year, we should at least respond "New Orleans and Des Moines." In what may very well be the first commonality between these two cities, client protection professionals – for the good of their funds as well as themselves – should find the time and the resources to attend this year's Forum and Workshop in person. There is no better way to figure out where we are going in our service to clients, the bar and courts. (*And, once again, where there is a need, NCPO is ready to help pay your way to the workshop.*)



We are also returning to one of the initiatives that helped launch NCPO a quarter-century ago: the in-person consultation. These are meant to be immersive experiences which yield comprehensive plans, supported and enabled by NCPO as well as the recipient jurisdiction. We want attorneys to be proud of the funds they make possible – ours is the only profession to remediate for the inevitable fraction of wrongdoers found in any line of work – and we will come to you when needed to make that pride a reality. We are looking forward to visiting Vermont in April, and then anywhere else we can make a difference.



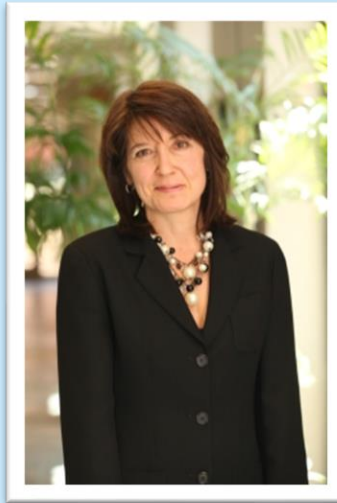
The bottom line: Let me know how NCPO can help you answer the question: "Where are you going?"

Welcome Sandy Garrett

NCPO is very happy to welcome Sandy Garrett of Tennessee as our new Southeast Regional Vice President. Sandy is the Chief Disciplinary Counsel to the Board of Professional Responsibility for the Supreme Court of Tennessee, and also serves as the Executive Director of the Tennessee Lawyers' Fund for Client Protection.

In October, Sandy will mark 30 years of service to the people of Tennessee. A graduate of Vanderbilt University Law School, Sandy brings a wealth

of experience and expertise to her work. NCPO's vice presidents serve as liaisons to the funds within their regions and are available to connect funds with the resources they need to succeed. For a full list of regional vice presidents, visit <https://www.ncpo.org/officers-directors>. Sandy's southeast region includes Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Alabama and Mississippi. She can be contacted at 1-615-361-7500, ext. 211 or 1-800-486-5714 and by email at sgarrett@tbpr.org



Sandy Garrett

NCPO Outreach

Virgin Islands, Guam are fund candidates

Every jurisdiction should have a client protection fund. This basic principle is the impetus to NCPO's outreach effort to the U.S. Virgin Islands and Guam. There are about 1,000 practicing attorneys in the U.S. Virgin Islands, centered mostly on the island of St. Thomas.



The territory is part of the U.S. Third Circuit and first started considering the creation of a fund almost ten years ago. The effort was pushed back when several hurricanes devastated the islands. Now Mike Knight of New York, former NCPO president, and Ken Bossong, an NCPO founder and former director of the New Jersey Fund, have connected with the Island's Judiciary, which has expressed renewed interest in establishing a fund.

The Guam Bar counts approximately 270 practicing attorneys. The small number of attorneys creates the opportunity to engage the entire bar. It may also make it possible to create a partnership with an already established fund, although the nearest one (Hawaii) is still almost 4,000 miles away. Clearly a unique situation, Guam is nonetheless part of the U.S. and should be included in the client protection community. NCPO is looking forward to a process that is educational, collaborative and productive for the people of Guam as well as for the rest of us "stateside."



Vermont Fund Prepares for 65th Year

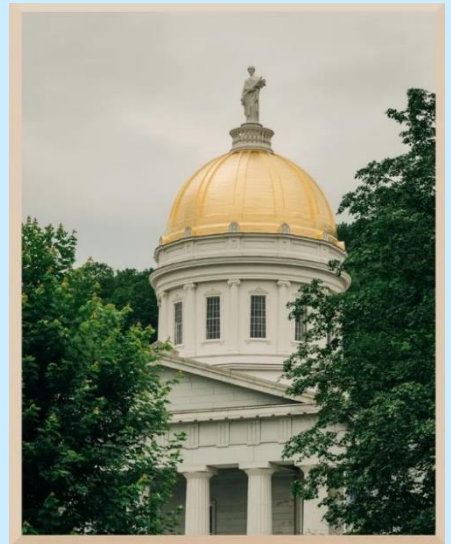
The first client protection fund was established in New Zealand in 1929. It would be 31 years before the concept of client protection made it across the globe to the United States with the creation of the first American fund in Vermont in 1959. Another 49 states and the District of Columbia would follow with funds of their own, but Vermont was first. It's a distinction worth celebrating with a renewed commitment to the Vermont Fund and the important role it can play in maintaining client trust in the legal profession and our system of justice.

Members of NCPO's outreach committee will travel to the state capital of Montpelier to meet with the Vermont Bar Association trustees who oversee the Fund. The delegation will discuss how the Vermont Fund can meet the challenges of accessibility and effectiveness that are common to all funds. The Bar is relatively small – about 2,200

members – offering the opportunity to engage attorneys in the Fund's mission on multiple levels: pride in their support of the Fund as well as familiarity with what it does and how, so that it can be utilized easily when needed.

The meeting, scheduled for April 21, 2023, is part of NCPO's mission to support member funds. By bringing NCPO's expertise directly to the Vermont Fund, we can

build a stronger relationship better able to put NCPO resources to work for specific needs in Vermont. How can your fund benefit from an NCPO visit? (There is no cost to you.) Let us know, leave a light on, and we'll come on by! *And stay tuned for a report on NCPO's Vermont consultation in the next edition of "The Client Protection Webb."*



Associate's Charges Take Down Senior Partner in PA



Kimberly J. Simon-Pratt, 56, the custody, dependency and juvenile hearing officer in Greene County, Pennsylvania, has been charged with stealing \$22,213 in retainer fees from 27 clients. In an unusual twist, the crime was reported to authorities by another attorney who worked for Simon-Pratt's law firm who alleged that she (not Simon-Pratt) should have been paid the \$22,213 in fees for services rendered to the firm's clients.

Simon-Pratt managed her law firm, worked in the County Courthouse, and last year was an unsuccessful candidate for a judgeship in the court of Common Pleas. She is free on unsecured bond while the charges are pending.

Are you on the ABA listserv? If not, please sign up for this quick, convenient way to gather feedback from colleagues on "the issue of the day." Contact the ABA's Stephanie Custard at Stephanie.Custard@americanbar.org or Mike McCormick at Michael.mccormick@njcourts.gov to join.

Michael Knight Receives Isaac Hecht Award

NCPO was proud to award the 2022 Isaac Hecht award to Michael J. Knight, Esq., the New York Fund's Executive Director and Counsel. During his 32 years with



Michael J. Knight, Esq.

the New York Lawyers' Fund, Michael has played a vital role in reimbursing victims of dishonest lawyers, as well as in the administration and oversight of several New York regulatory rules for the benefit of law client victims. Initiatives championed by Michael include the dishonored check reporting rule; missing client and deceased attorney funds rule; and Insurance

Regulation 64, requiring

payee notification. Most recently, he was instrumental in the expansion of the dishonored check reporting rule to include overdraft notifications.

Michael has provided countless lectures throughout New York state with bar associations and continuing legal education programs, educating New York attorneys on how to comply with their fiduciary and escrow obligations and avoid situations that can result in losses.

It is because of Michael's dedication and service to the New York Lawyers' Fund that it has become one of the foremost client protection programs in the nation. He served as NCPO's president, participates in virtually all NCPO workshops and ABA Forums, and is clearly a "go to" person whose experience, knowledge, grace and wit has helped so many of us in the field. In his many roles, Michael has been the consummate ambassador of the ideals of law client protection.

Michael, congratulations and thank you for your service and valuable contributions to the client protection field!



Nominations Open for 2023 Award

The Isaac Hecht award honors the memory of one of NCPO's co-founders, who practiced law in Maryland for 64 years before his death in 2003 at the age of 89. Mr. Hecht served as Treasurer of Maryland's Fund since its creation in 1967. He was committed to the belief that the trust of law clients is the essential linchpin in every lawyer-client relationship, and that the reimbursement of innocent victims of lawyer dishonesty represents the legal profession at its best. Mr. Hecht was especially focused on the financial foundations of client protection funds, the initiatives of fund leaders, and their receptivity to techniques to deter and detect dishonest conduct in the practice of law. NCPO will honor the 2023 recipient of the Isaac Hecht Award during its workshop on September 19, 2023 in Des Moines, Iowa. Nominations can be made at

<https://www.ncpo.org/issac-hecht-award>

NCPO Marks 25 Years in 2023



How are we doing with our “25 in 23” goals?

For NCPO's 25th anniversary members attending the 2022 workshop in Kentucky adopted a comprehensive platform of initiatives designed to build accessibility, responsiveness and security for funds across the U.S. and Canada. Are they part of your “to do” list? (We hope so!) Here's a refresher and status report on where we are:

- **100% representation** – at least one member from every fund in the US & Canada. There are still 11 U.S. funds without NCPO members: AK, AZ, IN, MT, NH, OK, SC, SD, UT, WV & WY – Can you help bring them into the fold?
- **Renewed commitment to the Standards for Lawyers' Funds for Client Protection** Especially the four building blocks: An organizational structure that secures the Fund's independence; Steady, secure & adequate funding and Accessibility and Responsiveness to the need. Email Michael.mccormick@njcourts.gov for hard copies of the Standards for your trustees and staff.
- **Speakers' Bureau Challenge** – Speak to at least 3 groups between now & September 15, 2023; Or invite one of NCPO's Speakers' Bureau members to speak. Have you been “out and about” yet? Let us know who you've presented to.
- **Workshop Challenge** – Bring at least one new person to the 2023 Workshop in Iowa – Use the NCPO workshop assistance program to help. Register today at <https://www.ncpo.org/2023-ncpo-workshop>
- **Technology Challenge** – Review each member fund's internet presence. Are they easy to find? Can claims be filed easily? See Page 2 of this edition!
- **Identify jurisdictions lacking loss prevention mechanisms** - Overdraft notification, random audits, insurance payee notification, education of the bar & public. Can we help you bring these safeguards to your fund?
- **Education** – Send out a press release, sign up your trustees to receive the NCPO newsletter and join the ABA listserve. Please send additions to the newsletter email list to Michael.mccormick@njcourts.gov
- **Expand NCPO's internet presence** – Build NCPO's website, Facebook, Twitter and Instagram accounts. Check out www.ncpo.org and <https://www.facebook.com/NationalClientProtectionOrganization/>
- **Expand NCPO's Impact** – Reach out to other jurisdictions to establish relationships and, where appropriate, new funds. See page 4.



Lottery Lawyer's Luck Runs Out



Jason Kurland

New York's Jason Kurland, known as the "Lottery Lawyer" was convicted in Brooklyn recently of defrauding his lottery-winning clients out of \$107 million. Federal Prosecutors proved that Kurland steered his clients to invest millions of dollars in companies that he secretly owned and took illegal kickbacks based on his clients' investments without their knowledge. His clients had collectively won an estimated \$3 billion. Kurland, who pled not guilty, argued that he had been deceived by other defendants about the true nature of the investments he was proposing to his clients.

"My mother would be so disappointed..."

Former Hendersonville, Tennessee attorney Andy Allman was sentenced to 35 years in prison for stealing \$1.1 million from 212 law clients. "This is massive," the sentencing judge said. "I've never seen a case like this that affects the way we do justice in a state court..."

During a nine-day trial in which Allman represented himself, victims described handing money over to Allman, either to hold in a trust account or for a retainer fee, only to receive little or nothing in return. Allman & Associates employees described a bustling law firm with more than 200 clients, yet their paychecks would sometimes bounce for lack of funds.



Andy Allman

"My mother would be so disappointed in you," one client said at sentencing. "You could have done the right thing - but it's not in your soul to do the right thing." Allman has yet to make any restitution.

Don't forget your Annual Report -

It's time to start writing an annual report that will put your Fund and its work in front of the Bar, Court and public. Only 23 U.S. funds have their annual reports available online (see pg. 2 above). Put your fund's report together using NCPO's free template at <https://www.ncpo.org/resources>



Top 10 Reasons

to Register for the
2023 NCPO Regional Workshop in



10. Des Moines is a great city with lots to see & do.
9. September is the perfect time of year to visit Iowa.
8. Earn CLE Credits.
7. Learn about trends in claims, funding & policy.
6. Help your trustees be the best they can be.
5. Find new ways to make your Fund known & accessible to the public.
4. Compare & contrast funds across the U.S. & Canada.
3. Learn how small funds can cope with catastrophic losses.
2. Network with client protection professionals.

The Number 1 Reason to go to Des Moines for the 2023 NCPO Workshop:

We need YOU to be part of the future of client protection.

Register Today at

<https://www.ncpo.org/2023-ncpo-workshop>

Need help with travel expenses? Apply for an NCPO Workshop Assistance Grant at

https://www.ncpo.org/files/ugd/289ac3_d4d27149550f43fbae05a62613dbffa0.pdf

*The Client Protection Webb is published in memory of Gilbert A. Webb, Esq., who served as Assistant Client Protection Counsel for the American Bar Association's Center for Professional Responsibility. Mr. Webb was dedicated to protecting the welfare of clients victimized by their attorneys and served as an editor of the ABA's first client protection newsletter. Submissions to the Webb are always welcome. Please send them to the editor, Mike McCormick at Michael.McCormick@njcourts.gov

