

The Client Protection Webb*

THE "WORK FROM HOME" EDITION – PART 4

A Publication of the National
Client Protection Organization

April, 2021



NCPO Membership Drive

It's been a long year of quarantines, lockdowns and a host of social and political issues. Now it's time to "circle back" and refocus our client protection efforts through NCPO.

Have you renewed your membership for 2021?

- ★ Unlike any other organization, the focus of NCPO is client protection. NCPO members know the unique nature and challenges funds face. They want client protection done well.
- ★ NCPO's greatest value is in the professional relationships it facilitates.
- ★ NCPO developed the Standards for Evaluating Lawyers Funds for Client Protection, which were adopted by the US Conference of Chief Justices in 2013. These Standards encapsulate what we want client protection to be. NCPO exists to help funds attain the level set by the Standards.

What is your fund's most vexing problem? What is your biggest challenge?

What have you wanted to do to improve your fund, but haven't been able to? What are you being asked to do, but can't because of lack of staffing, funding or other resources?



Let NCPO help you answer these questions and more. Membership has its benefits:

- Participate in NCPO's free virtual workshop on Monday, September 20, 2021 and earn free CLE credit (See inside for more information)
- Scholarships are available to pay travel expenses to in-person workshops
- Invite expert members of the NCPO Speakers' Bureau to visit at no cost to you – available to inform, advise and support you and your fund
- Access contact information for more than 32 member jurisdictions to consult with other funds and field experts as needed at any time
- Receive The Webb newsletter and use the interactive NCPO website with program information, case law and a bibliography of client protection articles

Annual individual membership is just \$25; Organizational membership is \$200. Contact Membership Chair Eileen Donahue at edonahue@iardc.org **TODAY!**



President's Corner -

Prepare for Pandemic's End Now



By Alecia Chandler,
NCPO President,
Professional
Responsibility Programs
Director, State Bar of
Michigan

I have been preaching
to anyone who will

listen that Funds need to prepare for the upsurge of claims that will surely come as we emerge from the pandemic restrictions in place in our states. The wave of scams related to the pandemic came early, with "clients" taking advantage of the inability to hold in-person consultations and client meetings. Some scams are very sophisticated and included these "clients" interacting with their lawyers over virtual platforms like Zoom. Eventually, the case gets "settled," a big check comes in, the lawyer deposits it, remits payment to the "client," then the check is determined fraudulent, and the lawyer is in big trouble with an over drafted IOLTA and funds held for other clients missing. Unfortunately, the money stolen will likely not be recovered and the impacted clients may file claims with our Funds, which will be denied because the lawyer did not misappropriate the money.

However, the scams by lawyers are beginning to come to light as well. Many involve presenting actual clients with false documents stating that their suit was filed and progressing slowly through the court system, which is moving at a glacial pace due to the pandemic. The news recently reported a scam that I could not predict: A Michigan debt collection law firm allegedly submitted fraudulent documents stating that

defendants were served and then garnished wages, tax refunds, bank accounts, etc. This [article by The Oakland Press](#) lays out the scheme. Allegedly, the ill-gotten funds were remitted to some of the Plaintiffs, but others were kept by the law firm. The prosecutor stated that many of the alleged victims were elderly or otherwise vulnerable adults who did not understand their rights. These claims will be challenging to sort out, particularly because it is unclear if the lawyers misappropriated funds or remitted the allegedly ill-gotten gains to their clients.



In February, the ABA published [Pandemic and financial stress could push some lawyers to act unethically, experts warn](#). It states what has

been discussed in our world since the pandemic started, that the negative economic impact coupled with the emotional impact of the pandemic will likely lead to an increase in misappropriation. Highlighting the importance of attorney wellness on the profession and how it relates to our client protection world.

The NCPO is here to help you prepare for this upsurge in claims. Please contact us if you need a speaker, advice, a supportive letter for an initiative, or a review of a proposed new project at info@ncpo.org.



Mark Your Calendar - - -

NCPO Virtual Workshop Set for September 20, 2021

Plan on participating in NCPO's 2021 Virtual Workshop on Monday, September 20, 2021 from 1 – 4:30 p.m. The workshop is free to NCPO members and includes CLE credits for attending the keynote presentation by the Hon. Sohail, Mohammed. Register on the NCPO website at [2021 NCPO Workshop | ncpo](#)



Judge Mohammed was nominated to the bench by New Jersey Governor Chris Christie, and currently serves as the Presiding Criminal Judge in Passaic County. NCPO is honored to welcome Judge Mohammed to speak on how statutory “western”

law frequently interacts with cultural and religious precepts in diverse ethnic communities. In addition to immigration and citizenship matters, client protection professionals are often confronted with claims arising from cases that also call for an understanding of cultural and ethnic norms in order to be equitably considered. This would, for example, include matters of marriage, dowery, divorce and asset distribution.

Born in Hyderabad, India, Judge Mohammed immigrated to New Jersey at the age of 17 where he was raised and naturalized. In 1988, he earned a bachelor's degree in electrical engineering *cum laude* from the New Jersey Institute of Technology. He worked full-time as an electrical engineer while pursuing a degree at Seton Hall University School of Law and received his Juris Doctor in 1993. As a solo practitioner Judge Mohammed became known for specializing in citizenship and immigration cases. After the 9/11 attacks, Judge Mohammed played a pivotal role as a liaison between law enforcement authorities and New Jersey's Islamic community, working with the U.S. Attorney's Office and the FBI in building relations with the Muslim American community. He was involved in training over 7,000 members of the law enforcement community regarding Islamic culture and practices and co-founded the American Muslim Union, an organization dedicated to cross-cultural understanding between Muslims and Americans.

Workshop agenda

In addition to Judge Mohammed's presentation, the workshop will feature NCPO's "Town Hall" session during which each jurisdiction is asked to report on the state of their fund. Come prepared to take advantage of the combined experience of NCPO members to get fresh perspectives on difficult claims and challenges facing your fund.

The annual presentation of the Isaac Hecht Award for excellence in the field of client protection will honor 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 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.

To nominate a future Hecht award recipient, contact Mike Harmon at michael.harmon@arcourts.gov.

NCPO's annual meeting will provide updates on the new programs and initiatives found in this newsletter (including the speakers bureau, grants, outreach and membership) as well as plans for future workshops. Please let us know how NCPO can help you!

New Grant Program to Support Creative Funds

A recurring conversation at NCPO meetings has been how best to use the resources available to support client protection funds. Even after years of work it seems like, in many jurisdictions, client protection funds are still the Bar's "best kept secret."

NCPO is developing a new grant program which will hopefully be one way to help change that. Funds need to be present to be known, and NCPO grants could encourage funds to come up with ways to increase their presence in society. Many (if not most) funds do not have the budgets to do this and, for example, improve (or even establish) websites, or develop promotional materials (particularly bilingual materials). Grants could be incentives to spur creativity, focused on supporting the greatest needs of the client protection community. What are funds' biggest weaknesses? What threatens their existence? These are the areas that will benefit from NCPO grants.



Ultimately, funds need to be capable of meaningfully redressing the losses of client victims of dishonest conduct. NCPO's new grant program can be one of the "tools in our toolbox" to reach this end.

Help is needed to develop the grant program criteria, application and awards processes. Contact Mike Miyahira at mike@bus-strategies.com to be a part of this new NCPO initiative.



NCPO Comes Calling

Outreach Effort Invites Broader Fund Participation

Your phone may be ringing (and your email alerting) thanks to the efforts of the new NCPO Outreach Task Force. Funds which weren't able to attend pre-pandemic workshops and forums are first on the list to be contacted; so are the few jurisdictions which have not recently been NCPO members. The message is that being more engaged with NCPO can help. Multiple programs and a wealth of member experience are available to address issues ranging from tough claims to rule changes to websites and publicity.



Task force members include Mike Knight of New York, Karen O'Toole of Massachusetts, Root Edmonson of North Carolina, David Weyant of Alberta, Canada, and Ken Bossong, Ed Ehler and Mike McCormick of New Jersey. For more information or to join the task force, please contact Mike McCormick at Michael.mccormick@njcourts.gov

Be Well – Well-Being Week in Law is May 3 – 7, 2021



By Lindsey Draper, Esq.,
*Former Chair, Wisconsin
Lawyers' Fund for Client
Protection*

In the approaching-
four years since the
release of the National

Task Force on Lawyer Well Being's *The Path
to Lawyer Well-Being: Practical
Recommendations for Positive Change*
report, the legal profession has seen
significant acknowledgement of the notion

of attorney well-
being as an
important element
in the sustaining and
improvement of our
work. Whether the
creation of state
task forces led by
the respective state
Supreme Courts or
Bar Associations, jurisdictions throughout the
United States and across the world have
continued the effort to examine issues
related to the well-being of those involved in
and serving the legal profession at all points –
from law schools to the highest levels of the
judiciary.

Among the important events that followed
the release of the Task Force report were the
release of a Well-Being Toolkit ([Is_colap_well-
being_toolkit_for_lawyers_legal_employers.p
df \(americanbar.org\)](https://www.americanbar.org/publications/colap_well-being_toolkit_for_lawyers_legal_employers.pdf)) for lawyers and legal
employers created by Anne Brafford for the
American Bar Association and the first
Lawyer Well Being Week which was
celebrated May 4 – 8, 2020.



The Kansas-based September 15, 2020 NCPO
Fall Workshop facilitated by NCPO Regional
Vice President Stan Hazlett included
workshops that incorporated aspects of well-
being topics and concerns.

In December 2020 and January 2021, the
leaders of the National Task Force, in an
effort to guarantee sustainability of the
Wellness movement, created a non-profit
[Institute For Well-Being In Law](https://www.lawyerwellbeing.net)
([lawyerwellbeing.net](https://www.lawyerwellbeing.net)) (IWIL) that will seek to

lead a culture shift in the
profession, including
attorneys as well as other
stakeholders in the
profession, whether the
courts, law schools, legal
employers, regulators, or
insurers. The work of IWIL
includes outreach to
affinity bars, based on the

recognition that many of the stresses that
impact attorneys and members of the
judiciary vary for diverse members of the
profession and the courts.

Well-Being Week in Law ([WELL-BEING WEEK IN
LAW – Institute For Well-Being In Law](https://www.lawyerwellbeing.net)
([lawyerwellbeing.net](https://www.lawyerwellbeing.net))) will be observed May 3
– 7, 2021 and, in alignment with May as
Mental Health Awareness month, will provide
additional information on wellness topics and
opportunities for education as to steps that
are available to continue improving and
sustaining wellness initiatives.



Revamped Speakers Bureau Aims to Educate & Inform



Bar associations, law schools and civic groups ranging from the local Rotarians to senior centers could all benefit from a planned expansion of NCPO's Speakers Bureau.

The Bureau has played an important role in supporting member funds negotiating rule changes, funding challenges and other complex – and sometimes politically tricky – issues. The wealth of experience brought to the Bureau by NCPO members means there is always someone who can help. Expert Speakers are always available for presentations to fund trustees and courts as well as legislative and appropriation committees.

Now the Bureau will add an educational component to its mission and work to let the public know about the Bar's "best kept secret." Claimants often report that they did not know of a fund's existence until some chance encounter or web browsing. NCPO can help change that by proactively offering speakers to bar associations, law schools and civic groups to let them know of the great work being done by the legal profession through client protection funds.

Each Speakers Bureau member will be asked to make at least one presentation every year at a convenient time and place. Any costs associated with the presentation will be covered by NCPO. Presentations are also offered free of charge to the hosting organization.

Visit www.ncpo.org/speakers-bureau to learn more about currently available speakers and topics. Let us know what topics or issues you'd like to see speakers address. Also let us know when an NCPO speaker can visit your community



to spread the good word about client protection. For more information, to book a speaker or to become part of the "new and improved" NCPO Speakers Bureau, please contact Dan Hendi at daniel.hendi@njcourts.gov.

A Few Questions from Massachusetts -- *Being a part of NCPO means being able to compare, contrast and learn from others in the field. Here are a few questions from our friends in Massachusetts. Please share your insights with Linda Bauer, General Counsel and Executive Director of the Massachusetts Clients' Security Board at l.bauer@massbbo.org*

Victim/Witness Advocates – Does your agency use victim/witness advocates to assist with either your disciplinary or client protection services? Massachusetts is considering whether to add victim/witness advocates to the bar discipline and CSB staff and would greatly appreciate any experiences from other states.

Diversity, Equity and Inclusion (DEI) – The Massachusetts Board of Bar Overseers recently unanimously adopted DEI Recruitment and Hiring Recommendations proposed by our DEI Task Force and is investigating other potential actions. If your agency is engaged in any DEI initiatives, we would love to hear what you are doing.

Social Media – The Massachusetts Clients' Security Board is considering whether to develop a social media presence as a way to inform more people about our services. Again, we would welcome any and all advice from other states as we begin this initiative.

Florida Fund Faces Unearned Retainer Claims

ORLANDO, Fla. – The Florida Client Security Fund is the last resort for at least 37 clients of Justin Infurna, an Orlando area attorney who took clients' money and then stopped responding to them.



Justin Infurna

Justin Infurna did not show up for his own sanctions hearing, but is likely to be disbarred. Bonnie Grillakis said she was one of Infurna's clients. "This is a slam dunk," she said Infurna told her. "Don't worry about the other

attorneys. I can take care of this."

Grillakis said she paid Infurna \$7,500 to help her with a medical malpractice case after her 9-year-old grandson died. She said after she paid him, he stopped responding to her. "Excuse after excuse after excuse. That's all I ever got," she said.

Shannon Johnson said he paid Infurna \$15,000 to help him with a property issue. "(He said) that it was a slam dunk case." He said Infurna did not file any paperwork in court over a two-year period, and when he wanted his money back, Infurna refused. "I'm just a working guy. Fifteen-thousand dollars ... that hurts," he said.

Claims are being filed by these and likely dozens of other clients with the Florida Client Security Fund seeking reimbursement.

ABA Surveys Administrators, Prepares for Virtual Forum

By: Stephanie Custard, Staff Counsel to the ABA Standing Committee on Public Protection in the Provision of Legal Services

The ABA Standing Committee on Public Protection in the Provision of Legal Services- the PPPLS Committee -- is planning to begin distribution of the 2021 *Salary Survey of Administrators of Lawyers' Funds for Client Protection*. This Survey is undertaken every 4 years in response to the regular inquiries the Committee receives from fund administrators, trustees, and board members for comparative

statistics on the salaries paid to administrators of lawyers' funds for client protection. The Survey



responds to those inquiries and to assist jurisdictions in maintaining and improving the compensation of fund administrators. Lawyers' funds for client protection that offer competitive compensation to their administrators will be better able to attract and retain

competent professionals. A link to the results of the most recent Survey, published in 2016, can be found at https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/2016_salary_survey_results.pdf

Registration is now open for the 36th National Client Protection Forum. The Forum will be a virtual event held on Friday, June 4, 2021. It will be held in conjunction with the ABA National Conference on Professional Responsibility, scheduled for June 2-4, 2021 and will also be a



virtual event. The Committee is hopeful that the tradition of hosting a live Forum will resume for the 2022 Forum in Baltimore but in the meantime, it is looking forward to bringing some exciting and innovative programming to 2021's virtual format. Session topics will include innovations in Client

Protection Fund claims processes, exploring and preparing for future successes and challenges, a program discussing Client Protection Funds and alternative legal service provider programs and a joint session with the National Conference on Professional Responsibility examining changes to bar examination admission requirements. The Committee also plans to incorporate a virtual social/networking event

into the Forum to preserve the interaction and camaraderie among colleagues that has long been an integral and treasured aspect of the event. Be sure and secure your spot soon! More details and registration information can be found at https://www.americanbar.org/groups/professional_responsibility/events_cle/2021-national-forum-on-client-protection/



Tulips in full bloom at Holland Ridge Farms in Cream Ridge, New Jersey

**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

