

July 2024

# THE CLIENT PROTECTION WEBB\*



*A Publication of the  
National Client  
Protection Organization*



*\*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](mailto:Michael.McCormick@njcourts.gov)*

# President's Corner

## Is Today a Great Day?

By  
Michael T.  
McCormick, Esq.

I've heard from many corners of our client protection world that the drought of claims is drawing to a close. Even as Covid shutdowns receded, it seemed like law clients may have been among the last members of society to step back into whatever it was that had been interrupted by the Great Pandemic. At least here in the Garden State the temporary lull facilitated some degree of "quiet contemplation" of what we might do differently – or more of – as a fund. It may have occurred to you (as it did to us) that it is indeed a good day when the Fund is able to pay a claim. It is a great day, though, when the Fund is able to avoid the necessity of a claim in the first place. The former, of course, is relatively easy to quantify, while the latter is much more elusive.

With claim filings once again on the rise, our time grows short. We suggest, however, that "loss prevention" is not a luxury to consider should claims ebb once more, but a necessary component of a fund's mission. How comprehensive is our fund's loss prevention effort? Do we support our lawyers' assistance program? Has our jurisdiction instituted payee notification? Do we offer new (or even more seasoned) attorneys a trust accounting school? Do we have a random audit program? How do we promote succession planning, especially for solo practitioners? Hopefully it will not surprise you to hear that NCPO can help you and your fund affirmatively answer each of these questions. The collective expertise of our members coupled with available grant funding and, where needed, support for legislative initiatives, can help your fund reach not just good days meeting the need of claims filed, but great days of claim avoidance.

Sadly, there is no known cure for those rare instances of abject dishonesty in the practice of law. Nonetheless, an effective client protection fund doesn't just pay claims in full, it works to prevent them in the first place. We will never know how often these efforts spare clients the trauma of a loss. Nor is it likely we will be able to tell whether we helped right the course of a lawyer headed in the wrong direction. A fund known not only for paying claims but for initiatives to avoid them, however, will be an effective fund in every sense – and when that happens, it is a great day.



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## **NCPO Workshop Heads to Virginia Beach**

Registration is open for the 2024 NCPO Workshop to be held in Virginia Beach on September 19 and 20, 2024. The agenda is filled with sessions that tackle the issues confronting client protection professionals, including:

- Lawyers Handling other People's Money
- Bankruptcy Case Law and Emerging Trends on Collections
- Claims That Keep Us Up at Night
- Strategies for Marketing Your Fund
- P2P Platforms: How They Work and Claims Implications
- Due Process (why it is important)
- Alternative Revenue Streams
- Succession Help and Retiring Practitioners Assistance



Of equal value are the perennial “Town Hall” and “Hot Topics” sessions in which we hear about the state of participating funds and appreciate the collective expertise we can harness to learn from each other. The traditional “Difficult Claims” session format will feature a “vignette” twist and real-time polling on challenging claim scenarios. An added bonus: The sessions qualify for six hours of CLE credits! Register today at <https://www.ncpo.org/2024-ncpo-workshop>. Feel free to reach out to our hosts at the Virginia Fund at (804) 775-0572 or [CPF@vsb.org](mailto:CPF@vsb.org) for more information.



## **INSPIRATION INCLUDED**

With thanks to our Virginia hosts, this year's workshop will be held at the ocean-front Hilton Garden Inn in beautiful Virginia Beach. The Hilton offers a discounted room rate for workshop registrants at [www.NCPO.org/2024-ncpo-workshop](http://www.NCPO.org/2024-ncpo-workshop). This scenic and relaxing setting is conveniently located less than 30 minutes from Norfolk International Airport and sits in the center of a resort community known as “A Beach for All Seasons.” Another added bonus: The weather in September is perfect!

# KEYNOTE SPEAKER

Included in your registration are two breakfasts as well as a full dinner prepared by the Hilton's gourmet chefs on the evening of September 19<sup>th</sup>. NCPO is honored to welcome the Hon. Doris Henderson Causey, Judge of the Virginia Court of Appeals as our keynote speaker during dinner. Judge Causey hails from Oxford, Mississippi and earned her law degree from the Thurgood Marshall School of Law at Texas Southern University.

In August 2021 she was elected by the Virginia General Assembly to an eight-year term on the Court of Appeals. She had previously served as the Managing Attorney for the Central Virginia Legal Aid Society from 2008-2021 and was the first African American President of the Virginia Bar Association from 2017 to 2018. For attorneys considering a career in public service Judge Causey has shared that "It is hard work every day, but there is no more rewarding career." We look forward to hearing Judge Causey's unique perspective on how to realize the client protection mission of service.



Hon. Doris Henderson Causey

# Annual Meeting

## Workshop Assistance Grants Available

This year's workshop begins with NCPO's annual meeting. In addition to the election of officers, there are a number of ongoing NCPO initiatives to be advanced:

- Creation of a cloud-based database for member funds to facilitate sharing of forms, precedents, opinions and claim issues
- Encouraging the creation of new funds in Guam/Mariana Islands, Puerto Rico and the U.S. Virgin Islands
- Addressing jurisdictional gaps between federal (especially immigration) practice and client protection funds
- Identifying potential fund projects for NCPO grant support
- Promoting the Client Protection Fund Standards, especially before the U.S. Conference of Chief Justices
- Continuing to expand outreach efforts through this newsletter, the NCPO website and a new NCPO brochure at professional conferences across the U.S. and Canada.

Client protection may be the ultimate “boutique practice” in law. NCPO's workshop offers an opportunity not to be missed for networking and fund-specific learning. That's why NCPO is offering Workshop Assistance Grants to help you attend this year's program in Virginia Beach. Grants of up to \$1,000 are available to member funds staff and trustees to defray travel costs. Don't let your budget stand in the way of this opportunity. Apply today at

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



# Nominations Open for 2024 Isaac Hecht Award



*The Hecht Award is granted annually to recognize an individual, law client protection fund, or other professional organization that has demonstrated excellence in the field of law client protection.*

NCPO will also once again present the Isaac Hecht Award as part of the evening's dinner program. Named in honor of one of NCPO's founders and its first (and long-time) treasurer. 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 also 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. Join us in Virginia Beach to find out who will be honored with the 2024 Isaac Hecht Award

## Sidebar: Are you on the list?

Many of NCPO's member funds have already said they'll be at this year's workshop. The best sessions are those with the most jurisdictions represented. We need you! Here's who's coming so far:

Tennessee, Hawaii, Pennsylvania, Wisconsin, New York, New Jersey, Pennsylvania, Texas, Virginia, Delaware, Maine, Massachusetts, Iowa, Ohio, Kentucky, Kansas, Idaho, District of Columbia, Missouri

Add your fund to the list TODAY!



# Membership Roundup

Have you renewed your NCPO membership for 2024? To date, NCPO's 2024 membership hails from 37 U.S. states and 5 Canadian provinces. It's never too late to join NCPO or renew your membership. Our goal (of course) is to have every U.S. state and Canadian province represented within NCPO's ranks. Can you help? Here's a list of the 16 states who do not yet have an NCPO membership:

*Alaska*  
*Arkansas*  
*Connecticut*  
*Indiana*  
*Mississippi*  
*Nevada*  
*New Hampshire*  
*North Dakota*  
*Oklahoma*  
*Oregon*  
*South Carolina*  
*South Dakota*  
*Utah*  
*Washington*  
*West Virginia*  
*Wyoming*



If you're part of one of these funds, please join us. NCPO offers a free one-year introductory membership. After that, individual membership is just \$35 per year, while an organizational membership (which covers everyone associated with a given fund) is just \$200 annually. The benefits are many, starting (of course) with this newsletter and also including NCPO's website resources, grant eligibility and speakers' bureau. Most of all, your participation in NCPO helps all of us become better client protection professionals. We want your fund to succeed – to be able to serve as “the conscience of the bar” and, through your service, to maintain the public and client trust in the practice of law which is essential to the administration of justice.



# Mark Teicher seeks to help wronged clients – and uphold the legal profession’s reputation

*By Scott Atkinson | Michigan Bar Journal*

Here’s something Mark Teicher wants people to know: For every bad lawyer people have ever heard about, there’s an army of good lawyers working to make things right. Teicher is part of that force working for good as a member of the State Bar of Michigan Client Protection Fund Committee.

His volunteer work is inspired by a desire to both help clients and uphold the integrity of the legal profession. “I know it sounds hokey, but I believe it’s an honor and a privilege to be a lawyer, and then here are these lawyers who are making us all look bad,” Teicher said.

The Client Protection Fund was established in 1966 by the SBM Board of Commissioners and approved by the Michigan Supreme Court the same year. Created to provide restitution to clients who have suffered due to attorney theft, Teicher has been a part of the committee for more than 15 years.

Teicher first heard of the Client Protection Fund in 2006 as a hearing officer for Attorney Discipline Board. After one particular case in which a lawyer had stolen money from a client, he and the other members discussed how the client might get their money back. That was when a colleague mentioned in passing that the client could also go to the Client Protection Fund.

“This sounds very appropriate,” he remembers thinking at the time, “but what is it?”

Teicher has been a member of the SBM Representative Assembly since 1986 and at a meeting following that incident, he decided to sign up to be a part of the Client Protection Fund Committee. “Next thing I knew, I was on it,” he said with laugh. “They couldn’t get rid of me.”

He’s been a part of it ever since, serving in that time as an advisor, co-chair, and chair. (He has also been known for many years as the chairperson of the *ad hoc* committee on dessert, making sure there are always tasty treats on hand for meetings.) During his tenure on the committee, it has approved more than 835 claims and put more than \$8 million back in the hands of clients who have been wronged.

As a member of the committee, his work has included developing rule changes, amending subrogation agreements, and communicating to courts and attorneys on behalf of the Client Protection Fund. He is particularly proud of the committee’s efforts to increase its diversity — not just in terms of race, gender, and ethnicity, but also geographically by getting more members from across Michigan and from different areas of legal expertise.

“The Client Protection Fund Committee’s work is extremely important because it protects the public from bad acting lawyers, and I think it reassures the public in general ... that the system does work. And when it doesn’t work, there are attorneys there and the system is there to help them as much as possible,” he said. Teicher wants more Michigan attorneys to know the Client Protection Fund exists and that there is real value in volunteering your time and talents with the State Bar of Michigan. In 2017, he was honored with the Representative Assembly’s Michael Frank Award. In his acceptance speech, he spoke about, among other things, the importance of his work with the Client Protection Fund and left his peers with a lesson he learned along the way.

“Just get involved in some way,” he said. “Whether or not it’s to sit on the Representative Assembly, whether or not it’s to sit on a committee, whatever it might be.”