

The Client Protection Webb*

THE “WORK FROM HOME” EDITION – PART 3

A Publication of the National
Client Protection Organization

January, 2021

Turning the Page....

Editor's Note: There is no doubt that 2020 was a rough ride for many. This issue of The Webb looks forward to better times and, in particular, new and improved NCPO initiatives to serve client protection funds and the victims funds work to protect. It may still be a while before something approaching “normal” returns to many parts of the U.S. and Canada. Nonetheless NCPO is committed to continuing its efforts to help develop and sustain strong funds capable of providing meaningful relief to the victims of attorney misconduct. We may not know what the future will bring but we can certainly “turn the page” and find new and creative ways to support the great work being done by NCPO's members.



Read on to see what's on the table for 2021. Let us know what you think so that together we can make NCPO the organization you need it to be. Be sure to complete the survey at <https://www.surveymonkey.com/r/NCPOOpportunities>



NCPO Goes Virtual

As pandemic travel restrictions -- and tight budgets -- continue to dominate the headlines, NCPO has worked to bring its programing directly to those in the field. Twenty-three jurisdictions joined NCPO's first virtual regional workshop out of Lawrence, Kansas in September. While we all wished we could meet in person, host Stan Hazlett and his staff succeeded in making everyone feel welcome and glad to be a part of the premier NCPO virtual event.

NCPO's next regional workshop on September 20, 2021 is in the planning stages and may also be conducted online, originating from the Clients' Security Fund of the State Bar of Kentucky. Stay tuned for more information on this program open to all – Another great opportunity for those who have not yet been to a workshop to sample its benefits of networking, creative and timely sessions, and news updates for client protection issues.

President's Corner -

Initiatives for a Better Year



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

The end of 2020 marks
the end of an

interesting rollercoaster of a year. My kids keep telling me that 2021 won't be much better since they are still remote learning and a vaccine isn't widely available, but I disagree. Yes, it will still be challenging, but for most of us, working remotely has become the norm and we have moved past the initial technological difficulties and emotional turmoil. While we are still in a state of uncertainty, we can be creative and make this year better.

For example, claims are down for a lot of us and we have a little extra time to focus on initiatives that were put on the back burner in 2020. We have some exciting projects underway and need your help! Each of the following committees need your help to expand and provide benefit to our members and the public. It is critical that members who have not been as involved participate as

you bring a new, refreshed perspective to the NCPO. Any help you may provide is a benefit to all of us. Complete the survey at <https://www.surveymonkey.com/r/NCPOOpportunities> to let us know the specific areas in which you would like to participate.

Each committee will elect a leader and be tasked with creating its jurisdiction and goals. At the end of each fiscal year, the committees will report on progress and plans for the upcoming year. It is my hope that

NCPO will create an annual report each year to show our membership all that we do, and CAN do for their jurisdiction.



PSA Committee & Speakers Bureau

This committee is underway planning a few different projects including a webinar including ethics and diversity, regular PSAs, and revamping the Speakers' Bureau.

Outreach Initiative

This group of seasoned members is reaching out to jurisdictions who have not been involved in NCPO and offer resources and membership.

Grant Initiative

Starting from the beginning of this new initiative will entail several steps including developing criteria and an application. Types of grants may include creating PSAs, professional videos, hiring someone to build an online application, purchasing a module for current software to ease reporting, website development, or anything else that can help a fund promote itself or streamline its processes.

Newsletter & Website

Help garner and recommend articles for the Webb and updates to the website. Tech savvy members will be asked to help refresh

website content to provide information for both the profession and the public.

Workshop Committee

Help plan the current workshop. This is an excellent committee for new members as your programming ideas are incredibly helpful. What don't you know and how can we provide the knowledge to you? This is also the perfect committee for jurisdictions who have held a workshop to provide your knowledge and for members who are considering holding a workshop.

Let the NCPO help you make 2021 a better year.

ABA Plans Survey, Forum

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

ABA Public Protection Committee Update

The Public Protection Committee has formed a subcommittee focused on the development of a resource to assist in attorney succession planning. The subcommittee has a goal of building a best practices guide/model for use in assisting attorneys in

designating a successor attorney and ensuring that their practice and clients are protected should the attorney become suddenly

unavailable due to unexpected death, disability, or absence.

The Committee has also formed a subcommittee that is considering development of ABA policy on UPL enforcement procedures. This

subcommittee has begun updating a database that will be a resource for members look up UPL rules and enforcement entities by jurisdiction.

2017-2019 Survey of Lawyer's Funds for Client Protection Update

Last quarter the Public Protection Committee in partnership with NCPO wrapped up their response collection efforts for the triennial ABA Survey of Lawyers' Funds for Client Protection. The survey collected data from Lawyers' Funds in the U.S.





and Canada for 2017, 2018, and 2019, and covered a variety of topics such as Fund Authorization and Administration, Fund Finances, Fund Claims Experiences, and Fund Loss Experiences. The response rate of over 83%, represents a high for the publication. Work is currently being done to analyze the data with plans to publish the results of the survey in late 2020 /early 2021. This ABA Survey remains the only national compilation of data on Lawyer's Funds across the U.S. and Canada and is used to spot emerging trends in client protection claims, determine the number of claims paid nationwide, and identify the similarities and differences between various Fund operations. The Public Protection Committee's goal is that it remains an invaluable resource to the Client Protection Community.

36th National Client Protection Forum

Plans are underway for 36th National Forum on Client Protection. The Committee is planning to host the Forum as a virtual event on June 4, 2021 in conjunction with the ABA National Conference on Professional Responsibility, scheduled for June 2-4, 2021 which is also going virtual. 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. 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. Registration details for both the National Client Protection Forum and the National Conference on Professional Responsibility will be announced soon.

Other ABA Updates

The ABA will hold its Midyear Meeting February 17-22, 2021. The 2021 Midyear, like the 2020 Annual meeting held this past July, will be a virtual event. In addition to holding its biannual meeting of the ABA House of Delegates, the ABA plans to offer a broad range of programming throughout the week, many of which will be eligible for CLE credit in most jurisdictions. Registration for this event is free to all current ABA members. More information is available on the ABA's website.



MILESTONES.....



Hawaii Fund Salutes its “Dean” – Michael Miyahira to Retire After Quarter Century of Service

The fellow trustees of the Hawaii Lawyers’ Fund give a warm salute to Michael Miyahira on his retirement from the Hawaii Lawyers’ Fund after 25 years of loyal service to the Hawaii Lawyers’ Fund and legal community.

Mike is the dean of Hawaii’s Lawyers’ Fund, having guided the Fund as its chairman for more than a decade. Mike was first appointed as a trustee to the Fund in 1995, and in the two and a half decades since, Mike has been instrumental in bringing to bear many contributions and improvements to client protection in Hawaii. An affable, good-natured, and friendly gentleman from the Big Island of Hawaii, Mike brought his warmth to the national client protection stage, having served as President of the National Client Protection

Organization from 2011 to 2014. Mike’s dedication to the protection of legal clients combined with his ability to work with others across the nation was a service to our State where the need to protect the interests of legal clients had previously been overlooked and underappreciated. Through his dedication to unfortunate clients of dishonest attorneys, his commitment to the virtues of the Fund, and his camaraderie with similarly devoted professionals from other states, Mike improved and modernized Hawaii’s Lawyers’ Fund to serve the needs of our legal community.

During his 25 years of volunteer service, Mike met with members of the Hawaii Supreme Court, the bar association, the disciplinary counsel and other government agencies on behalf of the Lawyers’ Fund. He was instrumental in incorporating many innovations to the Hawaii Lawyers’ Fund; most importantly, the increase in the maximum amount of compensable awards to clients, the enactment of the loss payee notification rule, and the Lawyers’ Fund’s computerized case management system. Due to Mike’s hard work, dedication, and lobbying efforts, the Lawyers’ Fund’s award limits were amended to increase the maximum amount awardable to a wronged client to \$100,000, with a maximum aggregate of \$300,000 per attorney. Under Hawaii’s adoption of the loss payee notification rule, enacted by Mike’s substantial efforts, insurers are now required to give written notice directly to claimants of the amount of settlement payments made to claimants’



attorneys. After many discussions with sister states as to their efforts to computerize the cases involving lawyers' fund claims, and after several attempts to get a computerized case management system operational in Hawaii stalled, the Lawyers' Fund's case management system came online under Mike's leadership in 2019. Mike has truly been an inspiration to us all, and sets the standard of volunteer service by which all trustees strive to achieve.

Mike's dedication to the Lawyers' Fund and NCPO is evident in the extra efforts he made to travel from Hilo, Big Island to the annual NCPO and ABA meetings and workshops held in places ranging from Albuquerque, New Mexico to Little Rock, Arkansas and even all the way to Portland, Maine. Mike must have logged in hundreds of hours traveling in cars, buses, cabs and airplanes and waiting in numerous airport lobbies to represent Hawaii on the mainland. The Fund appreciates Mike's grit, determination and enormous tolerance for long-distance traveling!



We bid a fond Aloha to Mike, thank him for his innumerable contributions and immeasurable hours volunteering with the Hawaii Lawyers' Fund, and wish him well in his retirement from the Fund during which we expect he will be spending halcyon afternoons lounging on Hilo Bay.

The Hawaii Lawyers' Fund is a client reimbursement program organized in 1981 and financed entirely by Hawaii attorneys. The Fund reimburses law clients for financial losses caused by their attorney's dishonest conduct in the practice of law. The Lawyers' Fund's financing comes from a portion of the registration fees paid by Hawaii's attorneys. No taxpayer money is used for this client protection program. All claims are settled by the Trustees with investigative and administrative assistance from the Office of Disciplinary Counsel, an agency of the Hawaii Supreme Court.

The Hawaii Lawyers' Fund is administered by a five-member Board of Trustees appointed by the Hawaii Supreme Court. The Trustees serve without compensation. The types of losses covered by the Lawyers' Fund include a lawyer's theft of money, diversion of settlement payments received on behalf of clients, and client monies embezzled by the attorney. The Fund has no authority to compensate for malpractice or to resolve disputes over legal fees charged by the attorney.



Meet the V.P.'s

NCPO Regional Vice Presidents are here to help

Regional Vice Presidents serve as a network of resources to the various jurisdictions throughout the NCPO, which include regions in the West, Northeast, Southeast, Southwest, Midwest, and Canada. They each reach out to the state funds in their region to solicit news, concerns, and trends in client protection as well as offer the assistance of the NCPO. Each VP is elected for one-year, renewable terms, and participate biannually in conference with the Executive Board. Don't hesitate to reach out to the VP in your region if you have questions, concerns, or ideas—there is an entire Executive Board with institutional knowledge and resources that are ready and willing to help!



Julia A. Crossland serves as the Regional Vice President for the **West Region** and has been with the Idaho State Bar since 1999. Her primary responsibilities are attorney discipline, Client Assistance Fund and Fee

Arbitration. Ms. Crossland received her BA from the University of California at Berkeley in 1982 and her JD from George Washington University in 1986. Prior to her service as Deputy Bar Counsel, Ms. Crossland was in private practice in Idaho and Virginia and also served as a law clerk to former Idaho Supreme Court Justice Cathy R. Silak. As NCPO Western Regional Vice-President, Julia is responsible for outreach and communication with the client protection agencies in Hawaii, Alaska, Washington, Oregon, California, Nevada, Idaho, Montana and



Wyoming. Julia can be reached at jcrossland@isb.idaho.gov.

Linda G. Bauer is the General Counsel and Executive Director of the Massachusetts Clients' Security Board (CSB), and the NCPO Regional Vice-President for the **Northeast Region**. Linda assumed her position at the CSB in January 2020, on the retirement of Karen D. O'Toole, the



former General Counsel and Executive Director. Linda had previously served as an assistant bar counsel at the Massachusetts Office of the Bar Counsel from 1994 to November 2018, when she was appointed the

acting first assistant bar counsel, a position she held through 2019. From 1988 to 1994, Linda had practiced as an associate at the firm of Hill & Barlow in Boston, working in many areas of law before specializing in estate planning and administration and probate litigation. She has served on the Massachusetts Supreme Judicial Court's Standing Committee on Professionalism since 2012. She previously served as president of the Massachusetts Women's Bar Foundation (2001-2002), on the WBA Board of Directors (1996-1999; 2001-2003), the MBA Probate Section Counsel (1993-1996), and the S.J.C. Law Clerk Society (2004 to present). Linda has published multiple articles on ethics, and frequently speaks at continuing legal education programs on ethics,

professionalism, estate planning and elder law issues. As NCPO Northeast Regional Vice-President, Linda is responsible for outreach and communication with the client protection agencies in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. Linda can be reached at l.bauer@masscsb.org.



Ashleigh N. Bailey serves as the Regional Vice President for the **Southeast**.

Ashleigh has served as Deputy Bar Counsel in the Kentucky Bar Association Office

of Bar Counsel since 2014 and reports directly to Board of Trustees for Kentucky's Client's Security Fund. Prior to the Office of Bar Counsel, Ashleigh was a Staff Attorney with the Department of Public Advocacy. She received her BA in Political Science and her JD from the University of Kentucky. As NCPO Southeast Regional Vice-President, Ashleigh is responsible for outreach and communication with the client protection agencies in Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Alabama and Mississippi. Ashleigh can be reached at abailey@kybar.org.



Stan A. Hazlett, Disciplinary Administrator for the Kansas Office of the Disciplinary Administrator, serves as the Regional Vice President for the **Southwest** Region. As NCPO Southwest Regional Vice-

President, Stan is responsible for outreach and

communication with the client protection agencies in Arizona, Utah, Colorado, New Mexico, Texas, Louisiana, Arkansas, Kansas and Oklahoma. Stan can be reached at shazlett@kscourts.org.



Trinity M. Braun-Arana of the Iowa Office of Professional Regulation is the Regional Vice President for the **Midwest** Region. As NCPO Midwest Regional Vice-President, Trinity is

responsible for outreach and communication with the client protection agencies in Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota and Nebraska. Trinity may be reached at trinity.braun.arana@iowacourts.gov. Trinity received her B.A. in Political Science from Iowa State University and her J.D. from the University of Iowa. She was a sole practitioner in Des Moines before joining the Office of Professional Regulation of the Supreme Court of Iowa in 2008. In her time at OPR as an Assistant Director, she has worked for nearly all of the Iowa Supreme Court commissions in one capacity or another. Since 2018 she has focused solely on Client Security.



David Weyant, Q.C., is the President and Chief Executive Officer of Alberta Lawyers Indemnity Association ("ALIA"), the member-funded, non-profit

corporation that manages Alberta's mandatory indemnity program. ALIA provides economic and reputational protection to participating

lawyers and compensation to members of the public who have suffered certain financial losses due to the actions of those lawyers, including professional errors and misappropriation. which includes professional liability (negligence) indemnity and misappropriation compensation.

David's experience includes litigating for an international top tier law firm and a boutique that specialized in professional liability defence law, practicing corporate / commercial law for international top tier law firms, and leading a team of risk management professionals as Senior Vice President and General Counsel for Alberta Health Services, one of the largest employers in Canada with



approximately 120,000 employees and an annual operating budget of over \$15 billion. He has served as a board director of various publicly listed, private and not- for-profit entities – including a regulated insurance reciprocal – and provided consulting services, including strategic legal and business advice, solutions and support, to senior executives and corporate boards globally. He served in a volunteer capacity as the Chair of the Board of Governors for Banff Centre for Arts and Creativity and currently serves as the Chair of the Board of Alberta Health Services.

ABA SEEKS COMMITTEE MEMBERS

The 2021-2022 Presidential Committee Appointments process is well underway. As a reminder, **the online application at <http://ambar.org/appointments> will close on Friday, February 19, 2021 at 5 p.m. CST**, and the Appointments Committee member assigned to vet your committee (see attached list) will contact you shortly thereafter to discuss potential appointments.

To help facilitate the discussion and vetting process, please complete the attached Committee Review Form. The form should be completed jointly by the chair and staff director and submitted to Danielle Norwood in the Office of the President no later than **Friday, February 5, 2021**. The information that you submit will be held in strict confidence.

Please contact Danielle Norwood at (312) 988-5122, or

danielle.norwood@americanbar.org if you would like to be considered for a committee appointment or if you have any questions. **Note that for Special Committees, it is imperative that all incumbent members “re-up” to be considered for reappointment.**

Making It Happen -

NCPO Surveys Members to Chart Its Post-Pandemic Future

This issue of *The Webb* introduces a host of new NCPO initiatives: a revamped speakers' bureau, a new grant program, a public service announcement working group, and an outreach initiative, just to name a few! It's all part of meeting the biggest challenge facing client protection: supporting and sustaining funds able to meaningfully address the losses suffered by victims of attorney misconduct. The success of NCPO rests squarely on the shoulders of its

members. We need you to tell us what's on your mind, and also to be willing to help whenever possible.



Please take a few minutes to complete the survey below at either SurveyMonkey or via email attachment that you can send back to us. The eight questions seek to harness the wealth of talent and experience brought to the field by NCPO's members. It will take less than five minutes to complete but promises a future of dividends.

Take the Survey Today – Just go to

<https://www.surveymonkey.com/r/NCPOOpportunities>

Or complete the Word document version attached to your newsletter email, save and send it back to Michael.McCormick@njcourts.gov.



**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

