

The Client Protection Webb*

A Publication of the National
Client Protection Organization

August 2022

★ NCPO's "Kentucky Home" ★ Fall Workshop September 19-20, 2022 in Lexington



And they're off! - The Fall NCPO Workshop will take place on September 19-20, 2022 in the horse capital of the world, Lexington, Kentucky! The Workshop will be held at the Hilton Downtown Lexington, within walking distance of outstanding restaurants and nightlife, the Lexington Opera House and Rupp Arena, home of the 8-time NCAA National Champions in Men's Basketball, the Kentucky Wildcats.

The two-day in-person workshop will include CLE Credit for panels speaking on malpractice and claim issues in a post-covid landscape; statistics on claim intake over the last two years; collections and subrogation; succession planning; catastrophic claims; and a session from the Executive Director of the Institute for Well-Being in Law, an especially timely issue. In addition, we will host Town Hall and Hot Topics sessions to see what is

going on in

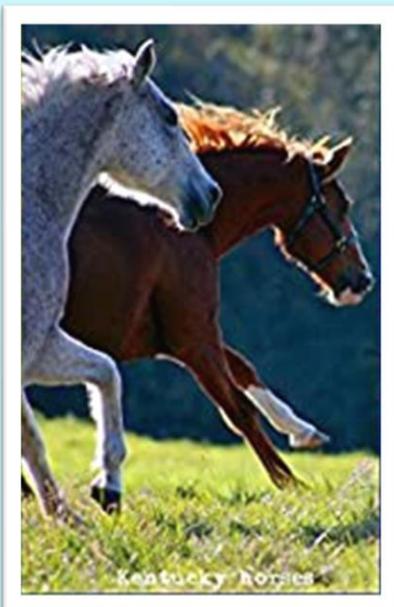
jurisdictions around both the United States and Canada.



This year's NCPO Workshop also includes an exciting event at Buffalo Trace Distillery in Kentucky's capital, Frankfort, KY. Transportation will be provided to and from Buffalo Trace where attendees will participate in a guided tour of the bourbon distillery with its rich history, and you will be able to see exactly how the bourbon is made! Following an optional bourbon tasting, guests will have dinner on the grounds in their clubhouse. All included in your Workshop registration!

★ Register today at

<https://www.ncpo.org/2022-ncpo-workshop>



We can help....



NCPO Workshop Assistance Program

Participating in NCPO's annual workshop is arguably the best way to network with other client protection professionals, find out what's happening across the county – and how it will affect your own fund -- and learn new skills that will help you help client victims every day. Getting to the workshop, however, could be a challenge. Budgets are tight, staffs are short and time is limited. Here's where NCPO can help. We are happy to speak with anyone who might need to hear just how important it is that their Fund's staff attend NCPO's workshop. NCPO can also help shoulder the cost of attending through its **“Workshop Assistance Program”** which can provide up to \$1,000 to cover travel expenses.

There are many great reasons to join NCPO in Lexington, Kentucky this September. For more information on how to “make it happen” for your fund's staff, contact Mike McCormick at Michael.mccormick@njcourts.gov or (609) 815-3030, ext. 52215.



Where to stay....

Special room rates are available at the Hilton Downtown Lexington, the site of NCPO's Workshop. The hotel is just 6 miles from



Lexington's Blue Grass Airport, with complimentary van transportation to and from the hotel.

Book your room when you register for the workshop at

<https://www.ncpo.org/2022-ncpo-workshop>

On the Docket – CLE Workshop Sessions You Won't Want to Miss

Collections Made Easy – How to increase your fund's subrogation receipts.

Succession Planning – How can it help reduce fund exposure when the unexpected happens?

How to develop alternative revenue streams to help support your fund.

Anatomy of a Catastrophic Claim.

Town Hall Reports & Hot Topics across the US & Canada.

Where We're Headed – Intake Statistics.

Well-Being in the Law.

Lawyers Mutual of Kentucky – building an attorney trust account program that will help prevent fund claims.

Do you have a topic, issue, difficult claim or other concern you'd like to see addressed during the workshop? Let us know – Contact Ashleigh Bailey of the Kentucky Fund at abailey@kybar.org

Still More Reasons to Come to Kentucky....

Top 5 Things to do in Lexington



1. Book a tour at Keeneland Racecourse, host of the 2022 Breeders' Cup.

2. Take the Bourbon Trail and visit any of 18 additional bourbon distilleries between

Lexington and Louisville.

3. Visit the Kentucky Horse Park and learn about horses and our region's rich equine history, including museums, horse-drawn tours and carriage rides, and horseback riding. Book a private tour of more than 30 horse farms through Horse Country, Inc.



4. Tour Lexington Historic homes including the childhood home of Mary Todd Lincoln and the Ashland Estate, which belonged to Henry Clay.

5. Book an experience at the Kentucky Castle!



You can find links to these experiences and more at VisitLex's website:

<https://www.visitlex.com/guides/post/the-top-13-things-to-do-in-lexington-kentucky/>

The Legacy Lives On....

2022 Hecht Award to be Presented at Lexington Workshop

NCPO will honor the 2022 recipient of the Isaac Hecht Award during its workshop on September 19, 2022. The Hecht Award recognizes individuals and professional organizations that have demonstrated "excellence in the field of law client protection." The 20 recipients of the Hecht Award to date are an elite group, each of whom has dedicated their professional lives to the client protection mission of service to victimized clients.

Join us in Lexington as we announce this year's honoree!



Members Make it Happen – Renew Your NCPO Membership – Or Join – TODAY

There are still a few NCPO individual members as well as organizational members who have not renewed their NCPO membership for 2022 – and you know who you are! Please renew your membership if you haven't already done so. It's just \$25 for an individual membership or \$200 for an organization membership (which would cover fund staff and trustees).

Members make it possible for NCPO to offer workshops like the one planned in Lexington, Kentucky this September. The \$150 Workshop registration fee entitles members to two days of programming complete with enough CLE credits to satisfy a whole year of CLE requirements in most jurisdictions. It also includes one breakfast, one dinner and snacks throughout the workshop as well as workshop materials. NCPO will even provide up to \$1,000 to cover travel expenses for jurisdictions without sufficient funding to attend.

But that's not all. NCPO members are eligible to apply for grants to support initiatives they design to strengthen their funds. Outreach projects, technology

upgrades and advocacy efforts are just some of the ways NCPO funding can be used to make a difference.

Perhaps most importantly, NCPO links professionals across the U.S. and Canada to learn from each other and keep up with trends in our highly specialized field. NCPO is always ready to come to the aid of a member fund, providing consultations, speakers, position papers and ready advice to help meet the challenges of funding, difficult claims, rule changes and any other issue facing your fund.

NCPO is your advocate, but it's only as strong as its members, so please renew your membership – or join as a new member – today at

<https://www.ncpo.org/membership>



Thank you Eileen Donahue --

For over 17 years Eileen Donahue of the Illinois Fund has faithfully maintained the rolls of NCPO membership – and we are extremely grateful for her dedication, diligence and diplomacy in doing so. Eileen has certainly earned a break from this critical NCPO task, and is stepping down as membership chair. Would you please consider stepping up to serve your colleagues in this role? All that is needed is a willingness to serve – “On the job training” and support from all of us in NCPO will be provided! If you can help, please contact Mike McCormick at Michael.mccormick@njcourts.gov

NCPO Remembers Leo Ottey

Served as Maryland Fund Counsel for 19 years

By Lindsey Draper, Esq.
Vice President for Diversity, Equity & Inclusion,
ABA Institute for Well-Being in the Law

When the kitchen telephone caller ID showed the name Leo Ottey, I decided this was not one of the Saturday morning solicitations that I should avoid. I rushed to the telephone, but the call had gone to message before I could reach it. I immediately utilized the redial feature, and when the person I later learned to be Sandy Barger answered, I asked to speak to Leo. It was then that Sandy told me that she had called and was attempting to return some of the messages that had been left for Leo. It was then that I learned Leo had passed.

I recall having been sure Leo would be at the June Client Protection Forum since we were gathering in Baltimore and he was based there. On June 2, I sent Leo an email indicating I was at the Hyatt for the Professional Responsibility Conference and the Forum and asking if he'd be coming, for if not, I wanted to arrange some way to see him.

I had Leo's email address because we had exchanged messages last November when Leo sent me a congratulatory message relating to the Isaac Hecht Award. That was my first contact with Leo in years, so I very much looked forward to seeing him in Baltimore.

I recall how warmly Leo greeted me when I first started attending Client Protection

conferences and forums. The Client Protection community tends to be supportive of its members, but Leo seemed to make a point of being sure I "got" the inside jokes and understood the backstories when "issues" arose. Leo was always an active participant in our Fund meetings and dedicated to Client Protection.

According to the obituary posted at the time of Leo's death, Leo served as counsel for the Client Protection Fund for the Bar

of Maryland for nineteen years. He was a graduate of Temple University, had completed a year of study at the London School of Economics and received his law degree from the University of Baltimore School of Law in 1984. He served as an Assistant City Solicitor for the Baltimore City Department of Law (1986-1991) and later acted as an Assistant Attorney General for the Maryland Department of Law.

From 1995 until 2015, Leo was an associate of the firm of Chase, Chase and Hammerschlag and later entered private practice.

In our conversation, Sandy informed me that Leo had died of cancer on June 2 – the day some of us had started to arrive in Baltimore. It was good to be able to tell her of Leo's involvement with the larger Client Protection community and of our regard for him.



Leo Wesley Ottey, Jr.



Ohio Fund is Canines' & Cats' Best Friend

The Ohio Lawyers' Fund for Client Protection recently awarded \$100,000 to an Estate whose beneficiaries are local animal shelters. Dolores Falgiani died in 2016 and named Angels for Animals and Animal Charity Humane Society as her beneficiaries. Unfortunately, Respondent Diane Vettori Caraballo (who also served as a local county judge) stole much of the estate assets before being caught in 2019.

Caraballo was eventually sentenced to 30 months in federal prison, but left few avenues for the Estate to pursue recovery of its stolen proceeds. Douglas Neuman, Esq., the Estate's successor administrator, attempted a foreclosure action, but came up empty. Enter the Ohio Fund, which considered a claim filed by Neuman on the Estate's behalf and

granted an award of \$100,000 to be split between the two charities.

Diane Less of Angels For Animals said the Fund award was "wonderful news." She said it couldn't come at a better time for Angels For Animals because of the way gasoline prices are affecting the Angels' operations. People are dropping off a large number of cats and kittens, and donations to Angels have dropped.



"We're getting crushed," she said. "We are getting 20 to 40 cats and kittens a day. The economy is crushing. The (donations) are not coming in the mail because people have to put it in their gas tanks. And they are even starting to cancel their spay / neuter appointments because they can't pay for them."

Ahead of the Game?

Prospective Restitution Ordered for Tennessee Fund

Jason Ray McLellan has been disbarred and prospectively ordered to repay the Tennessee Fund for any claim awards made on his behalf. McLellan pled guilty to stealing \$341,193.23 from a 78 year old woman who should have been receiving the money as an estate beneficiary. On July 7th he was sentenced to 16 years in prison. The Tennessee Supreme Court accepted McLellan's consent to disbarment, but prospectively added restitution to the Fund as an additional condition. It is unclear if the Court's Order could form the basis for, or be docketed as a judgment lien in a specific amount once claims are paid so that additional litigation by the Fund against McLellan can be avoided.

Making Lemonade Out of Lemons **“Worst Ever” Respondent brings reforms to strengthen Oregon Fund**

The saga of Lori E. Deveny is being called the worst fraud by a single lawyer in the history of Oregon. Deveny has finally entered a guilty plea to seven federal charges of stealing more than \$3.4 million in client trust money – mostly insurance settlement proceeds -- over nearly a decade, all to finance a lavish lifestyle. She and her husband particularly enjoyed big game hunting trips to Africa, and used at least some of the stolen funds to pay taxidermists to stuff their trophy catches. More mundane indulgences included home remodeling and expensive cigars. She is expected to be sentenced to between five and ten years in federal prison. She told the Court she is being treated for mental illness.

To date, the Oregon Client Security Fund has paid \$1.3 million in claims against Deveny.

The even bigger client protection story here, however, is how Lori Deveny’s criminal conduct appears to have

motivated court and legislative officials to strengthen the Oregon Client Protection Fund so that it can more effectively address claims against Deveny as well as future respondents.

Deveny’s thefts took place between 2011 and 2018, when she consented to disbarment. In 2019 the Oregon Supreme Court approved doubling the maximum amount of a Fund award from \$50,000 to \$100,000.

Next, the State Bar pushed for payee notification. The Oregon legislature approved the measure, which was signed into law in 2021. Requiring insurers to directly notify clients when a settlement disbursement is made “will provide both a deterrent to malfeasance and a means of prompt notice for the payee in the rare event of misconduct,” said Kateri Walsh, a state bar spokesperson.



At some point, every client protection fund faces its own “Lori Deveny.” NCPO can help you work with your Court and legislature to enact the reforms you need to be able to effectively meet the challenge. But don’t wait for a crisis – start now. NCPO’s speakers bureau as well as member experts are available to help develop an action plan. Contact NCPO President Alecia Chandler for more information at achandler@michbar.org

ABA Surveys and Preps for UPL School

By Stephanie D. Custard,
Associate Counsel | Center for Professional Responsibility

The ABA Standing Committee on Public Protection in the Provision of Legal Services (PPPLS Committee) is conducting its tri-annual survey on the enforcement of the unauthorized practice of law (UPL). This Survey asks questions about the enforcement of the prohibition on the unauthorized practice of law in each jurisdiction. Each jurisdiction should have received the survey so if you can, please encourage the person in charge of handling UPL complaints to submit a response.

SAVE THE DATE ---

The 5th ABA UPL School

**October 13-14, 2022 ABA
Headquarters- Chicago, IL**

UPL School is back by popular demand for the first time since 2019! This event offers a central forum for volunteer members of state and local bar unauthorized practice of law (UPL) committees and commissions, and those charged with the prevention and prosecution of UPL violations. Featuring speakers from the local, state, and federal level, this event offers a unique learning opportunity and forum for attendees. Whether your jurisdiction has an established UPL enforcement arm or is still exploring ways to address issues involving UPL, our goal is for attendees to walk away having learned and benefited from the programming. For registration and more information please click here: <https://web.cvent.com/event/2137bc4e-1488-4203-8ac2-5f7f16d95305/summary>



Meet Gayle Larkin – NCPO’s New Southwest VP



We are thrilled to welcome Gayle Larkin as NCPO's newest vice president. Gayle will serve as VP for the southwest region, which includes her own great state of Kansas as well as Colorado, New Mexico, Texas, Louisiana, Arizona, Utah, Arkansas and Oklahoma.

Gayle was named Disciplinary Administrator by the Kansas Supreme Court in October 2021 after serving since 1999 as counsel to the Kansas Board for Discipline of Attorneys. Gayle has also been a member of NCPO and was instrumental in planning our first-ever virtual workshop during the height of the pandemic in 2020.

NCPO's regional VP's stay in touch with their area funds in order to improve communication and help address emergent issues. **Please join us in welcoming Gayle** – She can be reached at Larking@kscourts.org and (785) 296-2486.

Are you
on the
Listserv?

If not, you should be!

The ABA listserv has created a network with client protection professionals across the United States and Canada. It's FREE and open to all – ABA membership is not required.

Share ideas on difficult claims, funding challenges, outreach methods, litigation and creative ideas for improving your practice and strengthening your fund.

Members want to know your challenges and success stories. Joining the conversation is easy – just send an email to either Mike McCormick at michael.mccormick@njcourts.gov or Stephanie Custard at Stephanie.custard@americanbar.org

Tell Your Story -

NCPO's Annual Report Template Can Help

You may be able to make a pretty strong argument that 2020, and perhaps even 2021, should be relegated to the trash heap of history. However, NCPO suggests this is the time for your Fund (if it's not already doing so) to get into the habit of issuing an annual report. The NCPO Board recently approved a new, step-by-step template for funds to use in preparing a basic annual report. The template is available free of charge to NCPO members at <https://www.ncpo.org/resources>



If you don't yet prepare an annual report (and you know who you are!) you may soon be receiving a call from NCPO. Members of NCPO's outreach group will be contacting other members to offer assistance to get an annual report tradition off the ground in your jurisdiction. The new template is straight-forward and will not require a large time investment to complete. The finished product, however, can be instrumental in making the argument for your fund when assessments, appropriations, rule changes, catastrophic claims and other challenges come up. We encourage you to take the opportunity this summer to join the ranks of annual reporting jurisdictions!



THE LAST WORD....

A summer “to do” list:

- Register for the NCPO Regional Workshop in Lexington, Kentucky scheduled for September 19 & 20, 2022 at <https://www.ncpo.org/2022-ncpo-workshop>
- Renew your NCPO membership at <https://www.ncpo.org/membership>
- Take a summer break and plan for the fall. How can NCPO help you and your fund fulfill your mission as “The Conscience of the Bar?” Contact NCPO President Alecia Chandler at achandler@michbar.org or Mike McCormick at Michael.mccormick@njcourts.gov



See you
in
September
In Lexington, Kentucky!

**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*

