

THE SUPREME COURT *of* OHIO



LAWYERS' FUND
FOR CLIENT PROTECTION

2020 ANNUAL REPORT

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Lawyers' Fund for Client Protection



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JACK R. KULLMAN JR., *chair*

SARA L. PELLER, *vice chair*

HON. CASSANDRA COLLIER-WILLIAMS

GREGORY DELEV

HON. GUY L. REECE II

MONICA SANSALONE

JOSUÉ VICENTE

MEMBERS

JANET GREEN MARBLEY

ADMINISTRATOR/BOARD SECRETARY

Table of Contents

Administrator's Introduction	1
Chair's Comments	2
Board of Commissioners	3
Administrator & Staff	5
Public Information & Consumer Education	6
Revenue	7
Restitution	8
Claims Activity	9
Theft Categories	10
Attorneys Involved in LFCP Claims in Fiscal Year 2020	11
Former Commissioners	12

Introduction

This annual report for the Lawyers' Fund for Client Protection is respectfully presented to Chief Justice O'Connor and the Justices of the Supreme Court of Ohio.

This report includes a detailed review of the administration of the LFCP during fiscal year 2020 and includes an accounting of the funds allocated for fiscal year 2020.

The Lawyers' Fund for Client Protection was established in 1985 by Supreme Court rule. The purpose and mission of the Lawyers' Fund for Client Protection is to restore public confidence in the legal profession by providing financial reimbursement to victims of dishonest lawyers. For the past 35 years, the Supreme Court of Ohio has continued to support the mission and purpose of the LFCP by allocating adequate and continuous funding.

Beginning in March 2020, the LFCP's operations were conducted off-site for the first time in its history due to the pandemic. The board met virtually and staff were permitted to telework. With the Court's continued support, the LFCP continued to accomplish its mission of providing financial reimbursement to victims of dishonest lawyers.

The Board of Commissioners, as well as the staff, commend the Supreme Court of Ohio for its continued support of the mission and purpose of the LFCP.



Janet Green Marbley, Esq., *Administrator*

Lawyers' Fund for Client Protection

“My husband and I are very grateful for all of your help and support through this ordeal.”

- Client

Chair's Comments

On behalf of the Board of Commissioners of the Lawyers' Fund for Client Protection of Ohio, I am pleased to present this report to the Supreme Court of Ohio covering the work of the LFCP during fiscal year 2020.

The LFCP continued to experience a decrease in the number of claims filed during fiscal year 2020. This decrease is consistent with the data in other jurisdictions. In Ohio, it is consistent with a decrease in the number of disciplinary grievances filed. As indicated in the charts included in this report, decreases have also been experienced in previous years, followed by sharp increases in claim filings. Fortunately, the LFCP is prepared should a sharp increase occur in the near future.

Unearned-fee claims continue to be the largest category of claims reimbursed. For fiscal year 2020, 38 of the 43 claims reimbursed by the LFCP resulted from lawyers accepting fees and failing to provide the services requested and failing to refund the fees. Reimbursement of unearned-fee claims totaled \$120,082.64.

Fiscal year 2020 reimbursements resulted from the dishonest conduct of 30 Ohio attorneys. As in previous years, this number represents less than one-tenth of one percent of all active Ohio attorneys.

The overwhelming majority of Ohio lawyers observe high standards of integrity and professionalism when entrusted with law-client money or property. However, the dishonest acts of a few can have a negative effect on the public's image of and confidence in the legal profession as a whole. The commissioners with whom I serve are dedicated to the accomplishment of the LFCP's mission, as indicated by their regular attendance and participation at board meetings. These individuals volunteer their time and expertise to help improve the image of the legal profession by helping those who have been harmed by the dishonest acts of a few.

I would like to thank the staff of the LFCP whose responsibilities include, but are not limited to, investigation of all the claims, preparation of summaries for the Commissioners' review, and disbursement of funds. Their contribution to the LFCP's mission is invaluable. I would also like to thank the Supreme Court of Ohio for its continued support of the LFCP's mission and goals, and for the confidence placed in me by allowing me to chair this board.



Jack R. Kullman, Jr., *Chair*

Lawyers' Fund for Client Protection Board of Commissioners

Board of Commissioners

Gov.Bar R. VIII requires the establishment of a seven-member board of commissioners (Board) of the Lawyers' Fund for Client Protection (LFCP) to determine the eligibility of claims filed with the LFCP and to manage fund assets. The current board includes four attorneys, one judge, one retired judge, and one non-attorney. Board members are appointed by the Supreme Court justices to three-year terms and are limited to two consecutive terms. They serve as volunteers and are compensated only for travel expenses.



*Top Row, Left to Right: Jack R. Kullman Jr., Sara A. Peller, Hon. Cassandra Collier-Williams, and Gregory Delev
Bottom Row, Left to Right: Robert W. Everett, Hon. Guy L. Reece II, and Monica Sansalone, and Josué Vicente*

JACK R. KULLMAN JR. was appointed to the board in 2015, and was reappointed to his second term in 2018. Kullman became chair of the board on Jan. 1, 2019. Kullman is the executive director of the Guardianship Service Board.

SARA L. PELLER was appointed to the board for a three-year term in 2015, and was reappointed to her second term in 2018. Peller currently serves as vice chair. Peller recently retired as the chief executive officer of the American Red Cross for the Greater Cincinnati/Dayton region.

HON. CASSANDRA COLLIER-WILLIAMS was appointed to the board for a three-year term beginning on Jan. 1, 2019. Judge Collier-Williams has served on the Cuyahoga County Common Pleas Court bench since January 2013.

GREGORY DELEV was appointed to the board for a three-year term beginning Jan. 1, 2017 and was reappointed in 2020. He is a practicing attorney with Delev & Associates, LLC in Cincinnati.

ROBERT W. EVERETT was appointed to the board for a three-year term beginning in 2014, and was reappointed to a second three-year term that expired on Dec. 31, 2019. Everett previously served on the Board from 2003 through 2006. His service commitment to client protection is greatly appreciated. Everett is a former Dover, Ohio, police officer.

HON. GUY L. REECE II was appointed to the board for a three-year term beginning on Jan. 1, 2019. Judge Reece retired from the Franklin County Common Pleas Court bench in January 2019 after having served since 2003. Judge Reece also served on the Franklin County Municipal Court from 1990-1992.

MONICA SANSALONE was appointed to the board for a three-year term beginning Jan. 1, 2016 and was reappointed to her second term in 2019. She is a partner in the law firm of Gallagher Sharp in Cleveland.

JOSUÉ VICENTE was appointed to the board for a three-year term beginning Jan. 1, 2020. He is the executive director of the Ohio Hispanic Coalition.

Administrator & Staff

The Supreme Court of Ohio appoints an administrator who serves at the pleasure of the Court and is responsible for managing the legal, fiscal, and administrative affairs of the office. The administrator also serves as secretary to the board of Commissioners. The administrator appoints, with the approval of the Court, staff to assist with the duties of the board.



JANET GREEN MARBLEY, the administrator and secretary to the board, was appointed by the Court in 1995. She is a graduate of the University of Cincinnati and Capital University Law School. She is the former president of the National Client Protection Organization and former chair of the American Bar Association's Standing Committee on Client Protection.



MELETHA DAWSON serves as administrative secretary and is responsible for processing all claims filed with the LFCP, maintaining the claims inventory, and providing clerical support to staff.



RIKKHYIA FAVOURS serves as fiscal coordinator and is responsible for the fiscal operations of the LFCP and the preparation of financial reports.



ABBY WILSON serves as claims analyst and investigates all claims filed with the LFCP to assist the administrator and the board in determining whether requirements for reimbursement have been met.

Public Information & Consumer Education



The LFCP continues to increase its efforts to make the public aware of its existence, maintaining a web page at: sc.ohio.gov/Boards/clientprotection. The page contains questions and answers about the LFCP and the types of claims reimbursed. An application for reimbursement is available on the web page as well.

With the assistance of the Court's Office of Public Information, the LFCP prepares public announcements following all LFCP board meetings containing information about claims determined by the board to be eligible for reimbursement. The announcements include a listing, by county, of attorneys involved in LFCP claims. The announcements are distributed statewide to news media outlets and other organizations.

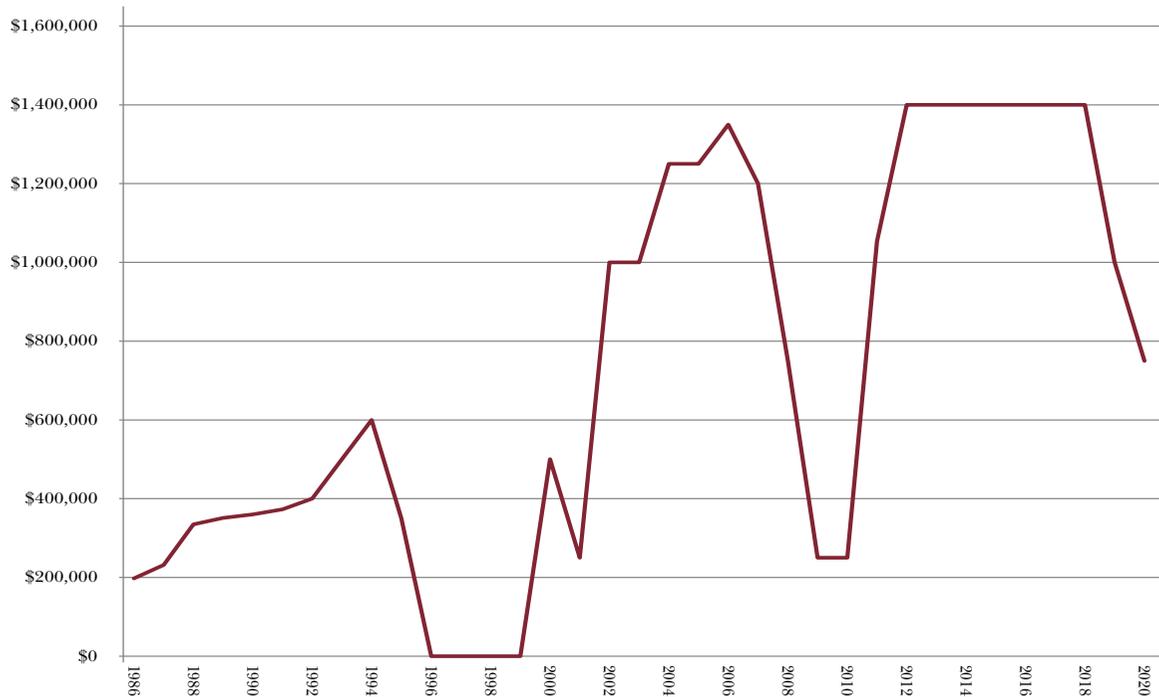
The LFCP publishes a pamphlet containing a brief description of the purpose of the LFCP along with answers to basic questions about the types of claims reimbursed. The pamphlet is distributed to individuals requesting information about the LFCP and/or applications for

reimbursement. The pamphlet, as well as the LFCP's application for reimbursement, also is distributed statewide to bar associations.

In collaboration with the Court's Commission on Professionalism, the LFCP publishes "A Consumer's Practical Guide to Managing a Relationship with a Lawyer." The guide, which is now available in Spanish and English, provides general information about the lawyer-client relationship, including how to find a lawyer, what to expect after hiring a lawyer, and how to avoid problems in the lawyer-client relationship. The consumer guide is distributed statewide to bar associations, public libraries, law firms, and other professional and governmental offices.

Revenue

TRUST ALLOCATION - 1986 - 2020



Attorney Registration Fees

Since 1985, the Supreme Court has allocated more than \$25 million from the Attorney Services Fund to the LFCP for the payment of claims.

During fiscal year 2020 the Court allocated \$750,000 for the payment of claims and \$465,256 for administrative expenses. The LFCP expended \$445,168 or 95.7% of the administrative expenses allocation. A total of \$352,632.64 was expended for eligible claims and \$1,500 for attorney fees, or 47.2% of the claims allocation.

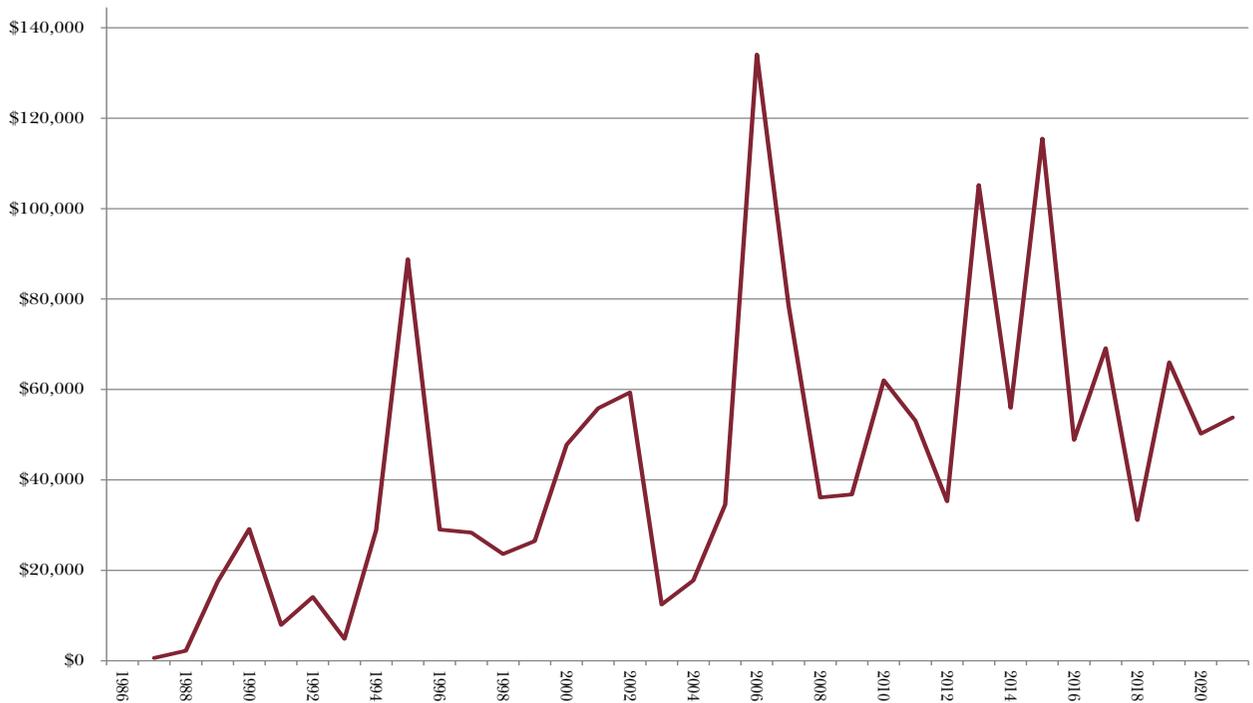
The trust account bank balance on June 30, 2020 was \$6,264,745.44.

Interest Income

The trust account earned \$128,105.61 in interest income in fiscal year 2020.

Restitution

RESTITUTION PROCEEDS - 1986 - 2020

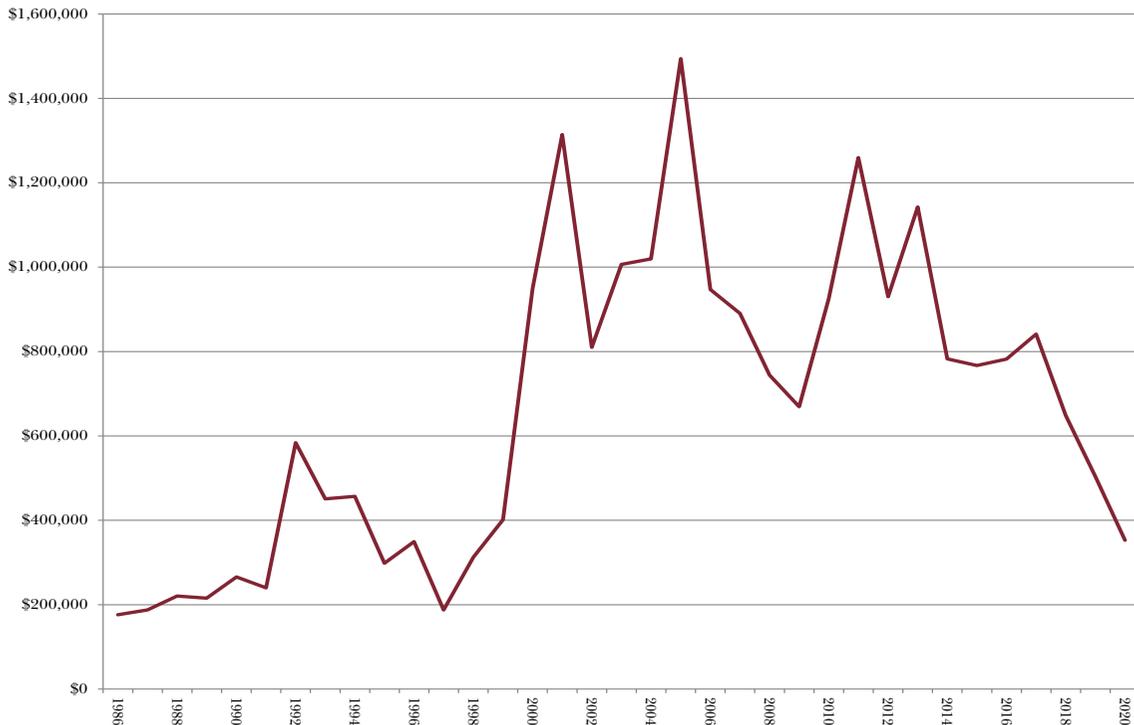


Restitution revenue for fiscal year 2020 totaled \$53,824.63. Sources of restitution received by the LFCP include:

- \$30.00 collected through court-ordered probation and/or restitution;
- \$43,241.04 collected by the Office of the Attorney General;
- \$2,418.00 collected by outside counsel (Weltman, Weinberg & Reis, Co., L.P.A.);
- \$7,610.59 collected through repayment agreements obtained by the LFCP; and
- \$525.00 collected through voluntary payments.

Claims Activity

CLAIMS HISTORY - 1986 - 2020



The LFCP board of commissioners held four quarterly meetings during fiscal year 2020. The board reviewed 56 claims, determining 43 claims eligible for reimbursement totaling \$352,632.64. The board also approved three applications for attorney fees totaling \$1,500.00. Three claimants received the maximum reimbursement amount of \$75,000, and 26 claimants received full reimbursement of their losses. The reimbursements resulted from the dishonest conduct of 30 Ohio attorneys.

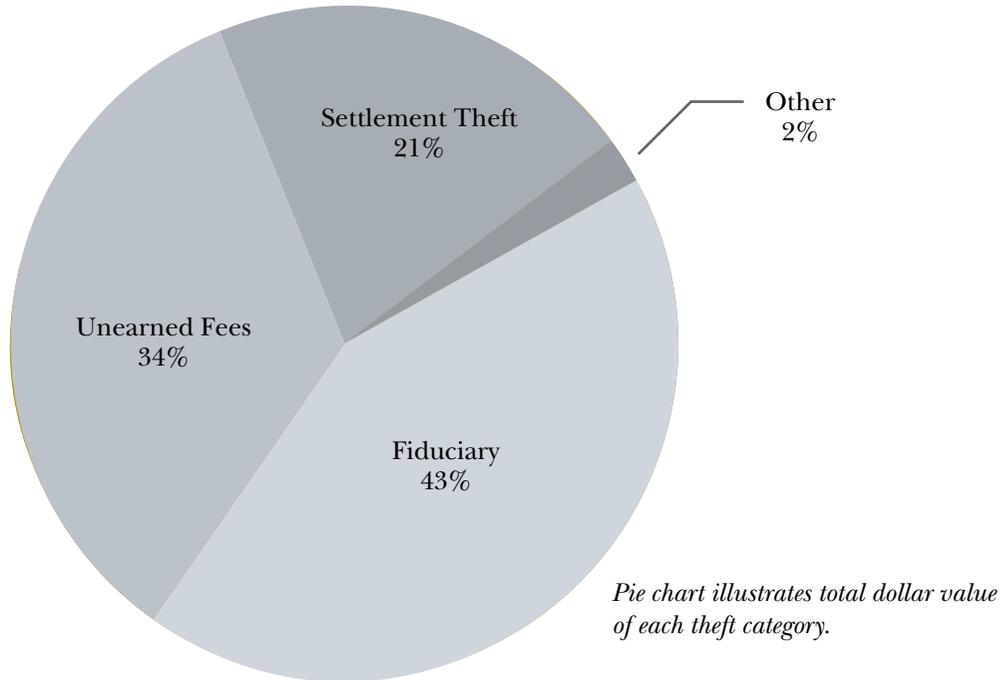
Former clients of five deceased lawyers were reimbursed by the LFCP. The clients paid for services that were not provided, and the clients did not receive refunds of their unearned fees.

2020 CLAIM DETERMINATIONS

DATE	ELIGIBLE	INELIGIBLE	AMOUNT
Sept.6, 2019	15	1	\$192,025.00
Dec. 3, 2019	5	5	\$15,880.00
March 6, 2020	15	3	\$125,377.64
June 5, 2020	8	2	\$19,350.00
Total	43	11	\$352,632.64

Theft Categories

2020 THEFT TYPES



There were 38 losses resulting from unearned-fee claims, accounting for the largest number of eligible claims. There was only one eligible claim in each of the settlement theft and property loss categories, and there were no reimbursements in the escrow theft or estate theft categories. The board also approved reimbursement of a claim involving the loss of the claimant’s property (funds to purchase a hearing aid) which was classified as “other.”

2020 THEFT CATEGORIES

CATEGORY OF CLIENT LOSS	REIMBURSEMENTS	TOTAL
Escrow Thefts	0	\$0.00
Estate Thefts	0	\$0.00
Theft by Fiduciary	3	\$150,550.00
Settlement Theft	1	\$75,000.00
Other (Property Loss)	1	\$7,000.00
Unearned Fees	38	\$120,082.64
Total	43	\$352,632.64

Attorneys Involved in LFCP Claims in Fiscal Year 2020

ATTORNEY	COUNTY	AWARDS	THEFT CATEGORY	AWARDED
* Laurie Kaufman Ahlers	Hamilton	6	Fiduciary/Unearned Fee	\$154,450.00
Michael Branch Aten Jr.	Cuyahoga	1	Unearned Fee	\$11,751.15
Rebecca Jo Austin	Cuyahoga	1	Unearned Fee	\$1,000.00
Gary Ray Axner	Cuyahoga	1	Unearned Fee	\$1,200.00
Daniel Lee Bennett	Logan	1	Unearned Fee	\$327.50
Paula Enza Camino	Cuyahoga	1	Unearned Fee	\$3,000.00
Michael Joseph Cheselka Jr.	Cuyahoga	2	Unearned Fee	\$15,000.00
Brendan Edward Delay	Cuyahoga	2	Unearned Fee	\$7,250.00
Jana Bassinger DeLoach	Summit	1	Settlement Theft/ Unearned Fee	\$75,000.00
Mark Alan Deters	Lucas	2	Unearned Fee	\$5,000.00
Timothy Raymond Dougherty	Franklin	2	Unearned Fee	\$6,050.00
Brian Wade Harter	Delaware	2	Fiduciary/Unearned Fee	\$3,200.00
* Mary Jill Brewster Hugan	Hamilton	1	Unearned Fee	\$4,000.00
Douglas King Jordan	Lucas	1	Unearned Fee	\$1,727.50
John Patrick Lutseck	Trumbull	1	Unearned Fee	\$613.49
David Marlborough Lynch	Cuyahoga	1	Unearned Fee	\$4,000.00
* Brian Herbert Meister	Hamilton	1	Unearned Fee	\$3,000.00
Steven Jerome Moody	Cuyahoga	1	Unearned Fee	\$800.00
John David Moore Jr.	Franklin	1	Unearned Fee	\$10,000.00
* Geoffrey Lynn Oglesby	Erie	3	Unearned Fee	\$15,500.00
John Ivor Peters	Licking	1	Other	\$7,000.00
* Kenneth Warren Phillips	Lucas	1	Unearned Fee	\$250.00
Joseph Dues Reed	Franklin	1	Unearned Fee	\$3,000.00
Andrea Lynn Reino	Hamilton	1	Unearned Fee	\$1,000.00
Robert Eugene Searfoss III	Wood	1	Fiduciary	\$550.00
Christopher Michael Sove	Montgomery	1	Unearned Fee	\$10,450.00
Christopher William Striff Jr.	Fulton	2	Unearned Fee	\$2,210.00
William Matthew Tinch	Butler	1	Unearned Fee	\$1,500.00
Lawrence Edward Winkfield	Franklin	1	Other/Unearned Fee	\$303.00
Gregory James Wysin	Portage	1	Unearned Fee	\$3,500.00
30 Attorneys		43		\$352,632.64

* Attorney was deceased at the time claim was filed and/or during claim process.

A full listing of attorneys involved in claims from 1987 to the present is at:
sc.ohio.gov/Boards/clientprotection/reimbursements.asp

Lawyers' Fund for Client Protection

Former Commissioners

Luis M. Alcalde	2003 - 2008	E. James Hopple	1996 - 2001
Benjamin F. Barrett Sr.	1998 - 2000	Donna James	1991 - 1995
Hon. Patricia Ann Blackmon	2004 - 2009	David Kamp	1992 - 1997
Kathleen Burke	1985 - 1990	Larry Johnson	2011-2017
David S. Bloomfield	1990 - 1995	Hon. Richard H. Koehler	1985 - 1990
John J. Chester Jr.	1996 - 2001	Dennis M. Lafferty	2010 - 2012
Anne L. Clark	1998 - 2003	David P. Lyons	2002 - 2004
Michael Colvin	1992 - 1997	Keith McNamara	1985 - 1989
Emily K. Cooper	2000 - 2002	Fred E. Morr	1990 - 1995
Sally W. Cuni	2009 - 2014	William S. Newcomb Jr.	2002 - 2007
Kenneth R. Donchatz	2005 - 2010	Jerome Phillips	1998 - 2003; 2007 - 2012
Robert W. Everett	2003 - 2006	Gordon L. Rose	1991 - 1996
Mary Ellen Fairfield	1990 - 1991	Hon. John J. Russo	2011-2018
George Gerken	1985 - 1991	Brian G. Selden	2003 - 2004
Laneta Goings	1995 - 1999	Stephen R. Serraino	2013-2018
John J. Grady	1985 - 1989	Diane Smilanick	2001 - 2006
Hon. James E. Green	2008 - 2013	Howard A. Traul II	2010 - 2015
Edward G. Hack	2004 - 2009	Natalie Wester	1997 - 2002
Francis A. Herzog	1985 - 1989	Henry Young	1985 - 1988
Thomas A. Heydinger	1989 - 1994	John W. Zeiger	1995 - 1997

Published by the
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NOVEMBER 2020



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