

A Name and a Mission

Kenneth J. Bossong

Gilbert A. Webb was a friend of mine. But that's not the reason why this newsletter is named in his honor. Actually, Gil was a friend of many in the field of client protection during his lifetime, and to client protection itself. As Assistant Client Protection Counsel for the American Bar Association's Center for Professional Responsibility, Gil was intensely interested in programs and mechanisms for protecting the welfare of clients who had been victimized by their attorneys.

Gil also cared deeply about those who worked in the field. Combining knowledge of the concepts, concern for people, and a marvelous ability to articulate each of these, Gil served as an extraordinarily valuable hub for a network of Client Protection Fund information.

We could name this newsletter for Gil simply because of the good work that he did co-editing, with Kiyoko Tatsui, the old Client Protection Newsletter for several years as a publication of the Standing Committee on Lawyers' Responsi-

bility for Client Protection. "The Client Protection Webb" could also be chosen to honor a friend who is missed. The best reason to do it, however, is that Gil's greatest contributions to client protection match the mission of this newsletter: to keep us caring and to keep us sharing ideas and experiences from the uniquely worthwhile and important work of law client protection.

Anyone with a genuine interest in the field is invited to submit, for future editions, anything from a full-fledged article to a current development, and from a tip on how to handle something to a cry for help. Cases, war stories, and mystery questions of life (such as, "Why does it always seem that claimants who provide the least helpful information are the most impatient and demanding?") will be welcome.

This should be a Webb that captures information to sustain the legal profession's best efforts to preserve and honor the public's trust. Meanwhile, a Web site — no pun intended — on the Internet is being explored as well. Stay in touch.

Survey Shows Support for National Organization

Kenneth J. Bossong

In the Fall of 1996, a one-page survey accompanied by a letter explaining the concept of a National Client Protection Organization was sent to 451 people nationwide who were identified as having an interest in law client protection funds. The basis of the mailing list was the compilation of fund trustees, administrators and counsel provided by the ABA's Standing Committee on Lawyers' Responsibility for Client Protection.

Seventy-four surveys were returned substantially answered by individuals. These 74 replies represented 37 jurisdictions, as one person was designated to respond on behalf of a jurisdiction in a number of instances. One state replied with a letter to the effect that they were busy marshaling support to restore the Standing Committee on LRCP within

the ABA and would decline to participate in NCPO at the present time.

In this report on survey results, each response is counted as one, regardless of whether it appears the respondent answered individually or on behalf of a jurisdiction.

The first question revealed that of 74 people responding, 42 were trustees of a fund, 15 were fund administrators, 9 were fund counsel, 3 were former trustees, 2 were state bar association officials, 1 was a fund investigator, 1 was an ABA staff lawyer and 1 brave soul opted to be anonymous.

For questions 2 through 8, the results can best be given by summarizing the question and stating the number of replies yes, no, unsure or the equivalent, and blank (*see box on page 2*).

In response to Question #9, there were 10 suggested alternatives to the name of National Client Protection Organization. Three of them would suggest that the entity was itself a fund: the National Clients' Security Board; the National Client Protection Fund; and the National Client Security Fund.

Two respondents preferred "Association" to "Organization". Another simply dropped "Organization": National Client Protection (NCP). Another

	Yes	No	Unsure	Blank
#2 Believe and NCPO would be a good idea	57	11	2	3
#3 Jurisdiction willing to support NCPO with reasonable dues	46	13	11	3
#4 Personally would like to belong to NCPO	47	17	6	3
#5 Welcome active role in NCPO, helping with projects	31	33	5	4
#6 Newsletter devoted to client protection is needed	49	12	8	3
#7 Consider attending NCPO workshops in conjunction with NOBC meetings	49	16	5	3
#8 Consider attending NCPO workshops in conjunction with APRL meetings	34	23	4	6

suggested substituting "Security" for "Protection". Two others were rather long; National Organization to Support Client Protection, and the National Lawyers' Organization for Client Protection. Finally, there was the Organization of Client Protection Funds, the point of which was to leave out "National" since the intent of the organization may be to go international shortly.

Question #10 was an invitation to identify problem areas in client protection. It was seen as one way of beginning to set the organization's agenda. A summary of the responses follows :

- A need to develop a set of standards for client protection funds;
- Collective wisdom in the handling of difficult claims;
- Educating lawyers on the benefits of law client protection funds and programs;
- Educating the public on ways they can protect themselves from dishonest lawyers;
- Coping with claim levels and funding levels, especially fear of a big hit for a small fund;
- New funds tend to be in the dark on client protection issues;
- Claims against attorney serving in fiduciary or dual capacities;
- Seeking an early alert system to detect "serial defalcators";
- Questions regarding situations of specific kinds of claimants:
 - Claimants convicted of crimes
 - The impact of hardship or wealth of claimants

-To what extent should claimants be expected to exhaust their remedies?

- Are per claimant maximums helpful or hurtful?

- Eroding ABA support for law client protection;
- Can/should client protection funds be insured?
- Should trustees' discretionary decisions be reviewable at all?

Question #11 was an open invitation to other thoughts and suggestions. There were a fair number of them. Grouping as best as fairness will allow :

- Nine used this space to emphasize unbridled enthusiasm for the concept of NCPO;
- Seven said that a national organization was not necessary, such matters being better left to state and local bar associations;
- Seven expressed concern with the potential cost of NCPO, either with respect to what its overhead might be or what the dues level would be;
- *ABA Concerns*: two respondents cited the need for relationship with ABA; one emphasized no connection to ABA; one thought NCPO

worth exploring if ABA was creating a void; another mused that NCPO may further erode the ABA commitment to client protection.

- Two suggested a Web page for NCPO
- One respondent emphasized the special need for a newsletter;
- One urged the organization to be international from the very beginning; and
- One was not sure they needed the organization because their claims experience was so low.

It's accurate to report that there was not universal support for the NCPO concept. Our anonymous correspondent answered Question #11 exactly as follows: "There are already 4,812,732 more organizations like this than we have time or use for." That was the closest thing to hostility generated by the survey.

Among the other negative responses there seemed to be some confusion that the concept being proposed was to replace jurisdictions' Funds with a National Client Protection Fund. There is a one-word answer for that concern : No! NCPO will not be considering or paying claims. It seeks to be a year-round information sharing network for those who care about doing client protection well. With the goal of keeping costs and dues low and with apologies for adding NCPO to the alphabet soup of this world's organizations, it would seem that the "ayes" have it.

We thus beget this keepsake first edition of the Client Protection Webb and the National Client Protection Organization itself. The responses to the survey were gratifying, indeed, in number, in thoughtfulness and in enthusiasm.

Tools of the Trade: The Internet and Client Protection

Michael J. Knight

As an Assistant Counsel for a small, but busy, law client protection fund, it's no surprise that I juggle many responsibilities. In addition to the routine responsibilities of claims investigation and legal research at the New York Lawyers Fund, I help with statistical analysis, computer software hardware configuration, and database programming. The experience offers great opportunities, and provides a near endless variety of tasks to make the work week more interesting.

Late in 1996, I was provided the opportunity to "stake out a domain in cyberspace" for the New York Lawyers Fund. Our goal: a presence on the World Wide Web.

By now, everyone knows something about the Internet. The media is fairly saturated with stuff about the "Information Superhighway". What began as a military communications network and later a playground for scientists and "techie" has become one of the largest and most diverse sources of commercial, educational and entertainment information in the world.

Fueled by the availability of personal computers, millions of consumers "surf the Net" each day in search of information on an almost infinite menu of subjects, including the protection of law clients from dishonest conduct in the practice of law. On February 1, 1997, the New York Lawyers Fund went live on the Web. Our address:

<http://www.nylawfund.org>

Why go Internet? Simple. The development of a Web Page permits the wide dissemination of important and helpful consumer protection information at modest cost. For example, we have posted the text of all our consumer information pamphlets, brochures and handbooks. The Page provides access to the texts of our Annual Reports and press releases. Visitors can also access a directory of all lawyer

discipline committees in New York State, and all client protection funds in the United States.

Equally important, consumers and potential claimants (and their counsel) can review the text of our Board of Trustees' regulations, and download a

most local providers can assist you in designing and maintaining your Web Site.

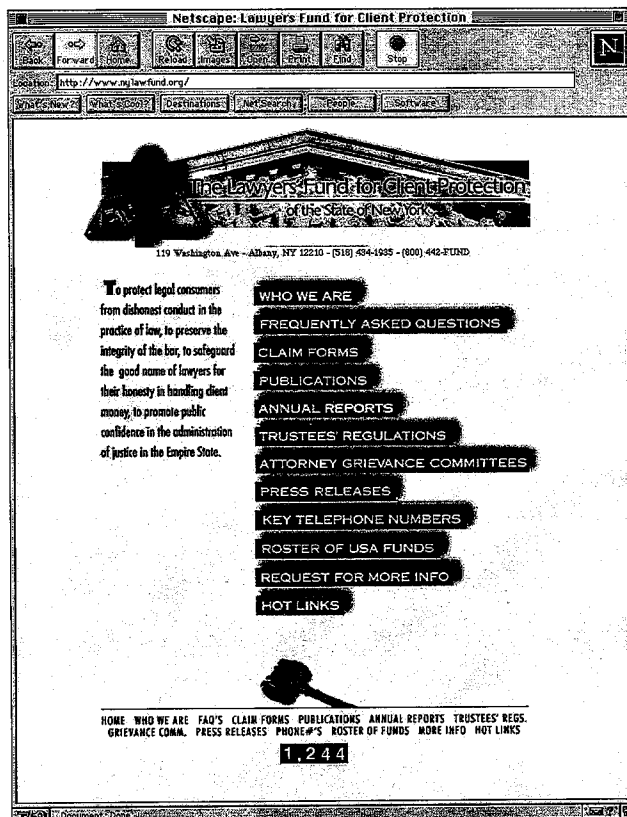
The cost of developing a Web Site can vary depending on the level of graphics and inter-activity that you want to present. The best course is to keep things simple; the attention span of the average Web browser is very short, and easy-to-understand menus are the most effective.

Once created, your Internet provider can post your Web Page on its server (or computer mainframe). You will be given a "web address" which is basically a command line identifying where your page can be located on the Internet.

The common Internet address includes a string of information which identifies your server, and where to find you on its system. If you can spend a little more, it's a great idea to obtain your own "domain" on the Internet. That means applying for and registering your own unique web address (not unlike a personalized automobile license plate). Having your own domain name simplifies the search process and better identifies your fund. In our address, for example, the abbreviation "org" signifies our unique domain as an organization on the Internet.

Maintenance of your page can be painless. Most likely, you will never have to change the design of your page. Adding new documents or links to your existing page is easy to learn, and is a service that is offered by your Internet provider.

Whatever one thinks about the computer age, one thing remains certain: the Internet and the World Wide Web signal vast changes in store in the fields of legal research, communication, and information gathering and sharing. Besides that, surfing on the Net can be fun, and that's not so bad.



reimbursement application. They can also e-mail the fund for additional information.

Developing a Web Page is not difficult. The first step (if you aren't already online) is to obtain an Internet "provider". An Internet provider is a company or service which provides a local telephone connection to the Internet, usually for a monthly fee. Services such as America Online, Prodigy and Compuserve are the best-known, but don't underestimate the ability of an Internet provider in your community to offer equal or better service. In addition, if you are not a computer programmer,

Funds on the Internet

Information about client protection funds on the World Wide Web can be found at the following addresses:

<http://www>.

Connecticut

ctbar.org/cbacm4.htm

District of Columbia

dcbar.org/index.html

Florida

ww3.pwr.com/legal/flabar/consumer/clients.sec/csregul.html

Hawaii

hsba.org/about/related/supr.htm

Indiana

ai.org/isba/standing/cfaf.html

Kentucky

kybar.org/csfund.htm

Michigan

michbar.org/sbm/sbm2/rules.html

Minnesota

courts.state.mn.us/courts/csb/csb.html

Missouri

mobar.org/brochure/security.htm

New York

nylawfund.org

South Dakota

sdbar.org/pamflets/fund.htm

Tennessee

tsc.state.tn.us/geninfo/boards.htm#ClientProtection

Utah

utahbar.org:80/public_services.html#client

Virginia

vsb.org/cpf.html

Washington

wsba.org/services.html#3

West Virginia

wvbar.org/barinfo/comms/41.htm

Canadian Sites:

Law Society of Upper Canada

(Ontario)

lsuc.om.ca/LPIC_Report.html

Nova Scotia Barrister's Society

<http://home.istar.ca/>



The Client Protection Webb

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The Interim Editors invite articles, news and other materials of interest to the client protection fund community in the United States and Canada.

News In Brief

Maine Creates a Client Protection Fund

On April 15, 1997, the Supreme Judicial Court of the State of Maine adopted rules creating a Lawyers' Fund for Client Protection, effective July 1, 1997. The Rules require each member of the bar to make annual contributions of \$20.00 to finance the fund. Limits on awards are \$17,500 per claim and \$35,000 in the aggregate against any one lawyer. The seven member Board of Trustees (consisting of five lawyers and two non-lawyers) make awards based on dishonest conduct occurring after January 1, 1999 in the course of a lawyer-client or fiduciary relationship. The Rules were proposed by the Board of Overseers of the Maine Bar.

Who's Who with the LRCP

The 1996 effort to consolidate the Standing Committees on Professional Discipline and Lawyers' Responsibility for Client Protection was not implemented fully. The LRCP continues as a separate entity of the American Bar Association. Current members are Harriet L. Turney of Arizona, who serves as Chair; Mary Ellen Bateman of Florida; Randy H. Lee of North Dakota; Barbara S. Rea of Kentucky; James E. Towery of California; and William L. Weston of Florida.

The Board of Governors' liaison to LRCP is John F. McCarthy, Jr. of New Mexico. Brenda P. Catlett of the District of Columbia chairs the ABA's Advisory Commission on Client Protection Funds. John A. Holtaway serves as Client Protection Counsel at the ABA's Center for Professional Responsibility in Chicago. The Center's offices are at 541 North Fairbanks Court, 14th Flr., Chicago, Illinois 312/988-5298 FAX 312/988-5491.

Leaders Change in Pennsylvania

Tricia W. Nagel, Executive Director of the Pennsylvania Lawyers' Fund for Client Security, has resigned that post to take a position with the Pennsylvania Supreme Court's Appellate Court and Orphans' Court Rules Committees. During her ten-year tour as the administrator of the Pennsylvania fund, Tricia played a key role in the adoption of court rules to protect law clients in the Keystone State. She served on the ABA's Advisory Commission on Client Protection Funds, and was a frequent panelist at ABA National Client Protection Forums.

Kathryn J. Peifer takes over the reins as fund Administrator. Kathy has a paralegal degree from Central Pennsylvania Business College and completes her undergraduate studies in finance at Penn State University in December 1997. Prior to her appointment as fund Administrator, Kathy was a paralegal in the legal department of Keystone Financial, Inc., a bank holding company headquartered in Harrisburg.