

The Client Protection Webb*

A Publication of the National
Client Protection Organization

November 2021



There's an App for that!

NCPO Designing App for Members, General Public

As part of its ongoing efforts to share "the Bar's best kept secret" NCPO has approved development of a software application that

will be able to be installed on smartphones, tablets and other devices and provide instant access to a wealth of client protection assistance and information. Potential fund claimants will be able to find contact information for any fund in the U.S. and Canada (see story on page 8). They will also be guided to NCPO newsletters, fund annual reports and general guidelines for law clients

who believe they may need assistance from the fund in their jurisdiction.



NCPO membership will also become easier to initiate and maintain through a link to pay annual dues. We'd welcome your input and help during this development stage – Please contact NCPO president Alecia Chandler at achandler@michbar.org or president-elect Mike McCormick at Michael.mccormick@njcourts.gov to become a part of this initiative.

WELCOME NEWFOUNDLAND – LABRADOR And Welcome Back – California, Georgia & Missouri



NCPO is happy to welcome the Law Society of Newfoundland & Labrador, Canada as a new member. The Society's Assurance Fund considers claims arising from alleged attorney theft, while all attorneys are required to carry errors and omissions liability insurance. Check out the Society's website at [Insurance & Assurance - The Law Society of Newfoundland and Labrador \(lsnl.ca\)](http://Insurance & Assurance - The Law Society of Newfoundland and Labrador (lsnl.ca)) and be sure to stop by and say "Hi" to Administrator Brenda Grimes the next time you're in St. John's for Jiggs Dinner!

NCPO is also glad to have funds in California, Georgia and Missouri back as members. Our goal, of course, is to have at least one member from every US state and Canadian province.

Have you renewed your membership for 2021?

**Annual individual membership is just \$25;
Organizational membership is \$200. Contact
Membership Chair Eileen Donahue at
edonahue@iardc.org TODAY**



President's Corner -

NCPO Enters Cyberspace



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

Facebook, youtube, snapchat, Instagram, twitter, linkedin – the variety of social media platforms seems to expand every day. It's not enough anymore to just send out a press release, or even to limit outreach to a well-designed and maintained website. That's why NCPO has created a new position on its Executive Committee, the **Vice President of Media and Cyberspace**.

Recognizing the need may have been the easy part – now we need someone to fill the position. This VP will be responsible for updating our webpage, posting on social media, and expanding NCPO's marketing presence. The goal of the position is two-pronged: (1) support and strengthen funds across the U.S. and Canada and (2) get the word out to the public that client protection funds exist and are here to help.

Are you who we are looking for? (We hope so!). Please consider whether your technology talents can help NCPO make a difference. The time required is what you can give, and work can be done at your own pace. If you are interested, please email us at info@ncpo.org.

In addition, there are two open Regional VP seats. The **Midwest VP** encompasses Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, and Nebraska. The **Southwest VP** includes Arizona, Utah, Colorado, New Mexico, Texas, Louisiana, Arkansas, Kansas, and Oklahoma.

Regional VP's serve as a vital link between NCPO and our member funds. They are the first responders of client protection, checking in periodically with the funds in their area and helping to address their needs and concerns.

If you are a part of a Midwest or Southwest area fund, please consider serving as a regional vice president. You'll get the chance to know your colleagues in neighboring states and help build the relationships that are the foundation of NCPO's efforts to build stronger funds.



The NCPO is here to help you and your fund. Please contact us if you need a speaker, advice, or a supportive letter for an initiative. Members with a wealth of experience in client protection are available to speak with trustees, staff and others about difficult claims, funding issues, subrogation, claim investigation and more. NCPO's grant initiative can provide funding for that project your fund needs, but which isn't in your budget, like efforts to improve outreach, develop a brochure or upgrade a website. Contact us at info@ncpo.org.

"We have a Responsibility" –

Lindsey Draper Named 2021 Hecht Award Recipient

By **JEFF M. BROWN**

Reprinted with permission from the Oct. 20, 2021, edition of *InsideTrack™*, published by the State Bar of Wisconsin.



If there's an episode from Lindsey Draper's career that exemplifies the passion he brings to client protection, it's the time he appeared before the Wisconsin Supreme Court in 2012.

Draper was before the court to argue in support of a petition to boost the annual assessment lawyers pay to the Wisconsin Lawyers' Fund for Client Protection. Draper told the justices the story of a couple with a disabled daughter who'd received a payment from the fund. After the father suffered a heart attack, the couple went to a lawyer to establish a trust for their daughter. The lawyer stole \$100,000 from the couple.

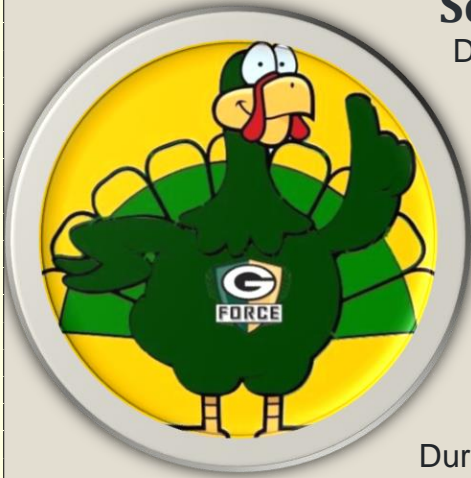
"It wasn't just that their money was gone – it was their peace of mind that their daughter would be OK," Draper said. "And what I was describing to the supreme court was the tremendous feeling of being able to give that money back."

CPO recently recognized Draper for this work on client protection issues by awarding him the Isaac Hecht Award last month. Since 2006, NCPO has annually presented the Isaac Hecht

Award to a person or organization with a record of achievements in client protection. The award is named for Isaac Hecht, a Baltimore lawyer who spent decades advocating for client protection programs. Draper was nominated for the award by David Weyant, the president and CEO of the Alberta Lawyers Indemnity Association.

"Lindsey D. Draper is an extraordinary individual whose passion and dedication to the public good is evident in everything he does," Weyant wrote in his nomination letter. "His contributions, including selflessly giving his time and experience in a variety of volunteer roles within and outside of the legal profession ... are diverse and many."

Draper, who received his law degree from Marquette University Law School, has been a member of the NCPO board of directors since 2004. He currently serves as a director-at-large. Draper has also served as the chairman of the ABA Standing Committee on Client Protection, the chairman of the State Bar of Wisconsin's Law-Related Education and Lawyers' Fund for Client Protection Committees, and on the ABA Center for Professional Responsibility's Diversity and Inclusion and Continuing Legal Education committees.



Second from Wisconsin to Win Award

Draper is the second Wisconsinite to be honored with the Isaac Hecht award. The first was Kris Wenzel, former program coordinator in the State Bar of Wisconsin's Member Services Department, in 2015. Draper said he first got involved in NCPO because of Wenzel.

"I nominated her for the award because I watched the work that she did," Draper said. "Being the second Wisconsin person to win the award means a great deal, knowing that the nomination came from people from other parts of the country."

During his legal career, Draper worked as an assistant district attorney, an assistant public defender, and a court commissioner. Not every lawyer he worked with, Draper said, saw the value in having a client protection fund. Draper, of course, disagreed. He said his passion for working on client protection issues stems in part from his reverence for the legal profession. "That whole notion of the difference in us having a job and us being a profession is what drives how I feel about this," he said.

Draper is currently serving his third five-year term on the Wisconsin Lawyers' Fund for Client Protection. Wisconsin lawyers annually pay \$25 into the fund, an amount established by the Wisconsin Supreme Court. He said the fund's work is vital to the profession.

"The client protection fund is one of the most significant activities that we as lawyers do," Draper noted. "We are, to my knowledge, the only self-regulating profession, and as a result we have a responsibility not only to hold ourselves accountable but also to protect the people that lawyers may hurt. You know, it's painful when you read the stories of people who trusted lawyers and ended up being hurt."

Role of NCPO

Draper said the NCPO is an important resource for state client protection funds. The NCPO advises state funds on novel issues (such as whether a client who gave money to a lawyer who died before providing any services should be recompensed) and helps push for legislative changes.



An example of the latter is the move to enact payee notification laws. Such laws require insurance companies to notify both a lawyer and his or her client of a settlement, to prevent lawyers from absconding with settlement funds before clients are even aware of the settlements.

Alecia Chandler, NCPO president, said Draper's support has been invaluable during her term. "I am so honored that we present this award to Lindsey while I am president," Chandler said. "He has been my cheerleader when I have faced some very dark days, always making me feel like I have value and that someone else sees how much I try, even when I don't succeed."

Draper said the other members of the NCPO board sprung the award on him. Because of the pandemic, the event at which the award is typically handed out was held virtually. Draper was told there had been no nominations for the award this year. So he was surprised when, at the end of a town hall meeting during the event, another board member announced that the next item on the

agenda was the Isaac Hecht Award. "I'm honored beyond belief," Draper said. "It does mean that a lot of people with whom I have worked for a number of years have felt there was a reason to recognize me. I believe this is the fourteenth time the award has been given out. That puts me in a really special group."

Giving Back - In addition to his work with NCPO and the Wisconsin Lawyers' Fund for Client Protection, Draper serves as vice-president for diversity, equity, and inclusion with the Institute for Well-Being in Law. For Draper, the link between lawyer well-being and client protection is obvious.



"If you have a healthy lawyer, there's a darned good chance you're not going to need the client protection fund. The kinds of issues that lead to the fall from grace – substance abuse, excessive stress, lawyers walking away from their practices – those are the kinds of things that if the lawyer is healthy, we don't need to pay back, and we can protect clients."

Draper said his client protection work is a way to give back to the profession that's given him so many opportunities. "Protecting clients is a huge piece. It's hard for me not to develop a passion – if the profession has been so good to us as attorneys, we have to protect its reputation."

NCPO President Argues for Succession Planning

On September 22, 2021, NCPO President Alecia Chandler presented Michigan's [Proposed Interim Administrator Program](#) to the Michigan Supreme Court during its [public hearing](#).

If adopted it will require mandatory succession planning for all private practice attorneys and provide the financial resources required to windup a lawyer's practice should the lawyer become unable to practice. The framework for the program is based upon Iowa's [Mandatory Succession Planning](#) for attorneys.

The program begins with a requirement that all lawyers in private practice designate a successor attorney, called an Interim Administrator, to act in the event the designating lawyer becomes unable to practice. They may nominate another attorney or law firm at no cost, or pay a fee to nominate the State Bar's Interim Administrator Program (IAP). Lawyers will also be required to designate a person with knowledge, an excellent idea from Iowa! This may be anyone who would be able to locate bank accounts, passwords, etc. Oftentimes it is an administrative assistant or

family members. To ensure that the nominated IA is up for the task, the State Bar will send them a notification that they have been nominated and require that an agreement to act if necessary is executed.

The remainder of the rules provide authority for the IA to act and guidance to those acting as IAs. The Bar has already begun creating educational tools and forms in the event that the IAP is enacted.

The goals of the IAP are first and foremost to protect clients in the event that their lawyer becomes unable to practice. Intentionally, the program as proposed also protects the impacted lawyer and their family. Actions taken by the IA will be reviewed by a court, to ensure that there are checks and balances to protect the lawyer's interest in the practice. Anecdotally, some of the biggest supporters of the program are family members of deceased lawyers who are attempting to deal with client files and windup law firms while they are also dealing with the grief associated with loss.

If the program is adopted, it will likely begin in October 2022. Stay tuned for more information!

Stan Hazlett – Fund Founder and “Smiling Bull” Retires after 34 years



Stan Hazlett had been a part of the Kansas Office of the Disciplinary Administrator for just four years when he first heard about client protection in 1990. Kansas Supreme Court Justice Frederick N. Six had started a movement to create a fund for Kansas and asked Stan to join the effort. It took three years to develop the necessary court rules, put them in place, and convince others in the state that Kansas needed a fund.

Stan Hazlett was, as he said, “in on the ground floor” of client protection in his home state. It became a cause that all these years later, he said, remains “dear to my heart.” As he prepared to leave government after 34 years of service this past September, Stan said the Kansas Fund “is in a good place.” It enjoys a surplus of

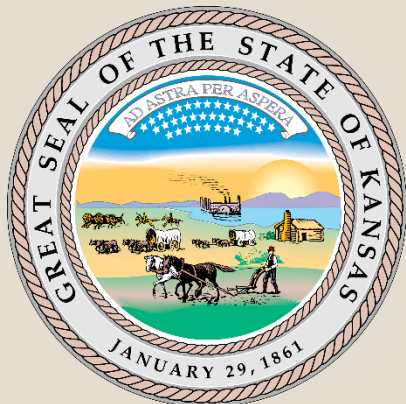
about \$2.7 million, and can reimburse up to \$125,000 per claim, with an aggregate respondent maximum of \$350,000.

Stan was recognized by the Kansas Supreme Court and others in the legal community for his work as Disciplinary Administrator, arguing ethics cases before 24 Supreme Court justices and eight chief justices. Over the years he’s received many awards for his work, perhaps most notably his admission to the “Order of the Smiling Bull” bestowed in 2004 by the Leavenworth County Bar Association (where he finds himself in the company of such Kansas luminaries as former governor and 1936 Republican Presidential nominee Alf Landon and his daughter, former U.S. Senator Nancy Kassenbaum).



Less well known perhaps, but “very gratifying” for Stan has been his work on behalf of fund claimants. “When I go to a client protection meeting and they pay a claim, I walk away feeling really good about what’s happened,” he said. “It’s the high point of my job.” Even respondent’s have occasionally made an impression on Stan. One – Timothy Grillot -- came up to him after a Supreme Court ethics hearing and said “I’m so ashamed – I will be back.” Mr. Grillot worked his way through college, obtained a degree in education, and is now a high school teacher. He even appeared as part of an NCPO workshop to tell his story of repentance, redemption and hope.

Stan credits long-time North Carolina disciplinary counsel, and key NCPO member Root Edmondson with introducing him to NCPO during a bar counsel association meeting. They bonded over college basketball which, of course, served as an entrée to talking about client protection (???). Stan became a regular at NCPO functions in 2000 and ultimately hosted NCPO’s very first virtual workshop “Live from Lawrence Kansas” in 2020 – Clearly he’s not one to let a little pandemic get in the way of a great program! (*cont. on next page*)



Stan said NCPO members have given him “a lot of great ideas on how to run the fund.” The benefits of membership grew the more he participated, and helped Stan meet the biggest challenges in his client protection career. He remembers two respondents in particular who, although initially admitted to practice in Kansas, set off for other states where they defrauded hundreds of immigration clients. Eight hour board meetings grappled with the resulting unearned retainer claims; Stan brought four more staff members aboard to try to decipher what happened to many claimants with limited English speaking abilities.

Through it all Stan said he’s been grateful for “fantastic” board members and the opportunity to be around others in the client protection field. We are all grateful for Stan’s service and wish him many happy and healthy years ahead!

Save the date! June 3-4, 2022 – Baltimore Maryland – **ABA National Forum on Client Protection**

Join us! Planning of the 37th ABA National Forum on Client Protection has begun, and we hope you'll be with us in-person June 3-4, 2022, at the Hyatt Regency Baltimore Inner Harbor. Sessions on tap for next year's event include the community favorite Town Hall and Hot Topics, as well as important updates on regulatory innovation and the implications for the client protection



community and on UPL. Sessions on subrogation and working with community partners, dangers of trust account scams and how the community can help lawyers avoid them, and a program focused on current proactive post-admission client protection fund educational initiatives are also on the agenda. [Stay tuned for more information soon.](#)



Welcome!

ABA Staff Counsel to the Committee Stephanie Custard and her wife Cameron welcomed daughter Aurora Clark to the Client Protection community on September 8, 2021. Baby “Rory” arrived at 9:47pm and weighed in at just 5 lbs 15oz, but call her “stretch” at a long 19”. Mom and baby are doing well, and trying to nap at the same time!

Congratulations Stephanie!



Well-Being Committees Plot Task Force Plan

By Lindsey Draper, Esq.,
*Former Chair, Wisconsin Lawyers' Fund for Client
Protection*



As the Institute for Well-Being in Law (IWIL) approaches the anniversary of its founding, significant work has been done in organizing and building the foundation to

ensure its efforts to support the implementation of the recommendations of the National Task Force Report continue. The committee structure developed by IWIL currently includes a

- Programming Committee
- Policy Committee
- Research and Scholarship Committee
- Diversity, Equity, and Inclusion Committee
- Fund Development Committee
- Communications Committee
- Governance Committee

The Board members responsible for the respective committees have recruited and

conducted members for the committees, and an agency-wide orientation meeting with all committee members was conducted October 15, 2021.

Among the significant activities currently planned by the Programming Committee is the virtual Annual Conference, "*Redesigning the Legal Profession for a Better Future*" scheduled January 19-21, 2022. (<https://lawyerwellbeing.net/conference-2022/>)

IWIL empaneled an Advisory Board (<https://lawyerwellbeing.net/advisory-board-members/>) of experts, some of whom had served on the National Task Force for Lawyer Well-Being and who have extensive networks throughout the legal profession. Members of the IWIL Board met with the Advisory Board September 14, 2021 to outline agency progress and get ideas for sustaining the movement.

In order to determine the appropriate "next steps" for the agency, a Strategic Planning session is scheduled for Monday, November 15, 2021.

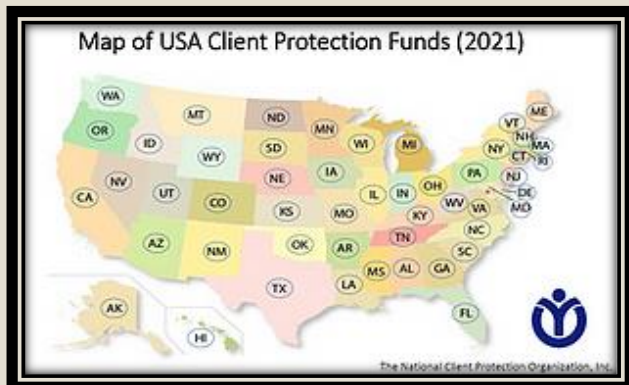


Seek and Ye Shall Find ---

New Map of Fund Contacts now online for U.S. & Canada

Now potential claimants, client protection professionals and the public can visit one site to find the address, telephone, fax, website and staff contact for every fund in the U.S. and Canada. Give it a try at [Map of USA Client Protection Funds \(2021\)](https://www.nylawfund.org/Map_of_USA_Client_Protection_Funds_2021) ([nylawfund.org](https://www.nylawfund.org))

Thanks to Mike Knight, Executive Director of the New York Fund for creating these valuable tools!



TELLING THE STORY

A recurring question posed by NCPO members has been "How do we get the word out about our fund?" The draft release to the right of this side bar may be one way to let the public know funds exist. Please review it and share your thoughts with us.

In 2022 NCPO will be looking to take a more proactive role in reaching out to media outlets to tell the client protection story. This effort will be part of NCPO's increased presence on social media and ongoing website improvements.

Contact NCPO President Alecia Chandler at achandler@michbar.org or Mike McCormick at Michael.mccormick@njcourts.gov.

Thank you!

NCPO Prepares National Press Release

Editor's Note: The following draft is presented for your review and feedback – see sidebar - "Telling the Story."

Client Protection Funds – "The Conscience of the Bar"

Client Protection Funds, known as "The Conscience of the Bar" are sometimes thought of as the profession's best kept secret, but they shouldn't be. There are about 1.35 million lawyers in the United States and, like every profession, there are bound to be a few "bad apples." Bad lawyer jokes aside, lawyers who steal generally account for just one-one hundredth of one percent of the Bar. Unlike any other profession, however, lawyers in all 50 states and 9 Canadian provinces have joined together to right the wrongs committed by errant attorneys by creating "Client Protection Funds."

PRESS RELEASE

Since 1980 funds in the U.S. have paid nearly 75,000 claims, returning over \$770 million to injured clients. That's an average of just over \$400,000 per state every year.* The money comes from lawyers themselves – the 99.99 % of lawyers who see the thefts committed by their colleagues as debts of honor which must be paid to restore the public's faith and promote confidence in the legal profession. As part of maintaining their license to practice law, attorneys in most states pay an "annual assessment" which creates the "fund" from which claims are paid. There are no tax dollars involved.

Every client protection fund has a shared goal: To protect legal consumers from dishonest conduct in the practice of law. As a result, Fund efforts go beyond paying claims to reimburse clients. They also include development and implementation of legislation, court rules and other programs to improve the profession and increase safeguards for law clients. *(continued on next page)*

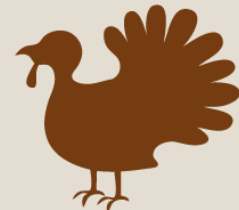
Claimants are helped through the process of submitting a claim by fund staff who take on the task of unraveling the story of where a client's money went. Volunteer fund trustees meet periodically to examine the evidence and determine whether a theft occurred. Claims can arise from all types of cases, including personal injury and other civil litigation settlements, estates and unearned fees as well as real estate matters. Whenever a claim is paid, claimants are asked to assign their rights in the case to the fund, which will pursue the respondent attorney as well as any other culpable parties for reimbursement. The money recovered helps to cover losses suffered by future fund claimants.

Chances are a client will never need their state's client protection fund, but it's good to know they exist. For information on how to contact your state's Client Protection Fund visit [Map of USA Client Protection Funds \(2021\) \(nylawfund.org\)](http://Map of USA Client Protection Funds (2021) (nylawfund.org)), or contact the National Client Protection Organization at info@ncpo.org.

**American Bar Association Standing Committee on Public Protection in the Provision of Legal Services, Triennial Survey, 2019.*

NCPO Outreach Efforts Continue

Here's an update on NCPO Outreach Initiatives:



- Trustees from New York, Pennsylvania and New Jersey joined the Maine Fund's Trustees for their meeting and a discussion of "hot topics" facing the Maine Fund.
- The NCPO Board approved a proposal to support the development of brochures for funds which do not presently have this public relations tool. A "Brochure Bank" is also being added to the NCPO website to suggest templates for these funds.
- New Hampshire, Rhode Island, South Carolina, Mississippi, Indiana, North and South Dakota, Utah and Alaska are the last U.S. jurisdictions which are not represented in NCPO. Members of the outreach committee are reaching out to change that – If you can help, please let us know!



Happy Holidays



**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

