

# Be Careful What You Wish For:

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PUBLICIZING THE STATE BAR OF TEXAS' CLIENT SECURITY FUND



# What do I do?

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Office of the Chief Disciplinary Counsel  
State Bar of Texas  
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## **Administer the Client Security Fund**

### **Handle all media inquiries regarding attorney discipline**

Respond to public information requests re:  
attorney discipline

Prepare CDC's Annual Report

Handle inquiries/concerns from members of  
the public, complainants, and respondent  
attorneys

Handle legislative inquiries/requests

# Letters to complainants

The Office of the Chief Disciplinary Counsel sends out letters including information on the Client Security Fund when:

- A grievance is dismissed because a lawyer is already deceased, disbarred, or resigned in lieu of discipline;
- A grievance results in a sanction and restitution is ordered

## STATE BAR OF TEXAS



*Office of the Chief Disciplinary Counsel*

October 25, 2018



The Office of the Chief Disciplinary Counsel of the State Bar of Texas has received your Grievance against the above named lawyer. When a grievance is received, this office conducts an initial review to determine whether the alleged conduct would be a violation of the ethics rules. If the conduct does not allege a violation, the grievance is classified as an Inquiry and dismissed with a right to appeal the dismissal. If the conduct alleges a violation, the grievance is classified as a Complaint and investigated.

The records of the State Bar indicate that the lawyer has resigned from the practice of law in lieu of discipline, and is no longer subject to the disciplinary jurisdiction of the State Bar. Your Grievance has, therefore, been classified as an Inquiry and dismissed. Please know that the Office of the Chief Disciplinary Counsel maintains confidentiality in the grievance process as directed by the Texas Rules of Disciplinary Procedure.

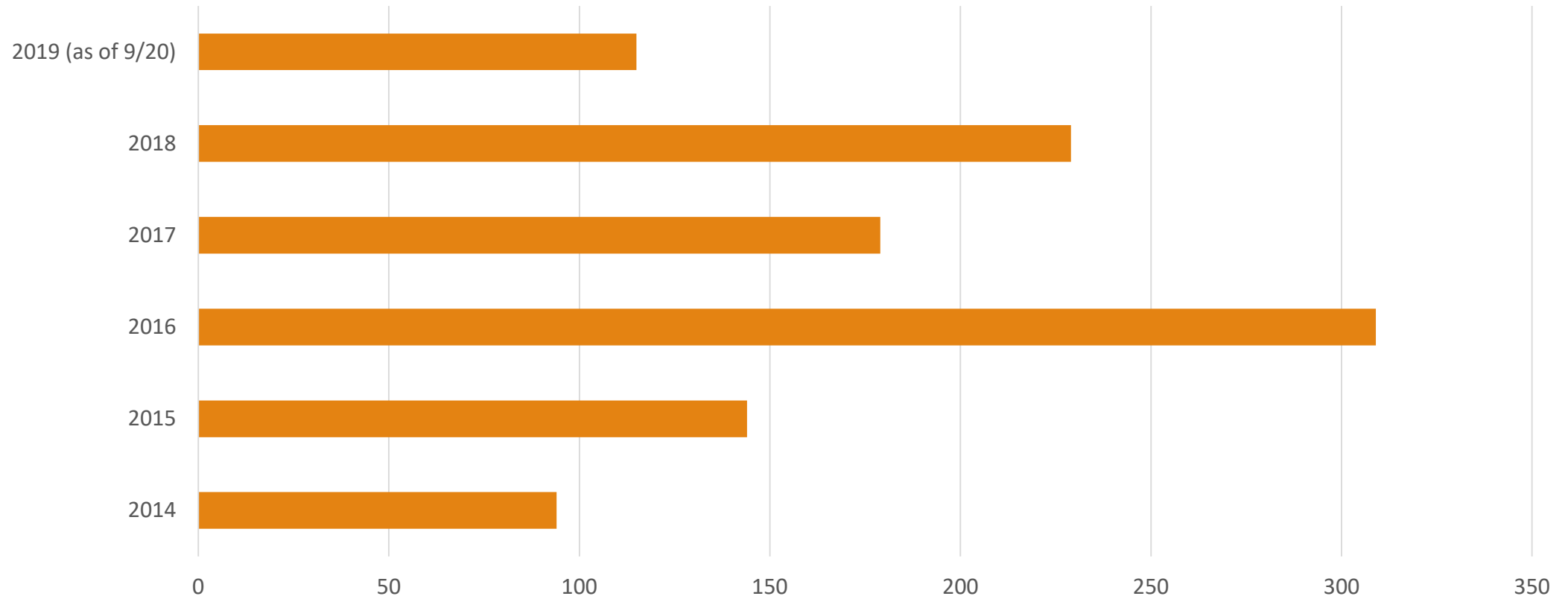
The information you have provided will be reviewed to determine if the resignation order has been violated. You may be contacted if further information is necessary. A copy of your Grievance will be placed in the lawyer's disciplinary file for future consideration in the event that the lawyer seeks reinstatement to the practice of law.

Enclosed you will find information regarding the Client Security Fund. You may wish to apply to the Fund for a determination of your eligibility for financial relief due to the lawyer's conduct. Please contact 1-877-953-5535 for further information. If you have any questions about the dismissal of your grievance, I can be reached at (877) 953-5535.

Sincerely,

# Number of CSF applications filed per year

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# Media Coverage

In 2016 we made a concerted effort to increase media coverage of the existence of the Client Security Fund for two reasons:

- Increase in unethical attorneys preying on the immigrant community
- Upcoming legislative session would involve SBOT's sunset legislation, where legislature would determine whether to extend our existence for another 12 years

## Abogado José W. Vega en líos, nuevamente

Publicado martes 21 de febrero de 2017 | Actualizado martes 21 de noviembre de 2017



Telemundo Houston Responde ha recibido casos de exclientes que aseguran remuneraron a José William Vega por servicios migratorios cuando la ley se lo prohíbe.

(Publicado miércoles 22 de febrero de 2017)



### LO QUE ESTÁ TRENDING

- VIDEO** Identifican a hispano que se ahogó dentro de su van
- VIDEO** Inundaciones vuelven a tomarse calles en Houston
- VIDEO** Imelda deja muertos y docenas atascados en Texas
- VIDEO** Caso Dulce María: revelan imágenes inéditas de la niña
- VIDEO** Declaran a varios condados de Texas zona de desastre

### PRONÓSTICO DEL TIEMPO

ALERTAS DEL TIEMPO [Ver todas](#)

Houston, TX [Cambiar](#)



Telemundo Houston Responde ha recibido casos de exclientes que aseguran remuneraron a José William Vega por servicios migratorios cuando la ley se lo prohíbe.

## Telemundo Houston and Jose Vega

Mr. Vega was an immigration attorney taking money from clients and then either doing minimal work or failing to perform any work at all.



Telemundo Houston Responde ha recibido casos de exclientes que aseguran remuneraron a José William Vega por servicios migratorios cuando la ley se lo prohíbe.

(B-15-1-16-1-20-1-1-1-2017)

## Telemundo Houston and Jose Vega

Me telling the local immigrant community: "Do not give this man money under any circumstances, but if you have, you should contact the Client Security Fund."

And so they did.





# Media interest begets media interest

Houston's Channel 2 and another  
Houston-area lawyer.

## Your rights when your attorney isn't helping after you paid them

By Amy Davis - Reporter/Consumer Expert

Posted: 6:45 AM, March 21, 2019

Updated: 8:15 AM, March 21, 2019



HOUSTON - When you hire an attorney, it usually means you need someone in your corner to help right

No movement was made

24:56 PM

Customer Service Issues

1/29/2019 3:24:56 PM

**Complaint:** Customer Service Issues

**Original Complaint:**

I hired Mastriani Law firm to represent to in a civil case this past year. When trying

to get an update on the case the

they got served with a

called and asked what was going on they still would not give me any

oke to Mr. Mastriani and he told me that the "old" case had been

previous year and that he would represent me in the new case without

asked his assistants multiple times via phone and e-mail for details on

nd confirmation that I am being represented. They have told me for the

hat they would get that to me but I have received nothing from them.

not answering their phones, returning calls from messages left or

ails. The

county is n

hey today since I can't take the chance of having a default judgement.

**Desired Resolution:**

an explanation and a return of money paid.

CONSUMER EXPERT

**Consumer's Original Complaint:**

I hired the Mastriani Law firm to represent to in a civil case this past year. When trying

to get an update on the case they would tell me someone would get back with but

never would. I got served with a new case from the same people at the start of this

year. When I called and asked what was going on they still would not give me any

update to Mr. Mastriani and he told me that the "old" case had been

closed a year and that he would represent me in the new case without

charge. I have asked his assistants multiple times via phone and e-mail for details on

the old case and confirmation that I am being represented. They have told me for the

past 2 weeks that they would get that to me but I have received nothing from them.

Now they are not answering their phones, returning calls from messages left or

replying to e-mails. The court date is less than a week and the "Register of Actions"

online for my county is not showing me being represented by anyone. I had to hire

another attorney today since I can't take the chance of having a default judgement

against me.

**Consumer's Desired Resolution:**

like an explanation and a return of money paid.

never heard one single word

has not refunded my money

I have received nothing

**Consumer's Original Complaint:**

I hired Mastriani Law Firm to represent to in a civil case this past year. When trying

to get an update on the case they would tell me someone would get back with but

never would. I got served with a new case from the same people at the start of this

year. When I called and asked what was going on they still would not give me any

update to Mr. Mastriani and he told me that the "old" case had been

closed a year and that he would represent me in the new case without

charge. I have asked his assistants multiple times via phone and e-mail for details on

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Now they are not answering their phones, returning calls from messages left or

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online for my county is not showing me being represented by anyone. I had to hire

another attorney today since I can't take the chance of having a default judgement

against me.

**Consumer's Desired Resolution:**

like an explanation and a return of money paid.

I have received nothing

I have received nothing

I have received nothing

I have received nothing

# Houston's Channel 2

Luckily they did not ask me to be on camera.



## What was his defense?

Yes, his computers AND phones were "hacked."





AND HIS LAPTOP WAS STOLEN.

That was one heck of a bad day.  
#neverforget

# IF ATTORNEY OWES YOU

# REIMBURSED FROM CLIENT SECURITY FUND

(CAAP)

The Client Attorney Assistance Program (CAAP) is a confidential statewide dispute resolution program designed to help resolve disputes between attorneys and their clients. In an effort to assist those in resolving minor concerns, disagreements, or misunderstandings that are impacting the Attorney-Client relationship, CAAP helps resolve every year resolve problems with their lawyers, and offers services in Spanish, Thai, and Cantonese.

REAP THE BENEFITS OF OUR CAAPABILITIES!

- CAAP answers the Grievance Information Helpline. If you're just not sure how to proceed regarding a problem with your attorney, call the Helpline: (800) 952-1900. CAAP can provide information about the disciplinary process, as well as direct you to other community resources or other state bar of



CONSUMER EXPERT

## CLIENT RIGHTS WHEN YOU HIRE AN ATTORNEY



TOP  
STORIES

CLEAR CREEK ISD SCHOOLS REMAIN OPEN



GALENA PARK ISD CLOSED

6:51 59°

Most importantly, CAAP may be able to help before you file a grievance!

I made sure they included information on the Client Security Fund.

# Talk to anyone and everyone

- Reporters
- Colleagues in disciplinary counsel's office
- Judges
- Law students
- Bloggers
- Checker at the grocery store

## When Lawyers Screw Up

LESLIE C. LEVIN\*

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### INTRODUCTION

Lawyer malpractice can have devastating consequences. The failure to handle a criminal case competently can lead to a wrongful conviction. A missed deadline in a personal injury case can preclude a seriously injured client from recovering damages. Lawyer malpractice can result in huge tax liability, the loss of major business, and the dissolution of companies. In some cases, the harm caused by

\* Joel Barlow Professor of Law, University of Connecticut School of Law. I am grateful to Carol Bernick and Mark Dubois for sharing their vast knowledge of lawyer malpractice claims and lawyer discipline, respectively. I also thank Jon Bauer, Susan Saab Fortney, and Herbert Kritzer for their very helpful comments on an earlier draft of this essay. © 2019, Leslie C. Levin.



I don't even remember talking to this person.

disciplinary tribunals can award compensation of up to \$25,000 AUD (about \$18,000 U.S.).<sup>148</sup> Such awards would not run afoul of the right to a jury trial in

redress private grievances”); *In re Harman*, 403 N.W.2d 459, 460 (Minn. 1987) (noting that purpose of discipline “is for the protection of the public, the courts and the legal profession. It is not the purpose of lawyer discipline to make whole those harmed by attorney misconduct” (citing *Harman*)).

143. See, e.g., PROCEDURES OF ARK. SUPREME COURT REGARDING PROF'L CONDUCT OF ATTORNEYS AT LAW § 18(C) (2018); UTAH RULES GOVERNING THE UTAH STATE BAR OF R. 14-603(i)(1) (2018); STANDING COMM. ON PROF'L DISCIPLINE, *supra* note 141, chart III pt. B, 1 (2016) ([https://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/2016\\_sold\\_chart%20of\\_procedure.pdf](https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/2016_sold_chart%20of_procedure.pdf)) (<https://perma.cc/Z8ZH-3R46>).

144. Unlike damages, restitution is aimed at remedying unjust enrichment. See RESTATEMENT (THIRD) OF TORTS § 360 (1999); RESTATEMENT (THIRD) OF THE LAW OF RESTITUTION AND UNJUST ENRICHMENT § 1 (AM. L. INST. 2011).

145. See, e.g., *In re Wolfram*, 847 P.2d 94, 104 (Ariz. 1993) (ordering restitution in amount of \$3650 where attorney neglected criminal matter); *In re Starczewski*, 306 P.3d 1077 (Wash. 2013) (ordering \$15,000 in restitution where lawyers' neglect resulted in client's inability to pay settlement); Lawyer Disciplinary Bd. v. Dues, 624 S.E.2d 125, 135 (W. Va. 2005) (ordering restitution in amount of \$13,000 to clients where lawyer neglected cases); *In re Hahnfeld*, 826 N.W.2d 47, 56–57 (Vt. 2012) (ordering restitution where lawyer neglected case). Texas appears to order fee restitution more frequently. See TEX. STATE BAR OF LAWYER DISCIPLINE, STATE BAR OF TEX., ANNUAL REPORT 12 (2018), [https://www.texasbar.com/AM/Template.cfm?Section=Grievance\\_and\\_Ethics\\_Information1&Template=/CM/ContentDisplay.cfm&ContentID=41986](https://www.texasbar.com/AM/Template.cfm?Section=Grievance_and_Ethics_Information1&Template=/CM/ContentDisplay.cfm&ContentID=41986) [<https://perma.cc/3GH9-VRE7>] (noting that Texas lawyers are required to immediately pay restitution “in most cases involving agreed disciplinary judgments”); E-mail from Claire Reynolds, Pub. Affairs Counsel, Tex. State Bar Office of the Chief Disciplinary Counsel, to author (Sept. 17, 2018, 15:53 EDT) (on file with author) (explaining that restitution usually occurs when lawyer failed to perform any meaningful work or when attorney steals client money).

146. Some jurisdictions also occasionally require lawyers to compensate victims for additional losses as a condition of probation or readmission to practice. See, e.g., *Sorenson v. State Bar*, 804 P.2d 44, 49 (Cal. 1991) (requiring lawyer, as a condition of probation, to pay attorneys' fees a grievant was forced to incur to defend against lawyer's harassing litigation); *Fla. Bar v. Hogsten*, 127 So. 2d 668, 669 (Fla. 1961) (requiring lawyer, as condition of readmission, to pay \$100 to compensate client for cost of hiring a second lawyer to complete work not performed by disciplined lawyer); *In re Klewin*, 295 N.W.2d 11, 11 (Wis. 1980) (requiring that if lawyer seeks reinstatement, he provide proof “that any client who may have suffered any loss through respondent's neglect has been made whole by the respondent”). In Wisconsin, petitioners for reinstatement “shall show” that petitioner “has made restitution to or settled all claims of persons injured or harmed by petitioner's misconduct.” WIS. SCR 22.29(4)(m) (2018). More states should take this approach, as well.

147. KRITZER & VIDMAR, *supra* note 3, at 179.

148. See *Fact Sheet: Negligence*, WESTERN AUSTRALIA LEGAL PROF. COMPLAINTS COMMITTEE 2, <https://www.lpbwa.org.au/Documents/Complaints/The-Committee-s-Services/Fact-Sheet-Negligence.aspx> [<https://perma.cc/7CJW-THUC>] (last updated Mar. 2009) (noting the State Administrative Tribunal can award

# But be ready

Not only has the number of applications to the Fund increased, but so has the number of requests that I get from reporters.

I probably get two to ten media calls per week on an average week.

But it allows me to put a positive spin on negative reports about lawyers misbehaving.

“There is an entire state full of ‘good’ lawyers that pay into the Fund in order to help clients who have been victimized by a ‘bad’ lawyer.”



TeonClips.com #11736 service@toonclips.com