

The Client Protection Webb*

A Publication of the National
Client Protection Organization

Celebrating 25 Years

April 2023

Welcome "Well-Being Week in Law"

MAY 1 – 5, 2023

The aim of WWIL is to raise awareness about mental health and encourage action and innovation across the profession to improve well-being. In 2021, the



event's name was changed from "Lawyer Well-Being Week" to Well-Being Week in Law to be more explicitly inclusive of all of the important contributors to the legal profession who are not lawyers.

This includes client protection fund and disciplinary counsel as well as the trustees, investigators, paralegals and support staff who make the good work of client protection funds possible.



STAY STRONG

Physical Well-Being.

Eat well, get enough sleep, recover from stress. Minimize addictive substances. Seek help when needed.



ALIGN

Spiritual Well-Being.

Foster a sense of meaning and purpose in all aspects of life. Align life and work to serve your values.

FEEL WELL
Emotional Well-Being.
Understand, identify, and use emotions well. Seek help for mental health when needed.

WELL-BEING IN LAW WEEK

CONNECT

Social Well-Being.

Build connection, belonging, and a reliable support network. Contribute to groups that matter to you.

ENGAGE & GROW

Occupational & Intellectual Well-Being.

Continuously learn and develop. Strive for personal satisfaction and growth at work. Aim for financial stability.



When our professional and organizational cultures support our well-being, we are better able to make good choices that allow us to thrive and be our best for our clients,



colleagues, organizations, families, and communities. It is up to all of us to cultivate new professional norms and cultures that enable and encourage well-being. Do your part and help spread the word.

The ABA's national director of Lawyers' Assistance Programs can be found at [LAP Directory \(americanbar.org\)](https://americanbar.org)

So...How are you doing?



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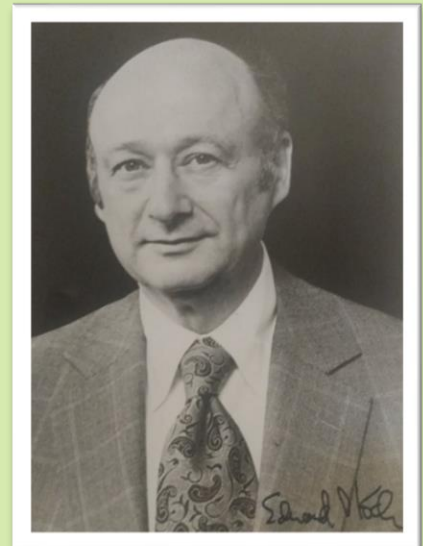
I have fond memories of Ed Koch, the mayor of New York from 1978 to 1989 who walked past me on Fifth Avenue one day when I was 12 and asked – as he frequently did – “How am I doing?” Notwithstanding the fact that there were several thousand people standing around me at the time watching a parade go by, I thought (of course) that the Mayor was addressing his question directly to me. When I got home to New Jersey that evening, I sat down and wrote to the Mayor and told him I thought he was doing a pretty good job. A few weeks later, Ed Koch responded with a gracious letter and the autographed picture you see on this page.

If only it was always that simple....

A Fund's work can sometimes tempt one to engage in amateur psychiatry, whether in regards to claimants or respondents, and this is a temptation I resist. It seems recent years, however, have finally brought our profession to the cusp of recognizing that we ourselves – lawyers as well as non-lawyers who contribute to the practice of law – must be able to answer the question “How am I doing?” with some degree of positivity. This takes balance, collaboration, focus and patience.

Well-Being Week in Law is an opportunity for client protection professionals to survey the landscape of human relations surrounding their funds and channel their inner Ed Koch to ask “How am I doing?” There is always room for improvement, and now there are resources readily available for fund counsel, administrators and staff who approach the practice of law from a very different perspective. We see, and must try to remedy, the sins of our profession's underbelly. What we work on every day are – thankfully -- the rarest of incidents for the rest of society. It is good and necessary work, fulfilling on many levels, yet uniquely stressful on others.

Please think of NCPO as your professional support system, a resource unlike any other with the ability to help you over, under or around whatever mountain stands before your fund. We are always available via email and zoom, and we look forward to seeing you in person at the ABA Forum in New Orleans and especially at NCPO's annual workshop in Des Moines, Iowa on September 19th and 20th (Don't forget to register at <https://www.ncpo.org/2023-ncpo-workshop>). Perhaps Ed Koch was really ahead of his times. If he asked again, I would surely say he did very well – May you always be able to say the same about yourself!



On the Docket....

Here's what you can expect at this year's ABA Forum and NCPO Workshop

The 39th Annual Forum on Client Protection and NCPO's Annual Workshop will both be in-person for the first time since 2019. Here are the agenda specifics for these two opportunities to learn about and network with funds from across the U.S. and Canada.

The ABA Forum Client Protection Forum, New Orleans - June 2 and 3, 2023:

- Passing the Baton: Leaving Your Practice in Good Hands
- Don't Fear the Reaper: Claims Involving Deceased Lawyers
- Spread the Word: Strategies to Increase Knowledge of Funds
- You Won't Be Hearing from My Lawyer! Resolving Claims When the Lawyer Goes MIA
- Difficult Claims Interactive Workshop, Town Hall & Hot Topics



Register at <https://web.cvent.com/event/b97c1c8b-3239-42fc-9917-80e67bca96d2/summary>

NCPO Annual Workshop, Des Moines September 19 and 20, 2023:

- The Deveney Files : a catastrophic claims playbook for client security funds from smaller states
- Case management system presentation and demonstration
- P2P platforms: how they work, claims implications
- Routine/random audits but better! E-audits: thriving in a pandemic
- Succession Planning – going beyond the SP rule to help senior practitioners
- Protecting your judgment in bankruptcy
- Wellness, for attorneys as well as fund staff
- Town Hall, Hot Topics, and Presentation of the Isaac Hecht Award
- 25th Anniversary Celebration for NCPO
- NCPO Annual Meeting, breakfast & group dinner also included

Register today at <https://www.ncpo.org/2023-ncpo-workshop>



Both conferences will offer CLE credits to attendees accepted in their respective jurisdictions. There will also be plenty of opportunities for great networking in unique & exciting cities.

Help covering travel expenses to the Des Moines workshop is available through NCPO's Workshop Assistance Program -

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

Frontline Reflections:

My First 60 days as Deputy Director of the NJ Fund

By Alicia F. Williams, Esq.

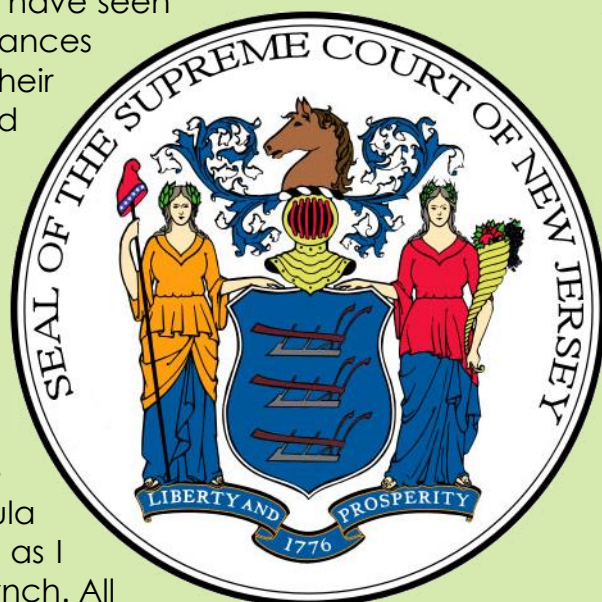


After practicing public interest law for over 20 years, including 8 years as a Managing Attorney, I joined the NJ Fund as Deputy Director in February of this year. Prior to applying for and doing some research about the position, I didn't have much understanding about what the Fund did nor what the portion of my annual attorney registration fee that is allocated to the Fund was used for.

Since accepting and starting the position, I have had many conversations with other attorneys who also admit that they had little to no understanding about the Fund. I have made it my personal mission over the last few months to explain to others, both in and outside of the legal community, what the Fund does. As someone who holds the profession in very high regard, I am also intentional about explaining to people that it is a very small percentage of practicing attorneys who find themselves as respondents.

My career as a public interest attorney always brought me satisfaction. I was proud of being able to provide free legal representation to the most vulnerable residents of my State – the disabled, low-income, seniors and children. In my desire to change careers I wanted to continue to do important work where I could help people that otherwise would not get the help that they needed. The NJ Lawyers Fund for Client Protection is exactly that.

In the two months that I have been with the Fund I have seen respondents that ended up in unfortunate circumstances due to unforeseen illness, respondents that admit their wrongdoing and are eager to make amends and respondents that deny all wrongdoing and blame others for their behavior. It has been an interesting 2 months during which my math and accounting skills have been put to the test. I have always found the statement "Attorneys become attorneys because they don't like math" to be pretty accurate. Following the money, to determine the amount of compensable loss on a claim sometimes requires a lot of math. Surprisingly, I have enjoyed re-learning how to create Excel formula spreadsheets and using a calculator with tape roll as I use to do in the late 90's when I worked at Merrill Lynch. All of my prior work experience has prepared me for this position.





“My First 60 Days” – continued:

The Fund exists to help people that were wronged by attorneys. To be part of a group of attorneys that can make things right after a client suffers such a loss, is extremely redemptive. As I have been doing for my entire legal career, I am serving in a role in which I am helping those that otherwise would not get the help that they need. If the Fund did not exist to compensate those who lose money at the hands of a dishonest attorney, most of the claimants would not get those funds back and many would be unable to pay for another attorney to handle their legal matter. I feel honored and privileged to be part of such a niche group within our profession. For those of you that have been doing this for a while, I hope that you still have the enthusiasm and excitement that I feel about doing this very important work.

The 3 most interesting topics that I have found over the last 2 months:

- 1) The nationwide trend of claim numbers being down post-pandemic.
- 2) Unearned retainer claims filed when an attorney has passed away before the legal representation has been completed.
- 3) Claims filed by the Estate of a former client when the theft is discovered after the client's death.

I will be at the ABA Conference in New Orleans, LA and the NCPO workshop in Des Moines, IA this year. I look forward to meeting many of you there to discuss these and other topics. I encourage you to attend and offer a reminder that help covering travel expenses to the Des Moines workshop is available through NCPO's Workshop Assistance Program- <https://www.ncpo.org/workshop-assistance>. See you soon!

Nominations Open for 2023 Award

The Isaac Hecht award honors the memory of one of NCPO's co-founders, who practiced law in Maryland for 64 years before his death in 2003 at the age of 89. Mr. Hecht served as Treasurer of Maryland's Fund since its creation in 1967. He was committed to the belief that the trust of law clients is the essential linchpin in every lawyer-client relationship, and that the reimbursement of innocent victims of lawyer dishonesty represents the legal profession at its best.

Mr. Hecht was especially focused on the financial foundations of client protection funds, the initiatives of fund leaders, and their receptivity to techniques to deter and detect dishonest conduct in the practice of law. NCPO will honor the 2023 recipient of the Isaac Hecht Award during its workshop on September 19, 2023 in Des Moines, Iowa. Nominations can be made at <https://www.ncpo.org/issac-hecht-award>

Are you on the ABA listserv? If not, please sign up for this quick, convenient way to gather feedback from colleagues on “the issue of the day.” Contact the ABA’s Stephanie Custard at Stephanie.Custard@americanbar.org or Mike McCormick at Michael.mccormick@njcourts.gov to join.

ABA Prepares for Triennial Survey

It's once again time for the Triennial Survey of Lawyers' Funds for Client Protection! The ABA is working on the Survey now and plans to get it out to Funds in early summer. Please be on the lookout for this important means of assessing the state of client



protection. The Survey will request data from 2020-2022 and is of particular interest to the ABA for its potential to show how Lawyers Funds were impacted by the pandemic.

Virginia Fund pays \$71,130 on Nine Claims

The Virginia State Bar Clients' Protection Fund Board authorized payments totaling \$71,130.00 in reimbursement to petitioners regarding nine Virginia attorneys at its January 27, 2023, meeting.

The board awarded a full reimbursement of \$4,250 for unearned attorney's fees in a criminal law matter, finding that no work had been done. Two former clients of Paul Reddick Hedges of Chesapeake were awarded \$1,000 and \$750, representing partial reimbursements, by the board. In both cases, the board found that Hedges did sufficient work to earn some, but not all, of the fees paid by the clients before Hedges passed away and his practice went into receivership. There were also four other unearned retainer awards and three other awards paid because attorneys died before completing client cases.

The board approved a payment of \$35,000 to a former client of David Brooks Hundley of Richmond. The board was of the opinion that Hundley failed to tell the client that he had settled the case without the client's knowledge or consent, and that he forged the client's name to the settlement check and failed to disburse any of the settlement to the client.

The board also approved reimbursement of \$1,850 for escrow fees that Robert Steven Pope of Aldie charged for maintaining funds in escrow from the sale of a home. The Petitioner and her ex-husband designated Pope as the escrow agent, but he misappropriated the funds and lied to the Petitioner

about why the funds could not be disbursed after the ex-husband died. Three former clients of Kevin Peter Shea of Hampton were awarded \$15,000, \$7,500 and \$2,150 by the board. One client paid Shea a \$15,000 fee for representation in a civil matter but felt forced to agree to a non-suit after Shea postponed the client's trial multiple times because he was not prepared to try the matter. The board also awarded \$7,500 to a husband and wife who retained Shea to represent them in a case involving allegedly defective construction on their home. The board previously had denied the claim because it appeared that Shea had done some work on the case. The clients requested a second review, and the board approved payment of \$7,500 because new information presented by the petitioners showed that the work that Shea did was ineffective and of no value to the clients because the lawsuits were time-barred at the time Shea performed the work. However, the board did not reimburse \$5,000 in court-ordered sanctions the clients had to pay for filing frivolous actions.

The Clients' Protection Fund was created by the Supreme Court of Virginia in 1976. The Fund is not taxpayer funded but is supported by Virginia lawyers who pay an annual fee of \$5. Payments from the Clients' Protection Fund are discretionary and are not a matter of right.



Have you seen this man?

Respondent Leaves Clients High & Dry



WICHITA, Kansas - Where is Devoe Treadwell? That's the question clients, and those in the courthouse are asking after the well-known Wichita attorney stopped showing up to court or even returning calls. Clients are complaining that Treadwell abandoned their cases and took their retainer money with him. The Kansas Client Protection Fund has stepped up to help.

"He came very highly recommended, very highly recommended," said Angie Calderon who reported hiring Treadwell to represent her son. But with no explanation, clients say Treadwell stopped showing up to court hearings, and now they can't reach him. "This is not ok. You are messing with people's lives," said Calderon, who claims she paid Treadwell \$5,000. FactFinder talked to another client who wanted his identity protected. He said Treadwell didn't show to

his court hearing. "He was charging \$4,500 and wanted a down payment to \$3,000," the man said. He said he made that down payment.

Local media tried calling and leaving messages for Treadwell, but his office voicemail is full. His office in downtown Wichita is locked with notes from clients and delivery driver's taped to the door that date back to mid-December. One intrepid reporter found Treadwell at his southeast Wichita home, but he closed the door before any questions could be asked.

Treadwell is still listed in "good standing" with the Kansas Judicial Center Attorney Registration. There has been no recent disciplinary action taken against Treadwell, but any current investigations would not be public. However, the Wichita Bar Association is now working with clients affected. They encourage those clients to call their office at info@wichitabar.org or 316-263-2251.



"Somebody needs to relay information to us because people's lives are in the balance," said Calderon.

NCPO Marks 25 Years in 2023



How are we doing with our “25 in 23” goals?

For NCPO’s 25th anniversary members attending the 2022 workshop in Kentucky adopted a comprehensive platform of initiatives designed to build accessibility, responsiveness and security for funds across the U.S. and Canada. Are they part of your “to do” list? (We hope so!) Here’s a refresher and status report on where we are:

- **100% representation** – at least one member from every fund in the US & Canada. There are still 11 U.S. funds without NCPO members: AK, AZ, IN, MT, NH, OK, SC, SD, UT, WV & WY – Can you help bring them into the fold?
- **Renewed commitment to the Standards for Lawyers’ Funds for Client Protection** Especially the four building blocks: An organizational structure that secures the Fund’s independence; steady, secure & adequate funding and accessibility and responsiveness to the need. Email Michael.mccormick@njcourts.gov for hard copies of the Standards for your trustees and staff.
- **Speakers’ Bureau Challenge** – Speak to at least 3 groups between now & September 15, 2023; Or invite one of NCPO’s Speakers’ Bureau members to speak. Have you been “out and about” yet? Let us know who you’ve presented to.
- **Workshop Challenge** – Bring at least one new person to the 2023 Workshop in Iowa – Use the NCPO workshop assistance program to help. Register today at <https://www.ncpo.org/2023-ncpo-workshop>
- **Technology Challenge** – Review each member fund’s internet presence. Are they easy to find? Can claims be filed easily?
- **Identify jurisdictions lacking loss prevention mechanisms** - Overdraft notification, random audits, insurance payee notification, education of the bar & public. Can we help you bring these safeguards to your fund?
- **Education** – Send out a press release, sign up your trustees to receive the NCPO newsletter and join the ABA listserve. Please send additions to the newsletter email list to Michael.mccormick@njcourts.gov
- **Expand NCPO’s internet presence** – Build NCPO’s website, Facebook, Twitter and Instagram accounts. Check out www.ncpo.org and <https://www.facebook.com/NationalClientProtectionOrganization/>
- **Expand NCPO’s Impact** – Reach out to other jurisdictions to establish relationships and, where appropriate, new funds.





Top 10 Reasons

to Register for the
2023 NCPO Regional Workshop in



10. Des Moines is a great city with lots to see & do.
9. September is the perfect time of year to visit Iowa.
8. Earn CLE Credits.
7. Learn about trends in claims, funding & policy.
6. Help your trustees be the best they can be.
5. Find new ways to make your Fund known & accessible to the public.
4. Compare & contrast funds across the U.S. & Canada.
3. Learn how small funds can cope with catastrophic losses.
2. Network with client protection professionals.

The Number 1 Reason to go to Des Moines for the 2023 NCPO Workshop:

We need YOU to be part of the future of client protection.

Register Today at

<https://www.ncpo.org/2023-ncpo-workshop>

Need help with travel expenses? Apply for an NCPO Workshop Assistance Grant at
https://www.ncpo.org/files/ugd/289ac3_d4d27149550f43fbae05a62613dbffa0.pdf

**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*

