

THE SUPREME COURT *of* OHIO

LAWYERS' FUND
FOR CLIENT PROTECTION



2017 ANNUAL REPORT

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Lawyers' Fund for Client Protection



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MONICA SANSALONE

MEMBERS

JANET GREEN MARBLEY
ADMINISTRATOR/SECRETARY

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Dear Jack,

My sincerest gratitude
for your expert
assistance in the
recovery of funds to
my brother's estate.

I thank you
and your staff for
all your help and
good intentions,

Valerie DeChat

Administrator's Introduction

I am pleased to present this Annual Report for the Lawyers' Fund for Client Protection to Chief Justice O'Connor and Justices of the Supreme Court of Ohio.

This report reviews in detail the activities of the Fund during fiscal year 2017. Included is a detailed analysis of claims activity along with an overview of the Fund's finances.

Formerly known as the Clients' Security Fund, the Fund was established by the Supreme Court of Ohio in 1985, to restore public confidence in the legal profession by providing financial reimbursement to victims of dishonest lawyers. For the past 32 years, the Court has continued to support the mission and purpose of the Fund by allocating adequate and continuous funding. Since its establishment in 1985, the Fund has reimbursed more than \$22 million to 2,988 former law clients.

The information contained in this report confirms the fact that the overwhelming majority of Ohio lawyers observe high standards of integrity and professionalism when entrusted with law-client money or property. Forty former or suspended attorneys were involved in claims reimbursed by the Fund in 2017. 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 Lawyers' Fund for Client Protection seeks to improve the image of the legal profession by reimbursing law clients for losses sustained as a result of the dishonest conduct of their lawyer.

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

Janet Green Marbley, Esq., *Administrator*

Lawyers' Fund for Client Protection

May 22, 2017

Janet Green-Marbley
Lawyer Fund For Client Protection
65 South Front St., 5th Fl.
Columbus, Ohio 43215-3431

Dear Mrs. Green-Marbley

I am pleased and satisfied that your office and the Board of Commissioners were able to review and make the proper decision based on the facts and evidence that was given in my case.

My family and I extend our gratitude and appreciation to the Lawyer's Fund for Client Protection for conducting a thorough, honest, and impartial investigation. Moreover, you allowed me the opportunity to substantiate our case against Mr. Summers without discriminating against the fact that I am in the custody of the Department of Rehabilitation and Corrections. That further demonstrated your professionalism and impartiality in this matter.

It's good to know that there is a fund such as the Lawyer's Fund for Client Protection that help protect the rights of clients against dishonest attorneys.

Again, my family and I appreciate you and your hard work.

Thank You

Yours Truly,

A handwritten signature in cursive script that reads "James Banks". The signature is written in dark ink and is positioned to the right of the typed name "James Banks".

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 Fund during FY 2017.

In fiscal year 2017, 219 new applications for reimbursement were received by the Fund. The Board reviewed 192 claims and determined that 158 were eligible for reimbursement. The total reimbursement for eligible claims for fiscal year 2017 was \$841,226.87. This represents an increase from the previous year.

The reimbursements made in fiscal year 2017 resulted from the dishonest conduct of 40 Ohio attorneys. As in previous years, this number represents less than one tenth of one percent of all active Ohio attorneys.

Unearned fee claims accounted for 144 of the 158 eligible claims and 53.55 percent of the total amount reimbursed by the Fund. By contrast, there were 13 claims resulting from thefts by fiduciaries, but these claims accounted for 37.53 percent of the total dollars reimbursed by the Fund. One claim involved theft of settlement proceeds, representing 8.92 percent of the total dollars reimbursed in fiscal year 2017.

The maximum amount that may be reimbursed is \$75,000 per claim. During fiscal year 2017, three claimants received the maximum reimbursement.

I would like to express my appreciation to the Commissioners with whom I serve for their hard work and dedication to the accomplishment of the Fund's mission. 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.

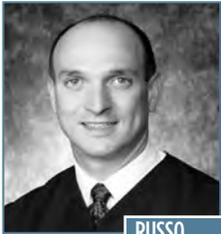
I would like to thank the staff of the Fund whose responsibilities include, but are not limited to, investigation of all the claims, preparation of summaries for the Commissioners' review, and disbursement of funds. Their contribution to the Fund's mission is invaluable.

I would also like to thank the Supreme Court of Ohio for its continued support of the Fund's mission and goals, and for the confidence placed in me by allowing me to chair this Board.

Judge John J. Russo, *Chair*

Lawyers' Fund for Client Protection Board of Commissioners

Board of Commissioners



RUSSO



SERRAINO



DELEV



EVERETT



JOHNSON



KULLMAN



PELLER



SANSALONE

Gov.Bar R. VIII (Appendix C) 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 Fund and to manage Fund assets. The current board includes five attorneys, one 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.

HON. JOHN J. RUSSO, presiding and administrative judge of the Cuyahoga County Court of Common Pleas in Cleveland, was appointed to the LFCP board in November 2011 to complete an unexpired term. Judge Russo was appointed to his first full term on the board in January 2013 and became chair of the board in 2015.

STEPHEN R. SERRAINO was appointed to the Board in 2013 and currently serves as vice chair. He is a practicing Ohio attorney with more than 30 years of experience. He currently serves as General Counsel and Corporate Secretary for the Upper Peninsula Power Company in Marquette, Mich.

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

ROBERT W. EVERETT was appointed to the LFCP Board for a three-year term beginning in 2014. Everett previously served on the Board from 2003 through 2006. He is a former Dover, Ohio, police officer. He is currently employed by the Mercy Medical Center in Canton, Ohio.

LARRY JOHNSON was appointed to the LFCP Board for a three-year term beginning in 2011. Johnson is a former Columbus city attorney and retired as staff attorney to the Ohio Department of Liquor Control's Permit Division in Columbus. Johnson's second term ended on Dec. 31, 2016.

JACK R. KULLMAN JR. was appointed to the Board in 2015, for a three-year term. He is the Executive Director of the Guardianship Service Board.

SARA L. PELLER was appointed to the LFCP Board for a three-year term beginning Jan. 1, 2015. She formerly was the Chief Executive Officer of the American Red Cross for the Greater Cincinnati/Dayton region.

MONICA SANSALONE was appointed to the LFCP Board for a three-year term beginning Jan. 1, 2016. She is a partner in the law firm of Gallagher Sharp in Cleveland.

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.



GREEN MARBLEY

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.



DAWSON

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 LFCP staff.



HARPER

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



MINNIX-WILSON

ABBY MINNIX-WILSON, claims analyst, investigates all claims filed with the LFCP to assist the administrator and the Board in determining whether the requirements for reimbursement have been met.

Public Information & Consumer Education

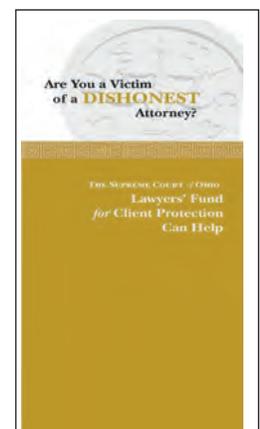
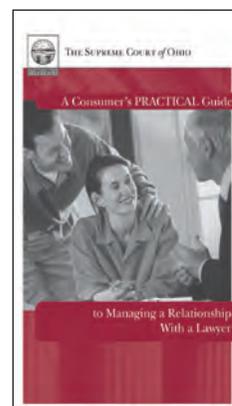
The Lawyers' Fund for Client Protection continues to increase its efforts to make the public aware of its existence. The LFCP maintains a webpage at: sc.ohio.gov/Boards/clientprotection. The page contains questions and answers about the Fund and the types of claims reimbursed. An application for reimbursement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

With the assistance of the Court's Office of Public Information, the Fund 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 claim. 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 Fund along with answers to basic questions about the types of claims reimbursed. It is distributed to those requesting information about the LFCP and/or applications for reimbursement. The brochure and application for reimbursement, also are distributed statewide to bar associations.

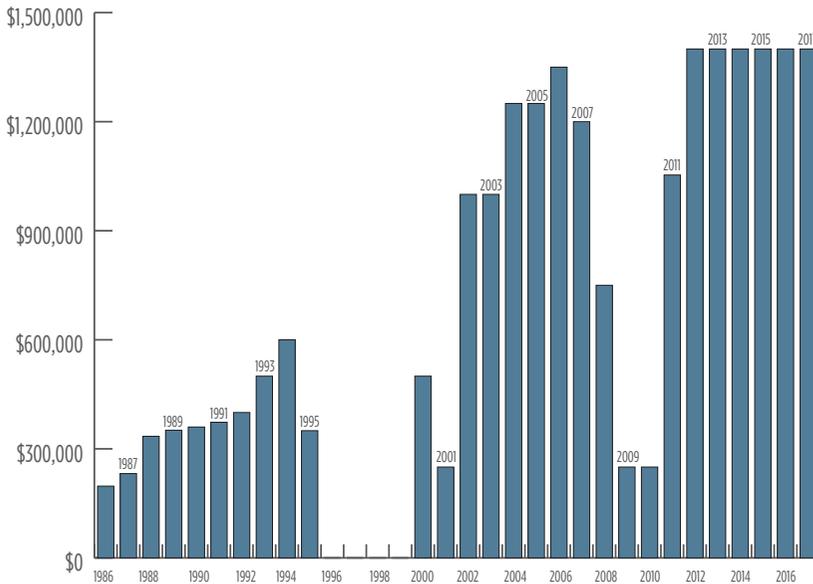
In collaboration with the Court's Commission on Professionalism, the LFCP publishes "A Consumer's Practical Guide to Managing a Relationship with a Lawyer." The guide provides general information about the lawyer-client relationship, including how to find a lawyer, what to expect after hiring a lawyer,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

In May 2017, an article written by LFCP Chair Judge John Russo titled "Why Am I Paying into the Lawyers' Fund for Client Protection," was featured in the Cleveland Metropolitan Bar Journal ([See Appendix A](#)) The article explains the important role of the Fund in helping to improve the image of the legal profession.



Revenue

TRUST ALLOCATION, 1986 - 2017



Attorney Registration Fees

Since 1985, the Supreme Court has allocated more than \$22 million from the Attorney Services Fund to the LFCP for the payment of claims.

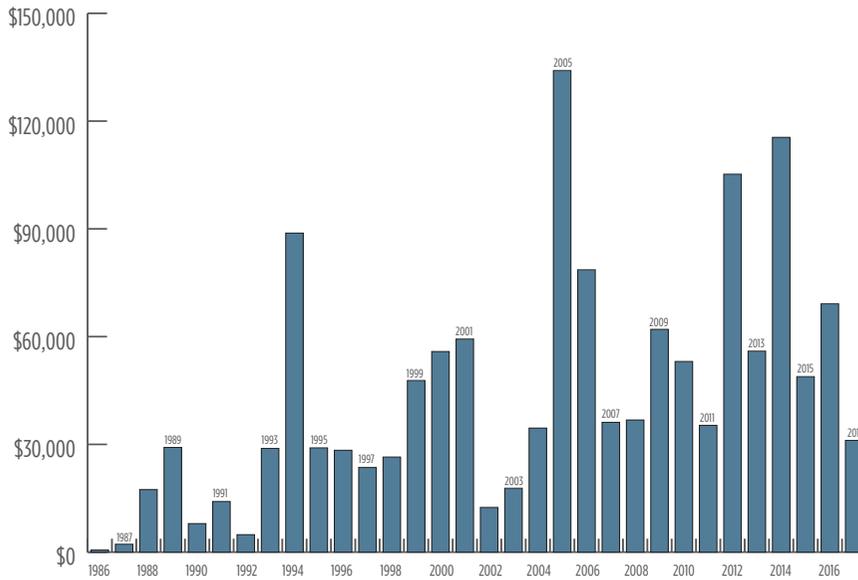
During fiscal year 2017, the Court allocated \$1.4 million for the payment of claims and \$425,769 for administrative expenses. The LFCP expended \$398,044 or 93.49 percent of the administrative expenses allocated, and \$841,226.87 was expended for claims and \$500 for attorney fees, or 60.12 percent of the claims allocation. The trust-account bank balance on June 30, 2016, was \$4,377,595.07.

Interest Income

The trust account earned \$19,886.26 in interest income.

Restitution

RESTITUTION PROCEEDS, 1986 - 2017

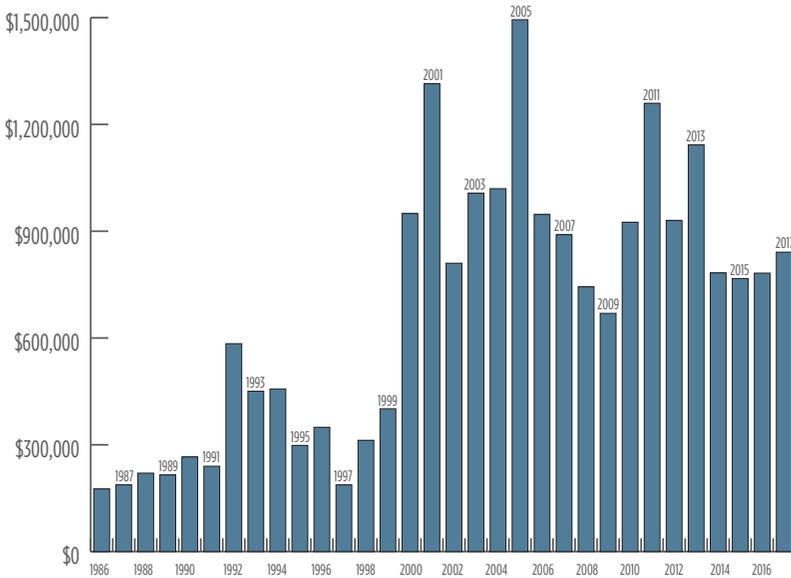


Restitution revenue for FY 2017 totaled \$31,123.46. Sources of restitution received by the Fund include:

- \$1,953.18 collected through court-ordered probation and/or restitution
- \$9,862.53 collected by the Office of the Attorney General
- \$4,922.00 collected by outside counsel (Weltman, Weinberg & Reis, Co., L.P.A.)
- \$12,335.75 collected through repayment agreements obtained by the LFCP
- \$2,050.00 collected through voluntary payments

Claims Activity

CLAIMS HISTORY 1986 - 2017



The LFCP Board of Commissioners held four quarterly meetings during fiscal year 2017. The Board reviewed 192 claims, determining 158 claims eligible for reimbursement totaling \$841,226.87. The Board also approved one application for attorney fees totaling \$500.00. Three claimants received the maximum reimbursement amount of \$75,000 and 118 claimants received 100-percent reimbursement of their losses. The reimbursements resulted from the dishonest conduct of 40 Ohio attorneys.

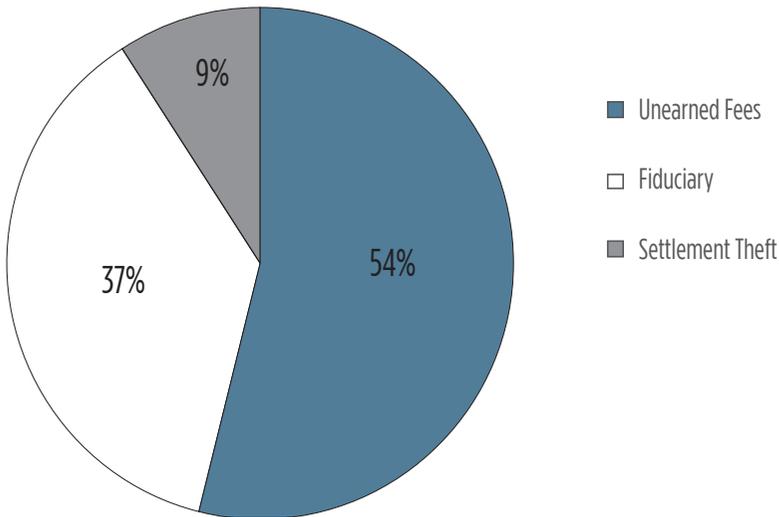
Former clients of 11 deceased lawyers also were reimbursed by the Fund. The clients paid for services that were not provided, and the clients did not receive refunds of their unearned fees.

2017 CLAIM DETERMINATIONS

DATE	ELIGIBLE	INELIGIBLE	AMOUNT
September 9, 2016	41	11	\$181,219.54
December 2, 2016	36	10	\$236,176.66
March 3, 2017	31	8	\$180,445.18
June 28, 2017	50	5	\$243,385.49
Total	158	34	\$841,226.87

Theft Categories

2017 THEFT TYPES



There were 144 losses resulting from unearned-fee claims, accounting for the largest number of eligible claims. By contrast, there were only 13 eligible claims resulting from fiduciary thefts.

2017 THEFT CATEGORIES

CATEGORY OF CLIENT LOSS	REIMBURSEMENTS	TOTAL
Theft by Fiduciary	13	\$315,722.53
Settlement Theft	1	\$75,000.00
Unearned Fees	144	\$450,504.34
Total	158	\$841,226.87

Attorneys Involved in LFCP Claims in FY 2017

ATTORNEY	COUNTY	AWARDS	THEFT CATEGORY	AWARDED
William Mark Adams	Morrow	2	Fiduciary/Unearned Fee	\$2,499.75
Joshua Scott Albright	Shelby	1	Unearned Fee	\$1,540.00
John Frank Albu *	Cuyahoga	3	Unearned Fee	\$2,825.00
Mohammed Noure Alo	Franklin	14	Unearned Fee	\$66,718.62
Rami Majed Awadallah	Summit	1	Unearned Fee	\$4,500.00
Erwin Jason Bandy *	Paulding	1	Unearned Fee	\$860.00
Timothy Eric Bellew	Trumbull	3	Unearned Fee	\$1,070.00
Douglas Charles Blackburn	Cuyahoga	1	Unearned Fee	\$2,500.00
Csaba Andrew Bodor	Trumbull	4	Unearned Fee	\$4,746.65
Joseph Robert Compoli Jr.*	Cuyahoga	1	Unearned Fee	\$1,750.00
Jennifer Lynn Coriell	Delaware	8	Unearned Fee	\$40,475.83
R. Paul Cushion II	Cuyahoga	1	Unearned Fee	\$1,000.00
David Harrison Davies	Lake	1	Fiduciary/Settlement Theft	\$7,455.00
Jana Bassinger DeLoach	Summit	2	Unearned Fee	\$5,200.00
Ronald John Denicola	Hamilton	1	Fiduciary	\$5,610.00
David Thomas Eager *	Wayne	12	Unearned Fee	\$22,600.00
Peter F. Fletcher	Summit	1	Unearned Fee	\$800.00
John Barry Frenden	Cuyahoga	1	Fiduciary	\$3,167.00
Harold Kevin Garrison	Hamilton	2	Fiduciary/Unearned Fee	\$3,788.00
Carl Frank Gillombardo Jr. *	Cuyahoga	1	Unearned Fee	\$1,500.00
Stephanie Gail Gussler	Licking	5	Unearned Fee	\$5,990.00
Robert Hansford Hoskins	Hamilton	1	Unearned Fee	\$1,200.00
Ted Roger Howard *	Franklin	1	Unearned Fee	\$500.00
Paul Michael Kaufman	Cuyahoga	2	Fiduciary/Settlement Theft/ Theft by Deception	\$77,600.00
Matthew Joseph King	Cuyahoga	1	Unearned Fee	\$300.00
Paul Stephen Kormanik *	Franklin	37	Fiduciary/Unearned Fee	\$229,967.60

ATTORNEY	COUNTY	AWARDS	THEFT CATEGORY	AWARDED
Donald Richard Murphy *	Cuyahoga	1	Unearned Fee	\$6,990.00
Henry Novak	Cuyahoga	1	Fiduciary/Settlement Theft/ Unearned Fee	\$113.44
Kevin Purcell	Cuyahoga	4	Fiduciary/Unearned Fee	\$68,351.43
Joseph Dues Reed	Franklin	11	Unearned Fee	\$24,885.00
William Joseph Reynolds *	Hamilton	1	Unearned Fee	\$2,500.00
David Keith Roland	Trumbull	1	Fiduciary	\$75,000.00
Carl Jay Rose *	Lorain	1	Unearned Fee	\$520.00
Charles Allan Runser	Van Wert	2	Fiduciary	\$128,124.11
Guy Darius Rutherford	Cuyahoga	2	Unearned Fee	\$9,100.00
Marvin Hermann Schiff	Cuyahoga	1	Fiduciary	\$2,160.44
Teddy Sliwinski	Cuyahoga	3	Unearned Fee	\$2,031.00
Charles Ross Smith III	Erie	20	Unearned Fee	\$19,288.00
Ronald Charles Stoughton Sr. *	Fairfield	1	Unearned Fee	\$1,000.00
William Lawrence Summers	Cuyahoga	1	Unearned Fee	\$5,000.00
40 Attorneys		158		\$841,226.87

* 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

Feature Article Published in the Cleveland Metropolitan Bar Journal, May 2017

Why Am I Paying into the Lawyers' Fund for Client Protection?



By Hon. John J. Russo

In 1977, a young Cleveland attorney joined the Ohio Bar, just one of hundreds of lawyers beginning their careers in a challenging and exciting profession. This attorney eventually went on to have a successful law practice with an office on Public Square in Cleveland.

But several years ago, it all fell apart. The attorney was accused of pocketing his client's fees and not doing the work he was hired for. In November of 2012, the attorney was suspended by the Ohio Supreme Court. He resigned with discipline pending in August of 2013. The Disciplinary Counsel's report is now filed under seal, but the man's legal career was over.

Left behind in the aftermath were dozens upon dozens of people who felt they'd been cheated. They filed claims against the attorney for the fees he collected but did not earn. Those claims went to the Lawyers' Fund for Client Protection, which I am currently the chairman of.

There's an old saying that one bad apple doesn't spoil the whole barrel. But when it comes to attorneys, one bad apple can certainly make the rest of us look bad. That's why the Ohio Supreme Court created the Lawyers' Fund for Client Protection (LFCP). Quite simply, the LFCP reimburses the clients of dishonest attorneys when a theft has been committed.

Unless you've been directly involved in the Fund, you may not know much about it. Since it was established by the Ohio Supreme Court in 1985, the Fund has reimbursed more than \$20 million to 2,830 former law clients.

For fiscal year 2016, the Supreme Court allocated \$1.4 million to the Fund to reimburse law clients. 190 claims were reviewed by the Fund's board in 2016, and more than \$782,000 was reimbursed to 150 people who were deemed eligible. These were clients who sustained financial losses because of the conduct of 48 lawyers who were licensed to practice law in Ohio. The good news is that number represents less than one-tenth of one percent of all active attorneys in the Buckeye State.

Of those 150 cases in 2016, 125 were unearned fee claims. 19 claims resulted from thefts by fiduciaries and the other four claims involved theft-of-settlement proceeds. The maximum amount that may be reimbursed is \$75,000 per claim. During fiscal year 2016, one claimant, a resident of Cuyahoga County, received the maximum reimbursement. 97 claimants received 100% reimbursement for their losses.

And it's not just the victims of unscrupulous acts that are helped by the Fund. Former clients of 12 deceased lawyers were reimbursed by the Fund as the clients paid for services that were not provided and did not receive refunds of their unearned fees.

So where does the money come from? It comes from us. Funding for the support of the Lawyers' Fund for Client Protection is provided by attorney registration fees that are collected by the Supreme Court of Ohio.

In a December 2016 Gallup Poll of honesty and ethical standards in professions, 37% of respondents said that lawyers were either low or very low when it comes to honesty. Only 18% rated us high or very high.

Since the days of Shakespeare, lawyers have long been the butt of jokes and political cartoons. One of my favorites came from the comedian Steven Wright when he said, "I busted a mirror and got seven years bad luck, but my lawyer thinks he can get me five."

But I would argue that very few of us got into the business hoping to become wealthy. I believe that the majority of us became attorneys because we wanted to help people. Some may have been following in the footsteps of family members. Others may have hoped to someday right an injustice they witnessed. Still others sought the challenge and strength that a well fought case can provide.

But, at the heart of it all, it's the client that matters. An accused killer is provided an attorney to make sure his or her rights are upheld. An elderly woman seeks help with a will so that the right people inherit her beloved china and small bungalow home. A young woman who saved years for her first new car loses it because a drunk driver made a wrong turn. The cases are endless, and the people entrust their losses and futures to us.

It's a daunting task sometimes. Lawyers have a power and ability that, to many, is intangible. They trust that we are doing right by them. They hope that the fees we charge are fair. They cry when the legal outcome is not what they expected. They hug us when justice has been fairly served.

And that brings me back to the less than one-tenth of one percent who, in some way, cheated their clients to the point where a claim was made. Shame on them for abusing the privilege of practicing law. Shame on them for using their skills to take advantage. And shame on them for giving new life to those worn-out anti-lawyer sentiments.

And bravo to the six commissioners of the Lawyers' Fund for Client Protection who serve on the board with me. 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. Because of the allegations against our fellow attorneys, it's not easy to read these cases. But these few lawyers don't represent the legal community as a whole. The Fund board helps those clients who can't help themselves.

Feature Article Published in the Cleveland Metropolitan Bar Journal, May 2017- *continued*

And don't think for a moment that the 48 lawyers singled out by the Fund in 2016 were given slaps on the wrist and scolded with a, "Don't do that again." They have all been sanctioned for their actions. Many will never practice law again.

That Cleveland attorney mentioned at the beginning of this article is among those who have forfeited the privilege of being an attorney. In 2016, the Lawyers' Fund for Client Protection awarded compensation to 15 people who claimed that lawyer was paid for work that didn't get done. The total amount was \$18,079, or more than \$1,000 per case. But 2016 was actually the fourth consecutive year of reviewing claims against the same attorney!

In 2015, the Lawyers' Fund for Client Protection awarded \$53,000 in compensation to 49 people who claimed that he was paid for work that didn't get done. In 2014, 54 claims were processed at a cost of \$64,905. Three claims against the same attorney were processed in 2013.

If we add it all up, that's 121 claims and a total of nearly \$137,000 in compensation for just one attorney. That's 121 angry people who could have told their friends and relatives how a "crooked lawyer" cheated them.

Instead, because of the Fund, we have 121 angry people who were compensated for their losses and had a different ending to report to the people they know.

The question you might be asking is, "Why should we have to pay for someone else's poor behavior?" I could give you a long, drawn out dissertation, but the simple answer is, "Because it's the right thing to do." People come to us for help because the law is complicated and intimidating. When an attorney does wrong by his or her clients, it's our responsibility to punish them and help clean up the mess.

The Supreme Court's Disciplinary Counsel pulls the bad apples out of the barrel. The Lawyers' Fund for Client Protection makes sure their victims are properly reimbursed.

You are part of that, and I thank you.

Lawyers' Fund for Client Protection Application for Reimbursement

THE LAWYERS' FUND FOR CLIENT PROTECTION

AN AGENCY OF THE SUPREME COURT OF OHIO

JANET GREEN MARBLEY
ADMINISTRATOR

JUDGE JOHN J. RUSSO
CHAIR

Application for Reimbursement

INSTRUCTIONS

1. **All questions** on this application **must be answered**. If a question does not apply to your situation, please answer "N/A" (not applicable.) If you need more space, please attach additional pages.
Incomplete applications will be returned.
2. Attach copies of any documents that support your claim for reimbursement. **Proof of all amounts paid to the attorney or received by the attorney on your behalf is required** (i.e. front and back of cancelled checks, payment receipts, billing statements, fee agreements, settlement documents or checks, etc.) **PLEASE DO NOT SEND ORIGINALS.**
3. **Sign and date the application in the presence of a notary** and return it with your supporting documentation to: The Lawyers' Fund for Client Protection, Thomas J. Moyer Ohio Judicial Center, 65 S. Front Street, 5th Floor, Columbus, Ohio, 43215-3431. **Applications that have not been notarized will not be accepted and will be returned.**

Notice to Claimants: To be eligible for reimbursement from the fund, the lawyer involved in your claim must be suspended, reprimanded, disbarred, convicted, have resigned, or be deceased. Reimbursement is limited to money or property paid to or received by your lawyer. Damages or other types of losses are not reimbursable. Reimbursement from the Lawyers' Fund for Client Protection is within the sole discretion of the Board of Commissioners and not as a matter of right. **The maximum amount of reimbursement for any claim is \$75,000.** The Lawyers' Fund for Client Protection is separate from the lawyer discipline process. If you have not already done so, you may want to contact your local bar association or The Office of Disciplinary Counsel at 1-800-589-5256 to file a disciplinary grievance against the lawyer involved in your claim.

Notice to Lawyers Assisting Claimants with LFCP Claims: Section 6 (B) of Rule VIII of the Supreme Court Rules for the Government of the Bar provides "No attorney fees may be paid from the proceeds of an award made to a claimant under authority of this rule. The Board may allow an award of attorney fees to be paid out of the fund if it determines that the attorney's services were necessary to prosecute a claim under this rule or upon other conditions as the Board may direct." Board Rule 14 permits payment of attorney fees up to a maximum of \$500.

(KEEP THIS PAGE FOR YOUR RECORDS)

Lawyers' Fund for Client Protection Application for Reimbursement - *continued*

THE LAWYERS' FUND FOR CLIENT PROTECTION

AN AGENCY OF THE SUPREME COURT OF OHIO

JANET GREEN MARBLEY
ADMINISTRATOR

JUDGE JOHN J. RUSSO
CHAIR

Application For Reimbursement

(PLEASE PRINT OR TYPE)

CLAIMANT *(your Information)*

Mr. _____ Mrs. _____ Ms. _____

Full Name: _____

Address: _____ City: _____

County: _____ State: _____ Zip: _____

E-mail: _____ Home Phone: _____

Work Phone: _____ Cell Phone: _____

CO-CLAIMANT *(or person who paid for legal service – if different from Claimant)*

Mr. _____ Mrs. _____ Ms. _____

Full Name: _____

Address: _____ City: _____

County: _____ State: _____ Zip: _____

E-mail: _____ Home Phone: _____

Work Phone: _____ Cell Phone: _____

ATTORNEY INFORMATION *(Lawyer alleged to have caused loss)*

Full Name: _____

Address: _____ City: _____

County: _____ State: _____ Zip: _____

E-mail: _____

Work Phone: _____ Cell Phone: _____

1. When did you hire this attorney?

Month: _____ Day: _____ Year: _____

2. What legal services was the attorney hired to provide?

3. How many meetings and/or telephone calls (emails, text messages) did you have with the attorney?

_____ Meetings _____ Calls _____ other (emails, text messages)
Attach copies of any letters or other written correspondence to/from the attorney.

4. What legal services did the attorney provide for you?

5. How much did you pay the attorney for the services to be provided?

\$ _____ Date(s) Paid _____

6. How was the attorney paid?

_____ Cash _____ Check _____ Credit Card _____ Other
Attach copies of documentation to verify all money received by the attorney, i.e. cancelled checks, credit card receipts, cash receipts, billing statements, etc.

If you cannot provide this information, please explain why.

13. What is the current status of your legal matter?

(If applicable, please include case numbers and other court information.)

14. Have you taken any action to recover the loss directly from the attorney or any other source?

Yes No (If yes, please explain)

15. Has any part of the loss been recovered or refunded? Yes No

If yes, date of recovery or refund? _____ Month _____ Day _____ Year

Source of Recovery/Refund? _____

16. Is the loss covered by any insurance, indemnity or bond? Yes No Unknown

If yes, provide the following information:

Name of Insurer, Surety Company, or Bondsman: _____

Address: _____

City: _____ State: _____ Zip: _____

17. Were you, at the time of the loss, the spouse, child, parent, grandparent or sibling of the attorney, or a partner, associate, employee or employer of the attorney or a business entity controlled by the Attorney? Yes No

If yes, give relationship: _____

18. Have you filed a Disciplinary Grievance against the attorney? Yes No

If yes, please provide the following information:

Date Filed: _____ Month _____ Day _____ Year

Place Filed (local bar or Office of Disciplinary Counsel): _____

Lawyers' Fund for Client Protection Application for Reimbursement - *continued*

19. Have you contacted the local prosecutor and/or the local police department? Yes No

If yes, please provide the following information:

Date Contacted: _____ Month _____ Day _____ Year

Agency Contacted:

20. Did you file a malpractice lawsuit? Yes No

21. If a lawyer is assisting you with this claim, provide his/her name and contact information:

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

22. How did you learn about the Lawyers' Fund for Client Protection?

By signing this application, I (We) certify that each of the above statements are true. I am (We are) aware that if any of the statements are willfully false, I (We) may be subject to punishment under applicable law.

Witness

Signature of Claimant

Date _____

Witness

Signature of Second Claimant

Date _____

Notary Public

Expiration Date _____

APPLICATION CHECKLIST

Please check the following:

- Answered all questions (PRINT OR TYPE)
- Attached all support documentation (*including proof of payments - i.e. front and back of cancelled checks, payment receipts, billing statements, fee agreements, settlement documents or checks, etc.*)
- Application is notarized
- * Mail completed application to: The Lawyers' Fund for Client Protection, Thomas J. Moyer Ohio Judicial Center, 65 S. Front Street, 5th Flr., Columbus, Ohio, 43215-3431

* Once your claim is received by this agency, it can take between 12 to 18 months for your claim to be fully processed

(KEEP THIS PAGE FOR YOUR RECORDS)

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Supreme Court of Ohio Rules for the Government of the Bar

Rule VIII - Lawyers' Fund for Client Protection

Section 1. Establishment of Fund.

(A) There shall be a Lawyers' Fund for Client Protection of the Supreme Court of Ohio consisting of amounts transferred to the fund pursuant to this rule and any other funds received in pursuance of the fund's objectives. The purpose of the fund is to aid in ameliorating the losses caused to clients and others by defalcating members of the bar acting as attorney or fiduciary, and this rule shall be liberally construed to effectuate that purpose. No claimant or other person shall have any legal interest in the fund or right to receive any portion of the fund, except for discretionary disbursements directed by the Board of Commissioners of the Lawyers' Fund for Client Protection of the Supreme Court of Ohio, all payments from the fund being a matter of grace and not right.

(B) The Supreme Court shall provide appropriate and necessary funding for the support of the Lawyers' Fund for Client Protection from the Attorney Registration Fund. The Clerk of the Supreme Court of Ohio shall transfer funds to the Lawyers' Fund for Client Protection at the direction of the Court.

Section 2. Board of Commissioners of the Lawyers' Fund for Client Protection of the Supreme Court of Ohio; Administrator; Chair.

(A) Creation; Members. There is hereby created a Board of Commissioners of the Lawyers' Fund for Client Protection of the Supreme Court of Ohio consisting of seven members appointed by the Supreme Court, at least one of whom shall be a person not admitted to the practice of law in Ohio or any other state. The Court shall designate one member as chair and one member as vice-chair, who shall hold such office for the length of their term. All terms shall be for a period of three years commencing on the first day of January. No member shall serve more than two consecutive three-year terms. The Board shall have its principal office in Columbus.

(B) Administrator. There shall be an Administrator of the Board of Commissioners of the Lawyers' Fund for Client Protection. The Court shall appoint and fix the salary of the Administrator. If the Administrator is an attorney admitted to practice in Ohio, the Administrator shall not engage in the private practice of law while serving in that capacity. The Administrator shall be the secretary to the Board. The Administrator shall appoint, with the approval of the Court, staff as required to satisfactorily perform the duties imposed by this rule. The Court shall fix the compensation of personnel employed by the Administrator.

(C) Powers of the Board. The Board shall do all of the following:

- (1) Investigate applications by claimants for disbursement from the fund;
- (2) Conduct hearings relative to claims;
- (3) Authorize and establish the amount of disbursements from the fund in accordance with this rule;

(4) Adopt rules of procedure and prescribe forms not inconsistent with this rule.

(D) Powers of the chair.

(1) The chair of the Board shall be the trustee of the fund and shall hold, manage, disburse, and invest the fund, or any portion of the fund, in a manner consistent with the effective administration of this rule. All investments shall be made by the chair upon the approval of a majority of the Board. Investments shall be limited to short-term insured obligations of the United States government, deposits at interest in federally insured banks or federally insured savings and loan institutions located in the state of Ohio, and in no-front-end-load money market mutual funds consisting exclusively of direct obligations of the United States Treasury, and repurchase agreements relating to direct Treasury obligations, with the interest or other income on investments becoming part of the fund. Annually and at additional times as the Supreme Court may order, the chair shall file with the Supreme Court a written report reviewing in detail the administration of the fund during the year. The fund shall be audited biennially by the Auditor of State at the same time as the Supreme Court's regular biennial audit. The Supreme Court may order an additional audit at any time, certified by a certified public accountant licensed to practice in Ohio. Audit reports shall be filed with the Board, which shall send a copy to the Supreme Court. The report shall be open to public inspection at the offices of the Board.

(2) The chair and vice-chair of the Board shall file a bond annually with the Supreme Court in an amount fixed by the Supreme Court.

(3) The chair of the Board shall have the power and duty to render decisions on procedural matters presented by the Board and call additional meetings of the Board when necessary.

(4) The vice-chair of the Board shall exercise the duties of the chair during any absence or incapacity of the chair.

(E) Meetings. The Board shall meet at least two times a year, in Columbus and at other times and locations as the chair designates.

(F) Expenses. Expenses for the operation of the Board as authorized by this rule shall be paid from the fund, including bond premiums, the cost of audits, personnel, office space, supplies, equipment, travel, and other expenses of Board members.

Section 3. Eligible Claims.

For purposes of this rule, an eligible claim shall be one for the reimbursement of losses of money, property, or other things of value that meet all of the following requirements:

(A) The loss was caused by the dishonest conduct of an attorney admitted to the practice of law in Ohio when acting in any of the following capacities:

(1) As an attorney;

(2) In a fiduciary capacity customary to the practice of law;

(3) As an escrow agent or other fiduciary, having been designated as an escrow agent of fiduciary by a client in the matter or a court of this state in which the loss arose or having been selected as a result of a client-attorney relationship.

(B) The conduct was engaged in while the attorney was admitted to the practice of law in Ohio and acting in his capacity as an attorney admitted to the practice of law in Ohio, or in any capacity described in division (A) of this section.

Supreme Court of Ohio Rules for the Government of the Bar

Rule VIII - Lawyers' Fund for Client Protection - *continued*

(C) On or after the effective date of this rule, the attorney been disbarred, suspended, or publicly reprimanded, has resigned, or has been convicted of embezzlement or misappropriation of money or other property and the claim is presented within one year of the occurrence or discovery of the applicable event. The taking of any affirmative action by the claimant against the attorney within the one-year period shall toll the time for filing a claim under this rule until the termination of that proceeding. In the event disciplinary or criminal proceedings, or both, can not be prosecuted because the attorney can not be located or is deceased, the Board may consider a timely application if the claimant has complied with the other conditions of this rule.

(D) The claim is not covered by any insurance or by any fidelity or similar bond or fund, whether of the attorney, claimant, or otherwise.

(E) The claim is made directly by or on behalf of the injured client or his personal representative or, if a corporation, by or on behalf of itself or its successors in interest.

(F) The loss was not incurred by any of the following:

(1) The spouse, children, parents, grandparents or siblings, partner, associate, employee, or employer of the attorney, or a business entity controlled by the attorney. The Board may, in its discretion, recognize such a claim in cases of extreme hardship or special or unusual circumstances.

(2) An insurer, surety or bonding agency or company, or any entity controlled by any of the foregoing;

(3) Any governmental unit.

(G) A payment from the fund, by way of subrogation or otherwise, will not benefit any entity specified in division (F) of this section.

Section 4. Dishonest Conduct.

For purposes of this rule, dishonest conduct consists of wrongful acts or omissions by an attorney in the nature of defalcation or embezzlement of money, or the wrongful taking or conversion of money, property, or other things of value.

Section 5. Maximum Recovery.

The Board shall determine the maximum amount of reimbursement to be awarded to a claimant. No award shall exceed seventy-five thousand dollars.

Section 6. Conditions of Payment; Attorney Fees.

(A) As a condition to payment, the claimant shall execute any interest, take any action, or enter into any agreements as the Board requires, including assignments, subrogation agreements, trust agreements, and promises to cooperate with the Board in prosecuting claims or charges against any person. Any amounts recovered by the Board through an action shall be deposited with the fund.

(B) No attorney fees may be paid from the proceeds of an award made to a claimant under authority of this rule. The Board may allow an award of attorney fees to be paid out of the fund if it determines that the attorney's services were necessary to prosecute a claim under this rule and upon other conditions as the Board may direct.

Section 7. Claims Procedure.

(A) Forms. The Board shall provide forms for the presentation of claims to Disciplinary Counsel, all bar associations, and to any other person upon request. The Board shall create a complaint form for the use of claimants that shall include, but not be limited to the name and address of the claimant, the name and last known address of the attorney against whom the claim is made, the date of the alleged wrongful act, a clear and simple statement describing the wrongful act, the amount of the claimed loss, and a statement as to whether other affirmative action has been taken as described in Section 3(C) of this rule. A claim shall be considered as filed on the date the Board receives written notification of the claim, even in the absence of the prescribed form. However, completion of the formal application may subsequently be required by the Board.

(B) Notice. Upon receipt of a claim against an attorney, the secretary of the Board shall notify the attorney by certified mail, when possible, of the fact of its filing. All parties shall be notified of any action taken by the Board with respect to a claim.

(C) Investigation; Cooperation With Disciplinary Counsel and Local Bar Associations.

(1) The Board shall investigate or cause to be investigated all claims received under this rule.

(2) At the request of the Board, Disciplinary Counsel and local bar associations authorized to investigate attorney discipline complaints under Gov.Bar R. V shall make available to the Board all reports of investigations and records of formal proceedings in their possession with respect to any attorney whose conduct is alleged to amount to dishonest conduct under this rule. Where the information sought is the subject of a pending investigation or disciplinary proceeding required by Gov.Bar R. V to be confidential, disclosure shall not be required until the termination of the investigation or disciplinary proceeding, or both.

Supreme Court of Ohio Rules for the Government of the Bar

Rule VIII - Lawyers' Fund for Client Protection - *continued*

(3) Where the Board receives a claim that is ineligible because disciplinary proceedings have not been undertaken, the Board shall hold the claim in abeyance, forward a copy of the claim to Disciplinary Counsel for further action, and advise the claimant that these procedures have been undertaken and that disciplinary action is a prerequisite to eligibility under this rule. If filed within the time limits prescribed in Section 3(C) of the rule, the claim shall be considered timely regardless of the time it is held in abeyance pending the outcome of disciplinary proceedings. Disciplinary Counsel shall advise the Board as to the disposition of the complaint.

(D) Hearings; Subpoenas.

The Board may conduct hearings for the purpose of resolving factual issues. Upon determining that any person is a material witness to the determination of a claim made against the fund, the Board, chair, or vice-chair shall have authority to issue a subpoena requiring the person to appear and testify or produce records before the Board. All subpoenas shall be issued in the name and under the Seal of the Supreme Court, signed by the chair, vice-chair, or Administrator, and served as provided by law.

(E) Confidentiality.

All claims filed under this rule and all records obtained by the Board pursuant to this rule shall be confidential. If an award is made under this rule, the award, the name of the claimant, the name of the attorney, and the nature of the claim may be disclosed.

(F) Consideration of Claims.

The Board, in its sole discretion, but on the affirmative vote of at least four members, shall determine the eligible claims that merit reimbursement from the fund and the amount, time, manner, conditions, and order of payments of reimbursement. No award may include interest from the date of the award. In making each determination, the Board shall consider, among other factors set forth in this rule, all of the following:

- (1) The amounts available and likely to become available to the fund for the payment of claims and the size and number of claims that are likely to be presented;
- (2) The amount of the claimant's loss as compared with the amount of losses sustained by other eligible claimants;
- (3) The degree of hardship suffered by the claimant as a result of the loss;
- (4) The degree of negligence, if any, of the claimant that may have contributed to the loss.
- (5) Any special or unusual circumstances.

To preserve the fund, the board may adopt rules implementing a sliding scale whereby eligible claims are compensable at fixed percentages of the total loss but not to exceed the maximum award allowed by this rule.

The determination of the Board shall be final.

[Not analogous to former Rule VIII, effective January 1, 1976; amended effective June 15, 1981; November 17, 1982; July 1, 1983; May 13, 1985; July 29, 1987; October 1, 1989; January 1, 1990; January 1, 1993; December 1, 1996; October 20, 1997; April 13, 1998; August 1, 2003; January 1, 2015.]

Lawyers' Fund for Client Protection Former Commissioners

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



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