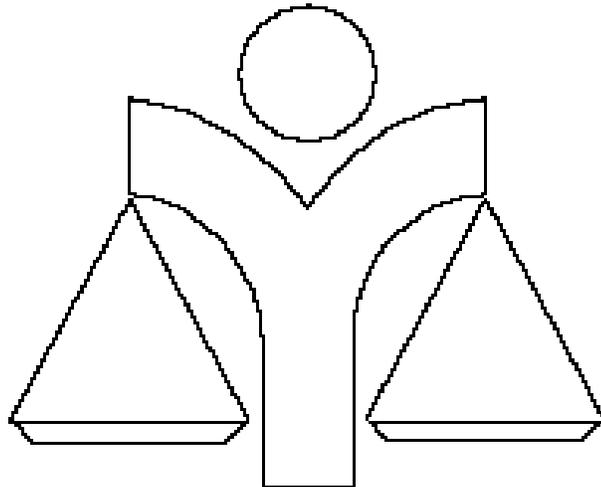




THE LAWYERS' FUND FOR CLIENT PROTECTION

FIFTEENTH ANNUAL REPORT OF THE BOARD OF TRUSTEES

Submitted to the Governor, the Judges of the Court of Appeals, the State Comptroller, and members of the State Legislature



APRIL 1998

" *The conduct of attorneys is not measured by how close to the edge of thin ice they skate. The conduct is not how much clarity can be squeezed out of the strict letter of the law, but how much honor can be poured into the generous spirit of lawyer-client relationships.*" *Matter of Cooperman*, 83 N.Y.2d 465 (1994) (Bellacosa, J.)

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Chart illustrations by
George Thompson



FOREWORD

This is the Board of Trustees' annual accounting of the activities of the New York Lawyers' Fund for Client Protection. This is the Board's fifteenth accounting of its stewardship; and its focus is on the operations of the fund during 1997.

Business in 1997 was brisk:

- 1,128 new claims
- \$41 million in reported losses
- 625 reimbursement awards
- 1,245 final determinations approving or rejecting claims
- \$7 million in reimbursement to eligible claimants

All claim files closed in 1997 — approved and rejected claims — involved reported losses of \$20 million.

The fund closed its books on December 31, 1997 with 462 claims pending. They allege losses of \$47 million.

The fund's contingent liability on those 462 claims is \$17 mil-

lion. The fund had a cash reserve at year's end of \$2 million, and projected revenues for 1998 of \$8 million.

Since 1982, the lawyers of New York State have contributed \$67 million to protect law clients from dishonest conduct in the practice of law. No other profession does anything comparable for its clients.

There are 165,000 licensed lawyers in the Empire State. Awards of reimbursement since 1982 involve dishonest conduct by 549 former members of the bar. That is not even one percent of the bar's total membership.

Notwithstanding the torrent of new claims and losses, the Board of Trustees has persevered in reimbursing client losses dollar-for-dollar, subject to a maximum limit of \$100,000 per loss.

That \$100,000 maximum ranks among the highest in the nation. Put another way, that maximum provided full reimbursement to 97 percent of all clients who qualified for reimbursement last year.

Few client protection funds in the United States do better.



LAW CLIENT PROTECTION IN THE EMPIRE STATE

That lawyers have obligations to the victims of dishonest colleagues is a rather recent notion of professional responsibility.

Disciplining a dishonest lawyer, whether by censure, suspension from practice or disbarment, was long considered an adequate response to professional misconduct: as a punishment, a deterrent to others, and to safeguard the public.

But what of a law client robbed of her life savings by a dishonest lawyer? Scant comfort is provided by an Order of Disbarment.

It's for that reason that the legal profession has responded by creating client protection programs. The movement began with a special compensation fund in New Zealand in 1929. Today all states but Colorado have lawyer-financed client protection funds. They also exist throughout the Canadian provinces and in Western Europe.

The Empire State is no newcomer. The State Bar Association created a special Clients' Security Fund Committee in 1962. That effort complemented programs sponsored by the New York County Lawyers' and the Suffolk County Bar Associations.

The State Bar funded its program with appropriations from membership dues. Annual appropriations ranged between \$10,000 and \$15,000. Client awards were capped at \$5,000. In the committee's 20-year history, 75 clients received reimbursement. Awards totaled \$230,000.

In the late 1970's, claims to the State Bar's fund mounted as public knowledge about the existence of a reimbursement program spread. By 1981, pending claims alleged client losses of \$3 million, far beyond the fund's reserves of \$250,000.

To secure a revenue base broader than the membership of the bar association, its leaders proposed — first to the Court of Appeals and then to

I am grateful to the honest and caring lawyers who made my award possible. . . .

— Message from a law client (1997)

the State Legislature — that all members of the bar be assessed a special fee to finance a client reimbursement program.

What emerged from the process was a statutory scheme patterned after the client protection fund in Maryland: an independent trust organized under the aegis of the Court of Appeals, administered *pro bono publico* by a Board of Trustees appointed by the judges of the Court, and financed by an assessment on each active member of the bar.

The Clients' Security Fund of the State of New York, as the fund

CLAIM FILINGS SINCE 1994



was originally named, was organized on December 1, 1981 with the appointment of a seven-member Board of Trustees by the Judges of the Court of Appeals. The early months of 1982 were spent formulating regulations and claim procedures and assembling a staff and office facilities. The fund opened for business on April 1, 1982.

.....
THE MISSION OF THE LAWYERS' FUND ♦

The State Legislature has defined the fund's mission in bold concepts: to protect legal consumers from dishonest conduct in the practice of law, to preserve the integrity of the bar, to safeguard the good name of lawyers for their honesty in handling client money, and to promote public confidence in the administration of justice in the Empire State.

The Trustees secure those goals by reimbursing money that's been misused in the practice of law. But there are other efforts as well. They include the development of programs to help lawyers comply with their fiduciary and escrow obligations; the publication of consumer education materials to help clients avoid situations that can result in losses; and rules of court to eliminate practices that provide opportunities for dishonest lawyers to exploit the trust of clients.

In all these efforts, the Board of Trustees serves as a helpmate to the courts of New York State

in shielding the integrity of the justice system, and the honor and reputation of the legal profession.

Typical losses reimbursed by the Trustees include the theft of estate and trust assets, escrow deposits in real property transactions, settlements in personal injury litigation, debt collection receipts, money embezzled in investment transactions with law clients, and unearned fees paid in advance to lawyers who falsely promise their legal services.

.....
THE BOARD OF TRUSTEES

Section 468-b of the Judiciary Law provides for the administration of the Lawyers' Fund; and section 97-t of the State Finance Law governs the management of its assets as a special trust account on deposit in the State Treasury. Both statutes vest full management authority in the Board of Trustees.

The Trustees serve renewable terms of three years, and without compensation for their services. Since the fund's organization in 1981, the Court of Appeals has maintained the mix of five members of the bar and two business and community leaders.

The Board's officers are a Chairman, Vice

Chairman and Treasurer. The fund's Executive Director serves as the Board's Secretary and its Counsel.

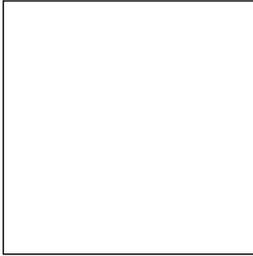
Eleanor Breitel Alter of Manhattan has served as Chairman of the Board of Trustees since 1985. She is a partner in the Manhattan law firm of Kasowitz, Benson & Torres. Mrs. Alter is a graduate of the University of Michigan and the Columbia University Law School (1964). She was first appointed to the Board of Trustees in 1983. The Chairman's current term expires on November 30, 1998.

Theodore D. Hoffmann of Hicksville, Nassau County, is Vice Chairman of the Board. Mr. Hoffmann is Of Counsel to the Garden City law firm of Albanese, Albanese & Fiore. He is a graduate of St. John's University and its School of Law (1948). Mr. Hoffmann's current term expires on November 19, 1999.

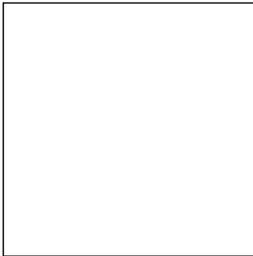
Ray W. Manuszewski of Cheektowaga, Erie County, is the fund's Treasurer. A graduate of Canisius College (1951), Mr. Manuszewski is a former



Regional President of
Manufacturers Hanover Trust
Company N.A. in Buffalo. Mr.



Manuszewski was first appointed
to the Board of Trustees in
1981. His
current
term
expires on
November
19, 1999.



Bernard F. Ashe of
Delmar,
Albany County, is a former
General Counsel to New York
State United Teachers. He is a
graduate of Howard University
and the Howard University
School of Law (1961). Mr. Ashe
has served as a Trustee since
1981. His current term expires
on November 19, 1999.

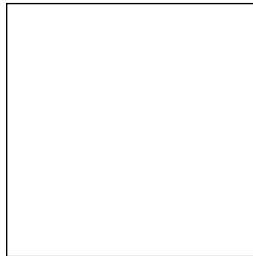
Charles Joseph Hynes of
Brooklyn is the District Attorney
of Kings County. He is a gradu-
ate of St. John's University and
its School of Law (1961). Mr.

You have restored all my faith
in lawyers. . . .

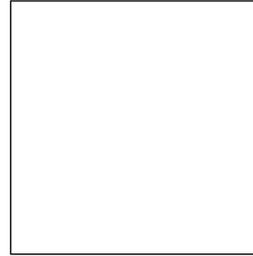
— Message from a law client (1997)

Hynes was first appointed to the
Board of Trustees in 1982. His
present term expires on
November 30, 2000.

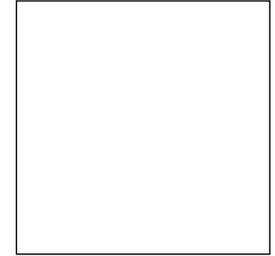
THE FUND'S STAFF ♦



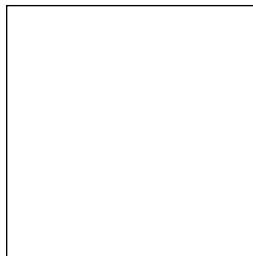
Frederick Miller



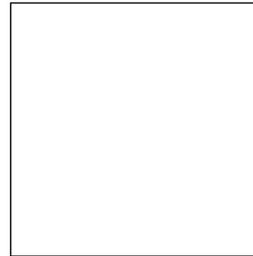
Timothy J. O'Sullivan



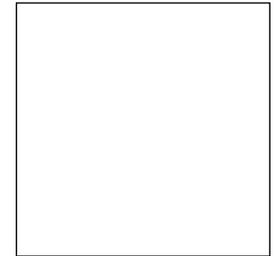
Michael J. Knight



Ray Wood



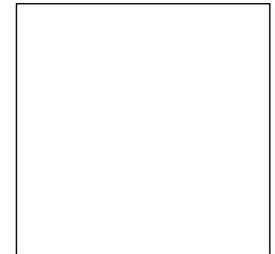
Sue Gartley



Polly Sims

The Board of Trustees is the appointing
authority for its staff. Serving in 1997
were Frederick Miller, Executive
Director and Counsel; Timothy J.
O'Sullivan, Deputy Counsel; Michael J.
Knight, Assistant Counsel; and Ray Wood,
Investigator.

The fund's secretariat consists of Sue
Gartley, Administrative Secretary; Polly
Sims, Administrative Clerk; and Inge Wood,
Secretary.



Inge Wood

Law students provide helpful support
to the Lawyers' Fund in the investi-
gation of claims and legal research
projects. Interns from the Albany Law
School, classes of 1997 and 1998:
Dann Hoeffner, John Moore and Dan
Herrera. From the University of
Buffalo Law School: Stephanie Miner,
class of 1999.

Eric A. Seiff lives in the Bronx and is a partner in the Manhattan law firm of Seiff & Kretz. Mr. Seiff is a graduate of Yale University and the Columbia University Law School (1958). Mr. Seiff has served on the Board since 1981. His present term expires on November 30, 2000.

Shirley B. Waters of Rome, Oneida County, is Vice President of the Rome Sentinel Company, which publishes the Daily Sentinel newspaper. She is a graduate of Syracuse University (1943). Mrs. Waters was first appointed to the Board in 1992, and her current term expires on November 30, 1998.

Former Trustees include the Chief Judge of the State of New York Judith S. Kaye (1981- 1983); Joseph Kelner, Esq. of Manhattan (1981-1982); Anthony R. Palermo, Esq. of Rochester (1981-1990); and John F. X. Mannion of Syracuse (1981-1992).

THE TRUSTEES' REGULATIONS

Section 468-b of the Judiciary Law requires that the Board of Trustees enact regulations for the fund's administration, and procedures for the presentation, consideration and payment of claims.

The Trustees' regulations are reproduced in the Appendix. They are published in Title 22 of the Official Compilation of Codes, Rules and Regulations of the State of New York (22 NYCRR Part 7200).

Section 7200.8 (d) was amended by the Trustees, effective June 20, 1997, to exclude from eligi-

bility losses incurred by financial institutions and business organizations having 20 or more employees. The amendment was prompted by concerns about the financial security of the fund, and the fact that insurance is readily available to banks, financial institutions and large commercial business organizations to cover fiduciary losses. The amendment eliminated upwards of \$2 million of contingent liability in pending claims.

members of the bar for professional misconduct.

Because the misuse of law client money and property typically results in a lawyer's disbarment, final determinations in claims are not handed down until appropriate disciplinary proceedings in the Appellate Divisions are completed.

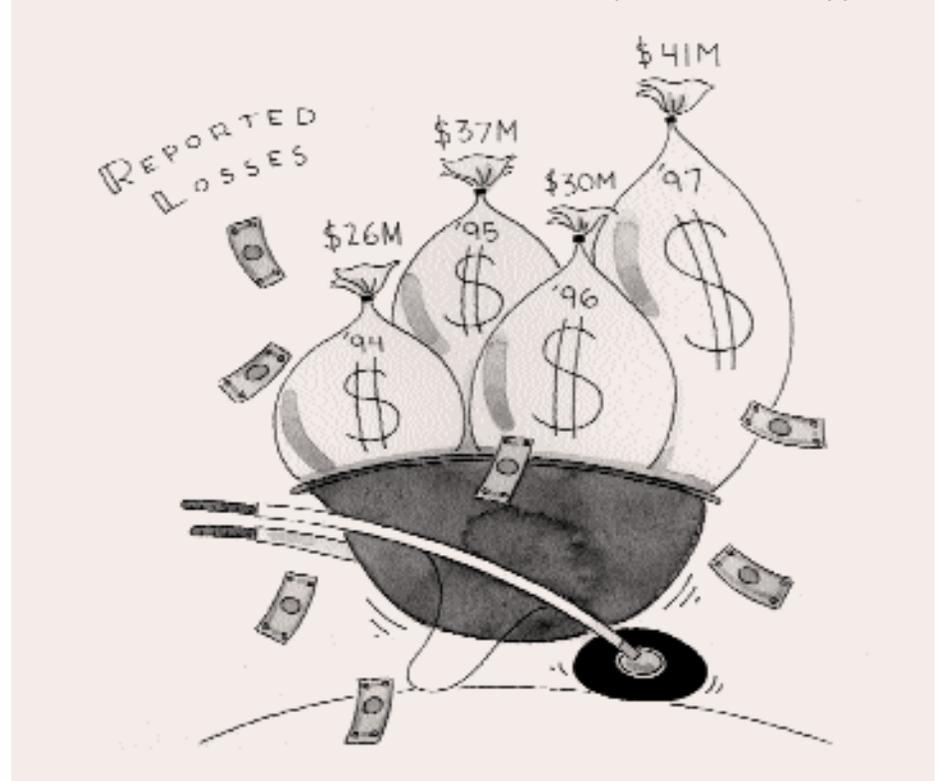
Additionally, fund investigations are coordinated with the investigative efforts of the Attorney

LIAISON WITH THE APPELLATE DIVISIONS ♦

Section 90 of the Judiciary Law vests in the four Appellate Divisions of the Supreme Court broad authority to regulate the practice of law in New York State, and to discipline

At least the anxiety and sleepless nights are finally over . . . and thanks to the Lawyers' Fund, we have not lost our retirement nest egg. . . .

REPORTED CLIENT LOSSES SINCE 1994 (IN MILLIONS \$)





Grievance Committees in the four judicial departments. This avoids unnecessary expense and duplication of investigative effort.

The Trustees' Regulations provide that all shared information involving complaints against lawyers is to be sealed and maintained as a confidential record in accordance with section 90 of the Judiciary Law.

As a complement to this coordination process, each Appellate Division has designated a member of the Court to serve as its liaison with the fund. Liaison justices in 1997 were Justices Milton L. Williams of the First Department; David S. Ritter of the Second Department; James N. White of the Third Department; and John J. Callahan of the Fourth Department.

THE FUND'S REVENUES

The principal source of revenue for the Lawyers' Fund is a portion of the \$300 biennial registration fee required of each active member of the bar by section 468-a of the Judiciary Law. Contrary to widespread belief, the Lawyers' Fund receives no revenues from the Interest on Lawyer Account (IOLA) program, or other tax revenues.

Section 468-a of the Judiciary Law earmarks 20 percent (\$60) of each \$300 fee to the Lawyers' Fund. Beginning with Fiscal Year 1993-94, the State Legislature has supplemented this \$60 allocation with appropriations from the Attorney Licensing Fund (ALF). In effect, these annual appropriations provide the Lawyers' Fund with the equivalent of a \$100 share of each biennial registration fee.

Revenues belonging to the fund are deposited in a special trust account in the State Treasury created by section 97-t of the State Finance Law, the sole purpose of which is to finance the fund and its activities. All awards and administration costs are disbursed from this special revenue account.

Registration fee revenues are supplemented by interest from investments in the State Comptroller's Short-Term Investment Pool (STIP), gifts, sanctions, and restitution secured from dishonest lawyers and other liable sources.

The attorney registration program is administered by the Office of Court Administration. Through the close of 1997, registration fees have produced \$64 million for the fund.

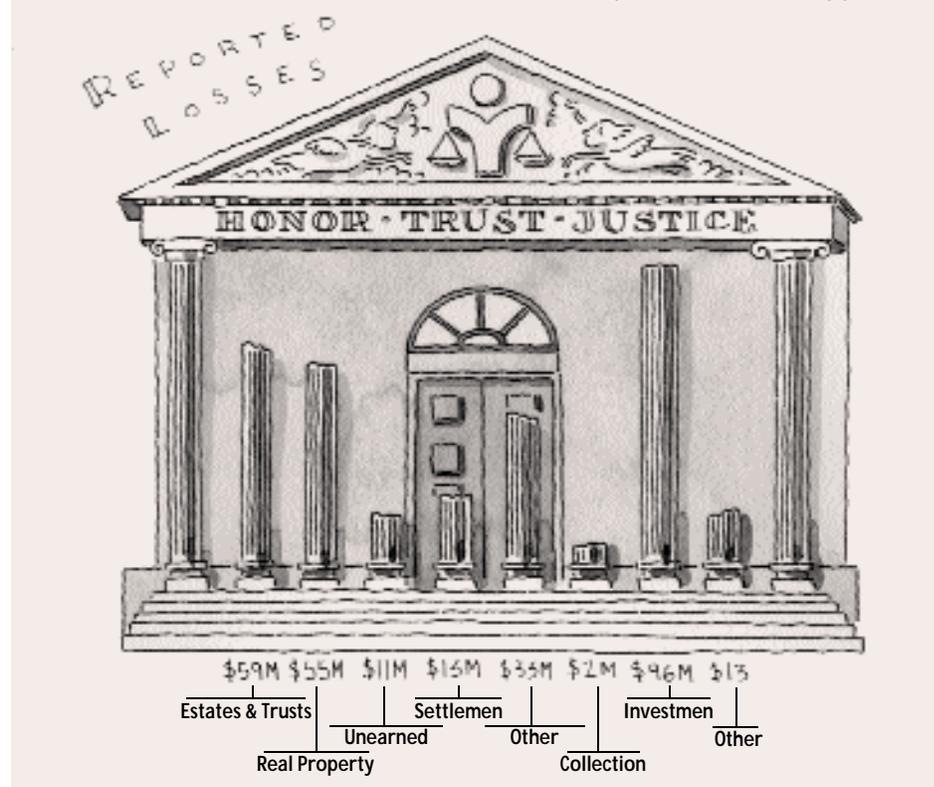
Interest income since 1982 totals \$3 million. The fund has recouped an additional \$3 million from dishonest lawyers and collateral sources. Contributions total \$211,000.

REGISTRATION OF LAWYERS

Section 468-a of the Judiciary Law requires all lawyers licensed to practice law in New York State to register biennially with the Chief Administrator of the Courts through the Office of Court Administration.

Non-compliance with the registration law "constitutes conduct prejudicial to the administration of justice," and subjects a lawyer to disciplinary action under section 90 of the Judiciary Law.

REPORTED CLIENT LOSSES SINCE 1982 (IN MILLIONS \$)



At the close of 1997, there were 165,000 lawyers registered with the Office of Court Administration. That number includes 16,000 retired lawyers and full-time judges who are exempt from the registration fee.

SANCTION REVENUES ♦

Financial sanctions in litigation are an unusual and steady source of revenue for the fund: approximately \$11,000 monthly.

Most sanctions are imposed by Supreme Court trial justices in the management of court and trial calendars. Judicial sanction orders frequently cite sections 2004, 3126 and 5015 of the Civil

Practice Law and Rules.

Another variety emanates from the Rules of the Chief Judge and the Chief Administrator of the Courts. Those rules designate the Lawyers' Fund as the depository for sanctions imposed on lawyers for frivolous conduct in civil actions and proceedings, and counsel's unjustified failure to attend a scheduled court appearance in a criminal or family court proceeding.

The rules are published in 22 NYCRR Parts 37, 130 and 130-a. They were first applied by the Court of Appeals against a party in *Matter of the Minister v. 198 Broadway, Inc.*, 76 N.Y.2d 411 (1990); upon a lawyer in *Maroulis v. Berg*, 77 N.Y.2d 831 (1991); and upon both party and lawyer in *Intercontinental*

I am enclosing my picture. ... I thought it would be nice to see who you have helped. . . .

Message from a law client (1998)

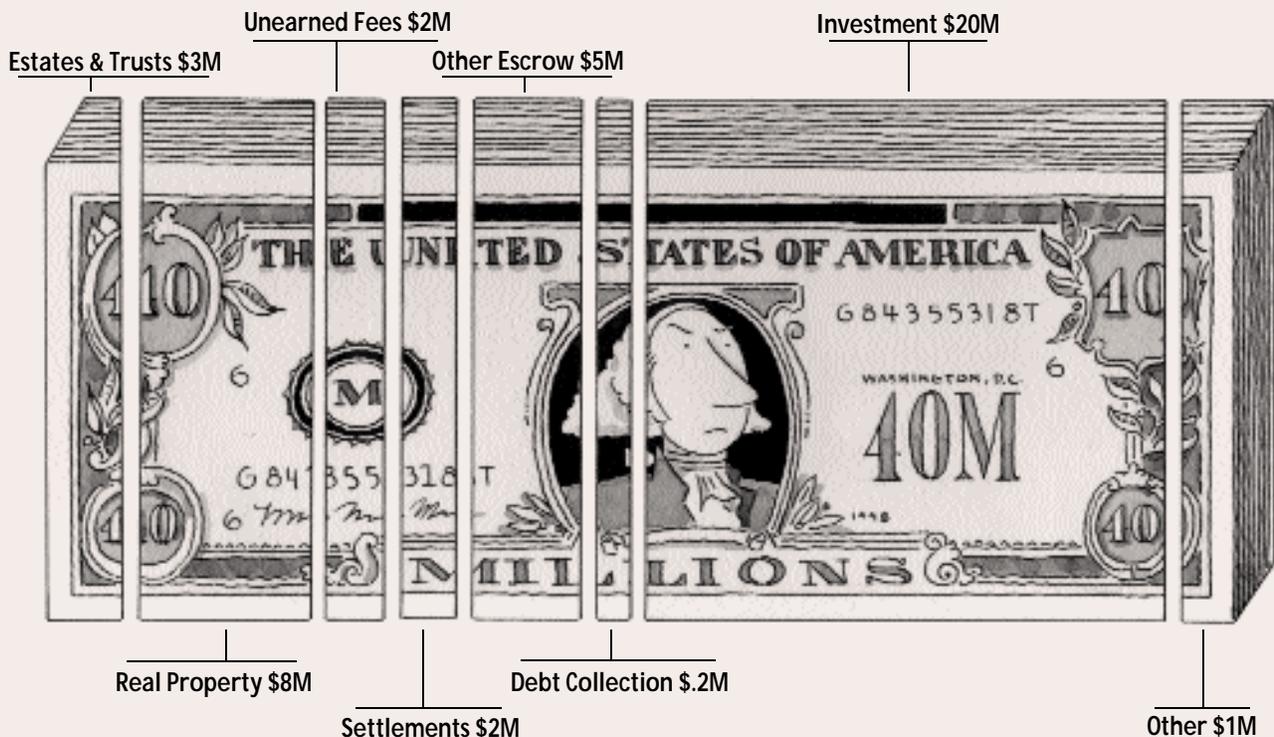
Credit Corp. v. Roth, 78 N.Y.2d 306 (1991).

At the close of 1997, all sanction revenues totaled \$1.2 million. Sanctions have ranged in amount from \$5 to \$100,000.

PAYOUTS AND DISBURSEMENTS ♦

At the end of 1997, all awards of reimbursement totaled \$66.1 million. The cost of administering the fund as a state agency during 1997 totaled \$634,000. At year's

REPORTED CLIENT LOSSES IN 1997 CLAIMS (IN MILLIONS \$)





end, the reserve in the fund's special revenue account in the State Treasury totaled \$2 million.

The fund's revenues are appropriated to the Board of Trustees by the State Legislature annually in the Judiciary Budget. For the fiscal year commencing April 1, 1998, the Trustees have requested appropriations of \$8.25 million for awards of

I strongly believe that the legal profession is a noble profession and I will continue to trust in lawyers. . . ."

reimbursement, and \$732,000 for the fund's administrative costs.

RESTITUTION AND SUBROGATION REVENUES

Restitution and subrogation receipts since 1982 totaled \$3.4 million at the close of 1997. These revenues were secured from dishonest lawyers, their estates, and from the settlement of claims against collateral sources that were economically liable for the underlying losses that the fund reimbursed.

While restitution revenues pale in comparison to reimbursement paid, that's unavoidable: few disbarred lawyers have the wherewithal to reimburse their victims, much less the Lawyers' Fund. That's why client protection funds nationwide are widely viewed as remedies of last resort for victims of lawyer theft.

The Lawyers' Fund nonetheless endeavors to recoup restitution whenever possible: by direct

action against dishonest lawyers and other collateral sources; by negotiated confessions of judgment; and by judicial orders entered pursuant to the restitution provisions of the Penal, Criminal Procedure and Judiciary Laws.

Civil claims are pursued against banks and insurance companies that have paid checks bearing the forged indorsements of law clients. Other actions include the enforcement of creditor claims against the estates of dead lawyers, and the prosecution of creditor claims in bankruptcy court.

Section 468-b of the Judiciary Law authorizes the fund to seek restitution in its own right, and by subrogation and assignment agreements with law clients who have received awards.

The fund's legal standing to pursue subrogation claims was recognized by the Court of Appeals in *Clients' Security Fund v. Grandeau, et al*, 72 N.Y.2d 62 (1988). *Grandeau* sustained the fund's right, as subrogee of reimbursed law clients, to pursue the law partner of a dishonest lawyer for negligence in supervising the management of the law partnership.

Following the *Grandeau* decision, the Legislature amended the Judiciary Law to codify the fund's subrogation procedures. (Chapter 624, Laws of 1988; Judiciary Law § 468-b (9). The statute also grants the fund a statutory lien that attaches to a dishonest lawyer's restitution obligations.

Litigation enforcing the fund's subrogation rights is frequently complex and protracted, particularly in causes of action asserted under the Uniform

Commercial Code. Restitution claims are prosecuted by joint effort of the fund's staff and the Department of Law.

Assistant Attorneys General who ably represented the Lawyers' Fund in its 1997 litigation: Jennifer A. Whalen, Troy J. Oeschner, Richard Cross, Denise Hartman, Richard Lombardo and Carolyn Cairns Olson.

These efforts have established important precedents in the areas of client protection and creditor rights:

In Clients' Security Fund v. Goldome, 148 Misc. 2d 157 (Sup. Ct., Monroe Co. 1990), Mr. Justice Boehm granted summary judgment to the fund for the face amount of a law client's forged check. The defendant bank was denied standing to challenge the Trustees' exercise of discretion in reimbursing a theft which occurred after a lawyer's disbarment.

In Lawyers' Fund for Client Protection v. Manufacturers Hanover, 153 Misc. 2d 360 (Sup. Ct., Albany Co. 1991), Mr. Justice Keegan clarified issues of common law by holding that an attorney in a debt collection engagement has no apparent authority to endorse the client's signature on the check that pays the debt. The defendant bank was held strictly liable to the Lawyers' Fund as the client's subrogee.

Matter of Estate of Sheridan, 149 Misc. 2d 519 (Surr. Ct., Yates Co. 1991) involved a novel feature of common law. In *Sheridan*, the court recognized the fund's capacity to assert the "sovereign's prerogative right" to priority as a creditor.

Surrogate Falvey ruled that the Lawyers' Fund, in its capacity as an agency of the State of New

York, was entitled to priority over all other non-secured creditors of a dishonest lawyer's estate. The holding in *Sheridan* was asserted successfully in *Matter of Estate of Zimmerman*, No. 272547 (Surr. Ct., Nassau Co. 1996), and *Rowley v. Besse*, No. 836-93 (Sup. Ct. Albany Co. 1997).

Lawyers' Fund for Client Protection v. Gateway State Bank, ___ A.D.2d ___, 658 N.Y.S.2d 705 (3rd Dept. 1997), extended the fund's creditor rights in a forged indorsement case. The Appellate Division, Third Department, applied a six-year statute of limitations, in contract, to the fund's subrogation claim against a disbarred lawyer's depository bank. The court also approved Albany County as a proper county of venue in subrogation actions by the Lawyers' Fund. The Appellate Division and the Court of Appeals subsequently denied the defendant bank leave to appeal.

Fergang v. Flanagan, 174 Misc.2d 790 (Sup. Ct., Nassau Co., 1997) clarified the liabilities of payee and depository banks in forged indorsement litigation. This action was prosecuted by the Lawyers' Fund, as subrogee, following a \$100,000 award of reimbursement to the claimant Fergang. The decision of Mr. Justice Phelan holds the claimant's bank (the drawee) is liable for the face amount of the check which bears the forged indorsement. The drawee bank, in turn, recovers from the dishonest lawyer's depository bank for breach of warranty, plus attorney fees.

RESTITUTION AS A DISCIPLINARY SANCTION

At the Trustees' behest, the State Legislature in 1989 amended section 90 of the Judiciary Law to grant the Appellate Divisions of the Supreme Court authority to order a lawyer to make restitution for the theft of client property.

Subdivision (6-a) permits an Appellate Division to order restitution in resignation as well as contested disciplinary proceedings. The statute also provides that restitution orders are enforceable as civil money judgments.

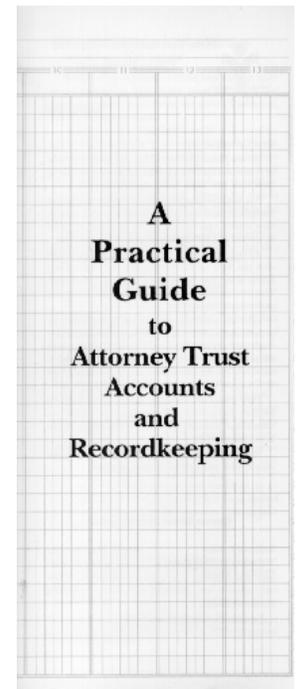
The Appellate Division, Third Department, was the first court to invoke the new statute. In *Matter of Cooper*, 168 A.D.2d 695 (3rd Dept., 1990), it ordered a disbarred lawyer to make restitution of \$1.03 million in thefts from three estates and a conservatorship. The Court also ordered that restitution be paid to Cooper's victims, or the Lawyers' Fund to the extent it reimburses those losses.

Since *Cooper*, all of the Appellate Divisions have exercised their statutory restitution authority. Representative cases include *Matter of Israel*, 230 A.D.2d 293 (1st Dept. 1997); *Matter of Pollack*, 229 A.D.2d 73 (2nd Dept. 1997); *Matter of Chestara*, ___ A.D.2d ___, 665 N.Y.S.2d (3rd Dept. 1997); and *Matter of Wedlock*, 230 A.D.2d 422 (4th Dept. 1997).

The restitution statute has proven to be helpful to the victims of dishonest lawyers. It's also a flexible complement to an Appellate Division's broad authority to regulate the practice of law in the interests of protecting the public.

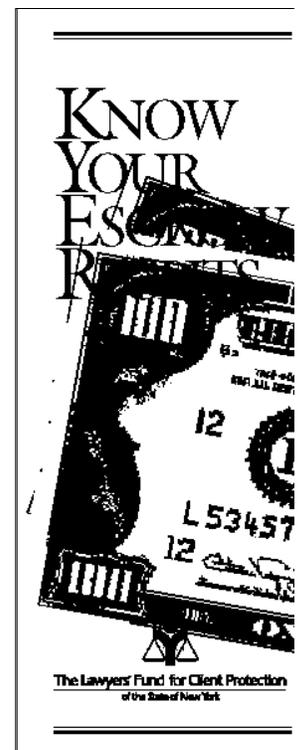
Matter of Natale, 211 A.D.2d 36 (2nd Dept. 1995) is a good example. In that disbarment proceeding, the Appellate

Division,
Second



Department, approved a unique restitution arrangement to be administered by the Lawyers' Fund.

In *Natale*, the Court authorized a reimbursement pool to be funded by legal fees owed to the disbarred lawyer. Those fees have been assigned to the Lawyers' Fund. The principal beneficiary of the restitution pool is a young lady named Christine. Her attorney stole \$388,000 from the settlement of a medical malpractice action.





Together with a \$100,000 award of reimbursement from the Lawyers' Fund, the reimbursement pool will provide Christine with an additional \$288,000, which is being paid to her court-appointed Guardians. A similar restitution arrangement was established in 1997 to benefit the clients of another lawyer who misappropriated settlement proceeds in personal injury litigation.

Matter of Dussault, 215 A.D.2d 843 (3rd Dept. 1995) involves a different innovative use of the restitution statute. In that disbarment proceeding, the Appellate Division, Third Department, provided judgments of restitution to 100 escrow beneficiaries who were creditors of the dishonest lawyer's clients. Those judgments were converted into awards of reimbursement totaling \$168,690.

The civil judgment authorized by the statute proved especially helpful when a disbarred attorney, in May 1997, won \$1 million in the New York State

The Board of Trustees encourages public information about its efforts and programs to protect consumers from dishonest conduct in the practice of law. Indeed, the Board's experience since 1982 confirms that responsible affirmative efforts in public information promotes public confidence in the bar's basic integrity, and its concern for the well-being of clients.

Nowhere in the United States has there been a public information effort more extensive or varied. Early on the Trustees were fortunate to retain the Paige-Smith Group of Utica for expert help in this area. It's been a rewarding collaborative experience, with the Paige-Smith Group providing the fund with creative counsel in all its outreach efforts.

These efforts began, simply enough, with a plain-English brochure explaining the fund's organization, its jurisdiction and its procedures. That brochure, in revised form, is widely distributed to bar asso-

ciations, government offices likely to encounter complaints of lawyer dishonesty, lawyer discipline agencies and law schools.

Related projects have included radio, television, and newspaper interviews about the fund, and two commercially produced public service announcements.

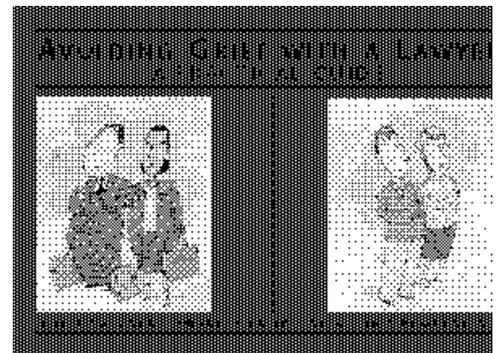
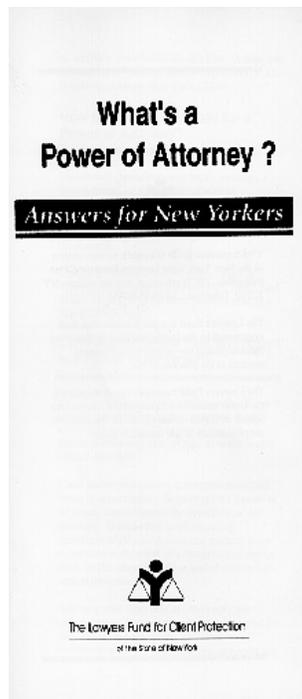
To help lawyers, law office staffs and law students to better understand the Appellate Divisions' banking and record-keeping rules, the fund has produced *A Practical Guide to Attorney Trust Accounts and Recordkeeping*, now in its third edition.

In 1995, the Trustees published a plain-English guide to the law of escrow, *Know Your Escrow Rights*. That consumer pamphlet was prompted by the fact that 30 percent of all client losses since 1982 have involved the misuse of escrow funds by lawyers.

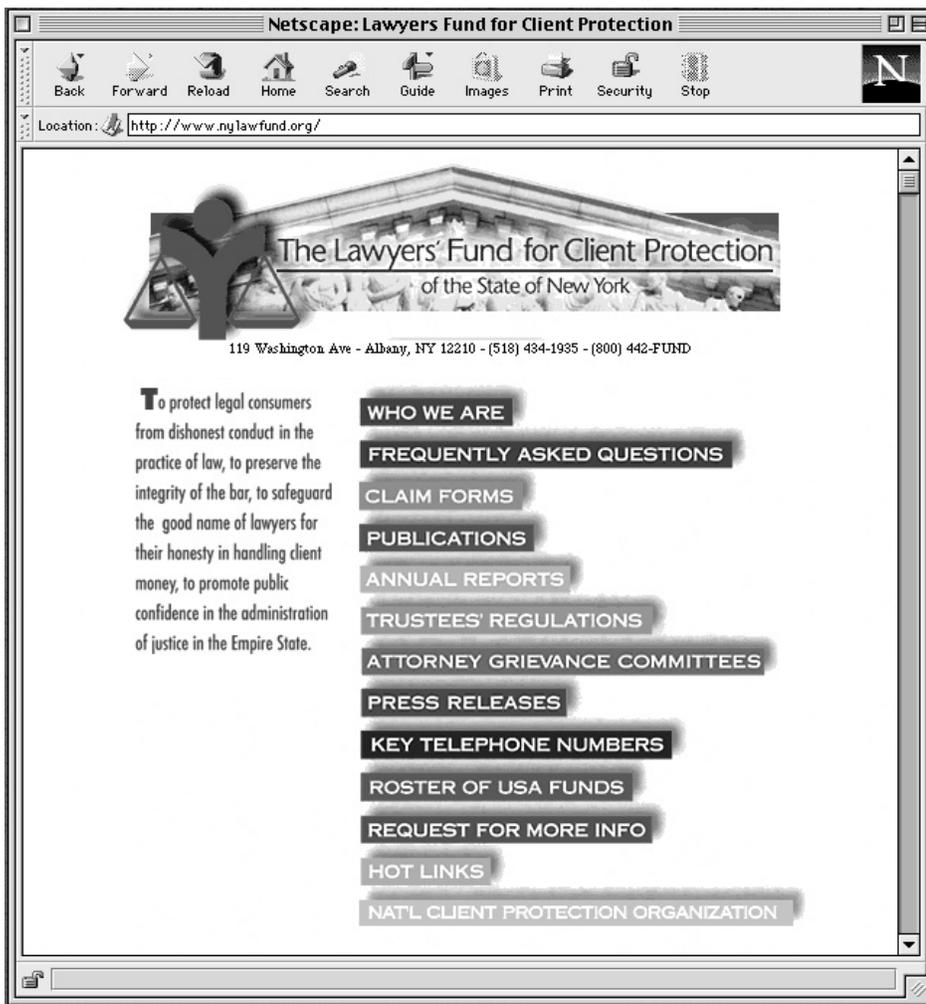


Lottery. The fund had previously awarded \$100,000 to reimburse a theft of client funds. With the section 90 restitution judgment in hand, the Lawyers' Fund froze payment of his lottery prize, and later recouped the \$100,000 award, plus interest and attorney fees.

PUBLIC INFORMATION AND CONSUMER EDUCATION



Know Your Escrow Rights has been distributed widely in downstate counties where escrow losses occur most frequently. As a help to the bar, the Trustees published a companion pamphlet, *Know Your Escrow Rights: The Lawyers' Edition*, with citations to relevant cases, statutes and administrative regulations. Complimentary copies are pro-



vided, in bulk, to all bar associations and law schools in New York.

These practical guides have been supplemented with the publication of a series of eye-catching public service announcements about the Lawyers' Fund for legal and law school publications.

Trustees and staff address professional and civic service organizations, and participate in state and national disciplinary conferences. The fund's Executive Director served, from 1987-1990, as a member of the American Bar Association's Standing Committee on Lawyers' Responsibility for Client Protection; and as Chair

of the ABA's Advisory Commission on Client Protection Funds from 1991 to 1993.

Bar associations are provided articles about the fund's activities for publication in their journals and newsletters. All awards of reimbursement are announced publicly by press releases that are distributed to the media statewide.

ATTORNEY TRUST ACCOUNTS: THE VIDEO

In 1996, the fund joined with the New York State Bar Association in producing *Attorney Trust Accounts and Law Office Record Keeping*, a 15-minute video that focuses on court rules and accounting standards that govern the fiduciary obligations of lawyers to maintain escrow and client trust accounts, IOLA bank accounts and law office record systems.

The video also covers court rules regarding the reporting of bounced checks on attorney trust accounts, missing clients, and signatories for attorney bank accounts. The video was designed for a broad audience, including law office staffs, law students, accounting firms, banks, and other businesses that have escrow transactions with New York lawyers and law firms.

As a public service, complimentary copies of the video were distributed to county and city bar associations statewide, deans of law schools, law school teachers of legal ethics, and Attorney Disciplinary Committees.

In 1998, this video will be supplemented by a manual for practitioners on the subject of client trust accounting. The Lawyers' Fund is working with the New York State Bar Association to produce a practical handbook for sole practitioners, small law firms and law school students. The *Handbook on Client Trust Accounting for New York Lawyers* will include accounting and recordkeeping models, and ethics opinions from leading bar associations on related topics.

WHAT'S A POWER OF ATTORNEY? ANSWERS FOR NEW YORKERS

With the help of the



Government Law Center of the Albany Law School of Union University, the Lawyers' Fund in 1996 published a consumer pamphlet guide on the subject of powers of attorney.

What's A Power of Attorney? is a 12-page guide, in plain English and question and answer format, that addresses basic principles of law, fiduciary conduct and important changes in New York statutes that took effect on January 1, 1997. Attorney General Dennis C. Vacco volunteered to help in this consumer protection effort by arranging for the Department of Law to underwrite the cost of printing 100,000 copies of *What's a Power of Attorney?* to be widely distributed to consumers and senior citizen groups statewide.

AVOIDING GRIEF WITH A LAWYER

— A PRACTICAL GUIDE

In the Spring of 1998, the Trustees will publish this plain-English consumer guide, which points out pitfalls that clients can avoid in attorney-client relationships. *Avoiding Grief* covers the practical problems that consumers frequently encounter in typical legal engagements, warning signs of troubles and problems, and ways to avoid and deal with them.

www.nylawfund.org

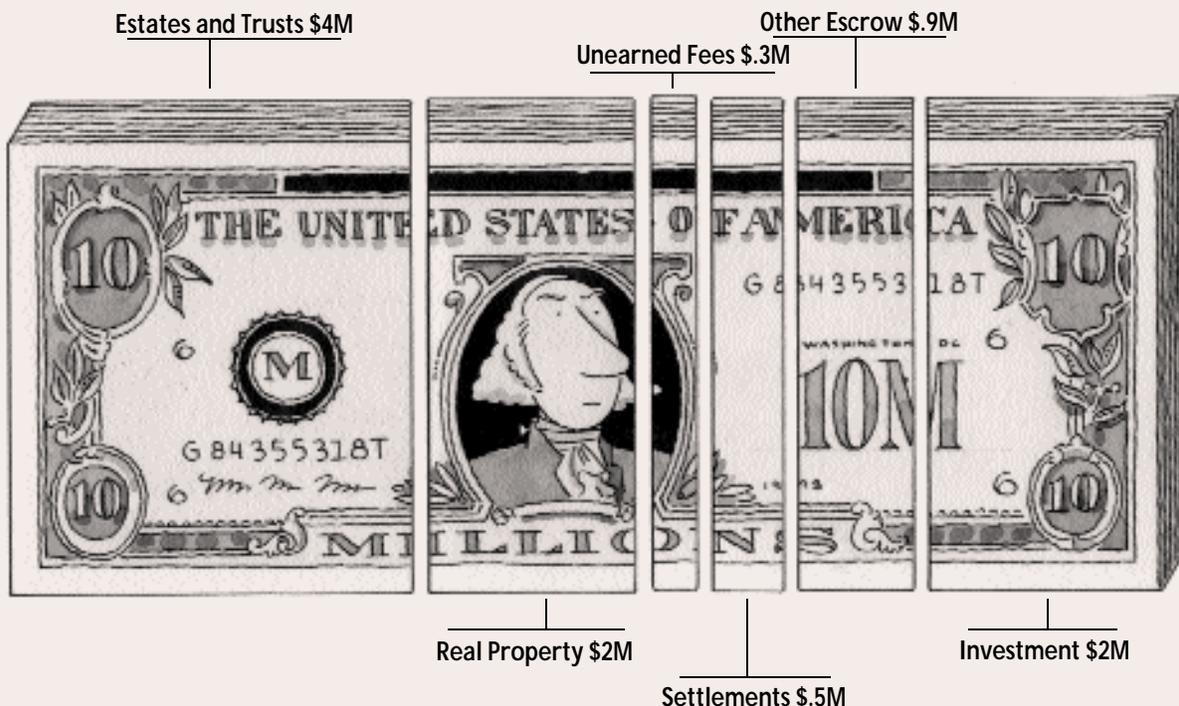
In February 1997, the Lawyers' Fund opened a website on the Internet. The site was financed by a bequest from the Last Will and Testament of John E. Kingston, a Justice of the Supreme Court in the Tenth Judicial District. It was designed and constructed by

Global 2000, an Albany-area Internet service provider.

Posted on the fund's website is a wealth of information about the Lawyers' Fund, including frequently asked questions about the organization of the fund and its procedures; the Trustees' Regulations; reimbursement claim forms; the text of recent Annual Reports, consumer publications and press releases; addresses and telephone numbers of Attorney Grievance Committees; and a roster of client protection funds nationwide. The "Hot Links" button on the Web Page provides visitors with links to numerous court rules and related practice materials; the websites of law libraries and other legal research resources in the United States; bar associations; and state and federal government websites.

It is the first website of its kind

CLIENT LOSSES IN 1997 AWARDS (IN MILLIONS \$)



on the Internet. In its first year of operation, the site was accessed by more than 26,000 visitors. It currently averages nearly 600 "hits" each week.

EVALUATING REIMBURSEMENT CLAIMS◆

A claimant seeking reimbursement is provided a two-page application form, together with necessary instructions and a copy of the Trustees' procedural regulations.

When the claim is filed, it's assigned an identifying number, acknowledged and assigned to a member of the staff for investigation. Claims are screened to establish *prima facie* eligibility. An alleged loss that's not eligible for reimbursement is dismissed by the Executive Director with a written explanation to the claimant why it does not qualify for reimbursement.

Clients who allege a misappropriation of money or property in the practice of law are instructed to report their losses to the appropriate Attorney Grievance Committee and District Attorney, and to cooperate with these agencies in their investigations.

Unless a claim is clearly unfounded or ineligible, the lawyer cited by the claimant is provided a copy of the claim and supporting papers, and is invited to respond to the client's allegations.

Claims are readied for the Trustees promptly following an Appellate Division's disciplinary decision involving the lawyer complained about or, in appropriate cases, promptly following the lawyer's criminal conviction for larceny or similar conduct.

Section 468-b of the Judiciary Law gives the Trustees sole discretion to determine the merits of claims, the amount of reimbursement to be awarded and to fix terms and conditions for its awards. All claims presented to the Trustees are accompanied by a written report which summarizes the facts relating to the client's alleged loss, and a recommendation for action by the Trustees.

The Trustees evaluate these claims at their quarterly meetings — upwards of 100 claims per meeting. Meetings of the Board have been held in twelve districts in New York State. Venues in 1997 included Manhattan, Lake George and Albany.

As a convenience to clients and

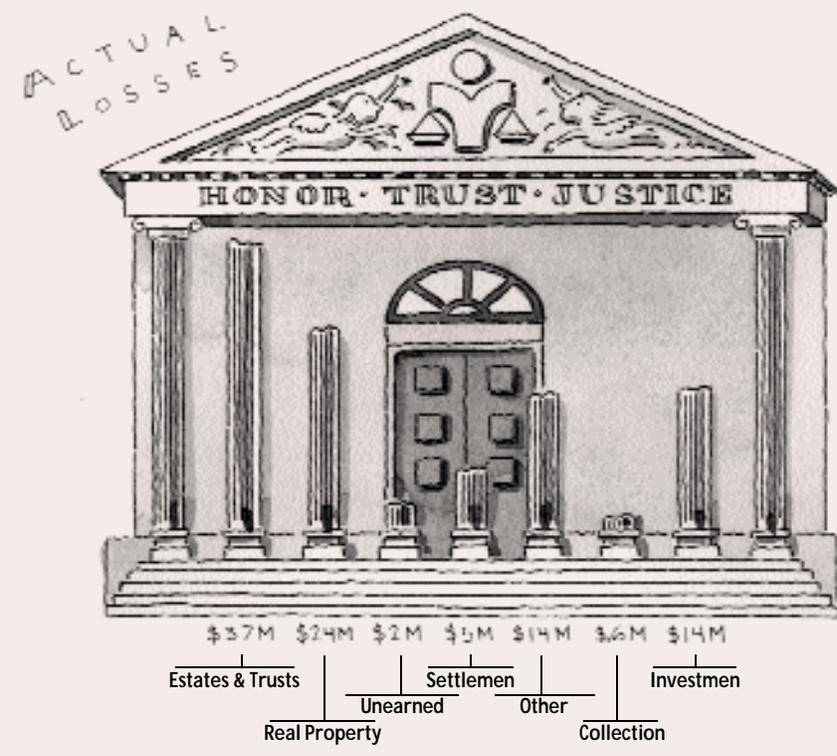
My husband and I would like to extend our sincere thanks [for the help] to simple people like us.

— Message from law clients (1997)

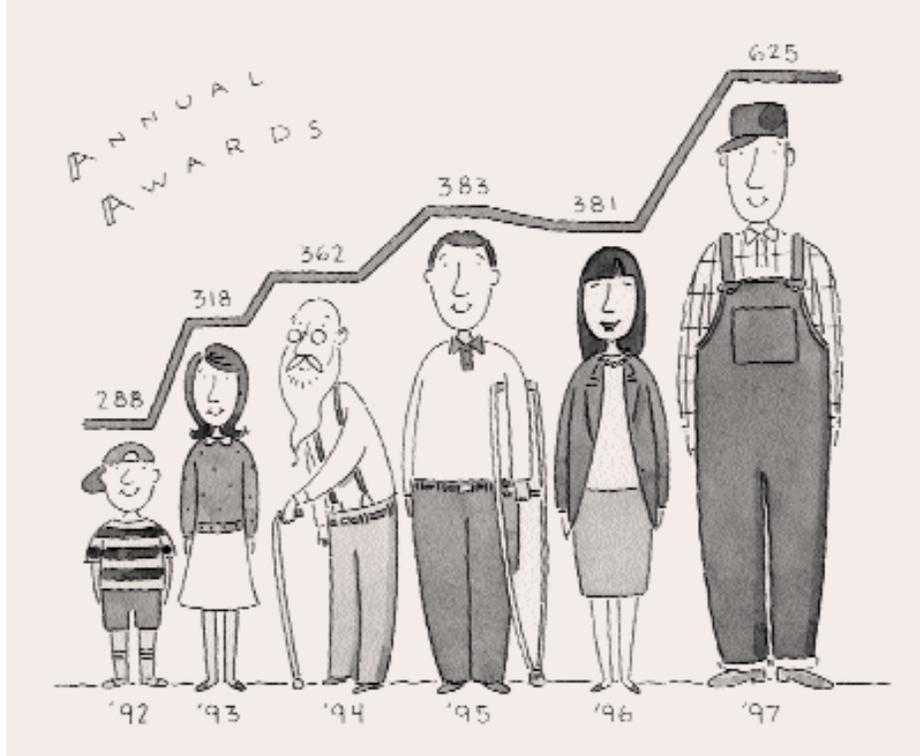
the lawyers who assist them, most claims are processed on the client's papers and supporting documents and evidence. Rarely does an attorney who is charged with dishonest conduct contest or oppose an award. Hearings with the Trustees, or a panel thereof, are held when they deem necessary, or when requested by a party to the claim.

Awards are paid by the State Comptroller, usually in lump sums, upon vouchers certified jointly by the Chairman, Treasurer and the Executive Director.

CLIENT LOSSES IN ALL AWARDS SINCE 1982 (IN MILLIONS \$)

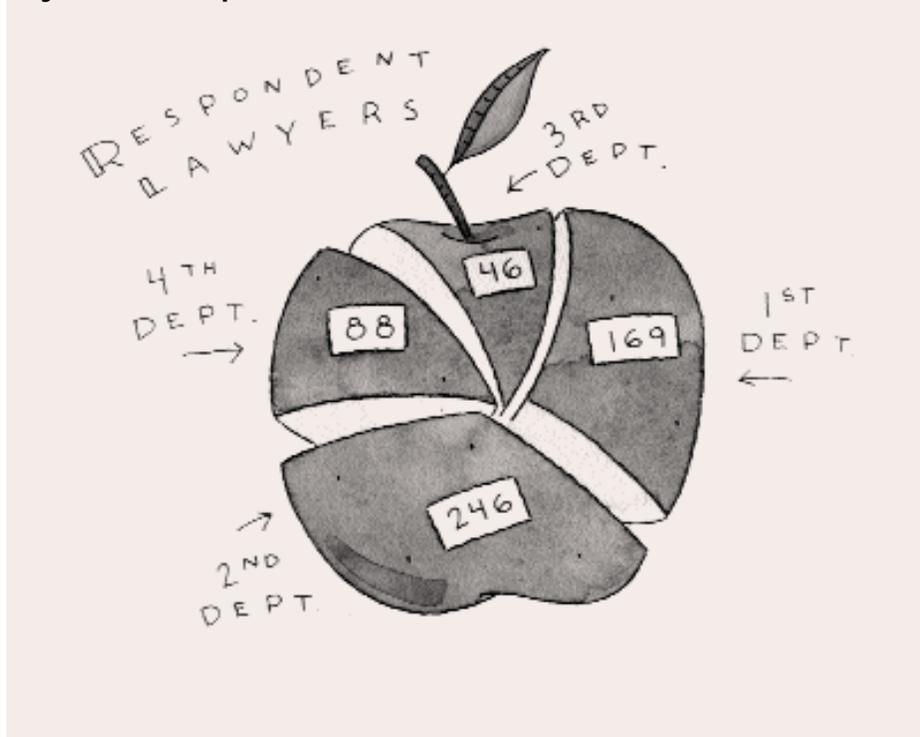


AWARDS OF REIMBURSEMENT SINCE 1992



LAWYERS INVOLVED IN ALL AWARDS SINCE 1982

By Judicial Department



JUDICIAL REVIEW OF REJECTED CLAIMS

The Trustees, since 1982, have reached final determinations in 8,139 applications for reimbursement, approving 4,300 and rejecting 3,839 (47%) as not meriting reimbursement from the fund.

There have been two instances only where a claimant who was denied an award of reimbursement challenged the Trustees' determination in a judicial review proceeding under Article 78 of the Civil Practice Law and Rules.

In the *Claim of Tabak*, the Trustees declined to make an award where it appeared that the transaction with the claimant's attorney involved a personal loan of money, not the theft of law client money in the practice of law.

Mr. Justice Canfield sustained the Trustees' determination in *Matter of Tabak v. Lawyers' Fund*, 166 Misc. 2d 502 (Sup. Ct., Albany Co. 1995). The court reviewed the Trustees' broad grant of discretion from the Legislature, their procedural regulations and their determination that the claimant had not provided satisfactory evidence of a reimbursable loss. The court held that the fund's procedures provided adequate due process, that the Trustees' determination was supported by the record, and that it was neither arbitrary nor capricious.

In the *Claim of Bluth*, the Trustees determined that the claimant did not provide satisfactory evidence of an eligible loss in a real estate transaction with a lawyer who was dis-

barred for unrelated professional misconduct. The claimant's Article 78 proceeding in the Supreme Court, Kings County, was dismissed on the merits by motion of the Lawyers' Fund. (*Matter of Bluth v. Lawyers' Fund*, # 044062/97 (Sup. Ct., Kings Co. 1998).

REPRESENTATION BY COUNSEL

Claimants are not obliged to be represented by counsel. The fund's procedures are straightforward and uncomplicated, and the fund's staff provides help in documenting client losses.

The Trustees nonetheless encourage the participation of counsel. The theft of money in the practice of law invariably confronts law clients with legal problems. The theft of a buyer's down payment in the purchase of a residence, for example, precipitates financial, legal and practical problems for the buyer, the seller, lending institutions, title insurers and the like.

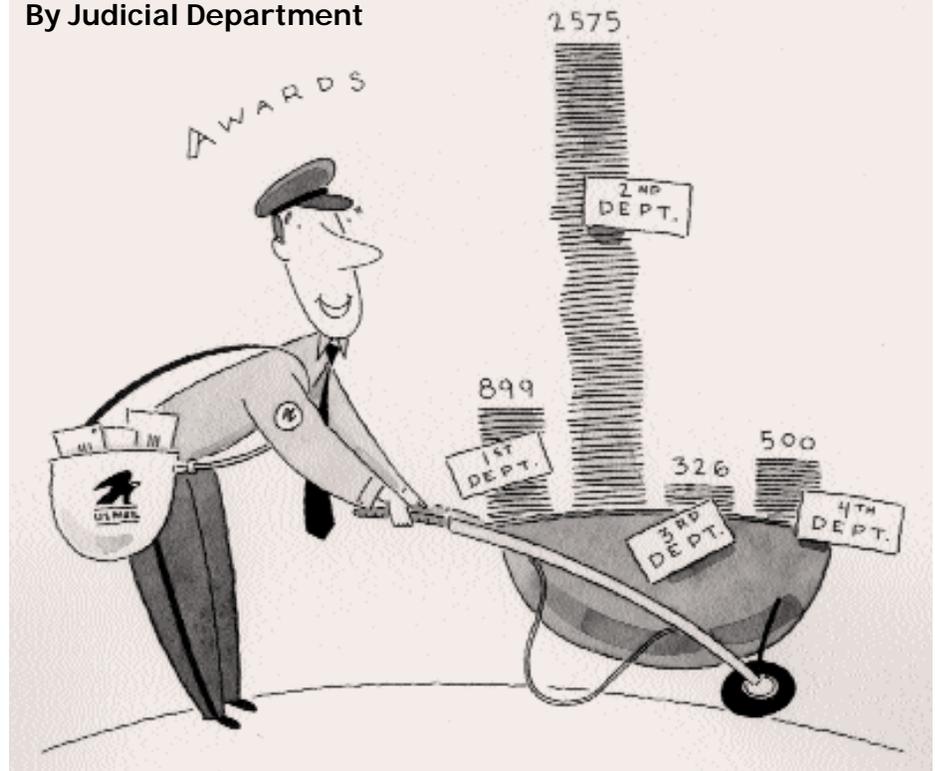
Members of the bar have come forward enthusiastically to accept this opportunity of public service. Indeed, nearly half of all claimants have counsel helping them with their applications.

Court rules of the Appellate Divisions do not allow lawyers to charge or accept legal fees for this professional service, except with the prior approval of the Board of Trustees. See 22 NYCRR 603.24, 691.24, 806.16, 1022.35.

This statewide policy has been implemented in section 7200.14 (b) of the Trustees' regulations: no fee applications by lawyers, including public officers and

DISTRIBUTION OF AWARDS SINCE 1982

By Judicial Department



court-appointed fiduciaries, will be approved by the Trustees "absent a showing of extraordinary circumstances." Since 1982, only three law firms have requested the Trustees' approval of fee applications. The Trustees declined in each case.

Schettino v. Alter, 140 A.D.2d 600 (2d Dept. 1988) is an encouragement for the bar to participate in the work of the Lawyers' Fund. In *Schettino*, the Appellate Division, Second Department, held that the fund is a quasi-judicial agency, and that all participants in its proceedings are absolutely immune from defamation liability. This immunity extends to claimants and to lawyers who assist them in the processing of their claims. Counsel are also provided certificates of appreciation as a token of the Trustees' appreciation for this

contribution of public service.

UNEARNED LEGAL FEES ♦

Disciplinary Rule 2-110 of the Lawyer's Code of Professional Responsibility requires a lawyer to refund unearned legal fees to a law client upon the close of a legal representation.

About a third of all claims presented to the Lawyers' Fund involve so-called "unearned retainers": 2,915 of 8,541 claims since 1982. In most cases, the claimants were law clients at the time of their lawyers' disbarment or suspension from practice. Not infrequently, they paid legal fees in advance, oblivious that a disbarment or suspension was imminent.

Because of the disciplinary system's confidentiality standards,

these clients could not know of their lawyers' serious disciplinary troubles, or that they would be unable to provide the legal services they promised (and were paid for).

The typical "unearned retainer" loss that gets reimbursed is relatively small in the scale of all losses — about \$2,500.

Notwithstanding, unearned retainer claims are difficult to evaluate, as the process requires a search for "dishonest conduct" in a lawyer's refusal or inability to refund the claimant's legal fee.

That requires a difficult sorting of evidence of legal work actually provided from issues of malpractice, neglect and breach of contract. These difficulties are compounded by the usual absence of written retainer agreements, time sheets, law client files, and the accused lawyer's refusal to cooperate.

After several years' experience in wrestling with these difficulties, the Trustees amended their Regulations in 1990 to codify the criminal-law concept of "larceny by false promise" as a species of "dishonest conduct" that can result in an award of reimbursement from the fund.

That codification is contained in section 7200.8 (Eligible Claims), subdivision (e), of the Trustees' regulations:

In a loss resulting from an attorney's refusal or failure to refund an unearned legal fee as required by the Lawyer's Code of Professional Responsibility, "dishonest conduct" shall include an attorney's misrepresentation, or false promise, to provide legal services to a law client in exchange for the advance payment of a legal fee.

An attorney's failure to per -

form or complete a legal engagement shall not constitute, in itself, evidence of misrepresentation, false promise or dishonest conduct.

Reimbursement of a legal fee may be allowed only if: (i) the attorney provided no legal services to the client in the engagement; or (ii) the legal services that the attorney actually provided were, in the Trustees' judgement, minimal or insignificant; or (iii) the claim is supported by a determination of a court, a fee conciliation bureau, or an accounting acceptable to the trustees that establishes that the client is owed a refund of a legal fee. No award reimbursing a legal fee shall exceed the actual fee that the client paid the attorney.

In the event that a client is provided equivalent legal services by another attorney without cost to the client, the legal fee paid to the predecessor attorney will not be eligible for reimbursement, except in extraordinary circumstances.

This standard is consistent with the fund's mission to provide reimbursement for the misuse of law client money resulting from a lawyer's dishonest conduct. The fund's experience with this standard proves that it's workable, and acceptable to law clients as a reasonable test of "dishonest conduct" in the practice of law

CLAIMS INVOLVING ANDREW ROBERT HOLMAN III ♦

Andrew Robert Holman III was a sole practitioner with law offices in Mineola, Manhattan and Jersey City, New Jersey. Mr. Holman's practice consisted

largely of uncontested matrimonial actions and personal bankruptcy proceedings. Clients were obliged to pay legal fees (and anticipated disbursements and filing fees) in advance. In the fall of 1996, Mr. Holman abandoned the practice of law to seek medical treatment for substance abuse problems. He was suspended from the practice of law in New York, as a threat to the public, in January 1997. His resignation from the bar was accepted by the Appellate Division, Second Department, on October 14, 1997.

The Lawyers' Fund in 1997 received 512 claims by Mr. Holman's clients seeking reimbursement for legal fees and expenses paid to him, but unearned by him at the time he abandoned his law practice. The claims alleged losses totaling \$266,540. Mr. Holman and his counsel cooperated with the fund in its investigation of his clients' claims.

Those 512 claims resulted in 391 awards of reimbursement. The awards totaled \$178,633. Ninety-five claims were rejected as not eligible for reimbursement. At year's end, 26 claims remained pending.

THEFT OF PERSONAL INJURY SETTLEMENTS

A common device of lawyer theft nationwide is the forgery of law clients' indorsements on settlement checks in personal injury litigation. The forgery typically follows the unauthorized settlement of the client's litigation with an insurance carrier, accompanied by the forgery of the client's signature on a general release and a discontinuance of the lawsuit.

This species of theft is facilitated by a long-standing industry practice to make the settlement

THE BOUNCED CHECK RULE

A bounced check on a lawyer's trust or escrow account is an obvious signal that a client's funds may be in jeopardy.

Additionally, a bank's advice to a client/customer that a lawyer's check has been dishonored for insufficient funds is one of the few early-warning signals that's available to a client. Time after time, however, the anxious client excuses the incident when offered a plausible explanation. That forbearance often enables a dishonest lawyer to manipulate and conceal the misuse of other clients' funds, sometimes for years.

One practical solution to deter and detect losses is the reporting of bounced checks on lawyer trust and escrow accounts to attorney disciplinary agencies, in a manner proposed by the American Bar Association's Model Overdraft Rule.

In 1989, the Trustees adapted the ABA's model rule for use in New York State, and proposed it to the Administrative Board of the Courts as a rule of court. Discussions with representatives of the New York State Bankers and Bar Associations were successful, and the Appellate Divisions promulgated necessary rule changes effective January 1, 1993.

The rules (22 NYCRR 1200.46(b)(1), (2); Part 1300) require practitioners to designate their client fiduciary accounts as either "Attorney Trust Account", "Attorney Special Account" or "Attorney Escrow Account." And lawyers may only use banks which have agreed to report dishonored

BOUNCED CHECK REPORTS SENT TO GRIEVANCE COMMITTEES

	1993	1994	1995	1996	1997	Totals
FIRST DEPARTMENT						
First Judicial District	79	79	119	181	203	661
Twelfth Judicial District	22	16	11	16	17	82
Totals:	101	95	130	197	220	743
SECOND DEPARTMENT						
Second Judicial District	48	163 *	38	50	41	340
Ninth Judicial District	42	19	17	36	71	185
Tenth Judicial District	51	44	55	94	79	323
Eleventh Judicial District	24	13	17	23	35	112
Totals:	165	239	127	203	226	960
THIRD DEPARTMENT						
Third Judicial District	8	6	3	11	14	42
Fourth Judicial District	2	2	1	3	1	9
Sixth Judicial District	0	0	1	2	0	3
Totals:	10	8	5	16	15	54
FOURTH DEPARTMENT						
Fifth Judicial District	4	2	4	9	6	25
Seventh Judicial District	9	17	10	27	11	74
Eighth Judicial District	10	20	50	14	16	110
Totals:	23	39	39	50	33	209

* 120 Bounced Check Reports involve one lawyer.

checks on these accounts.

Virtually every qualified bank in New York State participates in this program. The Lawyers' Fund serves as a clearinghouse for these notices, which are mailed to its offices in Albany. They are held for 10 days to allow banks to withdraw notices that were filed in error. If not withdrawn, each notice is forwarded to the appropriate Attorney Grievance Committee for investigation. A lawyer/law firm named in a bounced check report is required to furnish the Committee with a written explanation for the transaction, and bank statements on the attorney trust account for the prior six months.

Through the close of 1997, the Lawyers' Fund has processed approximately 2,000 Bounced Check Reports. The face amount of those checks totals \$30 million.

As anticipated, most Bounced

Check Reports result from deficiencies in law office banking practices, not dishonest conduct. In these cases, the rule serves the function of identifying those deficiencies, and alerting practitioners to the accounting, banking and recordkeeping requirements of the Lawyer's Code of Professional Responsibility.

That being said, the effectiveness of the Bounced Check Rule is reflected in the sobering statistics that nearly 30 lawyers have been identified and apprehended for client thefts through the enforcement of the rule. Another 29 lawyers identified by the Bounced Check Rule are cited in reimbursement claims to the Lawyers' Fund.

The importance of the Bounced Check Rule to legal consumers is underscored by the recent holding in *Home Savings of America v. Amoros, et al.*, 233 A.D.2d 35, (1st Dept. 1997). In that action, the Appellate



DEAD LAWYERS AND MISSING CLIENTS

Disciplinary Rule 9-102 (e) of the Lawyer's Code of Professional Responsibility requires that a signatory on a lawyer's trust, escrow or special account be a member of the New York bar, a limitation that's intended to protect law clients from the misuse of their funds.

In sole proprietorships, numerous practical problems can occur upon the death of the practitioner. Frequently they involve access to the lawyer's client trust account.

With an amendment to Disciplinary Rule 9-102 (f-2) effective December 13, 1994, the Appellate Divisions have addressed that problem with a remedy. The amended rule provides:

(1) Upon the death of a lawyer who was the sole signatory on an attorney trust, escrow or special account, an application may be made to the Supreme Court for an order designating a successor signatory for such trust, escrow or special account who shall be a member of the bar in good standing and admitted to the practice of law in New York State.

(2) An application to designate a successor signatory shall be made to the Supreme Court in the judicial district in which the deceased lawyer maintained an office for the practice of law. The application may be made by the legal representative of the deceased lawyer's estate; a lawyer who was affiliated with the deceased lawyer in the practice of law; any person who has a beneficial

interest in such trust, escrow or special account; an officer of a city or county bar association; or counsel for an attorney disciplinary committee. No lawyer may charge a legal fee for assisting with an application to designate a successor signatory pursuant to this rule.

(3) The Supreme Court may designate a successor signatory and may direct the safeguarding of funds from such trust, escrow or special account, and the disbursement of such funds to persons who are entitled thereto, and may order that funds in such account be deposited with the Lawyers' Fund for Client Protection for safeguarding and disbursement to persons who are entitled thereto.

The Lawyers' Fund has invoked this new procedure to recover \$147,000 from the stagnant client trust accounts of two deceased lawyers (*Matter of Marine Midland Account No. 008-81544-5, #022732-95* (Sup. Ct., Queens Co.) and *Lawyers' Fund v. Chase Manhattan Bank #9275-96* (Sup. Ct., Queens Co.)). In both cases, the fund had reimbursed clients of the dead lawyers for the misuse of escrow funds.

The joint order of the Appellate Divisions also amended subdivision (f) of DR 9-102 to authorize a similar judicial remedy in situations where lawyers cannot locate clients who have money on deposit in an attorney trust account. New subdivision (f-1) reads:

Whenever any sum of money is payable to a client and the lawyer is unable to locate the client, the lawyer shall apply to the court in which the action was brought if in the unified court system, or, if no action was commenced in the unified court system, to the

REIMBURSEMENT CLAIMS PROCESSED ♦

FILED CLAIMS SINCE 1982 ♦

All claims filed by the close of 1997 total 8,541. Annual filings have ranged from a low of 230 in 1984, to a record high of 1,128 claims in 1997. Filings have increased 80 percent since 1992.

REPORTED LOSSES SINCE 1982

Losses in all filed claims total \$282 million, up from \$243 million at the close of 1997. Reported losses have increased an average of 12 percent a year since 1992: from \$25.2 million in 1992 to \$41 million in 1997.

FILINGS BY CATEGORY OF LOSS SINCE 1982

Losses reported by clients are assigned to the following categories of loss involving client money and property:

- estate and trust assets
- real property proceeds
- debt collection proceeds
- settlements in litigation
- other escrow transactions
- a lawyer's refusal to refund unearned legal fees
- embezzlements in investment transactions with clients
- "other" for all other claims.

The largest number of claims seek reimbursement for unearned legal fees (2,915), followed by thefts in real property transactions (1,743).

The largest dollar losses involve investment transactions with

lawyers (\$96 million); thefts from estates and trusts (\$59 million); and the thefts in real property transactions (\$55 million).

CLAIMS FILED IN 1997

There were 1,128 claims filed during 1997, up from 730 filings in 1996. Claims filed in 1997 alleged losses of \$41 million.

The largest number of claims (673) sought reimbursement of legal fees. They alleged losses of \$1.5 million. Of the 673 claims, 448 involved one disbarred lawyer.

The largest reported losses (\$20 million) occurred in investment transactions with lawyers, followed by \$8 million in reported losses in real property transactions.

REIMBURSEMENT AWARDS IN 1997

The Trustees approved 625 awards in 1997, up from 381 awards in 1996. The awards involved documented client losses of \$9 million.

Awards totaled \$7 million. They ranged between \$50 and \$100,000. The median client loss, and award, in 1997 was \$8,800.

INELIGIBLE CLAIMS

Between 1982 and 1997, the Trustees entered final determinations in 8,139 claims. 3,839 of those claims (47%) did not merit reimbursement from the Lawyers' Fund.

Alleged losses in rejected claims since 1982 exceed \$135 million.

CLAIMS PENDING, 21

LAWYERS INVOLVED IN AWARDS

Awards since 1982 involve dishonest conduct by 549 former members of the bar, up from 510 at the close of 1996. Those lawyers are identified in the Appendix, together with the judicial districts where they maintained their practices, and the reimbursement that the Lawyers' Fund has provided to their clients.

The experience in New York State is consistent with the experience nationwide. That is, most thefts involve sole practitioners. Most are male and

middle-aged. Very few claims involve female lawyers.

There are patterns to the claims. Losses are generally accompanied by evidence of lawyers beset with marital, professional and medical problems. Gambling and alcoholism are frequently companions, as are economic pressures associated with a lawyer's outside commercial activities. And drug abuse is not uncommon when the misuse of client funds involves younger members of the bar.

Lawyers whose dishonest conduct resulted in awards

LAWYERS INVOLVED IN AWARDS SINCE 1982

	<i>Respondent Lawyers (%)</i>	<i>Number of Awards (%)</i>	<i>Lawyer Population</i>
First Department			
First Judicial District	158	878	59,478
Twelfth Judicial District	11	21	1,935
Totals:	169 (30.8%)	899 (20.9%)	61,413
Second Department			
Second Judicial District	51	303	6,321
Ninth Judicial District	66	771	9,256
Tenth Judicial District	94	1121	14,694
Eleventh Judicial District	35	380	4,058
Totals:	246 (44.8%)	2575 (59.9%)	34,329
Third Department			
Third Judicial District	20	187	4,672
Fourth Judicial District	14	68	1,549
Sixth Judicial District	12	71	1,507
Totals:	46 (8.4%)	326 (7.6%)	7,728
Fourth Department			
Fifth Judicial District	13	43	2,980
Seventh Judicial District	31	226	3,343
Eighth Judicial District	44	231	4,786
Totals:	88 (16.0%)	500 (11.6%)	11,109
Grand Totals	549	4300	114,579



RECOMMENDATIONS ♦

We continue to recommend changes in policy and legal practice to protect consumers from dishonest conduct in the practice of law.

Widespread cynicism about the bar's integrity in handling client and escrow funds is wrong. It's especially hurtful to honest and hardworking lawyers. But it's also a fact that the individual lawyer has little power, much less say, in the shaping of laws and rules that regulate the practice of law.

That's a unique power vested in the government leaders of New York State, but most directly in the judges and courts who regulate lawyers.

In many respects, the legal profession is subject to a near-constant program of evaluation. In 1993, Chief Judge Kaye and the Appellate Divisions enacted landmark protections for legal consumers in matrimonial litigation. Late in 1995, the bar was presented with additional recommendations in the Final Report of the Chief Judge's Committee on the Profession and the Courts — the Craco Committee.

The Craco Committee Report addresses several concerns that have been discussed in our Annual Reports: the arbitration of fee disputes, enhanced ethics and skills training for law students, and greater public access to lawyer discipline proceedings.

We have conveyed to Chief Judge Kaye our support for complementary reforms in the Craco Committee Report: court rules to require an engagement letter where the legal fee to be charged a client is

expected to be \$1,000 or more, the broadening of the existing lawyer discipline process to authorize mediation in matters not involving serious professional misconduct, the recasting of available disciplinary sanctions to include remedial training and mentoring to prevent future ethical lapses, and the establishment of a legal ethics institute to provide the profession with a continuing program of ethics, research and education.

DISBARMENT FOR STEALING CLIENT ESCROW MONEY

We have consistently urged a firm statewide disciplinary policy that disbarment from the practice of law should be the usual disciplinary sanction when a lawyer injures a client by theft, fraud or embezzlement. That's admittedly a "get-tough" policy, but one that bar leaders nationwide endorse.

Until recently, disbarment in these cases appeared to be the standard sanction in all four judicial departments in New York State. But recent court decisions suggest that disbarment is not being imposed in substantially similar cases of lawyer theft.

That would be a regrettable development in disciplinary enforcement. Penalties for violating the essential standards of professional responsibility should not vary among the four judicial departments. A lawyer's theft of client property deserves no special leniency simply because of geography.

We are also concerned that not all Attorney Grievance Committees are reporting lawyer thefts to District Attorneys or other prosecuting authorities. To withhold evidence of criminal activity by an officer of the court is a threat to the public, and its confidence that the criminal justice system is administered with an even hand.

CONFIDENTIALITY IN LAWYER DISCIPLINE

Section 90 of the Judiciary Law provides that lawyer discipline proceedings shall be "deemed private and confidential", and that all "papers, records and documents" be sealed unless an Appellate Division of the Supreme Court sustains the charges of misconduct lodged against the respondent lawyer.

We have proposed for several years changes in policy and statute, particularly in cases involving the theft of client money and property. Confidentiality should not attach to discipline proceedings when a court has probable cause to believe that a lawyer has misused law client and escrow funds.

The fund's experience since 1982 proves that dishonest lawyers can bend the laws of confidentiality into a shield; not for self protection, but to conceal dishonest and criminal activity.

It's time to lift the veil of secrecy in these proceedings.

THEFTS BY LAWYER-FIDUCIARIES

Approximately 38 percent of all thefts reimbursed since 1982 have involved money embezzled from estates, trusts, guardianships and the like: \$37

million. These losses can devour a lifetime's savings, far beyond the ability of the Lawyers' Fund to reimburse fully.

Surety insurance is one obvious way of protecting beneficiaries from a fiduciary's breach of trust. Other remedies could involve better screening of fiduciary appointments by the courts, and tighter supervision of their financial accounts.

Another approach would provide the Lawyers' Fund with additional revenues so that the fund could fully reimburse every law client's loss, regardless of amount.

The problem of the dishonest fiduciary deserves discussion and study. When a court appoints a lawyer to a fiduciary post, it gives that lawyer immense authority over the life and affairs of someone in need of special protection.

Theft by a lawyer-fiduciary is no ordinary larceny. It's an assault on the integrity of the justice system itself. The issues may be difficult and controversial, but the festering problem of the dishonest fiduciary will continue as a cancer in the justice system.

FIDUCIARY BANK ACCOUNTS

The theft of estate assets is readily facilitated, and concealed, when someone other than the fiduciary controls the bank account. If that person is also the signatory on the bank account, it's unlikely that the actual fiduciary receives the monthly bank statements.

The laws of New York should require that the named fiduciary for an estate or trust be provided with a copy of the monthly bank statement. This protection would be similar, in effect, to the notice that insurance carriers are required to send to clients when litigation settlements are mailed to their lawyers.

Existing law requires every bank in New York State to have written proof of a fiduciary's appointment before it can open an estate or similar trust account. Requiring the bank to mail a copy of the monthly bank statement to the fiduciary's residence would create no new burden on banks. But most important, it would discourage thefts and alert fiduciaries to irregularities in their bank accounts.

ESCROW THEFTS IN REAL PROPERTY TRANSACTIONS

About 26 percent of all awards since 1982 have involved documented thefts in real property purchases and sales: \$24 million.

These losses typically occur in residential transactions, and frequently they involve the theft of the buyer's down payment by the seller's attorney. These losses can be harsh, particularly downstate where the usual down payment is 10 percent of the purchase price. And if the theft involves the proceeds from the sale of a residence, a person can be left literally homeless.

As with thefts involving estates, regulatory measures could readily protect home buyers and sellers from the theft of escrow money in real property transactions, particularly down payments. By statute, for

It is reassuring to know that professional ethics exist and that the legal profession in New York has a fund . . . to help victims of the few unethical members of the legal community. . . ."

example, the Department of Law protects escrow accounts in condominium and cooperative conversions.

Escrow deposits in the purchase and sale of residences is deserving of comparable protection.

INTEREST ON DOWN-PAYMENT ESCROWS

Section 778-a of the General Business Law requires that down payments in the purchase and sale of residential real property be safeguarded in special bank accounts, and that the contract identify the escrow agent and the bank where the down payment is to be deposited.

The statute is flawed insofar as it permits escrow agents to use non-interest bearing accounts. We suggest that the statute be amended to require interest-bearing accounts. Also, that the interest be paid or credited to the buyer, unless the contract provides otherwise.

Given the state of modern banking and electronic technology, there's no sound reason for using non-interest bearing bank accounts. Indeed, current law encourages, albeit inadvertently, conflicts of interests in violation of fiduciary law.

Moreover, there's the practical



reality that home buyers would be more careful in these escrow transactions if the law provided them with an economic interest in the form of bank interest.

ARBITRATION OF FEE DISPUTES

Fee disputes constitute a large part of the work of lawyer discipline systems nationwide. The same is true with client protection funds. In New York State, for example, claims seeking the refund of unearned fees constitute 30 percent of all filings. While fee disputes fall outside the jurisdiction of the Lawyers' Fund, they involve issues that are important to law clients. They are also the most visible of all lawyer-client disagreements. It's therefore important that they be resolved in an atmosphere of fairness and efficiency.

The Appellate Divisions in 1993 promulgated rules for fee arbitration in matrimonial actions prosecuted in the Supreme or Family Courts. We endorsed that program, and expressed the hope that it proved adaptable to all fee disagreements. We support the Craco Committee's proposal to extend arbitration to all areas of legal practice.

BAR EXAMINATIONS

For several years we have proposed that the New York bar examination test on the subject of a lawyer's fiduciary obligations to safeguard and account properly for law clients' money and property.

Implicit in this recommendation is that our system of legal education should prepare students for this important aspect of lawyering.

AFTERWORD ♦

Public service on behalf of law client protection continues to be a rewarding experience, personally as well as professionally. The support that's been extended to the Lawyers' Fund by the legal profession and the governmental representatives of New York State continues to be a source of encouragement for the Board of Trustees, and the fund's staff.

While the incidence of theft in the practice of law persists and disappoints, there's comfort in the fact that the overall number of dishonest lawyers represented in the fund's statistics represents only a tiny percentage of the bar's total membership. We therefore believe that the overwhelming majority of lawyers observe high standards of integrity when entrusted with law client money and property.

As a small government agency, the fund depends mightily upon the kindness of colleagues in public service. We readily acknowledge our special appreciation to:

The Clerk of the Court of Appeals and his associates for their wise counsel as the fund's liaison to the Judges of the Court;

The staffs of the Attorney Grievance Committees statewide for their help in investigating claims, and the support they provide to victims of dishonest lawyers; Assistant District Attorneys for their efforts to secure restitution for victims of dishonest

I agree with you completely that the overwhelming majority of lawyers are honest, caring and deserve their clients' trust. Their contribution towards this fund, making the rewards possible for good cause, is a blessing for us victims. . . .

conduct in the criminal justice process;

The Office of Court Administration for the efficient collection of our revenue, technical help in budgeting and the other tasks of management;

The Attorney General and his assistants for their skilled legal counsel; and

The Office of the State Comptroller for the prudent investment of the fund's assets, and the prompt processing and payment of awards and other expenses from the fund's special revenue account.

A P P E N D I X

STATISTICAL TABLES

ALL LOSSES REPORTED SINCE 1982

Category of Client Loss	Number of Claims	Percent of all Claims	Amount of Loss Alleged	Percent of all Losses
Estates & Trusts	724	8.5%	58,530,209	20.8%
Real Property Escrow	1743	20.4%	54,680,621	19.4%
Unearned Fees	2915	34.1%	11,182,518	4.0%
Settlements	558	6.5%	13,119,550	4.7%
Other Escrow	668	7.8%	33,439,715	11.9%
Debt Collection	595	7.0%	2,016,811	0.7%
Investment	1003	11.7%	96,149,810	34.1%
Other	335	3.9%	12,754,363	4.5%
Totals:	8541	100%	281,873,597	100%

LOSSES REPORTED IN 1997 CLAIMS

Category of Client Loss	Number of Claims	Percent of all Claims	Amount of Loss Alleged	Percent of all Losses
Estates & Trusts	56	5.0%	3,362,512	8.2%
Real Property Escrow	192	17.0%	7,833,674	19.2%
Unearned Fees	673	59.7%	1,564,021	3.8%
Settlements	57	5.1%	1,758,580	4.3%
Other Escrow	45	4.0%	4,886,191	11.9%
Debt Collection	7	0.6%	211,161	0.5%
Investment	61	5.4%	20,103,025	49.2%
Other	37	3.3%	1,170,103	2.9%
Totals:	1128	100%	40,889,267	100%

CLIENT LOSSES IN 1997 AWARDS

Category of Client Loss	Number of Awards	Percent of All Awards	Amount of All Awards	Client Losses Involved	Percent of all Losses	Percent of all Losses Reimbursed
Estates & Trusts	54	8.6%	2,527,759	3,735,308	41.3%	67.7%
Real Property Escrow	95	15.2%	1,872,758	1,875,983	20.7%	99.8%
Unearned Fees	407	65.1%	280,247	280,247	3.1%	100.0%
Settlements	25	4.0%	505,673	505,673	5.6%	100.0%
Other Escrow	26	4.2%	739,057	910,956	10.1%	81.1%
Debt Collection	1	0.2%	1,495	1,495	0.0%	100.0%
Investment	17	2.7%	1,054,286	1,741,286	19.2%	60.5%
Totals:	625	100%	6,981,275	9,050,948	100%	73.1%

CLIENT LOSSES IN ALL AWARDS SINCE 1982

Category of Client Loss	Number of Awards	Percent of All Awards	Amount of All Awards	Client Losses Involved	Percent of all Losses	Percent of all Losses Reimbursed
Estates & Trusts	503	11.7%	19,708,833	36,688,633	37.5%	53.7%
Real Property Escrow	1121	26.1%	20,750,272	24,273,172	24.8%	85.5%
Unearned Fees	1229	28.6%	2,311,639	2,336,739	2.4%	98.9%
Settlements	323	7.5%	4,938,592	5,470,289	5.6%	90.3%
Other Escrow	402	9.3%	7,908,131	13,980,119	14.3%	56.6%
Debt Collection	443	10.3%	532,661	587,661	0.6%	90.6%
Investment	279	6.5%	10,149,778	14,462,299	14.8%	70.2%
Totals:	4300	100%	66,299,906	97,798,912	100%	67.8%

CLAIMS ACTIVITY SINCE 1982

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	Totals
Claims Filed	534	375	230	332	341	311	351	486	438	515	627	636	598	909	730	1128	8541
Losses Alleged (Millions \$)	\$3.2	\$5.4	\$6.1	\$5.3	\$5.1	\$5.7	\$10.8	\$14.1	\$15.8	\$28.3	\$25.2	\$25.4	\$25.5	\$36.8	\$29.9	\$40.8	\$283.4
Claims Approved	1	494	130	183	178	159	202	177	219	200	288	318	362	383	381	625	4300
Actual Losses (Millions \$)	\$0.1	\$1.5	\$1.9	\$2.5	\$1.3	\$2.0	\$3.8	\$6.3	\$4.8	\$5.8	\$13.5	\$12.4	\$10.4	\$8.9	\$13.7	\$9.1	\$98.0
Awards (Millions \$)	\$0.03	\$0.69	\$0.87	\$1.3	\$1.1	\$1.9	\$2.8	\$3.8	\$4.6	\$4.1	\$7.3	\$7.5	\$7.6	\$5.7	\$9.9	\$6.9	\$66.1
Lawyers Involved	1	13	26	43	26	24	36	26	38	44	38	52	45	60	38	39	549
% Losses Reimbursed	50%	46%	46%	52%	85%	95%	74%	60%	96%	71%	54%	60%	73%	64%	72%	76%	
% Clients Fully Reimbursed	3.5%	3.5%	65.4%	38.8%	91%	98.7%	99.5%	97.7%	96.3%	93.5%	95%	94.3%	94.2%	97.6%	93.7%	97.6%	
Claims Disallowed	33	201	105	73	164	120	119	169	186	360	253	384	247	366	439	620	3839
Total Dispositions	34	695	235	256	342	279	321	346	405	560	540	702	610	749	820	1245	8139
Claims Pending Dec. 31	500	180	175	251	250	282	312	452	485	440	526	460	449	609	579	462	
Losses Alleged In Pending																	
Claims (Millions \$)	\$2.9	\$4.6	\$7.4	\$8.5	\$9.5	\$10.2	\$15.3	\$18.0	\$23.9	\$32.0	\$30.1	\$24.2	\$27.3	\$43.5	\$46.9	\$46.6	
Exposure on Pending																	
Claims (Millions \$)	\$1.7	\$1.6	\$2.3	\$2.7	\$3.5	\$5.2	\$6.3	\$9.8	\$15.1	\$14.9	\$16.0	\$13.9	\$15.2	\$24.4	\$25.1	\$17.4	
Fund Balance (Millions \$)	\$1.8	\$1.4	\$2.1	\$1.3	\$4.4	\$3.3	\$5.1	\$4.2	\$3.6	\$2.8	\$3.4	\$1.8	\$2.4	\$3.4	\$2.5	\$2.1	



TRUSTEES' REGULATIONS

7200.1 Purpose of fund. The purpose of the Lawyers' Fund for Client Protection is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of attorneys admitted and licensed to practice law in the courts of New York State.

7200.2 Organization. (a) The fund shall be administered by a board of trustees appointed by the Court of Appeals of the State of New York.

(b) The board of trustees shall consist of seven members. Of the trustees first appointed, three shall be appointed for terms of three years, two for a term of two years, and two for a term of one year. As each term expires, each new appointment shall be for a term of three years.

(c) The trustees shall serve without compensation, but shall be entitled to receive their actual and necessary expenses incurred in the discharge of their duties.

(d) The trustees shall from time to time elect from their membership a chairman, vice-chairman, treasurer and such additional officers as they deem necessary or appropriate.

(e) The trustees shall retain an executive director to serve as the chief administrative officer of the fund.

7200.3 Meetings. (a) The trustees shall meet at least four times each year at such locations, or in such manner, as the chairman shall designate. Special meetings may be called by the chairman, and shall be

called by the chairman upon the request of at least two trustees. Special meetings may be conducted by telephone conference. The chairman shall provide reasonable notice of all meetings.

(b) Four trustees shall constitute a quorum. A majority of the trustees present at any meeting of the board may exercise any power held by the trustees, except as otherwise provided in this Part.

7200.4 Powers of trustees. In the exercise of the authority granted the trustees, the trustees have the power to:

(a) receive, hold, manage and distribute 50 per centum of the monies collected pursuant to the provisions of section 468-a of the Judiciary Law and such other monies as may be credited or otherwise transferred from any other fund or source, pursuant to law, including voluntary contributions together with any interest accrued thereon. All deposits of such revenues not otherwise required for the payment of claims shall be secured and invested as required by the provisions of section 97-t of the State Finance Law;

(b) adopt regulations for the administration of the fund and procedures for the presentation, determination and payment of claims, including the establishment of a maximum limitation for awards to claimants;

(c) investigate claims for reimbursement of losses as the trustees deem appropriate using staff and other available resources;

(d) coordinate and cooperate with the Appellate Divisions of the Supreme Court in the investigation of claims;

(e) examine witnesses and, in accordance with the Provisions of the Civil Practice Law and Rules and the regulations of the trustees, administer oaths or affirmations and issue subpoenas;

(f) hold such hearings as the trustees deem appropriate;

(g) determine, in the trustees' sole discretion, the merits of claims presented for reimbursement, the amount of reimbursement to be awarded, the terms under which reimbursement shall be made and the order of payment;

(h) prosecute claims for restitution to which the fund may be entitled;

(i) engage in studies and programs for client protection and prevention of dishonest conduct in the practice of law;

(j) employ and at pleasure remove employees, legal counsel, agents and consultants, and fix their compensation within the amounts made available therefor;

(k) furnish the Court of Appeals with such reports and audits as the court may require; and

(l) perform all other acts necessary or proper for the fulfillment of the purposes of the fund and its effective administration.

7200.5 Duties of officers. (a) The chairman shall preside at all meetings of the trustees, generally supervise the administration of the fund, and exercise such other functions and duties that the trustees may assign or delegate, or that are customary to the office of chairman.

(b) The vice-chairman shall

assume the duties of chairman in the absence or disability of the chairman.

(c) The treasurer shall maintain the financial records of the fund and, jointly with the chairman, certify vouchers of the fund that authorize the State Comptroller to make payments to claimants.

(d) The executive director shall assist the trustees, supervise the implementation of regulations and policies of the trustees, coordinate the investigation of claims and prepare reports thereon, supervise staff, serve as secretary at meetings, and fulfill such other duties as may be assigned or delegated by the chairman or the trustees.

7200.6 Conflict of interest. A trustee with a past or present relationship with a claimant or the attorney whose alleged conduct is the subject of the claim shall disclose such a relationship to the trustees and, if the trustees deem appropriate, that the trustee shall not participate in any proceeding relating to such claim.

7200.7 Reports (a) On or before the first day of April each year, the trustees shall prepare an annual report of the activities and operations of the fund during the preceding year. The report shall be transmitted to the Court of Appeals, the Governor, the Legislature and the State Comptroller.

(b) The trustees may also issue periodic reports to the public concerning the activities and procedures of the fund.

7200.8 Eligible claims. (a) The trustees shall consider claims for reimbursement of losses caused by the dishonest conduct of attorneys admitted to practice in New York State,

provided that:

(1) the dishonest conduct alleged in the claim constituted the wrongful taking of money, securities or other property belonging to a law client or other person who entrusted it with an attorney admitted to the practice of law in New York State;

(2) the dishonest conduct occurred in the practice of law by an attorney admitted to practice law in New York State;

(3) the claim is made directly by the client or other person, or their representative;

(4) the loss occurred or was discovered on or after June 1, 1981; and

(5) unless the trustees decide otherwise, the attorney has been suspended or removed from practice, is dead, or the attorney's whereabouts cannot be determined.

(b) The claimant shall have the responsibility to provide satisfactory evidence of an eligible loss.

(c) For the purposes of this section, "dishonest conduct" shall include the misappropriation or wilful misapplication of money, securities or property in the practice of law, and unlawful acts in the nature of theft, larceny, embezzlement, fraud or conversion.

(d) Losses not eligible for reimbursement include damages resulting from an attorney's negligence, malpractice or neglect; losses incurred by government agencies; losses incurred by financial institutions and business organizations having twenty or more employees; and losses arising from financial transactions with attorneys that do not occur within an attorney-client rela-

tionship and the practice of law.

(e) (1) In a loss resulting from an attorney's refusal or failure to refund an unearned legal fee as required by the Lawyer's Code of Professional Responsibility, "dishonest conduct" shall include an attorney's misrepresentation, or false promise, to provide legal services to a law client in exchange for the advance payment of a legal fee.

(2) An attorney's failure to perform or complete a legal engagement shall not constitute, in itself, evidence of misrepresentation, false promise or dishonest conduct.

(3) Reimbursement of a legal fee may be allowed only if: (i) the attorney provided no legal services to the client in the engagement; or (ii) the legal services that the attorney actually provided were, in the trustees' judgment, minimal or insignificant; or (iii) the claim is supported by a determination of a court, a fee conciliation bureau, or an accounting acceptable to the trustees that establishes that the client is owed a refund of a legal fee. No award reimbursing a legal fee shall exceed the actual fee that the client paid the attorney.

(4) In the event that a client is provided equivalent legal services by another attorney without cost to the client, the legal fee paid to the predecessor attorney will not be eligible for reimbursement, except in extraordinary circumstances.

7200.9 Filing claims. (a) Claims for reimbursement from the fund shall be written and verified. The fund shall provide an official claim form which shall require the following information: the name and address of the claimant; the name and



last-known address of the attorney who is alleged to have committed a dishonest act; the terms of the attorney's professional engagement for the claimant; the amount of the loss incurred; the date of the loss or the period of time when the loss occurred; the place and manner in which the loss occurred; the date and manner in which the claimant discovered the loss; a description of what steps the claimant has taken to recover the loss from the attorney or any other source; and whether there are other sources, such as insurance, fidelity bonds or surety agreements, to reimburse the claimant's loss. The trustees may require a claimant to submit additional information that may be necessary to determine a claim.

(b) The fund shall promptly acknowledge receipt of the claim, which shall be assigned a claim number.

(c) A claim shall be filed with the fund within two years after the following dates, whichever is later:

(1) the date when the alleged dishonest conduct occurred; or

(2) the date when such dishonest conduct was first discovered.

(d) The trustees, in their discretion, may permit the late filing of claims upon a showing that compliance with the time limitations of this section may cause undue hardship or result in an injustice.

(e) In the discretion of the trustees, a claim shall be deemed filed when any writing specifying the claim is received by the fund, a bar association, an attorney grievance committee, or a police or other government agency.

7200.10 Processing claims. (a) Whenever it appears that a claim is not eligible for reimbursement pursuant to these regulations, the claimant shall be advised of the reasons why the claim is not eligible for reimbursement, and that unless additional facts to support eligibility are submitted to the fund within 30 days, the claim shall be dismissed.

(b) All claims that are eligible for reimbursement from the fund shall be investigated in such manner as the trustees deem appropriate. The trustees shall be furnished a written report of each investigation.

(c) The appropriate Appellate Division of the Supreme Court shall be requested to assist the trustees, to the extent the court deems appropriate, in the investigation of claims for reimbursement from the fund.

(d) A certified copy of an order disciplining an attorney for the same act of conduct alleged in a claim, or a final judgment imposing civil or criminal liability therefor, shall, for the purpose of these regulations, be evidence that the attorney committed such act.

(e) Upon receipt of the investigation report, the trustees shall determine whether to conduct additional investigation. If the attorney whose alleged conduct gave rise to the claim has not been previously notified of the claim, a copy shall be provided the attorney. The attorney shall be invited to respond to the claim within 20 days.

(f) The trustees may request that testimony be presented to complete the record. Upon request, the claimant and the attorney, or their respective representatives, shall be given an opportunity to be heard.

(g) The trustees shall determine, in their sole discretion, whether a claim merits reimbursement from the fund and the amount, time, manner of its payment and the conditions upon which payment shall be made. The award of a claim shall require the affirmative vote of at least four trustees.

(h) Unless the trustees direct otherwise, no claim shall be awarded during the pendency of a disciplinary proceeding involving the same act of conduct that is alleged in the claim.

(i) In the exercise of their discretion in determining claims, the trustees shall consider, together with such other factors as they deem appropriate:

(1) the amount of money available and likely to become available to the fund for the payment of claims, and the size and number of claims that have been or are likely to be presented;

(2) the amount of the claimant's loss as compared with the amount of losses sustained by other claimants who may merit reimbursement from the fund;

(3) the degree of hardship suffered by the claimant as a result of the loss;

(4) any conduct of the claimant that contributed to the loss; and

(5) the existence of other sources to reimburse the claimant's loss, such as insurance, fidelity bonds or surety agreements.

(j) Written notice of the trustees' determination shall be provided the claimant and the attorney whose alleged conduct gave rise to the claim, or

their representatives.

7200.11 Reconsideration of claims. A claimant who is denied reimbursement in whole or in part may request that the trustees reconsider the claim by filing an application with the fund no later than 30 days following receipt of the trustees' determination. If a claimant fails to request reconsideration, or the original determination of the trustees is confirmed, the trustees' determination shall be final.

7200.12 Legal right to payment from fund. No person or organization shall have any legal right to payment from the fund as a claimant, third-party beneficiary or otherwise.

7200.13 Payment of awards. (a) Claimants shall be reimbursed for losses in amounts to be determined by the trustees. No award shall exceed \$100,000; provided, however, that in a claim by a trust or a decedent's estate which has two or more beneficiaries, no award of reimbursement shall exceed \$200,000, and no single beneficiary of such estate or trust shall be eligible to receive more than \$100,000 from such award to reimburse the beneficiary's loss.

(b) Awards shall not include interest. Attorneys' fees and other incidental and out-of-pocket expenses shall not be reimbursed by the fund. Additional taxes, interest, late charges and similar penalties finally incurred by a claimant as the direct result of an attorney's misappropriation may be eligible for reimbursement in the discretion of the trustees. The investigation report in a claim which involves such an element of loss shall contain an estimate of the amount of such loss and a recommendation whether the loss merits reim-

bursement from the fund. Unless the trustees determine otherwise, payment thereof may be processed as a supplemental award of reimbursement without further action by the trustees, provided the claimant provides proof of loss within six months following the trustees' approval of the underlying claim. The executive director shall report quarterly to the trustees on the payment of all supplemental awards during the preceding quarter.

(c) No claim for reimbursement shall be paid until the claimant transfers to the fund, in such form as the trustees shall authorize, the claimant's rights against the attorney whose dishonest conduct caused the claimant's loss and any other person or entity who may be liable for the claimant's loss.

(d) Payment of claims shall be made in such amounts and at such times as the trustees deem appropriate and may be paid in lump-sum or installment amounts.

(e) If a claimant is a minor or an incompetent, the award may be paid to a parent, guardian, committee or the attorney of the claimant, on the behalf of and for the benefit of the claimant.

(f) All payments of awards of reimbursement from the fund shall be made by the State Comptroller on vouchers certified by the chairman and the treasurer.

7200.14 Representation by counsel. (a) A claimant and the attorney whose alleged conduct resulted in the claim shall have the right to be represented by an attorney.

(b) In accordance with the rules of the Appellate Divisions of the

Supreme Court, no attorney who assists a claimant process a claim with the fund shall charge or accept compensation for those services, without the prior written approval of the trustees. No fee applications by attorneys, including public officers and court-appointed fiduciaries, shall be approved by the trustees absent a showing of extraordinary circumstances.

7200.15 Confidentiality. (a) Except as otherwise provided, all claims and proceedings and the records relating thereto shall be sealed and confidential.

(b) All information provided by an Appellate Division of the Supreme Court shall remain sealed and confidential to the extent required by section 90 of the Judiciary Law.

(c) The trustees' final determination awarding reimbursement of a claim, and the facts relating to the claimant's loss, shall be a public record.

(d) An attorney whose alleged conduct gave rise to the claim may waive confidentiality.

(e) This section shall not be construed to deny access to information by the Court of Appeals, and Appellate Division of the Supreme Court, or to any court of competent jurisdiction in a judicial review proceeding.

7200.16 Amendment of regulations. New regulations may be adopted, and any regulation may be amended or repealed by the trustees at any regular or special meeting, provided that notice of the proposed adoption, amendment or repeal has been given to all

LAWYERS INVOLVED IN AWARDS SINCE 1982

Name	Judicial District	Number of Awards	Amount
Edward P. Abbott	1	1	10,624
James E. Adel	8	3	18,656
Cornelius M. Ahearn	1	1	65,712
George E. Albright	7	1	2,150
David B. Alford	3	4	8,150
Donald A. Alleva, Jr.	9	3	4,938
Nicholas P. Altomerianos	1	1	13,425
David W. Alvey	2	10	490,852
Robert B. Anderson	1	1	100,000
Alvin Ashley	1	1	71,445
Lewis G.P. Ashton	11	2	9,000
David A. Baker	5	10	61,627
William F. Baker	5	2	28,556
Richard L. Baltimore, Jr.	1	5	42,096
Norwood K. Banks	7	1	573
John M. Barth	1	1	3,000
Paul L. Beck	1	7	105,700
Irving Becker	1	10	16,330
Herbert H. Bell	1	1	40
William F. Benca	8	2	57,950
Michael D. Benjamin	2	1	900
Bradley C. Bennett	7	2	7,554
Robert J. Bennison	5	1	15,815
Richard H. Berg	9	2	2,000
Adam H. Bernstein	7	3	40,339
Harry J. Bernstein	11	15	197,992
Peter N. Bertucci	1	1	25,000
Burton H. Besen	1	9	146,616
Jeffrey L. Besse	3	26	1,206,387
Lassale Best, Jr.	2	1	1,000
James Bing	1	3	4,085
Charles Birnbaum	2	1	594
Warren J. Black	1	1	20,576
Walter H. Blaich, Jr.	9	7	385,835
Blaich & Dries	9	7	236,162
Allen J. Bodner	1	1	100,000
Howard J. Bodner	10	20	968,658
Murray Bogatin	1	2	9,400
Philip L. Boneta	2	3	19,533
Anthony J. Bonfiglio	1	2	89,000
Martin Borakove	1	2	16,101
Lee H. Bostic	11	2	5,583
Darrell L. Bowen	4	1	300
Martin J. E. Bowers	10	1	12,750
Jonathan N. Boxer	10	12	61,364
Raymond D. Bradford	9	2	20,779
Karen E. Bragg	10	1	250
E. Lawrence Brass	10	13	289,657
Leo Bresler	10	2	100,000
John D. Bridge	8	1	1,000
Harold Brotman	10	1	6,667
Bradford J. Brown	1	1	36,000
Kenneth E. Bruce	9	1	800
Alan I. Brutten	11	1	500
Joseph T. Burchill	6	1	25,000

Name	Judicial District	Number of Awards	Amount
John R. Burgess	8	6	30,868
Timothy K. Burgess	7	2	9,118
W. Michael Burke	3	2	700
William M. Burke	3	2	101,035
Jeffrey S. Burns	10	3	12,370
Nicholas Capobianco	7	2	2,005
John M. Cassel	3	1	65,000
Stuart B. Cassell	11	32	334,343
Richard H. Cataldi	8	3	71,810
Vincent J. Catalfo	1	1	45,000
Katherine R. Catanzarite	4	19	61,293
Harvey Chaly	10	4	42,944
John R. Chaney, Jr.	1	3	2,276
Michael M. Chasen	12	6	38,708
John M. Cholakis	3	1	52,383
Frank A. Cissi	5	1	4,000
Robert J. Clark	2	5	121,990
A. Roger Clarke	7	5	193,183
James F. Clarke	10	19	1,145,491
W. Andrew Clawson	7	18	302,861
Casey A. Clines	4	1	350
Joseph A. Cofino	12	2	3,500
Daniel I. Cohen	1	4	81,720
James Harrison Cohen	1	5	57,055
Kenneth H. Cohn	6	9	4,010
Kenneth W. Cohn	10	1	16,077
Theresa N. Coletti	11	25	53,317
Joseph L. Colp	1	3	12,300
Frank Coniglio	10	12	240,110
Kevin A. Conine	6	2	40,861
Joseph A. Contino	8	2	200,000
Stephen E. Cooper	4	2	268,455
Edward M. Cooperman	10	3	12,700
Kevin P. Corcoran	9	2	16,965
Gerald M. Cotter	10	28	990,471
Catherine N. Coughlin	8	3	7,002
Coxeter & Coxeter	3	1	50,000
Ronald P. Crean	1	2	22,750
Gene Crescenzi	1	2	6,880
John T. Crone	7	13	450,427
Dennis D. Crowley	9	6	261,804
Martin J. Crowley	10	4	52,500
Thomas P. Cullen, Jr.	11	4	93,513
John L. Curtis	8	4	252,344
R. Scott Daly	2	2	11,600
Benjamin F.L. Darden	6	1	66,788
Kenneth P. Daumen, Sr.	8	1	3,211
Mehran W. Davidian	10	1	5,000
James J. Davitt	2	1	100,000
Lawrence DeMayo	2	15	188,227
John L. Desmond	3	1	56,000
Bertram S. Devorsetz	9	2	1,100
James G. deWindt	10	2	1,000
Steven H. Dickman	10	7	59,339
Edward W. Dietrich	5	1	36,598

Name	Judicial District	Number of Awards	Amount
Salvatore DiMisa	10	2	55,533
Vincent R. DiPasquale	8	5	256,377
Robert E. Dizak	1	19	170,293
Birol John Dogan	1	6	43,673
Jerrold A. Domingo	1	3	19,000
Myron Domsy	10	3	3,500
Paul B. Donohue	9	1	750
Walter M. Donovan	8	23	75,050
George E. Dougherty, Jr.	3	6	140,388
William J. Dougherty	10	5	124,795
Frank J. Doupona	9	10	602,595
James L. Dowsey, III	10	1	8,500
Peter J. Dunne	10	13	68,950
Thomas A. Dussault	3	102	188,420
Paul W. Eckelman	9	2	1,900
Eugene P. Edwinn	1	3	107,770
Louis A. Egnasko	2	49	964,321
Ehman & Marino	10	54	2,394,046
Howard Eisenberg	1	1	5,000
Robert A. Eisenberg	2	1	7,058
Mitchell Eisenstat	1	1	450
Dennis P. Elkin	11	1	250
W. Joseph Embser	8	1	100,000
Charles E. Ennis	7	3	52,427
Michael L. Entes	2	2	10,000
Michael F. Erdheim	1	19	964,321
Steven M. Erdheim	9	22	12,524
Jonathan Erickson	7	6	111,173
Jerome J. Erlin	1	4	42,595
John R. Esposito	12	1	5,700
Gene Ira Esser	2	12	23,877
Arnold H. Fassler	11	12	111,658
James H. Fay	2	1	400
Charles L. Feely	1	2	176,986
Milton Feinman	1	6	394,353
Harvey Felton	9	1	40,426
Willie R. Felton	7	29	134,491
Perry V. Ferrara	10	19	489,402
Steven B. Fidelman	11	9	78,532
Carl M. Field	10	21	155,504
Timothy A. Fischer	8	1	155
Fischer & Quaintance	8	2	110,897
Michael G. Flanagan	1	13	884,137
Florien Carl Flierl	8	8	65,695
Dan Foley	9	1	203
Seymour Forman	1	1	500
Henry A. Foster	1	3	40,092
Robert L. Fraser	7	4	16,846
Paul I. Freedman	1	48	115,305
Andrew J. French	10	1	9,619
Mark G. Fresco	1	5	61,961
Arthur S. Friedman	2	1	12,916
Martin Fries	11	17	81,713
Alfred L. Fritz, III	8	21	86,766
Jerome H. Funk	9	22	12,049

Name	Judicial District	Number of Awards	Amount
Henry G. Fury	9	9	150,341
Dumas Gabbriellini	1	1	4,950
Wayne K. Gabel	9	1	100,000
Yoram Gafni	1	5	7,550
Arthur J. Gallancy	1	1	21,500
John E. Galligan, Jr.	2	3	4,827
William M. Gallow, Jr.	3	1	49,397
Hiram S. Gans	9	2	85,000
Edward M. Gasperi	4	5	8,231
Michael S. Gawel	8	1	1,200
Jack O. Gaylord	8	1	12,332
James G. Gembarosky	8	7	15,426
Frank P. Giaramita	2	2	7,500
Thomas Eric Gill	10	6	87,500
James Gilmartin	1	2	3,613
Joseph A. Giorgi	7	1	4,685
Jarrett F. Glantz	1	24	1,710,086
Harold L. Goerlich	10	4	65,178
Fred Gold	11	3	113,250
Henry S. Goldman	9	9	224,823
Barry E. Goldrod	1	1	51,357
Charles H. Goldstein	10	1	43,000
Alan R. Golkin	8	5	269,624
Oscar Gonzales-Suarez	1	1	5,000
Michael W. Goodman	11	1	18,000
Robert M. Gordon	1	6	29,870
John P. Gorman	9	2	36,000
Jack Gottlieb	2	8	74,576
Lora C. Graham	9	2	1,655
Barry J. Grandeau	9	377	564,211
S. Simpson Gray	9	9	8,928
Milan K. Gregory	10	2	10,200
John N. Griggs, Jr.	1	2	350
Robert S. Groban, Sr.	1	2	8,500
Joshua Gross	4	1	400
Murray S. Gross	2	1	8,000
Marc E. Grossman	9	4	98,334
Harold W. Grubart	1	3	184,335
James R. Gunderman	8	7	169,978
Sidney J. Guran	2	1	12,159
John A. Gussow	2	31	622,568
John A. Guzzetta	1	1	6,395
Richard A. Gwynn, Jr.	5	8	8,239
Robert E. Haley	1	7	100,800
Clifton E. Hall	11	3	16,465
Fred J. Halsey, Jr.	1	3	69,803
Herbert I. Handman	1	1	16,500
John Hargrave	8	3	44,051
Alan David Harris	10	5	342,033
Alan Jay Harris	1	1	14,081
H. Hawthorne Harris	9	1	5,093
Herbert Harris, Jr.	1	2	48,833
Leon Sol Harris	1	3	30,060
Peter Andrew Harris	7	8	224,475
Morton H. Hartmann	1	3	54,576



Name	Judicial District	Number of Awards	Amount
Robert T. Hartmann	9	3	42,149
John J. Hayden	9	5	25,800
Eric E. Heron, Jr.	11	3	28,485
Alfred L. Hetzelt, Jr.	8	1	100,000
Leo N. Hirsch	1	2	27,083
Michael Hirsch	10	1	8,390
Ralph Hochstein	1	1	1,000
Robert I. Hodes	1	2	20,605
Walter Hofer	1	8	85,880
Frank Hoeffy	1	1	4,500
William J. Holden	9	12	436,677
A. Robert Holman	10	370	169,571
Antoinette Holmes	12	5	148,854
Harold Holtman	10	24	313,162
Robert Kent Holtsberry	5	1	2,178
Charles S. Horgan	1	1	2,500
Donald G. Houghton	7	3	75,000
Richard A. Howard	9	3	2,575
Ralph F. Howe	8	1	7,313
Edward L. Howlette	10	1	3,700
Raymond H. Hsu	1	3	8,050
John A. Huber	10	4	30,500
Thomas P. Hughes	4	2	10,914
William C. Israel	1	3	52,863
Hesper A. Jackson	2	7	169,384
Saul Jakobowitz	1	6	24,718
Robert E. Johnson	2	1	38,000
Robert P. Johnson	8	1	4,200
Wayne A. Johnson	6	4	28,566
Leonard Kabat	10	1	5,000
Gerald A. Kagan	1	2	1,600
William H. Kain	10	15	145,722
Gerald Kaiser	1	34	36,365
James D. Kakoullis	1	1	1,000
John C. Kanaley	5	3	55,000
Stanton Karnbad	9	3	38,500
Morris M. Karp	1	1	3,000
Thomas Katsaros	2	2	81,100
Harold W. Katz	4	3	57,000
Howard C. Katz	9	61	304,445
Reuben A. Katz	1	1	93,072
Steven C. Kavanaugh	10	3	6,041
William S. Kaye	1	1	5,000
Paul E. Keith	2	3	23,843
Donald E. Kelly	1	2	85,656
Lawrence V. Kelly	1	1	65,975
Robert E. Kelly	7	20	12,070
Bernard Kenny	1	8	138,269
John P. Kilminster	10	6	17,950
John J. Kim	1	1	19,500
Wayne W. Kim	1	4	24,205
Paul H. Kirwin	10	1	58,000
Rudolph M. Klenosky	2	1	45,000
A. O'Neill Kline	8	3	72,100
David C. Kobrin	9	1	20,148

Name	Judicial District	Number of Awards	Amount
Roger W. Kohn	9	1	255
Timothy Kozyra	8	2	8,231
Harvey H. Krat	1	3	68,525
M. Thomas Kuriakose	9	1	500
Irving Kurtz	1	5	154,842
Larry J. Kushner	1	2	21,678
A. James LaBue	7	6	298,928
Michael S. LaBush	9	2	3,250
Jefferson T. Lalik	7	8	3,505
LaLoggia & Gorankoff	7	20	738,744
Bernard H. LaLone, Jr.	3	1	22,210
Robert A. Lamar	10	20	597,507
Eric N. Lazarus	10	2	40,299
John Q. LeCain	4	1	25,000
Thomas P. Leckinger	7	7	87,180
Gerald J. Leibowitz	10	8	229,992
Lawrence B. Lennon	4	3	84,477
Richard L. Levine	5	1	10,000
Murray F. Lewis	6	1	3,589
Jay Robert Lichtman	2	2	3,200
Kenneth Linn	1	1	25,850
Michael S. Linn	9	14	418,858
Clifford N. Lipscomb	11	8	11,480
William F. Lisnerski	8	1	600
David W. Little	4	8	343,892
Vincent J. LoCurto	10	1	9,797
Werner Lomker	7	2	38,564
Samuel Lorenzo	1	92	43,125
Ronald B. Losner	2	16	41,154
Harold E. Lovette	1	1	27,500
David B. Lubash	11	26	413,804
Jonathan W. Lubell	1	1	6,700
Thomas J. Lukas	11	1	28,000
Joseph F. Lynch	6	1	3,736
Robert D. MacLachlan, Jr.	10	8	11,250
Fortune S. Macri	9	1	25,000
John R. Maguire	10	1	1,000
Jenny M. Maiolo	11	25	546,358
Michael M. Maloney	1	1	42,040
Frank M. Manfredi	10	5	27,076
Lloyd J. Manning	11	1	500
Marion S. Marable	11	2	7,400
Richard P. Maracina	1	8	20,205
Marvin Margolis	1	1	40,000
Irving Markowitz	1	7	261,328
George T. Martin	6	1	500
Nancy A. Maruk	7	3	3,370
C. Vernon Mason	1	4	18,600
William J. Mastine, Jr.	5	2	17,220
Charles M. Mattingly, Jr.	10	3	132,500
Martin J. Mayblum	11	3	13,750
Philip A. McBride	8	1	5,958
Teague W. McCarthy	10	11	398,537
Denis J. McClure	9	2	5,155
James F. McCool	9	1	12,000

Name	Judicial District	Number of Awards	Amount
Sharyn L. McDonald	7	3	73,992
James J. McEnroe	1	6	3,000
Lloyd A. McFarlane	11	1	5,000
Dennis J. McLaughlin	1	5	46,804
Richard M. McMahon	9	2	8,973
John J. McManus, Jr.	2	2	200,000
Joseph T. McMaster	2	3	104,093
Dominic M. Mello	2	2	8,167
Richard M. Messina	1	3	169,049
William A. Metz	9	3	115,497
James J. Michalek	8	20	165,238
Charles O. Milham	3	4	17,541
Alan M. Miller	10	1	2,319
Bruce J. Miller	10	2	41,858
Nicholas A. Mina	1	1	19,500
Stephen A. Mishkin	9	55	1,318,823
John E. Modjeska	3	7	34,356
Richard T. Monahan	10	2	4,500
Colin A. Moore	1	4	6,500
Davison F. Moore	9	3	148,340
Paul A. Moore	9	1	2,000
Richard M. Moran	3	19	289,599
Thomas D. Morath	12	1	580
Lawrence D. Moringiello	2	5	171,249
Alan D. Morris	10	15	221,560
Charles E. Morrison	1	1	4,000
Saul D. Moshenber	7	5	20,749
James R. Murdock, Jr.	4	19	639,650
Eugene J. Murphy	8	21	583,870
Morrow D. Mushkin	2	2	10,200
Joseph F. Muto	5	1	1,100
Willard H. Myers, III	7	2	1,700
Eugene V. Natale	10	7	217,508
Nath & Weiss	10	1	100,000
Richard F. Nelson	10	10	70,361
Pat Frank Nesci	10	11	359,974
Kenneth A. Newman	10	6	29,054
Marvin A. Newman	9	1	26,924
John G. Nicholas	11	2	57,500
Peter B. Nickles	9	2	122,623
Michael B. Nitsberg	10	3	34,450
William J. Noland	1	1	3,600
Thomas P. O'Callaghan	9	1	3,200
Charles O'Donnell, Jr.	9	1	2,000
Mark S. Ogden	7	1	8,869
Frank Oliva	11	5	36,652
Joseph E. Orsini	8	3	31,887
Sheldon Ostro	1	9	359,000
Roderick E. Owens	1	2	21,533
Victor N. Pacor	9	9	164,357
Rafael M. Pantoja, Jr.	1	16	151,335
Mary Murphy Pardoe	10	15	85,436
Richard J. Pariser	8	3	7,053
George Patsis	10	2	115,798
Edward S. Patterson	9	2	15,286

Name	Judicial District	Number of Awards	Amount
George F. Pavarini	9	15	543,165
Kenneth S. Pelsinger	1	2	14,349
David Ian Pesner	9	11	136,291
Jacob & David Ian Pesner	9	1	25,000
Richard T. Petty	1	2	75,441
John Piastra	11	2	200,000
Louis N. Picciano	6	2	5,296
Richard Pikna	1	9	101,278
George A. Pins	1	3	14,979
Jonathan Pollack	10	2	13,762
Sam Polur	12	1	500
Ira Postel	1	3	38,515
Postel & Rosenberg	1	11	619,722
John V. Potter, Jr.	10	1	98,000
Mary Powers	1	1	89,857
William J. Powers, III	5	7	14,652
Paul D. Powsner	1	3	210,000
Stanley Pressment	1	1	6,960
Wayne J. Price	2	15	339,476
Mark S. Probert	10	6	2,900
John J. Raia	11	94	3,115,998
William C. Raines	1	3	17,512
Steven P. Rapoport	2	1	17,301
John D. Reddan	1	1	2,500
Steven Paul Reifman	1	1	10,000
Paul G. Reilly, Jr.	1	1	7,500
Gary M. Reing	12	2	23,446
Erich H. Reisch	2	1	27,692
Willem J. R Emmelink	1	2	94,875
James R. Rerisi	10	4	57,146
Luis E. Reyes	2	1	1,000
John Rivera	12	1	1,661
Jose A. Rivera	2	7	89,166
Robert Rivers	10	7	197,000
Stephen R. Roach	9	3	23,400
Edward John Roder	7	15	168,505
Sy L. Rolnick	2	1	25,500
Steven J. Romer	1	14	1,076,657
Peter Rose	11	12	160,309
Rose & Karnbad	11	1	17,000
Steven Rosenbluth	2	26	394,102
Richard J. Rosenthal	1	1	4,374
Selig A. Rosenzweig	10	3	64,569
Phillip M. Rossbach	10	1	659
Arthur J. Rouse	9	1	11,435
Leonard H. Rubin	1	1	83,000
James M. Russell	4	1	100,000
David Sabghir	2	1	14,000
Carol A. Safier	1	4	113,950
Ronald M. Salzer	1	4	53,750
Roger G. Sam	12	1	2,500
George Sandberg	10	10	227,146
Ira Jay Sands	1	6	7,917
Richard J. Sanna	10	9	223,285
Richard D. Savitsky	1	2	47,558



Name	Judicial District	Number of Awards	Amount
Stanley D. Scharf	10	16	89,719
Nelson K. Scherer	10	1	2,348
John C. Schettino	10	1	4,000
Robert L. Schlesinger	3	3	3,068
Peter G. Schmidt	1	3	400,000
Richard C. Schulz	10	1	24,035
Robert Schutrum	8	1	1,500
Steven M. Schwartz	9	2	3,500
Schwartz & Gutstein	1	5	243,834
Joel E. Schweitzer	8	6	46,294
Joseph F. Scirto, Jr.	8	10	106,962
Bernard M. Seeman	10	1	50,000
Arthur J. Selkin	9	11	107,300
Bernard L. Seltzer	10	11	94,609
Barry R. Shapiro	1	16	3,065
Phillip E. Shapiro	1	1	7,000
Brian A. Sheridan	1	1	785
John M. Sheridan	7	6	371,500
Richard M. Sherman	10	25	97,623
Alan J. Shimel	10	2	26,666
Robert G. Short	9	1	800
Matthew A. Siegel	9	1	9,375
Oswald B. Silvera	2	7	16,125
Mark A. Silverman	10	2	2,169
William Sims	8	2	8,037
Barry H. Singer	9	9	235,034
Baljit Singh	1	1	150
Indar Singh	11	15	139,737
Myron W. Siskin	10	1	13,436
Allan Sloan	1	6	108,601
Joseph D. Sloboda	10	2	5,458
Peter W. Sluys	9	6	113,856
Kendrick C. Smith	1	1	3,675
Benjamin Sneed	1	4	24,833
Jack B. Solerwitz	10	99	3,008,734
Michael T. Spallino	1	2	8,800
Jacob Spatz	3	3	3,245
Jerome L. Spiegelman	1	48	889,719
Jerome Spies	10	2	126,754
Howard R. Staller	1	1	8,000
Alexander B. Stein	1	2	31,450
Elliot J. Stein	1	74	762,109
Joel B. Steinberg	1	1	1,400
Duane M. Stenstrom, Jr.	8	6	6,674
Jeffrey S. Stern	2	9	218,401
Stanley R. Stern	1	3	64,242
Joseph Sternschein	11	4	75,715
Frederick D. Stevens	8	1	4,185
Wallace Sturm	2	1	1,500
John J. Sullivan	1	1	29,990
Joseph E. Supples	8	3	9,150
Leonard A. Sussman	1	3	44,438
Monroe Sussman	10	1	46,667
Morton S. Swirsky	1	6	62,610
Israel I. Sylvan	1	3	22,253

Name	Judicial District	Number of Awards	Amount
Sergio M. Taub	11	49	326,401
Louis Taubenblatt	2	9	718,854
Sharon Lynch Taureck	2	5	40,966
Peter P. Tavalacci	9	1	2,400
Timothy Taylor	1	1	19,000
Theodore E. Teah	12	1	13,373
Norman Eric Teitler	11	2	14,414
Ron Telford	6	1	1,100
Milton A. Teplin	1	3	26,000
Michael B. Thomas	9	1	600
Alan S. Tifford	10	14	291,016
Robert S. Tobin	1	2	16,320
Thomas P. Tobin	10	4	184,450
Joseph A. Tracy	9	4	131,676
Joseph R. Turner	1	4	41,572
Robert E. Twiste	2	13	213,179
James W. Ulaszewski	8	2	1,048
Girard M. Ursitti	8	3	69,695
Norman Ushkow	2	1	1,575
William C. Vaughan	8	1	100,000
Tom M. Vetrano	2	4	30,056
Lillian R. Villanova	9	3	109,636
Louis V. Viscomi	1	3	31,500
Arnold P. Wagner	10	4	72,900
H. Robert Wall	6	46	912,929
Mortimer Warfman	1	34	16,236
Patrick T. Wedlock	5	5	3,215
Martin J. Weinstein	2	1	25,000
Myles N. Weintraub	10	7	123,623
Peter R. Weiss	2	1	15,000
C. Theodore Wellington	11	5	158,815
Leslie M. Westreich	1	1	100,000
Benjamin P. Whitaker	7	15	603,251
D. William White	2	15	171,308
Aaron G. Windheim	9	1	11,547
Steven Winston	1	1	9,500
Samuel Ulrich Wiseman	1	2	38,280
Walter S. Wojcik	3	1	250
Marvin Wolinetz	2	1	350
George Wolynetz	1	3	244,703
William S. Wood	7	1	130
John M. Wourgola	10	11	97,534
Adam Morgan Wright	1	1	500
Kathryn B. Wunderlich	3	1	600
Henry E. Wyman	8	33	496,811
Louis B. Youmans	1	1	5,000
Floyd A. Young	8	1	10,000
Nancy J. Young	1	9	124,809
Frederick J. Ziems	10	2	105,368
Jacob S. Zimmerman	10	27	355,991
Victor P. Zodda	10	1	93,225
H. Michael Zukowski	1	1	8,000
Bertram Zweibon	1	14	564,282