

2002

ANNUAL REPORT OF THE BOARD OF TRUSTEES



BOARD OF TRUSTEES

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Submitted to the Judges of the Court of Appeals and the State Comptroller pursuant to the provisions of General Order of the Court of Appeals dated November 16, 1981.

**The Lawyers' Fund for Client Protection
of the State of New York**

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Foreword

*State of New York,
Court of Appeals,*



*Judith S. Kaye
Chief Judge*



Hearty congratulations to the Lawyers Fund for Client Protection on two decades of remarkable service both to the public and to the legal profession in restoring losses--tangible and intangible--caused by lawyer dishonesty.

In the interest of candor, I must at the outset disclose my familial relationship to the Fund. The Trustees all are appointed by the Court of Appeals, so I naturally feel pride in each of them, and gratitude for their dedication and effectiveness. We all do. But it was, additionally, my own good fortune--before the miracle of my appointment to the Court of Appeals--to have served as a Trustee of the Fund (then called Clients' Security Fund) when it took its first breaths back in 1981. My affiliation with that group of seven hard-working individuals dedicated to the public interest was, indeed, a terrific precedent for service on the seven-member Court of Appeals.

I'm sure that the Trustees and excellent Staff who were back there at the beginning well remember those early days of defining our mission and finding our way. Those were the days of drafting regulations that happily have endured; of setting sensible limits on individual awards so that our entire funding would not be consumed at the outset; of shedding a tear together as we heard claimants describe the betrayal of their trusted counsel and loss of life savings. I still recall the names and faces of several of those people.

Today I study the Fund's Annual Report with downright awe. So much has been accomplished! So much is underway! So many new ideas for informing the public about its rights; for helping both lawyers and clients avoid grief; for encouraging good professional habits; for honing in on problem areas, like dishonored checks and abuse of escrow funds; for securing salutary changes in law and in practice; for recovering restitution.

Perhaps what pleases me most is two-fold. First is the Fund's conclusion, based on solid evidence, that the vast majority of New York lawyers are honest, conscientious and fully deserving of their clients' trust. I earnestly believe that to be true. And second is the fact that for those isolated instances where lawyers have breached their clients' trust, the Bar itself has stepped forward, through lawyer registration fees overseen by this magnificent group of individuals, to make amends.

May the first continue to overwhelm the second, until the good works of the Lawyers Fund are no longer necessary. In the interim, you have the sincere thanks of the entire Court of Appeals, most especially the Chief Judge, for all you are doing to help make that so.

A handwritten signature in black ink, appearing to read "Judith S. Kaye", written in a cursive style.

A Message From the Board of Trustees

Twenty years ago, the newly established Clients' Security Fund took its first, small steps to maintain the integrity of the legal profession and promote public confidence in our justice system by reimbursing client losses caused by lawyer dishonesty. In this 20th Annual Report, we now proudly reflect on two decades of service to legal consumers, New York's legal profession and our State's court system.

Since 1982, the Trustees have rendered determinations in over 11,100 claims alleging dishonest conduct in the practice of law. The Trustees have reimbursed \$97.3 million to 5,428 law clients whose faith in the justice system was restored because of the legal profession's debt of honor to those victims.

With insight gained from experience, the Trustees recommended several client protection measures which were instituted to the benefit of law clients and our judicial system. These measures include the adoption of uniform court rules for the preservation of client funds; court rules requiring lawyers to certify compliance with these standards from the Lawyer's Code of Professional Responsibility; interim suspension rules for lawyers deemed to be a public threat; legislation making the Official Register of Attorneys a public record; and the institution of mandatory fee arbitration in New York State.

While reimbursing losses, the Trustees succeeded in having effective loss detection and

prevention measures put in place such as the Insurance Department payee notification rule and the Dishonored Check Reporting Rule. The Trustees also produced and promoted educational materials for legal consumers and members of the bar.

To replenish the Fund's assets, the Trustees have vigorously pursued restitution from dishonest attorneys and liable collateral sources. These efforts have led to the enactment of statutes authorizing the Appellate Divisions to order restitution as a disciplinary sanction; representation by the Attorney General in the Fund's restitution litigation and court decisions clarifying and strengthening the Fund's creditor rights.

Despite these achievements, law client losses persist. The Trustees' initial optimism in 1982 that the problem of lawyer dishonesty would be quickly dispatched has given way to the Trustees' continuing commitment to address the transgressions of the very few "bad apples" responsible for the harm suffered by law clients.

Chief Judge Kaye's foreword aptly characterizes our twenty-year experience which has clearly demonstrated that the overwhelming majority of lawyers in New York State are honest and caring for their clients. We remain indebted to these members of the bar, to Judge Kaye and other members of the Court of Appeals, and to all those in government service for their unflinching support of the Fund's efforts to protect law clients and the integrity of New York's legal profession.

Special Dedication to New York's Legal Profession

In recognition of the 20th anniversary of the Lawyers' Fund, the Trustees wish to dedicate this annual report to New York's legal profession for its financial, moral and practical support to the Fund since 1982.

The Fund exists because of good lawyers, not bad ones. The financial support of lawyers in New York State enable the Fund to reimburse victims of the very few members of the bar who cause client losses. It is vital to note that the former lawyers who are responsible for the Fund's awards over 20 years represent less than one-half of one percent of the 197,000 registered lawyers in New York State.

New York's bench and bar are directly responsible for the Fund's success and accomplishments. In the investigation and processing of claims and efforts to protect law clients and improve our system of justice, the lawyers of New York have generously contributed their time, talents and support to the Lawyers' Fund.

Each year, the Trustees continue to witness the generous sense of public service displayed by members of New York's legal profession who assist law clients process claims with the Fund without compensation. Nearly half of all claimants have attorneys assist them as a public service. On the following page is a listing of the attorneys who donated their services to claimants in 2002.

" I am so very grateful for your fund, those who oversee it, and the lawyers who contribute. I cannot thank you enough for your service to others, and particularly, to me. You have caused me to feel such satisfaction and gratitude that words seem inadequate. Thank you!"

— Message from claimant, 2002

Special Recognition

THE BOARD OF TRUSTEES OF THE LAWYERS' FUND PROUDLY RECOGNIZES THE GENEROUS ACT OF PUBLIC SERVICE DISPLAYED BY THE ATTORNEYS LISTED BELOW WHO HAVE ASSISTED CLAIMANTS IN RECEIVING AWARDS OF REIMBURSEMENT IN 2002:

BRONX COUNTY

Gail Ricketts, Esq.

BROOME COUNTY

John L. Perticone, Esq.
Levene Goulding & Thompson

ERIE COUNTY

Stanley J. Collesano, Esq.
John F. Collins, Esq.
Collins & Collins
William J. Cotter, Esq.
Cotter & Cotter

KINGS COUNTY

Peter V. Christiansen, Esq.
Aldo G. Frustaci, Esq.

ONONDAGA COUNTY

John R. McDermott, Jr., Esq.

MONROE COUNTY

John J. Ferlicca, Esq.
Timothy J. Schofield, Esq.
Philippone Law Offices

NASSAU COUNTY

Michael J. Fleming, Esq.
Robert Nelson, Esq.
Alan Ross, Esq.
Roy Seland, Esq.
Mincone & Mincone, P.C.

NEW YORK COUNTY

John A. Aretakis, Esq.
Candace Carponter, Esq.
Evan Eisland, Esq.
Robert A. Karin, Esq.
Davis & Gilbert
Jonathan Lerner, Esq.
Abraham & Lerner
John T. McNamara, Esq.
Geringer & Dolan
Richard E. Miller, Esq.
Kurzman Karelsen & Frank
John L. Moncrief, Esq.

QUEENS COUNTY

Norman L. Horowitz, Esq.
Horowitz & Faeth
Pankaj Malik, Esq.
Malik & Associates
Ravi B. Persaud, Esq.
Efrain Ramos, Esq.
John A. Servider, Esq.
Yvette M. Villalba, Esq.

RICHMOND COUNTY

Michael J. Pocchia, Esq.

SUFFOLK COUNTY

John C. Bennett, Esq.
Gathman & Bennett
Thomas J. DeMayo, Esq.
Alan L. Finkel, Esq.
Melissa D. Heilig, Esq.
Bennett & Read
Jean Marie Gunderson, Esq.
Smith Finkelstein & Lundberg
Thomas B. Licari, Esq.
Robin Long, Esq.
James O'Shea, Esq.
Robert B. Pollina, Esq.
Stephen G. Siben, Esq.
Barry Tuminello, Esq.

WESTCHESTER COUNTY

Paul S. Shemin, Esq.

NEW JERSEY

Philip M. Colicchio, Esq.
Taylor & Colicchio
Kevin P. Kelly, Esq.
Kelly Kelly & Marotta
Merrill M. O'Brien, Esq.
Dollinger & Dollinger
Joel J. Steiger, Esq.

PENNSYLVANIA

Robert H. Montgomery, III, Esq.
William Alan Shaw, Esq.
Landy & Landy

" I congratulate those who set up this fund and the many honest lawyers who have kept the fund available"

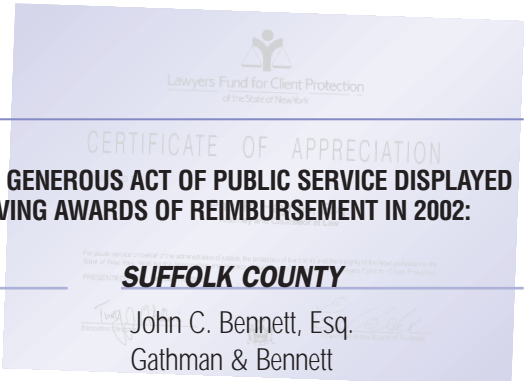
— Message from claimant, 1996

" I wish to thank the Trustees and staff of the Lawyers' Fund and particularly the lawyers of New York State who made this award possible. My faith in the legal profession has been restored."

— Message from claimant, 2000

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

— Message from claimant, 1997



The History of Law Client Protection in NY State

In 1929, the concept of law client protection was founded in New Zealand. In the United States, there are now 50 special funds financed by the legal profession and dedicated to protecting law clients from dishonest conduct by a member of that state's bar. The District of Columbia and every state with the exception of New Mexico have active client protection funds.

In the 1960's, bar associations in New York State began programs of reimbursement for law clients. The New York State Bar and bar associations in New York and Suffolk Counties led the way in this field in the Empire State. These associations appealed to the Court of Appeals when their efforts were unable to finance adequate client reimbursement. The New York court system then embraced the responsibility for operating a statewide client reimbursement program.

The Lawyers' Fund in New York was established by statute. It is an independent public trust administered by a Board of Trustees appointed by the Court of Appeals. The biennial attorney registration fee required of every practicing attorney is the principal source of revenue for the Fund.

The Lawyers' Fund, known originally as The Clients' Security Fund, was organized on December 1, 1981 with the Court of Appeals' appointment of a seven-member Board of Trustees. The Trustees then established regulations and claim procedures and began operations on April 1, 1982.

"The biennial attorney registration fee required of every practicing attorney is the principal source of revenue for the Fund."

The Purpose of the Lawyers' Fund

Section 468-b of the State Judiciary Law and the Regulations adopted by the Fund's Trustees clearly state the purpose of the Lawyers' Fund. The Fund's mission is to maintain the integrity and protect the good name of the legal profession, protect law clients from dishonest conduct in the practice of law, and promote public confidence in the administration of justice in New York State.

The Trustees' primary focus is the reimbursement of losses caused by the dishonest conduct of attorneys who were admitted to the practice of law in New York State. Other activities pursued by the Fund which are of equal importance include the publication of con-

sumer educational materials to help clients avoid situations that can result in losses; programs to assist lawyers in complying with their fiduciary and escrow obligations; and the recommendation of court rules to prevent client losses from occurring.

Examples of losses reimbursed by the Fund 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 within an attorney-client relationship and the practice of law, and unearned fees paid in advance to lawyers who falsely promise their legal services.

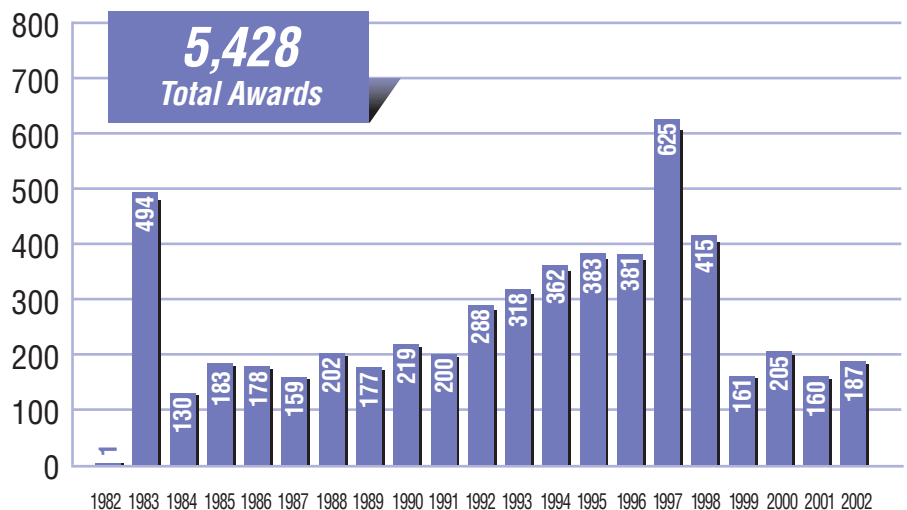
The Fund's Statutory Authority and Trustees' Regulations

The Lawyers' Fund was created by Chapter 714 of the Laws of 1981, effective June 1, 1981. This legislation added section 97-t to the State Finance Law which provides for the establishment of the Fund and for its assets to be managed as a special revenue fund by the State Comptroller.

The administration of the Fund is governed by Section 468-b of the Judiciary Law. This statute requires that the Board of Trustees establish regulations for the Fund's administration and procedures for the presentation, consideration and payment of claims.

The Appendix includes section 97-t of the State Finance Law, section 468-b of the Judiciary Law, and the Trustees' Regulations. These Regulations are also published in Title 22 of the Official Compilation of Codes, Rules and Regulations of the State of New York (22 NYCRR Part 7200, et seq.).

Number of Awards Approved from 1982-2002



The Board of Trustees

Section 468-b of the Judiciary Law provides that the Fund is administered by a Board of Trustees who are appointed by the Court of Appeals.

The Trustees serve renewable three-year terms. They receive no compensation for their services. The original Trustees consisted of five members of the bar and two business and community leaders. They took their oath of office on December 1, 1981. Since the Fund's inception, this composition of the Board has been maintained by the Court of Appeals.

The Trustees elect from their membership a Chairman, Vice-Chairman and a Treasurer to serve as the Fund's officers. The Fund's Executive Director serves as the Fund's Chief Administrative Officer and the Board's Secretary and 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 & Friedman. 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, 2004.



Bernard F. Ashe of Delmar, Albany County, is Vice-Chairman of the Board. Mr. Ashe 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 is a charter member of the Board. His current term expires on November 19, 2005.



Nancy Burner of Setauket, Suffolk County, is a sole practitioner and elder law attorney. She is a graduate of the State University at Stony Brook and Hofstra University School of Law

(1988). Ms. Burner was appointed to a three-year term of office on December 10, 2002.

Charlotte G. Holstein of Syracuse is a civic leader, founder and Executive Director of F.O.C.U.S. Greater

Syracuse, a community interest group. She is a graduate of Brockport State University (1946) and the 1998 recipient of an honorary degree, Doctor of Humane Letters, from LeMoyne

College in Syracuse. Mrs. Holstein was appointed to the Board on December 1, 2001. Her present term expires on November 30, 2004.



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

appointed to the Board of Trustees in 1982. His present term expires on November 30, 2003.

Theresa B. Mazullo of Rochester, Monroe County, is President and a Principal of EPIC Advisors, Incorporated, a retirement plan administration firm. Mrs.

Mazullo, the Fund's Treasurer, is a graduate of Spring Hill College and Stonier Graduate School of Banking (1994). She was appointed to a three-year term of office as Trustee on December 10, 2002.



Eric A. Seiff of the Bronx is a partner in the Manhattan law firm of Seiff, Kretz & Abercrombie. 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, 2003.

In 2002, two Trustees completed their terms of service to the Lawyers' Fund. The Fund's former Vice-Chairman, Theodore D. Hoffmann of Hicksville, Nassau County, ended his twelve-year tenure as a Trustee. Mr. Hoffmann is Of Counsel to the Garden City law firm of Albanese, Albanese and Fiore. He is a graduate of St. John's University and its School of Law (1948).

Ray W. Manuszewski of Cheektowaga, Erie County, an original member of the Board and the Fund's Treasurer since 1981, also completed his service as Trustee. Mr. Manuszewski is a graduate of Canisius College (1951) and a former Regional President of Manufacturers Hanover Trust Company in Buffalo.

Other former members of the Board of Trustees include the Hon. Judith S. Kaye, Chief Judge of the State of New York (1981-1983); Joseph Kelner, Esq. of Manhattan (1981-1982); Anthony R. Palermo, Esq. of Rochester (1981-1990), the Fund's first Chairman who served in that capacity from 1981 to 1985; John F. X. Mannion of Syracuse (1981-1992) and Shirley B. Waters of Rome (1992 to 2001).

*" Thank You! You have helped
to restore my faith in New
York's attorneys."*

— Message from claimant, 2002

The Staff of the Lawyers' Fund



Timothy J. O'Sullivan



Michael J. Knight



Ray Wood

The Board of Trustees appoints the Fund's staff. In 2002, the staff consisted of Timothy J. O'Sullivan, Executive Director and Counsel; Michael J. Knight, Deputy Counsel; Ray Wood, Investigator; Sue Gartley, Administrative Secretary; and Jahnel Hall-Worthen, Secretary.



Sue Gartley



Jahnel Hall-Worthen

The Fund owes a debt of gratitude to its original Executive Director and Counsel, Frederick Miller, who served from the Fund's inception in 1981 until his retirement in July 2000.

Revenue of the Lawyers' Fund

The biennial attorney registration fee required of active members of the New York bar by section 468-a of the Judiciary Law is the principal source of revenue for the Lawyers' Fund. The Lawyers' Fund does not, as many believe, receive any financing from the Interest on Lawyer Account (IOLA) program.

Section 468-a of the Judiciary Law allots 20 percent (\$60) of each \$300 registration fee to the Lawyers' Fund. The Office of Court Administration administers the attorney registration program. Since April 1, 1993, the Legislature has annually supplemented this \$60 portion with additional revenues from the biennial registration fee. The combined revenues are equivalent to a \$100 share of each biennial registration fee.

A special revenue account in the State Treasury created by section 97-t of the State Finance

Law is the depository for the Fund's assets. The sole purpose of this special revenue account is to finance the Fund and its operations. All awards of reimbursement and the Fund's administrative costs are paid from this special revenue account. No tax dollars are spent on the Lawyers' Fund.

The Fund's other sources of revenue include interest from investments in the State Comptroller's Short-Term Investment Pool (STIP), gifts, sanctions, and restitution recovered from dishonest lawyers and other liable parties.

Since 1982, the Fund has received \$96 million from attorney registration fees; \$4.2 million in interest income; \$2.0 million in judicial sanction revenue; \$7.4 million in restitution collected from dishonest attorneys and collateral sources and \$229,000 in contributions from lawyers and the public.

"The Lawyers' Fund does not, as many believe, receive any financing from the Interest on Lawyer Account (IOLA) program."

Liaison with the Appellate Divisions

The four Appellate Divisions of the Supreme Court have designated an Associate Justice to serve as liaisons with the Fund. In 2002, the Liaison Justices were Justices Milton L. Williams of the First Department; David S. Ritter of the Second Department; Anthony J. Carpinello of the Third Department; and Henry J. Scudder of the Fourth Department.

Disciplinary proceedings before the Appellate Divisions must be completed before the Trustees render final determinations in claims. Investigations by the Fund's staff are therefore coordinated with the investigative efforts of the Attorney Grievance Committees in the four judicial departments. This cooperation minimizes expenses and prevents duplication of investigative effort.

Section 7200.15 of the Trustees' Regulations provides 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.

Registration of Lawyers

In 1981, section 468 of the Judiciary Law was enacted establishing an official register of attorneys for all lawyers licensed to practice law in the State of New York. Judiciary Law Section 468-a was also added requiring that every licensed lawyer in the State register biennially with the Chief Administrator of the Courts through the Office of Court Administration, and pay a biennial registration fee.

Judiciary Law section 468-a (5) states that non-compliance by an attorney with the registration statute "shall constitute conduct prejudicial to the administration of justice and shall be referred to the appropriate appellate division of the supreme court for disciplinary action."

At the close of 2002, New York State had 197,000 lawyers registered with the Office of Court Administration.

Sanction Revenues

The Rules of the Chief Judge and the Chief Administrator of the Courts also allow for the Fund to be the depository for sanctions imposed against lawyers for frivolous conduct in civil actions and proceedings, and counsels' unjustified failure to attend a scheduled court appearance in a criminal or family court proceeding. The rules are published in 22 NYCRR Parts 37, 130-1 and 130-2.

Sanctions may also be imposed by Supreme Court trial justices in the management of court and trial calendars. The authority for the imposition of such Judicial sanction orders can be found in sections 2004, 3126 and 5015 of the Civil Practice Law and Rules.

At the end of 2002, the Fund had received a total of \$2.0 million in sanction payments which ranged from \$5 to \$100,000. An average monthly revenue of \$18,500 is now received from sanctions. One law firm is the subject of approximately 542 unpaid sanction orders directing the payment of \$2.1 million to the Fund.

Payouts and Disbursements

The total revenue received by the Fund since 1982 is \$109 million. As of December 31, 2002, a total of \$97.3 million in awards have been granted by the Fund. The Fund's administration costs as a state agency during 2002 totaled \$600,000. Since the Fund began operations in 1982, 92 cents out of every \$1 in revenue received has been directly applied towards the payment of awards of reimbursement. The Fund ended 2002 with \$5.4 million in revenue in the state treasury.

The Fund's revenues are annually appropriated to the Board of Trustees by the State Legislature as one component of the Judiciary Budget. For the 2003-2004 fiscal year which commences April 1, 2003, the Trustees have requested appropriations of \$9 million for awards of reimbursement.

Restitution Revenues

The Trustees have a fiduciary responsibility to pursue the recovery of restitution in order to supplement the Fund's finances. The Fund has recovered a total of \$7.4 million in restitution since 1982. This revenue was collected from dishonest lawyers, their estates, and from pursuing civil claims against collateral sources which were financially liable for the underlying losses reimbursed by the Fund.

Twenty years of experience has demonstrated that lawyers who steal from their clients are generally unable to reimburse their victims, or the Lawyers' Fund for its awards. Despite this fact, the Fund attempts to recover restitution when possible. In these efforts, the Fund's staff requests the entry of judicial orders pursuant to the restitution provisions of the Penal, Criminal Procedure and Judiciary Laws. The Fund also secures confessions of judgment and pursues direct action against dishonest lawyers and other collateral sources.

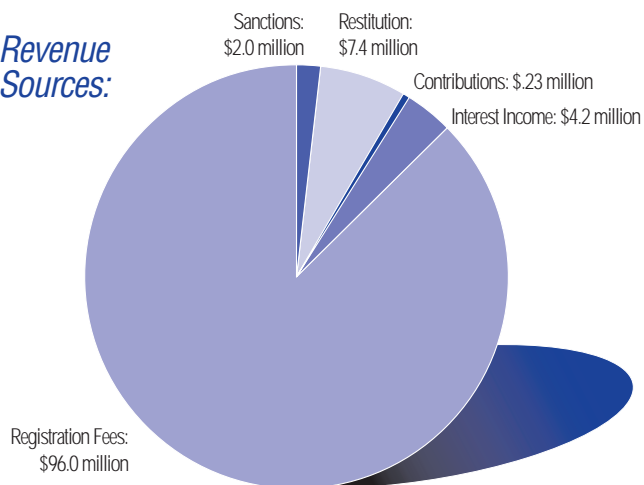
Civil claims are pursued against banks and insurance companies that have paid checks bearing the forged endorsements of law clients. The Fund also pursues recovery under title insurance policies, the enforcement of creditor claims against the estates of dead lawyers, and the prosecution of creditor claims in bankruptcy court.

Section 468-b of the Judiciary Law authorizes the Fund to seek restitution in its own right, and by entering into agreements or subrogation and assignment agreements with claimants who have received awards of reimbursement.

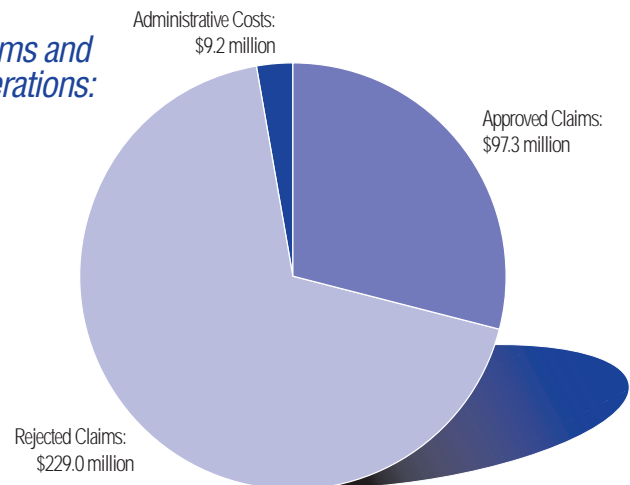
“ Since the Fund began operations in 1982, 92 cents out of every \$1 in revenue received has been directly applied towards the payment of awards of reimbursement. ”

The Fund's Finances Since 1982

Revenue Sources:



Claims and Operations:



Representation by the Attorney General

The New York State Attorney General's Office represents the Lawyers' Fund in restitution and other litigation in collaboration with the Fund's legal staff. Since 1999, the Lawyers' Fund has financed the payroll expense of an Assistant Attorney General who is assigned full-time to the Fund's restitution litigation. This arrangement is economical and beneficial to the Lawyers' Fund and its staff. Previously, the Fund was responsible for a 22 percent collection fee on each recovery pursuant to section 18 of the State Finance Law.

Assistant Attorney General Richard L. Rodgers served as the Fund's litigation counsel in 2002. The Trustees are grateful to Assistant Attorney General Rodgers for his excellent representation of the Fund in our restitution efforts.

Other members of the Department of Law who assisted the Fund in litigation in 2002 include Assistant Attorney Generals Nancy H. Lord, Stephen M. Nagle and Carolyn Cairns Olson along with Assistant Solicitor Generals David Lawrence, III, Robert M. Goldfarb, Marcus J. Mastracco, and Evelyn Tenenbaum. The Trustees owe a debt of gratitude to these dedicated individuals for their professionalism and advocacy skills .

Public Information and Consumer Education

Responsible affirmative efforts in public information promote public confidence in the integrity of the legal profession and in the administration of justice in New York State. With this conviction, the Board of Trustees has encouraged public information about the Lawyers' Fund.

Since 1989, the Trustees have been fortunate to have expert assistance and creative counsel in the area of public relations from the Paige Marketing Communications Group, Inc., of Utica.

The Fund's initial publicity effort was a simple plain-English brochure describing the Fund, its jurisdiction and procedures. That brochure, in revised form, is distributed to bar associations, government and legislative offices likely to encounter complaints of lawyer dishonesty, lawyer discipline agencies and law schools. In

Judicial Precedents

The Fund's restitution litigation has established important judicial precedents in the areas of consumer protection, the enforcement of the Trustees' creditor rights, and the Uniform Commercial Code. The Appendix includes a selected history of case law from the Fund's litigation.

The Court of Appeals recognized the legal standing and scope of the Lawyers' Fund right to pursue restitution claims 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 *Grandeau*, the Legislature amended the Judiciary Law to enlarge the Fund's subrogation rights. (Chapter 624, Laws of 1988; Judiciary Law §468-b (9)). The statute also creates a statutory lien in favor of the Fund that attaches to a dishonest lawyer's restitution obligations.

Restitution as a Disciplinary Sanction

The State Legislature amended section 90 of the Judiciary Law in 1989 and authorized the Appellate Divisions of the Supreme Court to order a lawyer to pay restitution for the misappropriation or wilful misapplication of client property.

Subdivision (6-a) of section 90 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.

This statutory authority was first utilized by the Appellate Division, Third Department, in *Matter of Cooper*, 168 A.D.2d 695 (3d Dept, 1990). Since *Cooper*, all of the Appellate Divisions have exercised their statutory restitution authority.

Victims of dishonest lawyers and the Lawyers' Fund have benefitted from this restitution statute. It is also a flexible complement to an Appellate Division's broad authority to regulate the practice of law in the interest of protecting the public.

In 1997, a disbarred attorney won \$1 million in the New York State Lottery. A judgment held by the Fund as the result of a disciplinary order of restitution allowed the Fund to intercept the lottery winnings. The Fund had awarded \$100,000 to one of the disbarred lawyer's client victims. With creditor rights from the section 90 restitution judgment, the Lawyers' Fund froze payment of his lottery prize and recouped the \$100,000 award, plus interest and attorney fees.

2001, this informational brochure was published in bilingual format in English and Spanish and widely disseminated.

The Fund has been involved in publicity projects which have included radio, television, and newspaper interviews. Commercially produced public service announcements about the Fund have been featured on television and in legal and law school publications.

To aid in the education of lawyers concerning 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.

The Fund's Trustees and staff address professional and civic service organizations and participate in state and national disciplinary and client protection conferences. The Fund's staff are also active members of the National Client

Protection Organization, Inc., a membership corporation of individuals and funds which serves as an educational resource for the client protection field.

The Fund's activities are highlighted in articles distributed to bar associations for publication in their journals and newsletters. Statewide press releases to the media also announce awards of reimbursement and other news of the Fund.

Other educational publications by the Fund for legal consumers and members of the bar have included ***Know Your Escrow Rights; Know Your Escrow Rights: The Lawyers' Edition; Attorney Trust Accounts: The Video; What's A Power of Attorney? Answers for New Yorkers; Avoiding Grief With A Lawyer — A Practical Guide***; and an ***Appendix of CLE Materials***. These publications are discussed in the Appendix.

In 1997, the Lawyers' Fund established a web site on the internet which is an invaluable resource for public information and the bar. 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.

The Fund's web site contains information about the Lawyers' Fund, including frequently asked questions about the Fund and its procedures; the Trustees' Regulations; reimbursement claim forms; recent Annual Reports, consumer publications and press releases; addresses and telephone numbers of Attorney Grievance Committees; and a roster of client protection funds nationwide.



Processing of Applications for Reimbursement

Prospective applicants to the Fund are supplied with an application package consisting of a two-page application form, instructions on how to file a claim, the Fund's informational brochure describing the Fund's operations, and a copy of the Trustees' procedural regulations.

When a claim is filed, it is assigned an identifying number, acknowledged, reviewed and investigated by a staff member. Claims are screened to establish prima facie eligibility. If an alleged loss does not appear to qualify for reimbursement, the Executive Director will dismiss a claim with a written explanation to the claimant.

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

A lawyer accused of dishonest conduct is provided with notice of a claimant's allegations if the claim is not clearly ineligible. The Fund's staff provides the accused lawyer with a copy of the claim and supporting papers and affords the lawyer with the opportunity to respond to the claimant's allegations.

Quarterly meetings are held by the Trustees in order to render determinations in claims and address administrative issues. The Trustees await the completion of disciplinary proceedings involving the accused lawyer before reviewing a claim for reimbursement. In appropriate cases, the Trustees also await the conclusion of criminal proceedings against the accused attorney before rendering determinations.

Section 468-b of the Judiciary Law provides the Trustees with sole discretion to determine the merits of claims. This statute also authorizes the Trustees to fix the amount of an award of

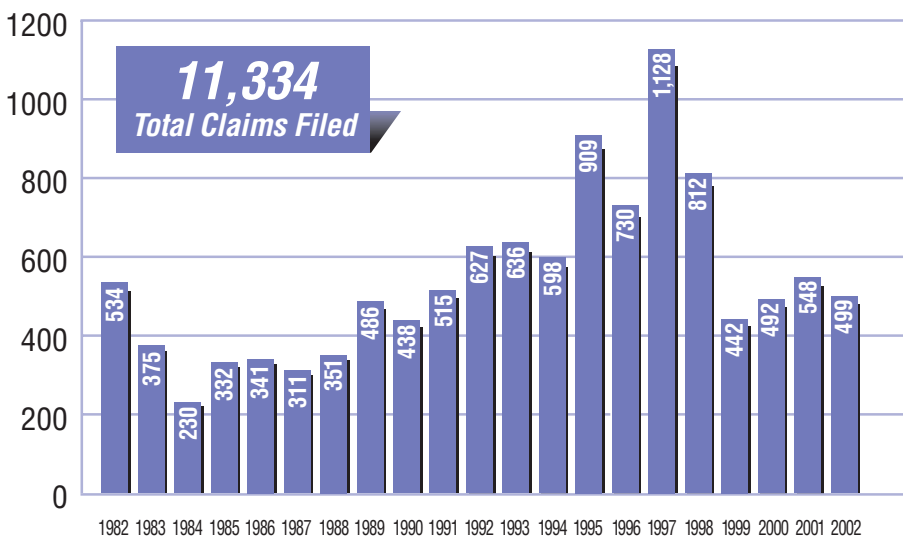
reimbursement and the terms and conditions for awards.

The Trustees' practice is to rotate quarterly meetings among the four Judicial Departments of the State. In 2002, the Trustees met in Albany, Brooklyn, Syracuse and Manhattan.

Claims are routinely processed based upon supporting documents and evidence supplied by the claimants and gathered by the Fund's staff. Generally, an attorney involved in dishonest conduct will not contest an award. If the Trustees deem it to be necessary, hearings with the Board, or a panel of Trustees, may be held.

Awards are paid by the State Comptroller which manages the Fund's assets. The Fund's staff submits award vouchers which are certified jointly by the Chairman, Treasurer and the Executive Director. Awards are usually paid in lump sums.

Claims Filed 1982-2002



" I appreciate your organization and the work you do to help ordinary people of the State of New York. Thank you for your help, compassion and understanding."

— Message from claimant, 2002

Representation by Counsel

It is generally not necessary that a claimant with the Fund have the assistance of a lawyer. The Fund's staff is available to assist in the claims process which is straightforward and uncomplicated and to help claimants whenever possible in documenting their alleged losses.

The Trustees do encourage claimants to seek guidance from lawyers. In many claims, there may be practical and legal problems which arise from the losses which require guidance from a member of the bar.

Lawyers in New York State continue to display a generous sense of public service by assisting claimants with the Fund. Nearly half of all claimants have attorneys assist them with their applications, without legal fee.

The Appellate Divisions' court rules do not permit lawyers to charge or accept legal fees for assisting claimants, except with the prior approval of the Board of Trustees. (See, 22 NYCRR 603.24, 691.24, 806.16, 1022.35). The Trustees' Regulations follow this statewide policy. Section 7200.14 (b) of the Trustees' Regulations provides that attorneys shall not

charge or accept compensation for assisting a claimant process a claim, without the prior written approval of the Trustees. This fee prohibition extends to contingent legal fee agreements with claimants. The Trustees require a "showing of extraordinary circumstances" for approval of a fee application. Since 1982, only four law firms have requested permission to charge legal fees. Each fee application has been denied.

Schettino v. Alter, 140 A.D.2d 600 (2d Dep't 1988) is an encouragement for the bar to participate in 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.

A certificate of appreciation is provided to attorneys who assist claimants in receiving an award of reimbursement. This certificate expresses the Trustees' gratitude to lawyers for their generous act of public service.

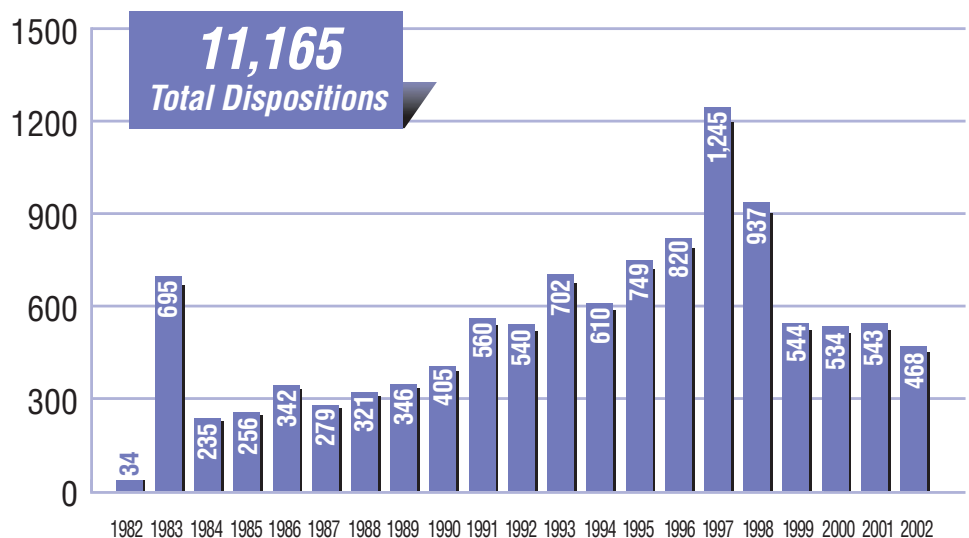
Judicial Review of Rejected Claims

In 20 years, the Fund has rendered determinations in 11,165 applications for reimbursement. Awards of reimbursement have been approved in 5,428 claims. The remaining 5,737 claims were determined to be ineligible after the claimants failed to provide satisfactory evidence of eligible losses.

Since 1982, only six out of 5,737 claimants who were denied reimbursement have brought legal action against the Fund pursuant to Article 78 of the Civil Practice Law and Rules. All six of these judicial challenges were dismissed when courts held that there was a rational basis for the Trustees' determinations that the claimants had failed to provide satisfactory evidence of eligible losses. A list of these cases is set forth in the Appendix.

" Nearly half of all claimants have attorneys assist them with their applications, without legal fee."

Total Dispositions 1982-2002



Unearned Legal Fees

Disciplinary Rule 2-110 of the Lawyer's Code of Professional Responsibility states a lawyer's professional obligation to refund promptly any part of a fee paid in advance that has not been earned. (22 NYCRR 1200.15 (a) (3)).

Over thirty-six percent of all claims to the Fund in 20 years have sought reimbursement of legal fees. Since 1982, 4,100 of the 11,334 claims filed involved legal fees.

To qualify for reimbursement, the Trustees must find "dishonest conduct" in a claim.

The evaluation of legal fee claims 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.

The typical "unearned retainer" loss which qualifies for an award is about \$4,000. While this amount is small in comparison to other categories of loss, the time and effort required in investigating legal fee claims is substantial.

In 1990, the Trustees amended their Regulations 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 (e) of the Trustees' Regulations. Dishonest conduct includes an attorney's misrepresentation, or false promise, to provide legal services in exchange for the advance payment of a legal fee.

" Now more than ever we think very highly of your profession"

— Message from claimant, 1998

Theft of Personal Injury Settlements

Funds nationwide have experienced claims involving a dishonest lawyer's theft by forging a client's endorsement on settlement checks in personal injury actions. The dishonest lawyer often will settle, without authority, the client's litigation with an insurance company by forging the client's signature on a general release. The theft is facilitated by a long-standing, and well-intentioned, industry practice to make the settlement draft jointly payable to the law client and attorney. The practice did not include notice of payment to the law client.

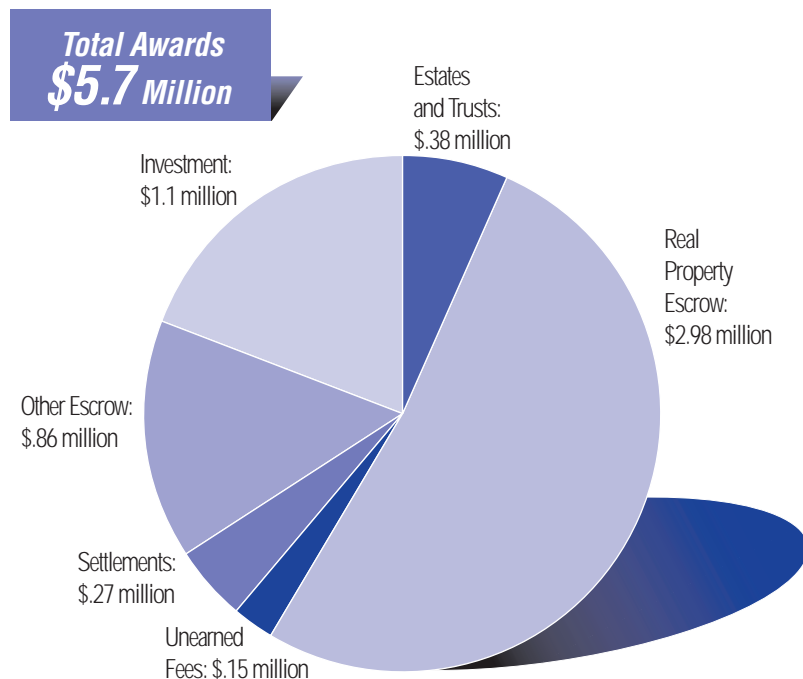
The Trustees recommended to the State Insurance Department in 1988 a regulatory device that has proven to be highly effective in deterring and detecting this type of loss. The payee notification rule, known as the "Regulation 64 Notice", requires liability insurers and their agents to provide law clients with written notice of payment whenever a third-party liability claim is settled for \$5,000 or

more. (11 NYCRR 216.9). In effect since September 1988, the Regulation 64 Notice has helped reduce losses and claims to the Fund involving the forgery and theft of personal injury settlements.

A byproduct of the Regulation 64 Notice is that liability for forgery losses is shifted to banks which improperly honor forged endorsements on negotiable instruments. Prior to 1988, forgeries often went undetected and thus civil actions to recover losses were frequently barred by the statute of limitations.

The American Bar Association has approved the Regulation 64 Notice as a Model Rule for attorney disciplinary systems nationwide. Variations of Regulation 64 have been adopted in the following nine states: California, Connecticut, Delaware, Georgia, Kansas, Maryland, Nebraska, New Jersey, Pennsylvania and Rhode Island. Eleven states have the regulation under study.

Amount of Awards in 2002 BY CATEGORY OF LOSS



Losses in Investment Transactions

In establishing the Fund, the Legislature made clear that reimbursement was intended for losses that are connected to the practice of law and which occur within an attorney-client relationship. The Trustees thus carefully scrutinize claims involving investment transactions with lawyers. The majority of investment claims filed with the Fund have not qualified for reimbursement.

Section 468-b of the Judiciary Law sets forth the statutory authority of the Fund. It defines "dishonest conduct" as the misappropriation or wilful misapplication of **clients'** (emphasis supplied) money, securities, or other property by an attorney. Therefore, losses caused by a lawyer's breach of fiduciary obligations that do not occur within an attorney-client relationship and the practice of law are not eligible for reimbursement.

Claims involving investment and loan transactions with lawyers have proven to be among the most difficult claims to evaluate. The Trustees have adopted the following policy guidelines in order to fully explain to claimants the eligibility of claims involving these type of losses:

"The Trustees will consider for payment only those claims arising out of an attorney-client relationship. Investment advice given by the claimant's attorney, although such advice may result in the loss of claimant's money, is not, in

and of itself, a ground for seeking reimbursement from the Fund.

Claims arising out of investments may be considered for payment, however, when the attorney is in the possession of the claimant's money, which the attorney has obtained by virtue of an attorney-client relationship with the claimant, when the attorney advises the claimant to invest the money in a business or other venture, and the attorney then misappropriates the claimant's money.

Ordinarily, interest on investments will not be reimbursed. Unless a claimant establishes otherwise, all payments received on an investment will be considered to be return of principal and will be deducted from the claimant's initial investment with the attorney in order to determine, for Fund purposes, the claimant's reimbursable loss."

Since 1982, 1,188 claims alleging \$123 million in losses arising from investment transactions with lawyers have been filed with the Fund. Awards have been approved in only 319 of these claims providing total reimbursement of \$13.8 million.

In evaluating investment claims, the Trustees apply a "but for" test which many of the nation's protection funds use. Under this test, a loss is eligible if the Board finds that the loss would not have occurred "but for" dishonest conduct in an attorney-client relationship.

" Please forgive me for not writing sooner ... Please accept my sincere thanks to you and the other members of The Lawyers' Fund as well as to the members of the New York State Bar who have contributed to that fund."

— Message from claimant, 2002

Thefts in Real Property Transactions

Since 1982, approximately one-third of the amount of all Fund awards have involved the theft of escrow funds in real property transactions. The Trustees have granted 1,456 awards reimbursing a total of \$31 million in these claims.

A common loss the Fund reimburses involves the theft of a down payment in the purchase and sale of real property. In downstate New York, the seller's lawyer is generally entrusted with the purchaser's down payment of 10 percent of the purchase price to be held in escrow until the closing. A theft of a down payment escrow raises many legal and practical problems for the parties, especially when the loss is discovered on the eve of a closing.

The Trustees continue to attempt to sensitize clients, lawyers and real estate agents to the importance of escrowed down payments. At the Trustees' recommendation, the Legislature added a new Article 36-c to the General Business Law, effective January 1, 1991, which codifies fiduciary obligations to segregate and safeguard contract deposits in special bank accounts. The statute requires that each contract of purchase and sale identify the escrow agent and the bank where the down payment is to be deposited pending the closing.

The Trustees have also produced and printed a consumer guide called **Know Your Escrow Rights**, with an annotated version for lawyers called **Know Your Escrow Rights: The Lawyer's Edition**.

Dead Lawyers and Missing Clients

Disciplinary Rule 9-102 (e) of the Lawyer's Code of Professional Responsibility provides that only an attorney admitted to practice law in New York State shall be an authorized signatory on an attorney's trust, escrow or special account. The limitation is intended to protect law clients from the misuse of their money. Difficulties though arise when a sole practitioner passes away.

On December 13, 1994, at the Trustees' suggestion, the Appellate Divisions amended court rules with the addition of Disciplinary Rule 9-102 (g) to address this problem. This new court rule permits a Justice of the Supreme Court to designate a successor signatory for the deceased attorney's trust, escrow or special account. The successor signatory must be a member of the bar in good standing and admitted to the practice of law in New York State. The rule specifies the parties

authorized to file the application. Also, that the Court may direct the funds from the deceased attorney's trust, escrow or special account be safeguarded as an escrow fund; disbursed to persons who are entitled thereto; or deposited with the Lawyers' Fund for safeguarding and disbursement to persons due the money.

This court rule has enabled the Lawyers' Fund to recover restitution from the trust accounts of two deceased lawyers. In both cases, the Fund had reimbursed clients of the dead lawyers for losses caused by their dishonest conduct in the practice of law.

Another problem existed with law client escrow funds which were unclaimed or owed to clients who were missing. To prevent the escheat of these funds to the State as abandoned property, the Appellate Divisions amended Disciplinary Rule 9-102 (f), as proposed by the Board of Trustees. This new rule

provides that if escrow funds are unclaimed or owed to a client who is missing, an application can be made for a court order directing that the money be deposited with the Lawyers' Fund for safeguarding and disbursement to persons who are entitled thereto.

Upon receipt of escrow funds which are unclaimed or owed to missing clients, the Fund's staff attempts to locate the owner of the funds in order to return the money to them. As of December 31, 2002, a total of 528 deposits of escrow funds unclaimed or owed to missing law clients were received by the Fund. These deposits total \$1.1 million. The search efforts of the Fund's staff successfully located 61 previously missing clients and restored over \$208,000 to them. The monies are maintained in a special escrow account in the state treasury.

The Dishonored Check Reporting Rule

A dishonored check drawn upon an attorney's special, trust or escrow account is a clear warning sign of the possible misuse of client funds. Too often, a client will accept an excuse offered by a dishonest attorney. This forbearance enables a dishonest lawyer to manipulate and conceal the misuse of other clients' funds.

The American Bar Association proposed a Model Overdraft Rule intended to deter and detect client losses. The Trustees in 1989 proposed to the Administrative Board of the Court that a form of the ABA's model rule be implemented by court rule in New York State. Discussions were held with representatives of the New York State Bankers and Bar Associations. The Appellate Divisions then promulgated necessary rule changes effective January 1, 1993.

New York court rules (22 NYCRR 1200.46(b)(1), (2); Part 1300) require that a lawyer maintain funds belonging to another person incident to the lawyer's practice of law in a special account separate from the lawyer's business, personal or other accounts. These separate fiduciary accounts must be designated as an "Attorney Special Account", or an "Attorney Trust Account", or an "Attorney Escrow Account". Lawyers may only use banks which have agreed to report dishonored checks on these accounts.

Nearly all banking institutions in New York State participate in this reporting rule. The Lawyers' Fund serves as a clearinghouse in this client protection program. Bounced check notices are mailed to the Fund's offices in Albany. They are held for 10 business days to allow banks to withdraw notices that were filed in error. If not withdrawn, each notice is forwarded to the appropriate attorney disciplinary committee for investigation. A lawyer/law firm named in a bounced check report is required to provide the committee with a written explanation for the transaction, and bank statements on the attorney trust account for the prior six months.

The Fund has processed approximately 4,600 bounced check reports with a total face amount in excess of \$90 million. The majority of bounced check notices result from innocent deficiencies in law office banking practices, not dishonest conduct. In these cases, the rule has served an educational role for the bar by alerting practitioners to the accounting, banking and recordkeeping requirements of the Lawyer's Code of Professional Responsibility.

Real estate practice has been identified by attorney disciplinary committees as the area which generates the highest percentage of bounced check reports. These reports are largely the result of lawyers issuing checks against uncollected funds in commercial and residential realty closings.

The Dishonored Check Reporting Rule is a proven loss prevention and detection device. Since 1993, approximately 90 lawyers have been identified and disciplined for misusing client funds because of bounced check reports. Many of those lawyers have been accused of dishonest conduct in claims to the Fund. There have been 48 dishonest attorneys whose misconduct was detected by the Dishonored Check Rule. These 48 lawyers have been involved in 290 awards of reimbursement totaling \$5.5 million. These lawyers surely would have caused greater losses if this client protection device was not in place.

The importance of the Dishonored Check Rule has been fortified by *Home Savings of America F.S.B. v. Amoros, et al.*, 233 A.D.2d 35, (1st Dep't 1997). In that action, the Appellate Division, First Department, held that a bank's failure to comply with the reporting provisions of the Dishonored Check Rule is *prima facie* evidence of its negligence. A more recent example of possible bank liability for failure to comply with the Rule's reporting requirements is *Lawyers' Fund for Client Protection v Dime Savings Bank*, No. 24711/99 (Sup. Ct., Nassau Co. 2001), *aff'd*, 294 A.D.2d 337 (2d Dep't 2002) which is discussed in the Appendix.

Claims Received and Processed

Claims Filed and Alleged Losses, 1982 to 2002

Since 1982, 11,334 claims have been filed with the Lawyers' Fund. These claims have alleged \$371 million in total losses. The lowest number of claims filed in any one year was 230 in 1984. In 1997, the record number of 1,128 claims were filed.

Filings by Category of Client Loss, 1982 to 2002

Claims filed with the Lawyers' Fund are classified into the following eight categories:

(1) trusts and estates; (2) real property escrow funds; (3) debt collection proceeds; (4) settlements in litigation; (5) other escrow transactions; (6) a lawyer's refusal to refund unearned legal fees; (7) embezzlements in investment transactions with law clients; and (8) a miscellaneous category of "other" for other claims.

By category, the largest number of claims seek reimbursement of unearned legal fees. Since 1982, the Fund has received 4,100 claims involving legal fees, or 36 percent of all claims filed. The second largest category of filed claims alleges losses in real property transactions. The Fund has received 2,278 claims in this category, approximately 20 percent of all filed claims.

The largest alleged dollar losses are in claims alleging losses from investment transactions with lawyers. Approximately 33 percent of all alleged losses stem from investment claims. These claims have alleged \$122 million in losses. Alleged losses involving thefts in real property transactions have totaled \$78 million in losses, or 21 percent of all reported losses. Approximately 19 percent of all alleged losses involve thefts from estates and trusts. These claims have alleged \$70 million in losses.

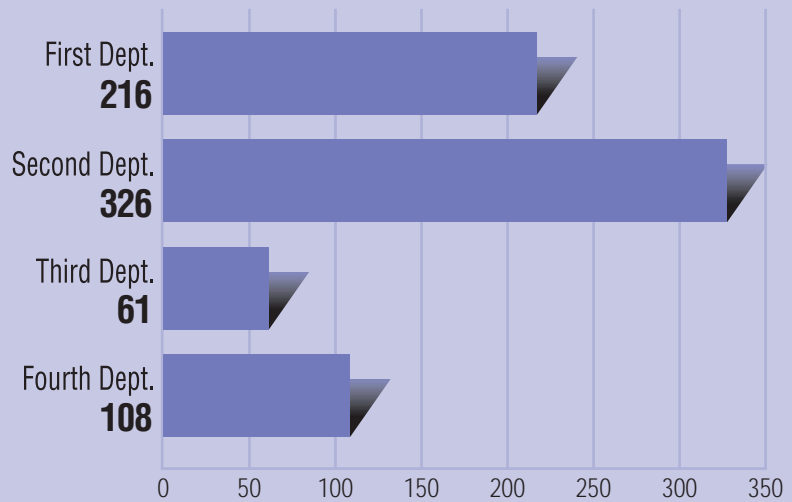
Lawyers Involved in Awards, 1982 to 2002

Only 711 former members of the bar have been responsible for the 5,428 awards granted by the Fund in 20 years. This is an increase of 28 dishonest lawyers from 2001. The lawyers involved in awards are identified in the Appendix, along with the judicial districts where they maintained their practices, and the total of the awards of reimbursement granted to their victims. The majority of thefts involve sole practitioners, the majority of which are male and middle-aged.

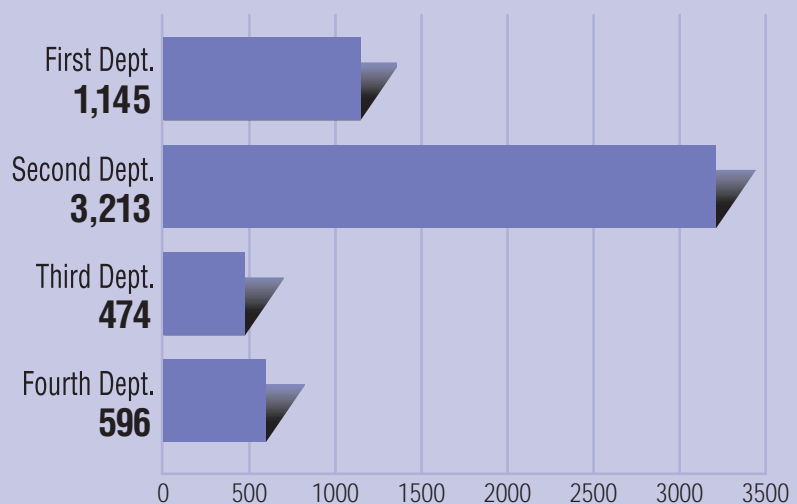
The apparent causes of misconduct by these lawyers is often traced to alcohol or drug abuse. Other causes are marital, professional and medical problems. Gambling and economic problems from the lawyer's practice or outside commercial activities also often contribute to misconduct.

The geographic distribution of these 711 former lawyers among the state's judicial departments is as follows:

Lawyers Involved in All Awards Since 1982



Distribution of Awards Since 1982



Claims Received and Processed

Claims Filed in 2002

In 2002, there were 499 claims filed with the Fund. This is 49 fewer claims than the 548 claims filed in 2001. The 499 claims in 2002 alleged total losses of \$21.8 million.

Once again, the largest single category of filed claims sought reimbursement of legal fees. Approximately 43 percent of all 2002 claims involved legal fees. These 213 claims alleged total losses of \$1.5 million.

The largest alleged losses in 2002 claims involve investment transactions with lawyers. These claims alleged losses of \$7.4 million. Alleged losses in real property transactions was the second largest category at \$6.1 million in alleged losses.

Awards of Reimbursement, 1982 to 2002

Since 1982, the Fund has approved 5,428 awards of reimbursement restoring \$97.3 million to eligible law clients. On average, since 1982, 91 percent of all eligible claimants have received full restitution.

By category, the largest number of awards approved are for unearned legal fees. Since 1982, the Fund has approved 1,564 claims involving legal fees, or 29 percent of all awards. The second largest category of reimbursement awards involve real property escrows. The Fund has approved 1,456 awards in this category, approximately 27 percent of all awards.

The largest dollar amount of awards approved by the Fund also involve real property escrows. These awards total \$31.1 million or 32 percent of all reimbursement awards. The second largest dollar amount of awards involve thefts from estates and trusts: \$27.5 million in reimbursement awards or 28.2 percent of all awards.

Awards of Reimbursement in 2002

In 2002, the Trustees approved 187 awards, an increase of 27 over the 160 awards granted in 2001. The awards in 2002 provided total reimbursement of \$5.7 million compared to \$5.3 million in 2001. All but three claimants in 2002 received full reimbursement for their eligible loss.

The awards ranged between \$200 and \$300,000. The median client loss, and award, was \$8,761, up from \$5,921 in 2001.

Only 51 former members of the bar were responsible for the dishonest conduct in awards in 2002. Of these 51 former lawyers, 23 were respondents in awards from prior years. The names of 28 dishonest lawyers appear for the first time in 2002 awards.

Ineligible Claims, 1982 to 2002

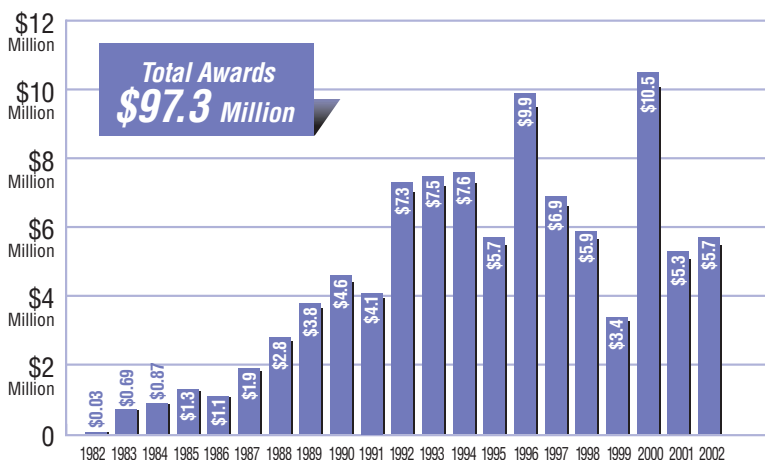
In 20 years, the Fund has rendered determinations in 11,165 claims. Of these 11,165 claims, 5,737 (51%) were found to be ineligible for reimbursement. Alleged losses in rejected claims since 1982 exceed \$229 million.

Claims Pending, December 31, 2002

The Fund ended 2002 with 229 pending claims. This is an increase of 31 over the 198 claims which were pending on December 31, 2001.

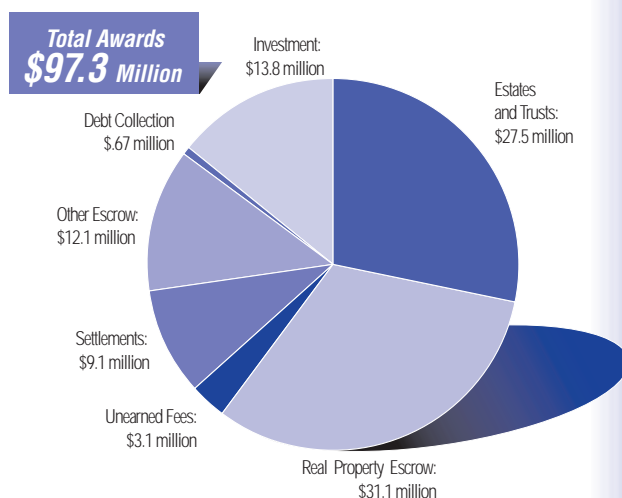
These 229 pending claims allege total losses of \$13.7 million. The Fund's exposure on these pending claims, adjusted for the \$300,000 maximum limit on awards, is \$10.2 million.

Amount of Awards 1982-2002 BY YEAR



Amount of Awards

1982-2002 BY CATEGORY OF LOSS



Recommendations

Since 1982, the Trustees have recommended changes in policy and legal practice to protect legal consumers from dishonest conduct in the practice of law. These annual recommendations are made as part of the statutory responsibility of the Lawyers' Fund to maintain the integrity and protect the good name of the legal profession as well as promote public confidence in the administration of justice in New York State.

Alcohol and Substance Abuse in the Legal Profession

The Trustees have witnessed the economic and emotional harm suffered by law clients of lawyers with alcohol and substance abuse problems. Over the Fund's 20 years, a large percentage of the Fund's awards have resulted from misconduct attributed to these addictions.

Chief Judge Kaye established in 1999 the Commission on Alcohol and Drug Abuse in the Legal Profession in order to institute a comprehensive statewide effort to combat the problems of lawyer alcohol and substance abuse. The Commission recommended the establishment of the "Lawyer Assistance Trust", a permanent entity charged with the mission of marshaling statewide resources and awareness to the prevention and early treatment of alcohol and substance abuse among lawyers, judges and law students.

The Trustees fully support the Lawyer Assistance Trust and its early efforts to publicize the dangers of substance abuse and availability of assistance. The Trustees encourage grant programs for substance abuse prevention projects and agree with the Trust's focus on the vital role law schools can play in identifying and preventing substance abuse.

Bar Examinations

The Trustees continue to recommend that the State Board of Law Examiners test candidates for the New York bar examination for knowledge and competence with respect to a lawyer's fiduciary

obligations to safeguard and account for law clients' money and property as required by Disciplinary Rule 9-102 of the Lawyer's Code of Professional Responsibility. The Trustees firmly believe that our system of legal education should prepare students for this vital aspect of lawyering.

The general law school curriculum does not provide law students with the necessary knowledge or skills to properly administer client trust funds as fiduciaries or escrow agents. These skills can and should be taught and enhanced through the bar examination and New York's Continuing Legal Education program. Attorney accounting and recordkeeping should be included as fundamental subjects for legal education.

Disbarment for Conversion

The Trustees again recommend a consistent, firm statewide disciplinary policy imposing disbarment for a lawyer who injures clients by converting escrow funds. This clear, evenhanded penalty will deliver a strong message to victims, the public and lawyers about the administration of justice in our State.

The Trustees are grateful to the Appellate Divisions and their disciplinary staff for including orders of restitution in disbarment proceedings involving clear cases of lawyer theft. This important use of the provisions of the Judiciary Law has proven to be beneficial to victims and the Lawyers' Fund.

Confidentiality in Lawyer Discipline Proceedings

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 the court sustains the charges of misconduct lodged against the respondent lawyer.

Confidentiality should not remain in disciplinary proceedings when a court has probable cause that a lawyer has stolen law client funds. The Trustees' experience over twenty years has demonstrated that dishonest lawyers can and do exploit the laws of confidentiality to conceal dishonest and criminal activity.

The Trustees also recommend that court rules and policies statewide require that the local District Attorney be notified whenever an attorney disciplinary committee has evidence of a larceny by a lawyer in the practice of law. A lawyer who steals should not be shielded from criminal prosecution by confidentiality.

Bank Notices to Fiduciaries

The Trustees' experience in claims involving the theft of estate or trust assets has shown that these types of losses can be concealed when someone other than the fiduciary controls the bank account and 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 estate's monthly bank statement. Existing law requires every bank to have written proof of a fiduciary's appointment before it can open an estate or similar trust account. It would not be a burden on banks to require the mailing of a copy of the monthly bank statement to the fiduciary's residence. This simple step would discourage and detect thefts.

Absent legislative action, the Trustees propose that a court rule be adopted which would prohibit lawyers from depositing fiduciary monies in banking institutions that do not agree to send copies of monthly bank statements to the legal fiduciaries of these estates and trusts. Such a rule could be patterned after the Dishonored Check Reporting Rule which has proven to be a successful theft detection device.

Thefts by Suspended, Disbarred and Bogus Lawyers

The unauthorized practice of law is a misdemeanor under New York's penal laws. This crime though is seldom criminally prosecuted. In addition, the attorney disciplinary committees do not have the resources to monitor lawyers who have been suspended or disbarred. These shortcomings in law enforcement encourage the illegal practice of law, and the exploitation of the public, lawyers, judges and court personnel.

Recommendations

The Office of Court Administration maintains an Official Register of Attorneys, which includes current licensing information. (See Judiciary Law §468). The Official Register also assigns to each lawyer a unique identification number. At the urging of the Trustees, the Legislature in 1988 declared the Official Register a public record.

The Trustees recommend a rule of court that every lawyer be required to endorse his or her Attorney Registration Number on each pleading or brief that the lawyer files with a court or a court agency. That simple endorsement will provide a cost-free and reliable opportunity to verify the credentials of persons who claim to be licensed to practice law in the Empire State.

The Trustees also recommend passage of pending legislation which would authorize the state attorney general to pursue criminal prosecutions for the unauthorized practice of law. This additional enforcement of the penal laws will serve to protect the public and deter the illegal practice of law.

Escrow Thefts in Real Property Transactions

Since 1982, approximately 27 percent of all awards from the Lawyers' Fund have involved documented thefts in the sale and purchase of real property. In 2002, 42 percent of all awards by the Fund reimbursed the theft of real property escrows. In twenty years, the Trustees have restored \$31 million in established thefts of this type totaling \$34.7 million.

These losses typically occur in residential transactions, and often involve the theft of the buyer's down payment by the seller's attorney. These losses can be sizeable, especially downstate where the standard down payment is 10 percent of the purchase price.

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 example, the Department of Law protects escrow accounts in condominium and cooperative conversions. Escrow deposits in the purchase and sale of residences are deserving of comparable protection.

The Trustees also recommend that legal consumers in real estate transactions be provided

with educational material concerning their escrow rights. This should assist escrow beneficiaries in monitoring the handling of their escrow funds and detecting and preventing losses from occurring.

Interest on Down Payments Held in Escrow

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 permits the escrow agents to use a non-interest bearing bank account. The Trustees recommend 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.

We know of no sound reason for using non-interest bearing bank accounts in light of the state of modern banking and electronic technology. We also believe that legal consumers, and their lawyers, would be more vigilant in these escrow transactions if the law provided them with an economic interest in the form of bank interest.

Escrow Accounts of Suspended and Disbarred Lawyers

Present court rules in New York make no specific provision for the transfer or protection of law client escrow funds and property in possession of members of the bar who are suspended or disbarred for professional misconduct. The Trustees are concerned that law client assets are not adequately safeguarded when it is clear that they may be in danger if left under the control of a lawyer who has lost his or her license to practice law for serious misconduct.

The Trustees recommend the enactment of clear and precise court rules directing a suspended or disbarred lawyer to transfer client funds and property, prohibiting further use of attorney escrow accounts and restraining

escrow account funds in jeopardy. These measures will protect the interests of legal consumers.

Interim Suspensions and Restraining Escrow Funds

Court Rules in New York State allow for the temporary suspension of an attorney when there is a judicial finding that the attorney is guilty of professional misconduct immediately threatening the public interest. The temporary suspension remains in effect until the consideration of disciplinary charges against the attorney.

The Trustees propose that these court rules be augmented by granting discretion to the Appellate Divisions to restrain attorney escrow accounts of lawyers who are determined to be a public threat. This client protection measure will safeguard client funds which are likely in jeopardy.

Multijurisdictional Practice and Pro Hac Vice Rules

Bar leaders in New York State are now considering issues involving the multijurisdictional practice of law and whether there should be greater freedom for lawyers to practice in states where they are not admitted to the bar. The Trustees are concerned about the impact multijurisdictional practice of law will have on legal consumers, the Lawyers' Fund and our disciplinary system.

The Trustees recommend that any changes in court rules which permit out-of-state attorneys to practice law in New York State should also require that they contribute financially to our State's disciplinary system and the Lawyers' Fund. If the Lawyers' Fund and our disciplinary system will be called on to assume liability for potential misconduct by foreign attorneys, it is only fair that out-of-state attorneys authorized to practice law here share in the responsibilities all New York attorneys bear in our justice system.

Afterword

It is an honor to serve as a Trustee of the Lawyers' Fund, and a rewarding experience, personally as well as professionally. The overwhelming support which the Fund has received from 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.

As Chief Judge Kaye notes in her foreword, the Trustees' continuing experience is that the vast majority of New York's legal profession are honest and caring and observe the highest standards of integrity when entrusted with law client money and property. While incidents of dishonest conduct in the practice of law persist, the lawyers responsible for this misconduct are a tiny percentage of the bar's total membership.

As one of the smallest of government agencies, the Lawyers' Fund relies greatly upon the kindness and support of colleagues in public service. As in prior years, 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 Office of Court Administration for their stalwart support, the efficient collection of our revenue, technical assistance in budgeting and administration;
- The staffs of Attorney Grievance Committees statewide for their unfailing help and cooperation in investigating claims, securing restitution orders in disciplinary proceedings, and the compassion and support they provide to victims of dishonest lawyers;
- The Attorney General and his assistants for their expert legal counsel; and
- Assistant District Attorneys for their efforts to secure restitution or orders of restitution for victims of dishonest conduct in the criminal justice process;
- 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.

“ 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 unetical members of the legal community.”

— Message from claimant, 2000

The Fund's mission is to maintain the integrity and protect the good name of the legal profession, protect law clients from dishonest conduct in the practice of law, and promote public confidence in the administration of justice in New York State.

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

— Message from claimant, 1996

Appendix

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	869	7.7%	\$70,133,156	18.9%
Real Property Escrow	2,278	20.1%	\$78,563,029	21.2%
Unearned Fees	4,100	36.2%	\$16,777,382	4.5%
Settlements	794	7.0%	\$20,377,953	5.5%
Other Escrow	979	8.6%	\$43,207,293	11.6%
Debt Collection	605	5.3%	\$2,061,293	0.6%
Investment	1,188	10.5%	\$122,587,157	33.0%
Other	521	4.6%	\$17,395,273	4.7%
Totals:	11,334	100%	\$371,102,536	100%

Losses Reported in 2002 Claims

Category of Client Loss	Number of Claims	Percent of all Claims	Amount of Loss Alleged	Percent of all Losses
Estates & Trusts	21	4.2%	\$1,206,726	5.5%
Real Property Escrow	101	20.2%	\$6,060,869	27.8%
Unearned Fees	213	42.7%	\$1,498,768	6.9%
Settlements	32	6.4%	\$1,597,542	7.3%
Other Escrow	45	9.0%	\$2,786,417	12.8%
Debt Collection	0	0.0%	\$0	0.0%
Investment	37	7.4%	\$7,395,333	33.9%
Other	50	10.0%	\$1,252,070	5.7%
Totals:	499	100%	\$21,797,725	100%

Client Losses in 2002 Awards

Category of Client Loss	Number of Awards	Percent of All Awards	Amount of All Awards	Percent of Awards	Client Losses Involved	Percent of All Losses	Percent of All Losses Reimbursed
Estates and Trusts	8	4.3%	\$382,606	6.7%	\$382,606	6.5%	100.0%
Real Property Escrow	79	42.2%	\$2,984,538	52.0%	\$3,124,538	53.1%	95.5%
Unearned Fees	57	30.5%	\$151,949	2.6%	\$151,949	2.6%	100.0%
Settlements	11	5.9%	\$270,156	4.7%	\$270,156	4.6%	100.0%
Other Escrow	19	10.2%	\$856,494	14.9%	\$856,494	14.6%	100.0%
Debt Collection	0	0.0%	\$0	0.0%	\$0	0.0%	0.0%
Investment	13	7.0%	\$1,096,758	19.1%	\$1,096,758	18.6%	100.0%
Totals	187	100%	\$5,742,501	100%	\$5,882,501	100%	

Client Losses in All Awards Since 1982

Category of Client Loss	Number of Awards	Percent of All Awards	Amount of All Awards	Percent of Awards	Client Losses Involved	Percent of All Losses	Percent of All Losses Reimbursed
Estates and Trusts	600	11.1%	\$27,466,165	28.2%	\$48,150,344	36.0%	57.0%
Real Property Escrow	1,456	26.8%	\$31,050,550	31.9%	\$34,713,450	26.0%	89.4%
Unearned Fees	1,564	28.8%	\$3,070,506	3.2%	\$3,095,606	2.3%	99.2%
Settlements	442	8.1%	\$9,057,864	9.3%	\$9,604,561	7.2%	94.3%
Other Escrow	599	11.0%	\$12,125,411	12.5%	\$18,881,658	14.1%	64.2%
Debt Collection	448	8.3%	\$661,184	0.7%	\$716,184	0.5%	92.3%
Investment	319	5.9%	\$13,823,176	14.2%	\$18,468,538	13.8%	74.8%
Totals	5,428	100%	\$97,254,856	100%	\$133,630,341	100%	

Appendix

Claims Activity Since 1982

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	Totals
Claims Filed	534	375	230	332	341	311	351	486	438	515	627	636	598	909	730	1128	812	442	492	548	499	11,334
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	\$24.3	\$15.9	\$20.5	\$22.6	\$21.8	\$371.1
Claims Approved	1	494	130	183	178	159	202	177	219	200	288	318	362	383	381	625	415	161	205	160	187	5,428
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	\$6.8	\$3.7	\$14.2	\$5.3	\$5.9	\$133.8
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	\$5.9	\$3.4	\$10.5	\$5.3	\$5.7	\$96.9
Lawyers Involved	1	13	26	43	26	24	36	26	38	44	38	52	45	60	38	39	29	28	49	28	28	711
% Losses Reimbursed	50%	46%	46%	52%	85%	95%	74%	60%	96%	71%	54%	60%	73%	64%	72%	76%	87%	92%	74%	100%	97%	
% Clients Fully Reimbursed	0.0%	73.5%	65.4%	38.8%	91.0%	98.7%	99.5%	97.7%	96.3%	93.5%	95.0%	94.3%	94.2%	97.6%	93.7%	97.6%	98.9%	99.4%	96.6%	100.0%	98.0%	
Claims Disallowed	33	201	105	73	164	120	119	169	186	360	253	384	247	366	439	620	522	383	329	383	281	5,737
Total Dispositions	34	695	235	256	342	279	321	346	405	560	540	702	610	749	820	1245	937	544	534	543	468	11,165
Claims Pending Dec. 31	500	180	175	251	250	282	312	452	485	440	526	460	449	609	579	462	337	235	193	198	229	
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	\$18.0	\$16.1	\$10.2	\$11.1	\$13.7	
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	\$11.3	\$11.6	\$8.3	\$9.2	\$10.2	
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	\$6.6	\$6.3	\$3.4	\$4.1	\$5.4	

Appendix

NY State Finance Law, Section 97-t.

LAWYERS' FUND FOR CLIENT PROTECTION OF THE STATE OF NEW YORK.

1. There is hereby established in the custody of the state comptroller a special fund to be known as the "lawyers' fund for clients protection of the state of New York".
2. The full amount of the allocable portion of the biennial registration fee collected pursuant to the provisions of section four hundred sixty-eight-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, shall be deposited to the credit of the lawyers' fund for client protection of the state of New York. All deposits of such revenues not otherwise required for the payment of claims as hereinafter prescribed shall be secured by obligations of the United States or of the state having a market value equal at all times to the amount of such deposits and all banks and trust companies are authorized to give security for such deposits. Any such revenues in such fund, may be invested in obligations of the United States or of the state, or in obligations the principal and interest on which are guaranteed by the United States or by the state.

NY Judiciary Law, Section 468-b.

CLIENTS' SECURITY FUND OF THE STATE OF NEW YORK.

1. The court of appeals shall appoint a board of trustees to administer the lawyers' fund for client protection of the state of New York established pursuant to section ninety-seven-t of the state finance law. Such board shall consist of seven members. Of the trustees first appointed, three shall be appointed for a term of three years; two for a term of two years; and two for a term of one year. As each such term expires, each new appointment shall be for a term of three years. The court of appeals may require such reports or audits of the board as it shall from time to time deem to be necessary or desirable.
2. The board shall have the power to receive, hold, manage and distribute the funds collected hereunder for the purpose of maintaining the integrity and protecting the good name of the legal profession by reimbursing, in the discretion of the trustees to the extent they may deem proper and reasonable, losses caused by the dishonest conduct of attorneys admitted to practice in this state. For purposes of this section, the term "dishonest conduct" shall mean misappropriation or wilful misapplication of clients' money, securities, or other property, by an attorney admitted to practice in this state.
3. The board of trustees shall adopt regulations for the administration of the lawyers' fund for client protection of the state of New York and the procedures for presentation, consideration, allowance and payment of claims, including the establishment of a maximum limitation for awards to claimants.
4. The board of trustees shall have the sole discretion to determine the merits of claims presented for reimbursement, the amount of such reimbursement and the terms under which such reimbursement shall be made. Such terms of reimbursement shall require that the claimant

execute such instruments, take such action or enter into such agreements as the board of trustees shall require, including assignments, subrogation agreements and promises to cooperate with the board of trustees in making claims against the attorney whose dishonest conduct resulted in the claim.

5. The board of trustees shall serve without compensation but shall be entitled to receive their actual and necessary expenses incurred in the discharge of their duties.
6. The board of trustees may employ and at pleasure remove such personnel as it may deem necessary for the performance of its functions and fix their compensation within the amounts made available therefor.
7. The board of trustees shall be considered employees of the state for the purpose of section seventeen of the public officers law.
8. All payments from the lawyers' fund for client protection of the state of New York shall be made by the state comptroller upon certification and authorization of the board of trustees of said fund.
9. Acceptance of an award of reimbursement from the lawyers' fund for client protection shall, to the extent of such award, (a) subrogate the fund to any right or cause of action that accrued to the claimant as a consequence of the dishonest conduct that resulted in the claimant's award and (b) create a lien in favor of the fund that shall attach to any money asset that is designated to be paid to the claimant from, or on behalf of, the attorney who caused the claimant's loss. If the fund fully reimburses the claimant's loss, as determined by the board of trustees, the lien shall be in the amount of the fund's award. If the claimant's loss exceeds the fund's award, the lien shall not extend to the claimant's right to recover additional restitution from the attorney for the claimant's unreimbursed loss. In the event of a recovery by the fund, a claimant shall be entitled to any money recovered in excess of the fund's award of reimbursement to the claimant.

* So in original. Probably should be "Lawyers' Fund for Client Protection of the State of New York".

Case Law Involving the Lawyers' Fund

Lawyers' Fund v. Bank Leumi Trust Company, et al., 94 N.Y.2d 398 (2000). Clarified the right of the Lawyers' Fund to recover more than it paid on a claim, and the amount of the drawee's liability on a check which is negotiated bearing a forged payee endorsement.

Clients' Security Fund v. Goldome, 148 Misc.2d 157 (Sup. Ct., Monroe Co. 1990) Fund granted summary judgment 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.

Lawyers' Fund for Client Protection v. Manufacturers Hanover, 153 Misc.2d 360 (Sup. Ct., Albany Co. 1991), 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) Recognized the Fund's capacity to assert the "sovereign's prerogative right" under common law to priority as a creditor. 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. (see also, *Mtr. 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, 239 A.D.2d 826 (3d Dept. 1997), Extended the Fund's creditor rights in a forged endorsement case and applied a six-year statute of limitations, in contract, to the Fund's subrogation claim against a disbarred lawyer's depository bank.

Lawyers' Fund for Client Protection v. Gateway State Bank, 181 Misc.2d 660 (Sup. Ct. Albany Co. 1999). On remand, the court granted summary judgment to the Lawyers' Fund, notwithstanding the bank's claim that it acted in a reasonably commercial manner in servicing this attorney escrow account.

Lawyers' Fund for Client Protection v. Gateway State Bank, 273 A.D.2d 565 (3d Dept. 2000). On appeal, the court upheld the denial of the bank's motion for summary judgment, but reversed the summary judgment granted the Fund on the basis that there was insufficient evidence to hold as a matter of law that the defendant bank had failed to act in accordance with reasonable commercial standards.

Fergang v. Flanagan, 174 Misc.2d 790 (Sup. Ct., Nassau Co., 1997), *aff'd* 259 A.D. 2d 598 (2d Dept. 1999) Clarified the liabilities of payee and depository banks in forged endorsement litigation. *Aff'd*, 259 A.D. 2d 597 (2nd Dept., 1999).

Lawyers' Fund v. Chemical Bank, 246 A.D.2d 403 (1st Dept. 1998). The decision holds that a law client who loaned a portion of her personal injury settlement to her law firm ratified the forgery of her endorsement on the settlement check. The ratification occurred despite the claimant's ignorance of the forgery and her status as a co-payee.

Lawyers' Fund v. Bank Leumi Trust Co., et al., 286 A.D.2d 836 (3rd Dept. 1998). The Fund appealed the denial of summary judgment on its subrogation claim to recover the face amount of a forged personal injury settlement check "payable through" the insurer's bank. The Appellate Division reversed and granted judgment to the Fund for the amount of its award.

Lawyers' Fund for Client Protection v Dime Savings Bank, No. 24711/99 (Sup. Ct., Nassau Co. 2001), *aff'd*, 294 A.D.2d 337 (2d Dept. 2002). Held that the Fund could proceed with causes of action in negligence and breach of contract against a dishonest lawyer's depository bank for its failure to provide the Fund with notices of dishonored checks drawn upon the lawyer's escrow account.

Matter of Natale, 211 A.D.2d 36 (2d Dept. 1995). The Appellate Division implemented a unique restitution arrangement and authorized the Lawyers' Fund to administer a reimbursement pool financed by legal fees owed to the disbarred lawyer permitting the Fund to fully reimburse a young woman's \$388,000 catastrophic loss.

Matter of Dussault, 215 A.D.2d 843 (3d Dept. 1995) The Court 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.

Appendix

Article 78 Proceedings

Matter of Tabak v. Lawyers' Fund, 166 Misc.2d 502 (Sup. Ct., Albany Co. 1995). Challenged the Trustees' determination that the alleged loss involved a default on a personal loan with the claimant's attorney, not dishonest conduct constituting a theft of law client money in the practice of law. In sustaining the Trustees' determination, 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.

Matter of Bluth v. Lawyers' Fund, No. 044062/97 (Sup. Ct., Kings Co. 1998), *aff'd* 259 A.D.2d 543 (2d Dept 1999). Held that the "The Lawyers' Fund . . . properly exercised its discretion in this proceeding." wherein the Trustees determined the claimant did not provide satisfactory evidence of an eligible loss in a real estate transaction with a lawyer who was disbarred for unrelated professional misconduct.

Matter of Haskins v. Lawyers' Fund, No. 25544/1999 (Sup. Ct., Suffolk Co. 1999), *rev'd*, 286 A.D.2d 440 (2d Dept 2000). Reimbursement was denied when the Board determined that the claimant did not provide satisfactory evidence establishing that his loss resulted from a theft of escrow money, as opposed to the repayment of a loan to his attorney. The lower court annulled the determination of the Board. The Appellate Division, Second Department, reversed the Supreme Court on August 20, 2001 holding that "the determination by the board of trustees was not arbitrary or capricious."

Matter of Beutz v. Lawyers' Fund, 187 Misc.2d 359 (Sup. Ct. Albany Co. 2000). Affirmed determination of Trustees which denied reimbursement to a claimant who delivered monies to his lawyer in order to bribe public officials. The Court reviewed the Fund's thorough investigation of the claim and the ample opportunities provided to the claimant to establish eligibility of his loss. The Court determined that there was a rational basis for the Trustees concluding that the claimant's own criminal conduct substantially contributed to his loss.

Matter of Plater v. Lawyers' Fund, No. 7340-00 (Sup. Ct., Albany Co. 2000), *aff'd* 294 A.D.2d 719 (3d Dept 2002), leave to appeal denied, ___N.Y.2d ___ (November 2002). The Fund administratively dismissed as an ineligible fee dispute the claim seeking reimbursement of legal fees paid for criminal defense. The Court dismissed the Article 78 petition and held that the Fund's determination "had a rational basis, and was not arbitrary, capricious or made in violation of lawful procedure."

Matter of Saferstein, No. 933/01 (Sup. Ct., Albany Co., 2001), *aff'd* 298 A.D.2d 726 (3d Dept 2002), leave to appeal denied, ___N.Y.2d ___ (January 2003). The Trustees determined that the claimant's loss did not qualify for reimbursement since it appeared to result from a failed business loan, not dishonest conduct constituting a misappropriation of law client funds. The Article 78 Petition was dismissed as untimely. The Appellate Division, Third Department, affirmed holding that the judicial challenge was time barred, and that the Fund's determination was final and the statutory period for an Article 78 began to run on the date that the claimant signed for and received the Fund's letter stating that the denial of the claim was final.

Trustees' Regulations

(22 NYCRR 7200, et seq.)

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

Trustees' Regulations

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; losses incurred by business organizations having twenty or more employees; and losses arising from financial transactions with attorneys that do not occur within an attorney-client relationship 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 \$300,000.

(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 reimbursement 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' Regulations

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 trustees at least seven days before the meeting. New regulations, amendments and repeals shall be published in the State Register. Copies of all regulations shall be made available to the public at all offices of the fund.

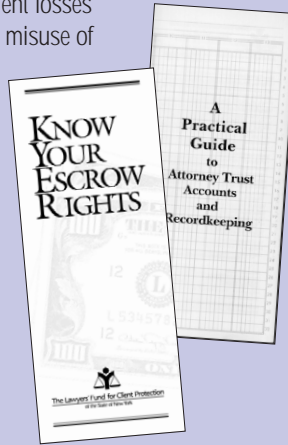
7200.17 Construction of regulations. These regulations shall be liberally construed to accomplish the objectives of the fund and the policies of the trustees.

Lawyers' Fund Publications

Know Your Escrow Rights (1995), a plain-English guide to the law of escrow. This consumer pamphlet was prompted by the fact that nearly 30 percent of all client losses involve lawyers' misuse of escrow funds.

Know Your Escrow Rights has been widely distributed 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 (1995)**, with citations to relevant cases, statutes and administrative regulations. Complimentary copies are provided, in bulk, to all bar associations and law schools in New York.



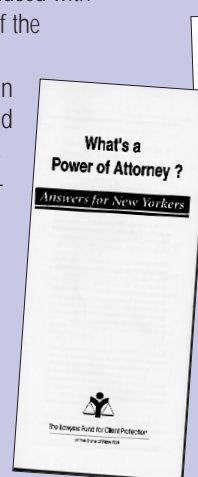
Attorney Trust Accounts: The Video

(1996). Produced with the New York State Bar Association. 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.



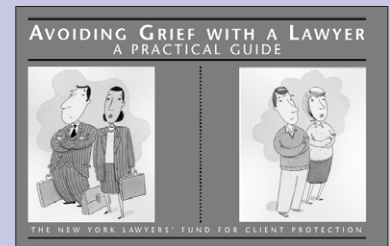
What's A Power of Attorney? Answers for New Yorkers (1996)

Produced with the Government Law Center of the Albany Law School of Union University. 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. The pamphlet has been widely distributed to the senior citizen community, including 100,000 copies



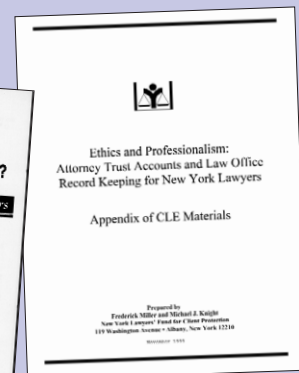
sponsored by the New York State Department of Law.

Avoiding Grief With A Lawyer — A Practical Guide (1998). This consumer brochure identifies possible sources of dispute in an attorney-client relationship, warning signs of troubles and problems, and ways to avoid and deal with them. The pamphlet has been distributed to bar associations, consumer protection agencies, legislative offices, and New York State public libraries. A special version of this consumer brochure was prepared for the Attorney General's Office and the New York State Unified Court System.



Appendix of CLE Materials (1999)

New York's Mandatory Continuing Legal Education program requires that members of the bar acquaint themselves with the fiduciary and record-keeping obligations of lawyers when they are entrusted with money and property belonging to clients and escrow beneficiaries. To assist bar associations and educational institutions develop CLE seminars in this area of practice, the Lawyers' Fund published this 70-page compendium of applicable statutes, court rules, ethics opinions of bar associations, and practical advice for lawyers and law firms.



Lawyers Involved in Awards Since 1982

Name	JD	Awards	Amount	Name	JD	Awards	Amount
Edward P. Abbott	6	1	\$10,624	Darrell L. Bowen	4	1	\$300
James E. Adel	8	3	\$18,656	Martin J. E. Bowers	10	1	\$12,750
Mark I. Adelman	1	1	\$2,150	Jonathan N. Boxer	10	12	\$61,364
Howard B. Adler	1	6	\$903,948	Raymond D. Bradford	9	2	\$20,779
Cornelius M. Ahearn, Jr.	1	1	\$65,712	Karen E. Bragg	10	1	\$250
George E. Albright	7	1	\$2,150	E. Lawrence Brass	10	14	\$339,657
Alexis Alcide	11	1	\$7,200	Leo Bresler	10	2	\$100,000
David B. Alford	3	4	\$8,150	John D. Bridge	8	1	\$1,000
Donald A. Alleva, Jr.	9	3	\$4,938	Richard Brill	9	1	\$15,680
Nicholas P. Altomerianos	1	1	\$13,425	Trevor L. Brooks	1	1	\$21,021
David W. Alvey	2	10	\$490,852	Harold Brotman	10	1	\$6,667
Joseph Amaru	11	2	\$208,529	Bradford J. Brown	1	1	\$36,000
Robert B. Anderson	1	1	\$100,000	Kenneth E. Bruce	9	1	\$800
Thomas A. Andrews	1	1	\$300,000	Stephen Bruschi	1	1	\$1,500
Alvin Ashley	1	1	\$71,445	Alan I. Brutton	11	1	\$500
Jason Ashley	11	10	\$97,885	Joseph T. Burchill	6	1	\$25,000
Lewis G.P. Ashton	11	2	\$9,000	John R. Burgess	8	6	\$30,868
Harley D. Axelrod	7	5	\$107,128	Timothy K. Burgess	7	2	\$9,118
David A. Baker	5	10	\$61,627	W. Michael Burke	3	2	\$700
William F. Baker	5	2	\$28,556	William M. Burke	3	2	\$101,035
Richard L. Baltimore, Jr.	1	5	\$42,096	Jeffrey S. Burns	10	3	\$12,370
Norwood K. Banks	7	1	\$573	Gail D. Butler	1	2	\$55,650
John M. Barth	1	1	\$3,000	Nicholas Capobianco	7	4	\$6,530
Paul L. Beck	1	7	\$105,700	Russell J. Carbone	11	2	\$19,000
Irving Becker	1	10	\$16,330	William J. Carrigan, Jr.	5	3	\$85,342
Herbert H. Bell	1	1	\$40	John M. Cassel	3	1	\$65,000
William F. Benca	8	2	\$57,950	Stuart B. Cassell	11	35	\$486,387
Howard Benick	1	2	\$1,320	Frank V. Cassese	2	22	\$286,191
Michael D. Benjamin	2	1	\$900	Richard H. Cataldi	8	3	\$71,810
Bradley C. Bennett	7	2	\$7,554	Vincent J. Catalfo	1	1	\$45,000
Robert J. Bennison	5	1	\$15,815	Katherine R. Catanzarite	4	19	\$60,843
Richard H. Berg	9	2	\$2,000	Harvey Chaly	10	4	\$42,944
Adam H. Bernstein	7	3	\$40,339	John R. Chaney, Jr.	1	3	\$2,276
Harry J. Bernstein	11	16	\$216,742	John P. Charles	11	1	\$2,500
Peter N. Bertucci	1	1	\$25,000	Michael M. Chasen	12	6	\$38,708
Burton H. Besen	1	9	\$146,616	John D. Chestara	3	17	\$146,832
Jeffrey L. Besse	3	32	\$1,430,278	John M. Cholakis	3	1	\$52,383
Lassale Best, Jr.	2	1	\$1,000	James Ciccone	2	1	\$1,500
Jose M. Betancourt	12	2	\$21,961	Robert A. Cicola	10	11	\$258,396
James Bing	1	3	\$4,085	Frank A. Cissi	5	2	\$4,996
Charles Birnbaum	2	1	\$594	John D. Clark	8	1	\$750
Warren J. Black	1	1	\$20,576	Robert J. Clark	2	5	\$121,990
Walter H. Blaich, Jr.	9	7	\$385,835	A. Roger Clarke	7	5	\$193,183
Blaich & Dries	9	7	\$236,162	James F. Clarke	10	19	\$1,145,491
Lawrence Bluth	11	1	\$11,500	W. Andrew Clawson	7	19	\$305,715
Allen J. Bodner	1	1	\$100,000	Casey A. Clines	4	1	\$350
Howard J. Bodner	10	20	\$968,658	Joseph A. Cofino	12	2	\$3,500
Murray Bogatin	1	2	\$9,400	Daniel I. Cohen	1	4	\$81,720
Philip L. Boneta	2	3	\$19,533	James Harrison Cohen	1	5	\$57,055
Anthony J. Bonfiglio	1	3	\$114,000	Kenneth H. Cohn	6	9	\$4,010
Martin Borakove	1	2	\$16,101	Kenneth W. Cohn	10	1	\$16,077
Lee H. Bostic	11	4	\$31,583	Theresa N. Coletti	11	25	\$53,317

Lawyers Involved in Awards Since 1982

Name	JD	Awards	Amount	Name	JD	Awards	Amount
Joseph L. Colp	1	3	\$12,300	Paul Drager	9	1	\$500
Frank Coniglio	10	12	\$240,110	Arthur S. Drotzer	9	2	\$5,255
Kevin A. Conine	6	2	\$40,861	Robert G. Dubrow	10	1	\$28,428
Joseph A. Contino	8	2	\$200,000	Melvin G. Duke	2	1	\$1,500
Stephen E. Cooper	4	2	\$268,455	Peter J. Dunne	10	13	\$68,950
Edward M. Cooperman	10	3	\$12,700	Thomas A. Dussault	3	184	\$329,956
Kevin P. Corcoran	9	2	\$16,965	Roger L. Dworsky	4	6	\$4,200
William J. Corcoran	1	1	\$10,000	Saul L. Eagle	12	4	\$290,404
Gerald M. Cotter	10	28	\$990,471	Paul W. Eckelman	9	3	\$8,895
James P. Cotter	8	1	\$46,036	Eugene P. Edwinn	1	3	\$107,770
Catherine N. Coughlin	8	3	\$7,002	Louis A. Egnasko	2	66	\$1,921,450
Coxeter & Coxeter	3	1	\$50,000	Ehman & Marino	10	61	\$3,061,535
Ronald P. Crean	1	2	\$22,750	Howard Eisenberg	1	1	\$5,000
Gene Crescenzi	1	2	\$6,880	Robert A. Eisenberg	2	1	\$7,058
Domenick Crispino	1	16	\$731,564	Mitchell Eisenstat	1	2	\$3,675
John T. Crone	7	13	\$450,427	Dennis P. Elkin	11	1	\$250
Dennis D. Crowley	9	6	\$271,804	Robert S. Elkins	10	3	\$101,450
Marshall Oakes Crowley, Jr.	10	2	\$44,859	W. Joseph Embser	8	1	\$100,000
Martin J. Crowley	10	13	\$108,424	Charles E. Ennis	7	3	\$52,427
Thomas P. Cullen, Jr.	11	4	\$93,513	Michael L. Entes	2	2	\$10,000
David A. Curtin	8	12	\$43,388	Michael F. Erdheim	1	20	\$993,099
John L. Curtis	8	4	\$252,344	Steven M. Erdheim	9	23	\$12,840
R. Scott Daly	2	2	\$11,600	Jonathan Erickson	7	6	\$111,173
Benjamin F.L. Darden	6	2	\$67,088	Jerome J. Erlin	1	4	\$42,595
W. Timothy Darrah	10	3	\$300,136	John R. Esposito	12	1	\$5,700
Thomas P. Daubner	11	1	\$500	Gene Ira Esser	2	12	\$23,877
Kenneth P. Daumen, Sr.	8	1	\$3,211	F. Birt Evans, Jr.	4	12	\$28,022
Mehran W. Davidian	10	1	\$5,000	James C. Farrington	3	1	\$15,560
James J. Davitt	2	1	\$100,000	Arnold H. Fassler	11	12	\$111,658
Mark D. Deinhart	8	5	\$592,734	James H. Fay	2	1	\$400
Lawrence DeMayo	2	20	\$217,422	Charles L. Feely	1	3	\$256,906
John L. Desmond	3	1	\$56,000	Milton Feinman	1	9	\$520,987
Bertram S. Devorsetz	9	2	\$1,100	Harvey Felton	9	1	\$40,426
James G. deWindt	10	2	\$1,000	John F. Felton	1	2	\$7,000
Steven H. Dickman	10	7	\$59,339	Willie R. Felton	7	29	\$134,491
Edward W. Dietrich	5	1	\$36,598	Perry V. Ferrara	10	58	\$1,645,861
Salvatore DiMisa	10	2	\$55,533	Steven B. Fidelman	11	9	\$78,532
Vincent R. DiPasquale	8	6	\$262,277	Carl M. Field	10	24	\$173,904
Robert E. Dizak	1	19	\$170,293				
Birol John Dogan	1	6	\$43,673	Timothy A. Fischer	8	1	\$155
Jerrold A. Domingo	1	3	\$19,000	Fischer & Quaintance	8	2	\$110,897
Myron Domskey	10	3	\$3,500	Michael G. Flanagan	1	13	\$884,137
Paul B. Donohue	9	1	\$750	Florien Carl Flierl	8	8	\$65,695
Michael J. Donovan	1	1	\$27,531	Dan Foley	9	1	\$203
Walter M. Donovan	8	23	\$75,050	Joseph M. Fonte	2	2	\$12,500
H. Paul Doucette, Jr.	7	9	\$16,200	Seymour Forman	1	1	\$500
George E. Dougherty, Jr.	3	6	\$140,388	Harry A. Foster	1	3	\$40,092
William J. Dougherty	10	5	\$124,795	Robert L. Fraser	7	4	\$16,846
Frank J. Doupona	9	10	\$602,595	Paul I. Freedman	1	49	\$117,305
Charles H. Downing	1	2	\$6,362	Andrew J. French	10	1	\$9,619
James L. Dowsey, III	10	1	\$8,500	Mark G. Fresco	1	5	\$61,961

Lawyers Involved in Awards Since 1982

Name	JD	Awards	Amount	Name	JD	Awards	Amount
Sydney Friedler	10	27	\$365,711	Harold W. Grubart	1	3	\$184,335
Arthur S. Friedman	2	1	\$12,916	James R. Gunderman	8	8	\$269,978
Martin Fries	11	17	\$81,713	Sidney J. Guran	2	1	\$12,159
Alfred L. Fritz, III	8	21	\$86,766	John A. Gussow	2	30	\$522,568
Daniel R. Fruitbine	1	1	\$8,750	John A. Guzzetta	1	1	\$6,395
Jerome H. Funk	9	22	\$12,049	Richard A. Gwynn, Jr.	5	8	\$8,239
Henry G. Fury	9	9	\$150,341	Richard J. Haas	3	3	\$16,800
Dumas Gabbriellini	1	1	\$4,950	Paul E. Haberman	1	1	\$300,000
Wayne K. Gabel	9	1	\$11,437	David S. Haberman	10	1	\$27,798
Ross M. Gadye	1	1	\$2,360	Robert E. Haley	1	7	\$100,800
Yoram Gafni	1	5	\$7,550	Clifton E. Hall	11	3	\$16,465
Arthur J. Gallancy	1	1	\$21,500	Harold A. Hall	2	1	\$13,300
John E. Galligan, Jr.	2	3	\$4,827	Fred J. Halsey, Jr.	1	3	\$69,803
William M. Gallow, Jr.	3	1	\$49,397	Herbert I. Handman	1	1	\$16,500
Frank P. Gangemi	2	20	\$1,357,345	H. Roger Hantman	10	1	\$3,000
Hiram S. Gans	9	2	\$85,000	John L. Hargrave, Sr.	8	3	\$44,051
Francis P. Garofalo	2	3	\$64,000	Alan David Harris	10	5	\$342,033
Edward M. Gasperi	4	5	\$8,231	Alan Jay Harris	1	1	\$14,081
Michael S. Gawel	8	1	\$1,200	H. Hawthorne Harris	9	1	\$5,093
Jack O. Gaylord	8	1	\$12,332	Herbert Harris, Jr.	1	2	\$48,833
Aaron Gelbwaks	1	1	\$229,553	Leon Sol Harris	1	3	\$30,060
James G. Gembarosky	8	7	\$15,426	Peter Andrew Harris	7	8	\$224,475
Frank P. Giamrita	2	2	\$7,500	Morton H. Hartmann	1	3	\$54,576
Anne O. Gilde	2	1	\$1,045	Robert T. Hartmann	9	3	\$42,149
Thomas Eric Gill	10	6	\$87,500	John J. Hayden	9	5	\$25,800
James Gilmartin	1	2	\$3,613	Richard T. Heelan	10	3	\$6,075
Joseph A. Giorgi	7	1	\$4,685	Alan A. Herman	1	1	\$65,000
Jarrett F. Glantz	1	25	\$1,789,786	Eric E. Heron, Jr.	11	3	\$28,485
Harold L. Goerlich	10	4	\$65,178	Alfred L. Hetzelt, Jr.	8	1	\$100,000
Roger J. Gofton	9	2	\$182,800	John Higginbotham	1	2	\$5,000
Fred Gold	11	3	\$113,250	Leo N. Hirsh	1	2	\$27,083
Henry S. Goldman	9	9	\$224,823	Michael Hirsch	10	2	\$53,127
Barry E. Goldrod	1	1	\$51,357	Ralph Hochstein	1	1	\$1,000
Charles H. Goldstein	10	1	\$43,000	Robert I. Hodes	1	2	\$20,605
Alan R. Golkin	8	5	\$269,624	Walter Hofer	1	8	\$85,880
Oscar Gonzales-Suarez	1	1	\$5,000	Frank Hoeffey	1	1	\$4,500
Michael W. Goodman	11	4	\$220,055	Douglas R. Hoffmann	10	7	\$62,125
Robert M. Gordon	1	6	\$29,870	William J. Holden	9	12	\$436,677
John P. Gorman	9	2	\$36,000	A. Robert Holman, III	10	458	\$203,958
Jack Gottlieb	2	8	\$74,576	Antoinette Holmes	12	19	\$664,171
Lora C. Graham	9	2	\$1,655	Harold Holtman	10	25	\$319,446
Barry J. Grandeau	9	377	\$564,211	Robert Kent Holtsberry	5	1	\$2,178
S. Simpson Gray	9	9	\$8,928	Charles S. Horgan	1	1	\$2,500
Christopher J. Green	1	1	\$30,000	Valentine N. Horoshko	1	2	\$15,000
Milan K. Gregory	10	2	\$10,200	Donald G. Houghton	7	3	\$75,000
John N. Griggs, Jr.	1	2	\$350	Richard A. Howard	9	3	\$2,575
Robert S. Groban, Sr.	1	2	\$8,500	Ralph F. Howe	8	1	\$7,313
Joshua Gross	4	1	\$400	Edward L. Howlette	10	1	\$3,700
Murray S. Gross	2	1	\$8,000	Raymond K. Hsu	1	6	\$24,850
David B. Grossman	5	6	\$15,158	Rick T. Hubbard	10	5	\$25,650
Marc E. Grossman	9	16	\$192,501	John A. Huber	10	4	\$30,500

Lawyers Involved in Awards Since 1982

Name	JD	Awards	Amount	Name	JD	Awards	Amount
Thomas P. Hughes	4	2	\$10,914	A. James LaBue	7	6	\$298,928
Elissa L. Insler	12	1	\$21,551	Michael S. LaBush	9	2	\$3,250
William C. Israel	1	4	\$54,863	Jefferson T. Lalik	7	8	\$3,805
Hesper A. Jackson, Jr.	2	6	\$167,995	LaLoggia & Gorankoff	7	20	\$738,744
Saul Jakubowitz	1	6	\$24,718	Bernard H. LaLone, Jr.	3	1	\$22,210
Robert E. Johnson	2	1	\$38,000	Robert A. Lamar	10	20	\$597,507
Robert P. Johnson	8	1	\$4,200	Donald F. Lamutis	7	3	\$8,325
Wayne A. Johnson	6	4	\$28,566	Erick F. Larsen	10	1	\$23,517
D. Sanford Jorgensen	1	4	\$55,283	George E. Lasch	10	1	\$1,500
Leonard Kabat	10	1	\$5,000	Eric N. Lazarus	10	28	\$583,407
Gerald A. Kagan	1	2	\$1,600	John Q. LeCain	4	1	\$25,000
William H. Kain	10	15	\$145,722	Thomas P. Leckinger	7	7	\$87,180
Gerald Kaiser	1	34	\$36,365	Gerald J. Leibowitz	10	8	\$229,992
James D. Kakoullis	1	1	\$1,000	Lawrence B. Lennon	4	4	\$87,665
John C. Kanaley	5	3	\$55,000	Marc R. Leventhal	1	1	\$35,000
Julian Kaplan	10	1	\$46,167	Richard L. Levine	5	1	\$10,000
Stanton Karnbad	9	3	\$38,500	Murray F. Lewis	6	1	\$3,589
Morris M. Karp	1	2	\$5,618	Jay Robert Lichtman	2	2	\$3,200
Kastein & Kastein	10	4	\$379,430	Lawrence Lieberman	2	4	\$35,536
Thomas Katsaros	2	3	\$84,500	Kenneth Linn	1	1	\$25,850
Harold W. Katz	4	3	\$57,000	Michael S. Linn	9	14	\$418,858
Howard C. Katz	9	61	\$304,445	Clifford N. Lipscomb	11	8	\$11,480
Peter L. Katz	9	8	\$8,690	William F. Lisnerski	8	1	\$600
Reuben A. Katz	1	1	\$93,072	David W. Little	4	8	\$343,892
Steven C. Kavanaugh	10	3	\$6,041	Vincent J. LoCurto	10	1	\$9,797
William S. Kaye	1	1	\$5,000	Werner Lomker	7	2	\$38,564
Paul E. Keith	2	3	\$23,843	John C. Lopes	10	2	\$2,550
Donald E. Kelly	1	2	\$85,656	John G. LoPresto	11	1	\$299,894
Lawrence V. Kelly	1	1	\$65,975	Samuel Lorenzo	1	92	\$43,125
Robert E. Kelly	7	20	\$12,070	Ronald B. Losner	2	16	\$41,694
Deborah R. Kenneally	3	2	\$3,250	Harold E. Lovette	1	1	\$27,500
Bernard Kenny	1	8	\$138,269	David B. Lubash	11	39	\$471,203
John P. Kilminster	10	6	\$17,950	Jonathan W. Lubell	1	2	\$9,450
John J. Kim	1	1	\$19,500	Thomas J. Lukas	11	1	\$28,000
Wayne W. Kim	1	5	\$31,705	Joseph F. Lynch	6	1	\$3,736
Matthew A. King	4	3	\$3,000	Thomas N. Lyons	10	2	\$2,640
Harold L. King	1	1	\$600	Robert A. Mackasek	1	20	\$370,043
Paul H. Kirwin	10	1	\$58,000	Robert D. MacLachlan, Jr.	10	8	\$11,250
Rudolph M. Klenosky	2	1	\$45,000	Fortune S. Macri	9	1	\$25,000
A. O'Neill Kline	8	3	\$72,100	Lee M. Mager	12	1	\$45,480
William J. Kluender	11	18	\$232,257	Anthony M. Magnotti	2	10	\$94,731
Kenneth Knigin	9	1	\$117,069	John R. Maguire	10	1	\$1,000
David C. Kobrin	9	1	\$20,148	Jenny M. Maiolo	11	27	\$555,808
Roger W. Kohn	9	1	\$255	Michael M. Maloney	1	1	\$42,040
Richard Kops	10	10	\$536,457	Frank M. Manfredi	10	5	\$27,076
Timothy Kozyra	8	2	\$8,231	Lloyd J. Manning	11	1	\$500
Howard Krantz	1	1	\$23,500	Robert Y. Manske	7	1	\$12,066
Harvey H. Krat	1	3	\$68,525	Marion S. Marable	11	2	\$7,400
M. Thomas Kuriakose	9	1	\$500	Richard P. Maracina	1	8	\$20,205
Irving Kurtz	1	5	\$154,842	Marvin Margolis	1	1	\$40,000
Larry J. Kushner	1	2	\$21,678	Samuel A. Marino	8	1	\$1,500

Lawyers Involved in Awards Since 1982

Name	JD	Awards	Amount	Name	JD	Awards	Amount
Irving Markowitz	1	7	\$261,328	Pat Frank Nesci	10	11	\$359,974
George T. Martin	6	1	\$500	Kenneth A. Newman	10	6	\$29,054
Nancy A. Maruk	7	3	\$3,370	Marvin A. Newman	9	1	\$26,924
C. Vernon Mason	1	5	\$32,600	John G. Nicholas	11	2	\$57,500
William J. Mastine, Jr.	5	2	\$17,220	Peter B. Nickles	9	2	\$122,623
Charles M. Mattingly, Jr.	10	3	\$132,500	Thomas C. Nicotera	3	1	\$275
Martin J. Mayblum	11	3	\$13,750	Michael B. Nitsberg	10	3	\$34,450
Phillip A. McBride	8	1	\$5,958	William J. Noland	1	1	\$3,600
Teague W. McCarthy	10	11	\$398,537	James M. O'Brien	2	1	\$94,266
Shannon D. McClam	11	3	\$14,000	Thomas P. O'Callaghan	9	1	\$3,200
Denis J. McClure	9	2	\$5,155	Charles O'Donnell, Jr.	9	1	\$2,000
James F. McCooole	9	15	\$865,522	Mark S. Ogden	7	1	\$8,869
Sharyn L. McDonald	7	3	\$73,992	Frank Oliva	11	5	\$36,652
James J. McEnroe	1	6	\$3,000	James M. O'Neill	10	5	\$17,500
Lloyd A. McFarlane	11	1	\$5,000	Lynn D. O'Neill	2	3	\$20,770
Thomas J. McGinn	3	1	\$180,000	Joseph E. Orsini	8	3	\$31,887
Dennis J. McLaughlin	1	5	\$46,804	Osserman & Horwitz	1	6	\$774,503
Richard M. McMahan	9	2	\$8,973	Sheldon Ostro	1	9	\$359,000
John J. McManus, Jr.	2	2	\$200,000	Roderick E. Owens	1	2	\$21,533
Joseph T. McMaster	2	4	\$168,093	Victor N. Pacor	9	9	\$164,357
Dominic M. Mello	2	2	\$8,167	Rafael M. Pantoja, Jr.	1	18	\$168,335
Richard M. Messina	1	3	\$169,049	John F. Papsidero	8	1	\$17,339
William A. Metz	9	3	\$115,497	Mary Murphy Pardoe	10	15	\$85,436
Stanley M. Meyer	10	1	\$1,830	Richard J. Pariser	8	3	\$7,053
James J. Michalek	8	21	\$181,361	Alfred J. Parisi	11	15	\$438,591
Charles O. Milham	3	4	\$17,541	E. Paige Parsons	4	1	\$200
Alan M. Miller	10	1	\$2,319	Nicholas J. Pastushan	5	1	\$138,500
Bruce J. Miller	10	2	\$41,858	George Patsis	10	2	\$115,798
Carl N. Mione	2	3	\$830,750	Edward S. Patterson	9	2	\$15,286
Nicholas A. Mina	1	1	\$19,500	George F. Pavarini	9	15	\$543,165
Stephen A. Mishkin	9	55	\$1,318,823	Robert J. Pellicane	10	7	\$174,769
John E. Modjeska	3	7	\$34,356	Kenneth S. Pelsinger	1	2	\$14,349
Richard T. Monahan	10	2	\$4,500	Michael M. Perlman	10	7	\$265,331
Colin A. Moore	1	4	\$6,500	David Ian Pesner	9	11	\$136,291
Davison F. Moore	9	6	\$491,971	Jacob & David Ian Pesner	9	1	\$25,000
Paul A. Moore	9	2	\$2,146	Richard T. Petty	1	3	\$90,664
Richard M. Moran	3	21	\$349,371	Stephen A. Phillips	4	1	\$60,000
Thomas D. Morath	12	2	\$14,755	John Piastra	11	2	\$200,000
Lawrence D. Moringiello	2	5	\$171,249	Louis N. Picciano	6	2	\$5,296
Alan D. Morris	10	15	\$221,560	Richard Pikna	1	9	\$101,278
Charles E. Morrison	1	1	\$4,000	George A. Pins	1	4	\$15,779
Saul D. Moshenberg	7	5	\$20,749	John L. Pitula	1	1	\$90,000
Lawrence J. Mullan	10	1	\$395	John B. Poersch	4	2	\$114,161
James R. Murdock, Jr.	4	19	\$638,152	J. Stanton Pohl	10	4	\$89,779
Eugene J. Murphy	8	21	\$583,870	Jonathan Pollack	10	2	\$13,762
Morrow D. Mushkin	2	2	\$10,200	Sam Polur	12	1	\$500
Joseph F. Muto	5	1	\$1,100	Edward J. Porcelli	12	4	\$21,580
Willard H. Myers, III	7	2	\$1,700	Ira Postel	1	3	\$38,515
Eugene V. Natale	10	9	\$245,845	Postel and Rosenberg	1	11	\$619,722
Nath & Weiss	10	1	\$100,000	John V. Potter, Jr.	10	1	\$98,000
Richard F. Nelson	10	10	\$70,361	Charles M. Powell, Jr.	1	9	\$68,700

Lawyers Involved in Awards Since 1982

Name	JD	Awards	Amount	Name	JD	Awards	Amount
Mary Powers	1	1	\$89,857	Arthur J. Rouse	9	1	\$11,435
William J. Powers, III	5	7	\$14,662	Leonard H. Rubin	1	1	\$83,000
Paul D. Powsner	1	3	\$210,000	James M. Russell	3	4	\$765,407
Stanley Pressment	1	1	\$6,960	Glenn L. Rutledge	11	1	\$5,000
Cynthia Lynn Price	2	1	\$81,623	David Sabghir	2	1	\$14,000
Wayne J. Price	2	17	\$359,726	Carol A. Safier	1	5	\$117,950
Michael Prieto	1	1	\$15,215	Steven L. Salpeter	11	7	\$12,019
Mark S. Probert	10	6	\$2,900	Ronald M. Salzer	1	4	\$53,750
Anthony P. Quinn	11	1	\$2,912	Roger G. Sam	12	1	\$2,500
Donna M. Quinn	3	1	\$10,000	George Sandberg	10	10	\$227,146
John J. Raia	11	100	\$3,268,398	Ira Jay Sands	1	6	\$7,917
Leo Raychuk	2	1	\$2,000	Richard J. Sanna	10	10	\$248,285
William C. Raines	1	3	\$17,512	Richard D. Savitsky	1	2	\$47,558
Steven P. Rapoport	2	2	\$23,836	Michael D. Scavella	4	1	\$2,000
Stephen P. Rathjen	10	3	\$33,430	Stanley D. Scharf	10	16	\$89,719
Edward W. Reckdenwald	10	4	\$88,193	Nelson K. Scherer	10	1	\$2,348
John D. Reddan	1	1	\$2,500	John C. Schettino	10	1	\$4,000
Alban J. Reichert	7	1	\$3,425	David Schick	1	7	\$549,116
Steven Paul Reifman	1	1	\$10,000	Robert L. Schlesinger	3	3	\$3,068
Paul G. Reilly, Jr.	1	2	\$39,500	Peter G. Schmidt	1	3	\$400,000
Gary M. Reing	12	2	\$23,446	Richard C. Schulz	10	1	\$24,035
Herschel L. Reingold	8	1	\$4,344	Robert Schutrum	8	1	\$1,500
Agostinho Dias Reis	1	1	\$3,712	Melvyn Schwartz	1	2	\$459,972
Erich H. Reisch	2	1	\$27,692	Steven M. Schwartz	9	2	\$3,500
Willem J. R Emmelink	1	3	\$127,875	Schwartz & Gutstein	1	6	\$250,501
James R. Rerisi	10	4	\$57,146	Joel E. Schweitzer	8	6	\$46,294
James A. Resti	5	3	\$74,745	Joseph F. Scirto, Jr.	8	10	\$106,962
Luis E. Reyes	2	1	\$1,000	Harry W. Scott, Jr.	2	1	\$200
John Rivera	12	1	\$1,707	Bernard M. Seeman	10	1	\$50,000
Jose A. Rivera	2	7	\$89,166	Jeffrey P. Segal	10	4	\$505,524
Robert Rivers	10	7	\$197,000	Arthur J. Selkin	9	11	\$107,300
Stephen R. Roach	9	3	\$23,400	Bernard L. Seltzer	10	11	\$94,609
Edward John Roder	7	15	\$168,505	Ralph Serpico	11	3	\$176,191
George Rodriguez	12	4	\$1,865	Barry R. Shapiro	1	16	\$3,065
Richard Rodwin	1	3	\$552,750	Michael Shapiro	1	1	\$58,231
Louis Rohrberg	1	1	\$5,325	Phillip E. Shapiro	1	1	\$700
Sy L. Rolnick	2	1	\$25,500	Eden Shaw	1	1	\$12,500
Steven J. Romer	1	14	\$1,076,657	Brian A. Sheridan	1	1	\$785
Bibiano Rosa	1	3	\$95,265	John M. Sheridan	7	6	\$371,500
Alton N.G. Rose	11	1	\$5,333	Richard M. Sherman	10	25	\$97,623
Michael G. Rose	10	40	\$1,279,588	Robert J. Sherman	10	7	\$15,159
Peter Rose	11	11	\$143,309	Alan J. Shimel	10	2	\$26,666
Rose & Karnbad	11	1	\$17,000	Robert G. Short	9	1	\$800
Ruth F. Rosenberg	5	3	\$7,100	Anis A. Siddiqi	2	4	\$75,614
Steven Rosenbluth	2	26	\$394,102	Matthew A. Siegel	9	2	\$14,147
Richard J. Rosenthal	1	1	\$4,374	Stephen D. Siegfried	10	17	\$961,719
Selig A. Rosenzweig	10	3	\$64,569	Oswald B. Silvera	2	7	\$16,125
Phillip M. Rossbach	10	1	\$659	Mark A. Silverman	10	2	\$2,169
Abraham Rostoker	2	1	\$17,500	William Sims	8	2	\$8,037
Mitchell A. Rothken	1	38	\$2,021,907	Barry H. Singer	9	9	\$235,034
				Baljit Singh	1	1	\$150

Lawyers Involved in Awards Since 1982

Name	JD	Awards	Amount	Name	JD	Awards	Amount
Indar Singh	11	16	\$156,237	Joseph R. Turner	1	4	\$41,572
Ronald A. Sipos	8	2	\$106,730	Robert E. Twiste	2	13	\$213,179
Myron W. Siskin	10	1	\$13,436	James W. Ulaszewski	8	2	\$1,048
Allan Sloan	1	6	\$108,601	Girard M. Ursitti	8	5	\$76,957
Joseph D. Sloboda	10	2	\$5,458	Norman Ushkow	2	1	\$1,575
Peter W. Sluys	9	6	\$113,856	William C. Vaughan	8	1	\$100,000
Kendrick C. Smith	1	1	\$3,675	Tom M. Vetrano	2	4	\$30,056
Ormond N. Smith	2	5	\$76,480	Lillian R. Villanova	9	3	\$109,636
Benjamin Sneed	1	4	\$24,833	Louis V. Viscomi	1	3	\$31,500
Jack B. Solerwitz	10	99	\$3,008,734	Frank Vitulli	2	1	\$12,000
Joseph F. Soviero, Jr.	10	1	\$5,000	Arnold P. Wagner	10	4	\$72,900
Michael T. Spallino	1	2	\$8,800	H. Robert Wall	6	46	\$912,929
Jacob Spatz	3	3	\$3,245	Wallman & Wechsler	1	38	\$1,779,746
Jerome L. Spiegelman	1	48	\$889,719	Mortimer Warfman	1	34	\$16,236
Jerome Spies	10	2	\$126,754	Paul J. Warkow	10	1	\$1,000
Lionel Spring	1	1	\$83,311	Patrick T. Wedlock	5	8	\$4,910
Howard R. Staller	1	1	\$8,000	Richard B. Weil	1	1	\$48,737
Ferne Mayer Steckler	10	3	\$10,500	Martin J. Weinstein	2	1	\$25,000
Alexander B. Stein	1	2	\$31,450	Myles N. Weintraub	10	7	\$123,623
Elliot J. Stein	1	74	\$762,109	Michael S. Weiss	9	3	\$2,325
Joel B. Steinberg	1	1	\$1,400	Peter R. Weiss	2	1	\$15,000
Duane M. Stenstrom, Jr.	8	6	\$6,674	C. Theodore Wellington	11	6	\$193,815
Jeffrey S. Stern	2	10	\$244,077	Allen B. Werbalowsky	3	1	\$4,250
Stanley R. Stern	1	5	\$325,676	Leslie M. Westreich	1	1	\$100,000
Joseph Sternschein	11	4	\$75,715	Benjamin P. Whitaker	7	15	\$603,251
Frederick D. Stevens	8	1	\$4,185	Marina K.. Whitfield	6	1	\$34,776
Wallace Sturm	2	1	\$1,500	D. William White	2	15	\$171,308
John J. Sullivan	1	1	\$29,990	Aaron G. Windheim	9	1	\$11,547
Joseph E. Supples	8	3	\$9,150	Steven Winston	1	1	\$9,500
Leonard A. Sussman	1	3	\$44,438	Samuel Ulrich Wiseman	1	2	\$38,280
Monroe Sussman	10	1	\$46,667	Steven D. Wisniewski	8	16	\$7,805
Carrie Sutherland	10	2	\$7,670	Walter S. Wojcik	3	1	\$250
Morton S. Swirsky	1	6	\$62,610	Michael T. Wolin	1	1	\$25,035
Israel I. Sylvan	1	3	\$22,253	Marvin Wolinetz	2	1	\$350
Regina M. Tate	10	2	\$6,750	George Wolynetz	1	3	\$244,703
Sergio M. Taub	11	49	\$326,401	William S. Wood	7	4	\$49,065
Louis Taubenblatt	2	9	\$718,854	John M. Wourgola	10	11	\$97,534
Sharon Lynch Taureck	2	5	\$40,966	Adam Morgan Wright	1	1	\$500
Peter P. Tavolacci	9	1	\$2,400	Kathryn B. Wunderlich	3	1	\$600
Timothy Taylor	1	1	\$19,000	Henry E. Wyman	8	33	\$496,811
Theodore E. Teah	12	1	\$13,373	Louis B. Youmans	1	1	\$5,000
Norman Eric Teittler	11	2	\$14,414	Floyd A. Young	8	1	\$10,000
Ron Telford	6	1	\$1,100	Nancy J. Young	1	9	\$124,809
Milton A. Teplin	1	3	\$26,000	Richard Zelma	1	1	\$115,000
Charles R. Testa	7	2	\$2,850	Frederick J. Ziems	10	2	\$105,368
Michael B. Thomas	9	1	\$600	Jacob S. Zimmerman	10	27	\$355,991
Alan S. Tifford	10	14	\$291,016	Victor P. Zodda	10	2	\$282,225
Robert S. Tobin	1	2	\$16,320	Peter S. Zogby	5	1	\$1,535
Thomas P. Tobin	10	4	\$184,450	H. Michael Zukowski	1	1	\$8,000
Joseph A. Tracy	9	4	\$131,676	Bertram Zweibon	1	14	\$564,282



Claim # _____

The Lawyers' Fund for Client Protection

of the State of New York

APPLICATION FOR REIMBURSEMENT

Instructions:

Answer every question in this application. If space is inadequate, attach additional pages.

You must provide us with copies of all evidence that proves your loss, such as cancelled checks, receipts, letters, closing statements, etc.

Mail the completed application to: The Lawyers' Fund for Client Protection, 119 Washington Avenue, Albany, New York 12210.

1. Your Name and Address: Mr. Mrs. Miss Ms. Age(s) _____

Name: _____

Address: _____

Home Telephone: _____ Social Security or Federal Tax ID #: _____

Business Telephone: _____ Occupation and Employer: _____

2. Name, address and telephone number of the attorney who has dishonestly taken your money or property:

3. What legal services did you ask this attorney to perform for you?

4. How much did you pay this attorney? _____

5. Was your agreement with the attorney in writing? Yes_____ No_____.
If Yes, attach a copy of the agreement.

6. Did your loss involve: money other property? Specify:

7. What was the amount of your loss? _____

8. State the date when your loss occurred: _____

9. When and how did you discover your loss? _____

10. Describe the attorney's dishonest conduct, and provide the name and address of a person who has knowledge of the loss:

11. This loss has been reported to: District Attorney Attorney Grievance Committee
 Police

Attach a copy of your complaint.

12. Describe what steps you have taken to recover your loss from the dishonest attorney:

13. Can your loss be reimbursed from other source, such as insurance, fidelity bonds or surety agreements?
Yes _____ No _____ Don't know _____. If Yes, describe the source:

14. State other facts that you believe are important to the Fund's consideration of your claim:

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

16. Name, address and telephone number of your present attorney:

17. Have you attached copies of receipts, cancelled checks and other documents that prove your loss?
Yes _____ No _____. If No, explain why:

- | |
|--|
| <ul style="list-style-type: none"> <i>Court Rules do not permit attorneys who help clients process claims with the Fund to charge legal fees for that service, except with the permission of the Fund's Board of Trustees.</i> <i>Should you receive an award from the Fund, the facts relating to your loss become a public record.</i> |
|--|

I (We) verify and affirm, *under penalty of perjury*, that the information provided in this statement of claim is true.

Date

Signature of Claimant

Signature of Claimant

Notes
