

The Client Protection Webb*

THE “WORK FROM HOME” EDITION – PART 2

A Publication of the National
Client Protection Organization

August, 2020

Groundbreaking NCPO Virtual Workshop

LIVE FROM LAWRENCE KANSAS

We hope that this edition of the NCPO Webb finds you and yours safe and well. These extraordinary times are challenging us in our home and work environments. If you’re looking for the “silver lining” here – look no further than NCPO.

Travel is difficult, and social distancing is the order of the day. However, this presents the opportunity for all of us to participate virtually in NCPO’s annual workshop. “Live from Lawrence Kansas” will connect client protection professionals from across the country via Zoom to tackle the pressing – and unprecedented – issues of our day.

Registration is FREE for NCPO members.

Although there is a \$25 fee for non-NCPO members, it



includes a one year individual NCPO membership, which is a \$25 value. Organization members can also register multiple attendees at no cost.

Sign up today at <https://www.ncpo.org/2020-ncpo-workshop> to join us on Tuesday, September 15, 2020 beginning at 8:30 a.m. Feel free to submit issues you’d like to see addressed in advance by emailing Mike McCormick at michael.mccormick@njcourts.gov. Be prepared to participate in NCPO’s traditional “Town Hall”, this year with heightened

significance as we grapple with work from home arrangements and meeting the needs of client victims during the pandemic.

Presentations will also emphasize lawyer well-being, a particular concern during the pandemic and a major loss prevention tool. “Hot Topics” will follow-up on issues raised during the morning session’s “Town Hall.” There will even be a “surprise guest” courtesy of our Kansas hosts!

If you haven’t yet been able to attend an NCPO workshop in person, we urge you to take advantage of this opportunity to connect. The great work done by client protection has arguably never been more important than it is right now. Register today for “Live from Lawrence Kansas” to be a part of NCPO’s very first virtual workshop.

Never More Important than Right Now

NCPO Nationwide Membership Drive Reaches Out

Not yet an NCPO member? Do you know a client protection professional who hasn't joined the premier client protection network in the **U.S.** and Canada?

A strong argument can be made that there's never been a more important time to be involved

in the client protection field. A global pandemic, recession, political instability – all are factors which could bring substantial challenges to individual funds. NCPO is the voice we need to advocate for increased protection of law clients, not less, when the going gets tough.

The good news is that there's also never been a better – and easier – time to join the NCPO. For just \$25 you'll be registered for this year's informative virtual workshop, the first of its kind, "Live From Lawrence Kansas" and as an added bonus, you will automatically receive a one year membership in the NCPO, a \$25 value. To register, go to <https://www.ncpo.org/2020-ncpo-workshop>.



While you're at the NCPO website be sure to check out some of the many benefits of membership. In addition to the regional workshops and participation in the ABA's annual client protection forum,

you will be part of a close-knit network of client protection professionals who are never more than a phone call or an email away. From the newest hire to directors and counsel with decades of experience NCPO members "have seen it all" and are committed to the protection of law clients.

NCPO will even come to you – at no cost – through its Speakers Bureau to help you "spread the word" about your fund and its work. Payee and overdraft notification, rule amendments and community education are just some of issues with which NCPO can provide expert assistance.

As a member, you'll also receive the NCPO's quarterly (and sometimes more) newsletter to keep you up to date on the latest developments in the law as well as trending claims.

Time to Renew

Present NCPO members are asked to renew online, via credit card or Pay Pal, or by mail with a check. Organization membership is still \$200, renewable online at <https://www.ncpo.org/organizational-members>

To renew Individual membership online at \$25, please go **to** <https://www.ncpo.org/individual-members>

You can also send a check payable to NCPO, Inc. to NCPO Treasurer Ruby Cochran at 11 Blue Grass Road, Clementon, NJ 08021.

Questions: Contact Ruby at Ruby.Cochran@njcourts.gov

Once travel becomes more practical, NCPO will resume sponsoring in-person regional workshops, providing incomparable opportunities to connect with others in the field, compare notes, and work on tackling difficult claims. Financial assistance is available for members whose funds do not have travel budgets. So join today – We need you!



National Client Protection Organization, Inc.

The President's Corner:

Preparation is Key!

By Alecia Chandler, NCPO President &

Assistant Director, Division of Professional Standards, State Bar of Michigan

Professional Responsibility Programs Director



It's a beautiful Friday evening in July in Michigan as I write my inaugural President's Column. Had I been elected last year, this message would have been completely

different. The focus would have been on seeing you in person this September for the NCPO Workshop and the projects that the NCPO has coming up. However, now we will meet virtually in September and projects have fallen behind due to more pressing issues that we are facing just trying to keep afloat.

I follow in the footsteps of Client Protection greats and on the heels of a President who was dedicated and driven to make us better. The NCPO has a wealth of knowledge among its ranks. Our members have been through recessions, epic floods, multimillion-dollar claims, reductions in staff, fires, hurricanes, and more. We should use their expertise to navigate what the future will bring and learn from the past. On the other side, we have so many new, engaged members with fresh eyes who can teach us about technology and give us suggestions on how to do things better this time around. So, this

year my focus is different than planned and it still brings me hope and excitement! The focus will be on preparing for what is to come.

If your fund has specific issues that need to be addressed, consider the Speakers' Bureau. Before the pandemic, the NCPO would send someone to your jurisdiction, at no cost to your fund. However, now that meetings are virtual, you have the speakers at your disposal. Scheduling is now easier than ever!

For more broad-based information and Continuing Legal Education, attend the September NCPO Workshop, virtually. Free with your membership or \$25 for non-members with a year membership included.

The next year will also focus on strengthening our relationship with the ABA Standing Committee on Public Protection in the Provision of Legal Services. NCPO works closely with the ABA on development of the Survey of Lawyer's Funds for Client Protection and analyzing the data when it is complete. We are also working together on an ABA webinar that will provide useful information in preparing for the future.

Stay tuned...

THE NCPO'S ANNUAL MEETING WILL BE HELD DURING THIS YEAR'S REGIONAL WORKSHOP IN LAWRENCE KANSAS ON TUESDAY, SEPTEMBER 15, 2020. ALL ARE INVITED TO PARTICIPATE IN THIS VIRTUAL MEETING. IN ADDITION TO OFFICER ELECTIONS, NCPO WILL DISCUSS NEW INITIATIVES (AND WELCOMES SUGGESTIONS) TO MEET THE NEEDS OF ITS MEMBERS.

Karen O'Toole and NCPO – Perfect Partners in a Client Protection Tango



Karen O'Toole's retirement isn't exactly starting out the way she planned: Tango practice with her husband has moved into the kitchen, and Zumba class is online. At least her garden isn't "virtual." One of her trustees quipped, "Karen retired and the world stopped." It's uncertain times all around, but one thing Karen is sure of is that the professional network and support provided by NCPO is up to whatever challenges the pandemic may bring to the client protection community.

She certainly speaks from experience after thirty years at the helm of the Massachusetts Clients' Security Board. She came to the job when her husband, also a lawyer, pointed out a posting to her and they both asked: "What's that?" Karen had been practicing maritime law, representing Boston Harbor tug boat owners. Within a few years, though, she took on the challenge of being board counsel to the Massachusetts Board of Bar Overseers, handling appeals of disciplinary cases as well as handling Client Security Board claims. She's experienced the process from every angle, occasionally presenting the cases to discipline an attorney as well as to reinstate the very same respondent against whom client security claims have been paid (after they've reimbursed the fund in full, of course!).

Through it all, Karen says the NCPO has been both a reassuring presence as well as a harbinger of what was heading her way. She likens NCPO to a 100 member law firm. When you're part of such a firm, you can always walk down the hall to talk to your colleagues and benefit from their expertise and experience. Funds, however, are small –sometimes solo – shops. NCPO is the firm, with a wealth of experts to guide, support and confirm always just a phone call away.

Karen recalled a task force composed of three justices of the Massachusetts Supreme Judicial Court a few years back to which she and several trustees were called to offer testimony about proposed rule changes. The panel wanted to know what was done in similar circumstances in other states. Karen was happy to hear her trustees (who had accompanied her to NCPO workshops discussing the issues involved) knew what other states across the country were doing. When a question on minimum contacts came up to which neither she nor her trustees had an answer, Karen went back to her office and called the counterparts she had met at NCPO and was able to get back to the justices within a few hours. She called the experience "extraordinary" and noted that it's



Karen with her husband, Paul Gromer

hard to overestimate the value of being able to quickly and easily access accurate, detailed and timely information – especially when the court is waiting.

More and more of her trustees asked to join her at NCPO workshops. On more than one occasion trustees faced with a difficult claim or policy issue asked “What would NCPO do?”

Karen’s attended just about all of the NCPO’s workshops since they began shortly after the group’s founding in 1998. During each “Town Hall” reporting session she would hear about huge thefts with novel fact scenarios in other states and think “That won’t happen in Massachusetts” only to confront similar types of claims after heading home. Immigration and bankruptcy claims, for instance, weren’t nearly as vexing as they could have been because of the primer Karen and her trustees received through the NCPO.

She heard a lot about payee notification and as a result, embarked on a five-year crusade to bring the rule to Massachusetts. It was a process bereft with roadblocks that she brought back to NCPO workshops for discussion and called fellow members about in between to see how their jurisdictions had addressed similar problems. She also learned about the benefits of having a liaison justice on the state supreme court and brought that concept back to Massachusetts as well.

Anyone who’s met or spoken to Karen knows she is one of the reasons NCPO is able to support funds across the U.S. and Canada as it does. A wealth of information and always a pleasure to speak to, Karen is the quintessential client protection professional. What Boston Harbor’s tug boat operators lost has clearly been our gain – here’s to a happy, healthy retirement for a treasured colleague, friend and partner in the client protection tango!



LINDA BAUER APPOINTED NEW DIRECTOR OF MASSACHUSETTS FUND

Linda G. Bauer is the new general counsel and executive director to the Massachusetts Clients’ Security Board. She served as an assistant bar counsel at the Massachusetts Office of Bar Counsel from 1994 to November 2018, when she was appointed the acting first assistant bar counsel, a position she held through 2019. She is a 1981 graduate of Yale College, and a 1987 graduate of the Boston University School of Law (J.D. *magna cum laude*). From 1987 to 1988, she clerked for the Hon. Herbert P. Wilkins at the Supreme Judicial Court of the Commonwealth of Massachusetts. From 1988 until October 1994, Ms. Bauer practiced as an associate at the firm of Hill & Barlow in Boston, working in many areas of law before specializing in estate planning and administration, and probate litigation. She has served on the Standing Committee on Professionalism from 2012 to the present. She previously served as president of the Women’s Bar Foundation (2001-2002), on the WBA Board of Directors (1996-1999; 2001-2003), the MBA Probate Section Council (1993-1996), and the SJC Law Clerk Society (2004 to present). Ms. Bauer has published multiple articles on ethics, and frequently serves as a speaker at continuing legal education programs on ethics, professionalism, estate planning and elder law issues.

Welcome to NCPO Linda Bauer!

A SALUTE TO ROOT –

NORTH CAROLINA FUND COUNSEL RETIRES AFTER 41 YEARS OF SERVICE



A. Root Edmonson retired on Friday, August 7, 2020, but in the midst of a global pandemic, retirements aren't what they used to be. Luckily a friend and fellow attorney also happens to own Root's favorite local watering hole and agreed to let him set up his chair and cooler outside its front door. A colleague gave him a t-shirt reading "The Legend has Retired" – and so it was. Somehow this improvised ending to a stellar career seems oddly appropriate for Root, a soldier, statesman and true southern gentleman who has been a friend of client protection for over three decades.

Root joined the North Carolina State Bar's office as deputy counsel in 1979. After serving in Vietnam (*See the July, 2018 issue of The Webb for Root's recollections about college and the U.S. army*) Root had returned home to finish his education, get married and practice law. One day in October 1986 the deputy counsel responsible for North Carolina's client security fund moved on to another job, and

Root was asked to consider taking on the task. He asked for that month's reports to see what the Fund was doing and, by coincidence, found that the Board was considering a claim against a respondent whose disciplinary case Root had handled – and which had been a tough one. Contesting every fact, the respondent had denied wrongdoing to the end and forced Root to stage a full-blown trial, which he ultimately won.

Nonetheless -- and to Root's surprise -- the recommendation to the Fund's board was to deny the claim. He knew the facts of the case inside and out and was certain the respondent had

not repaid the full amount he had stolen from the claimant. A few phone calls confirmed what Root had suspected: The judge in the respondent's criminal case had not ordered full restitution, much to the chagrin of the prosecutor. Thus, even though the respondent could argue that he had fulfilled his restitution obligation, he could not argue that he had reimbursed his victim in full. "I wanted to make sure these people got what they deserved," Root said. "I thought, we've got to do justice here."

Root went back to the office and said, "I'm taking over here" and the rest is history. The claim, of course, was paid!

Root is one of the "founding fathers" of the NCPO. As a member of the National Organization of Bar Counsel he attended meetings at which New Jersey's Ken Bossong lobbied counsel responsible for their State's client security funds to help form a new national organization dedicated to client protection. Root accepted Ken's invitation to participate in the organizational meetings for NCPO and became one of the group's first members. He was NCPO's second treasurer (after the equally legendary Isaac Hecht of Maryland) and served as president-elect and then president from 2004 – 2006

Root felt strongly that client protection professionals needed a regular program focused solely on the nuts and bolts of client protection. He was a regular at Bar Counsel programs, so much so that he was honored recently for attending 80 consecutive meetings – a record. Root said he went to those meetings because he learned a great deal while having a good time. In place of esoteric lectures, the Bar Counsel group made it possible for members to learn from each other. Root brought that format to the NCPO by instituting one of its most important programs – the annual regional workshop.

The workshops continue each year (*See page 1 of this issue to register for NCPO's first virtual workshop "Live from Lawrence Kansas"*). Root's been to just about all of them and echoes the sentiments of many when he tags these programs as NCPO's most helpful initiative. Stories he's shared during Town Halls and Hot Topics sessions (among others) are as legendary as you might expect. There's no doubt that many were inspired to work towards a random audit program in their jurisdictions after hearing about Root's highly skilled and persuasive auditor, known to most simply as "Bruno." Root said one workshop attendee asked, "How many thieving lawyers did Bruno catch?" Root replied saying "That's the wrong question. The right question is 'How many thefts did Bruno prevent?' The answer is that he prevented many. Just the thought that Bruno might show up kept lawyers considering a theft from taking that first step."

Root said he ran into Bruno pumping gas not long after NCPO's 2019 Workshop in Princeton, New Jersey and told him people were still talking about him, years after his retirement. Bruno didn't believe it, but it's true. It's going to be true about Root too – He may have retired, but the legend will go on!



WFH – “Working from Home” COVID-19 and Other Emergencies.

A shift three years in the making.



By Daniel R. Hendi, Esq.

Director & Counsel, NJ Lawyers’ Fund for Client Protection

The COVID-19 pandemic has disrupted the normalcy of everyday life for almost everyone. States imposed strict “Stay at

Home” orders, and non-essential businesses have closed their doors leaving tens of thousands of employees furloughed or discharged. New Jersey had declared Judiciary employees essential under New Jersey Governor, Phil Murphy’s, Order -108, and “coming to work” has since taken a whole new meaning. In this brief piece, I hope to share our experience in the New Jersey Lawyers’ Fund and some measures taken in advance that facilitated working remotely for our employees.

Perhaps you heard motivational speakers say that it takes 21 days to form a new habit. Well the reality is that the saying comes from plastic surgeon Dr. Maxwell Maltz who in 1956 noticed that his patients took a minimum of 21 days to adapt to change such as, accept their new appearance or even living without a limb after an amputation. Further studies, without going into details in psychology in which I am no expert, have determined that it takes 66 days for a new habit to become automatic. The background is provided to reflect the expectations of a manager when employees are expected to

perform their duties in an efficient and timely basis, while at the same time dealing with the fact that their personal and professional world has been turned topsy-turvy.

There are 18 staff members at the NJ Fund broken down as follows: six employees, including a supervisor, in the billing department who deal with everyday questions and maintain the active records of more than 98,000 lawyers licensed in New Jersey; seven employees in the legal department, including three attorneys, an

investigator, and three support staff; two accounting employees who see that every dollar collected from registration fees and subrogation collection is properly split and deposited (the NJ Fund is responsible for collecting fees for several dedicated funds in the



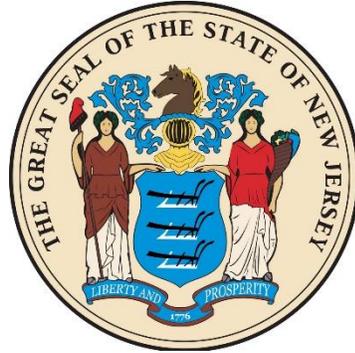
Judiciary); one IT employee who spearheads all internet and software issues; and one Director and his secretary who see that the staff is well supported and current.

The ability to work remotely for staff at the NJ Fund is a story that was more than eight years in the making, with the last three years taking an aggressive approach with implementation of a case management

system (CMS). I hope that this article will assist the reader in taking some initial steps, if you have not done so already, to implement a successful remote working environment.

The New Jersey Supreme Court of New Jersey and the Administrative Office of the Courts started to move toward electronic court filings and mandatory online attorney registrations in earnest by 2012. Indeed, the Court made online attorney registrations mandatory in 2016 with very few exceptions to the mandate. It was during this time that enough systems were set in place centrally to expand the role of information technology in our everyday work environment. At this point, since the Fund is reliant on the broad technical applications of the Judiciary and is no longer a stand-alone entity for technical purposes, it saw an opening to expand its technical capabilities securely and at reduced costs.

The original idea was to maintain operations in the event of a disaster and recover files promptly, saving thousands of hours of work in claim and litigation files. By being able to rapidly recover otherwise lost work, victims who relied on their submissions and the prospect of payment would also be spared of duplicative and time-consuming tasks and save themselves from lost hope of being compensated since in New Jersey our victims must await the result of disciplinary action before the Fund can pay a claim. Therefore, since victims already likely waited many months (sometimes years) for discipline to occur, a swift recovery of our files from a disaster beyond anyone's control



would avoid further delays. The same would be true with recovery of on-going litigation files, lost documents and discovery necessary during a pending trial.

As late as in 2012, all hard copies of trustee Agendas and Minutes from the past 43 years were only maintained in a hard copy form. Older claim files were either in storage, or more recent ones were kept in simple metal file cabinets. Open bookcases also contained older Agendas, where papers first assembled in the 1970's and 1980's would be subject to the elements as nature saw fit.

One of the first tasks in protecting documents was to find a way to digitize existing work. We had all paper documents scanned and categorized and let the wonders of software search applications take on the task of searching key words. With the help of mostly summer interns and some downtime, every notebook containing Minutes since 1969, as well as entire monthly Agendas ranging between 300 to 500 pages, were scanned and indexed by year and month. While this seems daunting, it really became a routine project made easy with the help of fast document feeders on copiers that have scanning capability.

In addition, in 2012 monthly Agendas became available to trustees electronically if they chose to sign-on to a secure site. Trustees could choose to get their Agendas in paper form sent by overnight courier, or electronically with the press of a button. Frankly, it took almost 8 years to have ALL trustees accept digital only Agendas and eliminate practically all hard copies. Because electronic Agendas and corresponding

Minutes were being prepared electronically since 2012, the need to scan volumes *en masse* was no longer necessary since they were simply moved to the secured shared document file after each meeting. The result is that today we have a vast library of prior Agendas and Minutes available to all within a secured webpage securely backed up daily by the Judiciary.

But prior work scanned and stored was only part of the answer. In 2015, the board of trustees was pitched the importance of an efficient case management system that could track claims from inception to conclusion, including until the end of any litigation, comprehensive enforcement, and general collection efforts following payment of a claim. But in addition to keeping track of a claim's progress, the CMS would also need to somehow maintain a duplicate copy of every claim, correspondence, and other documents pertaining to a file in a digital format so that the virtual file could be accessed remotely and backed up daily.

At first, it was believed that an "off-the-shelf" product with some modification would suffice, costing approximately \$20-\$30 thousand dollars. However, after extensive research and learning what a good CMS can actually do from a productivity and supervisory standpoint, a decision was made to ask the trustees for the ultimate system, one that would be custom made for the Fund and that could also interact with the most current information in the centralized attorney registration system with the ability to retrieve reports on any myriad of data points already in existence. Reports such as outstanding number of open claims, value of pending claims, claims by any given time period, total claims pending against a

respondent, etc., could be retrieved with a push of a button. Thus, asking our trustees to commit to spend on a single software product the largest amount in the history of the Fund was not an easy sell. But the value of such a system, if used properly and utilized as a staple product, was keenly seen by a visionary Board.

In 2016, the Trustees approved \$250,000 to create and maintain a case management system in which every new claim would be placed, and every correspondence, investigative report, and email and call or



interview notes could be stored for anyone to access. The Fund's CMS is now fully operational with the single exception of a

claimant portal that will allow a claimant to file and communicate about their claim directly. The CMS has become the backbone of our ability to work remotely during these COVID-19 times.

All new software that any agency would utilize within the Judiciary has to undergo rigorous security testing, which can take years to approve and ultimately, perhaps, for naught. The system ultimately selected by the Fund was one already in operation and used by various prosecutors throughout the State, as well as the Office of Attorney Ethics and the Disciplinary Review Board. Therefore, the system already had a foothold that could not be disputed and the cost vs. utility factors ultimately made it the right choice.

In the first year of operation, the staff had a period of adjustment which with regular reminders and reinforcement became less

and less evident. As staff became used to the routine of scanning, posting and communicating through the case management system, the efficiency of it became more obvious.



When the COVID-19 crisis hit the Fund on or about March 16, 2020, staff was faced with a dilemma in

which all access to our files and digital information could only be reached by the desktop computers configured to the Judiciary's servers and protocols. In order to work remotely, any computer taken out of the building must be one configured in a similar manner and with the capability of signing in through a virtual personal network. Luckily a few laptops, so configured, were made immediately available and in other cases, staff was authorized to take their desktops home in order to work remotely. Our employees could access all their work and also the CMS, emails and calendars from their home in the same manner as if they were in their office. Indeed, the only immediate limitation was physically coming into the office to sort and retrieve mail so it could be scanned into the CMS for eventual access.

In addition to the VPN connections, two other communication tools employed by staff was the use of Microsoft TEAMS for face to face or group meetings, and a product called Jabber. Jabber is a software that connects our desk phones to our remote computer so staff can answer and make calls as if you were calling from the office. As a

management tool, TEAM meetings and conferences occur without a hitch most of the time and makes it easy for the staff to connect and stay in touch with colleagues.

Since working remotely, the Fund has held monthly trustee meetings, held hearings, conducted court proceedings, and generally worked at an efficiency rate of about 90% than prior to the COVID-19 crisis. The only drawback is that mail must be handled and the only manner to do that is by physically going into the office to open and sort it as it comes in.

In addition, the trustees have been receptive to this form of remote communication and staff replies to assignments without much of a limitation or delay. Daily humor plays a huge role in morale, and one member of our staff provides a highlight of historical events of the day and shares them with his immediate department co-workers as well as the entire staff and all the trustees as well. It is something that people who have given feedback look forward to everyday.

Working remotely has now raised a question that is likely being asked in every organization that has implemented remote access, "Is there a need to come to the office?" The answer is, "it depends". The writer's personal belief is that all other things being equal, access to coworkers and personal interaction will never be replaced simply by efficient work and remote locations without the interpersonal connection that an office environment provides. The fear of human disconnection is real and it's scary, given how easily many have had to disconnect so suddenly before anyone really planned for it.

NCPO Board Members Participate in Council on Professional Responsibility-Sponsored Webinar

By Lindsey Draper

On July 20, 2020, the two most recent Presidents of the National Client Protection Organization (NCPO), **Alecia Chandler** and **Michael Harmon**, were joined by **William Slease**, Chief Disciplinary Counsel of the New Mexico Supreme Court Disciplinary Board as panelists in a national webinar sponsored by the American Bar Association (ABA) Center for Professional Responsibility (CPR). *“How States Ensure Lawyers Practice Ethically 101: SHOW ME THE MONEY”* was



the title of the webinar presented as a part of the ABA Continuing Legal Education series.

Recognizing that all attorneys, through the payment of annual dues and assessments, pay for services designed to fund a self-regulating profession, the webinar sought to cover where a portion of the funds go and the role played by entities that regulate the profession.

Chandler, who is currently Chair of the ABA Standing Committee on Public Protection in the Provision of Legal Services and Professional Responsibility Programs Director of the State Bar of Michigan, began the substantive portion of the webinar with a discussion of IOLTA (Interest on Lawyer Trust **Accounts**) and **LAP** (in Michigan, the Lawyers and Judges' Assistance Program) programs. She discussed the history of IOLTA programs and explained how the programs work. She also explained some of the uses made of funds obtained through IOLTA accounts as well as how those funds have impact on the legal profession.

Chandler's comments on the **Michigan** **lap** (Commission on Lawyer Assistance Program) began with the program's Mission Statement and touched on the national studies on which the 2017 National Task Force on Lawyer Well-Being Report was based. Some of the services available through lawyer assistance programs and the importance of ending stigmas attached to mental health challenges or seeking and receiving help concluded this portion of the presentation.



Center for Professional Responsibility

Following a description of the make-up of the Arkansas Bar, **Michael Harmon**, Deputy Director of the Arkansas Supreme Court Office of Professional Conduct, detailed the history of Client Protection funds. He outlined the application process for clients seeking reimbursement from the Arkansas Fund and cited the requirement that claims arise from the attorney/client relationship and dishonest conduct of the attorney in order to be eligible for recovery. How those who serve on the Arkansas Fund committee are determined was an additional part of **Harmon's** presentation.

The third presenter during the **webinar**, **William Slease**, is also a Past President of the National Organization of Bar Counsel and Co-Chair of the National Task Force on Lawyer Well-Being. **Slease** noted that his subject area covers both the admission of attorneys to the profession and the steps that, at times, lead to attorneys losing the right to continue to practice. He explained the considerations that go into admissions to the Bar, licensing of attorneys, and regulating conduct when complaints are made.

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Please also discussed how funds obtained through various governmentally-administered legal programs can be used to fund additional outreach efforts, including supporting the provision of services to the underserved and under-represented.

The webinar was moderated by **Lindsey Draper**, an NCPO Director-at-Large and member of the CPR Continuing Legal Education Committee.

Information on the webinar is available at <https://www.americanbar.org/events-cle/mtg/web/401538731/>.

Kentucky Labors on During Pandemic

By **Ashleigh N. Bailey** Deputy Bar Counsel
Kentucky Bar Association, NCPO Regional
Vice President



The jurisdictions within the Southeast

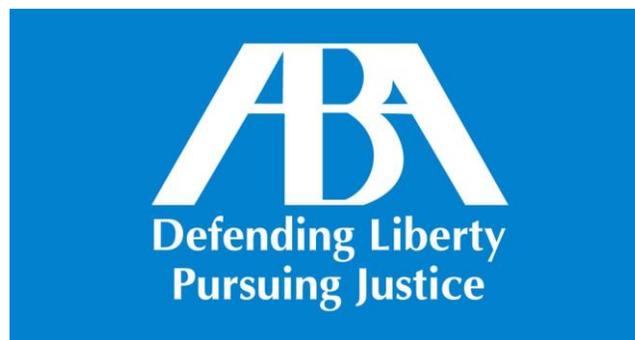
Region are hard at work learning to navigate the virtual world during the global pandemic. In Kentucky, we are preparing to hold our first virtual Client Security Fund meeting with our Trustees, two of which are newly appointed. Because our Bar Center remains closed to the public, online presentation of claims will be our new normal. We look forward to getting ideas from other Funds around the country regarding functioning exclusively online at the NCPO Workshop in September. In the meantime, our jurisdictions have been busy completing the ABA's Client Protection Fund Survey—the results are always invaluable to our respective Funds.

ABA Triennial Survey 2017-2019

By *Michael J. Knight, Sr.*

Client Protection By The Numbers - Making A Difference, Knight, Michael J., American Bar Association, *The Professional Lawyer*, Vol. 26, No. 1, July 2019 was an article penned in July 2019 which offered a brief analysis of ABA Triennial Surveys of Lawyers' Funds for Client Protection from 1980 through 2016. Annual number of claims filed, number of awards, and amount of awards approved were sorted and analyzed by geographic region, and attorney population. The author concluded that the survey data illustrated

the ongoing commitment of our nations' Client Protection Funds to provide meaningful reimbursement to the public and restore faith in the integrity of the legal profession.



In May 2020, the ABA Standing Committee on Public Protection in the Provision of Legal Services commenced the newest Triennial Survey of Lawyers' Funds for Client Protection for the

calendar years 2017-2019. Distributed by electronic mail, for the first time, the Standing Committee employed *Survey Monkey*, an online survey development and cloud-based software

program to collect and compile survey answers. To date, 19 States and one Canadian province have completed, or partially completed the 2017-2019 assessment.

The Standing Committee's communication to each Fund noted the vital importance of the survey as a resource to provide invaluable data about Client Protection Funds across the United States and Canada. This data permits the Client Protection Community to spot emerging trends and understand our collective claims experience in order to better serve the public and legal community.

It's too soon to report any results from the current survey, but collected responses will

update the previously reported 36-year survey analysis. Unfortunately, not all States and Provinces respond to the Survey, and results reported can only reflect the data collected. If you have not yet completed the 2017-2019 ABA Triennial Survey, **I strongly urge you to do so!** **The deadline to complete and submit your survey is August 30, 2020.** Your Fund may not be active with the ABA or the NCPO, but the information from your jurisdiction is so important to our shared efforts to do what we do - better.

If you would like a link to complete a survey for your Fund, e-mail counsel to the ABA Standing Committee, Stephanie Pauly at Stephanie.Pauly@americanbar.org.

Michael J. Knight, Sr. is the Executive Director and Counsel for the New York Lawyers' Fund for Client Protection. Mr. Knight previously served as both Counsel and Past President of the National Client Protection Organization.



Don't forget to register for "Live from Lawrence" – NCPO's first virtual workshop at <https://www.ncpo.org/2020-ncpo-workshop>

**The Client Protection Webb is published in memory of Gilbert A. Webb, Esq., who served as Assistant Client Protection Counsel for the American Bar Association's Center for Professional Responsibility. Mr. Webb was dedicated to protecting the welfare of clients victimized by their attorneys and served as an editor of the ABA's first client protection newsletter. Submissions to the Webb are always welcome. Please send them to the editor, Mike McCormick at Michael.McCormick@njcourts.gov.*

