

2005 Membership:

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Beth Lang
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James M. Mead
Robert A. Rovner, Esq.
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Morris M. Shuster, Esq.

Staff:

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Lisa A. Watkins, Esq., *Counsel*
Susan L. Erdman, *Administrative Assistant*

Legal Authorization:

Pa. Constitution, Article V, § 12
Pennsylvania Rules of Disciplinary Enforcement, §501 et seq.

About the Board:

The Pennsylvania Lawyers Fund for Client Security was established by the Pennsylvania Supreme Court in 1982 as a means of helping clients recover some or all losses of money and/or property stolen from them by their attorneys. It is funded by a special annual assessment (\$45 for 2005-06) paid by any attorney admitted to practice law in Pennsylvania. Clients may receive up to \$75,000 for a claim.

The fund is supervised by the Pennsylvania Lawyers Fund for Client Security Board. This board includes five members of the bar of the Supreme Court and two non-lawyer public members. Each member's term is three years in length, and a member may serve a maximum of two consecutive terms.

Pennsylvania

Lawyers

Fund

for

Client

Security

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2005 Claims Statistics

Statistics for the 2005-06 fiscal year can be found in Table 3.15.1. Chart 3.15.2 on page 89 is a breakdown of amounts claimed by category. Chart 3.15.3 on page 90 gives comparisons of claims awarded versus claims rejected, both in terms of numbers and dollar amounts. Chart 3.15.4 on page 91 is a comparison of claims awarded, rejected and discontinued, both cumulatively and in 2005-06.

Claims	No.	Amount
Received	221 *	\$6,918,643
*22 in excess of \$75,000 limit		
Awarded	217	2,479,054
Rejected	79	2,551,881
Discontinued	13	119,431
Total	309	\$5,150,366
Pending	181	\$ 6,321,307

Table 3.15.1

Claims Categories

Fiduciary funds - Theft of estate funds and trust/escrow funds consistently tops the list of claims filed against attorneys. Combined, these two types of theft during FY 2005-06 cost the fund \$1,446,394, 58.34 percent of its total award dollars, settling 39 claims. Of this amount \$375,000 went to five former clients of one attorney.

Lawsuit Settlement Proceeds - Claims of misappropriation of settlement proceeds often occur when an attorney settles a lawsuit without the knowledge or consent of the client. The attorney receives the funds and fails to remit them to the client. Also included in this category are claims involving attorneys who withhold funds from settlement proceeds to pay clients' medical providers and fail to make the payment/s. Payments of \$742,348 to 28 claimants fitting this category were made in 2005-06, 29.94 percent of the total dollars awarded. Of this, \$500,200 were paid to 17 former clients of two attorneys who practiced in the same firm.

Non-performance* - The acceptance of unearned fees or retainers represented the third highest payment category in 2005-06 with awards to 45 claimants totaling \$142,161, 5.73 percent of the total dollars awarded. Of this amount, seven former clients of one attorney received \$64,700.

*Since the fund does not arbitrate fee disputes, for an award to be considered when the

attorney performed any services of value, the claimant typically must first file a complaint with the local bar association's fee dispute committee. If the committee determines that all or a portion of the fees or retainer paid were not earned, and the attorney does not return the fee, the board will consider this type of claim and categorize the award as non-performance by the attorney.

Notwithstanding the award amounts reported, it should be noted that claims are filed against fewer than one percent of all Pennsylvania licensed attorneys.

2005 Activities

During the year the board met in Hershey, Pittsburgh and Philadelphia.

Restitution and Subrogation Efforts

The fund received \$127,794 in restitution payments during FY 2005-06.

Mandatory Overdraft Notification

Pennsylvania Rule of Disciplinary Enforcement 221 requires financial institutions to report to the fund all checks drawn on attorney fiduciary accounts which contain insufficient funds. In 2005-06 the fund received 208

overdraft notices. Nine notices were pending. Of these 217 total, 166 were reviewed and dismissed, and 51 were referred to the Office of Disciplinary Counsel. No notices remained pending at the end of the fiscal year.

County Bench, Bar Meetings

The board has been holding meetings and dinners with leaders of the county benches and bars in conjunction with the board's quarterly business meetings since 1989. These meetings keep the county bench and bar leaders informed about the fund's activities, both statewide and regionally, and request the assistance of the bench and bar in carrying out the fund's mission. In 2005 and 2006 the fund met with Allegheny, Dauphin and Philadelphia Counties.

Lawyers Concerned for Lawyers

With prior approval of the Supreme Court, the Pennsylvania Lawyers Fund for Client Security may provide funding to nonprofit organizations that assist Pennsylvania lawyers and judges who are impaired by alcohol or drugs. In accordance with this rule, during FY 2005-06 \$267,500 of funding was given to the organization known as Lawyers Concerned for Lawyers. Such assistance complements the fund's mission to ameliorate losses resulting from attorney dishonesty as oftentimes when an attorney converts client funds, the conduct is related to substance abuse. The financial support for Lawyers Concerned for Lawyers helps to mitigate the losses by providing a resource for impaired attorneys. **AOPC**

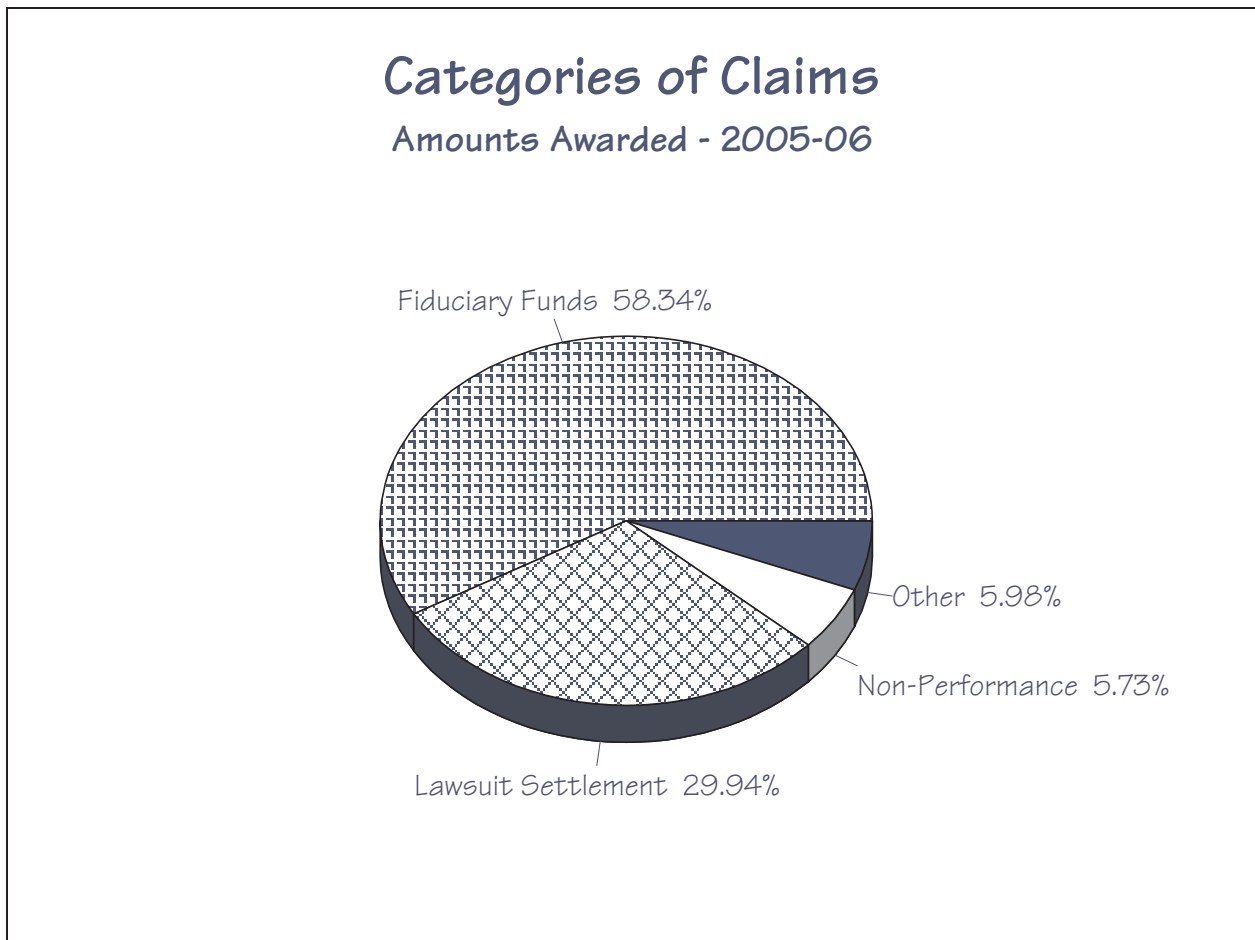
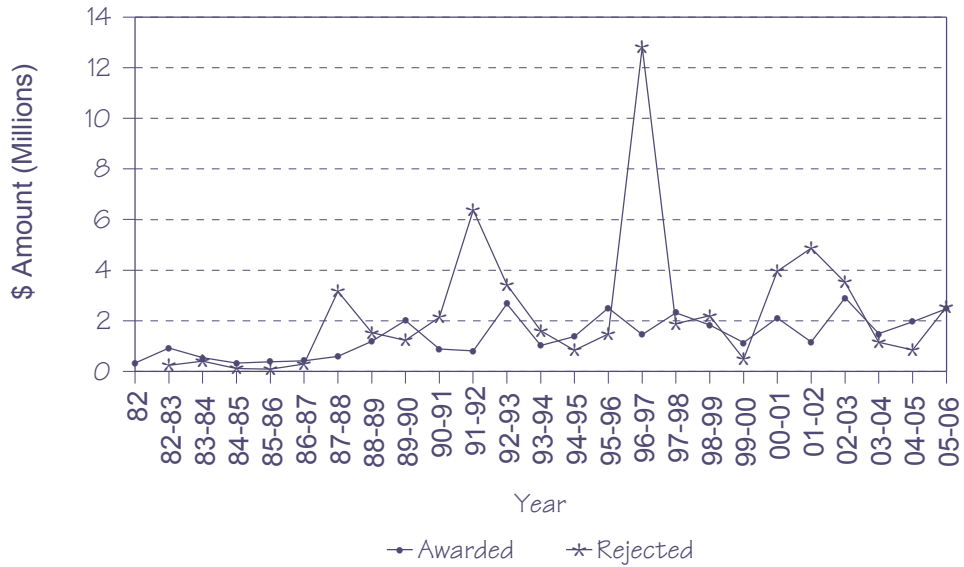


Table 3.15.2

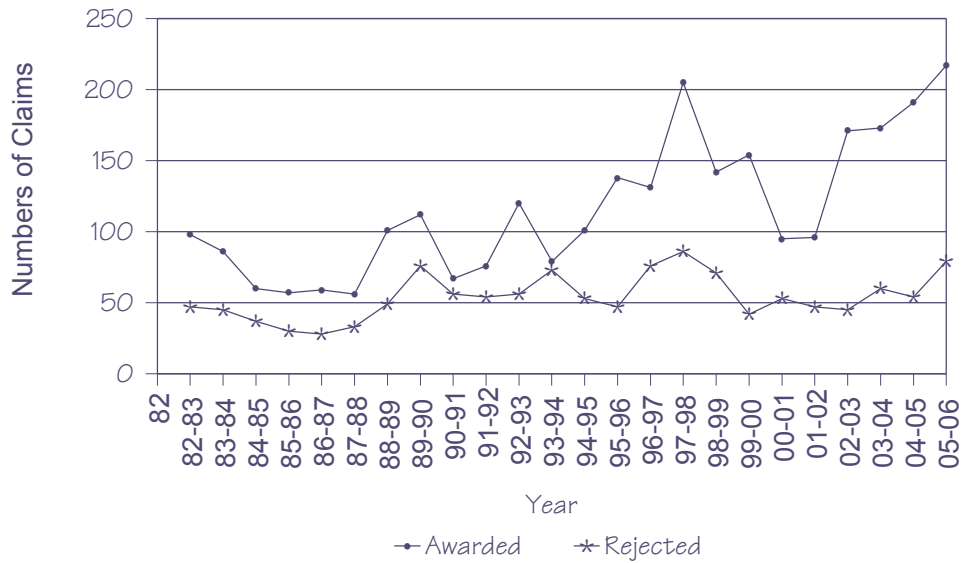
Claim Awards v. Rejections

1982-2006



Claims Awarded v. Rejections

1982-2006

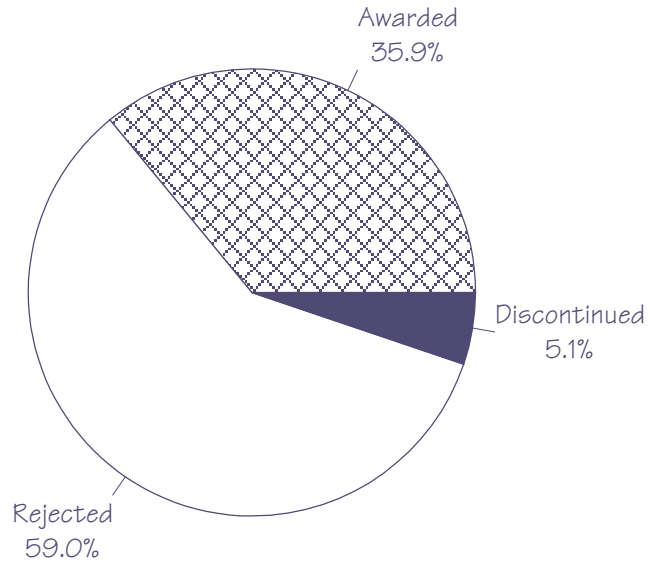


Effective 7-1-00, the maximum reimbursable amount was raised from \$50,000 to \$75,000.

Table 3.15.3

Comparison of Claim Dispositions

Cumulative



2006

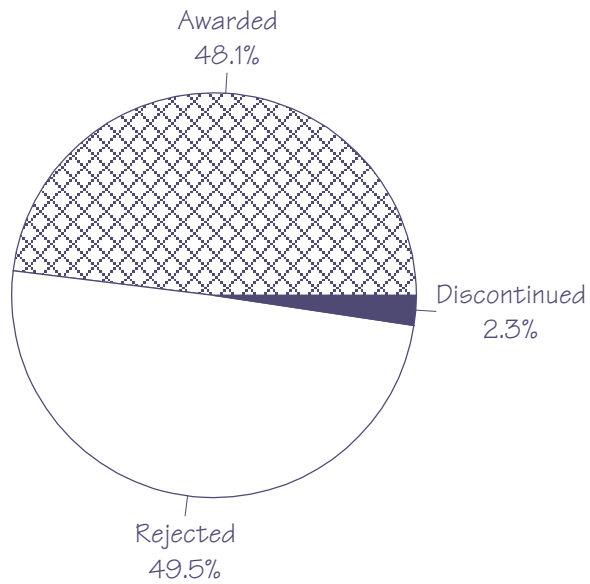


Table 3.15.4