

# The Lawyers' Fund for Client Protection

of the State of New York

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## M E M O R A N D U M

Subject: Disposition of Missing Client And Escrow Money

Effective April 1, 2009, the new Rules of Professional Conduct replace New York's Code of Professional Responsibility. The text of the new Rule governing the disposition of missing client and escrow money is identical to the prior provisions which were found at 22 NYCRR 1200.46 (f).

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Rule 1.15 (f) of the new Rules of Professional Conduct (22 NYCRR Part 1200 (Rule 1.15 (f))) provides as follows:

**Missing Clients. Whenever any sum of money is payable to a client and the lawyer is unable to locate the client, the lawyer shall apply to the court in which the action was brought if in the unified court system, or, if no action was commenced in the unified court system, to the Supreme Court in the county in which the lawyer maintains an office for the practice of law, for an order directing payment to the lawyer of any fees and disbursements that are owed by the client and the balance, if any, to the Lawyers' Fund for Client Protection for safeguarding and disbursement to persons who are entitled thereto.**

The rule does not have official forms. To be helpful, I attach pleadings used by counsel in relevant applications to the Supreme Court under section 1200.46 (f) of the prior disciplinary rules. All pleadings will now have to refer to Rule 1.15 (f).

In the event a court directs payment of client and escrow money to the Lawyers Fund, it is important that you provide us with a copy of the application and order and all information from your files that identify the client or other beneficial owner of the funds. That information is needed in the event a claim is made to us for payment in the future.

Please feel free to call this office for assistance.

