

ANNUAL REPORT OF THE BOARD OF TRUSTEES

For the Calendar Year 2000

BOARD OF TRUSTEES

Eleanor Breitel Alter, Chairman

Bernard F. Ashe

Theodore D. Hoffmann

Charles J. Hynes

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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

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“ The conduct of attorneys is not measured by how close to the edge of thin ice they skate. . . but how much honor can be poured into the generous spirit of lawyer-client relationships.”

*— Matter of Cooperman,
83 N.Y.2d 465 (1994) (Bellacosa, J.)*

Foreword

“ My sincerest thanks...to the Trustees and to the staff at the Lawyers’ Fund...for my award of reimbursement. I am finally feeling some peace...which I know is largely due to the reimbursement I received from your fund.”

— Message from claimant (2000)

The Board of Trustees are pleased to present this Annual Report of the activities of the Lawyers’ Fund for Client Protection. This report focuses on calendar year 2000, the 18th year of operation of the Lawyers’ Fund in New York State.

The Lawyers’ Fund was established in order to maintain the integrity and protect the good name of the legal profession by reimbursing law client losses caused by the dishonest conduct of attorneys in New York State. Our Trustees’ experience since 1982 has demonstrated that the vast majority of the members of New York’s legal profession are honest, conscientious and deserving of the trust of their clients. Despite this reason for optimism, the problem of the misuse of law client money by a very small percentage of lawyers has been a persistent one.

The year 2000 was a busy and productive one, with several notable accomplishments and milestones reached.

The Trustees began the year by increasing the Fund’s maximum award to \$300,000. This is the largest maximum award available in the United States.

The Fund opened 2000 with 235 pending claims alleging losses of \$16 million. During the year, 492 new claims were filed alleging

an additional \$20 million in losses. In 2000, the Trustees approved 205 awards of reimbursement restoring \$10.5 million to law clients. This was the largest one-year payout in the history of the Lawyers’ Fund.

With a new maximum award of \$300,000, the Trustees were able to provide full reimbursement to nearly 97 per cent of law clients who received awards of reimbursement in 2000.

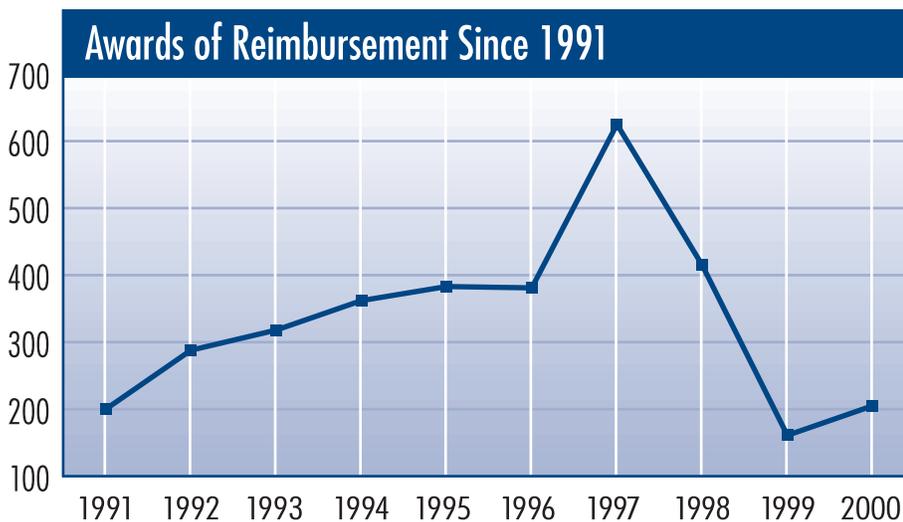
A milestone was reached when the Trustees approved the 5,000th award of reimbursement since the Fund’s inception in 1982. That award was typical of many granted by the Fund’s Trustees. The award provided full reimbursement for a Manhattan attorney’s theft of a \$31,000 real estate down payment. The attorney was a male, sole practitioner whose misconduct was apparently the result of substance abuse. He was disbarred for his misconduct and prosecuted criminally.

While the 492 filed claims in 2000 is an 11 per cent increase from 1999, this still represents a substantial decrease from the influx of claims in recent years. Despite this encouraging fact, the Trustees are concerned that the alleged losses in claims have increased 30 per cent. The average alleged loss in 2000 is nearly \$50,000, compared to \$35,000 in 1999.

The Fund is current in its processing of claims. The year ended with 193 pending claims, the lowest number of pending claims since 1984.

Once again, the Trustees’ experience in 2000 is that a small percentage of New York’s legal profession is responsible for the dishonest conduct reported to the Fund. The Trustees’ 205 awards in 2000 involved dishonest conduct by only 88 former attorneys. This represents .04 per cent of the 202,000 attorneys licensed to practice in New York State.

The final milestone in 2000 is a personal one. Frederick Miller, the Fund’s Executive Director and Counsel since 1982, retired effective July 1, 2000. Fred’s wisdom and guidance has helped establish the New York Lawyers’ Fund at the forefront of the nation’s client protection field. His compassion for the victims of dishonest conduct in the practice of law and his dedication to the administration of justice in our State will be missed.



The History of Law Client Protection in New York State

The concept of law client protection originated in New Zealand in 1929. Each State in our Nation now has special funds financed by the legal profession dedicated to protecting law clients from dishonest conduct by a member of that state's bar. The newest member to our Nation's funds is the Client Protection Fund in Colorado, which began operations in 1999.

In New York, bar associations instituted programs of reimbursement for law clients in the 1960's. The New York State Bar and bar associations in the counties of New York and Suffolk were among the earlier pioneers in this field in our State. When these efforts were unable to finance adequate client reimbursement, the associations appealed to the Court of Appeals and then to the State Legislature for assistance. The New York court system then shouldered 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 state Court of Appeals. The principal source of revenue for the Fund is a biennial assessment on every practicing attorney.

The Clients' Security Fund of the State of New York, as the Fund was originally named, was organized on December 1, 1981 with the appointment of a seven-member Board of Trustees by the Court of Appeals. The Trustees then secured staff and office facilities and established regulations and claim procedures. The Fund began operations on April 1, 1982.

" Please accept my endless gratitude to you and the Trustees of the Lawyers' Fund...your award to me has not only restored my faith in human nature, but <also> in the legal profession."

— Message from claimant (2000)

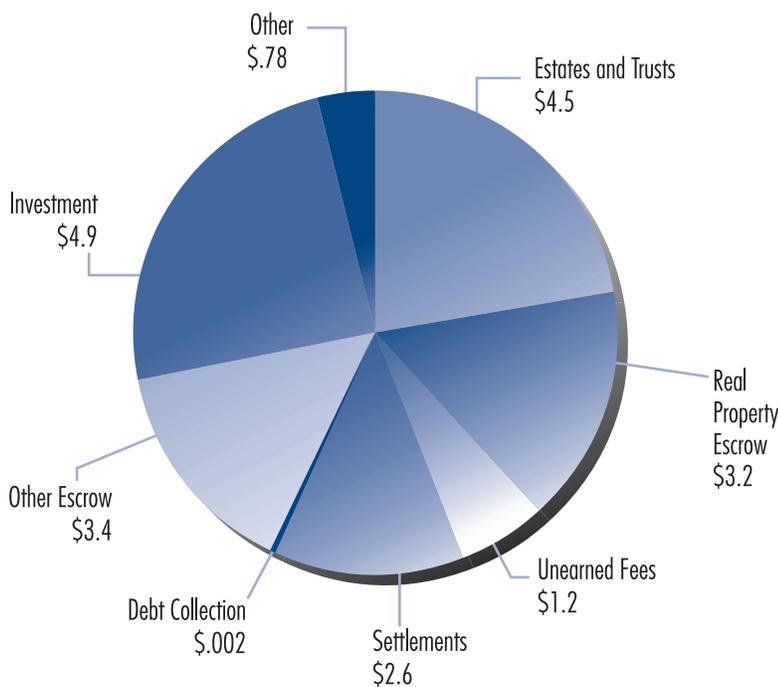
The Purpose of the Lawyers' Fund

The statute establishing the Fund 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.

In fulfilling the Fund's purpose, the Trustees' principal focus is the reimbursement of losses caused by the dishonest conduct of attorneys who were admitted to the practice of law in our State. Equally important, though, are other activities pursued by the Fund which include programs to help lawyers comply with their fiduciary and escrow obligations; the publication of consumer education materials to help clients avoid situations that can result in losses; and the recommendation of court rules to eliminate opportunities for dishonest lawyers to exploit the trust of clients.

Typical 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 with law clients, and unearned fees paid in advance to lawyers who falsely promise their legal services.

Reported Losses in 2000 (In millions)



The Board of Trustees

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

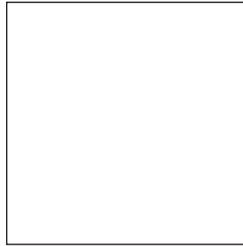
The Trustees serve three-year terms, which are renewable. They receive no compensation for their services. The Fund's first Trustees took their oath of office on December 1, 1981. Since then, the Court of Appeals has maintained the Board composition of five members of the bar and two business and community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

The Board's officers are a Chairman, Vice-Chairman and a Treasurer. The Fund's Executive Director serves as the Board's Secretary and its Counsel.

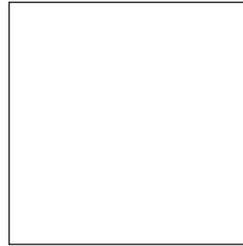
Eleanor Breitel Alter of Manhattan has served as Chairman of the Board of Trustees since 1985. She is a partner in the Manhattan law firm of Kasowitz, Benson, Torres & Friedman. Mrs. Alter is a graduate of the University of Michigan and the Columbia University Law School (1964). She was first appointed to the Board of Trustees in 1983. The Chairman's current term expires on November 30, 2001.

Theodore D. Hoffmann of Hicksville, Nassau County, is Vice-Chairman of the Board. Mr. Hoffmann is Of Counsel to the Garden City law firm of Albanese, Albanese & Fiore. He is a graduate of St. John's University and its School of Law (1948). Mr. Hoffmann's current term expires on November 19, 2002.

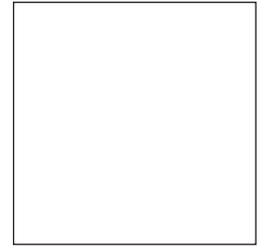
Ray W. Manuszewski of Cheektowaga, Erie County, has served as the Fund's Treasurer since December 1981. A graduate of Canisius College (1951), Mr. Manuszewski is a former Regional President of Manufacturers Hanover Trust Company N.A. in Buffalo. Mr. Manuszewski was first appointed to the Board of Trustees in 1981. His current term expires on November 19, 2002.



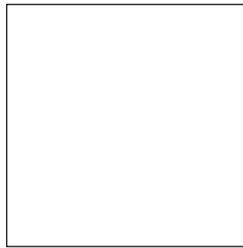
Eleanor Breitel Alter



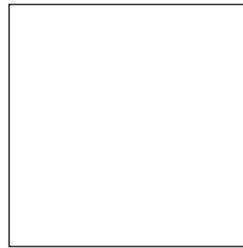
Theodore D. Hoffmann



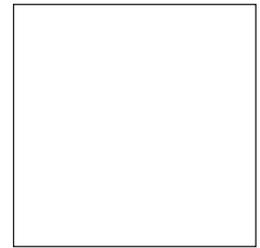
Ray W. Manuszewski



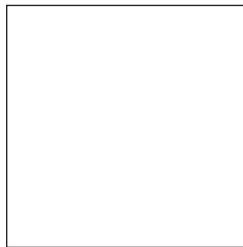
Bernard F. Ashe



Charles Joseph Hynes



Eric A. Seiff



Shirley B. Waters

Bernard F. Ashe of Delmar, Albany County, is a former General Counsel to New York State United Teachers. He is a graduate of Howard University and the Howard University School of Law (1961). Mr. Ashe has served as a Trustee since 1981. His current term expires on November 19, 2002.

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.

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

Shirley B. Waters of Rome, Oneida County, is Vice President of the Rome Sentinel Company, the publisher of the *Daily Sentinel* newspaper. She is a graduate of Syracuse University (1943). Mrs. Waters was first appointed to the Board in 1992. Mrs. Waters' current term expires on November 30, 2001.

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; and John F. X. Mannion of Syracuse (1981-1992).

The Staff of the Lawyers' Fund



Timothy J. O'Sullivan



Michael J. Knight



Ray Wood



Sue Gartley



Polly Sims



Jahnel Hall Worthen

The Fund's staff is appointed by the Board of Trustees. Serving in 2000 were Timothy J. O'Sullivan, Executive Director and Counsel; Michael J. Knight, Deputy Counsel; and Ray Wood, Investigator. Frederick Miller, the Fund's Executive Director and Counsel from 1982 through 1999, retired, effective July 1, 2000.

The Fund's secretarial and support staff consists of Sue Gartley, Administrative Secretary; Polly Sims, Administrative Clerk; and Jahnel Hall Worthen, Secretary.

Law students from Albany Law School provide helpful support to the Lawyers' Fund in the investigation of claims and legal research projects. Interns from the Classes of 2000 and 2001 were Stefanie DiLallo, Siheem Roseborough, Wendy Parra and Lori Graybow.

"Once again, please accept my sincerest thanks to you and your organization for the very important work that you do. I can't think of anything more exemplary than recognizing a committed wrong and acting to right it."

— Message from claimant (2000)

Liaison with the Appellate Divisions

Each of the Appellate Divisions of the Supreme Court has designated an Associate Justice to serve as its liaison with the Fund. Liaison Justices in 2000 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.

Final determinations in claims are generally not rendered until appropriate disciplinary proceedings in the Appellate Divisions are completed. The Fund's staff therefore coordinates its investigations with the investigative efforts of the Attorney Grievance Committees in the four judicial departments. This collaboration 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.

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.

Section 468-b of the Judiciary Law provides for the administration of the Fund and 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. The Trustees' 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.). Effective January 1, 2000, section 7200.13 of the Trustees' Regulations was amended to increase the Fund's coverage on losses to \$300,000.

The Fund's Revenues

The principal source of revenue for the Lawyers' Fund is the attorney biennial registration fee required of active members of the New York bar by section 468-a of the Judiciary Law. The Lawyers' Fund receives no 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. 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.

The Fund's assets are deposited in a special revenue account in the State Treasury, which was created by section 97-t of the State Finance Law, the sole purpose of which is to finance the Fund and its operations. All awards of reimbursement and administrative costs of the Fund are made from this special revenue account.

In addition to revenue from attorney registration fees, the Fund receives financing from 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.

The Office of Court Administration administers the attorney registration program. As of December 31, 2000, the Fund had received \$83.9 million from attorney registration fees.

Interest income since 1982 totals \$3.9 million. Judicial sanctions imposed against attorneys have contributed a total of \$1.7 million to the Fund. Restitution from dishonest attorneys and other collateral sources has added an additional \$5.9 million to the Fund's assets. Contributions from lawyers and the public total \$225,000.

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. Also added was section 468-b of the Judiciary Law which mandates 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. This statute provides that a portion of each registration fee be deposited in the special fund established by section 97-t of the State Finance Law for financing of the Lawyers' Fund.

Judiciary Law section 468-a (5) states that non-compliance with the registration law "constitutes conduct prejudicial to the administration of justice," and subjects a lawyer to disciplinary action under section 90 of the Judiciary Law.

At the close of 2000, there were 202,000 lawyers registered with the Office of Court Administration. That number includes 11,000 retired lawyers and full-time judges who are exempt from the registration fee.

" I would like to take this opportunity to thank you and your staff for the time and effort you have given me to help with this horrific problem. Your patience and understanding were well appreciated."

— Message from claimant (2000)

Sanction Revenues

The Fund is the recipient of revenue generated by financial sanctions against attorneys during the course of litigation. This source of income provides a monthly average of \$15,000 in revenue to the Fund.

Sanctions can 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.

In addition, the Rules of the Chief Judge and the Chief Administrator of the Courts allow the Fund to be the beneficiary of 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. They were first applied by the Court of Appeals against a party in *Matter of the Minister v. 198 Broadway, Inc.*, 76 N.Y.2d 411 (1990); upon a lawyer in *Maroulis v. 64th Street-Third Avenue Assoc., et al.*, 77 N.Y.2d 831 (1991); and upon both party and lawyer in *Intercontinental Credit Corp. v. Roth*, 78 N.Y.2d 306 (1991).

Through 2000, the Fund has received a total of \$1.7 million in sanction payments. These payments have ranged from \$5 to \$100,000. One law firm is the subject of approximately 547 unpaid sanction orders which have directed the payment of \$2.1 million to the Fund. These sanctions remain the subject of litigation.

Payouts and Disbursements

Since 1982, the Lawyers' Fund has received total revenue of \$95 million. As of December 31, 2000, the Fund has granted awards providing total reimbursement of \$86 million. The cost of administering the Fund as a state agency during 2000 totaled \$675,000. Since the Fund was established, for every \$1 in revenue received, 92 cents has been directly applied towards the payment of awards of reimbursement. At year's end, the Fund had \$3.4 million in assets in the state treasury.

The Fund's annual revenues are appropriated to the Board of Trustees by the State Legislature in the Judiciary Budget. For the fiscal year which commences April 1, 2001, the Trustees have requested appropriations of \$8.25 million for awards of reimbursement, and \$836,637 for the Fund's administrative costs.

Restitution Revenues

Since 1982, the Fund has recouped restitution totaling \$5.9 million. This revenue was collected from dishonest lawyers, their estates, and from the settlement of claims against collateral sources which were financially liable for the underlying losses that the Fund reimbursed.

The Fund's experience has been that lawyers who steal from their clients are unable to reimburse their victims, or the Lawyers' Fund for its awards. That's one reason protection funds nationwide are generally considered to be remedies of last resort for victims of lawyer theft.

Nevertheless, the Lawyers' Fund attempts to recover restitution when possible: by judicial orders entered pursuant to the restitution provisions of the Penal, Criminal Procedure and Judiciary Laws; by direct action against dishonest lawyers and other collateral sources; and by securing confessions of judgment.

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

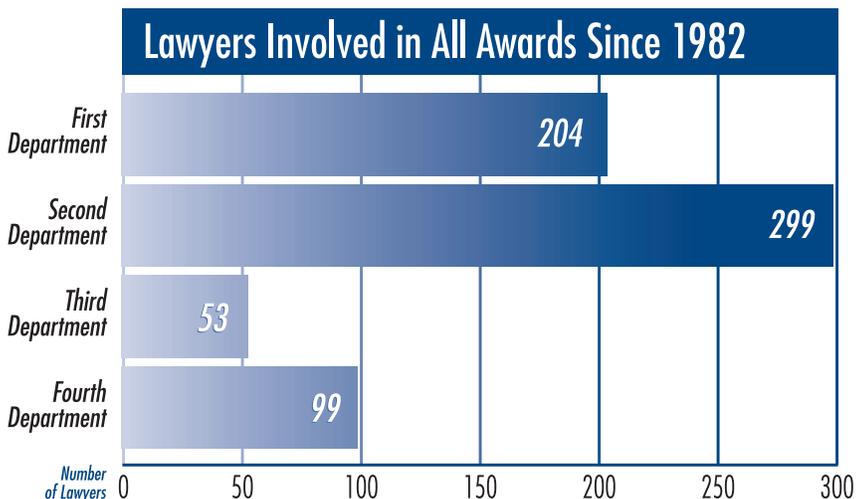
Section 468-b of the Judiciary Law authorizes the Fund to seek restitution in its own right, and by entering into agreements or subrogation and assignment arrangements with law clients who have received awards.

Representation by the Department of Law

The pursuit of restitution often involves litigation which can be complicated and lengthy. The Fund asserts causes of action arising under the Uniform Commercial Code, and as subrogee of purchasers of title insurance. Those actions are venued in the Supreme Court statewide. The Fund also seeks enforcement of its creditor rights in federal bankruptcy proceedings and in Surrogate's Courts. In addition, claimants who are denied awards of reimbursement by the Board of Trustees can challenge those determinations in Article 78 proceedings in the Supreme Court.

In this litigation, the Lawyers' Fund is represented by the New York State Attorney General's Office in collaboration with the Fund's legal staff. The enforcement of the Fund's creditor rights has increased to the point where it necessitates the full-time attention of an Assistant Attorney General. Previously, the Department of Law charged the Fund a 22 per cent fee on each recovery pursuant to section 18 of the State Finance Law. That fee arrangement was amended at the close of 1999. The Lawyers' Fund and the Department of Law executed a Memorandum of Understanding whereby the Lawyers' Fund finances the payroll expense of an Assistant Attorney General, who is assigned full-time to the Fund's restitution litigation. The Fund has been fortunate to have the benefit of the full-time services of Assistant Attorney General Kathryn J. Blake in its recovery efforts. This arrangement has proved to be economical and beneficial to the Lawyers' Fund and its staff.

In addition to Assistant Attorney General Blake, other Assistant Attorneys General who represented the Lawyers' Fund in its 2000 litigation efforts deserve special mention for their professionalism, dedication and advocacy skills. They are David Lawrence, III, Nancy Lord, Marcus J. Mastracco, Denis J. McElligott, Stephen M. Nagle, Carolyn Cairns Olson, Peter H. Schiff, Julie M. Sheridan, and Krista A. Zinser .



Judicial Precedents

Litigation involving the Lawyers' Fund has established important judicial precedents in the areas of consumer protection, the enforcement of the Trustees' creditor rights, and the Uniform Commercial Code.

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

Following *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 that attaches to a dishonest lawyer's restitution obligations.

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 indorsement, was clarified by the Court of Appeals in *Lawyers' Fund v. Bank Leumi Trust Company, et al.*, 94 N.Y.2d 398 (2000). The Court of Appeals determined that the Lawyers' Fund, under an assignment from the client-payee, can recover the face amount of a check which was paid over the client's forged endorsement, plus interest from the date of the forgery. The Fund had reimbursed the client two-thirds of the face amount, but brought an action to recover the full face amount of the check. The Fund's policy is to restore the excess recovery to the client. The Court of Appeals reversed the Appellate Division's holding that limited the Fund's recovery to the amount of its award of reimbursement, with interest from the date of the award.

In *Clients' Security Fund v. Goldome*, 148 Misc. 2d 157 (Sup. Ct., Monroe Co. 1990), Mr. Justice Boehm granted summary judgment to the Fund for the face amount of a law client's forged check. The defendant bank was denied standing to challenge the Trustees'

exercise of discretion in reimbursing a theft which occurred after a lawyer's disbarment.

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

Matter of Estate of Sheridan, 149 Misc. 2d 519 (Surr. Ct., Yates Co. 1991) involved a novel feature of common law. In *Sheridan*, the court recognized the Fund's capacity to assert the "sovereign's prerogative right" to priority as a creditor. Surrogate Falvey ruled that the Lawyers' Fund, in its capacity as an agency of the State of New York, was entitled to priority over all other non-secured creditors of a dishonest lawyer's estate. The holding in *Sheridan* was asserted successfully in *Matter of Estate of Zimmerman*, No. 272547 (Surr. Ct., Nassau Co. 1996), and *Rowley v. Besse*, No. 836-93 (Sup. Ct. Albany Co. 1997).

Lawyers' Fund for Client Protection v. Gateway State Bank, 239 A.D.2d 826 (3d Dep't 1997), extended the Fund's creditor rights in a forged endorsement case. The Appellate Division, Third Department, applied a six-year statute of limitations, in contract, to the Fund's subrogation claim against a disbarred lawyer's depository bank (Gateway). The court also approved Albany County as a proper county of venue in restitution actions by the Lawyers' Fund. The Appellate Division and the Court of Appeals subsequently denied Gateway leave to appeal to the Court of Appeals.

Upon remand, the trial court dismissed all of the defenses raised by Gateway and granted judgment to the Lawyers' Fund for the face amount of the law client's check, notwithstanding its claim that it acted in a reasonably commercial manner in servicing this attorney escrow account. *Lawyers' Fund for Client Protection v. Gateway State Bank*, 181 Misc. 2d 660 (Sup. Ct. Albany Co. 1999). Gateway appealed this decision to the

Appellate Division, Third Department. That 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. *Lawyers' Fund for Client Protection v. Gateway State Bank*, 273 A.D. 2d 565 (3d Dep't 2000)

Fergang v. Flanagan, 174 Misc.2d 790 (Sup. Ct., Nassau Co., 1997), *aff'd* 259 A.D. 2d 598 (2d Dep't 1999) clarified the liabilities of payee and depository banks in forged endorsement litigation. This action was prosecuted by the Lawyers' Fund, as subrogee, following a \$100,000 award of reimbursement to the claimant Fergang. The decision of Mr. Justice Phelan holds the claimant's bank (the drawee bank) is liable for the face amount of the check which bears the forged endorsement. The drawee bank, in turn, recovers from the dishonest lawyer's depository bank for breach of warranty, plus attorney fees. *Affirmed*, 259 A.D. 2d 597 (2d Dep't 1999).

Lawyers' Fund v. Chemical Bank, 246 A.D.2d 403 (1st Dep't 1998). The First Department's 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 (3d Dep't 1998). Special Term denied summary judgment to the Lawyers' Fund on its subrogation claim against an insurance company that paid a personal injury settlement over the forged endorsement of the client-payee. The settlement check was a "payable through" the insurer's bank. The Third Department reversed, and gave judgment to the Fund for the amount of its award.

Restitution as a Disciplinary Sanction

The Trustees were successful in 1989 in having the State Legislature amend section 90 of the Judiciary Law to grant the Appellate Divisions of the Supreme Court authority to order a lawyer to make restitution for the theft of client property.

Subdivision (6-a) 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 Dep't, 1990). In *Cooper*, the Court ordered a disbarred lawyer to make restitution of \$1.03 million in thefts from three estates and a conservatorship. The Court also ordered that restitution be paid to Cooper's victims, or the Lawyers' Fund to the extent it reimburses those losses.

Since *Cooper*, all of the Appellate Divisions have exercised their statutory restitution authority. Representative cases include *Matter of Israel*, 230 A.D.2d 293 (1st Dep't 1997); *Matter of Pollack*, 229 A.D.2d 73 (2d Dep't 1997); *Matter of Chestara*, 244 A.D.2d 699 (3d Dep't 1997); and *Matter of Wedlock*, 230 A.D.2d 422 (4th Dep't 1997).

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

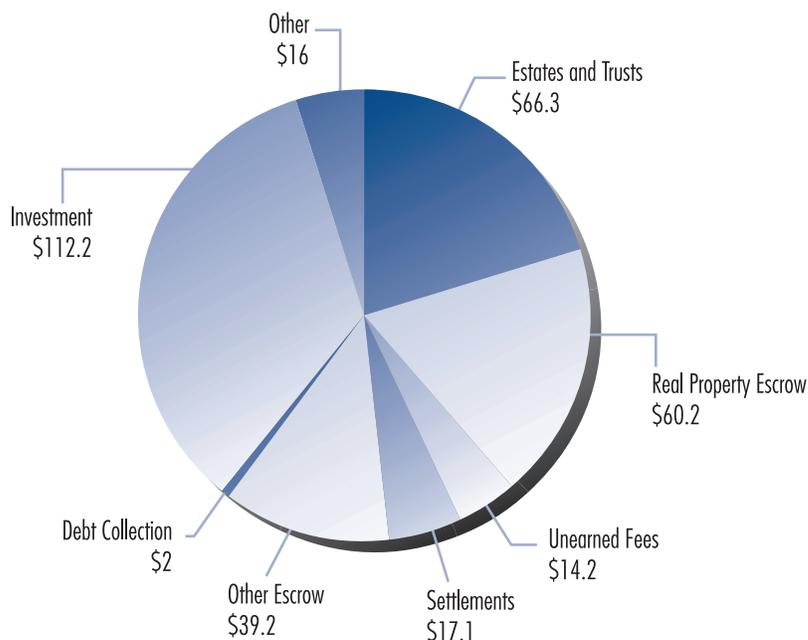
In *Matter of Natale*, 211 A.D.2d 36 (2d Dep't 1995), the Appellate Division, Second Department, implemented a unique restitution arrangement to be administered by the Lawyers' Fund. The Court authorized a reimbursement pool to be financed by legal fees owed to the disbarred lawyer. Those fees were assigned to the Lawyers' Fund. The principal beneficiary of the restitution pool was a young lady named Christine. Her attorney stole \$388,000 from the settlement of a medical malpractice action.

With a \$100,000 award of reimbursement from the Lawyers' Fund, and an additional \$288,000 from the reimbursement pool approved by the Appellate Division, Christine received full reimbursement of her catastrophic loss. A similar restitution arrangement was established in 1997 to benefit the clients of another lawyer who misappropriated settlement proceeds in personal injury litigation.

Matter of Dussault, 215 A.D.2d 843 (3d Dep't 1995) involves a different innovative use of the restitution statute. In that disbarment proceeding, the Appellate Division, Third Department, provided judgments of restitution to 100 escrow beneficiaries who were creditors of the dishonest lawyer's clients. Those judgments were converted into awards of reimbursement totaling \$168,690.

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

Reported Losses Since 1982 (In millions)



Public Information and Consumer Education

Since the Fund's inception, the Board of Trustees has encouraged public information about the Lawyers' Fund and its efforts, and programs to protect consumers from dishonest conduct in the practice of law. The Trustees firmly believe that responsible affirmative efforts in public information promote public confidence in the bar's basic integrity, and its concern for the well-being of clients.

The New York Lawyers' Fund has been in the forefront of the nation's client protection funds in its public information efforts. Since 1989, the Trustees have been fortunate to have expert assistance in this area from the Paige Marketing Communications Group, Inc., of Utica. It's been a rewarding collaborative experience, with Paige Marketing providing the Fund with creative counsel in all its outreach efforts.

These efforts began with a simple plain-English brochure explaining the Fund's organization, its jurisdiction and its procedures. That brochure, in revised form, is widely distributed to bar associations, government offices likely to encounter complaints of lawyer dishonesty, lawyer discipline agencies and law schools.

The latest public information effort underway is the publication of a Spanish language version of the Fund's informational brochure. The Trustees intend to target the distribution of this consumer brochure to select communities in order to further increase the awareness of the Fund and assess whether there are segments of the population with eligible losses which have to date gone undetected.

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

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

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

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

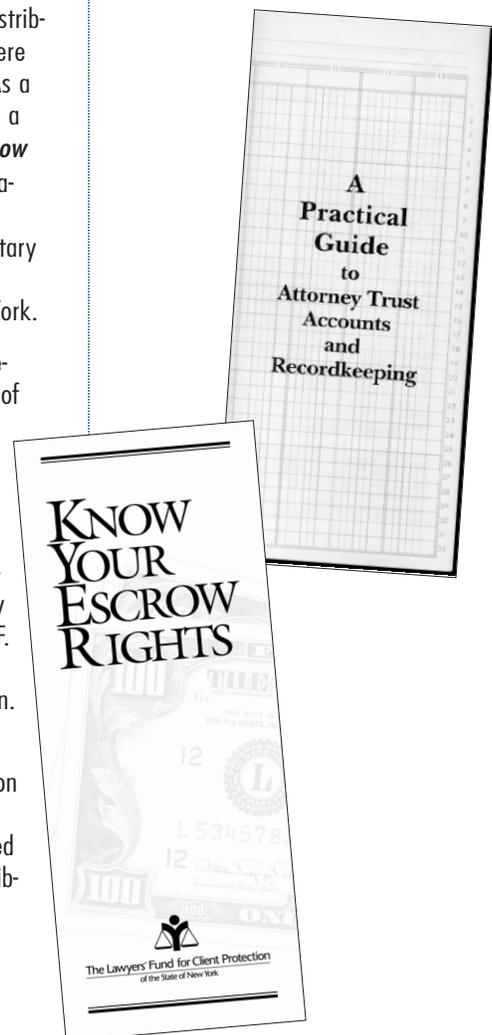
These practical guides have been supplemented with the publication of a series of eye-catching public service announcements about the Lawyers' Fund for legal and law school publications.

Trustees and staff address professional and civic service organizations, and participate in state and national disciplinary conferences. In 1999, Trustee Bernard F. Ashe was appointed to the ABA's Standing Committee for Client Protection.

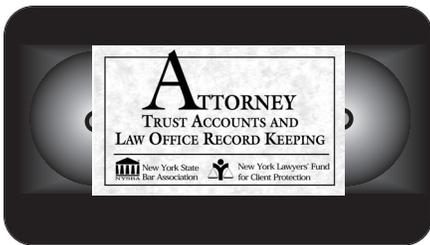
Bar associations are provided articles about the Fund's activities for publication in their journals and newsletters. All awards of reimbursement are announced publicly by press releases that are distributed to the media statewide.

"Honest lawyers like all of you <are> what we need in this country. God bless you all."

— Message from claimant (2000)



Public Information and Consumer Education



Attorney Trust Accounts: The Video

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

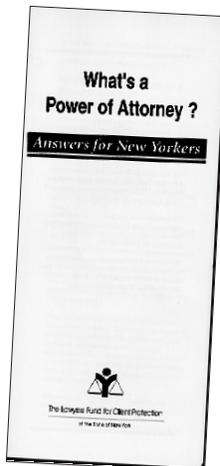
The video also covers court rules regarding the reporting of bounced checks on attorney trust accounts, missing clients, and signatories for attorney bank accounts. The video was designed for a broad audience, including law office staffs, law students, accounting firms, banks, and other businesses that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

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

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

In 1996, a joint effort by the Government Law Center of the Albany Law School of Union University and the Lawyers' Fund resulted in the publication of a consumer pamphlet guide on the subject of powers of attorney.

What's A Power of Attorney? is a 12-page guide, in plain English and question and answer format, that addresses basic principles of law, fiduciary conduct and important changes in New York statutes that took effect on January 1, 1997. The pamphlet has



been widely distributed to the senior citizen community, including 100,000 copies purchased by the New York State Department of Law.

Avoiding Grief With A Lawyer — A Practical Guide

The Fund's efforts in educating legal consumers continued in 1998 with the publication of *Avoiding Grief With A Lawyer*. While the vast majority of clients will have problem-

www.nylawfund.org

Since February 1997, the Lawyers' Fund has had a web site on the internet which has proved to be 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. It was designed and constructed by Global 2000, an Albany-area Internet Server and is maintained in-house at the fund.

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.

The Fund's "Links to Internet Resources" button provides visitors with links to court rules and related

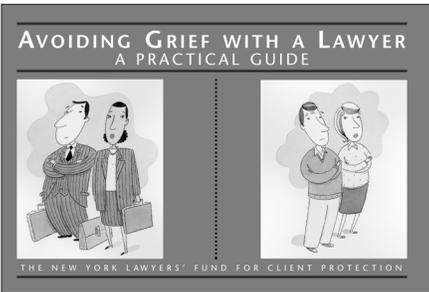
practice materials; the web sites of law libraries and other legal research resources in the United States; bar associations; and state and federal government web sites.

In the web site's first year of operation, over 26,000 visitors viewed the site from around the world. The site currently averages 1,500 visitors weekly and has logged over 275,000 "hits" since its inception.

The screenshot shows the website's navigation menu with the following items: WHO WE ARE, FREQUENTLY ASKED QUESTIONS, TRUSTEES' REGULATIONS, CLAIM FORMS, PUBLICATIONS, ANNUAL REPORTS, PRESS RELEASES, ESCROW AND ETHICS MATERIALS, ATTORNEY GRIEVANCE COMMITTEES, NYS DIRECTORY OF ATTORNEYS, KEY TELEPHONE NUMBERS, LINKS TO INTERNET RESOURCES, NATL CLIENT PROTECTION ORGANIZATION, USA CLIENT PROTECTION FUNDS, and REQUEST FOR INFORMATION. At the bottom, there is an email address: E-mail: info@nylawfund.org.

Evaluation of Applications for Reimbursement

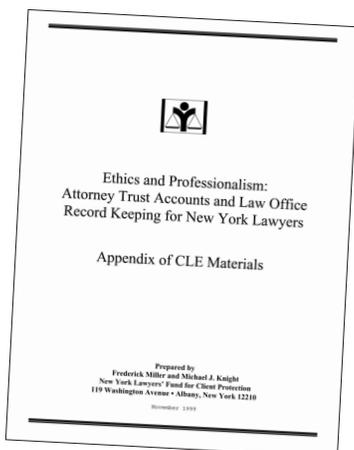
free dealings with their lawyers, this consumer brochure points out the possible sources of contention in an attorney-client relationship, warning signs of troubles and problems, and ways to avoid and deal with them. The pamphlet has been distributed to bar associations, consumer protection agencies, legislative offices, and public libraries



throughout New York State. 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

New York's Mandatory Continuing Legal Education program requires that members of the bar acquaint themselves with the fiduciary and recordkeeping 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.



A claimant seeking reimbursement is provided a two-page application form, instructions on how to file a claim, the Fund's plain-English brochure describing the Fund's operations, and a copy of the Trustees' procedural regulations.

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

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

If a claim is not clearly ineligible, the lawyer accused by the claimant of misconduct is provided a copy of the claim and supporting papers, and is provided with the opportunity to respond to the claimant's allegations.

Claims are presented to the Board of Trustees at one of the Fund's quarterly meetings following the completion of disciplinary proceedings involving the lawyer complained of. In appropri-

ate cases, the Trustees await the conclusion of criminal proceedings against the accused attorney before rendering determinations in claims.

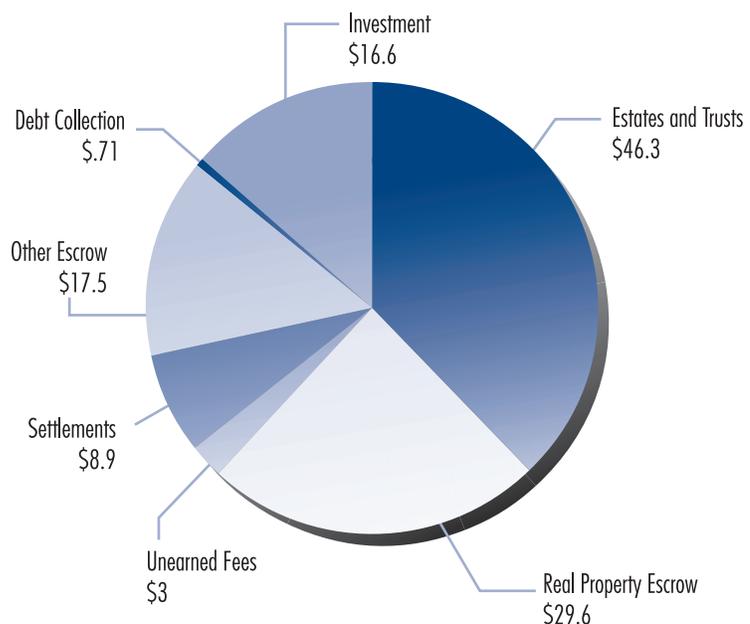
The Trustees have sole discretion to determine the merits of claims pursuant to section 468-b of the Judiciary Law. This statute also authorizes the Trustees to fix the amount of an award of reimbursement along with the terms and conditions for awards. The Trustees render a determination in a claim after reviewing the staff's written report summarizing the facts of the claimant's alleged loss and providing a recommendation for action by the Trustees.

The Trustees evaluate these claims at their quarterly meetings which are rotated among the four Judicial Departments of the State. Meetings of the Board have been held in all twelve districts in New York State. The Trustees' meetings in 2000 were held in Albany, Cooperstown, Brooklyn and Manhattan.

To facilitate the claims process, claims are processed based upon the claimant's supporting documents and evidence. Usually, the attorney involved in dishonest conduct will not contest or oppose an award. If the Trustees feel that it is necessary, hearings with the Board, or a panel thereof, may be held.

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

Actual Losses in All Awards (In millions)



Judicial Review of Rejected Claims

Since 1982, the Lawyers' Fund has rendered decisions in 10,154 applications for reimbursement. The Trustees determined that 5,081 claims qualified for awards of reimbursement. The remaining 5,073 claims were denied after it was found that the claimants had failed to provide satisfactory evidence of eligible losses.

In 18 years, and out of 5,073 claimants, only five claimants have judicially challenged adverse determinations by the Board of Trustees pursuant to Article 78 of the Civil Practice Law and Rules.

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

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

In the **Claim of Bluth**, the Trustees determined that the claimant did not provide satisfactory evidence of an eligible loss in a real estate transaction with a lawyer who was disbarred for unrelated professional misconduct. The claimant's Article 78 proceeding in the Supreme Court, Kings County (Clemente, J.) was dismissed on the merits by motion of the Lawyers' Fund. The Appellate Division,

Second Department, affirmed the dismissal on March 8, 1999, writing that: "The Lawyers' Fund . . . properly exercised its discretion in this proceeding." (*Matter of Bluth v. Lawyers' Fund*, No. 044062/97 (Sup. Ct., Kings Co. 1998), *aff'd* 259 A.D. 2d 543 (2d Dep't 1999).

In the **Claim of Haskins**, the Trustees 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. Justice Alan D. Oshrin annulled the determination of the Board in *Matter of Haskins v. Lawyers' Fund*, No. 25544/1999 (Sup. Ct., Suffolk County). The Fund's appeal of this decision is pending.

In the **Claim of Beutz**, the Trustees denied reimbursement to a claimant who delivered monies to his lawyer in order to bribe public officials, and the monies were later unaccounted for. The Board determined that the claimant's own conduct had contributed to his loss. Mr. Justice Seibert upheld the Trustees' rejection of the claim in *Matter of Beutz v. Lawyers' Fund*, No. 4619-00 (Sup. Ct., Albany Co. 2000). 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 the Trustees properly complied with its procedures and had a reasonable and rational basis for concluding that the claimant's own criminal conduct substantially contributed to his loss.

In the **Claim of Plater**, the claimant commenced an Article 78 Proceeding challenging the administrative dismissal of his claim seeking reimbursement of legal fees. *Plater v. Lawyers' Fund*, No. 7340-00 (Sup. Ct., Albany Co. 2000). That proceeding is pending.

Representation by Counsel

It is not necessary that a claimant before the Fund be represented by a lawyer. The Fund's procedures are not complicated. The Fund's staff goes to great lengths to assist claimants whenever possible in documenting their alleged losses.

The Trustees, though, do encourage claimants to seek assistance from lawyers. Losses in many claims may raise practical and legal problems which require guidance and counsel from a member of the bar.

The Trustees are proud to proclaim that lawyers in New York State continue to display a generous sense of public service in assisting claimants with the Fund. Nearly half of all claimants have counsel helping them with their applications.

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

The Trustees' Regulations also mirror this statewide policy. Section 7200.14 (b) of the Trustees' Regulations provides that no fee applications by lawyers, including public officers and court-appointed fiduciaries, will be approved by the Trustees "absent a showing of extraordinary circumstances." Since 1982, only four law firms have requested the Trustees' approval of fee applications. The Trustees have denied each application.

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. Counsel are also provided certificates of appreciation as a token of the Trustees' gratitude for this contribution of public service.

Unearned Legal Fees

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

Nearly thirty-six percent of all claims to the Lawyers' Fund involve so-called "unearned retainers": 3,690 of 10,287 claims since 1982. In many cases, the claimants were law clients at the time of their lawyers' disbarment or suspension from practice. Not infrequently, they paid legal fees in advance, unaware of a pending disbarment or suspension.

The typical "unearned retainer" loss that merits an award is relatively small in the scale of all losses, about \$3,800. They are nonetheless difficult to evaluate, as the process requires a search for "dishonest conduct" in a lawyer's refusal or inability to refund the claimant's legal fee.

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

After much wrestling with these difficulties, the Trustees amended their Regulations in 1990 to codify the criminal law concept of "larceny by false promise" as a species of dishonest conduct that can result in an award of reimbursement from the Fund. That codification is contained in section 7200.8 (e), of the Trustees' Regulations.

Theft of Personal Injury Settlements

A common claim to Funds across the nation involves a dishonest lawyer's theft by forging a client's endorsement on settlement checks in personal injury actions. The forgery may be accompanied by the unauthorized settlement of the client's litigation with an insurance carrier, the forgery of the client's signature on a general release and a discontinuance of the lawsuit. The theft is facilitated by a long-standing, and well-intentioned, industry practice to make the settlement draft jointly payable to law client and attorney. Notice to the law client was not part of that practice.

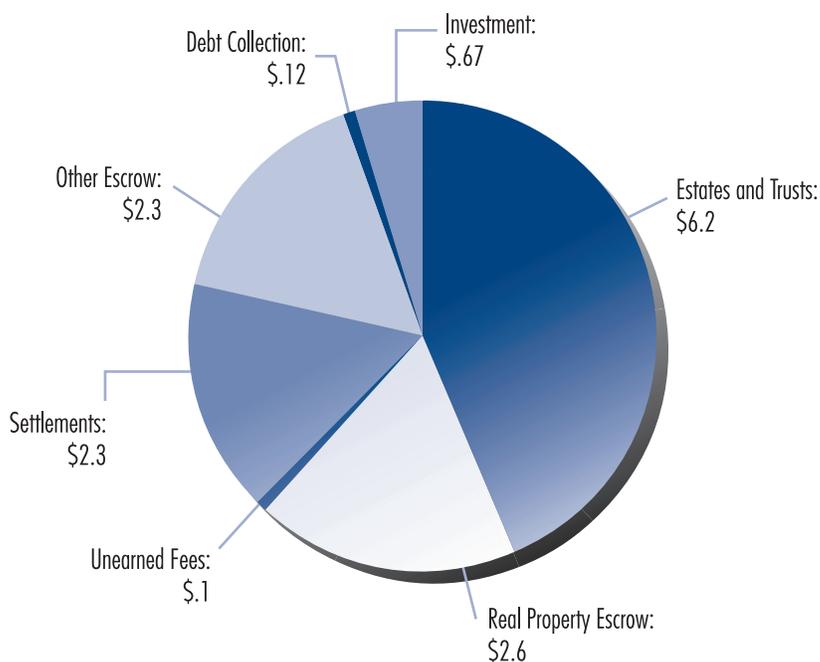
In 1988, the Trustees proposed to the State Insurance Department a regulatory device that has proven to be highly effective in deterring and detecting losses in this area of legal practice. It's called the "Regulation 64 Notice". This regulation, in effect since September 1988, requires liability insurers and their agents to provide law clients with written notice of payment whenever a third-party lia-

bility claim is settled for \$5,000 or more. (11 NYCRR 216.9). Over the years, the Regulation 64 Notice has helped reduce losses and claims to the Fund involving the forgery and theft of personal injury settlements.

The Regulation 64 Notice also prevents delay in the discovery of forgeries and thefts. The end result is that the claimants' losses by forgery can be shifted to the banks which improperly honor forged endorsements in the processing of the negotiable instruments. Before the Regulation 64 Notice, civil actions to recover losses were frequently barred by the statute of limitations.

Based on the New York experience, the American Bar Association has approved the Regulation 64 Notice as a Model Rule for attorney disciplinary systems nationwide. Versions of Regulation 64 have been adopted in California, Connecticut, Delaware, Georgia, Maryland, New Jersey, Pennsylvania and Rhode Island. Six states have the regulation under study.

Actual Losses in 2000 Awards (In millions)



Losses in Investment Transactions

The majority of claims to the Fund alleging losses in investment transactions with lawyers have not qualified for reimbursement. This is because of the legislative history of the Fund. 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.

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 types of losses:

"The Trustees will consider for payment only those claims arising out of an attorney-client relationship. Investment advice given by the

" Your fine work certainly makes me proud to be a 'Native New Yorker'."

— Message from claimant (2000)

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, the Fund has received 1,129 claims alleging \$112 million in losses arising from investment transactions with lawyers. Of these claims, the Trustees have approved awards in only 302 claims providing a total of \$11.9 million in reimbursement.

In the evaluation of claims in this area, the Trustees apply the so-called "but for" test that is used by protection funds in most states: "but for" dishonest conduct in an attorney-client relationship, the claimant's loss would not have occurred.

Thefts in Real Property Transactions

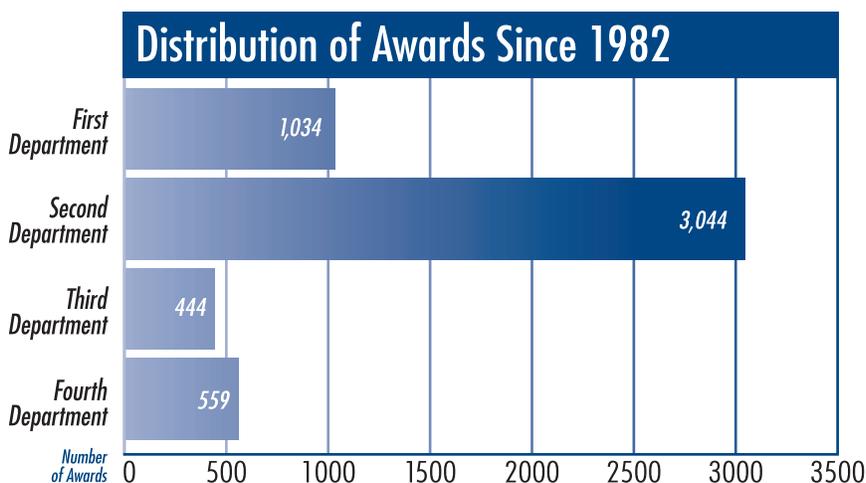
Since 1982, the Trustees have granted 1,323 awards reimbursing a total of \$26 million misappropriated by dishonest attorneys in real property transactions. This constitutes nearly one-third of all the awards paid by the Fund.

A common loss that is reimbursed by the Fund involves the theft of a down payment in the purchase and sale of property. In downstate New York, the purchaser is generally required to entrust to the seller's lawyer a down payment of 10 percent of the purchase price which the seller's lawyer is to hold in escrow until the closing.

The theft of a down payment 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 a fiduciary's 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**.



The Bounced Check Rule

A clear sign of the possible misuse of client monies is a bounced check on a lawyer's trust or escrow account. Often though, the client accepts a plausible excuse offered by the dishonest attorney. This forbearance enables a dishonest lawyer to manipulate and conceal the misuse of other clients' funds, sometimes for years.

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

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

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

Qualified banks in New York State are nearly unanimous in their participation in this program. The role of the Lawyers' Fund in the program is that of a clearinghouse. 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 grievance committee for investigation. A lawyer/law firm named in a bounced check report is required to furnish the committee with a written explanation for the transaction, and bank statements on the attorney trust account for the prior six months.

In the seven years the bounced check rule has been in effect, the rule has produced some remarkable results in New York. The Lawyers' Fund has processed approximately 3,520 bounced check reports. The face amount of those checks exceed \$77 million.

Bounced Check Reports Filed with Grievance Committees

	1993	1994	1995	1996	1997	1998	1999	2000	Totals
First Department									
First Judicial District	79	79	115	178	203	220	213	179	1266
Twelfth Judicial District	22	16	10	16	17	31	18	11	141
Totals:	101	95	125	194	220	251	231	190	1407
Second Department									
Second Judicial District	48	163	41	49	41	34	58	59	493
Ninth Judicial District	42	19	14	36	71	76	68	36	362
Tenth Judicial District	51	44	47	89	79	62	98	63	533
Eleventh Judicial District	24	13	15	25	35	39	39	50	240
Totals:	165	239	117	199	226	211	263	208	1628
Third Department									
Third Judicial District	8	6	3	9	14	18	6	9	73
Fourth Judicial District	2	2	1	3	1	3	1	6	19
Sixth Judicial District	0	0	1	3	0	1	3	1	9
Totals:	10	8	5	15	15	22	10	16	101
Fourth Department									
Fifth Judicial District	4	2	4	9	6	17	13	6	61
Seventh Judicial District	9	17	9	25	11	10	16	45	142
Eighth Judicial District	10	20	49	15	16	17	22	22	171
Totals:	23	39	62	49	33	44	51	73	374

Not surprisingly, the majority of bounced check notices result from innocent deficiencies in law office banking practices, not dishonest conduct. In these cases, the rule has proven to serve an educational role for the bar by alerting practitioners to the accounting, banking and recordkeeping requirements of the Lawyer's Code of Professional Responsibility.

Attorney grievance committees have also identified real estate practice 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.

In addition, the benefit of the bounced check rule as a loss prevention and detection device has clearly been established. Since 1993, approximately 80 lawyers have been identi-

fied and apprehended for client thefts because of bounced check reports. Many of those lawyers have been accused of dishonest conduct in reimbursement claims to the Fund by their victims. The Trustees have approved 270 awards of reimbursement totaling \$5.1 million which have involved 45 dishonest attorneys whose misconduct was detected by the bounced check rule. Without this client protection tool, surely the losses caused by these lawyers would have been much greater.

The importance of the Bounced 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 Bounced Check Rule is *prima facie* evidence of its negligence.

Dead Lawyers and Missing Clients

“ We feel extremely lucky that the Lawyers’ Fund exists at all, to help people who have been victimized by professionals they trusted.”

— Message from claimant (2000)

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. This restriction is intended to protect law clients from the misuse of their money. This limitation though also raises practical problems with the death of a sole practitioner.

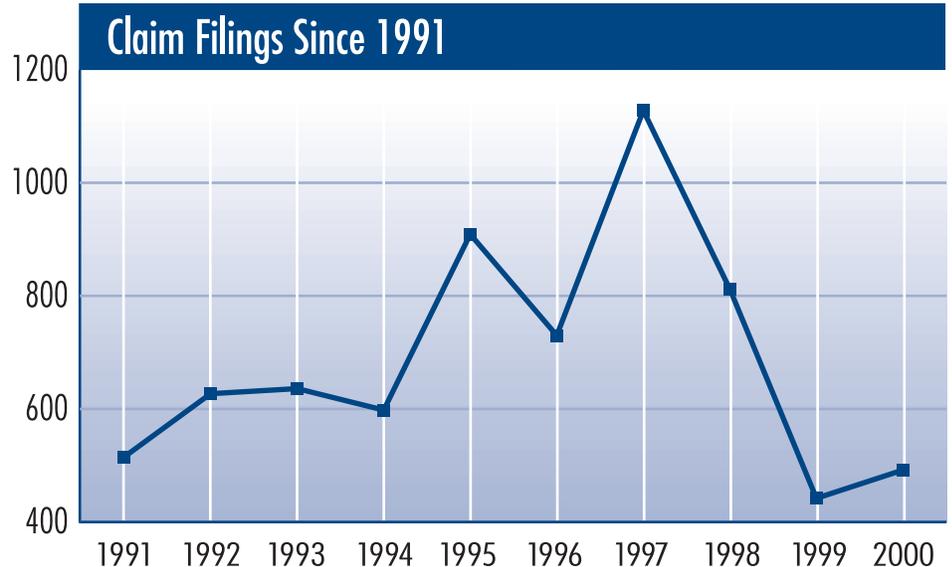
At the suggestion of the Board of Trustees, the Appellate Divisions have addressed this problem with an amendment to Disciplinary Rule 9-102 (g). This new court rule was effective December 13, 1994. It permits a Justice of the Supreme Court to designate a successor signatory for the deceased attorney’s 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 enabled the Lawyers’ Fund to recover \$147,000 from the trust accounts of two deceased lawyers (*Matter of Marine*

Midland Account No. 008-81544-5, #022732-95 (Sup. Ct., Queens Co.) and Lawyers’ Fund v. Chase Manhattan Bank, #9275-96 (Sup. Ct., Queens Co.). In both cases, the Fund had reimbursed clients of the dead lawyers for losses caused by their dishonest conduct in the practice of law.

Another area of concern involved 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 client money is unclaimed or the client 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 unclaimed or missing client monies, the Lawyers’ Fund conducts all possible searches for the owner of the monies in order to restore the funds to the rightful owner. At the end of 2000, there had been 326 deposits with the Fund of escrow monies unclaimed or due missing clients. These deposits total \$533,922. The Fund’s staff successfully located 19 clients and returned a total of \$88,124 to them. The monies are maintained in a special escrow account in the state treasury.



Claims Received and Processed

Claims Filed and Alleged Losses, 1982 to 2000

In the 18 years of the Fund's existence, there have been 10,287 claims filed. These claims have alleged total losses of \$344 million, up from \$323 million at the close of 1999.

Alleged losses have increased from \$3.2 million in 1982 to \$20.5 million in 2000, an increase of 540 percent.

The annual claim filings have ranged from a low of 230 in 1984, to a record high of 1128 claims in 1997.

Filings by Category of Client Loss, 1982 to 2000

In maintaining its statistics, the Lawyers' Fund classifies alleged losses by clients to the following eight categories of loss involving client money and property: (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 3,690 claims involving legal fees, nearly 36 per cent of all claims filed. The next largest category of filed claims alleges losses in real property transactions. The Fund has received 2,024 claims in this category, approximately 20 per cent of all filed claims.

The largest alleged dollar losses involve investment transactions with lawyers. These type of claims have alleged \$112 million in losses, approximately 32 per cent of all losses reported to the Fund. Alleged losses in thefts from estates and trusts have totaled \$66 million, or approximately 19 per cent of all losses. Close behind are the total alleged losses involving thefts in real property transactions. These claims have alleged \$60 million in losses, or 17 per cent of all reported losses.

Lawyers Involved in Awards, 1982 to 2000

The Trustees 5,081 awards over the past 18 years involve dishonest conduct by 655 former members of the bar. This is up from 606 at the close of 1999, an increase of 49 dishonest lawyers. Those lawyers are identified in the Appendix, together with the judicial districts where they maintained their practices, and the total of the awards of reimbursement granted to their victims.

Our experience in New York State is in common with that of our Nation's other funds. The majority of thefts involve sole practition-

ers who are nearly all male and middle-aged. Few claims involve female lawyers.

The apparent causes of misconduct by these lawyers is often traced to marital, professional and medical problems. In addition, gambling and alcoholism are often present, along with economic distress from the lawyer's practice or outside commercial activities. And drug abuse is not uncommon when the misuse of client money involves younger members of the bar.

The 655 lawyers on whose account the Trustees have granted awards of reimbursement, are distributed among the state's judicial districts and departments as follows:

Lawyers Involved in Awards Since 1982			
	Respondent Lawyers	Number of Awards	Lawyer Population
First Department			
First Judicial District	190	987	62,893
Twelfth Judicial District	14	47	1,931
Totals	204	1,034	64,824
Second Department			
Second Judicial District	62	356	6,281
Ninth Judicial District	72	813	9,404
Tenth Judicial District	118	1,418	14,875
Eleventh Judicial District	47	457	3,941
Totals	299	3,044	34,501
Third Department			
Third Judicial District	24	299	4,769
Fourth Judicial District	17	73	1,640
Sixth Judicial District	12	72	1,460
Totals	53	444	7,869
Fourth Department			
Fifth Judicial District	15	51	2,952
Seventh Judicial District	34	248	3,305
Eighth Judicial District	50	260	4,782
Totals	99	559	11,039
Grand Totals:	655	5,081	118,233

Claims Filed in 2000

The Fund received 492 claims in 2000, an increase of 50 filings from the 442 claims to the Fund in 1999. The 492 claims in 2000 alleged losses of \$20.5 million.

By category, the largest number of claims sought reimbursement of legal fees. There were 179 legal fee claims filed which alleged losses of \$1.1 million. These claims constituted approximately 36 per cent of all claims in 2000.

As in prior years, the largest alleged losses involve investment transactions with lawyers. These claims alleged losses of \$4.9 million. Next in line are claims alleging losses in estates and trusts which totaled \$4.5 million in alleged losses.

Awards of Reimbursement in 2000

There were 205 awards approved by the Trustees in 2000, up from 161 awards in 1999. The awards provided total reimbursement of \$10.5 million for documented losses of \$14.1 million. This is the largest one-year payout in the 18 year history of the Fund. The awards ranged between \$9 and \$300,000. The median client loss, and award, was \$15,500, up from \$5,000 in 1999.

The awards in 2000 reimbursed losses caused by the dishonest conduct of 88 former members of the New York bar. Of that number, 39 were respondents in awards that were approved in prior years. The names of 49 dishonest lawyers appear for the first time in 2000 awards.

Ineligible Claims, 1982 to 2000

Since April 1, 1982, the Fund has rendered final determinations in 10,154 claims. Of these 10,154 claims, 5,073 were rejected as not eligible for reimbursement from the Fund. This constitutes 49 per cent of all claims to the Fund. Alleged losses in rejected claims since 1982 exceed \$195 million.

Claims Pending, December 31, 2000

The Fund closed the year with 193 pending claims, the lowest number of pending claims in 16 years. There were 235 pending claims on December 31, 1999.

The alleged losses in the 193 pending claims totals \$10 million. The Fund's exposure on these claims, adjusted for its \$300,000 maximum limit on awards, is \$8.3 million.

Looking Ahead

Recommendations

One of the statutory responsibilities of the Lawyers' Fund is to maintain the integrity and protect the good name of the legal profession. The Trustees therefore continue with their practice of making annual recommendations for changes in policy and legal practice which will protect consumers from dishonest conduct in the practice of law.

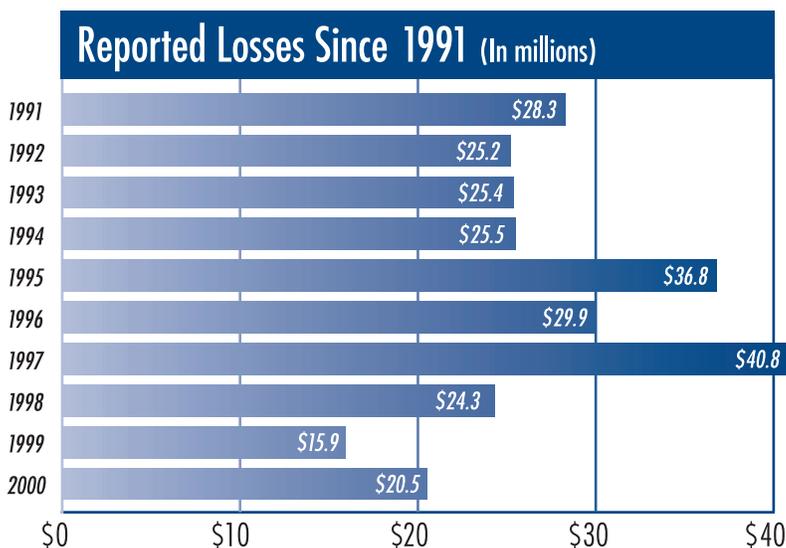
Based upon the Trustees' experience since 1982, there is no doubt about the basic integrity of lawyers in New York State in handling client money. But there is still room for improvement for the sake of legal consumers and the legal profession.

Alcohol and Substance Abuse in the Legal Profession

Since 1982, the Trustees have witnessed firsthand the economic and emotional harm suffered by law clients of lawyers with problems of alcohol and substance abuse. A high percentage of the awards of reimbursement from the Lawyers' Fund are attributable to misconduct traced to these addictions.

Chief Judge Kaye created the Commission on Alcohol and Drug Abuse in the Legal Profession in September 1999 in order to establish a comprehensive statewide effort to address the problems of lawyer alcohol and substance abuse. The Commission, chaired by Senior Court of Appeals Associate Judge Joseph L. Bellacosa, released its action plan on January 22, 2001.

The Commission's major recommendations include the creation of a permanent public trust entitled the "Lawyer Assistance Trust" to be administered by a Board of Trustees appointed by the Court of Appeals. The Lawyer Assistance Trust will have the responsibility of funding local lawyer assistance programs and establishing guidelines and standards for educational programs for these dependencies. This program will be financed by the legal profession with its principal source of revenue being a portion of the current biennial attorney registration fee.



Looking Ahead

The Lawyers' Fund fully supports the Commission's recommendations and urges the adoption of the action plan set forth to combat alcohol and substance dependencies in our profession.

Bar Examinations

Since 1988, the Trustees have recommended 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 Lawyers' Code of Professional Responsibility. The Trustees firmly believe that our system of legal education should prepare students for this vital aspect of lawyering.

The typical 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. The bar examination and New York's Continuing Legal Education program are opportune ways to impart and enhance these skills.

On March 1, 2000, the Court of Appeals announced that it had approved the addition of a performance test question to the bar examination beginning in July 2001. This first major change to the bar examination in over 20 years is designed to test candidates' performance skills in situations they will encounter every day as practicing lawyers.

The Trustees welcome this announcement and encourage the expansion of performance testing on practical and ethical issues. A lawyer's fiduciary obligations are a complex mix of ethics, procedural and substantive law, accounting principles, and statutory construction. A lawyer's failure to avoid subtle pitfalls can lead not only to terminal discipline, but to civil liability through the application of tort, agency and partnership laws.

The bar examination, coupled with New York's Continuing Legal Education Program which went into effect on December 31, 1998, should together address any deficiencies in training lawyers about their ethical and fiduciary requirements. The "bridge-the-gap" transitional education program for newly

admitted attorneys along with the continuing educational program for experienced attorneys are available avenues to emphasize a lawyer's professional obligations with respect to client property.

The Trustees applaud these efforts in professionalism by the Board of Law Examiners and the Court of Appeals.

Disbarment for Misusing Client and Escrow Money

The Board of Trustees has consistently urged a firm statewide disciplinary policy that disbarment will be ordered by an Appellate Division court when a lawyer injures a client by theft, fraud or embezzlement. This evenhandedness will relay a strong message to victims and the public about the administration of justice in our State.

The Trustees commend the Appellate Divisions and their disciplinary staff for including provisions for 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.

The Trustees are concerned with the absence of a statewide policy requiring an attorney disciplinary committee to report evidence of a lawyer's theft to a District Attorney or other criminal justice agency. A lawyer who steals is a threat to the public, and no public agency should conceal evidence of that lawyer's criminal activity.

Thefts by Lawyer-Fiduciaries

Since 1982, approximately twenty-nine percent of all losses reimbursed by the Lawyers' Fund have involved money misappropriated from trusts and estates. The Fund has reimbursed over \$25 million for these types of losses. In the number of awards, these losses have accounted for over eleven percent of all awards from the Fund. These types of losses can often be catastrophic, and beyond the ability of the Lawyers' Fund to provide full compensation.

In prior years, the Trustees have pointed out several remedies to deal with a fiduciary's misconduct. Among the remedies are insurance, mandatory training for fiduciaries, the effective monitoring of fiduciary appointments by the courts, and the tight supervision of their financial accounts.

On February 29, 2000, Chief Judge Kaye and Chief Administrative Judge Lippman announced the appointment of a high-level Commission on Fiduciary Appointments to examine current law and procedures that govern judicial appointments of fiduciaries. The Trustees look forward to the Commission's recommendations for eliminating opportunities for fiduciary abuse.

Bank Notices to Fiduciaries

The Trustees' experience in claims involving the theft of estate or trust assets has taught that these types of losses are able to be concealed when someone other than the fiduciary controls the bank account. If that person is also the signatory on the bank account, it's unlikely that the actual fiduciary receives the monthly bank statements.

The laws of New York should require that the named fiduciary for an estate or trust be provided with a copy of the monthly bank statement. This protection device would be similar to the requirement adopted by the New York State Insurance Department which provides that insurance carriers provide notice to clients when litigation settlements are mailed to their lawyers.

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 commit to sending copies of these monthly bank statements to the legal fiduciaries of these estates and trusts.

Looking Ahead

Such a rule could be patterned after the Dishonored Check Reporting Rule which has proven to be a successful theft detection device.

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.

In prior years, the Trustees have recommended that confidentiality should not apply in situations involving the theft of client money and property. The Trustees continue to believe that confidentiality should be lifted when a court has probable cause that a lawyer has stolen law client and escrow funds.

The Fund's experience has demonstrated that dishonest lawyers can and do exploit the laws of confidentiality to conceal dishonest and criminal activity. In our view, it is time to lift the veil of secrecy in disciplinary proceedings involving the theft of client money and property.

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 prosecuted in the state's urban and suburban counties. In addition, the attorney grievance committees do not have the resources to monitor lawyers who have been suspended or disbarred, and forbidden to engage in the practice of law. These kinks in law enforcement encourage the illegal practice of law, and the exploitation of the public, lawyers, judges and court personnel.

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 to be a public record.

In order to prevent fraud in our courts and in the practice of law, the Trustees propose 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.

Escrow Thefts in Real Property Transactions

Since 1982, approximately 26 percent of all awards from the Lawyers' Fund have involved documented thefts in the sale and purchase of real property. The Fund has restored \$26 million in established thefts totaling \$29.6 million.

These losses typically occur in residential transactions, and frequently involve the theft of the buyer's down payment by the seller's attorney. These losses can be harsh, particularly downstate where the usual down payment is 10 percent of the purchase price.

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.

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. We suggest that the statute be amended to require

interest-bearing accounts. Also, that the interest be paid or credited to the buyer, unless the contract provides otherwise.

Given the state of modern banking and electronic technology, there's no sound reason for using non-interest bearing bank accounts. 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.

Arbitration of Fee Disputes

Fee disputes comprise a major portion of the work of lawyer discipline systems and client protection funds nationwide. In New York State, 36 percent of all claims filed since 1982 have sought the refund of allegedly unearned fees. While fee disputes fall outside the jurisdiction of the Lawyers' Fund, they involve issues that are important to law clients. They are also the most visible of all lawyer-client disagreements. It's therefore important that they be resolved in an atmosphere of fairness and efficiency.

The Appellate Divisions in 1993 promulgated rules for fee arbitration in matrimonial actions prosecuted in the Supreme or Family Courts. The Trustees endorsed that program, and have recommended since that fee arbitration be extended to fee disagreements beyond the matrimonial field.

Chief Judge Kaye recently announced the creation of the Attorney Fee Dispute Resolution Program. This new program provides for the resolution by arbitration and mediation of fee disputes in civil representation commencing on or after June 1, 2001. It provides for mandatory arbitration if requested by the client for amounts in dispute between \$1,000 and \$50,000, or for any amount if the parties consent. The program will be jointly developed and administered by the court system and bar associations.

The Trustees commend Chief Judge Kaye, the New York State and local bar associations for their noble efforts in this area which will promote public confidence in the administration of justice in New York State.

Afterword

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

While the incidence of theft in the practice of law persists and disappoints, we are comforted by the fact that the overall number of dishonest lawyers represented in the Fund's statistics represents only a tiny percentage of the bar's total membership. Based upon our experience, we therefore can attest that the overwhelming majority of lawyers observe high standards of integrity when entrusted with law client money and property.

As 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 staffs of Attorney Grievance Committees statewide for their unflinching help and cooperation in investigating claims, securing restitution orders in disciplinary proceedings, and the compassion and support they provide to victims of dishonest lawyers;

Assistant District Attorneys for their efforts to secure restitution or orders of restitution for victims of dishonest conduct in the criminal justice process;

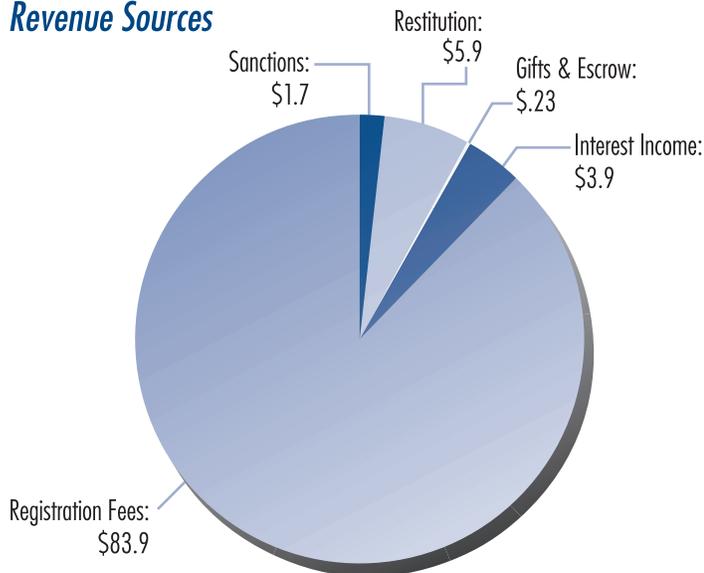
The Office of Court Administration for the efficient collection of our revenue, technical assistance in budgeting and administration;

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

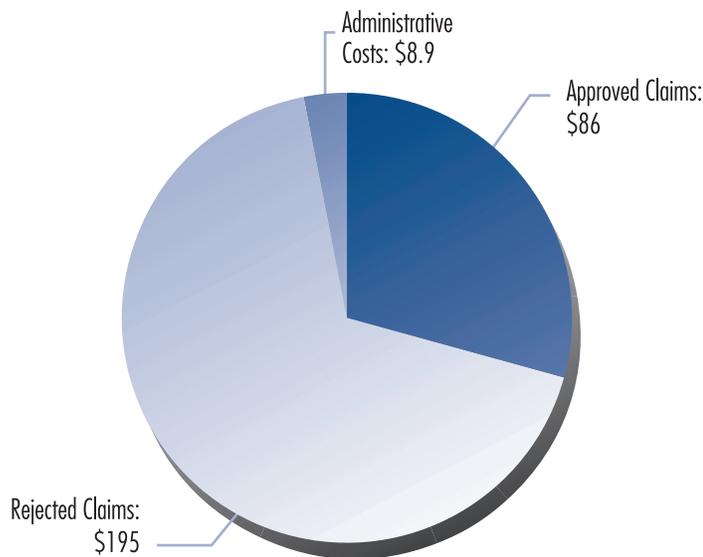
The Office of the State Comptroller for the prudent investment of the Fund's assets, and the prompt processing and payment of awards and other expenses from the Fund's special revenue account.

The Fund's Finances Since 1982 (In millions)

Revenue Sources



Claims and Operations



Appendix

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	815	7.9%	\$66,247,966	20.3%
Real Property Escrow	2024	19.7%	\$60,167,104	18.4%
Unearned Fees	3690	35.9%	\$14,221,434	4.4%
Settlements	721	7.0%	\$17,067,315	5.2%
Other Escrow	887	8.6%	\$39,174,796	12.0%
Debt Collection	602	5.9%	\$2,041,793	0.6%
Investment	1129	11.0%	\$112,164,496	34.3%
Other	419	4.1%	\$15,642,776	4.8%
Totals:	10287	100%	\$326,727,680	100%

Losses Reported in 2000 Claims

Category of Client Loss	Number of Claims	Percent of all Claims	Amount of Loss Alleged	Percent of all Losses
Estates & Trusts	24	4.9%	\$4,471,209	21.8%
Real Property Escrow	110	22.4%	\$3,154,295	15.4%
Unearned Fees	179	36.4%	\$1,154,636	5.6%
Settlements	54	11.0%	\$2,612,180	12.7%
Other Escrow	59	12.0%	\$3,414,625	16.6%
Debt Collection	4	0.8%	\$15,262	0.1%
Investment	32	6.5%	\$4,912,633	23.9%
Other	30	6.1%	\$782,057	3.8%
Totals:	492	100%	\$20,516,897	100%

Client Losses in 2000 Awards

Category of Client Loss	Number of Awards	Percent of All Awards	Amount of All Awards	Client Losses Involved	Percent of All Losses	Percent of All Losses Reimbursed
Estates and Trusts	24	11.7%	\$3,243,773	\$6,170,729	43.6%	52.6%
Real Property Escrow	63	30.7%	\$2,571,009	\$2,571,009	18.2%	100.0%
Unearned Fees	36	17.6%	\$105,299	\$105,299	0.7%	100.0%
Settlements	50	24.4%	\$2,261,427	\$2,276,427	16.1%	99.3%
Other Escrow	23	11.2%	\$1,574,048	\$2,258,307	15.9%	69.7%
Debt Collection	3	1.5%	\$119,048	\$119,048	0.8%	100.0%
Investment	6	2.9%	\$662,529	\$662,529	4.7%	100.0%
Totals	205	100%	\$10,537,133	\$14,163,348	100%	

Client Losses in All Awards Since 1982

Category of Client Loss	Number of Awards	Percent of All Awards	Amount of All Awards	Client Losses Involved	Percent of All Losses	Percent of All Losses Reimbursed
Estates and Trusts	575	11.3%	\$25,598,830	\$46,283,009	37.8%	55.3%
Real Property Escrow	1323	26.0%	\$26,053,899	\$29,576,799	24.2%	88.1%
Unearned Fees	1462	28.8%	\$2,836,440	\$2,861,540	2.3%	99.1%
Settlements	417	8.2%	\$8,311,356	\$8,858,053	7.2%	93.8%
Other Escrow	555	10.9%	\$10,775,108	\$17,531,355	14.3%	61.5%
Debt Collection	447	8.8%	\$655,859	\$710,859	0.6%	92.3%
Investment	302	5.9%	\$11,966,924	\$16,612,286	13.6%	72.0%
Totals	5081	100%	\$86,198,416	\$122,433,901	100%	

Claims Activity Since 1982

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	Totals
Claims Filed	534	375	230	332	341	311	351	486	438	515	627	636	598	909	730	1128	812	442	492	10,287
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	\$344.1
Claims Approved	1	494	130	183	178	159	202	177	219	200	288	318	362	383	381	625	415	161	205	5,081
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	\$122.7
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	\$85.9
Lawyers Involved	1	13	26	43	26	24	36	26	38	44	38	52	45	60	38	39	29	28	49	655
% Losses Reimbursed	50%	46%	46%	52%	85%	95%	74%	60%	96%	71%	54%	60%	73%	64%	72%	76%	87%	92%	74%	
% 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%	
Claims Disallowed	33	201	105	73	164	120	119	169	186	360	253	384	247	366	439	620	522	383	329	5,073
Total Dispositions	34	695	235	256	342	279	321	346	405	560	540	702	610	749	820	1245	937	544	534	10,154
Claims Pending Dec. 31	500	180	175	251	250	282	312	452	485	440	526	460	449	609	579	462	337	235	193	
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	
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	
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	

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-f 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".

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, includ-

ing voluntary contributions together with any interest accrued thereon. All deposits of such revenues not otherwise required for the payment of claims shall be secured and invested as required by the provisions of section 97-t of the State Finance Law;

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

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

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

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

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

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

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

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

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

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

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

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

(b) The vice-chairman shall assume the duties of chairman in the absence or disability of the chairman.

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

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

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

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

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

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

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

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

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

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

Trustees' Regulations

(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 eligi-

ble 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;

Trustees' Regulations

(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 recom-

mendation 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 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 Involved in Awards Since 1982

Name	JD	Awards	Amount
Edward P. Abbott	1	1	\$10,624
James E. Adel	8	3	\$18,656
Mark I. Adelman	1	1	\$2,150
Cornelius M. Ahearn	1	1	\$65,712
George E. Albright	7	1	\$2,150
Alexis Alcide	11	1	\$7,200
David B. Alford	3	4	\$8,150
Donald A. Alleva, Jr.	9	3	\$4,938
Nicholas P. Altomerianos	1	1	\$13,425
David W. Alvey	2	10	\$490,852
Joseph Amaru	11	1	\$83,325
Robert B. Anderson	1	1	\$100,000
Thomas A. Andrews	1	1	\$300,000
Alvin Ashley	1	1	\$71,445
Lewis G.P. Ashton	11	2	\$9,000
Harley D. Axelrod	7	5	\$107,128
David A. Baker	5	10	\$61,627
William F. Baker	5	2	\$28,556
Richard L. Baltimore, Jr.	1	5	\$42,096
Norwood K. Banks	7	1	\$573
John M. Barth	1	1	\$3,000
Richard L. Baumgarten	8	2	\$6,000
Paul L. Beck	1	7	\$105,700
Irving Becker	1	10	\$16,330
Herbert H. Bell	1	1	\$40
William F. Benca	8	2	\$57,950
Michael D. Benjamin	2	1	\$900
Bradley C. Bennett	7	2	\$7,554
Robert J. Bennison	5	1	\$15,815
Richard H. Berg	9	2	\$2,000
Adam H. Bernstein	7	3	\$40,339
Harry J. Bernstein	11	16	\$216,742
Peter N. Bertucci	1	1	\$25,000
Burton H. Besen	1	9	\$146,616
Jeffrey L. Besse	3	31	\$1,427,417
Lassale Best, Jr.	2	1	\$1,000
Jose M. Betancourt	12	2	\$21,961
James Bing	1	3	\$4,085
Charles Birnbaum	2	1	\$594
Warren J. Black	1	1	\$20,576
Walter H. Blaich, Jr.	9	7	\$385,835
Blaich & Dries	9	7	\$236,162
Lawrence Bluth	11	1	\$11,500
Allen J. Bodner	1	1	\$100,000
Howard J. Bodner	10	20	\$968,658
Murray Bogatin	1	2	\$9,400
Philip L. Boneta	2	3	\$19,533
Anthony J. Bonfiglio	1	3	\$114,000
Martin Borakove	1	2	\$16,101
Lee H. Bostic	11	3	\$13,083
Darrell L. Bowen	4	1	\$300
Martin J. E. Bowers	10	1	\$12,750
Jonathan N. Boxer	10	12	\$61,364
Raymond D. Bradford	9	2	\$20,779
Karen E. Bragg	10	1	\$250

Name	JD	Awards	Amount
E. Lawrence Brass	10	14	\$339,657
Leo Bresler	10	2	\$100,000
John D. Bridge	8	1	\$1,000
Richard Brill	9	1	\$15,680
Harold Brotman	10	1	\$6,667
Bradford J. Brown	1	1	\$36,000
Kenneth E. Bruce	9	1	\$800
Stephen Bruschi	1	1	\$1,500
Alan I. Brutton	11	1	\$500
Joseph T. Burchill	6	1	\$25,000
John R. Burgess	8	6	\$30,868
Timothy K. Burgess	7	2	\$9,118
W. Michael Burke	3	2	\$700
William M. Burke	3	2	\$101,035
Jeffrey S. Burns	10	3	\$12,370
Gail D. Butler	1	2	\$55,650
Nicholas Capobianco	7	4	\$6,530
Russell J. Carbone	11	1	\$9,000
John M. Cassel	3	1	\$65,000
Stuart B. Cassell	11	35	\$486,387
Frank V. Cassese	2	16	\$218,269
Richard H. Cataldi	8	3	\$71,810
Vincent J. Catalfo	1	1	\$45,000
Katherine R. Catanzarite	4	19	\$60,843
Harvey Chaly	10	4	\$42,944
John R. Chaney, Jr.	1	3	\$2,276
Michael M. Chasen	12	6	\$38,708
John D. Chestara	3	17	\$146,832
John M. Cholakis	3	1	\$52,383
Frank A. Cissi	5	2	\$4,996
Robert J. Clark	2	5	\$121,990
A. Roger Clarke	7	5	\$193,183
James F. Clarke	10	19	\$1,145,491
W. Andrew Clawson	7	19	\$305,861
Casey A. Clines	4	1	\$350
Joseph A. Cofino	12	2	\$3,500
Daniel I. Cohen	1	4	\$81,720
James Harrison Cohen	1	5	\$57,055
Kenneth H. Cohn	6	9	\$4,010
Kenneth W. Cohn	10	1	\$16,077
Theresa N. Coletti	11	25	\$53,317
Joseph L. Colp	1	3	\$12,300
Frank Coniglio	10	12	\$240,110
Kevin A. Conine	6	2	\$40,861
Joseph A. Contino	8	2	\$200,000
Stephen E. Cooper	4	2	\$268,455
Edward M. Cooperman	10	3	\$12,700
Kevin P. Corcoran	9	2	\$16,965
William J. Corcoran	1	1	\$10,000
Gerald M. Cotter	10	28	\$990,471
James P. Cotter	8	1	\$46,036
Catherine N. Coughlin	8	3	\$7,002
Coxeter & Coxeter	3	1	\$50,000
Ronald P. Crean	1	2	\$22,750
Gene Crescenzi	1	2	\$6,880

Lawyers Involved in Awards

Name	JD	Awards	Amount
Domenick Crispino	1	11	\$560,675
John T. Crone	7	13	\$450,427
Dennis D. Crowley	9	6	\$271,804
Marshall Oakes Crowley	10	1	\$14,229
Martin J. Crowley	10	12	\$98,424
Thomas P. Cullen, Jr.	11	4	\$93,513
John L. Curtis	8	4	\$252,344
R. Scott Daly	2	2	\$11,600
Benjamin F.L. Darden	6	2	\$67,088
Thomas P. Daubner	11	1	\$500
Kenneth P. Daumen, Sr.	8	1	\$3,211
Mehran W. Davidian	10	1	\$5,000
James J. Davitt	2	1	\$100,000
Mark D. Deinhart	8	3	\$188,990
Lawrence DeMayo	2	20	\$217,422
John L. Desmond	3	1	\$56,000
Bertram S. Devorsetz	9	2	\$1,100
James G. deWindt	10	2	\$1,000
Steven H. Dickman	10	7	\$59,339
Edward W. Dietrich	5	1	\$36,598
Salvatore DiMisa	10	2	\$55,533
Vincent R. DiPasquale	8	6	\$262,277
Robert E. Dizak	1	19	\$170,293
Biröl John Dogan	1	6	\$43,673
Jerrold A. Domingo	1	3	\$19,000
Myron Domskey	10	3	\$3,500
Paul B. Donohue	9	1	\$750
Michael J. Donovan	1	1	\$27,531
Walter M. Donovan	8	23	\$75,050
H. Paul Doucette, Jr.	7	9	\$16,200
George E. Dougherty, Jr.	3	6	\$140,388
William J. Dougherty	10	5	\$124,795
Frank J. Doupona	9	10	\$602,595
Charles H. Downing	1	2	\$6,362
James L. Dowsey, III	10	1	\$8,500
Arthur S. Drotzer	9	1	\$2,255
Robert G. Dubrow	10	1	\$28,428
Peter J. Dunne	10	13	\$68,950
Thomas A. Dussault	3	184	\$329,956
Saul L. Eagle	12	4	\$290,404
Paul W. Eckelman	9	3	\$8,895
Eugene P. Edwinn	1	3	\$107,770
Louis A. Egnasko	2	65	\$1,714,450
Ehman & Marino	10	61	\$3,061,535
Howard Eisenberg	1	1	\$5,000
Robert A. Eisenberg	2	1	\$7,058
Mitchell Eisenstat	1	1	\$450
Dennis P. Elkin	11	1	\$250
Robert S. Elkins	10	3	\$101,450
W. Joseph Embser	8	1	\$100,000
Charles E. Ennis	7	3	\$52,427
Michael L. Entes	2	2	\$10,000
Michael F. Erdheim	1	20	\$993,099
Steven M. Erdheim	9	23	\$12,840
Jonathan Erickson	7	6	\$111,173

Name	JD	Awards	Amount
Jerome J. Erlin	1	4	\$42,595
John R. Esposito	12	1	\$5,700
Gene Ira Esser	2	12	\$23,877
James C. Farrington	3	1	\$15,560
Arnold H. Fassler	11	12	\$111,658
James H. Fay	2	1	\$400
Charles L. Feely	1	3	\$256,906
Milton Feinman	1	9	\$520,987
Harvey Felton	9	1	\$40,426
John F. Felton	1	2	\$7,000
Willie R. Felton	7	29	\$134,491
Perry V. Ferrara	10	58	\$1,645,861
Steven B. Fidelman	11	9	\$78,532
Carl M. Field	10	24	\$173,904
Timothy A. Fischer	8	1	\$155
Fischer & Quaintance	8	2	\$110,897
Michael G. Flanagan	1	13	\$884,137
Florien Carl Flierl	8	8	\$65,695
Dan Foley	9	1	\$203
Joseph M. Fonte	2	2	\$12,500
Seymour Forman	1	1	\$500
Henry A. Foster	1	3	\$40,092
Robert L. Fraser	7	4	\$16,846
Paul I. Freedman	1	49	\$117,305
Andrew J. French	10	1	\$9,619
Mark G. Fresco	1	5	\$61,961
Sydney Friedler	10	26	\$308,340
Arthur S. Friedman	2	1	\$12,916
Martin Fries	11	17	\$81,713
Alfred L. Fritz, III	8	21	\$86,766
Daniel R. Fruitbine	1	1	\$8,750
Jerome H. Funk	9	22	\$12,049
Henry G. Fury	9	9	\$150,341
Dumas Gabbriellini	1	1	\$4,950
Wayne K. Gabel	9	1	\$11,437
Yoram Gafni	1	5	\$7,550
Arthur J. Gallancy	1	1	\$21,500
John E. Galligan, Jr.	2	3	\$4,827
William M. Gallow, Jr.	3	1	\$49,397
Hiram S. Gans	9	2	\$85,000
Francis P. Garofalo	2	3	\$64,000
Edward M. Gasperi	4	5	\$8,231
Michael S. Gawel	8	1	\$1,200
Jack O. Gaylord	8	1	\$12,332
Aaron Gelbwaks	1	1	\$229,553
James G. Gembarosky	8	7	\$15,426
Frank P. Giaromita	2	2	\$7,500
Thomas Eric Gill	10	6	\$87,500
James Gilmartin	1	2	\$3,613
Joseph A. Giorgi	7	1	\$4,685
Jarrett F. Glantz	1	25	\$1,789,786
Harold L. Goerlich	10	4	\$65,178
Roger J. Goffon	9	2	\$182,800
Fred Gold	11	3	\$113,250
Henry S. Goldman	9	9	\$224,823

Lawyers Involved in Awards

Name	JD	Awards	Amount
Barry E. Goldrod	1	1	\$51,357
Charles H. Goldstein	10	1	\$43,000
Alan R. Galkin	8	5	\$269,624
Oscar Gonzales-Suarez	1	1	\$5,000
Michael W. Goodman	11	4	\$220,055
Robert M. Gordon	1	6	\$29,870
John P. Gorman	9	2	\$36,000
Jack Gottlieb	2	8	\$74,576
Lora C. Graham	9	2	\$1,655
Barry J. Grandeau	9	377	\$564,211
S. Simpson Gray	9	9	\$8,928
Christopher J. Green	1	1	\$30,000
Milan K. Gregory	10	2	\$10,200
John N. Griggs, Jr.	1	2	\$350
Robert S. Groban, Sr.	1	2	\$8,500
Joshua Gross	4	1	\$400
Murray S. Gross	2	1	\$8,000
Marc E. Grossman	9	16	\$192,501
Harold W. Grubart	1	3	\$184,335
James R. Gunderman	8	8	\$269,978
Sidney J. Guran	2	1	\$12,159
John A. Gussow	2	30	\$522,568
John A. Guzzetta	1	1	\$6,395
Richard A. Gwynn, Jr.	5	8	\$8,239
Richard J. Haas	3	3	\$16,800
Paul E. Haberman	1	1	\$300,000
David S. Haberman	10	1	\$27,798
Robert E. Haley	1	7	\$100,800
Clifton E. Hall	11	3	\$16,465
Fred J. Halsey, Jr.	1	3	\$69,803
Herbert I. Handman	1	1	\$16,500
H. Roger Hantman	10	1	\$3,000
John Hargrave	8	3	\$44,051
Alan David Harris	10	5	\$342,033
Alan Jay Harris	1	1	\$14,081
H. Hawthorne Harris	9	1	\$5,093
Herbert Harris, Jr.	1	2	\$48,833
Leon Sol Harris	1	3	\$30,060
Peter Andrew Harris	7	8	\$224,475
Morton H. Hartmann	1	3	\$54,576
Robert T. Hartmann	9	3	\$42,149
John J. Hayden	9	5	\$25,800
Richard T. Heelan	10	1	\$275
Alan A. Herman	1	1	\$65,000
Eric E. Heron, Jr.	11	3	\$28,485
Alfred L. Hetzelt, Jr.	8	1	\$100,000
John Higginbotham	1	1	\$3,500
Leo N. Hirsh	1	2	\$27,083
Michael Hirsch	10	2	\$53,127
Ralph Hochstein	1	1	\$1,000
Robert I. Hodes	1	2	\$20,605
Walter Hofer	1	8	\$85,880
Frank Haffey	1	1	\$4,500
William J. Holden	9	12	\$436,677
A. Robert Holman, III	10	458	\$203,958

Name	JD	Awards	Amount
Antoinette Holmes	12	19	\$664,171
Harold Holtman	10	24	\$313,162
Robert Kent Holtsberry	5	1	\$2,178
Charles S. Horgan	1	1	\$2,500
Valentine N. Horoshko	1	2	\$15,000
Donald G. Houghton	7	3	\$75,000
Richard A. Howard	9	3	\$2,575
Ralph F. Howe	8	1	\$7,313
Edward L. Howlette	10	1	\$3,700
Raymond K. Hsu	1	6	\$24,850
John A. Huber	10	4	\$30,500
Thomas P. Hughes	4	2	\$10,914
William C. Israel	1	4	\$54,863
Hesper A. Jackson	2	6	\$167,995
Saul Jakubowitz	1	6	\$24,718
Robert E. Johnson	2	1	\$38,000
Robert P. Johnson	8	1	\$4,200
Wayne A. Johnson	6	4	\$28,566
D. Sanford Jorgensen	1	1	\$31,000
Leonard Kabat	10	1	\$5,000
Gerald A. Kagan	1	2	\$1,600
William H. Kain	10	15	\$145,722
Gerald Kaiser	1	34	\$36,365
James D. Kakoullis	1	1	\$1,000
John C. Kanaley	5	3	\$55,000
Julian Kaplan	10	1	\$46,167
Stanton Karnbad	9	3	\$38,500
Morris M. Karp	1	2	\$5,618
Kastein & Kastein	10	3	\$353,930
Thomas Katsaros	2	3	\$84,500
Harold W. Katz	4	3	\$57,000
Howard C. Katz	9	61	\$304,445
Peter L. Katz	9	2	\$1,700
Reuben A. Katz	1	1	\$93,072
Steven C. Kavanaugh	10	3	\$6,041
William S. Kaye	1	1	\$5,000
Paul E. Keith	2	3	\$23,843
Donald E. Kelly	1	2	\$85,656
Lawrence V. Kelly	1	1	\$65,975
Robert E. Kelly	7	20	\$12,070
Bernard Kenny	1	8	\$138,269
John P. Kilminster	10	6	\$17,950
John J. Kim	1	1	\$19,500
Wayne W. Kim	1	5	\$31,705
Harold L. King	1	1	\$600
Paul H. Kirwin	10	1	\$58,000
Rudolph M. Klenosky	2	1	\$45,000
William J. Kleunder	11	15	\$210,120
A. O'Neill Kline	8	3	\$72,100
Kenneth Knigin	9	1	\$117,069
David C. Kobrin	9	1	\$20,148
Roger W. Kohn	9	1	\$255
Richard Kops	10	1	\$181,200
Timothy Kozyra	8	2	\$8,231
Howard Krantz	1	1	\$23,500

Lawyers Involved in Awards

Name	JD	Awards	Amount
Harvey H. Krat	1	3	\$68,525
M. Thomas Kuriakose	9	1	\$500
Irving Kurtz	1	5	\$154,842
Larry J. Kushner	1	2	\$21,678
A. James LaBue	7	6	\$298,928
Michael S. LaBush	9	2	\$3,250
Jefferson T. Lalik	7	8	\$3,505
LaLoggia & Gorankoff	7	20	\$738,744
Bernard H. LaLone, Jr.	3	1	\$22,210
Robert A. Lamar	10	20	\$597,507
Donald F. Lamutis	7	2	\$5,625
George E. Lasch	10	1	\$1,500
Eric N. Lazarus	10	26	\$552,494
John Q. LeCain	4	1	\$25,000
Thomas P. Leckinger	7	7	\$87,180
Gerald J. Leibowitz	10	8	\$229,992
Lawrence B. Lennon	4	4	\$87,665
Richard L. Levine	5	1	\$10,000
Murray F. Lewis	6	1	\$3,589
Jay Robert Lichtman	2	2	\$3,200
Lawrence Lieberman	2	2	\$33,036
Kenneth Linn	1	1	\$25,850
Michael S. Linn	9	14	\$418,858
Clifford N. Lipscomb	11	8	\$11,480
William F. Lisnerski	8	1	\$600
David W. Little	4	8	\$343,892
Vincent J. LoCurto	10	1	\$9,797
Werner Lomker	7	2	\$38,564
John C. Lopes	10	2	\$2,550
John G. LoPresto	11	1	\$299,894
Samuel Lorenzo	1	92	\$43,125
Ronald B. Losner	2	16	\$41,694
Harold E. Lovette	1	1	\$27,500
David B. Lubash	11	39	\$471,213
Jonathan W. Lubell	1	2	\$9,450
Thomas J. Lukas	11	1	\$28,000
Joseph F. Lynch	6	1	\$3,736
Thomas N. Lyons	10	1	\$800
Robert D. MacLachlan, Jr.	10	8	\$11,250
Fortune S. Macri	9	1	\$25,000
John R. Maguire	10	1	\$1,000
Jenny M. Maiolo	11	27	\$555,808
Michael M. Maloney	1	1	\$42,040
Frank M. Manfredi	10	5	\$27,076
Lloyd J. Manning	11	1	\$500
Marion S. Marable	11	2	\$7,400
Richard P. Maracina	1	8	\$20,205
Marvin Margolis	1	1	\$40,000
Irving Markowitz	1	7	\$261,328
George T. Martin	6	1	\$500
Nancy A. Maruk	7	3	\$3,370
C. Vernon Mason	1	5	\$32,600
William J. Mastine, Jr.	5	2	\$17,220
Charles M. Mattingly, Jr.	10	3	\$132,500
Martin J. Mayblum	11	3	\$13,750

Name	JD	Awards	Amount
Philip A. McBride	8	1	\$5,958
Teague W. McCarthy	10	11	\$398,537
Shannon D. McClam	11	3	\$14,000
Denis J. McClure	9	2	\$5,155
James F. McCoole	9	15	\$865,522
Sharyn L. McDonald	7	3	\$73,992
James J. McEnroe	1	6	\$3,000
Lloyd A. McFarlane	11	1	\$5,000
Thomas J. McGinn	3	1	\$180,000
Dennis J. McLaughlin	1	5	\$46,804
Richard M. McMahon	9	2	\$8,973
John J. McManus, Jr.	2	2	\$200,000
Joseph T. McMaster	2	4	\$168,093
Dominic M. Mello	2	2	\$8,167
Richard M. Messina	1	3	\$169,049
William A. Metz	9	3	\$115,497
Stanley M. Meyer	10	1	\$1,830
James J. Michalek	8	21	\$181,361
Charles O. Milham	3	4	\$17,541
Alan M. Miller	10	1	\$2,319
Bruce J. Miller	10	2	\$41,858
Carl N. Mione	2	1	\$300,000
Nicholas A. Mina	1	1	\$19,500
Stephen A. Mishkin	9	55	\$1,318,823
John E. Modjeska	3	7	\$34,356
Richard T. Monahan	10	2	\$4,500
Colin A. Moore	1	4	\$6,500
Davison F. Moore	9	5	\$206,113
Paul A. Moore	9	2	\$2,146
Richard M. Moran	3	21	\$349,371
Thomas D. Morath	12	2	\$14,755
Lawrence D. Moringiello	2	5	\$171,249
Alan D. Morris	10	15	\$221,560
Charles E. Morrison	1	1	\$4,000
Saul D. Moshenberg	7	5	\$20,749
Lawrence J. Mullan	10	1	\$395
James R. Murdock, Jr.	4	19	\$638,152
Eugene J. Murphy	8	21	\$583,870
Morrow D. Mushkin	2	2	\$10,200
Joseph F. Muto	5	1	\$1,100
Willard H. Myers, III	7	2	\$1,700
Eugene V. Natale	10	9	\$245,845
Nath & Weiss	10	1	\$100,000
Richard F. Nelson	10	10	\$70,361
Pat Frank Nesci	10	11	\$359,974
Kenneth A. Newman	10	6	\$29,054
Marvin A. Newman	9	1	\$26,924
John G. Nicholas	11	2	\$57,500
Peter B. Nickles	9	2	\$122,623
Michael B. Nitsberg	10	3	\$34,450
William J. Noland	1	1	\$3,600
Thomas P. O'Callaghan	9	1	\$3,200
Charles O'Donnell, Jr.	9	1	\$2,000
Mark S. Ogden	7	1	\$8,869
Frank Oliva	11	5	\$36,652

Lawyers Involved in Awards

Name	JD	Awards	Amount
Lynn D. O'Neill	2	3	\$20,770
Joseph E. Orsini	8	3	\$31,887
Osserman & Horwitz	1	6	\$774,503
Sheldon Ostro	1	9	\$359,000
Roderick E. Owens	1	2	\$21,533
Victor N. Pacor	9	9	\$164,357
Rafael M. Pantoja, Jr.	1	18	\$168,335
John F. Papsidero	8	1	\$17,339
Mary Murphy Pardoe	10	15	\$85,436
Richard J. Pariser	8	3	\$7,053
Alfred J. Parisi	11	14	\$434,591
E. Paige Parsons	4	1	\$200
Nicholas J. Pastushan	5	1	\$138,500
George Patsis	10	2	\$115,798
Edward S. Patterson	9	2	\$15,286
George F. Pavarini	9	15	\$543,165
Robert J. Pellicane	10	7	\$174,769
Kenneth S. Pelsinger	1	2	\$14,349
Michael M. Perlman	10	7	\$265,331
David Ian Pesner	9	11	\$136,291
Jacob & David Ian Pesner	9	1	\$25,000
Richard T. Petty	1	2	\$75,441
John Piastra	11	2	\$200,000
Louis N. Picciano	6	2	\$5,296
Richard Pikna	1	9	\$101,278
George A. Pins	1	3	\$14,979
John L. Pitula	1	1	\$90,000
John B. Poersch	4	2	\$114,161
J. Stanton Pohl	10	3	\$35,490
Jonathan Pollack	10	2	\$13,762
Sam Polur	12	1	\$500
Edward J. Porcelli	12	4	\$21,580
Ira Postel	1	3	\$38,515
Postel and Rosenberg	1	11	\$619,722
John V. Potter, Jr.	10	1	\$98,000
Charles M. Powell, Jr.	1	3	\$28,700
Mary Powers	1	1	\$89,857
William J. Powers, III	5	7	\$14,652
Paul D. Powsner	1	3	\$210,000
Stanley Pressment	1	1	\$6,960
Cynthia Lynn Price	2	1	\$81,623
Wayne J. Price	2	17	\$359,726
Michael Prieto	1	1	\$15,215
Mark S. Probert	10	6	\$2,900
Anthony P. Quinn	11	1	\$2,912
Donna M. Quinn	3	1	\$10,000
John J. Raia	11	98	\$3,248,398
Leo Raychuk	2	1	\$2,000
William C. Raines	1	3	\$17,512
Steven P. Rapoport	2	2	\$23,836
Edward W. Reckdenwald	10	4	\$88,193
John D. Reddan	1	1	\$2,500
Alban J. Reichert	7	1	\$3,425
Steven Paul Reifman	1	1	\$10,000
Paul G. Reilly, Jr.	1	2	\$39,500

Name	JD	Awards	Amount
Gary M. Reing	12	2	\$23,446
Herschel L. Reingold	8	1	\$4,344
Agostinho Dias Reis	1	1	\$3,712
Erich H. Reisch	2	1	\$27,692
Willem J. Remmelink	1	3	\$127,875
James R. Rerisi	10	4	\$57,146
Luis E. Reyes	2	1	\$1,000
John Rivera	12	1	\$1,707
Jose A. Rivera	2	7	\$89,166
Robert Rivers	10	7	\$197,000
Stephen R. Roach	9	3	\$23,400
Edward John Roder	7	15	\$168,505
Richard Rodwin	1	2	\$477,000
Sy L. Rolnick	2	1	\$25,500
Steven J. Romer	1	14	\$1,076,657
Bibiano Rosa	1	2	\$94,265
Michael G. Rose	10	37	\$1,272,028
Peter Rose	11	12	\$160,309
Rose & Karnbad	11	1	\$17,000
Ruth F. Rosenberg	5	2	\$4,100
Steven Rosenbluth	2	26	\$394,102
Richard J. Rosenthal	1	1	\$4,374
Selig A. Rosenzweig	10	3	\$64,569
Phillip M. Rossbach	10	1	\$659
Abraham Rostoker	2	1	\$17,500
Arthur J. Rouse	9	1	\$11,435
Leonard H. Rubin	1	1	\$83,000
James M. Russell	3	3	\$551,227
David Sabghir	2	1	\$14,000
Carol A. Safier	1	5	\$117,950
Steven L. Salpeter	11	7	\$12,019
Ronald M. Salzer	1	4	\$53,750
Roger G. Sam	12	1	\$2,500
George Sandberg	10	10	\$227,146
Ira Jay Sands	1	6	\$7,917
Richard J. Sanna	10	10	\$248,285
Richard D. Savitsky	1	2	\$47,558
Michael D. Scavella	4	1	\$2,000
Stanley D. Scharf	10	16	\$89,719
Nelson K. Scherer	10	1	\$2,348
John C. Schettino	10	1	\$4,000
David Schick	1	7	\$549,116
Robert L. Schlesinger	3	3	\$3,068
Peter G. Schmidt	1	3	\$400,000
Richard C. Schulz	10	1	\$24,035
Robert Schutrum	8	1	\$1,500
Melvyn Schwartz	1	1	\$300,000
Steven M. Schwartz	9	2	\$3,500
Schwartz & Gutstein	1	6	\$250,501
Joel E. Schweitzer	8	6	\$46,294
Joseph F. Scirto, Jr.	8	10	\$106,962
Bernard M. Seeman	10	1	\$50,000
Arthur J. Selkin	9	11	\$107,300
Bernard L. Seltzer	10	11	\$94,609
Ralph Serpico	11	3	\$176,191

Lawyers Involved in Awards

Name	JD	Awards	Amount
Barry R. Shapiro	1	16	\$3,065
Michael Shapiro	1	1	\$58,231
Phillip E. Shapiro	1	1	\$700
Brian A. Sheridan	1	1	\$785
John M. Sheridan	7	6	\$371,500
Richard M. Sherman	10	25	\$97,623
Robert J. Sherman	10	2	\$5,230
Alan J. Shimel	10	2	\$26,666
Robert G. Short	9	1	\$800
Anis A. Siddiqi	2	4	\$75,614
Matthew A. Siegel	9	2	\$14,147
Oswald B. Silvera	2	7	\$16,125
Mark A. Silverman	10	2	\$2,169
William Sims	8	2	\$8,037
Barry H. Singer	9	9	\$235,034
Baljit Singh	1	1	\$150
Indar Singh	11	16	\$156,237
Ronald A. Sipos	8	1	\$87,774
Myron W. Siskin	10	1	\$13,436
Allan Sloan	1	6	\$108,601
Joseph D. Sloboda	10	2	\$5,458
Peter W. Sluys	9	6	\$113,856
Kendrick C. Smith	1	1	\$3,675
Benjamin Sneed	1	4	\$24,833
Jack B. Solerwitz	10	99	\$3,008,734
Joseph F. Soviero, Jr.	10	1	\$5,000
Michael T. Spallino	1	2	\$8,800
Jacob Spatz	3	3	\$3,245
Jerome L. Spiegelman	1	48	\$889,719
Jerome Spies	10	2	\$126,754
Lionel Spring	1	1	\$83,311
Howard R. Staller	1	1	\$8,000
Ferne Mayer Steckler	10	3	\$10,500
Alexander B. Stein	1	2	\$31,450
Elliot J. Stein	1	74	\$762,109
Joel B. Steinberg	1	1	\$1,400
Duane M. Stenstrom, Jr.	8	6	\$6,674
Jeffrey S. Stern	2	10	\$244,077
Stanley R. Stern	1	5	\$325,676
Joseph Sternschein	11	4	\$75,715
Frederick D. Stevens	8	1	\$4,185
Wallace Sturm	2	1	\$1,500
John J. Sullivan	1	1	\$29,990
Joseph E. Supples	8	3	\$9,150
Leonard A. Sussman	1	3	\$44,438
Monroe Sussman	10	1	\$46,667
Carrie Sutherland	10	2	\$7,670
Morton S. Swirsky	1	6	\$62,610
Israel I. Sylvan	1	3	\$22,253
Regina M. Tate	10	2	\$6,750
Sergio M. Taub	11	49	\$326,401
Louis Taubenblatt	2	9	\$718,854
Sharon Lynch Taureck	2	5	\$40,966
Peter P. Tavalacci	9	1	\$2,400
Timothy Taylor	1	1	\$19,000

Name	JD	Awards	Amount
Theodore E. Teah	12	1	\$13,373
Norman Eric Teitler	11	2	\$14,414
Ron Telford	6	1	\$1,100
Milton A. Teplin	1	3	\$26,000
Michael B. Thomas	9	1	\$600
Alan S. Tifford	10	14	\$291,016
Robert S. Tobin	1	2	\$16,320
Thomas P. Tobin	10	4	\$184,450
Joseph A. Tracy	9	4	\$131,676
Joseph R. Turner	1	4	\$41,572
Robert E. Twiste	2	13	\$213,179
James W. Ulaszewski	8	2	\$1,048
Girard M. Ursitti	8	5	\$76,957
Norman Ushkow	2	1	\$1,575
William C. Vaughan	8	1	\$100,000
Tom M. Vetrano	2	4	\$30,056
Lillian R. Villanova	9	3	\$109,636
Louis V. Viscomi	1	3	\$31,500
Frank Vitulli	2	1	\$12,000
Arnold P. Wagner	10	4	\$72,900
H. Robert Wall	6	46	\$912,929
Wallman & Wechsler	1	29	\$1,645,362
Mortimer Warfman	1	34	\$16,236
Paul J. Warkow	10	1	\$1,000
Patrick T. Wedlock	5	8	\$4,910
Richard B. Weil	1	1	\$48,737
Martin J. Weinstein	2	1	\$25,000
Myles N. Weintraub	10	7	\$123,623
Michael S. Weiss	9	3	\$2,325
Peter R. Weiss	2	1	\$15,000
C. Theodore Wellington	11	6	\$193,815
Leslie M. Westreich	1	1	\$100,000
Benjamin P. Whitaker	7	15	\$603,251
D. William White	2	15	\$171,308
Aaron G. Windheim	9	1	\$11,547
Steven Winston	1	1	\$9,500
Samuel Ulrich Wiseman	1	2	\$38,280
Steven D. Wisniewski	8	15	\$7,305
Walter S. Wojcik	3	1	\$250
Michael T. Wolin	1	1	\$25,035
Marvin Wolinetz	2	1	\$350
George Wolynetz	1	3	\$244,703
William S. Wood	7	4	\$49,065
John M. Wourgola	10	11	\$97,534
Adam Morgan Wright	1	1	\$500
Kathryn B. Wunderlich	3	1	\$600
Henry E. Wyman	8	33	\$496,811
Louis B. Youmans	1	1	\$5,000
Floyd A. Young	8	1	\$10,000
Nancy J. Young	1	9	\$124,809
Frederick J. Ziems	10	2	\$105,368
Jacob S. Zimmerman	10	27	\$355,991
Victor P. Zodda	10	2	\$282,225
H. Michael Zukowski	1	1	\$8,000
Bertram Zweibon	1	14	\$564,282