

The Supreme Court of Ohio

18th Annual Report Clients' Security Fund



Clients' Security Fund
175 S. Third St., S-285
Columbus, Ohio 43215

EIGHTEENTH ANNUAL REPORT

OF

THE

CLIENTS' SECURITY FUND OF OHIO

FISCAL YEAR 2003

Submitted to:

Chief Justice Thomas J. Moyer
Justice Alice Robie Resnick
Justice Frances E. Sweeney
Justice Paul E. Pfeifer
Justice Evelyn Lundberg Stratton
Justice Maureen O'Connor
Justice Terrence O'Donnell

Prepared by:

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Jerome Phillips, Chairman
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CLIENTS' SECURITY FUND

**ANNUAL REPORT
FISCAL YEAR 2003
(July 1, 2002 - June 30, 2003)**

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***To obtain a CSF Reimbursement Application,
Call (614) 995-5000, or toll free call (800) 231-1680***

Visit the CSF on its web site at www.sconet.state.oh.us/client_security/

INTRODUCTION

This report is the 18th Annual Report of the Clients' Security Fund of Ohio (CSF). Included in this report is a summary of the overall operations of the CSF along with a detailed analysis of claims activity for the fiscal year beginning July 1, 2002 and ending June 30, 2003.

The CSF was created in 1985 by Rule VIII of the Supreme Court Rules for the Government of the Bar. The Clients' Security Fund of Ohio continues to achieve its goal of providing assistance to clients who have been financially harmed by the dishonest conduct of a licensed Ohio attorney. Claim activity during fiscal year 2003 included the following:

- The Clients' Security Fund received a total of 328 requests for CSF Applications; 109 new applications were received.
- The Board met in September, 2002, December, 2002, March, 2003 and June, 2003 and considered 131 claims. The Board determined that 105 claims were eligible for reimbursement. One claimant recovered from an insurer prior to payment by the CSF, thereby reducing the number of claims paid by the CSF to 104. Twenty four claims were determined to be ineligible for reimbursement and 5 claims were tabled. Two applications for attorney fees were awarded, one in December 2002 and one in June 2003.
- The Board awarded a total of \$1,006,729.18 (includes two awards of attorney fees).
- A total of 39 attorneys were involved in CSF claims in fiscal year 2003.

Since its inception in 1985, the CSF has awarded over \$8.4 million to 1,130 former law clients. All fund losses are attributable to only .5% of Ohio's more than 49,011 licensed attorneys, 40,049 of who are engaged in the active practice of law.

This report confirms the fact that the overwhelming majority of Ohio lawyers observe high standards of integrity when entrusted with law client money or property. However, the dishonest acts of a few can affect the public's image of and confidence in the legal profession as a whole. The CSF seeks to restore public confidence in the legal profession by reimbursing law clients for losses sustained as a result of the dishonest conduct of their attorney.

CHAIRMAN'S COMMENTS

During the fiscal year 2003, the Board of Commissioners of the Clients' Security Fund considered a total of 131 claims and determined that 105 of those claims were eligible for reimbursement. This is one claim more than the 130 claims that were considered in 2002. Total reimbursements were \$1,006,729.18. This is approximately a 24% increase from last year's payments of \$810,137.90. The significant increase is attributable to payment of a greater number of maximum awards during the current fiscal year.

Unearned fees accounted for approximately 67% of all claims, yet were only approximately 20% of the actual dollar volume. The dollar volume of settlement thefts, estate thefts and thefts by fiduciaries represented approximately 31% of all claims, but approximately 80% of the total paid out by the Fund for fiscal 2003.

The awards paid are the results of dishonest conduct by a total of 39 Ohio attorneys. This represents less than 1/10 of 1% of all active Ohio attorneys. It should be noted that the payment of awards is 100% funded by the Ohio Supreme Court registration fees which all Ohio lawyers pay.

I reported last year that the Fund is working toward preventing attorney thefts by implementing programs that have proven successful in other states. Those programs, including overdraft notification and payee notification, are still under consideration. Hopefully, my successor will see these initiatives through to completion.

When I started with the Fund approximately six years ago, the maximum award available was \$25,000. That was later increased to \$50,000 and at the unanimous request of the Fund Board, the Supreme Court has now approved increasing the maximum award to \$75,000. Ohioans can be proud that your Fund is in the top tier of states with regard to reimbursement of citizens for the dishonest acts of lawyers. There are only approximately six other states that offer reimbursement in excess of those provided by Ohio's Fund.

I am now completing my sixth and final year on the Board and wish to express my appreciation to the Fund administrator, Janet Green Marbley, and her staff, for the excellent assistance they have provided to the Board.

I would like to express my appreciation to the current and past Board Members with whom I have served. These individuals have volunteered their time to insure clients are properly reimbursed.

Lastly, I would like to thank the Supreme Court for allowing me to serve on the Board and for supporting the Fund's mission.

I look forward to reviewing future reports of the Board, and hope that implementation of programs of prevention will be forthcoming in the near future.

Jerome Phillips

THE CLIENTS' SECURITY FUND BOARD OF COMMISSIONERS

Rule VIII requires the establishment of a Board of Commissioners (Board) of the Clients' Security Fund of Ohio to determine the eligibility of claims filed with the CSF and to manage the Fund's assets. The Board consists of seven (7) persons, five attorneys and two non-attorneys. Board members are appointed by the Justices of the Supreme Court of Ohio to three-year terms and may serve no more than two (2) consecutive terms. They serve as volunteers and are compensated only for travel expenses.

In fiscal year 2003, the CSF Board of Commissioners held a total of 4 meetings in September 2002, December 2002, March 2003, and June 2003. In addition to reviewing the financial operations and condition of the CSF, the Board reviewed 131 applications for reimbursement. The Board determined 104 claims eligible for reimbursement, and awarded a total of \$1,006,729.18. This total includes two awards of attorney fees.



CHAIR

Jerome Phillips is serving a second term as a Commissioner and his second year as Chair. Mr. Phillips is a Member of the law firm of Wittenberg, Phillips, Levy & Nusbaum in Toledo, Ohio.



VICE CHAIR

Anne L. Clark was appointed to the Board of Commissioners for a term beginning on January 1, 1998. She has served as Vice-Chair since 2000. Ms. Clark is the Director of Planning and Analysis at Sterling Jewelers, Inc. in Akron, Ohio.



William S. Newcomb, Jr. was appointed to the Board of Commissioners for a term beginning On January 1, 2002. Mr. Newcomb is an attorney with the law firm of Vorys, Sater Seymour and Pease, in Columbus, Ohio.



Robert W. Everett was appointed to the Board of Commissioners for a term beginning January 1, 2003. Mr. Everett is a Captain with the Dover, Ohio Police Department.



Luis M. Alcalde was appointed to the Board of Commissioners for a term beginning on January 1, 2003. Mr. Alcalde is an attorney with the law firm of Crabbe Brown and James in Columbus, Ohio.



Diane Smilanick was appointed to the Board of Commissioners for a term beginning on January 1, 2001. Ms. Smilanick is an Assistant Cuyahoga County Prosecutor in Cleveland, Ohio.



Brian G. Selden was appointed to the Board of Commissioners for a term beginning January 1, 2003. Mr. Selden is an attorney with the law firm of Jones Day in Columbus, Ohio.

THE CLIENTS' SECURITY FUND STAFF

Pursuant to Rule VIII, the Supreme Court of Ohio appoints an Administrator to oversee the day-to-day operations of the Clients' Security Fund and to serve as Secretary to the Board. Attorney Janet Green Marbley, originally appointed by the Court in 1995, is the current Administrator and Board Secretary. The CSF staff includes Patricia Hagen, Claims Analyst; Pamela Leslie, Fiscal Specialist; and Meletha Dawson, Secretary.



Janet Green Marbley, Administrator



Patricia Hagen, Claims Analyst



Pamela Leslie, Fiscal Specialist



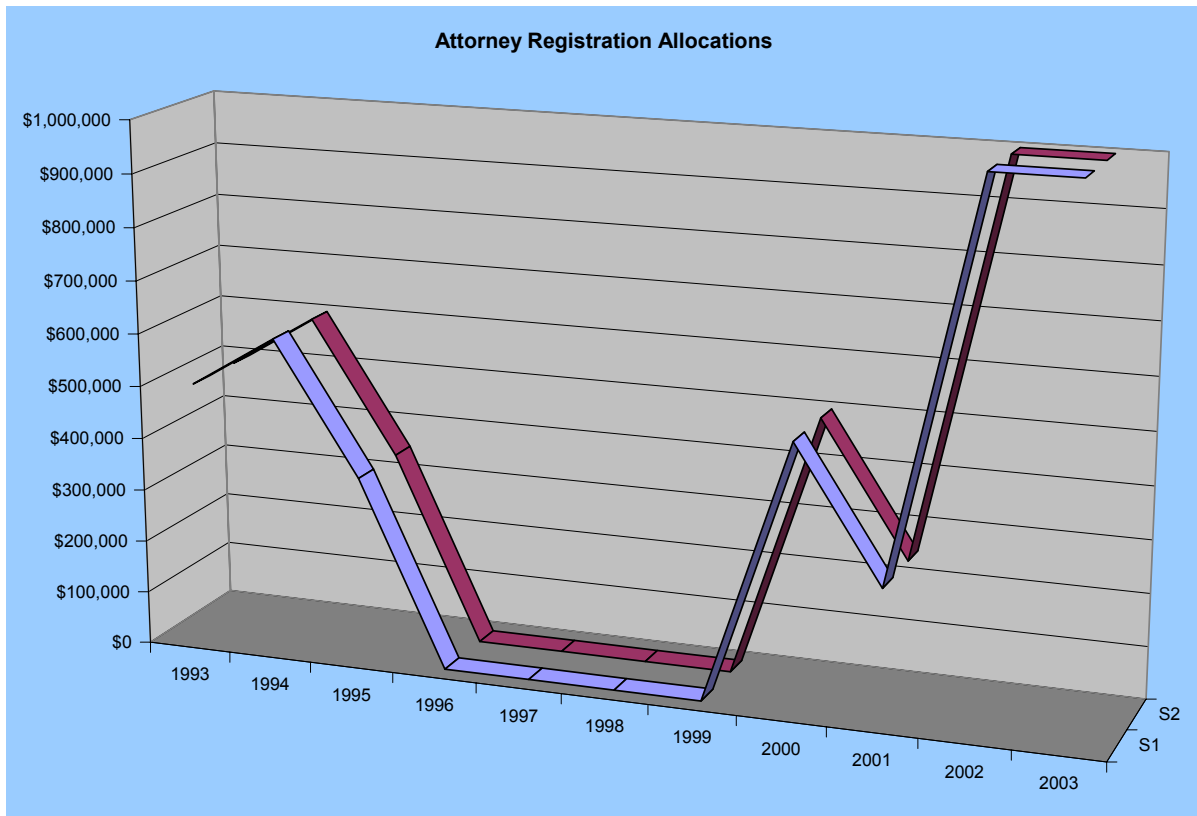
Meletha Dawson, Secretary

THE FUND'S REVENUES

Attorney Registration Fees

Every licensed Ohio attorney is required to register with the Supreme Court of Ohio on or before the first day of September in each odd-numbered year and to pay a registration fee of \$250.00. All registration fees are placed in the Attorney Registration Fund. Pursuant to Rule VIII, Section 1(A) of the Supreme Court Rules for the Government of the Bar, the Court allocates funds out of this Fund to the CSF. The CSF is funded entirely from the Attorney Registration Fund, and does not receive any tax revenues. Since the establishment of the CSF in 1985, the Supreme Court of Ohio has allocated over \$8 million from the Attorney Registration Fund to the CSF.

During fiscal year 2003, the Court allocated an additional \$1,000,000 for the payment of awards and \$321,339 for the payment of administrative expenses. Amounts allocated for the payment of awards are transferred to the CSF trust account at the Fifth Third Bank. The trust account balance on June 30, 2003 was \$416,467.



INTEREST INCOME

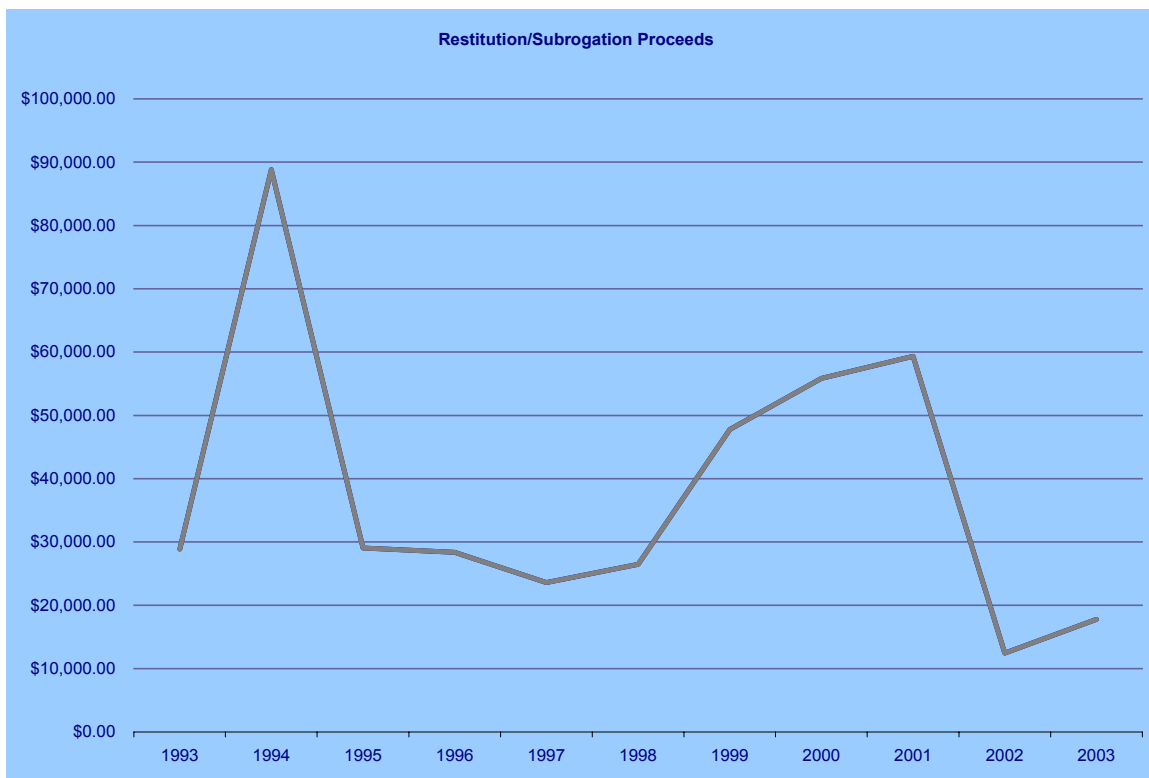
The Chair of the CSF Board of Commissioners, with the approval of a majority of the Board, is responsible for the management and investment of funds allocated from the Attorney Registration Fund for the payment of CSF awards. Rule VIII, however, limits investments to short-term insured obligations of the United States Government. Interest income is not, therefore, a major source of revenue for the CSF.

During fiscal year 2003, the Fund earned a total of \$13,274.59 in interest income.

RESTITUTION/SUBROGATION PROCEEDS

Prior to receiving their award from the CSF, each claimant must execute a Complete Release and Subrogation Agreement (See Appendix D). Based upon the assignment of rights contained in the Agreement, the CSF initiates collection proceedings against the dishonest attorney. The amounts collected are deposited into the CSF's trust account.

For the period July 1, 2002 through June 30, 2003, the CSF collected a total of \$17,786.31 in restitution revenues.



PUBLIC INFORMATION/PUBLIC RELATIONS

The CSF continues to look for opportunities to publicize the existence of the Fund. Referrals by the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, and local bar associations continue to account for approximately 50% of the CSF's applications for reimbursement. The CSF provides copies of its informational pamphlet and its application for reimbursement to these agencies for distribution to law clients. The CSF also distributes its pamphlets, applications, and annual reports to various other legal organizations, community and civic organizations, and business organizations.

Press Releases

The CSF prepares and distributes a press release following each meeting of the Board of Commissioners. The press release contains a brief description of the awards made by the Board and includes the names of attorneys involved in CSF claims. The Court's Communications Office distributes the press release on line to those publications on its mailing list. In addition, the CSF distributes the press release statewide to bar associations, and other professional associations, newspapers and other publications, legislators, county prosecutors and other governmental offices. The CSF continues to gain increased exposure from the distribution of its press release.

CSF Web Site

The CSF is on line at www.sconet.state.oh.us/client_security. We are also accessible by e-mail at csfo@sconet.state.oh.us. Thanks to the assistance of the Office of Court Technology, current information about the CSF, including an application for reimbursement, may be obtained on-line.

Continuing Legal Education

The CSF Administrator and Claims Analyst attended a workshop sponsored by the National Client Protection Organization, Friday, February 28, 2003 in Las Vegas, Nevada. Topics for the workshop included loss prevention mechanisms, difficult claims, client protection web sites, and evaluation of client protection funds. Administrator Janet Green Marbley was a presenter at the workshop, and is also President of the Organization.

The American Bar Association sponsors a National Forum on Client Protection annually in conjunction with the National Conference on Professional Responsibility. The Forum provides a unique educational opportunity and an excellent opportunity to interact with those involved in client protection nationwide. The 2003 Forum was held in Chicago, Illinois, May 30 – 31st. Fund Administrator Janet Green Marbley attended the Forum along with Board Chairman Jerome Phillips.

CLAIMS PROCEDURE

Intake and Evaluation

A claimant seeking reimbursement from the Fund must complete an Application for Reimbursement (see Appendix C). Upon receipt of a claimant's application, the CSF Administrator reviews the information to determine whether the application alleges a loss resulting from the dishonest conduct of a licensed Ohio attorney. If the claim fails to allege dishonest conduct and/or a loss as defined in Rule VIII, the CSF Administrator prepares a written explanation to the claimant and the claim is terminated (see CSF Board Rule 11, Appendix B).

Investigation

Applications alleging a loss resulting from the dishonest conduct of a licensed Ohio attorney are investigated by the CSF Claims Analyst to verify the claimant's allegations. The investigation begins with written notice to the attorney advising him/her of the nature of the claim, the alleged loss amount, and the name of the claimant. The notice instructs the attorney to submit a written response to the claim.

The CSF's investigation attempts to verify the existence of the eligibility criteria found in Rule VIII:

- An attorney/client relationship must exist between the claimant and the attorney involved in the claim (or a fiduciary relationship customary to the practice of law).
- The application for reimbursement must be filed within one year of the occurrence or the discovery of the dishonest act.
- The attorney against whom the claim is filed must have been disciplined by the Supreme Court of Ohio, unless the attorney has resigned or is deceased.
- The attorney involved in the claim must have committed a dishonest act, which constitutes an embezzlement or theft of money or property, or the misappropriation or conversion of money or property. Losses resulting from negligence, malpractice, fee disputes, or claims involving client dissatisfaction are not eligible for reimbursement from the Fund.

Board Review

Rule VIII gives the Board of Commissioners sole discretion to determine which claims merit reimbursement from the fund and the amount, time, manner, conditions, and order of payments of reimbursement. The Board may request additional information, or hold an informal hearing before reaching its decision. Occasionally, a claimant or an attorney may request permission to appear before the Board in person, in which case the Board Chair decides whether to grant the request. During FY 2003, the Board Chair

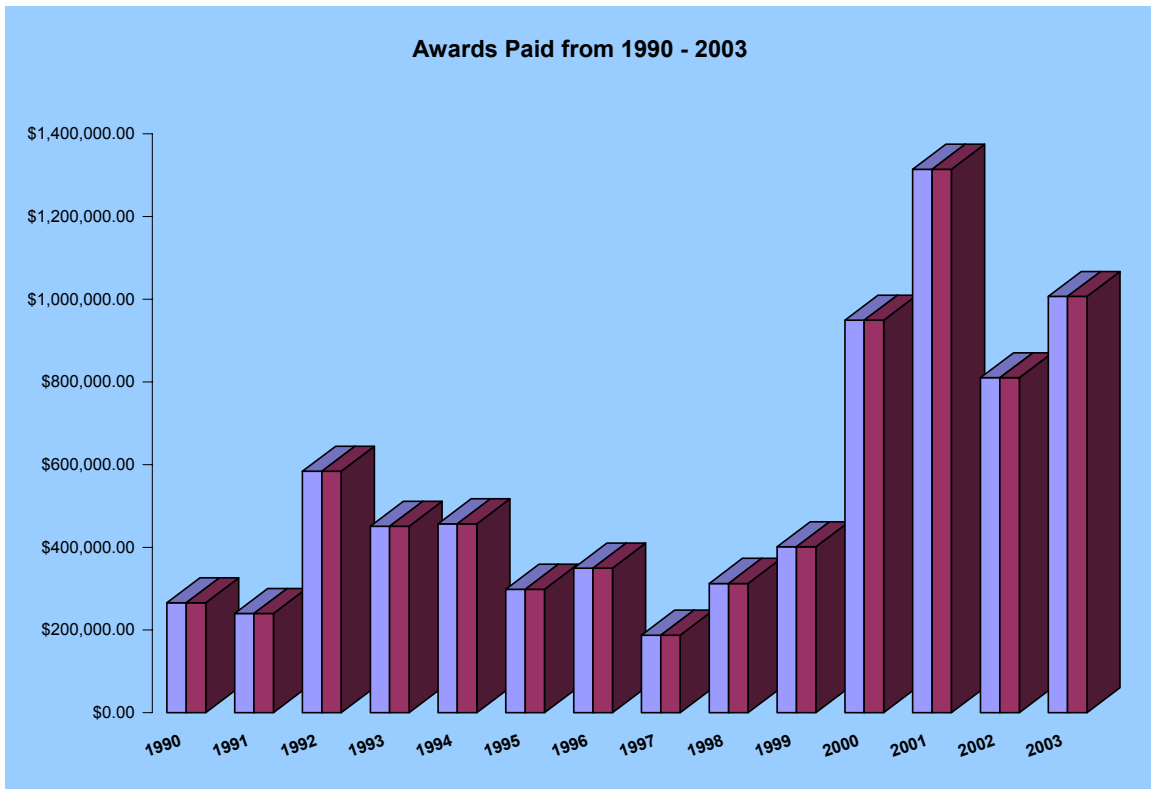
received and granted two requests from a claimant to appear before the Board, and one request from an attorney.

An affirmative vote of at least four Commissioners is required for claim determinations. The CSF Board Rules provide that where a claim is determined ineligible for reimbursement, the claimant may, within 30-days after receipt of the Board's decision, request that the Board reconsider the claim (see appendix B, CSF Board Rule 9).

Claimants need not be represented by counsel to file an Application for Reimbursement with the CSF. If the claimant is represented, Rule VIII specifically prohibits the payment of attorney fees out of the proceeds of an award. Board Rule 14 permits the payment of attorney fees out of the fund, up to a maximum of \$300.00, if the Board of Commissioners determines that the attorney's services were necessary to process the claim. During fiscal year 2003, the CSF approved two awards of attorney fees, totaling \$600.00.

Claims Activity - 1986 - 2003

Year	New Claims Filed	Claims Presented To Board	Number Ineligible	Number of Awards	Award Amounts	Claims Pending (year end)
1986	N/A	93	36	54	\$176,123.91	N/A
1987	125	82	18	54	\$187,630.73	116
1988	193	79	27	42	\$220,338.98	73
1989	162	53	21	32	\$215,410.00	49
1990	96	67	25	42	\$265,786.11	82
1991	279	65	32	33	\$239,756.50	293
1992	152	117	32	60	\$584,103.84	360
1993	103	178	62	92	\$450,617.29	311
1994	200	179	74	77	\$456,851.06	107
1995	125	107	55	48	\$298,281.82	136
1996	143	73	17	49	\$349,245.71	116
1997	185	58	7	51	\$187,460.24	121
1998	146	77	5	72	\$312,674.87	130
1999	189	74	9	65	\$401,204.31	177
2000	241	75	16	55	\$949,453.42	222
2001	235	112	18	94	\$1,314,268.18	302
2002	174	130	20	106	\$810,137.90	335
2003	109	131	24	104	\$1,006,729.18	233
Total	2,857	1,750	498	1,130	\$8,426,074.05	



2003 CLAIMS ACTIVITY SUMMARY

The CSF ended the fiscal year with 233 claims pending. One hundred nine new Applications for Reimbursement were received during 2003. The CSF Board of Commissioners held 4 quarterly meetings and considered a total of 131 claims. The Board determined 104 claims and two (2) attorney fees eligible for reimbursement, and awarded a total of \$1,006,729.18. Nine claims received the maximum award amount of \$50,000. Ninety-six of the claims received 100% reimbursement of their loss. The awards resulted from the dishonest conduct of 39 Ohio attorneys. These attorneys and the county where each maintained their practice are identified in Appendix E.

Summary of Claim Information – Fiscal Year 2003

Date	Eligible	Ineligible	Amount Awarded
September 23, 2002	32	3	\$196,858.32
December 6, 2002	22	8	\$159,292.00
March 10, 2003	25	3	\$127,466.10
June 13, 2003	25	10	\$522,512.76
(2 attorney fees)			\$600.00
Total	104	24	\$1,006,729.18

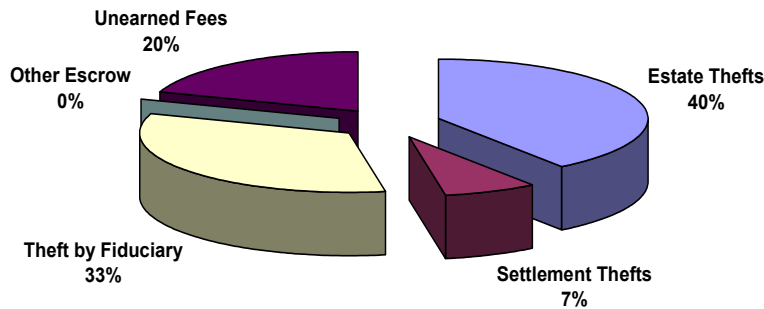
Unearned fee claims continue to be the largest category of claims filed with the CSF. These claims involve situations where the client pays for legal services but the attorney fails to provide the agreed-upon services. The attorney’s refusal or inability to refund the claimant’s legal fee is considered “dishonest conduct” as set forth in Rule VIII. Unearned fee claims can be difficult to evaluate, particularly where the attorney provides a portion of the services requested. The loss reimbursed in the typical unearned fee claim is relatively low.

Attorney theft of estate assets accounted for the largest loss amount reimbursed by the CSF. This category of thefts is fairly difficult for the claimant to discover. In most cases, the Probate Court has determined the amount of the loss.

2003 THEFT CATEGORIES

Category of Client Loss	Number of Awards	Amount of Awards
Estate Thefts	13	\$401,557.16
Settlement Thefts	7	\$74,417.50
Theft by Fiduciary	12	\$330,428.43
Other Escrow	2	\$2,391.49
Unearned / Unreturned Legal Fees	70	\$197,334.60

Percentage of Total Loss by Dollar Amount



Theft of client settlement proceeds almost always results from the forgery of the client's endorsement on a settlement check issued by an insurance company. The client is unaware that a check has been received by his/her attorney. Loss prevention rules in other states require insurance carriers to notify clients when settlement proceeds are paid to their attorney. The CSF, working with the Court's Legislative Director, is involved in efforts to enact this legislation in the State of Ohio.

Claims Involving Mary Kerns

Mary Kerns was a prominent Union County attorney who had a fairly substantial probate practice. In January, 2002, Ms. Kerns pled guilty to nine charges of theft after it was discovered that she had stolen money from estates and trusts that she represented. The Marion County Prosecutor's office found that Ms. Kerns had stolen more than 1.2 million from her clients in Logan, Marion and Union counties. She was sentenced to four years, 11 months in prison. Ms. Kerns resigned from the practice of law in April, 2002.

During Fiscal year 2002, the CSF Board of Commissioners awarded a total of \$307,931 to eight former clients of Mary Kerns, including five estates and one trust.

CONCLUSION

This report confirms the fact that the vast majority of Ohio's 49,011 licensed attorneys are honest professionals who help to maintain the integrity of the legal profession. Less than .5% of all licensed Ohio attorneys have been involved in claims filed with the Clients' Security Fund of Ohio. The CSF attempts to restore law clients' trust in attorneys by providing a remedy for those who are victims of dishonest conduct. The fact that the CSF is funded entirely by attorneys is further evidence of the profession's commitment to maintaining the highest standards of integrity.

The Board of Commissioners of the Clients' Security Fund of Ohio volunteers their time to support this effort, and their service is greatly appreciated. Likewise, the CSF Staff is dedicated to helping law clients who have been harmed as a result of a few dishonest lawyers. Their hard work is also greatly appreciated.

The CSF Board and Staff sincerely thank the Justices of the Supreme Court of Ohio for their continued support of and commitment to the CSF's purpose and goals.

The Supreme Court of Ohio

RULE VIII CLIENTS' SECURITY FUND

Section 1. Establishment of Fund

(A) There shall be a Clients' Security Fund of Ohio consisting of amounts transferred to the fund pursuant to this rule and any other funds received in pursuance of the fund's objectives. The purpose of the fund is to aid in ameliorating the losses caused to clients and others by defalcating members of the bar acting as attorney or fiduciary, and this rule shall be liberally construed to effectuate that purpose. No claimant or other person shall have any legal interest in such fund, or right to receive any portion of the fund, except for discretionary disbursements directed by the Board of Commissioners of the Clients' Security Fund of Ohio, all payments from the fund being a matter of grace and not right.

(B) The Supreme Court shall provide appropriate and necessary funding for the support of the Clients' Security Fund from the Attorney Registration Fund. The Clerk of the Supreme Court of Ohio shall transfer funds to the Clients' Security Fund at the direction of the Court.

Section 2. Board of Commissioners of the Clients' Security Fund of Ohio; Administrator; Chair

(A) **Creation; Members.** There is hereby created a Board of Commissioners of the Clients' Security Fund of Ohio consisting of seven (7) members appointed by the Supreme Court, at least one (1) of whom shall be a person not admitted to the practice of law in Ohio or any other state. The Court shall designate one member as chair and one member as vice-chair, who shall hold such office for the length of their term. All terms shall be for a period of three (3) years commencing on the first day of January. No member shall serve more than two consecutive three-year terms. The Board shall have its principal office in Columbus.

(B) **Administrator.** There shall be an Administrator of the Board of Commissioners of the Clients' Security Fund. The Court shall appoint and fix the salary of the Administrator. If the Administrator is an attorney admitted to practice in Ohio, he or she shall not engage in the private practice of law while serving in that capacity. The Administrator shall be the secretary to the Board. The Administrator shall appoint, with the approval of the Court, staff as required to satisfactorily perform the duties imposed by this rule. The Court shall fix the compensation of personnel employed by the Administrator.

(C) **Powers of the Board.** The Board shall do all of the following:

- (1) Investigate applications by claimants for disbursement from the fund;
- (2) Conduct hearings relative to claims;

(3) Authorize and establish the amount of disbursements from the fund in accordance with this rule;

(4) Adopt rules of procedure and prescribe forms not inconsistent with this rule.

D) Powers of the Chair.

(1) The chair of the Board shall be the trustee of the fund and shall hold, manage, disburse, and invest the fund, or any portion of the fund, in a manner consistent with the effective administration of this rule. All investments shall be made by the chair upon the approval of a majority of the Board. Investments shall be limited to short-term insured obligations of the United States government. Deposits at interest in federally insured banks or federally insured savings and loan institutions located in the state of Ohio, and no-front-end-load money market mutual funds consisting exclusively of direct obligations of the United States Treasury, and repurchase agreements relating to direct Treasury obligations, with the interest or other income on investments becoming part of the fund. Annually and at additional times as the Supreme Court may order, the chair shall file with the Supreme Court a written report reviewing in detail the administration of the fund during the year. The fund shall be audited biennially by the Auditor of State at the same time as the Supreme Court's regular biennial audit. The Supreme Court may order an additional audit at any time, certified by a certified public accountant licensed to practice in Ohio. Audit reports shall be filed with the Board, which shall send a copy to the Supreme Court. The report shall be open to public inspection at the offices of the Board.

(2) The chair and vice-chair of the Board shall file a bond annually with the Supreme Court in an amount fixed by the Supreme Court.

(3) The chair of the Board shall have the power and duty to render decisions on procedural matters presented by the Board and call additional meetings of the Board when necessary.

(4) The vice-chair of the Board shall exercise the duties of the chair during any absence or incapacity of the chair.

(E) Meetings. The Board shall meet at least two (2) times a year, in Columbus and at other times and locations as the chair designates.

(F) Expenses. Expenses for the operation of the Board as authorized by this rule shall be paid from the fund, including bond premiums, the cost of audits, personnel, office space, supplies, equipment, travel, and other expenses of Board members.

(G)

Section 3. Eligible Claims. For purposes of this rule, an eligible claim shall be one for the reimbursement of losses of money, property, or other things of value that meet all of the following requirements:

(A) The loss was caused by the dishonest conduct of an attorney admitted to the practice of law in Ohio when acting in any of the following capacities:

(1) As an attorney;

(2) In a fiduciary capacity customary to the practice of law;

(3) As an escrow agent or other fiduciary, having been designated as an escrow agent or fiduciary by a client in the matter or a court of this state in which the loss arose or having been selected as a result of a client-attorney relationship.

(B) The conduct was engaged in while the attorney was admitted to the practice of law in Ohio and acting in his capacity as an attorney admitted to the practice of law in Ohio, or in any capacity described in division (A) of this section.

(C) On or after the effective date of this rule, the attorney (has) been disbarred, suspended, or publicly reprimanded, has resigned, or has been convicted of embezzlement or misappropriation of money or other property and the claim is presented within one year of the occurrence or discovery of the applicable event. The taking of any affirmative action by the claimant against the attorney within the one-year period shall toll the time for filing a claim under this rule until the termination of that proceeding. In the event disciplinary or criminal proceedings, or both, cannot be prosecuted because the attorney cannot be located or is deceased, the Board may consider a timely application if the claimant has complied with the other conditions of this rule.

(D) The claim is not covered by any insurance or by any fidelity or similar bond or fund, whether of the attorney, claimant, or otherwise.

(E) The claim is made directly by or on behalf of the injured client or his personal representative or, if a corporation, by or on behalf of itself or its successors in interest.

(F) The loss was not incurred by any of the following:

(1) The spouse, children, parents, grandparents and siblings, partner, associate, employee or employer of the attorney, or a business entity controlled by the attorney. The Board may, in its discretion, recognize such a claim in cases of extreme hardship or special and unusual circumstances.

(2) An insurer, surety or bonding agency or company, or any entity controlled by any of the foregoing;

(3) Any governmental unit.

(G) A payment from the fund, by way of subrogation or otherwise, will not benefit any entity specified in division (F) of this section.

Section 4. Dishonest Conduct. For purposes of this rule, dishonest conduct consists of wrongful acts or omissions by an attorney in the nature of defalcation or embezzlement of money, or the wrongful taking or conversion of money, property, or other things of value.

Section 5. Maximum Recovery. The Board shall determine the maximum amount of reimbursement to be awarded to a claimant. No award shall exceed fifty thousand dollars (\$50,000.00).

Section 6. Conditions of Payment; Attorney Fees.

(A) As a condition to payment, the claimant shall execute any interest, take any action, or enter into any agreements as the board requires, including assignments, subrogation agreements, trust agreements, and promises to cooperate with the Board in prosecuting claims or charges against any person. Any amounts recovered by the Board through an action shall be deposited with the fund.

(B) No attorney fees may be paid from the proceeds of an award made to a claimant under authority of this rule. The Board may allow an award of attorney fees to be paid out of the fund if it determines that the attorney's services were necessary to prosecute a claim under this rule and upon other conditions as the Board may direct.

Section 7. Claims Procedure.

(A) *Forms.* The Board shall provide forms for the presentation of claims to Disciplinary Counsel, all bar associations, and to any other person upon request. The Board shall create a complaint form for the use of claimants that shall include, but not be limited to the name and address of the claimant, the name and last known, address of the attorney against whom the claim is made, the date of the alleged wrongful act, a clear and simple statement describing the wrongful act, the amount of the claimed loss, and a statement as to whether other affirmative action has been taken as described in Section 3(C) of this rule. A claim shall be considered as filed on the date the Board receives written notification of the claim, even in the absence of the prescribed form. However, completion of the formal application may subsequently be required by the Board.

(B) *Notice.* Upon receipt of a claim against an attorney, the secretary of the Board shall notify the attorney by certified mail, when possible, of the fact of its filing. All parties shall be notified of any action taken by the Board with respect to a claim.

(C) *Investigation; Cooperation with Disciplinary Counsel and Local Bar Associations.*

(1) The Board shall investigate or cause to be investigated all claims received under this rule.

(2) At the request of the Board, Disciplinary Counsel and local bar associations authorized to investigate attorney discipline complaints under Gov. Bar Rule V shall make available to the Board all reports of investigations and records of formal proceedings in their possession with respect to any attorney whose conduct is alleged to amount to dishonest conduct under this rule. Where the information sought is the subject of a pending investigation or disciplinary proceeding required by Gov. Bar Rule V to be confidential, disclosure shall not be required until the termination of the investigation or disciplinary proceeding, or both.

(3) Where the Board receives a claim that is ineligible because disciplinary proceedings have not been undertaken, the Board shall hold the claim in abeyance, forward a copy of the claim to Disciplinary Counsel for further action, and advise the claimant that these procedures have been undertaken and that disciplinary action is a prerequisite to eligibility under this rule. If filed within the time limits prescribed in Section 3(C) of the rule, the claim shall be considered timely regardless of the time it is held in abeyance pending the outcome of disciplinary proceedings. Disciplinary Counsel shall advise the Board as to the disposition of the complaint.

(D) *Hearings; Subpoenas.* The Board may conduct hearings for the purpose of resolving factual issues. Upon determining that any person is a material witness to the determination of a claim made against the fund, the Board, chair, or vice-chair shall have authority to issue a subpoena requiring the person to appear and testify or produce records before the Board. All subpoenas shall be issued in the name and under the Seal of the Supreme Court, signed by the chair, vice-chair, or Administrator, and served as provided by law.

(E) *Confidentiality.* All claims filed under this rule and all records obtained by the Board pursuant to this rule shall be confidential. If an award is made under this rule, the award, the name of the claimant, the name of the attorney, and the nature of the claim may be disclosed.

(F) *Consideration of Claims.* The Board, in its sole discretion, but on the affirmative vote of at least four (4) members, shall determine the eligible claims that merit reimbursement from the fund and the amount, time, manner, conditions, and order of payments of reimbursement. No award may include interest from the date of the

award. In making each determination, the Board shall consider, among other factors set forth in this rule, all of the following:

(1) The amounts available and likely to become available to the fund for the payment of claims and the size and number of claims that are likely to be presented;

(2) The amount of the claimant's loss as compared with the amount of losses sustained by other eligible claimants;

(3) The degree of hardship suffered by the claimant as a result of the loss;

(4) The degree of negligence, if any, of the claimant that may have contributed to the loss;

(5) Any special or unusual circumstances.

To preserve the fund, the board may adopt rules implementing a sliding scale whereby eligible claims are compensable at fixed percentages of the total loss but not to exceed the maximum award allowed by this rule.

The determination of the Board shall be final.

**RULES OF THE BOARD OF COMMISSIONERS OF THE
CLIENTS' SECURITY FUND**

[All Rules are adopted pursuant to Gov. Rule VIII (2)(C)(4)]

CSF BOARD RULE 1

(Adopted 9/19/85)

Powers of Administrator

1. The Administrator shall have full power and authority to employ such personnel as are necessary to satisfactorily perform the duties imposed by Gov. Bar R. VIII. The Administrator shall fix the salaries of personnel within the pay ranges established by the court. All personnel shall serve under the direction and at the pleasure of the Administrator subject to the approval of the court.

2. The Administrator shall have full power and authority to enter into contracts and leases, purchase equipment and supplies and to incur obligations on behalf of the Board of Commissioners of the Clients' Security Fund, necessary to perform the duties imposed by Gov. Bar R. VIII. Authorized expenditures shall include, but not be limited to, the costs of establishing and maintaining offices for the Board: Advertisement and promotion costs; and expenses incurred in the printing and distribution of forms, records, etc., for the processing of claims. The Administrator shall make available to the Board such information and reports as are requested by the Board from time to time and shall cooperate with the Board in carrying out the functions assigned to the Board under Rule VIII.

3. The Administrator shall execute the duties of his office within the guidelines established by Gov. Bar R. VIII and the court, without the necessity of prior approval by the Board of Commissioners of the Clients' Security Fund. All expenses incurred shall be duly recorded and reported to the Board.

Richard N. Koehler - Chairman

Walter A. Savage - Secretary

CSF BOARD RULE 2

(Adopted 11/8/85)

1. The Administrator is authorized to withdraw funds from accounts of the Clients' Security Fund of Ohio to pay for services and meet obligations and expenses entered into pursuant to Board Rule 1, not exceeding \$5,000.

All withdrawals in excess of \$5,000 shall require the additional signature of the Chairman or Vice-Chairman.

2. Payments for all claims allowed by the Board of Commissioners shall have the signature of the Chairman and the Administrator.

Richard N. Koehler - Chairman
Walter A. Savage - Secretary

CSF BOARD RULE 3

(Adopted 11/8/85)

Quorum. A majority of the Board of Commissioners, in person, shall be requisite to constitute a quorum at any meeting of the Commissioners, but less than such majority may adjourn the meeting from time to time and at any such adjourned meeting any business may be transacted which might have been transacted if the meeting had been as originally called.

Richard N. Koehler - Chairman
Walter A. Savage - Secretary

CSF BOARD RULE 4

(Adopted 11/8/85)

The Secretary shall keep the minutes of all proceedings of the Board of Commissioners of the Clients' Security Fund and make a proper record of the same, which shall be attested by the Secretary. The Secretary shall keep such books and records as may be required for the business of the Clients' Security Fund and shall perform generally, all duties incident to the office.

Richard N. Koehler - Chairman
Walter A. Savage - Secretary

CSF BOARD RULE 5

(Adopted 5/9/86)

Transitional Rule. These rules shall apply to any application for reimbursement submitted to the Clients' Security Fund on or after May 9, 1986.

Richard N. Koehler - Chairman
Walter A. Savage – Secretary

CSF BOARD RULE 6

(Adopted 5/9/86)

(Revised 12/11/92)

Definitions

1. Claim: A written statement to the Commission for compensation of a loss.
2. Claimant: A person or entity who has sustained a loss as a result of the dishonest conduct of an attorney.
3. Board: The Board of Commissioners of the Clients' Security Fund.

4. Commissioners: The Board of Commissioners of the Clients' Security Fund.
5. Fund: The Clients' Security Fund.
6. Attorney/Lawyer: A person who, at the time of the act complained of, was admitted to practice law in the State of Ohio.
7. Loss: The loss of money or property caused by the dishonest conduct of an attorney.
8. "Acting as an attorney at law" under Rule VIII. Section (3)(a)(1) necessitates the existence of an attorney-client relationship. "Attorney-client relationship" is further defined as being those situations where there has been work performed by the attorney on the client's behalf within the last thirty (30) days.

Richard N. Koehler - Chairman
Walter A. Savage - Secretary

CSF BOARD RULE 7
(Adopted 12/5/97)

Confidentiality of Clients' Security Fund ("CSF") Records And Proceedings.

(1) All proceedings of the CSF and the work product of its Administrator and Staff regarding claims, are confidential; provided, however, that when the CSF determines a claim to be eligible for an award, the CSF Determination Entry reflecting the award and the Board's findings shall be open and available to the public.

(2) This Rule shall not be construed to preclude access to CSF files and information by agencies responsible for the investigation of grievances pursuant to Rule V of the Rules for the Government of the Bar and by agencies responsible for admission of lawyers to practice law in any jurisdiction. If agencies responsible for the admission of lawyers to the practice of law in jurisdictions other than Ohio request information regarding claims against an identified lawyer, the CSF Administrator shall provide the requested information only after redacting the name of the claimant if a Determination Entry has not yet been entered.

(3) All information provided to the CSF by a certified grievance committee, the Office of Disciplinary Counsel, or the Board of Commissioners on Grievance and Discipline shall remain sealed and confidential as required by Rule V of the Rules for the Government of the Bar.

(4) An attorney accused of dishonest conduct in a CSF Application For Reimbursement may obtain, upon written request, the following:

- (a) A copy of the claimant's CSF Application for Reimbursement.
- (b) Copies of any documents submitted by the claimant in support of the Application For Reimbursement.

(5) The CSF shall make its Annual Report and Annual Audit available to the public during all regular office hours.

David P. Kamp, Chairman
Janet Green Marbley, Secretary

CSF BOARD RULE 8

(Adopted 5/9/86)

(Revised 6/11/99)

Definition of Dishonest Conduct

- A. In determining whether an attorney's refusal or inability to refund the legal fees paid by the claimant meets the definition of "dishonest conduct" as set forth in Section 4 of Rule VIII, the Board may consider the following factors:
1. Whether the services actually provided by the attorney were significant, and thus the claim should be considered a fee dispute.
 2. Whether the conduct complained of consists of errors and/or omissions by the attorney in the nature of negligence or malpractice.
 3. A pattern of behavior evidencing the attorney's lack of a good faith intention to perform the services for which the claimant paid.
 4. Work performed by a subsequent attorney hired by the claimant, and the amount paid for such work.
 5. The existence of a court order regarding the legal fees.
- B. If the Board's evaluation results in a determination that the attorney provided such an insignificant or minimal portion of the services that the refusal to refund the unearned fee constitutes a wrongful taking or conversion of money, the conduct complained of is consistent with Rule VIII's definition of "dishonest conduct", and the claimant is entitled to reimbursement from the Fund.
- C. The Board may also consider whether the attorney's conduct resulted in a disciplinary violation. A finding of dishonest conduct for purposes of Rule VIII, however, does not require a finding that the conduct also violates the disciplinary rules.

E. James Hopple - Chairman
Janet Green Marbley - Secretary

CSF BOARD RULE 9

(Adopted 5/9/86)

Reconsideration. The claimant may request reconsideration within thirty (30) days after receiving written notice of the denial or determination of the amount of a claim. If the claimant fails to make a request or the request is denied, the decision of the Commission is final.

Richard N. Koehler - Chairman
Walter A. Savage - Secretary

CSF BOARD RULE 10
(Adopted 5/9/86)

Claim Processing, Investigation, Summary

A. The Administrator shall inquire into the facts and merits of each claim and conduct such investigation as seems necessary and desirable in order to determine whether the claim meets the criteria for reimbursement, established by Gov. Rule VIII.

B. A summary of the Administrator's investigation of each claim presented for determination of reimbursement, shall be provided to each commissioner at least thirty (30) days prior to any hearing on the respective claim by the Commission.

C. The commission, at its meetings, will conduct such review or inquiry as seems necessary or desirable in order to determine whether the claims are reimbursable and the extent of such reimbursement. The commission may determine that further evidence, testimony, or information is required before proceeding. Absent such determination, claims shall be processed on the basis of the information obtained from investigation and in the summary.

Richard N. Koehler - Chairman
Walter A. Savage - Secretary

CSF BOARD RULE 11
(Adopted 5/9/86)

No Loss, No Dishonest Conduct Claims

A. When, in the opinion of the Administrator, a claim is clearly not for a reimbursable loss and the statements made by the claimant in support of the claim manifestly indicate that no loss or dishonest conduct as defined and contemplated by Gov. Rule VIII has occurred, no investigation shall be conducted, nor shall the attorney named in the claimant's statements be notified. The Administrator shall advise the claimant promptly that the claim does not meet the criteria established by Gov. Rule VIII.

B. A claimant may request reconsideration under Rule 9. All claims to which this Rule applies shall be kept as permanent but separate records of the CSF and subject to the confidentiality provision of Sec. 8(e) Gov. Rule VIII.

Richard N. Koehler - Chairman
Walter A. Savage – Secretary

CSF BOARD RULE 12
(Adopted 7/13/90)

Negotiating Settlements

The administrator may, in consultation and agreement with the chairman, or vice-chairman in the chairman's absence, negotiate the settlement of subrogated claims. The administrator may utilize the services of CSF legal counsel if appropriate.

Richard N. Koehler - Chairman
James E. Green - Secretary

CSF BOARD RULE 13
(Adopted 10/26/90)

Executive Session

A. The CSF Chairman, or in his absence a designee, may call an executive session of the Board of Commissioners of the Clients' Security Fund of Ohio to discuss and decide any administrative matters.

B. The executive session shall convene with only those board members duly appointed by the Supreme Court of Ohio and presently serving during an unexpired term.

C. A quorum, as defined by CSF Board Rule 3, shall be requisite to decide administrative matters during an executive session.

Richard N. Koehler - Chairman
James E. Green – Secretary

CSF BOARD RULE 14
(Adopted 2/15/91; amended 9/10/93)
(Revised 12/8/95)

Awards of Attorney Fees

One of the goals of the Clients' Security Fund (CSF) is to enhance the public's perception of the legal profession. This goal is consistent with Rule VIII of the Supreme Court Rules for the Government of the Bar, which governs the CSF. As a means of achieving this goal, Attorneys are encouraged to provide pro bono legal assistance to persons filing claims before the CSF.

- A. Governing Rule VIII, provides that CSF Commissioners may, in their discretion, award attorney fees to any attorney who assists a claimant in making a claim to the Ohio CSF. An application for attorney fees must be filed by the attorney who certifies that certain criteria have been met. The CSF Commissioners have determined that attorney fees will be awarded only if the following criteria are met:

1. The application seeks reimbursement for necessary services rendered to aid a client in preparing and filing a CSF claim;
 2. The attorney will not charge as a fee any portion of a CSF award, but will look solely to this application for recovering fees incurred when assisting the client in pursuing a CSF claim;
 3. The fee is reasonable charges for helping the client pursue a CSF claim.
- B. The CSF Board of Commissioners have determined, based upon the following considerations, that an attorney assisting a claimant may qualify for an award of fees up to a maximum of three hundred dollars (\$300.00):
- (1) The process of presenting a claim to the CSF is not adversarial;
 - (2) The CSF staff is available to assist the claimant in the investigation and verification of information necessary to support the claim, and the staff is responsible for presenting this information to the Board for a determination of eligibility.
- C. When considering an application for attorney fees, the CSF Board of Commissioners reserves the right to request greater specificity before deciding on an application. An attorney's failure to comply with such a request will result in the denial of the application.

David S. Bloomfield, Chairman
Janet Green Marbley, Secretary

CSF BOARD RULE 15
(Adopted 11/1/91)

Pre-Hearing Instructions

Pursuant to Rule VIII, Supreme Court Rules for the Government of the Bar, witnesses may be called to testify before the Board of Commissioners of the Clients' Security Fund. These instructions are offered to facilitate the orderly presentation of evidence and testimony of witnesses. The instructions should be reviewed carefully prior to the hearing.

1. Witnesses wishing to present any documents or exhibits shall submit copies of the documents or a description of the exhibits to the CSF Administrator not less than fourteen (14) days prior to the hearing.
2. Witnesses should review Rule VIII to familiarize themselves with the criteria for eligibility before attending the hearing.

3. The Ohio Rules of Evidence shall be liberally construed and applies for witnesses testifying at CSF hearings. The Chair will decide what evidence is relevant and properly admissible.
4. Witnesses appearing under subpoena are entitled to reimbursement at a rate approved by the Court. To obtain reimbursement, a subpoena must be under seal of the Supreme Court of Ohio and the witness must submit proof of their residential address.
5. Witnesses wishing to testify before the CSF Board of Commissioners should contact the Fund's Administrator prior to the hearing for procedural instructions and location and time of the hearing.
6. The CSF Administrator may rule on all pre-hearing motions.

Thomas A. Heydinger, Chairman
James E. Green, Administrator

CSF BOARD RULE 16
(Adopted 11/1/91)

Records Retention

All records pertaining to claims filed with the Fund shall be maintained at the office of the Fund Administrator for a minimum of five (5) years following the disposition of the claim. Thereafter, the records may be destroyed provided that the Fund maintains a permanent record showing the name of the claimant, the name of the respondent's attorney and the disposition of the claim.

All records pertaining to the fiscal operations of the Fund shall be maintained at the office of the Fund Administrator for a minimum of ten (10) years. Thereafter the records may be destroyed as dictated by needs of space.

Thomas A. Heydinger, Chairman
James E. Green, Administrator

CSF BOARD RULE 17
(Adopted 12/11/92)
(Revised 12/6/02)

Loan Transactions

A loan made to an attorney by a client is not reimbursable by the Clients' Security Fund (CSF) unless the loan arises out of, and during the course of an attorney/client relationship, and but for the attorney/client relationship, the loss would not have occurred.

In applying this rule the Board may consider factors such as:

1. The disparity in bargaining power between the attorney and the claimant.

2. The extent to which the attorney received information about the financial affairs of the claimant.
3. Evidence of a pattern of taking money from clients, bankruptcy or heavy indebtedness on the part of the attorney.
4. The terms of the loan and whether the attorney has made any payments on the loan.

A loan made to any attorney outside the scope of an attorney/client relationship is not reimbursable.

Jerome Phillips, Chairman
Janet Green Marbley, Administrator

CSF BOARD RULE 18
(Adopted 9/9/94)

Notification of Awards

When a CSF award is made against an Ohio attorney or a former Ohio attorney, the Supreme Court of Ohio shall be immediately notified of the award, the amount of the award and the date the award was made. Notification shall be given except in cases where the attorney against whom the claim is filed is disbarred, resigned or deceased.

Thomas A. Heydinger, Chairman
James E. Green, Administrator

The Clients' Security Fund
AN AGENCY OF THE SUPREME COURT OF OHIO

JANET GREEN MARBLEY
ADMINISTRATOR

JEROME PHILLIPS
CHAIRMAN

THOMAS J. MOYER
CHIEF JUSTICE

APPLICATION FOR REIMBURSEMENT

INSTRUCTIONS

- Answer every question on this application. If space is inadequate, please attach additional pages.
- It is important that you submit all evidence that documents your loss, such as canceled checks, cash receipts, letters, court judgments, etc.
- Mail the completed application to: **The Clients' Security Fund of Ohio, 175 South Third Street, Suite 285, Columbus, Ohio 43215. Telephone Number: 614-995-5000 (1-800-231-1680 in Ohio only)**

Applicant Information:

Full name of applicant: _____

Address of applicant: _____

_____ Zip Code: _____ County: _____

Telephone: (____) _____ Business: (____) _____

Attorney Information:

Full name and address of attorney: _____

Zip Code: _____ County: _____

Summary of Facts:

1) When did you hire this attorney? Month: _____ Day: _____ Year: _____

2) What legal services did you ask this attorney to perform for you?

- 3) What legal services were actually rendered?
- 4) Explain in detail how your loss occurred.
- 5) How much did you pay this attorney for his services? Please provide documentation to verify your payments, i.e., copies of receipts, cancelled checks, etc.
- 6) Was your agreement for services with the attorney in writing?
Yes____No____. If yes, attach a copy of the agreement. If not, please explain the terms of your agreement.
- 7) What is your alleged loss amount?_____If loss was property, give details and value of property on a separate sheet.
- 8) What is the date you became aware or learned of the loss?_____
- 9) What happened that made you aware of the loss?
- 10) Were you, at the time of the loss, the spouse, close relative, partner, associate, employee or employer of the attorney, or a business entity controlled by the attorney? Yes____No____
_____ If yes, give relationship:_____
- 11) Has any part of the loss been recovered? If so, when?_____
From whom? _____ In what amount? \$_____
- 12) Was the loss covered by any insurance or bond? If so, please give the name and address of the insurance or bonding company._____

- 13) Describe what steps you have taken to recover the loss directly from the attorney, or any other source:

• Any recovery made by claimant from other sources prior to a CSF determination of eligibility must be reported to the Fund. Recoveries not reported to the Fund are grounds to deny a claim. Any recovery made by claimant after a CSF determination of eligibility will be subrogated back to the Fund. The Fund will retain all subrogation rights if compensation is made to the client by the Fund. The Claimant must execute a CSF Release and Subrogation Agreement before receiving an award.

Affirmative Action

14) Have you reported this loss to any of the following agencies: *If you checked any of the items below, please indicate the date reported, name/ address of the agency and contact person, if known.*

Local Prosecutor _____

Local Police Department _____

Date Reported: _____

Date Reported: _____

Office of Disciplinary Counsel _____

Local Bar Association _____

Date Reported: _____

Name of Bar Assn. _____

Date Reported: _____

15) If you are currently being represented by an attorney, please provide the following information:

Attorney's Name _____

Address _____ City _____ State _____

Zip Code _____ Telephone: Area Code () _____

16) How did you learn of the Clients' Security Fund?

- Court Rules do not permit attorneys who help clients process claims with the Fund to charge legal fees for that service. Attorneys may apply to the Fund for reimbursement of fees.
- Should you receive an award from the Fund, the facts relating to your loss become a public record.

I (We) have read this Statement of Complaint and certify that under penalty of perjury the contents thereof are true of my own knowledge and belief.

Witness

Signature of Claimant
Date _____

Witness

Signature of Second Claimant
Date _____

Notary Public
Date _____

Appendix D

**CLIENTS' SECURITY FUND
COMPLETE RELEASE, ASSIGNMENT OF RIGHTS, AND SUBROGATION AGREEMENT**

«first_name»«last_name», of «street», (County) «city», hereby acknowledges the receipt of «written_amt» from the CLIENTS' SECURITY FUND OF OHIO ("CSF") as reimbursement for the following claim:

<u>Claim No.</u>	<u>Date of Award</u>	<u>Nature of Claim</u>
«claim_no»		«dishonesty»

In consideration of the above-mentioned payment, Claimant hereby assigns to CSF all claims, demands, and causes of action against «attorney», heirs, executors, or administrators, or any other party involved in the transaction giving rise to the above-referenced claim. CSF is hereby granted full power and authority to collect the assigned claim and to receive payment for the claim to the extent of the amount reimbursed by CSF, or \$«dollar_amt», and to do all things in relation to the claim that claimant could have done had this assignment not been executed. Claimant agrees to give to the Board of Commissioners of the Clients' Security Fund any and all papers and information in Claimant's possession or under Claimant's control, necessary for the proper prosecution of such claim.

Further, claimant agrees that in the event of recovery by the CSF, said amount recovered shall be disbursed as follows: 1) payment of all costs and expenses incurred by CSF in connection with recovery of said amount, including reasonable attorneys fees; 2) reimbursement of CSF of the amount paid to claimant from the fund; and 3) the balance, if any, shall be paid over to claimant.

Claimant further agrees that nothing herein, shall obligate the CSF to pursue the rights assigned to it under this agreement and, therefore, any recovery or attempt to secure recovery pursuant to this assignment of rights, shall be solely determined by the CSF.

Claimant covenants that the above-referenced claim or demand against said Attorney has not been released or discharged, and claimant further agrees to cooperate fully with CSF in the protection of any of the rights assigned herein; including appearance, testimony and presentation of evidence at any legal proceedings brought by the CSF.

Claimant acknowledges that the above-referenced payment is without legal liability of the CSF, and further acknowledges that it is a discretionary disbursement made by the CSF pursuant to Rule VIII of the Supreme Court Rules for the Government of the Bar, and that said payment is a matter of grace and not right. By accepting said payment, claimant releases and assigns to CSF any and all claims for loss or damages which could otherwise have been asserted against «attorney» or any other party in connection with the above-referenced claim.

Witnessed by: _____ Claimant(s):
_____ «first_name»«last_name»

STATE OF _____ :SS
COUNTY OF _____
SOCIAL SECURITY NUMBER _____

Sworn to and subscribed in my presence by _____,
who is known to me personally, this _____ day of _____, 20__.

CSF Rev. 5/95 _____
Notary Public

Appendix E

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

<u>NAME</u>	<u>AWARDS</u>	<u>AMOUNT</u>	<u>TYPE OF THEFT</u>	<u>COUNTY</u>
Stephan Allison	1	\$25,000.00	Trust	Cuyahoga
William Al'Uqdah	1	\$750.00	Unearned Fees	Hamilton
James Anadell	2	\$22,936.73	Escrow	Lorain
Delores J. Anderson	1	\$1,500.00	Unearned Fees	Lucas
Mark Anderson	3	\$37,280.85	Fiduciary	Lucas
Richard Andrews	1	\$1,100.00	Settlement	Cuyahoga
Joseph Armon	4	\$1,655.80	Unearned Fees	Cuyahoga
William Arnold	10	\$62,736.02	Unearned Fees	Geauga
Guerin Avery	11	\$68,716.39	Unearned Fees/ Escrow	Cuyahoga
Robert J. Bacisin	3	\$5,275.00	Unearned Fees	Lorain
Ronald A. Banig	1	\$2,774.49	Escrow	Summit
Yale Barkin	1	\$11,050.00	Escrow	Cuyahoga
David Barnett	3	\$10,730.00	Unearned Fees/ Fiduciary	Champaign
Phillip A. Barragate	17	\$128,118.53	Settlement/Estate	Cuyahoga
David Beck	1	\$200.00	Unearned Fees	Cuyahoga
Avery Becker	9	\$5,913.00	Unearned Fees	Cuyahoga
Garry A. Beckett	1	\$200.00	Unearned Fees	Franklin
Angelia Bell	2	\$1,325.00	Unearned Fees	Lucas
Dale Belock	5	\$47,132.14	Unearned Fees/ Settlement	Cuyahoga
David Bernardic	4	\$67,179.50	Estate	Cuyahoga
W. David Bertsche	2	\$1,657.00	Unearned Fees	Hamilton
T. Michael Billson	4	\$2,000.00	Unearned Fees	Lake
Jeffrey Blankenship	1	\$660.00	Unearned Fees	Franklin
Andrew Bodnar	1	\$300.00	Escrow	Summit
Karen Bond	4	\$101,150.00	Unearned Fees	Franklin
Reuben Boykin	3	\$2,383.67	Unearned Fees	Franklin
Robert L. Braddock	1	\$600.00	Unearned Fees	Hamilton
Ronald Bradley	4	\$19,600.00	Unearned Fees/Estate	
George Braun	18	\$129,794.09	Unearned Fees/ Settlement/Estate	Cuyahoga
William Brenner	2	\$140.00	Unearned Fees	Cuyahoga
Barry Brickley	2	\$1,200.00	Unearned Fees	Richland
Patrick Brown	23	\$59,359.52	Unearned Fees	Hamilton
Stanley Brown	1	\$400.00	Unearned Fees	Hamilton
Thomas C. Brown	1	\$500.00	Unearned Fees	Ashtabula
Bruce Brubaker	1	\$9,050.00	Estate	Summit
Ernest Bryant, Jr.	1	\$25,000.00	Escrow	Franklin
Bruce Buren	1	\$16,532.94	Escrow	Montgomery
Douglas Burt	1	\$20,000.00	Unearned Fees	Seneca
A. Noel Caliman	2	\$9,355.77	Fiduciary	Hamilton

<u>NAME</u>	<u>AWARDS</u>	<u>AMOUNT</u>	<u>TYPE OF THEFT</u>	<u>COUNTY</u>
William Callery	1	\$3,588.83	Escrow	Harris
Donald Card	4	\$2,900.00	Unearned Fees	Cuyahoga
Thomas Carney	2	\$49,244.54	Estate	Trumbull
James P. Carpenter	2	\$50,000.00	Trust/Estate	Licking
James Carter	1	\$560.00	Unearned Fees	Montgomery
Robert A. Carter	4	\$16,619.00	Settlement	Franklin
James J. Caywood	2	\$412.50	Unearned Fees	Cuyahoga
Everett Chandler	1	\$450.00	Unearned Fees	Cuyahoga
Clarence Chavers	7	\$6,700.00	Unearned Fees	Cuyahoga
Dale Christner	3	\$52,622.05	Guardianship/Estate	
Robert Churilla	2	\$4,575.00	Unearned Fees/ Settlement	Cuyahoga
Leonette Cicirella	1	\$150.00	Unearned Fees	Cuyahoga
Jeffrey Cimaglio	3	\$2,600.00	Unearned Fees	Lake
James Clower	2	\$4,650.00	Unearned Fees	Cuyahoga
Charles Cole	3	\$6,550.00	Unearned Fees	Butler
Donald Colgrove	1	\$5,500.00	Trust	Hamilton
Daniel Connaughton	1	\$23,867.00	Estate	Butler
John J. Connors, Jr.	8	\$20,000.00	Unearned Fees	Franklin
Michael C. Conway	2	\$380.00	Unearned Fees	Summit
Lawrence Cox	1	\$1,250.00	Unearned Fees	Cuyahoga
Roosevelt Cox	3	\$1,575.00	Unearned Fees	Cuyahoga
Charles W. Creger	3	\$75,000.00	Fiduciary Capacity	Hamilton
John A. Crist	2	\$50,000.00	Estate	Butler
Alfred Dahling	41	\$16,767.00	Unearned Fees	Ashtabula
Richard A. Damiani	14	\$42,976.20	Settlement/ Workers Comp/ Unearned Fees	Cuyahoga
Edwin Davila	2	\$49,000.00	Settlement	Summit
Robert L. DeVictor	1	\$25,000.00	Estate	Franklin
Anthony DiCillo	6	\$13,424.10	Settlement/Workers Compensation	Cuyahoga
Michael Dillon	1	\$25,000.00	Fiduciary Capacity	Hancock
Carter Dodge	3	\$21,300.00	Settlement	Cuyahoga
William D. Dorfmeier	8	\$99,262.62	Estate/ Guardianship	Montgomery
William Droe	1	\$1,703.25	Escrow	Cuyahoga
Richard Dugan	4	\$33,636.96	Escrow/Estate	Hamilton
Michael Edwards	3	\$48,252.76	Estate	Hamilton
John Elliott	2	\$35,000.00	Estate	Delaware
Wesley Emerson	1	\$200.00	Unearned Fees	Franklin
Richard Emmett	1	\$18,500.00	Escrow	Cuyahoga
M. Eugene Farley	1	\$2,059.90	Escrow	Cuyahoga
Dea Character-Floyd	1	\$2,950.00	Unearned Fees	Cuyahoga
Joseph Fodal	7	\$6,244.33	Unearned Fees	Greene
Matthew Fortado	1	\$2,853.41	Settlement	Summit
Thomas Foster	1	\$500.00	Unearned Fees	Franklin
Norman Fox	1	\$2,500.00	Unearned Fees	Cuyahoga

<u>NAME</u>	<u>AWARDS</u>	<u>AMOUNT</u>	<u>TYPE OF THEFT</u>	<u>COUNTY</u>
John B. Frease	5	\$12,065.00	Unearned Fees	Stark
B. Alan Freeman	1	\$200.00	Unearned Fees	Franklin
Lorraine T. Furtado	1	\$32,871.78	Escrow	Franklin
Lawrence Gaba	1	\$2,668.92	Escrow	Franklin
Greg Galan	2	\$50,000.00	Escrow	Lake
John Gall	2	\$50,000.00	Estate	Trumbull
Thomas W. Garrison	1	\$25,000.00	Escrow	Franklin
David Gatwood	3	\$24,450.00	Escrow/ Settlement	Lucas
Richard Gaudet	10	\$6,337.00	Unearned Fees	Montgomery
James A. Gay	2	\$950.00	Unearned Fees	Cuyahoga
Susan M. Glatki	1	\$2,883.92	Unearned Fees/ Escrow	Cuyahoga
Richard Goldberg	29	\$1,093,771.65	Settlement	Mahoning
Kurt Gottschalk	1	\$1,076.68	Escrow	Lucas
Michael I. Greenwald	22	\$208,571.39	Settlement/Estate	Cuyahoga
James Guest	1	\$2,500.00	Escrow	Cuyahoga
Milton J. Guth	1	\$13,700.00	Settlement	Cuyahoga
Richard Gygli	1	\$25,000.00	Escrow	Lake
L. Craig Hallows	1	\$22,618.55	Trust	Franklin
William Hamman, Jr.	10	\$216,951.88	Estate/Trust	Cuyahoga
John M. Hannah	1	\$1,000.00	Unearned Fees	Montgomery
Edward Hastie, II	1	\$380.00	Unearned Fees	Franklin
C. Patrick Harkins	1	\$25,000.00	Trust	Franklin
William J. Hatfield	1	\$573.00	Unearned Fees	Hamilton
Pippa L. Henderson	1	\$100.00	Unearned Fees	Cuyahoga
Albert J. Henry, IV	1	\$21,412.00	Escrow	Clermont
David H. Hersman	8	\$17,624.53	Settlement/ Estate/Trust	Summit
James Hodge	1	\$5,000.00	Escrow	Summit
Steven Howland	2	\$5,550.27	Unearned Fees	Cuyahoga
William Huber	1	\$511.00	Unearned Fees	Cuyahoga
Albert H. Huges, Jr.	2	\$43,598.00	Estate	Hamilton
Walter J. Hunston	3	\$12,871.72	Estate	Columbiana
Joyce D. Hunter	1	\$300.00	Unearned Fees	Knox
Jay C. Immelt	4	\$46,397.90	Settlement/Estate	Lake
Kenneth Inskeep	8	\$160,525.94	Estate	Trumbull
Aaron James	3	\$1,525.00	Unearned Fees	Franklin
Frank James	1	\$1,300.00	Unearned Fees	Lorain
Thomas L. Jaynes	10	\$4,250.00	Unearned Fees	Summit
Janice Jessup	1	\$2,612.50	Unearned Fees	Montgomery
Barbara Johnson	1	\$1,250.00	Unearned Fees	Lucas
Charles Johnson	1	\$15,455.00	Estate/Trust	Richland
Michael Johnson	8	\$6,015.00	Unearned Fees	Licking
Mitchell Johnson	4	\$5,567.16	Unearned Fees	Cuyahoga
Willie K. Jones	2	\$473.00	Unearned Fees	Cuyahoga
Edward Katalinas	1	\$200.00	Unearned Fees	Cuyahoga

<u>NAME</u>	<u>AWARDS</u>	<u>AMOUNT</u>	<u>TYPE OF THEFT</u>	<u>COUNTY</u>
Robert C. Keeler	2	\$16,515.12	Estate/ Unearned Fees	Cuyahoga
Jeffrey Keith	1	\$25,000.00	Fiduciary	Cuyahoga
Elliot Kelley	1	\$675.00	Unearned Fees	Cuyahoga
J. Andrew Keplar	2	\$30,959.59	Fiduciary	Hamilton
Mary Kerns	8	\$307,931.25	Estate	Union
John Kitchen	1	\$1,957.85	Unearned Fees	Lucas
James Knight	1	\$4,331.25	Estate	Lucas
Paul Komarek	1	\$250.00	Unearned Fees	Hamilton
Anthony Koury	1	\$500.00	Unearned Fees	Mahoning
Joseph Kral	3	\$51,800.00	Estate/ Unearned Fees	Cuyahoga
Phillip Kurtz	2	\$26,000.00	Trust	Cuyahoga
Louis B. LaCour	2	\$58,683.00	Unearned Fees	Franklin
William Lange	2	\$2,440.65	Unearned Fees	Hamilton
Charles Lantz	1	\$500.00	Unearned Fees	Fairfield
Patricia Lautzenheiser	7	\$2,762.00	Unearned Fees	Lucas
William Lavin	4	\$91,412.00	Unearned Fees	Cuyahoga
Herbert L. Lawrence	3	\$3,819.50	Unearned Fees	Franklin
Gerald Leb	2	\$4,718.75	Unearned Fees	Stark
Richard Leeth	1	\$120.00	Unearned Fees	Trumbull
Elliott Lester	13	\$60,894.21	Unearned Fees/ Escrow	Cuyahoga
Neal Levine	6	\$6,420.00	Unearned Fees	Lucas
Larry Lillback	2	\$32,600.00	Trust	Lake
Robert A. Linder	11	\$177,595.73	Settlement/Estate	Clermont
George Liviola	3	\$75,000.00	Guardianship/ Trust	Ashtabula
Ronald K. Lloyd	4	\$6,678.00	Unearned Fees/ Settlement	Jefferson
Thomas G. Locke	3	\$13,000.00	Unearned Fees	Cuyahoga
Richard C. Longacre	1	\$21,550.00	Guardianship	Cuyahoga
John R. Loudon	2	\$25,331.25	Unearned Fees/ Settlement	Franklin
Gerald Lubitsky	1	\$1,254.87	Settlement	Lucas
John Ludeman	2	\$53,053.29	Estate	Lucas
Randall J. Luginbuhl	3	\$3,781.64	Settlement	Franklin
Darlene McClellan	5	\$7,132.00	Unearned Fees	Cuyahoga
David McClure	2	\$2,220.00	Unearned Fees	
James McCord	1	\$2,000.00	Unearned Fees	Franklin
John A. McCoy	5	\$17,924.48	Unearned Fees/ Settlement	Franklin
Charles McCrae	1	\$1,533.34	Unearned Fees	Scioto
Michael McDonald	1	\$46.08	Settlement	Montgomery
Gregory McDowell	1	\$25,000.00	Guardianship	Huron
Michael McGill	1	\$2,934.85	Settlement	Lucas
J. Michael McGinley	2	\$2,190.00	Unearned	Franklin
Virgil McGuffin	4	\$63,000.00	Estate	

<u>NAME</u>	<u>AWARDS</u>	<u>AMOUNT</u>	<u>TYPE OF THEFT</u>	<u>COUNTY</u>
James Madden	4	\$127,567.00	Estate	Cuyahoga
Alex Maiorano	9	\$9,320.33	Unearned Fees	Lucas
Sidney Mallory, Jr.	6	\$3,420.00	Unearned Fees	Cuyahoga
Patrick Maniscalco	1	\$4,000.00	Unearned Fees	Cuyahoga
Ray Marchbank	1	\$2,624.00	Unearned Fees	Stark
David S. Marshall	2	\$1,750.00	Unearned Fees	Lake
Thomas Mason	2	\$465.00	Unearned Fees	Cuyahoga
Anthony Mazzocco	1	\$25,000.00	Estate	Lake
Thomas Meros	4	\$36,666.00	Unearned Fees	Cuyahoga
Phillip Mesi	1	\$15,800.00	Escrow	Cuyahoga
George Mondrut	1	\$17,968.09	Trust	Mahoning
William J. Moore	10	\$27,372.47	Unearned Fees/ Trust/Settlement	Lucas
Warren N. Morford	3	\$1,110.00	Unearned Fees	Lawrence
David A. Morton	8	\$67,175.17	Trust/Estate/ Unearned Fees	Franklin
Fred Mosely	1	\$5,500.00	Estate Account	Cuyahoga
Peter Muhlback	1	\$23,200.00	Fiduciary	Cuyahoga
Kalam Muttalib	2	\$4,797.00	Unearned Fees	Cuyahoga
Christopher F. Nardi	2	\$17,500.00	Unearned Fees	Cuyahoga
Fuad Nasrallah	76	\$182,012.00	Unearned Fees	Montgomery
John Nentwick	7	\$2,649.00	Unearned Fees	Columbiana
T. Brent Newman	2	\$775.00	Unearned Fees	Franklin
Leroy Nichols	2	\$875.00	Unearned Fees	Franklin
Thomas Nicholson	4	\$1,355.00	Unearned Fees	Crawford
Mike O'Connell	1	\$1,200.00	Unearned Fees	Lucas
Jeffrey Oglesby	1	\$1,000.00	Unearned Fees	Erie
Lee Oliver	5	\$6,927.00	Unearned Fees	Cuyahoga
Michael O'Neill	2	\$685.00	Unearned Fees	Franklin
Stanley L. Orr	3	\$4,080.00	Unearned Fees	Lake
Ronald Pagano	1	\$1,080.00	Escrow	Miami
James Patnode	1	\$360.00	Unearned Fees	Lake
Brent Patterson	1	\$1,000.00	Unearned Fees	Franklin
Craig W. Patton	1	\$11,000.00	Escrow	Cuyahoga
Randall Pees	1	\$8,076.43	Settlement	Franklin
Thomas Phillips	2	\$303.50	Unearned Fees	Chillicothe
Robert J. Potter	3	\$29,250.36	Settlement	Lucas
Byron Potts	3	\$6,580.79	Unearned Fees/ Settlement	Franklin
Dominic Potts	1	\$25,000.00	Settlement	Jefferson
Thomas Powell	3	\$625.00	Unearned Fees	Cuyahoga
Lawrence Rab	1	\$575.00	Unearned Fees	Montgomery
Rebecca Rea	4	\$5,803.25	Unearned Fees	Cuyahoga
Margaret Reis	2	\$1,250.00	Unearned Fees	Hamilton
David Riebel	1	\$8,000.00	Unearned Fees	Douglas
Rockford Richardson	1	\$500.00	Unearned Fees	Perry
Edward Rinderknecht	1	\$10,910.21	Settlement	Hamilton
John Rockel	3	\$102,000.00	Unearned Fees/Estate	Hamilton

<u>NAME</u>	<u>AWARDS</u>	<u>AMOUNT</u>	<u>TYPE OF THEFT</u>	<u>COUNTY</u>
Jonathan S. Rocker	1	\$25,000.00	Escrow	Cuyahoga
Thomas Rockman	1	\$4,300.00	Unearned Fees	Portage
Les Evan Rockmael	19	\$159,394.25	Unearned Fees/ Escrow	Cuyahoga
Charles J. Roddy	2	\$1,555.00	Unearned Fees/ Settlement	Cuyahoga
Myers Rollins, Jr.	1	\$875.00	Unearned Fees	Cuyahoga
Walter Rubenstein	7	\$5,540.75	Unearned Fees	Cuyahoga
Carmen Russo	11	\$18,155.23	Settlement	Cuyahoga
Terence Ryan	4	\$50,193.71	Escrow/Estate	Franklin
Robert Sack	1	\$175.00	Unearned Fees	Hamilton
Burt Sagen	1	\$25,000.00	Estate	Cuyahoga
Daniel J. Sanders	7	\$5,773.00	Unearned Fees	Lucas
Thomas F. Sands	3	\$25,348.37	Settlement	Muskingum
William Sams	1	\$550.00	Unearned Fees	Montgomery
Kenneth Schachleiter	1	\$50,000.00	Estate	Hamilton
John M. Schafer	1	\$250.00	Unearned Fees	Franklin
William Scheub	5	\$16,647.45	Escrow/Estate	Summit
Elroy H. Schofield	2	\$25,849.00	Estate	Hamilton
Allen Schwartz	3	\$116,528.13	Estate	Hamilton
Sandor Schwartz	1	\$300.00	Unearned Fees	Cuyahoga
William F. Seebohm	2	\$25,000.00	Estate	
Robert L. Seeley	1	\$50,000.00	Estate	Greene
Douglas Sexton	1	\$2,958.00	Unearned Fees	Richland
R. Bruce Selnick	2	\$4,442.00	Escrow	Hamiton
Michael Shafran	45	\$354,751.22	Unearned fees/ Settlement	Cuyahoga
Theodore Shaman	2	\$31,403.07	Escrow	Montgomery
Herschel Signall	27	\$36,672.98	Unearned Fees	Summit
Nathan Simon	2	\$10,000.00	Escrow	Cuyahoga
Eric Slack	2	\$34,450.17	Estate/Settlement	Lucas
Charles Smith	3	\$1,615.00	Unearned Fees	Franklin
Thomas L. Smith	5	\$104,214.20	Estate/Escrow/ Unearned Fees	Auglaize
Scott Snyder	1	\$1,352.46	Settlement	Summit
Michael Socha	1	\$50,000.00	Estate	Cuyahoga
Eric S. Solowitch	1	\$25,000.00	Escrow	Cuyahoga
Richard Spencer	1	\$15,000.00	Unearned Fees	Hamilton
Ross Sprague	2	\$600.00	Unearned Fees	Cuyahoga
Christopher Stanley	7	\$14,100.00	Unearned Fee	Cuyahoga
Howard T. Sterling	1	\$749.00	Unearned Fees	Cuyahoga
James Sterner	6	\$58,530.17	Unearned Fees/ Escrow	Franklin
Ronald Stidham	1	\$200.00	Unearned Fees	Cuyahoga
Charles Ray Stidham	3	\$8,835.00	Unearned Fees	Hamilton
Curtis Stranathan	1	\$500.00	Unearned Fees	Cuyahoga
Chris Streifender	2	\$44,750.00	Escrow	Franklin

<u>NAME</u>	<u>AWARDS</u>	<u>AMOUNT</u>	<u>TYPE OF THEFT</u>	<u>COUNTY</u>
Albert Strobel	24	\$18,560.54	Unearned Fees	Mahoning
Robert Summers	2	\$180.00	Unearned Fees	Cuyahoga
John T. Sweeney	12	\$55,974.51	Escrow	Cuyahoga
Daniel Todt	2	\$6,000.00	Unearned Fees	Cuyahoga
Kimberly Joy Trumbo	1	\$883.00	Unearned Fees	Cuyahoga
Mell Underwood	1	\$1,000.00	Settlement	Perry
Joseph Vala	3	\$1,180.00	Unearned Fees	Lake
Jack P. Viren	3	\$910.00	Unearned Fees	Lucas
John Vitullo	1	\$2,602.50	Unearned Fees	Cuyahoga
Thomas B. Walker	4	\$32,648.00	Unearned Fees/ Trust/Estate	Hamilton
Braden Wallace	1	\$746.00	Unearned Fees	Lucas
Victor Wangul	1	\$25,000.00	Estate	Cuyahoga
William Washington	2	\$6,544.00	Unearned Fees	Montgomery
Timothy Watkins	2	\$1,515.00	Unearned Fees	Stark
Martin Watson	5	\$4,250.00	Unearned Fees	Butler
Richard Weiner	9	\$1,685.00	Unearned Fees	Cuyahoga
David O. White	3	\$29,530.64	Estate/Escrow	Clark
Carl Wolfrom	5	\$24,600.00	Unearned Fees	Franklin
Gary Wolosin	10	\$5,500.00	Unearned Fees	Hamilton
Leonard Young	3	\$19,092.61	Estate	Cuyahoga
Marcus Zolnier	1	\$25,000.00	Escrow	James City