

24TH ABA NATIONAL FORUM ON CLIENT PROTECTION AGENDA
Boston, Massachusetts
MAY 30-31, 2008

FRIDAY, MAY 30

12:30 - 1:00 pm **REGISTRATION**

1:00 - 1:20 pm **WELCOME AND INTRODUCTION**

JANET GREEN MARBLEY, Chair, ABA Standing Committee on Client Protection; Administrator, Clients' Security Fund of Ohio

DONALD B. HILLIKER, Chair, ABA Center for Professional Responsibility Coordinating Council; Partner, McDermott, Will & Emery, Chicago, IL.

REMARKS: **NONNIE BURNES**, Commissioner of the Massachusetts Division of Insurance (Introduction by Michael Fredrickson, General Counsel of the Massachusetts Board of Bar Overseers and Counsel to the Clients' Security Board)

1:20 - 1:45 pm **PRESENTATION: ISAAC HECHT LAW CLIENT PROTECTION AWARD**

PRESENTER: **JOHN S. GLEASON**, President, National Client Protection Organization

1:45 - 3:50 pm **TOWN HALL MEETING**
(Refreshment Break 2:30 – 3:00 pm)

MODERATORS: **MICHAEL E. HARMON**, Member, ABA Standing Committee on Client Protection; Senior Staff Attorney for the Office of Professional Conduct and the Arkansas Client Security Fund

CAROLE R. RICHELIEU, Member, ABA Standing Committee on Client Protection; Administrator, Lawyers' Fund for Client Protection of the Supreme Court of Hawaii

Meet representatives from each jurisdiction present who will highlight the major accomplishments of their client protection programs in the past year and will address issues or problems they are currently confronting.

3:50 – 5:00 pm **POTPOURRI OF ISSUES FOR LAWYERS' FUNDS FOR CLIENT PROTECTION**

MODERATOR: **VICTORIA KREMSKI**, Member, ABA Standing Committee on Client Protection; Deputy Director of Professional Standards, State Bar of Michigan

PANELISTS: **MICHAEL D. MIYAHIRA**, Trustee, Lawyers' Fund for Client Protection of the Supreme Court of Hawaii

KATHRYN J. PEIFER, PA, Administrator, Pennsylvania Lawyers Fund for Client Security

This panel will lead an interactive discussion on topics affecting lawyers' funds for client protection including: using e-mail instead of in-person meetings to decide claims, publicizing the Fund, losses caused by disbarred/suspended lawyers, including paralegals in annual assessment and then handling claims against paralegals, competition for limited funds (e.g. AAP/LAP), how to handle "costs", receiver claims/mass claimants and addressing claims involving loans and investment.

5:00 - 7:00 pm **NETWORKING RECEPTION**

24TH NATIONAL FORUM
SATURDAY, MAY 31

8:00 - 8:55 am **NATIONAL CONFERENCE AND FORUM NETWORKING BREAKFAST**

9:00 – 10:20 am **BREAKOUT SESSION #1**

CONDITIONAL ADMISSION TO THE BAR

(JOINT PROGRAM WITH THE NATIONAL CONFERENCE ON PROFESSIONAL RESPONSIBILITY)

As the profession debates the wisdom of admission to practice conditioned upon requirements tailored to address an applicant's mental illness, addiction, or other challenge, this panel will provide descriptions of programs already in place, and discuss what structures and legal attributes, particularly confidentiality, promote or frustrate the programs.

MODERATOR: **CHARLES PLATTSMEIER**, Chief Disciplinary Counsel, Louisiana Office of the Disciplinary Counsel

PANELISTS: **Barbara Bowe**, LICSW, Massachusetts Lawyers Concerned for Lawyers
Erica Moeser, President, National Conference of Bar Examiners
John A. Weiss, John A. Weiss, P.A., Tallahassee, FL

9:00 - 10:20 am **FORUM BREAKOUT SESSION #2**

CHECK 21: HOW TO REVIEW AND UNDERSTAND BANKING RECORDS IN AN ELECTRONIC BANKING AGE

MODERATOR: **JOHN S. GLEASON**, Regulation Counsel, Colorado Supreme Court Office of Attorney Regulation; President, National Client Protection Organization

Attendees will be updated on the status of the implementation of the "Check 21" legislation and the effects of a paperless, electronic fund transfer banking world on the prosecution of cases involving lawyer misappropriation, including the reimbursement of claims for reimbursements received by client protection funds. There will be a demonstration on how to read electronic bank records that are maintained by financial institutions and a discussion on amended recordkeeping rules adopted in response to a paperless banking world.

10:20 - 10:50 am **Refreshment Break**

10:50 – 12:00 pm **POINT/COUNTER-POINT: DISCLOSURE OF PROFESSIONAL LIABILITY INSURANCE**

MODERATOR: **JANET GREEN MARBLEY**, Chair, ABA Standing Committee on Client Protection; Administrator, Clients' Security Fund of Ohio

PANELISTS: **DIANE L. KARPMAN**, Karpman & Associates, Los Angeles, CA; Past President, Association of Professional Responsibility Lawyers (APRL)

JAMES E. TOWERY, Hoge Fenton Jones & Appel, San Jose, CA; Past President, State Bar of California; Past Chair, ABA Standing Committee on Client Protection

Twenty-three U.S. jurisdictions now require lawyers to disclose directly to their clients, or on their annual registration statements, whether they maintain professional liability insurance. Is the maintenance of professional liability insurance a material fact that should be disclosed to potential clients? Does disclosure that insurance is maintained give a potential client a false sense of security? Our panel of experts will debate the pros and cons of requiring lawyers to disclose whether they maintain professional liability insurance.

12:00 - 1:30 pm **LUNCH**
(ON YOUR OWN)

1:30 - 2:25 pm **BREAKOUT SESSION #1**

WHAT CONSUMERS WANT FROM FEE ARBITRATION

MODERATOR: **JILL A. SPERBER**, Member, ABA Standing Committee on Client Protection; Director, Office of Mandatory Fee Arbitration, State Bar of California

PANELISTS: **PAUL PETER NICOLAI**, Chair, Massachusetts Bar Association Legal Fee Arbitration Board

RITA PAYNE, State Bar of Georgia

At least one consumer group has published a “report card” on Client-Lawyer Fee Arbitration. This panel will review the findings and assumptions of such reports and the implications for the relationship between the profession and those it serves. The panel will also report on a new national survey of fee arbitration programs the ABA Standing Committee on Client Protection has conducted centered on the customer-centric aspects of available programs and consolidating the Committee’s prior work on this subject. We expect a spirited discussion on how to maintain the fairness of fee arbitration while providing for consumer expectations.

1:30 - 2:25 pm **BREAKOUT SESSION #2**

TRUSTEE EDUCATION

MODERATOR: **TIMOTHY O’SULLIVAN**, Member, ABA Standing Committee on Client Protection; Executive Director and Counsel of the New York Lawyers’ Fund for Client Protection

PANELISTS: **JULIUS I. DAVIS**, Public Member, Client Security Fund Commission, Client Security Fund of the State Bar of California

PETER G. DEGELLEKE, Chair of the Board of Trustees of the Massachusetts Clients’ Security Board

Competent and knowledgeable trustees are the key to any successful lawyers' fund for client protection. The panel will offer proven techniques for recruiting, educating and training new and old trustees alike, and will include a discussion on the interaction between the trustees and the fund administrator.

2:30 - 4:50 pm

DIFFICULT CLAIMS WORKSHOP

PRESENTED BY THE NATIONAL CLIENT PROTECTION ORGANIZATION
(REFRESHMENT BREAK 3:30 -3:50 P.M.)

MODERATOR: **PROFESSOR BETH COHEN**, Western New England College School of Law

COORDINATOR: **DANIEL R. HENDI**, Deputy Director, New Jersey Lawyers' Fund for Client Protection

The NCPO will lead an interactive discussion of such issues as difficult claims, restitution and subrogation as they pertain to lawyers' funds for client protection in the United States and Canada.

4:50 - 5:00 pm

Forum Wrap - Up

REMARKS: **JANET GREEN MARBLEY**, Chair, ABA Standing Committee on Client Protection; Administrator, Clients' Security Fund of Ohio