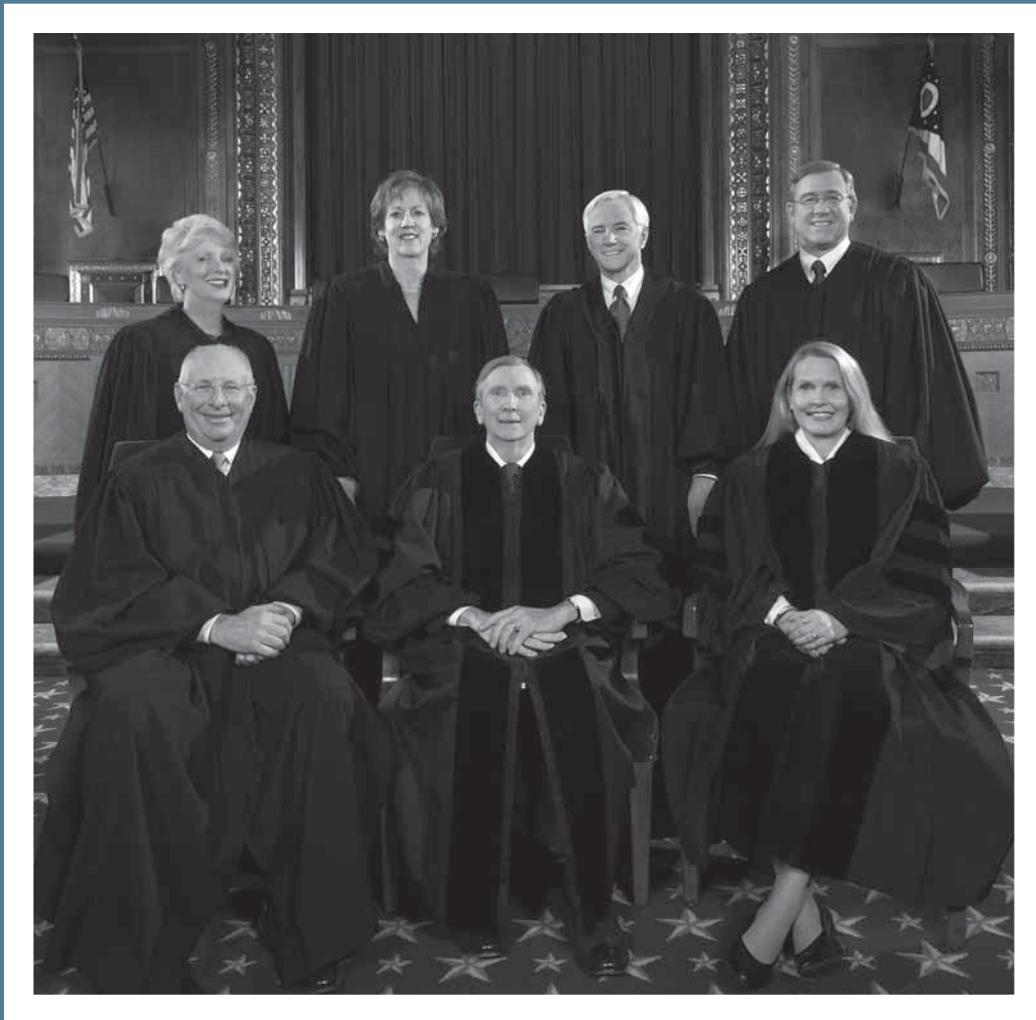


CLIENTS' SECURITY FUND ANNUAL REPORT 2009



THE SUPREME COURT *of* OHIO

THE SUPREME COURT *of* OHIO 2009



SEATED (LEFT TO RIGHT)

Justice Paul E. Pfeifer • Chief Justice Thomas J. Moyer
Justice Evelyn Lundberg Stratton

STANDING (LEFT TO RIGHT)

Justice Judith Ann Lanzinger • Justice Maureen O'Connor
Justice Terrence O'Donnell • Justice Robert R. Cupp



24th Annual Report of
THE SUPREME COURT *of* OHIO
CLIENTS' SECURITY FUND
FISCAL YEAR 2009

PRESENTED *to*

THOMAS J. MOYER
CHIEF JUSTICE

PAUL E. PFEIFER
EVELYN LUNDBERG STRATTON
MAUREEN O'CONNOR
TERRENCE O'DONNELL
JUDITH ANN LANZINGER
ROBERT R. CUPP
JUSTICES

STEVEN C. HOLLON
ADMINISTRATIVE DIRECTOR

PRESENTED *by*

THE BOARD OF COMMISSIONERS
OF THE CLIENTS' SECURITY FUND

Edward G. Hack
CHAIR

JANET GREEN MARBLEY
ADMINISTRATOR AND SECRETARY



THE SUPREME COURT *of* OHIO

Clients' Security Fund 2009 ANNUAL REPORT

CONTENTS

Introduction	page	1
Chairman's Comments	page	3
Board of Commissioners	page	4
Staff	page	5
Revenue	page	6
Public Information/Public Relations	page	8
Claims Procedure	page	8
Claims Activity Summary	page	11
Conclusion	page	12
Appendices		
A. Gov. Bar R. VIII	page	16
B. CSF Application for Reimbursement	page	23
C. Ohio Lawyers Involved in Awards Since 1986	page	26
D. CSF Board Rules	page	42

To obtain a Clients' Security Fund Application for Reimbursement,
call 614.387.9390 or 800.231.1680 (toll-free in Ohio)
or visit www.supremecourt.ohio.gov/Boards/clientSecurity.



INTRODUCTION

This report is the 24th Annual Report of the Clients' Security Fund of Ohio (CSF). Included in this report is a summary of the overall operations of the fund along with a detailed analysis of claims activity for the fiscal year beginning July 1, 2008, and ending June 30, 2009.

The CSF was created in 1985 by Rule VIII of the Supreme Court Rules for the Government of the Bar (*see* Appendix A). The Clients' Security Fund provides assistance to clients who are financially harmed by the dishonest conduct of a licensed Ohio attorney. Claim activity during fiscal year 2009 included:

- 307 requests for applications for reimbursement (*see* Appendix B), 305 new applications for reimbursement and the dismissal of 90 applications for reimbursement.
- Board meetings on Sept. 5 and Dec. 5, 2008; and March 6 and June 5, 2009. The board considered 152 claims, determining that 111 were eligible and 39 were ineligible for reimbursement; dismissing one because the claimant had since been reimbursed by the attorney; and tabling four, two of which remained pending at the end of the fiscal year. The board also considered and approved two applications for attorney fees.
- Board awards of more than \$669,200 for claims and \$600 in attorney fees.
- Claims involving 32 attorneys paid in fiscal year 2009.

Since its inception in 1985, the fund has awarded more than \$14 million to 1,795 former law clients (*see* Appendix C). All fund losses are attributable to less than 1 percent of Ohio's more than 56,320 licensed attorneys, 42,164 of whom are engaged in the active practice of law.

This report confirms 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 Clients' Security Fund 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 attorneys.



CHAIRMAN'S COMMENTS

In fiscal year 2009 the Board of Commissioners of the Clients' Security Fund considered 152 claims, determining 111 eligible for reimbursement. Total reimbursement for eligible claims for fiscal year 2009 was \$669,200.42, which represents a decrease of \$74,731.29 from the total 2008 fiscal-year reimbursement of \$743,931.71. This is the third consecutive year that the dollar amount of paid claims declined.

In fiscal year 2009, unearned fee claims accounted for 99 of the 111 eligible claims, but represented only 38 percent of the total monies paid. In contrast, eight claims arose from thefts by fiduciaries and accounted for 39 percent of the total monies paid by the fund. Settlement thefts accounted for two of the eligible claims while representing 8 percent of award payments. Estate thefts accounted for two claims paid, representing 14 percent of the total monies paid.

The awards paid in 2009 resulted from the dishonest conduct of 32 Ohio attorneys. While unfortunate that even a single Ohio attorney engaged in dishonest conduct, it is important to note that this number represents less than 1 percent of all active Ohio attorneys. Likewise, it is notable that award payments by the Clients' Security Fund are fully funded by the Ohio Supreme Court registration fees paid by all registered Ohio lawyers.

The maximum award limit of any one claim is \$75,000. Ohioans can take pride in the fact that only six other states offer reimbursements greater than Ohio.

I am now completing my sixth and final year on the board, and I wish to express my appreciation to CSF Administrator Janet Green Marbley and her staff for the excellent assistance they provide to the board. They work tirelessly to assist Ohio citizens victimized by the acts of a few dishonest lawyers.

I also would like to express my appreciation to current and past board members with whom I serve and have served. These individuals volunteer their time, skill, judgment and compassion to ensure that those harmed are properly reimbursed and protected from lawyer misconduct while maintaining the integrity of the fund.

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 board reports and I am hopeful that the downward trend of dishonest conduct by Ohio attorneys will continue.

Edward G. Hack



BOARD OF COMMISSIONERS

Gov. Bar R. VIII requires the establishment of a seven-member Board of Commissioners of the Clients' Security Fund of Ohio to determine the eligibility of claims filed with the fund and to manage the fund's assets. Board members are appointed by the Justices of the Supreme Court of Ohio to three-year terms and may serve no more than two consecutive terms. They serve as volunteers and are compensated only for travel expenses.

The board currently consists of three attorneys, two judges and two non-attorneys.

EDWARD G. HACK (*page 3*) was appointed to the board in January 2004, and was reappointed to a second term Jan. 1, 2007. Mr. Hack was appointed chair in January 2009. He is a partner with the law firm of Egert & Hack in Westlake.

CLIFTON SPINNER (*right*) was appointed to the board in June 2006 to complete the term of Robert W. Everett. Mr. Spinner was reappointed to a second term as vice-chair in January 2009. He is a staff lieutenant with Strategic Services of the Ohio State Highway Patrol in Columbus.



HON. PATRICIA ANN BLACKMON (*left*) was appointed to the board in January 2004, and reappointed to a second term in January 2007. Judge Blackmon serves on the 8th District Court of Appeals in Cleveland.



KENNETH DONCHATZ (*left*) was appointed to the board in March 2004 to complete the term of former board member Brian Selden. He was appointed to another three-year term Jan. 1, 2005, and reappointed Jan. 1, 2008. Mr. Donchatz is a former assistant disciplinary counsel and is a partner with the firm of Christensen, Christensen, Donchatz, Kettlewell & Owens of Columbus.



JEROME PHILLIPS (*left*) was appointed to the board January 2007. He is an associate with the firm of Wittenberg Phillips in Toledo.



HON. JAMES E. GREEN (*left*) was appointed to the board in January 2008. He serves on the Franklin County Municipal Court in Columbus.



SALLY W. CUNI (*left*) was appointed to the board for a first term beginning January 2009. Ms. Cuni is partner and president of Cuni, Rust & Strenk Inc. in Cincinnati.

STAFF

Pursuant to Gov. Bar R. 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 staff also includes Abby Minnix, claims analyst; Pamela Leslie, fiscal specialist; and Meletha Dawson, secretary.



(LEFT TO RIGHT)

Meletha Dawson (secretary), Pam Leslie (fiscal specialist), Janet Green Marbley (administrator), Abby Minnix (claims analyst)

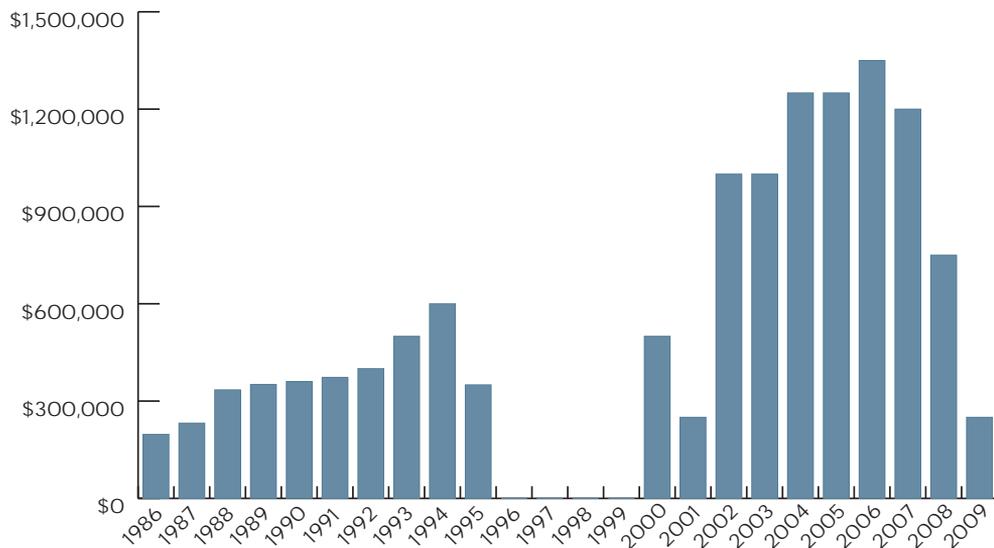
REVENUE

ATTORNEY REGISTRATION FEES

Every licensed Ohio attorney, except those registered as inactive, is required to file a certificate of registration with, and pay a \$350 registration fee to, the Supreme Court of Ohio on or before the first day of September in each odd-numbered year. All registration fees are placed in the Attorney Services Fund. Pursuant to Gov. Bar R. VIII, Section 1(A), the Court allocates monies from the Attorney Services Fund to the Clients' Security Fund. The CSF is funded entirely from the Attorney Services Fund, and does not receive any tax revenue. Since the establishment of the CSF in 1985, the Supreme Court of Ohio has allocated more than \$14.1 million from the Attorney Services Fund to the CSF.

During fiscal year 2009, the Court allocated an additional \$250,000 for the payment of awards and \$357,281 for the payment of operating expenses. The Clients' Security Fund expended \$337,354 for operating expenses, which is 94 percent of the total allocation. Amounts allocated for the payment of awards are transferred to the CSF trust account at the Huntington National Bank. The trust account balance on June 30, 2009, was \$1,326,279.84.

ATTORNEY REGISTRATION ALLOCATIONS



INTEREST INCOME

The CSF chair, with the approval of a majority of the board, is responsible for the management and investment of monies allocated from the Attorney Services Fund for the payment of Clients' Security Fund awards. Gov. Bar R. VIII, however, limits investments to short-term insured obligations of the U.S. government. Interest income is not, therefore, a major source of revenue for the CSF.

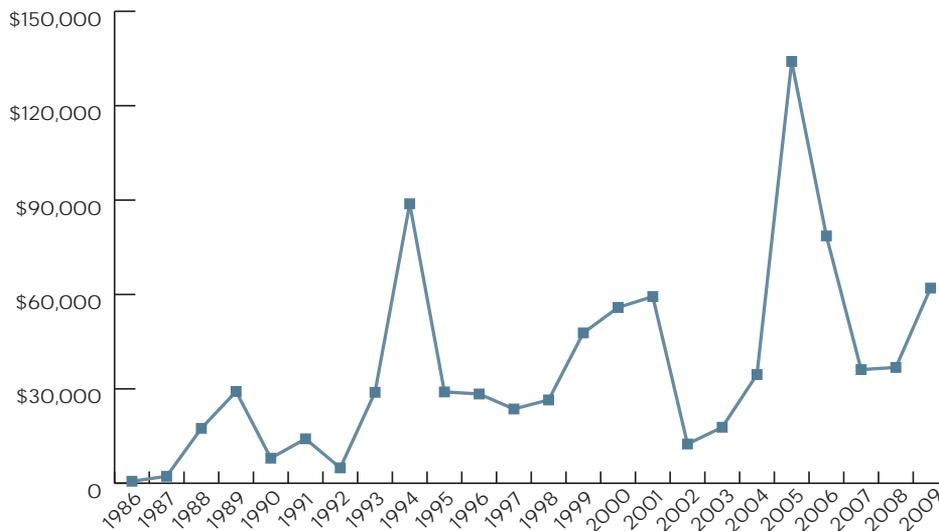
During fiscal year 2009, the Clients' Security Fund earned \$27,578.44 in interest income.

RESTITUTION/SUBROGATION PROCEEDS

Before receiving a CSF award, each claimant must execute a complete release and subrogation agreement. Based on the assignment of rights contained in the agreement, the Clients' Security Fund initiates collection proceedings against the dishonest attorney. The amounts collected are deposited into the Clients' Security Fund trust account.

For the period July 1, 2008, through June 30, 2009, the Clients' Security Fund collected \$62,035.32 in restitution revenues.

RESTITUTION PAID



PUBLIC INFORMATION/PUBLIC RELATIONS

The Clients' Security Fund continues to look for opportunities to build awareness of its work. The fund provides copies of its informational pamphlet and its application for reimbursement to the Office of Disciplinary Counsel, the Board of Commissioners on Grievances & Discipline and local bar associations for distribution to law clients. Referrals from these entities continue to account for the majority of applications for reimbursement. The fund also distributes its pamphlets, application for reimbursement and annual reports to various other legal organizations, and community, civic and business organizations.

PRESS RELEASES

Following each board meeting, the Clients' Security Fund prepares and distributes a press release with a brief description of the awards made and the names of attorneys against whom they were made. The fund distributes the press release statewide to bar and other professional associations, newspapers and other publications, legislators, county prosecutors and other governmental offices. In addition, the Supreme Court Office of Public Information distributes the press release online to publications on its mailing list. The fund continues to gain increased exposure from the distribution of its press release.

WEB SITE

The CSF is online at www.supremecourt.ohio.gov/Boards/clientSecurity and is accessible by e-mail at csfo@sc.ohio.gov. The Supreme Court Offices of Information Technology and Public Information were instrumental in making current information about the Clients' Security Fund, as well as the application for reimbursement, available online.

CLAIMS PROCEDURE

INTAKE AND EVALUATION

A claimant seeking reimbursement from the Clients' Security Fund must complete an application for reimbursement. Upon receipt of a claimant's application, the CSF administrator reviews the information to determine if the application alleges a loss resulting from the dishonest conduct of a licensed Ohio attorney as defined in Gov. Bar R. VIII. If the claim does not, the administrator prepares a written explanation to the claimant and the application is closed (*see* CSF Board Rule 11, Appendix D).

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 or 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 investigation attempts to verify the existence of the eligibility criteria found in Gov. Bar R. 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 one-year time period may be tolled if the client takes some other affirmative action (i.e., files a court action against the attorney, or a grievance with the bar or Office of Disciplinary Counsel).
- The attorney against whom the claim is filed must have been disciplined by the Supreme Court of Ohio, unless the attorney resigned or is deceased.
- The attorney involved in the claim must have committed a dishonest act in the nature of 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

Gov. Bar R. 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 reimbursement payments. The board may request additional information or hold an informal hearing before reaching its decision. If a claimant or attorney requests permission to appear before the board, the board chair decides the request. There were no requests to appear in fiscal year 2009.

An affirmative vote of at least four commissioners is required for claim determinations. The CSF board rules provide that when a claim is determined ineligible for reimbursement, the claimant may, within 30 days after receipt of the board's decision, request board reconsideration of the claim (*see* appendix D, CSF Board Rule 9).

CLAIMS ACTIVITY 1986 – 2009

Year	New Claims Filed	Claims Presented to Board	Ineligible	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
2004	133	142	25	116	\$1,019,555.54	200
2005	320	124	21	101	\$1,494,199.56	265
2006	257	135	33	102	\$946,967.38	289
2007	256	151	31	118	\$890,173.23	266
2008	288	145	27	117	\$743,931.71	301
2009	305	152	39	111	\$669,200.42	355
TOTAL	4,416	2,599	674	1,795	\$14,190,701.89	

Claimants need not be represented by counsel to file an application for reimbursement. If the claimant is represented, Gov. Bar R. 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, if the board of commissioners determines the attorney's services were necessary to process the claim. During fiscal year 2009, the CSF approved two awards of attorney fees, totaling \$600.

CLAIMS ACTIVITY SUMMARY

In fiscal year 2009, the CSF board of commissioners held four quarterly meetings and considered 152 claims. The board determined 111 claims and two attorney fee applications eligible for reimbursement, and awarded a total of \$669,200.42 in claims awards and \$600 in attorney fees. Four claimants received the maximum award amounts, and 107 claimants received 100 percent reimbursement of their loss. The awards resulted from the dishonest conduct of 32 Ohio attorneys.

Unearned fee claims continue to constitute the largest category of claims filed with the fund. These claims involve situations in which an attorney fails to provide agreed-upon services for which the client previously paid. The attorney's refusal or inability to refund the claimant's legal fee is considered "dishonest conduct" as set forth in Gov. Bar R. VIII. Unearned fee claims can be difficult to evaluate, particularly when the attorney provided a portion of the services requested. The loss reimbursed in the typical unearned fee claim is relatively low.

A substantial number of unearned fee claims reviewed by the board this fiscal year involved two attorneys, James L. Major Jr. and Kenneth L. Lawson. The board reimbursed a total of \$63,837 to 36 former Major clients. Major practiced in Cuyahoga County until resigning with discipline pending on Sept. 8, 2007.

The board reimbursed a total of \$70,395 to 19 former Lawson clients. Lawson practiced in Hamilton County until the Supreme Court indefinitely suspended his license to practice law in Ohio on July 9, 2008.

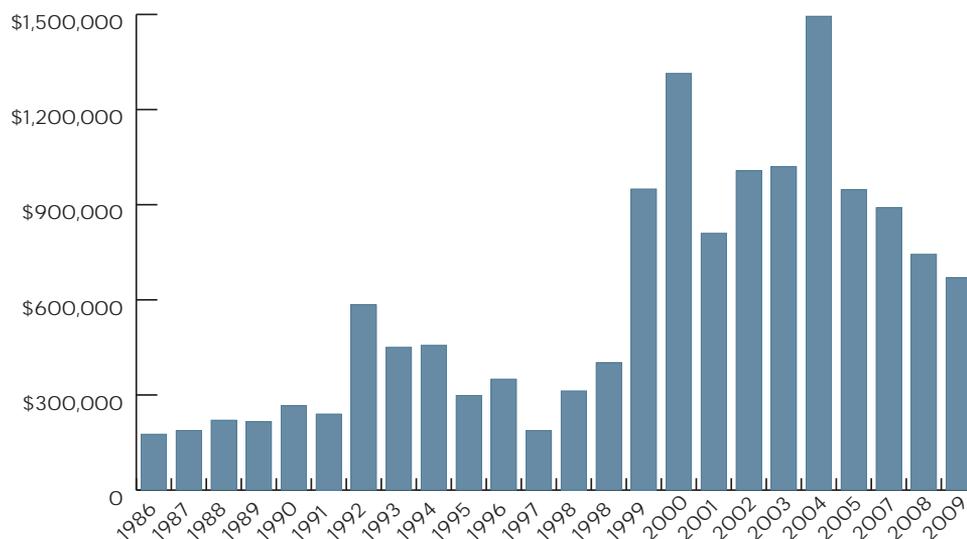
CONCLUSION

This report confirms that the vast majority of Ohio's 56,320 licensed attorneys are honest professionals who help maintain the integrity of the legal profession. Less than 1 percent of all licensed Ohio attorneys have been involved in claims filed with the Clients' Security Fund of Ohio. The CSF attempts to restore the public 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 members of the Board of Commissioners of the Clients' Security Fund volunteer their time to support this effort, and their service is greatly appreciated. Likewise, the staff is dedicated to helping law clients who have been harmed as a result of a few dishonest lawyers. Their hard work also is 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 mission and goals.

HISTORY OF AWARDS PAID



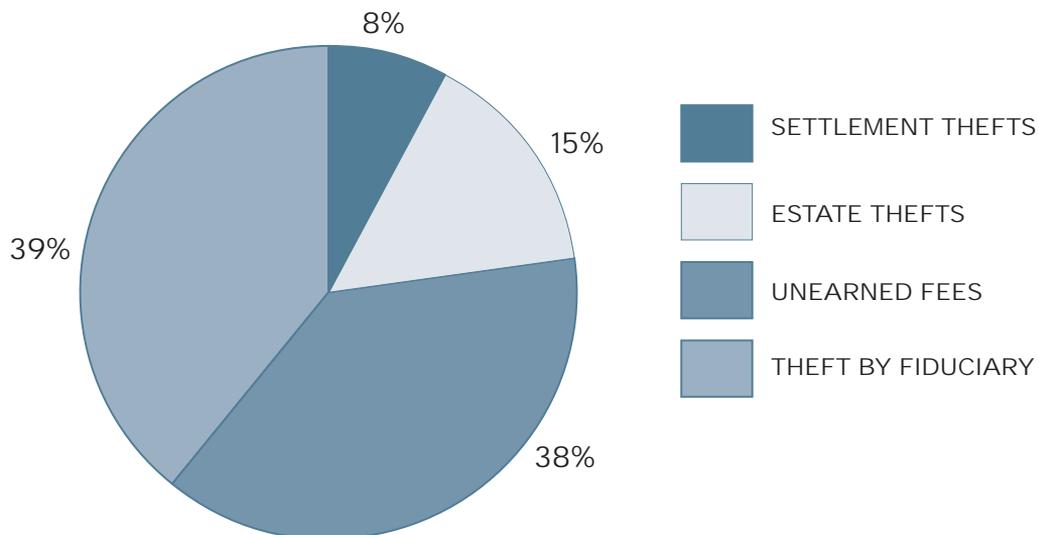
2009 CLAIMS DETERMINATIONS

DATE	ELIGIBLE	INELIGIBLE	AMOUNT
September 5, 2008	25	11	\$272,400.30
December 5, 2008	26	13	\$125,061.62
March 6, 2009	30	10	\$118,062.50
June 5, 2009	30	5	\$153,676.00
TOTAL	111	39	\$669,200.42

2009 THEFT CATEGORIES

CATEGORY OF CLIENT LOSS	NUMBER OF AWARDS	AWARD AMOUNTS
Theft by Fiduciary	8	\$260,541.42
Settlement Thefts	2	\$53,393.00
Estate Thefts	2	\$100,000.00
Unearned Fees	99	\$255,266.00

THEFT CATEGORIES BY PERCENTAGE



**AWARDS BY DISCIPLINED OR DECEASED
ATTORNEYS - 2009**

Attorney	County	Awards	Defalcation	Awarded
Sharon Carol Baird	Clermont	1	Unearned Fee	\$3,600.00
Regina Adele Collins	Hamilton	1	Unearned Fee	\$1,500.00
Reginald Alpha Cooke	Franklin	1	Unearned Fee	\$1,500.00
Madry Leonard Ellis	Franklin	6	Unearned Fee	\$17,000.00
John Henry Frieg	Stark	1	Unearned Fee	\$1,000.00
Richard Dennis Goldberg	Mahoning	3	Estate/ Settlement Theft	\$150,000.00
Charles Williams Goodlet Jr.	Summit	2	Unearned Fee	\$1,000.00
Christopher Gino Gueli	Fairfield	11	Fiduciary/ Unearned Fee	\$31,813.00
Andrew Ryan Haney	Franklin	1	Unearned Fee	\$2,250.00
Michael Jeffrey Hayes	Franklin	2	Unearned Fee	\$11,000.00
Gregg Devere Hickman	Lucas	1	Unearned Fee	\$1,500.00
Aziza Delilah Jimerson	Cuyahoga	1	Unearned Fee	\$100.00
Alexander Jurczenko	Cuyahoga	1	Fiduciary/ Unearned Fee	\$750.00
Kenneth Levon Lawson	Hamilton	19	Unearned Fee	\$70,395.00
Steven Lewis Lo Dico	Stark	1	Unearned Fee	\$6,000.00
Jeffrey Theodore Lowden	Lucas	1	Unearned Fee	\$300.00
James Louis Major Jr.	Cuyahoga	36	Unearned Fee	\$63,837.00
Joseph Eugene Marosan	Cuyahoga	1	Fiduciary	\$15,294.05
Eric John Moesle	Fairfield	1	Fiduciary/ Unearned Fee	\$52,550.00
Justin Peter Parrish	Cuyahoga	1	Fiduciary	\$75,000.00
Dennis Jerome Polke	Cuyahoga	2	Unearned Fee	\$9,800.00
Frank K. Reber	Marion	1	Fiduciary	\$60,429.12
Mark Michael Simonelli	Lake	1	Unearned Fee	\$220.00

**AWARDS BY DISCIPLINED OR DECEASED
ATTORNEYS - 2009**

Attorney	County	Awards	Defalcation	Awarded
Cynthia Darlene Smith	Cuyahoga	4	Unearned Fee	\$45,401.00
Daniel Scott Smith	Franklin	1	Unearned Fee	\$1,000.00
Rene' Darlene Smith	Cuyahoga	2	Unearned Fee	\$1,450.00
Richard F. Smith Jr.	Cuyahoga	2	Unearned Fee	\$1,050.00
Charles Irving Swartz	Trumbull	2	Unearned Fee	\$800.00
Bartley John Troy	Lake	1	Unearned Fee	\$500.00
Darrell Vernon Van Horn Jr.	Lucas	2	Settlement Theft/ Unearned Fee	\$4,243.00
Herbert Vincent Walsh	Butler	1	Fiduciary/ Unearned Fee	\$35,518.25
Michael Lee Zaremsky	Cuyahoga	1	Unearned Fee	\$3,000.00

The Supreme Court of Ohio
GOV. BAR R. 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.
- 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.

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 seventy-five thousand dollars (\$75,000.00).

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.

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.

Rev. 8/1/03

THE CLIENTS' SECURITY FUND
An Agency of the Supreme Court of Ohio

Janet Green Marbley
Administrator

Edward G. Hack
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, Ohio Judicial Center, 65 South Front Street, 5th Floor, Columbus, Ohio 43215-3431. Telephone Number: 614.387.9390 (1.800.231.1680)

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 the services to be provided? 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: _____ Local Bar: _____
Counsel: _____ Association: _____
Date Reported: _____ Date Reported: _____
Name of Bar Association: _____

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

Attorney's Name _____
Address _____
City _____ State _____ ZIP Code _____
Telephone: (____) _____

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 _____

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
Paul Wesley Allison	1	\$15,059.09	Unearned Fee	Seneca
Stephen Philip Allison	1	\$25,000.00	Trust	Mahoning
William Mujahid Al'Uqdah	9	\$11,725.00	Trust/ Unearned Fee	Hamilton
James Franklin Anadell	4	\$61,710.19	Escrow	Lorain
Delores Joan Anderson	1	\$1,500.00	Unearned Fee	Lucas
Mark Edward Anderson	3	\$37,280.85	Fiduciary	Lucas
Richard Taylor Andrews III	1	\$1,100.00	Settlement Theft	Cuyahoga
Joseph John Armon	4	\$1,655.80	Unearned Fee	Cuyahoga
William R. Arnold Jr.	15	\$123,896.02	Estate/Trust/ Unearned Fee	Geauga
Guerin Lee Avery	10	\$63,927.95	Unearned Fee	Cuyahoga
Robert Joseph Bacisin	3	\$5,275.00	Other/Trust/ Unearned Fee	Lorain
Sharon Carol Baird	1	\$3,600.00	Unearned Fee	Clermont
Ronald Allen Banig	1	\$2,774.49	Escrow	Cuyahoga
Yale Arthur Barkan	1	\$11,050.00	Escrow	Cuyahoga
Robert Francis Barnes Jr.	1	\$5,548.00	Unearned Fee	Hamilton
David Carl Barnett	4	\$10,975.00	Unearned Fee	Champaign
Phillip Anthony Barragate	16	\$261,450.21	Estate/ Settlement Theft	Cuyahoga
David Allan Beck	1	\$200.00	Unearned Fee	Cuyahoga
Avery Ian Becker	9	\$6,913.00	Unearned Fee	Cuyahoga
Garry Allen Beckett	1	\$200.00	Unearned Fee	Franklin
Alan Scott Belkin	2	\$3,000.00	Unearned Fee	Cuyahoga
Angelia Diane Bell	2	\$1,325.00	Unearned Fee	Lucas
Dale John Belock	5	\$47,132.14	Unearned Fee	Cuyahoga
Herd Leon Bennett	28	\$486,110.86	Theft by Deception	Preble
David Stephen Bernardic	4	\$67,179.50	Estate	Cuyahoga
Walter David Bertsche Jr.	2	\$1,657.00	Unearned Fee	Hamilton
Gary Franklin Billiter	1	\$1,685.00	Unearned Fee	Scioto

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
Thomas Michael Billson	4	\$2,000.00	Unearned Fee	Lake
Jeffrey Alan Blankenship	1	\$660.00	Unearned Fee	Franklin
Andrew Paul Bodnar Jr.	1	\$300.00	Escrow	Summit
Karen Suzanne Bond	4	\$101,150.00	Other/ Unearned Fee	Fairfield
Timothy Mark Bowman	1	\$200.00	Unearned Fee	Lake
L. Reuben Boykin	3	\$2,383.67	Unearned Fee	Franklin
Robert Lawrence Braddock	1	\$600.00	Unearned Fee	Hamilton
Ronald Lance Bradley	4	\$19,600.00	Unearned Fee	Hamilton
George Braun	15	\$110,826.09	Unearned Fee	Cuyahoga
William Brenner	2	\$100.00	Unearned Fee	Cuyahoga
Barry Frederick Brickley	12	\$13,969.95	Other/Trust Unearned Fee	Richland
Thomas John Broschak	1	\$7,000.00	Unearned Fee	Franklin
Patrick Lee Brown	21	\$55,109.52	Unearned Fee	Hamilton
Stanley Brown	1	\$400.00	Unearned Fee	Hamilton
Thomas Christopher Brown	1	\$500.00	Unearned Fee	Ashtabula
Bruce Harry Brubaker	1	\$9,050.00	Estate	Summit
Ernest Everett Bryant Jr.	1	\$25,000.00	Escrow	Franklin
Bruce Alan Buren	1	\$16,532.94	Escrow	Montgomery
Douglas Allen Burt	1	\$20,000.00	Unearned Fee	Seneca
Alvah Noel Caliman	2	\$9,355.77	Fiduciary	Hamilton
William Russell Callery Jr.	1	\$3,588.83	Escrow	Hamilton
Donald Card	4	\$2,900.00	Unearned Fee	Cuyahoga
Christopher Thomas Carlson	1	\$6,666.67	Fiduciary	Medina
Thomas Edward Carney	2	\$49,244.54	Estate	Trumbull
James Pendleton Carpenter III	2	\$50,000.00	Estate	Ross
James Bernard Carter	1	\$560.00	Unearned Fee	Montgomery
Robert Allen Carter Jr.	4	\$16,619.00	Settlement Theft	Franklin

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
James Edward Caywood	2	\$412.50	Unearned Fee	Lake
Louis William Cennamo	3	\$1,909.00	Unearned Fee	Franklin
Everett Alfred Chandler	1	\$450.00	Unearned Fee	Cuyahoga
Dea Lynn Character	1	\$2,950.00	Unearned Fee	Cuyahoga
Clarence Louis Chavers Jr.	7	\$6,700.00	Estate/ Unearned Fee	Cuyahoga
Kenneth Dale Christner	3	\$52,622.05	Estate	Lawrence
Joseph Jeffrey Church	1	\$1,000.00	Unearned Fee	Cuyahoga
Robert Joseph Churilla	2	\$4,575.00	Unearned Fee	Cuyahoga
Leonette Frances Cicirella	1	\$150.00	Unearned Fee	Cuyahoga
Jeffrey Ramon Cimaglio	3	\$2,600.00	Unearned Fee	Lake
Eunice Adelman Clavner	1	\$500.00	Trust	Cuyahoga
James Kenneth Clower	2	\$4,650.00	Unearned Fee	Richland
Charles Richard Cole	3	\$6,550.00	Unearned Fee	Butler
Donald Franklin Colegrove	1	\$5,500.00	Trust	Hamilton
Regina Adelle Collins	1	\$1,500.00	Unearned Fee	Hamilton
Mark Steven Colucci	62	\$257,787.49	Unearned Fee	Mahoning
Michael Stephen Conese	1	\$1,000.00	Unearned Fee	Butler
Daniel Edward Connaughton	1	\$23,867.00	Estate	Butler
John Joseph Connors Jr.	10	\$21,250.00	Unearned Fee	Franklin
Michael Charles Conway	1	\$150.00	Unearned Fee	Summit
Reginald Alpha Cooke	1	\$1,500.00	Unearned Fee	Franklin
Robert James Coombs	6	\$245,760.84	Estate/ Unearned Fee	Summit
James John Corbett	1	\$13,202.00	Estate	Mahoning
Candie Lynn Cornett	12	\$22,300.00	Unearned Fee	Butler
Lawrence Virgil Cox	1	\$1,250.00	Unearned Fee	Cuyahoga
Roosevelt Cox	3	\$1,575.00	Unearned Fee	Cuyahoga
Charles Wyatt Creger	3	\$75,000.00	Fiduciary	Hamilton

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
John Allison Crist	2	\$50,000.00	Estate	Butler
George Francis Crummey	2	\$23,733.33	Estate	Van Wert
Charles Eric Curry	1	\$250.00	Unearned Fee	Mahoning
Michael F. Dadisman	12	\$115,036.31	Estate/Fiduciary/ Unearned Fee	Cuyahoga
Alfred Elmer Dahling	43	\$17,142.00	Unearned Fee	Trumbull
Richard Adam Damiani	14	\$42,976.29	Unearned Fee	Cuyahoga
Edwin Davila	2	\$49,000.00	Settlement Theft	Stark
Stephen Patrick Deffet	1	\$500.00	Unearned Fee	Franklin
Gregory William Demer	1	\$2,145.00	Settlement Theft	Cuyahoga
Robert Louis DeVictor	1	\$25,000.00	Estate	Franklin
Anthony Clarence DiCillo	6	\$13,424.10	Settlement Theft	Cuyahoga
Edward Anthony DiGiantonio	3	\$64,333.33	Settlement Theft	Summit
Michael Emmett Dillon	1	\$25,000.00	Fiduciary	Hancock
Carter Rodney Dodge	3	\$21,300.00	Settlement Theft	Cuyahoga
James Colvin Dodge	12	\$626,529.55	Fiduciary	Butler
William Dean Dorfmeier	8	\$99,262.63	Estate	Montgomery
J. Walter Dragelevich	1	\$2,500.00	Unearned Fee	Trumbull
William Geoffrey Droe	1	\$1,703.25	Escrow	Cuyahoga
Richard T. Dugan	4	\$24,396.08	Escrow/Estate	Hamilton
Michael Myrone Edwards	3	\$48,252.76	Estate	Hamilton
John Wakeman Elliott	2	\$35,000.00	Estate	Delaware
Madry Leonard Ellis	6	\$17,000.00	Unearned Fee	Franklin
Gary Ellison	10	\$5,500.00	Unearned Fee	Hamilton
Wesley Charles Emerson	2	\$1,700.00	Unearned Fee	Franklin
Richard Lee Emmett	1	\$18,500.00	Escrow	Cuyahoga
Robert John Eppich	1	\$4,560.00	Settlement Theft	Franklin
Milliard Eugene Farley	1	\$2,059.90	Escrow	Cuyahoga

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
Derek Anthony Farmer	1	\$7,915.00	Unearned Fee	Franklin
Elliot Tod Fishman	2	\$2,775.00	Unearned Fee	Franklin
Joe Richard Fodal	12	\$8,154.33	Unearned Fee	Greene
Matthew Fortado	1	\$2,853.41	Settlement Theft	Stark
Thomas Joseph Foster	2	\$1,100.00	Unearned Fee	Franklin
Albert Edwin Fowerbaugh	2	\$125,000.00	Estate	Cuyahoga
James Edwin Fox	3	\$3,000.00	Unearned Fee	Montgomery
Norman Albert Fox Jr.	1	\$2,500.00	Unearned Fee	Cuyahoga
Arthur Ray Frazier	8	\$24,862.77	Fiduciary/ Unearned Fee	Cuyahoga
John Bebb Frease	5	\$12,065.00	Unearned Fee	Stark
Ben Alan Freeman	1	\$200.00	Unearned Fee	Franklin
John Henry Frieg	1	\$1,000.00	Unearned Fee	Stark
Lorraine Theresa Furtado	1	\$32,871.78	Escrow	Franklin
Lawrence Charles Gaba	1	\$2,668.92	Escrow	Franklin
Gregory John Galan	3	\$58,000.00	Escrow	Lake
John William Gall	2	\$50,000.00	Estate	Trumbull
William Allen Gardner	1	\$800.00	Unearned Fee	Franklin
Thomas Wayne Garrison	1	\$25,000.00	Escrow	Franklin
David Warren Gatwood	3	\$24,450.00	Escrow	Lucas
Richard Norman Gaudet	10	\$6,337.00	Unearned Fee	Montgomery
James Arthur Gay	2	\$950.00	Unearned Fee	Cuyahoga
Donald Elias George	1	\$20,012.75	Estate	Summit
Susan Marie Glatki	1	\$2,883.92	Unearned Fee	Cuyahoga
Richard Dennis Goldberg	33	\$1,249,441.15	Estate/ Settlement Theft	Mahoning
Charles William Goodlet Jr.	2	\$1,000.00	Unearned Fee	Summit
Kurt Stephan Gottschalk	1	\$1,076.68	Escrow	Lucas
Winston Grays	2	\$3,500.00	Unearned Fee	Cuyahoga

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
Bruce Lee Greenberger	2	\$7,504.00	Unearned Fee	Hamilton
Michael Irwin Greenwald	7	\$80,885.96	Estate/ Settlement Theft	Cuyahoga
Willie Louis Griffin	1	\$5,722.00	Estate	Cuyahoga
Curtis Griffith Jr.	4	\$7,898.00	Unearned Fee	Perry
Christopher Gino Gueli	11	\$31,813.00	Fiduciary/ Unearned Fee	Fairfield
James William Guest Jr.	1	\$2,500.00	Escrow	Cuyahoga
Milton Jerome Guth	1	\$13,700.00	Settlement Theft	Cuyahoga
Richard Roy Gygli	1	\$25,000.00	Escrow	Lake
Howard Michael Hackman	1	\$13,668.17	Settlement Theft	Franklin
Leo Craig Hallows	1	\$22,618.55	Trust	Miami
William Albert Hamann Jr.	8	\$166,951.88	Estate/Trust	Cuyahoga
Jerome Robert Hamilton	1	\$10,000.00	Unearned Fee	Greene
Andrew Ryan Haney	3	\$5,750.00	Unearned Fee	Franklin
John Marshall Hannah Jr.	1	\$1,000.00	Unearned Fee	Montgomery
Clyde Patrick Harkins	1	\$25,000.00	Trust	Franklin
Edward Luther Harp	13	\$8,550.00	Unearned Fee	Brown
Cynthia June Harris	3	\$4,966.00	Unearned Fee	Franklin
Edward William Hastie II	1	\$380.00	Unearned Fee	Franklin
William Jack Hatfield	1	\$573.50	Unearned Fee	Hamilton
Michael Jeffrey Hayes	2	\$11,000.00	Unearned Fee	Franklin
Steven Isaac Helfgott	2	\$2,000.00	Unearned Fee	Cuyahoga
Pippa Lynn Henderson	2	\$1,200.00	Unearned Fee	Cuyahoga
Howard Alan Henkin	9	\$215,795.62	Fiduciary	Cuyahoga
Albert James Henry IV	1	\$21,412.00	Trust	Clermont
David Hyre Hersman	8	\$17,214.89	Estate/ Settlement Theft	Wayne
Gregg Devere Hickman	1	\$1,500.00	Unearned Fee	Lucas
James Roy Hodge	1	\$5,000.00	Escrow	Summit

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
Steven Lawrence Howland	6	\$16,950.27	Unearned Fee	Cuyahoga
Richard Roman Huber	9	\$8,685.00	Unearned Fee	Erie
William Henry Huber	1	\$511.00	Unearned Fee	Cuyahoga
Albert Herman Huges Jr.	2	\$43,598.00	Estate	Hamilton
Walter Jay Hunston	2	\$9,314.40	Estate	Columbiana
Joyce Dean Hunter	1	\$300.00	Unearned Fee	Knox
Jay Craig Immelt	4	\$46,397.90	Estate/ Settlement Theft	Lake
Kenneth Howard Inskeep	8	\$217,074.23	Estate	Trumbull
Aaron Nathaniel James	3	\$1,475.00	Unearned Fee	Cuyahoga
Frank Mortimer James	1	\$1,300.00	Unearned Fee	Unknown
Willard Richard James	1	\$73.00	Other	Stark
William Kent James	1	\$73.00	Other	Montgomery
Timothy John Jarabek	1	\$500.00	Unearned Fee	Cuyahoga
Thomas Lorraine Jaynes	10	\$4,250.00	Unearned Fee	Summit
Janice Lorraine Jessup	1	\$2,612.50	Unearned Fee	Montgomery
Aziza Dalila Jimerson	2	\$2,600.00	Unearned Fee	Cuyahoga
Barbara Lynn Johnson	1	\$1,250.00	Unearned Fee	Lucas
Charles Walter Johnson	1	\$15,455.00	Estate	Richland
Michael Richards Johnson	8	\$6,015.00	Unearned Fee	Licking
Mitchell Lee Johnson	4	\$5,567.16	Unearned Fee	Cuyahoga
Shirley May Jones	3	\$10,209.00	Unearned Fee	Summit
Timothy Van Jones	1	\$167.00	Other	Hamilton
Willie Kaye Jones	1	\$400.00	Unearned Fee	Cuyahoga
Alexander Jurczenko	14	\$261,209.30	Fiduciary/ Unearned Fee	Cuyahoga
Edward Francis Katalinas	1	\$200.00	Unearned Fee	Cuyahoga
Robert Campbell Keeler	2	\$16,515.12	Unearned Fee	Cuyahoga
Jeffrey Carl Keith	1	\$25,000.00	Fiduciary	Cuyahoga

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
Elliott Ray Kelley	1	\$675.00	Unearned Fee	Cuyahoga
James Andrew Keplar	2	\$30,959.59	Trust/ Unearned Fee	Delaware
Mary Kerns	9	\$357,931.25	Estate	Union
Michael Leonard King	1	\$350.00	Unearned Fee	Cuyahoga
John Wallace Kitchen	1	\$1,957.85	Unearned Fee	Lucas
Avery Bruce Klein	5	\$125,000.00	Unearned Fee	Cuyahoga
James Lee Knight	1	\$4,331.25	Estate	Lucas
Joan Allyn Kodish	2	\$3,000.00	Unearned Fee	Cuyahoga
Paul Anthony Komarek	1	\$250.00	Unearned Fee	Hamilton
Anthony Thomas Koury	1	\$500.00	Unearned Fee	Mahoning
George Charles Kovacs	1	\$5,000.00	Theft by Deception	Cuyahoga
Joseph Alan Kral	5	\$53,000.00	Estate	Cuyahoga
Phillip Kurtz	2	\$26,000.00	Unearned Fee	Cuyahoga
Louis Bernard LaCour	3	\$60,483.00	Estate/ Unearned Fee	Franklin
David Harold Landon	1	\$550.00	Unearned Fee	Montgomery
William Cyril Lange	2	\$2,440.65	Unearned Fee	Hamilton
Charles Jeffery Lantz	5	\$16,250.00	Unearned Fee	Fairfield
Patricia S. Lautzenheiser	7	\$2,762.00	Unearned Fee	Lucas
William Joseph Lavin	2	\$932.00	Unearned Fee	Cuyahoga
David Alan Lawrence	1	\$22,000.00	Fiduciary	Cuyahoga
Herbert Lee Lawrence	3	\$3,819.00	Unearned Fee	Franklin
Kenneth Levon Lawson	19	\$70,395.00	Unearned Fee	Hamilton
Gerald Phillip Leb	2	\$4,718.75	Unearned Fee	Summit
Richard Eugene Leeth	1	\$120.00	Unearned Fee	Columbiana
Marc Alexander Lehotsky	1	\$225.00	Unearned Fee	Cuyahoga
James Michael Lemieux	13	\$212,729.04	Fiduciary/ Settlement Theft/ Unearned Fee	Ashtabula

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
Elliott Michael Lester	16	\$70,204.21	Estate/ Unearned Fee	Cuyahoga
Neal Brent Levine	7	\$7,270.00	Unearned Fee	Lucas
Larry Gene Lillback	2	\$32,600.00	Trust	Greene
Robert Alan Linder	12	\$211,227.17	Estate/ Settlement Theft	Clermont
George Liviola Jr.	3	\$75,000.00	Trust	Ashtabula
Ronald Kevin Lloyd	4	\$6,678.00	Unearned Fee	Jefferson
Steven Lewis Lo Dico	10	\$28,350.00	Unearned Fee	Stark
Thomas Gene Locke	3	\$10,300.00	Unearned Fee	Lake
Richard Charles Longacre	1	\$21,550.00	Other	Cuyahoga
John Albert Lord	9	\$6,023.58	Unearned Fee	Cuyahoga
John Rolland Louden	2	\$25,331.25	Unearned Fee	Franklin
Jeffrey Theodore Lowden	3	\$800.00	Unearned Fee	Lucas
Gerald Samuel Lubitsky	1	\$1,254.87	Settlement Theft	Lucas
John George Ludeman	2	\$53,053.29	Estate	Lucas
Randall Jay Luginbuhl	3	\$3,781.64	Settlement Theft	Franklin
Susan Marie Lutz	1	\$600.00	Unearned Fee	Wayne
James Patrick Madden Jr.	4	\$127,567.00	Estate	Cuyahoga
Alexander Maiorano	9	\$9,320.33	Unearned Fee	Fulton
James Louis Major Jr.	36	\$63,737.00	Unearned Fee	Cuyahoga
Sidney Serge Mallory Jr.	6	\$3,420.00	Unearned Fee	Cuyahoga
Patrick Michael Maniscalco	1	\$4,000.00	Unearned Fee	Cuyahoga
Raymond Lemoine Marchbank Jr.	1	\$2,624.00	Unearned Fee	Stark
Joseph Eugene Marosan	1	\$15,294.05	Fiduciary	Cuyahoga
David Steele Marshall	2	\$1,750.00	Unearned Fee	Lake
Thomas Adrian Mason	2	\$465.00	Unearned Fee	Cuyahoga
Thomas George Mathewson	2	\$1,600.00	Unearned Fee	Montgomery
David Thomas Mazanec	2	\$146,890.00	Fiduciary	Cuyahoga

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
Anthony Robert Mazzocco	1	\$25,000.00	Estate	Lake
Mark Anthony McClain	3	\$4,500.00	Unearned Fee	Cuyahoga
Darlene Donna McClellan	5	\$7,132.00	Unearned Fee	Cuyahoga
David Bernard McClure	2	\$2,220.00	Unearned Fee	Erie
James Michael McCord	1	\$2,000.00	Unearned Fee	Franklin
John Alvin McCoy Jr.	5	\$17,924.48	Unearned Fee	Franklin
Charles Alexander McCrae	1	\$1,533.34	Unearned Fee	Scioto
Eddie Winther McCroom	1	\$8,000.00	Unearned Fee	Mahoning
Richard Elwood McCune	1	\$1,500.00	Unearned Fee	Summit
Michael Douglas McDonald	1	\$46.08	Settlement Theft	Franklin
Gregory Alan McDowell	1	\$25,000.00	Other	Huron
Michael Edward McGill	2	\$52,934.85	Settlement Theft	Lucas
John Michael McGinley	2	\$1,500.00	Unearned Fee	Franklin
Virgil Milton McGuffin Jr.	4	\$63,000.00	Estate	Mahoning
James Raymond McKenna	1	\$7,020.00	Estate	Jefferson
Patrick Lynn McKinney	3	\$1,660.00	Unearned Fee	Stark
Thomas George McNally	1	\$500.00	Unearned Fee	Cuyahoga
Thomas Lynn Meros	5	\$36,666.00	Unearned Fee	Cuyahoga
Philip Anthony Mesi	1	\$15,800.00	Escrow	Cuyahoga
Paul Frederick Meyerhoefer	6	\$39,200.00	Estate	Huron
Michael Angelo Mirando	1	\$2,000.00	Settlement Theft	Ashtabula
Eric John Moesle	2	\$52,735.00	Fiduciary/ Unearned Fee	Fairfield
Michael Joseph Molnar	3	\$24,286.65	Estate/Other/ Theft by Deception	Cuyahoga
George Andrew Mondrut	1	\$17,968.09	Trust	Mahoning
William Julius Moore	10	\$22,142.47	Unearned Fee	Lucas
Warren Newton Morford Jr.	3	\$1,110.00	Unearned Fee	Lawrence
David Allen Morton	8	\$67,175.17	Estate/ Unearned Fee	Franklin

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
Freddie Melvin Mosely	1	\$5,500.00	Estate	Cuyahoga
Michael Lee Moushey	4	\$41,349.25	Escrow/ Unearned Fee	Franklin
Peter Michael Muhlbach	2	\$23,700.00	Fiduciary	Cuyahoga
Kalam Muttalib	2	\$4,797.00	Unearned Fee	Cuyahoga
Chris Frank Nardi	2	\$17,500.00	Unearned Fee	Cuyahoga
Fuad Bahige Nasrallah	93	\$226,443.00	Unearned Fee	Montgomery
John Norbert Nentwick	5	\$1,879.00	Unearned Fee	Columbiana
T. Brent Newman	2	\$775.00	Unearned Fee	Scioto
LeRoy Alvin Nichols	2	\$875.00	Unearned Fee	Franklin
Thomas Graham Nicholson	4	\$1,355.00	Unearned Fee	Crawford
Ford Lee Noble	1	\$2,000.00	Other	Medina
Lawrence John Novak	1	\$1,410.00	Unearned Fee	Fairfield
Daniel Lloyd O'Brien	4	\$11,589.00	Unearned Fee	Montgomery
Michael Joseph O'Connell	1	\$1,200.00	Unearned Fee	Lucas
Darlene Edna Odar	4	\$1,699.00	Unearned Fee	Stark
Geoffrey Lynn Oglesby	1	\$1,000.00	Unearned Fee	Erie
Lee Oliver	5	\$6,927.00	Unearned Fee	Cuyahoga
Michael James O'Neill	2	\$685.00	Unearned Fee	Franklin
Stanley Lutz Orr III	3	\$4,080.00	Unearned Fee	Cuyahoga
Ronald Anthony Pagano	1	\$1,080.00	Escrow	Hardin
Justin Peter Parrish	1	\$75,000.00	Fiduciary	Cuyahoga
James Thomas Patnode	1	\$360.00	Unearned Fee	Lake
Brent Paul Patterson	1	\$1,000.00	Unearned Fee	Franklin
Craig William Patton	1	\$11,000.00	Unearned Fee	Cuyahoga
Randall William Pees	1	\$8,076.10	Settlement Theft	Franklin
Thomas Ewing Phillips	2	\$303.50	Unearned Fee	Ross
Diane Yvette Politi	5	\$12,765.00	Unearned Fee	Mahoning

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
Dennis Jerome Polke	2	\$9,800.00	Unearned Fee	Cuyahoga
Robert Jordan Potter	2	\$17,916.36	Settlement Theft	Lucas
Byron Lee Potts	3	\$6,580.79	Unearned Fee	Franklin
Dominic Joseph Potts	1	\$25,000.00	Settlement Theft	Jefferson
William Thomas Powell	3	\$625.00	Unearned Fee	Ashtabula
Laurence James Rab	1	\$575.00	Unearned Fee	Montgomery
William McKinley Randle	1	\$650.00	Estate	Cuyahoga
Rebecca Anne Rea	5	\$10,803.25	Unearned Fee	Stark
Frank K. Reber	1	\$60,429.12	Fiduciary	Marion
Ronald Elsworth Reichard	2	\$30,287.02	Trust	Miami
Margaret Anne Reis	2	\$1,250.00	Unearned Fee	Hamilton
Rockford Howard Richardson	1	\$500.00	Unearned Fee	Perry
David Riebel	1	\$8,000.00	Unearned Fee	Franklin
Edward George Rinderknecht	1	\$10,910.21	Settlement Theft	Hamilton
John Edward Rockel	3	\$102,000.00	Estate/ Unearned Fee	Hamilton
Jonathan Samuel Rocker	1	\$25,000.00	Escrow	Cuyahoga
Les Evan Rockmael	19	\$159,394.25	Unearned Fee	Cuyahoga
Thomas George Rockman	1	\$4,300.00	Unearned Fee	Cuyahoga
John Joseph Roddy Jr.	2	\$1,555.00	Unearned Fee	Cuyahoga
Myers Rollins Jr.	1	\$875.00	Unearned Fee	Cuyahoga
Michael Anthony Ross	2	\$68,054.72	Settlement Theft	Lorain
Christian Dean Rothermel	1	\$13,000.00	Fiduciary	Butler
Corey James Rubino	1	\$300.00	Unearned Fee	Cuyahoga
Walter Herman Rubinstein	7	\$5,540.00	Unearned Fee	Cuyahoga
Carmen Joseph Russo	10	\$16,869.44	Settlement Theft	Cuyahoga
Terence Lee Ryan	4	\$50,193.71	Escrow/Estate	Franklin
Robert Harold Sack	1	\$175.00	Unearned Fee	Hamilton

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
Burt Henry Sagen	1	\$25,000.00	Estate	Cuyahoga
William Sams	1	\$550.00	Unearned Fee	Montgomery
Daniel Joseph Sanders	7	\$5,773.00	Unearned Fee	Lucas
Thomas Frank Sands	3	\$25,348.37	Settlement Theft	Muskingum
Kenneth Thomas Schachleiter	1	\$50,000.00	Estate	Hamilton
John Michael Schafer	1	\$250.00	Unearned Fee	Franklin
William Walter Scheub	5	\$16,647.45	Escrow/Estate	Summit
Elroy Hugh Schofield	1	\$849.50	Estate	Hamilton
Allen Schwartz	9	\$374,224.86	Estate	Hamilton
Sander Schwartz	1	\$300.00	Unearned Fee	Cuyahoga
Renee B. Scott-Chestang	8	\$14,078.70	Fiduciary/ Unearned Fee	Cuyahoga
Ronald Howard Sebree	1	\$500.00	Unearned Fee	Franklin
William Frederick Seebohm	2	\$25,000.00	Estate	Hamilton
Robert Leroy Seeley	2	\$86,454.18	Estate	Montgomery
Robert Bruce Selnick	9	\$27,092.00	Escrow	Hamilton
Douglas Ray Sexton	3	\$6,758.00	Unearned Fee	Richland
Michael Shafran	45	\$322,913.42	Unearned Fee	Summit
Theodore Roberts Shaman Jr.	2	\$32,203.07	Escrow	Montgomery
Herschel Murray Sigall	27	\$44,556.00	Unearned Fee	Franklin
Perry Raynard Silverman	17	\$647,583.43	Estate/Fiduciary/ Settlement Theft	Delaware
Nathan Simon	1	\$10,000.00	Escrow	Cuyahoga
Mark Michael Simonelli	1	\$220.00	Unearned Fee	Lake
Eric William Slack	5	\$39,565.17	Settlement Theft	Lucas
Charles Eddie Smith	12	\$16,154.00	Unearned Fee	Franklin
Cynthia Darlene Smith	4	\$45,401.00	Unearned Fee	Cuyahoga
Daniel Scott Smith	27	\$34,124.00	Unearned Fee	Franklin
Rene' Darlene Smith	2	\$1,450.00	Unearned Fee	Cuyahoga

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
Richard Ford Smith Jr.	6	\$3,389.00	Unearned Fee	Cuyahoga
Thomas Lynn Smith	5	\$104,214.20	Escrow	Allen
Scott Walter Snyder	1	\$1,352.46	Settlement Theft	Summit
Michael Paul Socha	1	\$50,000.00	Estate	Cuyahoga
Eric Steven Solowitch	1	\$25,000.00	Escrow	Cuyahoga
David Kent Speaker	1	\$50,000.00	Other	Cuyahoga
Richard Fisher Spencer Jr.	1	\$15,000.00	Unearned Fee	Hamilton
Scott W. Spencer	3	\$2,302.08	Unearned Fee	Franklin
Ross Frederick Sprague	2	\$750.00	Unearned Fee	Cuyahoga
Cedric Arthur Stanley	1	\$5,000.00	Unearned Fee	Warren
Christopher Danahy Stanley	7	\$14,100.00	Unearned Fee	Cuyahoga
Howard Thomas Sterling	1	\$749.00	Unearned Fee	Cuyahoga
James Michael Sterner	6	\$58,530.17	Unearned Fee	Franklin
Chuck Ray Stidham	5	\$16,635.00	Estate/ Unearned Fee	Hamilton
Ronald John Stidham	1	\$200.00	Unearned Fee	Cuyahoga
Curtis Perry Stranathan	1	\$500.00	Unearned Fee	Cuyahoga
Chris Meade Streifender	3	\$50,500.00	Escrow	Franklin
Kathleen Warrington Striggow	8	\$105,475.34	Settlement Theft	Wood
Albert Strobel	25	\$19,060.54	Unearned Fee	Mahoning
Edward Francis Sturgeon	2	\$2,500.00	Unearned Fee	Mahoning
Robert Lee Summers	2	\$180.00	Unearned Fee	Cuyahoga
Albert Frederick Swartz	1	\$54,261.38	Estate	Trumbull
Charles Irving Swartz	2	\$800.00	Unearned Fee	Trumbull
John Thomas Sweeney	12	\$55,974.51	Escrow	Cuyahoga
Daniel Thomas Todt	3	\$56,000.00	Unearned Fee	Cuyahoga
Rebecca Louise Todt	3	\$56,000.00	Unearned Fee	Cuyahoga
Mary Ann Torian	11	\$42,500.00	Unearned Fee	Franklin

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
Randall Charles Treneff	2	\$3,750.00	Unearned Fee	Franklin
Bartley John Troy	1	\$500.00	Unearned Fee	Lake
Kimberlee-Joy Trumbo	1	\$883.00	Unearned Fee	Cuyahoga
Deborah Ann Tyack	3	\$5,500.00	Unearned Fee	Franklin
Mell Gilbert Underwood Jr.	1	\$1,000.00	Estate	Perry
Joseph Stephen Vala	3	\$1,180.00	Unearned Fee	Cuyahoga
Darrell Vernon Van Horn Jr.	2	\$4,243.00	Settlement Theft/ Unearned Fee	Lucas
Jeffrey Thomas Vild	3	\$1,170.00	Unearned Fee	Lucas
Jack Patrick Viren Jr.	2	\$600.00	Unearned Fee	Lucas
John William Vitullo	1	\$2,602.50	Unearned Fee	Cuyahoga
Charles Edward Wagner	3	\$2,300.00	Unearned Fee	Cuyahoga
Thomas Bernard Walker	5	\$32,648.00	Estate/ Unearned Fee	Hamilton
Braden Edwin Wallace	1	\$746.00	Unearned Fee	Lucas
John Thomas Waller	1	\$1,135.00	Unearned Fee	Summit
Herbert Vincent Walsh	7	\$41,983.25	Fiduciary/ Unearned Fee	Butler
Margaret Anne Walter	1	\$28,000.00	Escrow	Ottawa
Victor Wangul	1	\$25,000.00	Estate	Cuyahoga
Dale Harriet Washington	2	\$1,075.00	Unearned Fee	Cuyahoga
William Terry Washington	2	\$6,544.00	Unearned Fee	Montgomery
Timothy William Watkins	2	\$1,515.00	Unearned Fee	Stark
Martin Luther Watson IV	6	\$5,100.00	Unearned Fee	Hamilton
Michael Troy Watson	5	\$5,800.00	Trust/ Unearned Fee	Cuyahoga
Paul Marion Weaver III	1	\$750.00	Unearned Fee	Hamilton
David Claude Weick	2	\$1,250.00	Unearned Fee	Summit
Richard Lee Weiner	9	\$1,685.00	Unearned Fee	Cuyahoga
David Lee White II	1	\$750.00	Escrow	Morgan
David Otto White	3	\$29,530.64	Escrow/Estate	Clark

OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Total	Type of Theft	County
James Cullen Williams	1	\$1,000.00	Unearned Fee	Cuyahoga
Lawrence Edward Winkfield	1	\$1,800.00	Other	Franklin
Gerald Patrick Wolfe II	1	\$1,331.25	Unearned Fee	Franklin
Carl Thompson Wolfrom	6	\$24,600.00	Unearned Fee	Franklin
Roger Allen Wood	1	\$1,600.00	Other	Lucas
Leonard Young	6	\$27,892.61	Estate/ Unearned Fee	Cuyahoga
Michael Lee Zaremsky	5	\$6,549.00	Unearned Fee	Cuyahoga
Steven Earl Zigan	2	\$1,380.00	Unearned Fee	Fairfield
Marcus Anthony Zolnier	1	\$25,000.00	Escrow	Franklin
Dale Paul Zucker	1	\$42,458.18	Fiduciary	Cuyahoga
Robert William Zumstein	1	\$199.34	Trust	Franklin

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

[All Rules are adopted pursuant to Gov. Bar R. 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
James E. Green - Secretary

CSF BOARD RULE 7

(Adopted 5/9/86)

(Revised 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 applied 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

CSF BOARD RULE 19

(Adopted 12/5/03)

Investments

Losses arising from business or personal investments outside the scope of the attorney/client relationship are not reimbursable by the Clients' Security Fund (CSF). In determining whether the loss arose out of and in the course of an attorney/client relationship, the Board shall apply the "but for" test: but for the attorney/client relationship, such 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 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. Whether the principal part of the transaction was an activity that required a license to practice law.

Jerome Phillips - Chairman
Janet Green Marbley - Administrator

CSF BOARD RULE 20

(Adopted 12/1/06)

Reimbursement of Contingent Attorney Fees

Pursuant to Rule VIII, Supreme Court Rules for the Government of the Bar, the Board of Commissioners of the Clients' Security Fund, in its sole discretion, is responsible for determining the amount of reimbursement to be awarded in each claim and the time, manner, conditions, and order of payments of reimbursement. When the

claimant's loss includes a contingent fee previously agreed upon by the claimant and the attorney, the contingent fee shall be deducted from the amount to be reimbursed unless the Board, in the exercise of its discretion, determines that the claimant's loss including the contingent fee merits reimbursement. In making its determination, the Board may consider factors such as::

1. The terms of the contingent fee agreement between the attorney and client.
2. The services provided by the attorney.
3. The client's knowledge of and consent to the services provided by the attorney.
4. The nature of the dishonest conduct, including evidence of a pattern of taking money from clients.
5. Whether the client would be unjustly enriched by the reimbursement of the contingent fee.
6. Any other special or unusual circumstances.

William S. Newcomb, Jr. - Chairman
Janet Green Marbley - Administrator/Secretary

FORMER COMMISSIONERS



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Benjamin F. Barrett Sr. (1998 – 2000)
Kathleen Burke (1985 – 1990)
David S. Bloomfield (1990 – 1995)
John J. Chester Jr. (1996 – 2001)
Anne L. Clark (1998 – 2003)
Michael Colvin (1992 – 1997)
Emily K. Cooper (2000 – 2002)
Robert W. Everett (2003 – 2006)
Mary Ellen Fairfield (1990 – 1991)
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THE SUPREME COURT *of* OHIO

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