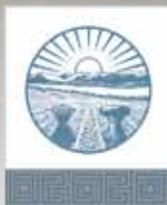


# 2011 Annual Report CLIENTS' SECURITY FUND *of* OHIO



THE SUPREME COURT *of* OHIO

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2011 ANNUAL REPORT  
OF THE  
CLIENTS' SECURITY FUND OF OHIO

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## INTRODUCTION

The Clients' Security Fund of Ohio was created in 1985 by the Supreme Court of Ohio to improve the image of the legal profession by providing financial reimbursement to victims of dishonest lawyers. Since 1985, the Supreme Court of Ohio has actively promoted and supported the mission and goals of the Clients' Security Fund.



green marbley

For the past 26 years, lawyers in the state of Ohio provided more than \$16.3 million to reimburse 2,076 victims of dishonest lawyers (see Appendix A).

As indicated in this report, the Clients' Security Fund continues to achieve its goal of providing assistance to clients financially harmed by the dishonest conduct of a licensed Ohio attorney. Included is a summary of the overall fund's operations, along with a detailed analysis of claims activity for the fiscal year beginning July 1, 2010, and ending June 30, 2011.

### **Claim Activity During Fiscal Year 2011 Included:**

- The receipt of 330 applications for reimbursement (Appendix B), with 118 applications dismissed on intake
- The review of 197 claims by the Clients' Security Fund Board of Commissioners
- The reimbursement of \$1,259,463 to 136 eligible claimants
- One claim tabled and 61 claims determined to be ineligible.

In fiscal year 2011, 71 attorneys were involved in Clients' Security Fund claims. This number represents less than one-half of 1 percent of the 59,808 licensed attorneys in Ohio, 43,459 of whom are engaged in the active practice of law.

This report confirms the fact that the overwhelming majority of Ohio lawyers observe high standards of integrity when entrusted with law-client money or property. The dishonest acts of a few, however, 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 attorney.

Janet Green Marbley  
Administrator  
Clients' Security Fund of Ohio



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## CHAIRMAN'S COMMENTS

In fiscal year 2011, the Board of Commissioners of the Clients' Security Fund reviewed 197 claims and determined 136 to be eligible for reimbursement. Total reimbursement for eligible claims for fiscal year 2011 was \$1,259,463. This represents a 27 percent increase over fiscal year 2010.

The fiscal year 2011 increase in the total reimbursements was due in large part to the board's decision to increase the number of claims reviewed at each board meeting. This decision was made to reduce the amount of time between when a claim is filed and a final determination is made.



phillips

Unearned fee claims accounted for 100 of the 136 eligible claims and 23.5 percent of the total amount reimbursed by the fund. By contrast, there were 23 claims resulting from thefts by fiduciaries, accounting for 50.7 percent of the total dollars reimbursed by the fund. Five claims involved theft of settlement proceeds, representing 14.9 percent of the total reimbursed in fiscal year 2011. The eight remaining eligible claims involved estate thefts and theft by deception, and accounted for 3.4 percent and 7.3 percent, respectively, of the total amount reimbursed.

The maximum amount that may be reimbursed is \$75,000 per claim. During fiscal year 2011, five claimants received maximum awards.

The awards made in fiscal year 2011 resulted from the dishonest conduct of 71 Ohio attorneys. While it is unfortunate when even a single Ohio attorney engages in dishonest conduct, it is important to note that this number represents less than one-half of 1 percent of the 43,459 Ohio attorneys engaged in the active practice of law. Likewise, it is notable that reimbursement provided by the Clients' Security Fund is made possible by attorney registration fees paid by all active Ohio attorneys.

I would like to express my appreciation to the commissioners with whom I serve for their hard work and dedication to the accomplishment of the fund's mission. These individuals volunteer their time and expertise to help improve the image of the legal profession by helping those harmed by the dishonest acts of a few.

I would also like to thank Administrator Janet Green Marbley and the Clients' Security Fund staff for their assistance to both the board and to the individuals seeking reimbursement from the fund. Their hard work and dedication are greatly appreciated.

Finally, I would like to thank the Supreme Court of Ohio for its continued support of the fund's mission and goals, and for the confidence placed in me by allowing me to chair this board.

Jerome Phillips, Chair  
Clients' Security Fund Board of Commissioners

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## BOARD OF COMMISSIONERS

### MEMBERS



CUNI

Gov. Bar R. VIII (Appendix C) requires the establishment of a seven-member board of commissioners (board) of the Clients' Security Fund of Ohio (CSF) to determine the eligibility of claims filed with the fund and to manage fund assets. The current board includes three attorneys, one judge, and three non-attorneys. Board members are appointed by the Supreme Court Justices to three-year terms and are limited to two consecutive terms. They serve as volunteers and are compensated only for travel expenses.

**SALLY W. CUNI** was appointed to the CSF board for a three-year term beginning Jan. 1, 2009. Ms. Cuni is partner and president of Cuni, Rust & Strenk Inc. in Cincinnati.



JOHNSON

**LARRY JOHNSON** was appointed to the CSF board for a three-year term beginning Jan. 1, 2011. Mr. Johnson is a former Columbus city attorney and retired as staff attorney to the Ohio Department of Liquor Control's Permit Division in Columbus.



GREEN

**HON. JAMES E. GREEN** of the Franklin County Municipal Court in Columbus, was appointed to the CSF board in January 2008. Judge Green is also the former fund administrator, having served in that capacity from 1989 to 1995.

**DENNIS M. LAFFERTY** was appointed to the CSF board for a three-year term beginning Jan. 1, 2010. Mr. Lafferty is the office administrator for Jones Day in Cleveland.



LAFFERTY

**CLIFTON SPINNER** was appointed to the CSF board in June 2006 to complete an unexpired term and was reappointed to a second three-year term as vice-chair in January 2009. Staff Lt. Spinner is with Strategic Services of the Ohio State Highway Patrol in Columbus.



SPINNER

**HOWARD A. TRAU, II** was appointed to the CSF board for a three-year term beginning Jan. 1, 2010. Mr. Traul is a partner in the law firm of Thompson, Dunlap & Heydinger, Ltd., in Bellefontaine. Mr. Traul is also the City of Bellefontaine's law director.



TRAUL

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## 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. Janet Green Marbley (page 1), originally appointed by the Court in 1995, is the current administrator and board secretary. The staff includes Meletha Dawson, administrative secretary; Pamela Leslie, fiscal specialist; and Abby Minnix, claims analyst.

## PUBLICATIONS

The Clients' Security Fund, in collaboration with the Commission on Professionalism, published "A Consumer's Practical Guide to Managing a Relationship with a Lawyer," which provides general, practical information about the lawyer-client relationship. The guide is written and intended for use by the general public, and provides easy-to-understand, useful information, including how to find a lawyer, what to expect after hiring a lawyer and how to avoid problems in the lawyer-client relationship. The consumer guide is distributed statewide to bar associations, public libraries, law firms and other professional and governmental offices.

The CSF also publishes a pamphlet that contains a brief description of the purpose of the fund. The pamphlet includes answers to basic questions about the types of claims that may be reimbursed by the CSF.

Following each board meeting, the CSF staff prepares and distributes a press release that contains a brief description of the awards made by the board, including the names of attorneys involved in the claims. The Supreme Court Office of Public Information distributes the press release online to the publications on its mailing list. In addition, the fund distributes the press release statewide to bar and other professional associations, newspapers and other publications, as well as legislators, county prosecutors and other governmental offices. The CSF gains increased exposure from the distribution of its press release.

The CSF is online at [www.supremecourt.ohio.gov/Boards/clientSecurity/](http://www.supremecourt.ohio.gov/Boards/clientSecurity/) and is accessible by e-mail at [csfo@sc.ohio.gov](mailto:csfo@sc.ohio.gov). Thanks to the assistance of the Office of Public Information Office, current information about the CSF, including the application for reimbursement, is available online.

### CLIENTS' SECURITY FUND STAFF



DAWSON



LESLIE



MINNIX

# REVENUE

## Attorney Registration Fees

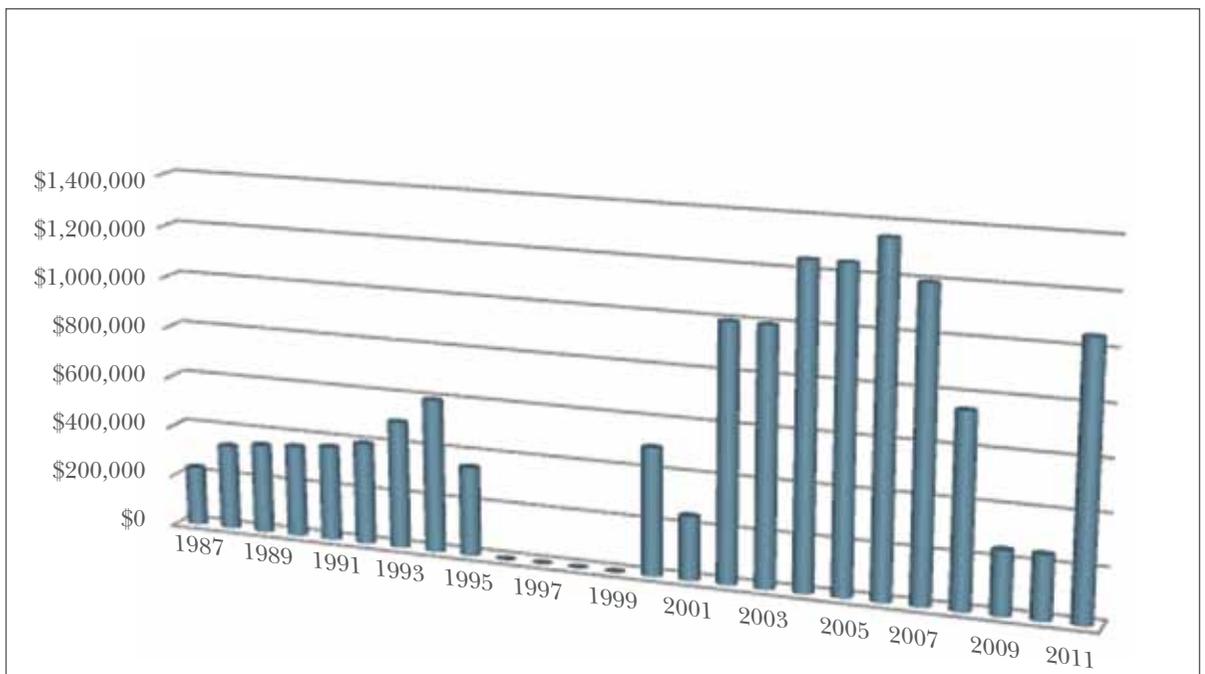
Every licensed Ohio attorney is required to register with the Supreme Court of Ohio on or before the first day of September in each odd-numbered year and, unless registering for inactive status, must pay a \$350 registration fee. All registration fees are placed in the Attorney Services Fund. The Clients' Security Fund is funded entirely with funds allocated from the Attorney Services Fund. Since establishing the CSF in 1985, the Supreme Court of Ohio has allocated more than \$12 million from the Attorney Services Fund to the CSF.

During fiscal year 2011, the Court allocated an additional \$1,053,330 for the payment of claims and \$351,508 for the payment of operating expenses. The CSF expended \$351,143 for operating expenses and \$1,259,463 for the payment of claims. 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, 2011, was \$825,363.

## Interest Income

The CSF board chair, with the approval of a board majority, manages and invests the funds allocated from the Attorney Services Fund for the payment of CSF 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 2011, the fund earned \$2,372 in interest income.



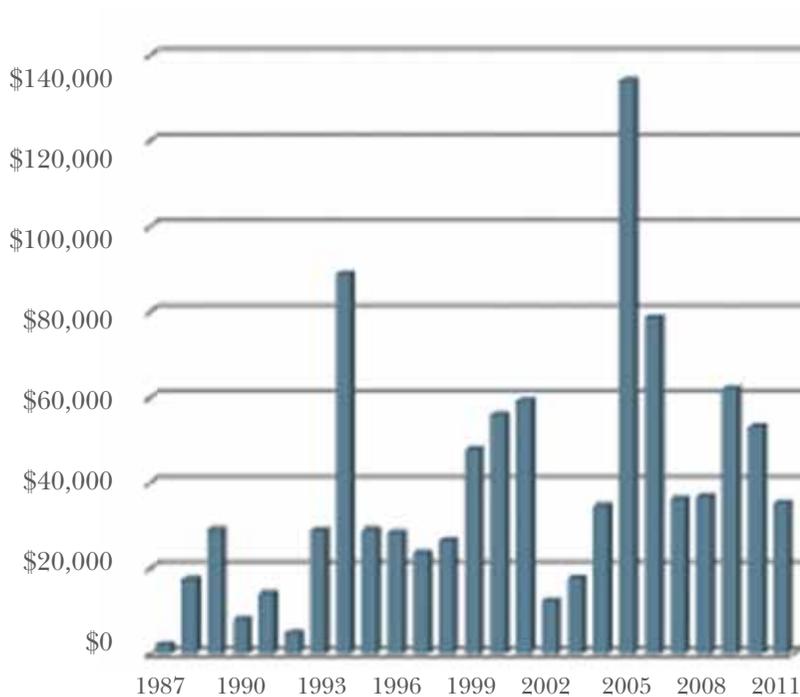
## Collections

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

For the period July 1, 2010, through June 30, 2011, the fund received \$35,287.04 in restitution revenues:

- \$4,357.35 was collected by the Ohio Attorney General's Office
- \$2,217 was collected by outside counsel
- \$7,739.76 was recovered through voluntary payments
- \$12,952.93 was recovered through court-ordered probation and/or restitution
- \$8,020 was collected as a result of repayment agreements obtained by the CSF.

### SUBROGATION PROCEEDS



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## CLAIMS PROCEDURE

### Intake and Evaluation

A claimant seeking reimbursement from the fund must complete an application for reimbursement. Upon receipt of a claimant's application, the CSF administrator reviews the information to determine whether the application alleges a loss resulting from the dishonest conduct of a licensed Ohio attorney. If the claim fails to allege dishonest conduct and/or a loss, as defined in Gov. Bar R. VIII, the CSF administrator prepares a written explanation to the claimant and the application is closed.

### 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 to advise 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 (e.g., files a court action against the attorney or a grievance with a bar association 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 has 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.

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## Board Review

Gov. Bar R. VIII gives the CSF board sole discretion to determine which claims merit reimbursement from the fund, as well as the amount, time, manner, conditions and order of payments of reimbursement. The board may request additional information or hold an informal hearing before reaching its decision. A claimant or an attorney may request permission to appear before the board in person, in which case the board chair decides whether to grant the request. During FY 2011, there were no requests to appear before the board.

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.

Claimants need not be represented by counsel to file an application for reimbursement with the CSF. Gov. Bar R. VIII specifically prohibits the payment of attorney fees out of the proceeds of an award. However, CSF 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 that the attorney's services were necessary to process the claim. During fiscal year 2011, the board approved three applications for attorney fees, totaling \$825.

## CLAIMS ACTIVITY

The CSF board of commissioners held four quarterly meetings. The board reviewed 197 claims, determining 136 eligible for reimbursement with awards totaling \$1,259,463. The board also approved three attorney-fee applications totaling \$825. Five claimants received the maximum award amount and 131 received 100 percent reimbursement of their losses. The awards resulted from the dishonest conduct of 71 Ohio attorneys (see pages 12-14).

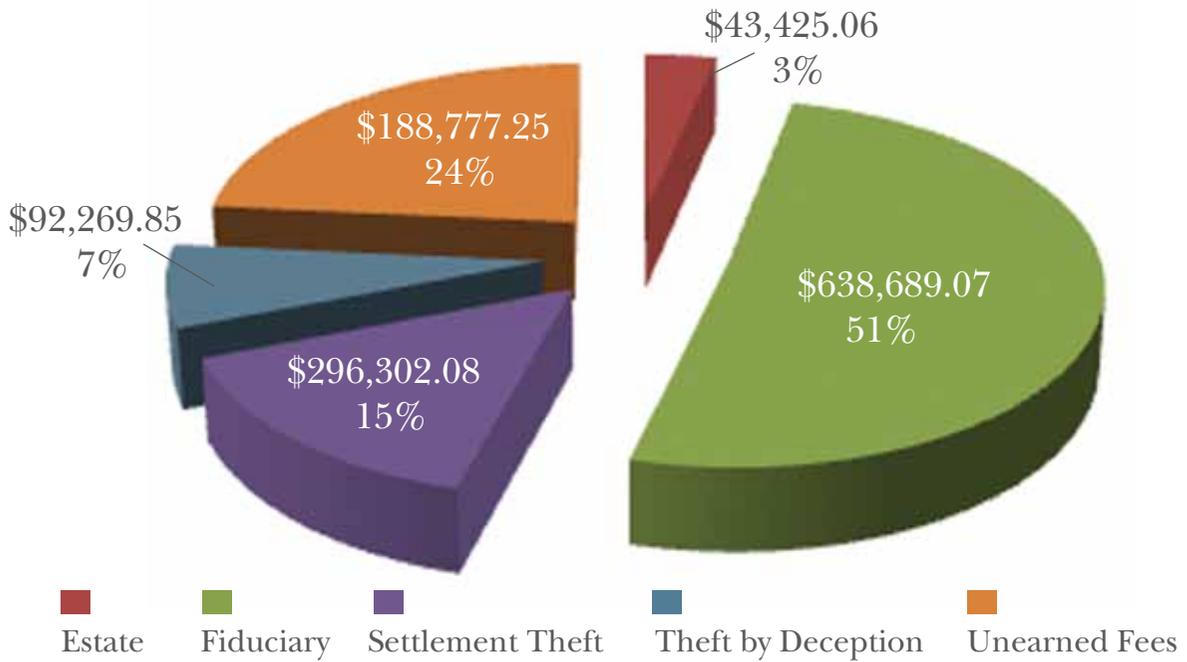
2011 CLAIM DETERMINATIONS			
DATE	ELIGIBLE	INELIGIBLE	AMOUNT
September 10, 2010	33	19	\$267,235.52
December 3, 2010	28	16	\$242,902.53
March 4, 2011	36	11	\$460,972.80
June 24, 2011	39	15	\$288,352.46
<b>TOTAL</b>	<b>136</b>	<b>61</b>	<b>\$1,259,463.31</b>

Unearned fee claims continue to constitute the largest category of claims filed with the CSF. These claims involve situations in which clients paid for legal services, but the attorneys failed to provide them. The attorneys' refusal or inability to refund the claimants' legal fee is considered "dishonest conduct," as set forth in Gov. Bar R. VIII. Unearned fee claims can be difficult to evaluate, particularly when an attorney provides a portion of the services requested. The loss reimbursed in the typical unearned fee claim is relatively low.

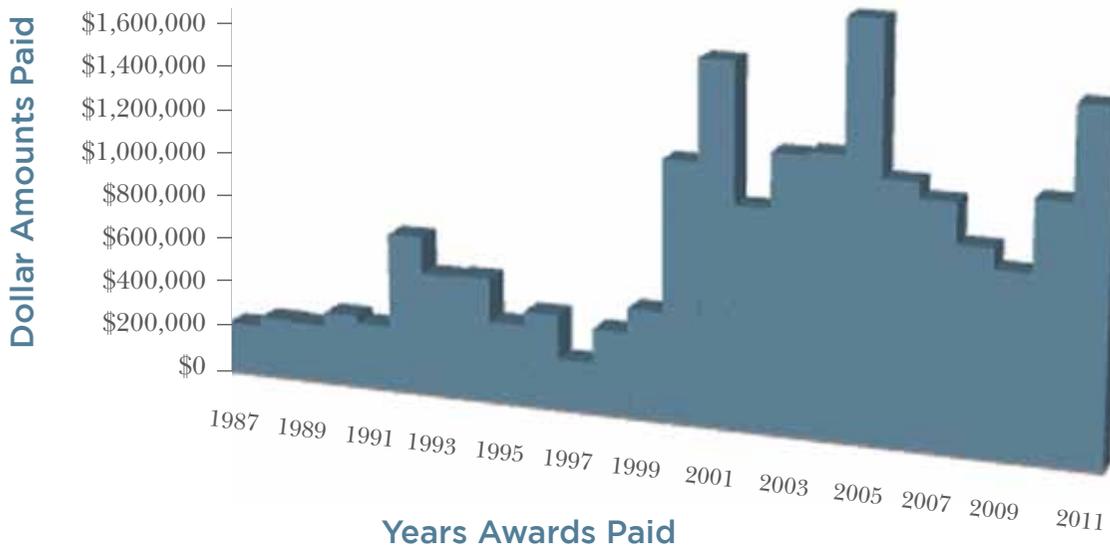
Although unearned fee claims remain the largest category of claims reimbursed by the CSF, claims involving thefts by attorneys acting in a fiduciary capacity resulted in the largest dollar amount of losses reimbursed. The board reimbursed more than \$630,000 to claimants in this category.

2011 THEFT CATEGORIES		
CATEGORY OF CLIENT LOSS	AWARDS	TOTAL
Theft by Fiduciary	23	\$638,689.07
Settlement Thefts	5	\$188,777.25
Estate Thefts	2	\$43,425.06
Theft by Deception	6	\$92,269.85
Unearned Fees	100	\$296,302.08
<b>TOTAL</b>	<b>136</b>	<b>\$1,259,463.31</b>

## 2011 THEFT CATEGORIES



## HISTORY OF AWARDS PAID



AWARDS BY DISCIPLINED OR DECEASED ATTORNEYS FY 2011

ATTORNEY	COUNTY	AWARDS	THEFT CATEGORY	AWARDED
Philip Lon Allen	Franklin	3	Unearned Fee	\$25,000.00
Edward Shehab Asper	Stark	6	Unearned Fee	\$4,122.00
Herd Leon Bennett	Preble	4	Theft by Deception	\$68,094.85
Rebecca Elizabeth Bobb	Ross	2	Unearned Fee	\$4,276.00
Kenneth Ray Boggs	Franklin	1	Unearned Fee	\$1,300.00
Darrell Brown	Hamilton	1	Unearned Fee	\$1,090.00
Keith Jeffrey Brown	Montgomery	2	Unearned Fee	\$2,635.00
Y. Nicole Camp	Greene	1	Unearned Fee	\$850.00
Doreen Marie Cantrell	Lake	1	Estate	\$25,000.00
Dea Lynn Character	Cuyahoga	2	Fiduciary/Unearned Fee	\$51,730.00
Darrell Marion Crosgrove	Lucas	1	Unearned Fee	\$500.00
Dwight Edwin Davis	Cuyahoga	1	Fiduciary	\$2,898.00
David Hadley Drucker	Cuyahoga	8	Fiduciary/Unearned Fee	\$8,470.00
Madry Leonard Ellis	Franklin	3	Unearned Fee	\$3,750.00
Eric Lamar Emerson	Hamilton	1	Unearned Fee	\$1,250.00
George Michael Evans	Sandusky	1	Unearned Fee	\$250.00
Bryan Scott Freeman	Cuyahoga	1	Unearned Fee	\$150.00
John Anthony Frenden	Cuyahoga	2	Unearned Fee	\$4,200.00
Van Abram Gander	Guernsey	6	Fiduciary/Unearned Fee	\$9,554.00
William Allen Gardner	Franklin	1	Settlement Theft/ Unearned Fee	\$11,027.25
William Anthony Garrett	Lucas	1	Estate	\$18,425.06
Jean Cooper Garrett	Summit	1	Fiduciary	\$75,000.00
Blaine Lawrence Gottelher	Cuyahoga	1	Unearned Fee	\$2,400.00
Frank Xavior Gresley	Cuyahoga	1	Unearned Fee	\$935.00
Edward Luther Harp	Brown	1	Unearned Fee	\$650.00
Sebraien Michael Haygood	Cuyahoga	1	Fiduciary	\$75,000.00
Dwight Daniel Heisler	Wood	1	Unearned Fee	\$1,300.00
James Russell Henry	Gallia	3	Unearned Fee	\$2,578.00
Gregg Devere Hickman	Lucas	1	Fiduciary/Unearned Fee	\$18,500.00

ATTORNEY	COUNTY	AWARDS	THEFT CATEGORY	AWARDED
John Patrick Hildebrand Jr.	Cuyahoga	3	Unearned Fee	\$2,875.00
Karan Marie Horan	Butler	3	Escrow/Fiduciary/ Unearned Fee	\$11,280.00
Timothy John Jarabek	Cuyahoga	1	Unearned Fee	\$500.00
Alexander Jurczenko	Cuyahoga	1	Fiduciary/Unearned Fee	\$5,000.00
C. Mark Kiesling	Franklin	1	Fiduciary	\$7,853.82
Tanya Johnston Kizer	Franklin	1	Unearned Fee	\$500.00
Lois Louise Lanker	Franklin	1	Fiduciary	\$335.00
Kenneth Levon Lawson	Hamilton	1	Fiduciary/Settlement Theft/Unearned Fee	\$25,500.00
James Michael Lemieux	Ashtabula	1	Fiduciary/Settlement Theft/Unearned Fee	\$30,250.00
John Robert Lentes	Gallia	2	Settlement Theft/ Unearned Fee	\$75,500.00
Andrew Craig Lockshin	Sandusky	3	Unearned Fee	\$4,700.00
James Louis Major Jr.	Cuyahoga	2	Unearned Fee	\$1,725.00
Charles Hudson Manning	Geauga	1	Fiduciary	\$75,000.00
Edward Paul Markovich	Summit	2	Fiduciary/Theft by Deception/Unearned Fee	\$650.00
Bernard Sanford Marshall Jr.	Warren	1	Unearned Fee	\$3,000.00
Paige Arlene Martin	Franklin	1	Unearned Fee	\$6,000.00
Karyn Richelle McConnell	Lucas	4	Estate/Fiduciary/ Unearned Fee	\$20,724.99
Michael Patrick McNamee	Greene	1	Unearned Fee	\$7,239.76
Thomas Michael McNerney Sr.	Summit	1	Unearned Fee	\$750.00
Howard Vincent Mishler	Cuyahoga	8	Fiduciary/Settlement Theft/Unearned Fee	\$130,141.47
LeRoy Alvin Nichols	Franklin	2	Unearned Fee	\$11,292.46
Herbert Palkovitz	Cuyahoga	1	Unearned Fee	\$2,330.15

AWARDS BY DISCIPLINED OR DECEASED ATTORNEYS FY 2011 CONT.

ATTORNEY	COUNTY	AWARDS	THEFT CATEGORY	AWARDED
Paul Nickolas Peterson	Geauga	1	Fiduciary	\$67,500.00
Francis Michael Pignatelli	Summit	1	Unearned Fee	\$750.00
Joseph F. Rafidi	Mahoning	3	Unearned Fee	\$7,650.00
Michael Scott Russell	Stark	2	Unearned Fee	\$2,330.00
Craig William Saunders	Montgomery	1	Unearned Fee	\$1,500.00
Glenn Michael Schiller	Stark	5	Unearned Fee	\$4,348.00
Lawrence Joseph Seidita	Mahoning	1	Fiduciary	\$4,143.25
Kenneth Norman Shaw	Trumbull	1	Theft by Deception	\$12,250.00
Gregory Alan Shell	Huron	3	Unearned Fee	\$2,600.00
Andrew Fraser Siehl	Preble	1	Unearned Fee	\$2,500.00
John Wesley Slagle	Highland	2	Fiduciary/Settlement Theft	\$76,500.00
Rene' Darlene Smith	Cuyahoga	1	Unearned Fee	\$800.00
Lawrence Robert Smith	Summit	2	Unearned Fee	\$5,000.00
Cynthia Darlene Smith	Cuyahoga	3	Fiduciary/Unearned Fee	\$4,826.25
Donald Eugene Smith	Richland	1	Fiduciary	\$75,000.00
Patrick Kent Smith	Montgomery	2	Fiduciary	\$77,885.18
Darrell Vernon Van Horn Jr.	Lucas	1	Fiduciary/Settlement Theft/Unearned Fee	\$50,272.82
Tim M. Watterson	Stark	1	Fiduciary	\$2,500.00
Steven Earl Zigan	Fairfield	2	Fiduciary/Unearned Fee	\$5,100.00
Dale Paul Zucker	Cuyahoga	1	Fiduciary/Theft by Deception	\$11,925.00
<b>71 ATTORNEYS TOTAL</b>		<b>136</b>		<b>\$1,259,463.31</b>

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## CONCLUSION

This report confirms that the majority of the 59,808 licensed attorneys in Ohio are honest professionals who help maintain the integrity of the legal profession. Slightly less than one-half of 1 percent of all licensed Ohio attorneys have been involved in claims filed with the Clients' Security Fund of Ohio. The fund attempts to restore law clients' trust in attorneys by providing a remedy for those who are victims of dishonest conduct. The fact that the Clients' Security Fund is funded entirely by attorneys is further evidence of the profession's commitment to maintaining the highest standards of integrity.

The commissioners of the Clients' Security Fund board volunteer their time to support this effort and their service is commendable. Likewise, the staff is dedicated to helping law clients who have been harmed as a result of a few dishonest lawyers. Their hard work is also greatly appreciated.

The board and staff sincerely thank the Justices of the Supreme Court of Ohio for their continued support of and commitment to the Clients' Security Fund's purpose and goals.



## APPENDIX A

### OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986

Attorney	Awards	Claim Type	Awarded	County
1. Philip Lon Allen	4	Unearned Fee	\$26,500.00	Franklin
2. Paul Wesley Allison	1	Unearned Fee	\$15,059.09	Seneca
3. Stephen Philip Allison	1	Trust	\$25,000.00	Mahoning
4. William Mujahid Al'Uqdah	9	Trust/Unearned Fee	\$11,725.00	Hamilton
5. James Franklin Anadell	4	Escrow	\$61,710.19	Lorain
6. Delores Joan Anderson	1	Unearned Fee	\$1,500.00	Lucas
7. Mark Edward Anderson	3	Fiduciary	\$37,280.85	Lucas
8. Richard Taylor Andrews, III	1	Settlement Theft	\$1,100.00	Cuyahoga
9. Joseph John Armon	4	Unearned Fee	\$1,655.80	Cuyahoga
10. William R. Arnold, Jr.	15	Estate/Trust/Unearned Fee	\$123,896.02	Geauga
11. Edward Shehab Asper	10	Unearned Fee	\$5,781.00	Stark
12. Guerin Lee Avery	10	Unearned Fee	\$63,927.95	Cuyahoga
13. Robert Joseph Bacisin	3	Other/Trust/Unearned Fee	\$5,275.00	Lorain
14. Sharon Carol Baird	4	Unearned Fee	\$11,600.00	Clermont
15. Gerald Alexander Baker	2	Theft by Deception/ Unearned Fee	\$5,139.67	Lucas
16. Ronald Allen Banig	1	Escrow	\$2,774.49	Cuyahoga
17. Yale Arthur Barkan	1	Escrow	\$11,050.00	Cuyahoga
18. Robert Francis Barnes, Jr.	1	Unearned Fee	\$5,548.00	Hamilton
19. David Carl Barnett	4	Unearned Fee	\$10,975.00	Champaign
20. Phillip Anthony Barragate	16	Estate/Settlement Theft	\$261,450.21	Cuyahoga
21. David Allan Beck	1	Unearned Fee	\$200.00	Cuyahoga
22. Avery Ian Becker	9	Unearned Fee	\$6,913.00	Cuyahoga
23. Garry Allen Beckett	1	Unearned Fee	\$200.00	Franklin
24. Alan Scott Belkin	2	Unearned Fee	\$3,000.00	Cuyahoga
25. Angelia Diane Bell	2	Unearned Fee	\$1,325.00	Lucas
26. Dale John Belock	5	Unearned Fee	\$47,132.14	Cuyahoga
27. Herd Leon Bennett	32	Theft by Deception	\$554,205.71	Preble
28. David Stephen Bernardic	4	Estate	\$67,179.50	Cuyahoga
29. Walter David Bertsche, Jr.	2	Unearned Fee	\$1,657.00	Hamilton
30. Gary Franklin Billiter	1	Unearned Fee	\$1,685.00	Scioto
31. Thomas Michael Billson	4	Unearned Fee	\$2,000.00	Lake
32. Jeffrey Alan Blankenship	1	Unearned Fee	\$660.00	Franklin
33. Rebecca Elizabeth Bobb	2	Unearned Fee	\$4,276.00	Ross
34. Andrew Paul Bodnar, Jr.	1	Escrow	\$300.00	Summit
35. Kenneth Ray Boggs	1	Unearned Fee	\$1,300.00	Franklin
36. Karen Suzanne Bond	4	Other/Unearned Fee	\$101,150.00	Fairfield
37. Timothy Mark Bowman	1	Unearned Fee	\$200.00	Lake
38. L. Reuben Boykin	3	Unearned Fee	\$2,383.67	Franklin
39. Robert Lawrence Braddock	1	Unearned Fee	\$600.00	Hamilton
40. Ronald Lance Bradley	4	Unearned Fee	\$19,600.00	Hamilton
41. George Braun	15	Unearned Fee	\$110,826.09	Cuyahoga

## OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986 CONT.

Attorney	Awards	Claim Type	Awarded	County
42. William Brenner	2	Unearned Fee	\$100.00	Cuyahoga
43. Barry Frederick Brickley	12	Other/Trust/Unearned Fee	\$13,969.95	Richland
44. Thomas John Broschak	7	Unearned Fee	\$28,500.00	Franklin
45. Stanley Brown	1	Unearned Fee	\$400.00	Out-of-State
46. Patrick Lee Brown	21	Unearned Fee	\$55,109.52	Hamilton
47. Keith Jeffrey Brown	3	Unearned Fee	\$4,508.50	Montgomery
48. Thomas Christopher Brown	1	Unearned Fee	\$500.00	Ashtabula
49. Paul Raymond Brown	1	Unearned Fee	\$710.00	Franklin
50. Darrell Brown	1	Unearned Fee	\$1,090.00	Hamilton
51. Bruce Harry Brubaker	1	Estate	\$9,050.00	Summit
52. Ernest Everett Bryant, Jr.	1	Escrow	\$25,000.00	Franklin
53. Bruce Alan Buren	1	Escrow	\$16,532.94	Montgomery
54. Charles Edward Bursey, II	4	Settlement Theft/Unearned Fee	\$11,279.00	Montgomery
55. Douglas Allen Burt	1	Unearned Fee	\$20,000.00	Seneca
56. Alvah Noel Caliman	2	Fiduciary	\$9,355.77	Hamilton
57. William Russell Callery, Jr.	1	Escrow	\$3,588.83	Hamilton
58. Y. Nicole Camp	1	Unearned Fee	\$850.00	Greene
59. Doreen Marie Cantrell	1	Estate	\$25,000.00	Lake
60. Donald Card	4	Unearned Fee	\$2,900.00	Cuyahoga
61. Christopher Thomas Carlson	1	Fiduciary	\$6,666.67	Medina
62. Thomas Edward Carney	2	Estate	\$49,244.54	Trumbull
63. James Pendleton Carpenter, III	2	Estate	\$50,000.00	Ross
64. James Bernard Carter	1	Unearned Fee	\$560.00	Montgomery
65. Robert Allen Carter, Jr.	4	Settlement Theft	\$16,619.00	Franklin
66. James Edward Caywood	2	Unearned Fee	\$412.50	Lake
67. Louis William Cennamo	3	Unearned Fee	\$1,909.00	Franklin
68. Everett Alfred Chandler	1	Unearned Fee	\$450.00	Cuyahoga
69. Dea Lynn Character	3	Fiduciary/Unearned Fee	\$54,680.00	Cuyahoga
70. Clarence Louis Chavers, Jr.	7	Estate/Unearned Fee	\$6,700.00	Cuyahoga
71. Kenneth Dale Christner	3	Estate	\$52,622.05	Lawrence
72. Joseph Jeffrey Church	1	Unearned Fee	\$1,000.00	Cuyahoga
73. Robert Joseph Churilla	2	Unearned Fee	\$4,575.00	Cuyahoga
74. Leonette Frances Cicirella	1	Unearned Fee	\$150.00	Cuyahoga
75. Jeffrey Ramon Cimaglio	3	Unearned Fee	\$2,600.00	Lake
76. Eunice Adelman Clavner	1	Trust	\$500.00	Cuyahoga
77. James Kenneth Clower	2	Unearned Fee	\$4,650.00	Richland
78. Charles Richard Cole	3	Unearned Fee	\$6,550.00	Butler
79. Donald Franklin Colegrove	1	Trust	\$5,500.00	Hamilton
80. Regina Adelle Collins	1	Unearned Fee	\$1,500.00	Hamilton
81. Mark Steven Colucci	63	Unearned Fee	\$260,287.49	Mahoning

Attorney	Awards	Claim Type	Awarded	County
82. Michael Stephen Conese	1	Unearned Fee	\$1,000.00	Butler
83. Daniel Edward Connaughton	1	Estate	\$23,867.00	Butler
84. John Joseph Connors, Jr.	10	Unearned Fee	\$21,250.00	Franklin
85. Michael Charles Conway	1	Unearned Fee	\$150.00	Summit
86. Reginald Alpha Cooke	1	Unearned Fee	\$1,500.00	Franklin
87. Robert James Coombs	6	Estate/Unearned Fee	\$245,760.84	Summit
88. James John Corbett	1	Estate	\$13,202.00	Mahoning
89. Candie Lynn Cornett	12	Unearned Fee	\$22,300.00	Butler
90. Roosevelt Cox	3	Unearned Fee	\$1,575.00	Cuyahoga
91. Lawrence Virgil Cox	1	Unearned Fee	\$1,250.00	Cuyahoga
92. Charles Wyatt Creger	3	Fiduciary	\$75,000.00	Hamilton
93. John Allison Crist	2	Estate	\$50,000.00	Butler
94. Darrell Marion Crosgrove	1	Unearned Fee	\$500.00	Lucas
95. George Francis Crummey	2	Estate	\$23,733.33	Van Wert
96. Charles Eric Curry	1	Unearned Fee	\$250.00	Mahoning
97. Michael F. Dadisman	12	Estate/Fiduciary/Unearned Fee	\$115,036.31	Cuyahoga
98. Alfred Elmer Dahling	43	Unearned Fee	\$17,142.00	Trumbull
99. Richard Adam Damiani	14	Unearned Fee	\$42,976.29	Cuyahoga
100. Edwin Davila	2	Settlement Theft	\$49,000.00	Stark
101. Dwight Edwin Davis	1	Fiduciary	\$2,898.00	Cuyahoga
102. Stephen Patrick Deffet	1	Unearned Fee	\$500.00	Franklin
103. Gregory William Demer	1	Settlement Theft	\$2,145.00	Cuyahoga
104. Robert Louis DeVictor	1	Estate	\$25,000.00	Franklin
105. Anthony Clarence DiCillo	6	Settlement Theft	\$13,424.10	Cuyahoga
106. Edward Anthony DiGiantonio	3	Settlement Theft	\$64,333.33	Summit
107. Michael Emmett Dillon	1	Fiduciary	\$25,000.00	Hancock
108. Carter Rodney Dodge	3	Settlement Theft	\$21,300.00	Cuyahoga
109. James Colvin Dodge	12	Fiduciary	\$626,529.55	Butler
110. William Dean Dorfmeier	8	Estate	\$99,262.63	Montgomery
111. J. Walter Dragelevich	1	Unearned Fee	\$2,500.00	Trumbull
112. William Geoffrey Droe	1	Escrow	\$1,703.25	Cuyahoga
113. David Hadley Drucker	17	Fiduciary/Unearned Fee	\$17,211.00	Cuyahoga
114. Richard T. Dugan	4	Escrow/Estate	\$24,396.08	Hamilton
115. Michael Myrone Edwards	3	Estate	\$48,252.76	Hamilton
116. John Wakeman Elliott	2	Estate	\$35,000.00	Delaware
117. Madry Leonard Ellis	14	Unearned Fee	\$44,500.00	Franklin
118. Gary Ellison	10	Unearned Fee	\$5,500.00	Hamilton
119. Eric Lamar Emerson	1	Unearned Fee	\$1,250.00	Hamilton
120. Wesley Charles Emerson	2	Unearned Fee	\$1,700.00	Franklin

## OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986 CONT.

Attorney	Awards	Claim Type	Awarded	County
121. Richard Lee Emmett	1	Escrow	\$18,500.00	Cuyahoga
122. Robert John Eppich	1	Settlement Theft	\$4,560.00	Franklin
123. George Michael Evans	1	Unearned Fee	\$250.00	Sandusky
124. Milliard Eugene Farley	1	Escrow	\$2,059.90	Cuyahoga
125. Derek Anthony Farmer	1	Unearned Fee	\$7,915.00	Franklin
126. Elliot Tod Fishman	2	Unearned Fee	\$2,775.00	Franklin
127. Joe Richard Fodal	12	Unearned Fee	\$8,154.33	Greene
128. Matthew Fortado	1	Settlement Theft	\$2,853.41	Stark
129. Thomas Joseph Foster	2	Unearned Fee	\$1,100.00	Franklin
130. Albert Edwin Fowerbaugh	2	Estate	\$125,000.00	Cuyahoga
131. James Edwin Fox	3	Unearned Fee	\$3,000.00	Montgomery
132. Norman Albert Fox, Jr.	1	Unearned Fee	\$2,500.00	Cuyahoga
133. Arthur Ray Frazier	8	Fiduciary/Unearned Fee	\$24,862.77	Cuyahoga
134. John Bebb Frease	5	Unearned Fee	\$12,065.00	Stark
135. Ben Alan Freeman	1	Unearned Fee	\$200.00	Franklin
136. Bryan Scott Freeman	1	Unearned Fee	\$150.00	Cuyahoga
137. John Anthony Frenden	4	Unearned Fee	\$5,105.00	Cuyahoga
138. John Henry Frieg	2	Unearned Fee	\$1,400.00	Stark
139. Lorraine Theresa Furtado	1	Escrow	\$32,871.78	Franklin
140. Lawrence Charles Gaba	1	Escrow	\$2,668.92	Franklin
141. Gregory John Galan	3	Escrow	\$58,000.00	Lake
142. John William Gall	2	Estate	\$50,000.00	Trumbull
143. Van Abram Gander	6	Fiduciary/Unearned Fee	\$9,554.00	Guernsey
144. William Allen Gardner	4	Settlement Theft/Unearned Fee	\$12,427.25	Franklin
145. Jean Cooper Garrett	1	Fiduciary	\$75,000.00	Summit
146. William Anthony Garrett	1	Estate	\$18,425.06	Lucas
147. Thomas Wayne Garrison	1	Escrow	\$25,000.00	Franklin
148. David Warren Gatwood	3	Escrow	\$24,450.00	Lucas
149. Richard Norman Gaudet	10	Unearned Fee	\$6,337.00	Montgomery
150. James Arthur Gay	1	Unearned Fee	\$750.00	Cuyahoga
151. Donald Elias George	1	Estate	\$20,012.75	Summit
152. Anthony Phillip Georgetti	1	Unearned Fee	\$2,000.00	Lucas
153. Susan Marie Glatki	1	Unearned Fee	\$2,883.92	Cuyahoga
154. Richard Dennis Goldberg	33	Estate/Settlement Theft	\$1,249,441.15	Mahoning
155. Charles William Goodlet, Jr.	2	Unearned Fee	\$1,000.00	Summit
156. Blaine Lawrence Gottehrer	2	Unearned Fee	\$3,900.00	Cuyahoga
157. Kurt Stephan Gottschalk	1	Escrow	\$1,076.68	Lucas
158. Winston Grays	2	Unearned Fee	\$3,500.00	Cuyahoga
159. Bruce Lee Greenberger	2	Unearned Fee	\$7,504.00	Hamilton
160. Michael Irwin Greenwald	7	Estate/Settlement Theft	\$80,885.96	Cuyahoga
161. Frank Xavior Gresley	1	Unearned Fee	\$935.00	Cuyahoga

Attorney	Awards	Claim Type	Awarded	County
162. Willie Louis Griffin	1	Estate	\$5,722.00	Cuyahoga
163. Curtis Griffith, Jr.	4	Unearned Fee	\$7,898.00	Perry
164. Christopher Gino Gueli	14	Fiduciary/Unearned Fee	\$38,617.00	Fairfield
165. James William Guest, Jr.	1	Escrow	\$2,500.00	Cuyahoga
166. Milton Jerome Guth	1	Settlement Theft	\$13,700.00	Cuyahoga
167. Richard Roy Gygli	1	Escrow	\$25,000.00	Lake
168. Howard Michael Hackman	1	Settlement Theft	\$13,668.17	Franklin
169. Leo Craig Hallows	1	Trust	\$22,618.55	Miami
170. William Albert Hamann, Jr.	8	Estate/Trust	\$166,951.88	Cuyahoga
171. Jerome Robert Hamilton	1	Unearned Fee	\$10,000.00	Greene
172. Andrew Ryan Haney	6	Unearned Fee	\$12,750.00	Franklin
173. John Marshall Hannah, Jr.	1	Unearned Fee	\$1,000.00	Montgomery
174. Clyde Patrick Harkins	1	Trust	\$25,000.00	Franklin
175. Edward Luther Harp	14	Unearned Fee	\$9,200.00	Brown
176. Cynthia June Harris	3	Unearned Fee	\$4,966.00	Franklin
177. Edward William Hastie, II	1	Unearned Fee	\$380.00	Franklin
178. William Jack Hatfield	1	Unearned Fee	\$573.50	Hamilton
179. Michael Jeffrey Hayes	2	Unearned Fee	\$11,000.00	Franklin
180. Sebraien Michael Haygood	1	Fiduciary	\$75,000.00	Cuyahoga
181. Dwight Daniel Heisler	1	Unearned Fee	\$1,300.00	Wood
182. Steven Isaac Helfgott	2	Unearned Fee	\$2,000.00	Cuyahoga
183. Pippa Lynn Henderson	2	Unearned Fee	\$1,200.00	Cuyahoga
184. Howard Alan Henkin	9	Fiduciary	\$215,795.62	Cuyahoga
185. Albert James Henry, IV	1	Trust	\$21,412.00	Clermont
186. James Russell Henry	3	Unearned Fee	\$2,578.00	Gallia
187. David Hyre Hersman	8	Estate/Settlement Theft	\$17,214.89	Wayne
188. Gregg Devere Hickman	3	Fiduciary/Unearned Fee	\$44,000.00	Lucas
189. John Patrick Hildebrand, Jr.	3	Unearned Fee	\$2,875.00	Cuyahoga
190. James Roy Hodge	1	Escrow	\$5,000.00	Summit
191. Karan Marie Horan	11	Escrow/Fiduciary/Unearned Fee	\$33,762.61	Butler
192. Steven Lawrence Howland	6	Unearned Fee	\$16,950.27	Cuyahoga
193. William Henry Huber	1	Unearned Fee	\$511.00	Cuyahoga
194. Richard Roman Huber	9	Unearned Fee	\$8,685.00	Erie
195. Albert Herman Hugel, Jr.	2	Estate	\$43,598.00	Hamilton
196. Walter Jay Hunston	2	Estate	\$9,314.40	Columbiana
197. Joyce Dean Hunter	1	Unearned Fee	\$300.00	Knox
198. Jay Craig Immelt	4	Estate/Settlement Theft	\$46,397.90	Lake
199. Kenneth Howard Inskeep	8	Estate	\$217,074.23	Trumbull
200. Frank Mortimer James	1	Unearned Fee	\$1,300.00	Out-of-State
201. William Kent James	1	Other	\$73.00	Montgomery
202. Willard Richard James	1	Other	\$73.00	Stark

## OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986 CONT.

Attorney	Awards	Claim Type	Awarded	County
203. Aaron Nathaniel James	3	Unearned Fee	\$1,475.00	Cuyahoga
204. Timothy John Jarabek	2	Unearned Fee	\$1,000.00	Cuyahoga
205. Thomas Lorraine Jaynes	10	Unearned Fee	\$4,250.00	Summit
206. Janice Lorraine Jessup	1	Unearned Fee	\$2,612.50	Montgomery
207. Aziza Dalila Jimerson	2	Unearned Fee	\$2,600.00	Cuyahoga
208. Mitchell Lee Johnson	4	Unearned Fee	\$5,567.16	Cuyahoga
209. Michael Richards Johnson	8	Unearned Fee	\$6,015.00	Licking
210. Barbara Lynn Johnson	1	Unearned Fee	\$1,250.00	Lucas
211. Charles Walter Johnson	1	Estate	\$15,455.00	Richland
212. Shirley May Jones	3	Unearned Fee	\$10,209.00	Summit
213. Timothy Van Jones	1	Other	\$167.00	Hamilton
214. Willie Kaye Jones	1	Unearned Fee	\$400.00	Cuyahoga
215. Alexander Jurczenko	16	Fiduciary/Unearned Fee	\$267,209.30	Cuyahoga
216. Edward Francis Katalinas	1	Unearned Fee	\$200.00	Cuyahoga
217. Robert Campbell Keeler	2	Unearned Fee	\$16,515.12	Cuyahoga
218. Jeffrey Carl Keith	1	Fiduciary	\$25,000.00	Cuyahoga
219. Elliott Ray Kelley	1	Unearned Fee	\$675.00	Cuyahoga
220. James Andrew Keplar	2	Trust/Unearned Fee	\$30,959.59	Delaware
221. Mary Kerns	9	Estate	\$357,931.25	Union
222. C. Mark Kiesling	1	Fiduciary	\$7,853.82	Franklin
223. Michael Leonard King	1	Unearned Fee	\$350.00	Cuyahoga
224. John Wallace Kitchen	1	Unearned Fee	\$1,957.85	Lucas
225. Tanya Johnston Kizer	1	Unearned Fee	\$500.00	Franklin
226. Avery Bruce Klein	5	Unearned Fee	\$125,000.00	Cuyahoga
227. James Lee Knight	1	Estate	\$4,331.25	Lucas
228. Joan Allyn Kodish	2	Unearned Fee	\$3,000.00	Cuyahoga
229. Paul Anthony Komarek	1	Unearned Fee	\$250.00	Hamilton
230. Anthony Thomas Koury	1	Unearned Fee	\$500.00	Mahoning
231. George Charles Kovacs	1	Theft by Deception	\$5,000.00	Cuyahoga
232. Joseph Alan Kral	5	Estate	\$53,000.00	Cuyahoga
233. Phillip Kurtz	2	Unearned Fee	\$26,000.00	Cuyahoga
234. Louis Bernard LaCour	3	Estate/Unearned Fee	\$60,483.00	Franklin
235. David Harold Landon	1	Unearned Fee	\$550.00	Montgomery
236. William Cyril Lange	2	Unearned Fee	\$2,440.65	Hamilton
237. Lois Louise Lanker	1	Fiduciary	\$335.00	Franklin
238. Charles Jeffery Lantz	5	Unearned Fee	\$16,250.00	Fairfield
239. Patricia S. Lautzenheiser	7	Unearned Fee	\$2,762.00	Lucas
240. William Joseph Lavin	2	Unearned Fee	\$932.00	Cuyahoga
241. Herbert Lee Lawrence	3	Unearned Fee	\$3,819.00	Franklin
242. David Alan Lawrence	1	Fiduciary	\$22,000.00	Cuyahoga

Attorney	Awards	Claim Type	Awarded	County
243. Kenneth Levon Lawson	33	Fiduciary/Settlement Theft/ Unearned Fee	\$321,361.65	Hamilton
244. Gerald Phillip Leb	2	Unearned Fee	\$4,718.75	Summit
245. Richard Eugene Leeth	1	Unearned Fee	\$120.00	Columbiana
246. Marc Alexander Lehotsky	1	Unearned Fee	\$225.00	Cuyahoga
247. James Michael Lemieux	14	Fiduciary/Settlement Theft/ Unearned Fee	\$242,979.04	Ashtabula
248. Patrick Peter Leneghan	1	Unearned Fee	\$3,000.00	Cuyahoga
249. John Robert Lentes	2	Settlement Theft/Unearned Fee	\$75,500.00	Gallia
250. Elliott Michael Lester	16	Estate/Unearned Fee	\$70,204.21	Cuyahoga
251. Neal Brent Levine	7	Unearned Fee	\$7,270.00	Lucas
252. Larry Gene Lillback	2	Trust	\$32,600.00	Greene
253. Robert Alan Linder	12	Estate/Settlement Theft	\$211,227.17	Clermont
254. George Liviola, Jr.	3	Trust	\$75,000.00	Ashtabula
255. Ronald Kevin Lloyd	4	Unearned Fee	\$6,678.00	Jefferson
256. Steven Lewis Lo Dico	10	Unearned Fee	\$28,350.00	Stark
257. Thomas Gene Locke	3	Unearned Fee	\$10,300.00	Lake
258. Andrew Craig Lockshin	3	Unearned Fee	\$4,700.00	Sandusky
259. Richard Charles Longacre	1	Other	\$21,550.00	Cuyahoga
260. John Albert Lord	9	Unearned Fee	\$6,023.58	Cuyahoga
261. John Rolland Louden	2	Unearned Fee	\$25,331.25	Franklin
262. Jeffrey Theodore Lowden	3	Unearned Fee	\$800.00	Lucas
263. Gerald Samuel Lubitsky	1	Settlement Theft	\$1,254.87	Lucas
264. John George Ludeman	2	Estate	\$53,053.29	Lucas
265. Randall Jay Luginbuhl	3	Settlement Theft	\$3,781.64	Franklin
266. Susan Marie Lutz	1	Unearned Fee	\$600.00	Wayne
267. James Patrick Madden, Jr.	4	Estate	\$127,567.00	Cuyahoga
268. Alexander Maiorano	9	Unearned Fee	\$9,320.33	Fulton
269. James Louis Major, Jr.	45	Unearned Fee	\$86,614.00	Cuyahoga
270. Sidney Serge Mallory, Jr.	6	Unearned Fee	\$3,420.00	Cuyahoga
271. Patrick Michael Maniscalco	1	Unearned Fee	\$4,000.00	Cuyahoga
272. Charles Hudson Manning	1	Fiduciary	\$75,000.00	Geauga
273. Raymond Lemoine Marchbank, Jr.	1	Unearned Fee	\$2,624.00	Stark
274. Edward Paul Markovich	11	Fiduciary/Theft by Deception/Unearned Fee	\$108,875.00	Summit
275. Joseph Eugene Marosan	1	Fiduciary	\$15,294.05	Cuyahoga
276. David Steele Marshall	2	Unearned Fee	\$1,750.00	Lake
277. Bernard Sanford Marshall, Jr.	1	Unearned Fee	\$3,000.00	Warren
278. Paige Arlene Martin	1	Unearned Fee	\$6,000.00	Franklin
279. Thomas Adrian Mason	2	Unearned Fee	\$465.00	Cuyahoga
280. Thomas George Mathewson	2	Unearned Fee	\$1,600.00	Montgomery

## OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986 CONT.

Attorney	Awards	Claim Type	Awarded	County
281. David Thomas Mazanec	2	Fiduciary	\$146,890.00	Cuyahoga
282. Anthony Robert Mazzocco	1	Estate	\$25,000.00	Lake
283. Mark Anthony McClain	3	Unearned Fee	\$4,500.00	Cuyahoga
284. Darlene Donna McClellan	5	Unearned Fee	\$7,132.00	Cuyahoga
285. David Bernard McClure	2	Unearned Fee	\$2,220.00	Erie
286. Karyn Richelle McConnell	22	Estate/Fiduciary/Unearned Fee	\$286,094.26	Lucas
287. James Michael McCord	1	Unearned Fee	\$2,000.00	Franklin
288. John Alvin McCoy, Jr.	5	Unearned Fee	\$17,924.48	Franklin
289. Charles Alexander McCrae	1	Unearned Fee	\$1,533.34	Scioto
290. Eddie Winther McCroom	1	Unearned Fee	\$8,000.00	Mahoning
291. Richard Elwood McCune	1	Unearned Fee	\$1,500.00	Summit
292. Michael Douglas McDonald	1	Settlement Theft	\$46.08	Franklin
293. Gregory Alan McDowell	1	Other	\$25,000.00	Huron
294. Michael Edward McGill	2	Settlement Theft	\$52,934.85	Lucas
295. John Michael McGinley	2	Unearned Fee	\$1,500.00	Franklin
296. Virgil Milton McGuffin, Jr.	4	Estate	\$63,000.00	Mahoning
297. James Raymond McKenna	1	Estate	\$7,020.00	Jefferson
298. Patrick Lynn McKinney	3	Unearned Fee	\$1,660.00	Stark
299. Thomas George McNally	1	Unearned Fee	\$500.00	Cuyahoga
300. Michael Patrick McNamee	1	Unearned Fee	\$7,239.76	Greene
301. Thomas Michael McNerney, Sr.	1	Unearned Fee	\$750.00	Summit
302. Thomas Lynn Meros	5	Unearned Fee	\$36,666.00	Cuyahoga
303. Philip Anthony Mesi	1	Escrow	\$15,800.00	Cuyahoga
304. Paul Frederick Meyerhoefer	6	Estate	\$39,200.00	Huron
305. Michael Angelo Mirando	1	Settlement Theft	\$2,000.00	Ashtabula
306. Howard Vincent Mishler	10	Fiduciary/Settlement Theft/ Unearned Fee	\$137,640.47	Cuyahoga
307. Eric John Moesle	2	Fiduciary/Unearned Fee	\$52,735.00	Fairfield
308. Michael Joseph Molnar	3	Estate/Other/Theft by Deception	\$24,286.65	Cuyahoga
309. George Andrew Mondrut	1	Trust	\$17,968.09	Mahoning
310. William Julius Moore	10	Unearned Fee	\$22,142.47	Lucas
311. Warren Newton Morford, Jr.	3	Unearned Fee	\$1,110.00	Lawrence
312. David Allen Morton	8	Estate/Unearned Fee	\$67,175.17	Franklin
313. Freddie Melvin Mosely	1	Estate	\$5,500.00	Cuyahoga
314. Michael Lee Moushey	4	Escrow/Unearned Fee	\$41,349.25	Franklin
315. Peter Michael Muhlbach	2	Fiduciary	\$23,700.00	Cuyahoga
316. Kalam Muttalib	2	Unearned Fee	\$4,797.00	Cuyahoga
317. Chris Frank Nardi	2	Unearned Fee	\$17,500.00	Cuyahoga
318. Fuad Bahige Nasrallah	93	Unearned Fee	\$226,443.00	Montgomery

Attorney	Awards	Claim Type	Awarded	County
319. John Norbert Nentwick	5	Unearned Fee	\$1,879.00	Columbiana
320. T. Brent Newman	2	Unearned Fee	\$775.00	Scioto
321. LeRoy Alvin Nichols	4	Unearned Fee	\$12,167.46	Franklin
322. Thomas Graham Nicholson	4	Unearned Fee	\$1,355.00	Crawford
323. Ford Lee Noble	1	Other	\$2,000.00	Medina
324. Lawrence John Novak	1	Unearned Fee	\$1,410.00	Fairfield
325. Daniel Lloyd O'Brien	4	Unearned Fee	\$11,589.00	Montgomery
326. Michael Joseph O'Connell	1	Unearned Fee	\$1,200.00	Lucas
327. Darlene Edna Odar	4	Unearned Fee	\$1,699.00	Stark
328. Geoffrey Lynn Oglesby	1	Unearned Fee	\$1,000.00	Erie
329. Lee Oliver	5	Unearned Fee	\$6,927.00	Cuyahoga
330. Michael James O'Neill	2	Unearned Fee	\$685.00	Franklin
331. Stanley Lutz Orr, III	3	Unearned Fee	\$4,080.00	Cuyahoga
332. Ronald Anthony Pagano	1	Escrow	\$1,080.00	Hardin
333. Herbert Palkovitz	1	Unearned Fee	\$2,330.15	Cuyahoga
334. Justin Peter Parrish	1	Fiduciary	\$75,000.00	Cuyahoga
335. James Thomas Patnode	1	Unearned Fee	\$360.00	Lake
336. Brent Paul Patterson	1	Unearned Fee	\$1,000.00	Franklin
337. Craig William Patton	1	Unearned Fee	\$11,000.00	Cuyahoga
338. Randall William Pees	1	Settlement Theft	\$8,076.10	Franklin
339. Paul Nickolas Peterson	1	Fiduciary	\$67,500.00	Geauga
340. Thomas Ewing Phillips	2	Unearned Fee	\$303.50	Ross
341. Francis Michael Pignatelli	1	Unearned Fee	\$750.00	Summit
342. Diane Yvette Politi	5	Unearned Fee	\$12,765.00	Mahoning
343. Dennis Jerome Polke	3	Unearned Fee	\$10,800.00	Cuyahoga
344. Robert Jordan Potter	2	Settlement Theft	\$17,916.36	Lucas
345. Byron Lee Potts	3	Unearned Fee	\$6,580.79	Franklin
346. Dominic Joseph Potts	1	Settlement Theft	\$25,000.00	Jefferson
347. William Thomas Powell	3	Unearned Fee	\$625.00	Ashtabula
348. Laurence James Rab	1	Unearned Fee	\$575.00	Montgomery
349. Joseph F. Rafidi	3	Unearned Fee	\$7,650.00	Mahoning
350. William McKinley Randle	1	Estate	\$650.00	Cuyahoga
351. Rebecca Anne Rea	5	Unearned Fee	\$10,803.25	Stark
352. Frank K. Reber	1	Fiduciary	\$60,429.12	Marion
353. Ronald Elsworth Reichard	2	Trust	\$30,287.02	Miami
354. Paul Raymond Reiners	1	Unearned Fee	\$2,000.00	Stark
355. Margaret Anne Reis	2	Unearned Fee	\$1,250.00	Hamilton
356. Rockford Howard Richardson	1	Unearned Fee	\$500.00	Perry
357. David Riebel	1	Unearned Fee	\$8,000.00	Out-of-State
358. Edward George Rinderknecht	1	Settlement Theft	\$10,910.21	Lorain

## OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986 CONT.

Attorney	Awards	Claim Type	Awarded	County
359. John Edward Rockel	3	Estate/Unearned Fee	\$102,000.00	Hamilton
360. Jonathan Samuel Rocker	1	Escrow	\$25,000.00	Cuyahoga
361. Les Evan Rockmael	19	Unearned Fee	\$159,394.25	Cuyahoga
362. Thomas George Rockman	1	Unearned Fee	\$4,300.00	Cuyahoga
363. John Joseph Roddy, Jr.	2	Unearned Fee	\$1,555.00	Cuyahoga
364. Myers Rollins, Jr.	1	Unearned Fee	\$875.00	Cuyahoga
365. Michael Anthony Ross	2	Settlement Theft	\$68,054.72	Lorain
366. Christian Dean Rothermel	1	Fiduciary	\$13,000.00	Butler
367. Corey James Rubino	1	Unearned Fee	\$300.00	Cuyahoga
368. Walter Herman Rubinstein	7	Unearned Fee	\$5,540.00	Cuyahoga
369. Michael Scott Russell	7	Unearned Fee	\$4,805.00	Stark
370. Carmen Joseph Russo	10	Settlement Theft	\$16,869.44	Cuyahoga
371. Terence Lee Ryan	4	Escrow/Estate	\$50,193.71	Franklin
372. Brett Mark Sabroff	1	Settlement Theft	\$3,000.00	Cuyahoga
373. Robert Harold Sack	1	Unearned Fee	\$175.00	Hamilton
374. Burt Henry Sagen	1	Estate	\$25,000.00	Cuyahoga
375. William Sams	1	Unearned Fee	\$550.00	Montgomery
376. Daniel Joseph Sanders	7	Unearned Fee	\$5,773.00	Lucas
377. Thomas Frank Sands	3	Settlement Theft	\$25,348.37	Muskingum
378. Craig William Saunders	1	Unearned Fee	\$1,500.00	Montgomery
379. Kenneth Thomas Schachleiter	1	Estate	\$50,000.00	Hamilton
380. John Michael Schafer	1	Unearned Fee	\$250.00	Franklin
381. William Walter Scheub	5	Escrow/Estate	\$16,647.45	Summit
382. Glenn Michael Schiller	6	Unearned Fee	\$5,148.00	Stark
383. Mark Dennis Schnitkey	1	Unearned Fee	\$1,228.00	Henry
384. Elroy Hugh Schofield	1	Estate	\$849.50	Hamilton
385. Allen Schwartz	9	Estate	\$374,224.86	Hamilton
386. Sander Schwartz	1	Unearned Fee	\$300.00	Cuyahoga
387. Renee B. Scott-Chestang	8	Fiduciary/Unearned Fee	\$14,078.70	Cuyahoga
388. Ronald Howard Sebree	1	Unearned Fee	\$500.00	Franklin
389. William Frederick Seebohm	2	Estate	\$25,000.00	Hamilton
390. Robert Leroy Seeley	2	Estate	\$86,454.18	Montgomery
391. Lawrence Joseph Seidita	1	Fiduciary	\$4,143.25	Mahoning
392. Robert Bruce Selnick	9	Escrow	\$27,092.00	Hamilton
393. Douglas Ray Sexton	3	Unearned Fee	\$6,758.00	Richland
394. Michael Shafran	46	Unearned Fee	\$323,413.42	Summit
395. Theodore Roberts Shaman, Jr.	2	Escrow	\$32,203.07	Montgomery
396. Kenneth Norman Shaw	1	Theft by Deception	\$12,250.00	Trumbull
397. Gregory Alan Shell	3	Unearned Fee	\$2,600.00	Huron

Attorney	Awards	Claim Type	Awarded	County
398. Andrew Fraser Siehl	1	Unearned Fee	\$2,500.00	Preble
399. Herschel Murray Sigall	27	Unearned Fee	\$44,556.00	Franklin
400. Perry Raynard Silverman	17	Estate/Fiduciary/Settlement Theft	\$647,583.43	Delaware
401. Nathan Simon	1	Escrow	\$10,000.00	Cuyahoga
402. Mark Michael Simonelli	1	Unearned Fee	\$220.00	Lake
403. Eric William Slack	5	Settlement Theft	\$39,565.17	Lucas
404. John Wesley Slagle	2	Fiduciary/Settlement Theft	\$76,500.00	Highland
405. Justin Martus Smith	1	Unearned Fee	\$7,378.46	Cuyahoga
406. Rene' Darlene Smith	4	Unearned Fee	\$2,500.00	Cuyahoga
407. Richard Ford Smith, Jr.	8	Unearned Fee	\$4,889.00	Cuyahoga
408. Lawrence Robert Smith	11	Unearned Fee	\$49,416.67	Summit
409. Donald Eugene Smith	1	Fiduciary	\$75,000.00	Richland
410. Cynthia Darlene Smith	9	Fiduciary/Unearned Fee	\$52,163.30	Cuyahoga
411. Daniel Scott Smith	27	Unearned Fee	\$34,124.00	Franklin
412. Charles Eddie Smith	12	Unearned Fee	\$16,154.00	Franklin
413. Thomas Lynn Smith	5	Escrow	\$104,214.20	Allen
414. Patrick Kent Smith	2	Fiduciary	\$77,885.18	Montgomery
415. Scott Walter Snyder	1	Settlement Theft	\$1,352.46	Summit
416. Michael Paul Socha	1	Estate	\$50,000.00	Cuyahoga
417. Eric Steven Solowitch	1	Escrow	\$25,000.00	Cuyahoga
418. David Kent Speaker	1	Other	\$50,000.00	Cuyahoga
419. Robert Stuart Spector	1	Unearned Fee	\$320.00	Cuyahoga
420. Scott W. Spencer	3	Unearned Fee	\$2,302.08	Franklin
421. Richard Fisher Spencer, Jr.	1	Unearned Fee	\$15,000.00	Hamilton
422. Ross Frederick Sprague	2	Unearned Fee	\$750.00	Cuyahoga
423. Cedric Arthur Stanley	1	Unearned Fee	\$5,000.00	Warren
424. Christopher Danahy Stanley	7	Unearned Fee	\$14,100.00	Cuyahoga
425. Howard Thomas Sterling	1	Unearned Fee	\$749.00	Cuyahoga
426. James Michael Sterner	6	Unearned Fee	\$58,530.17	Franklin
427. Ronald John Stidham	1	Unearned Fee	\$200.00	Cuyahoga
428. Chuck Ray Stidham	5	Estate/Unearned Fee	\$16,635.00	Hamilton
429. Curtis Perry Stranathan	1	Unearned Fee	\$500.00	Cuyahoga
430. Chris Meade Streifender	3	Escrow	\$50,500.00	Franklin
431. Kathleen Warrington Striggow	8	Settlement Theft	\$105,475.34	Wood
432. Albert Strobel	25	Unearned Fee	\$19,060.54	Mahoning
433. SaKeya MonCheree Stubbs	1	Unearned Fee	\$1,150.00	Franklin
434. Edward Francis Sturgeon	2	Unearned Fee	\$2,500.00	Mahoning
435. Robert Lee Summers	2	Unearned Fee	\$180.00	Cuyahoga
436. Albert Frederick Swartz	1	Estate	\$54,261.38	Trumbull
437. Charles Irving Swartz	2	Unearned Fee	\$800.00	Trumbull
438. John Thomas Sweeney	12	Escrow	\$55,974.51	Cuyahoga

## OHIO LAWYERS INVOLVED IN AWARDS SINCE 1986 CONT.

Attorney	Awards	Claim Type	Awarded	County
439. James David Thomas	1	Fiduciary	\$55,873.77	Franklin
440. Daniel Thomas Todt	3	Unearned Fee	\$56,000.00	Cuyahoga
441. Rebecca Louise Todt	3	Unearned Fee	\$56,000.00	Cuyahoga
442. Mary Ann Torian	11	Unearned Fee	\$42,500.00	Franklin
443. Randall Charles Treneff	2	Unearned Fee	\$3,750.00	Franklin
444. Bartley John Troy	1	Unearned Fee	\$500.00	Cuyahoga
445. Kimberlee-Joy Trumbo	1	Unearned Fee	\$883.00	Cuyahoga
446. Deborah Ann Tyack	3	Unearned Fee	\$5,500.00	Franklin
447. Mell Gilbert Underwood, Jr.	1	Estate	\$1,000.00	Perry
448. Joseph Stephen Vala	3	Unearned Fee	\$1,180.00	Cuyahoga
449. Darrell Vernon Van Horn, Jr.	3	Fiduciary/Settlement Theft/ Unearned Fee	\$54,515.82	Lucas
450. Jeffrey Thomas Vild	3	Unearned Fee	\$1,170.00	Lucas
451. Jack Patrick Viren, Jr.	2	Unearned Fee	\$600.00	Lucas
452. John William Vitullo	1	Unearned Fee	\$2,602.50	Cuyahoga
453. Charles Edward Wagner	3	Unearned Fee	\$2,300.00	Cuyahoga
454. Thomas Bernard Walker	5	Estate/Unearned Fee	\$32,648.00	Hamilton
455. Braden Edwin Wallace	1	Unearned Fee	\$746.00	Lucas
456. John Thomas Waller	1	Unearned Fee	\$1,135.00	Summit
457. Herbert Vincent Walsh	7	Fiduciary/Unearned Fee	\$41,983.25	Butler
458. Margaret Anne Walter	1	Escrow	\$28,000.00	Ottawa
459. Victor Wangul	1	Estate	\$25,000.00	Cuyahoga
460. William Terry Washington	2	Unearned Fee	\$6,544.00	Montgomery
461. Dale Harriet Washington	2	Unearned Fee	\$1,075.00	Cuyahoga
462. Timothy William Watkins	2	Unearned Fee	\$1,515.00	Stark
463. Martin Luther Watson, IV	6	Unearned Fee	\$5,100.00	Hamilton
464. Michael Troy Watson	5	Trust/Unearned Fee	\$5,800.00	Cuyahoga
465. Tim M. Watterson	1	Fiduciary	\$2,500.00	Stark
466. Paul Marion Weaver, III	1	Unearned Fee	\$750.00	Hamilton
467. David Claude Weick	2	Unearned Fee	\$1,250.00	Summit
468. Richard Lee Weiner	9	Unearned Fee	\$1,685.00	Cuyahoga
469. David Lee White, II	1	Escrow	\$750.00	Morgan
470. David Otto White	3	Escrow/Estate	\$29,530.64	Clark
471. James Cullen Williams	1	Unearned Fee	\$1,000.00	Cuyahoga
472. Lawrence Edward Winkfield	1	Other	\$1,800.00	Franklin
473. David Birch Wirsching, Jr.	2	Theft by Deception/ Unearned Fee	\$6,882.53	Summit
474. Gerald Patrick Wolfe, II	1	Unearned Fee	\$1,331.25	Franklin
475. Carl Thompson Wolfrom	6	Unearned Fee	\$24,600.00	Franklin
476. Roger Allen Wood	1	Other	\$1,600.00	Lucas
477. Leonard Young	6	Estate/Unearned Fee	\$27,892.61	Cuyahoga
478. Michael Lee Zaremsky	5	Unearned Fee	\$6,549.00	Cuyahoga

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Attorney	Awards	Claim Type	Awarded	County
479. Steven Earl Zigan	7	Fiduciary/Unearned Fee	\$16,980.00	Fairfield
480. Marcus Anthony Zolnier	1	Escrow	\$25,000.00	Franklin
481. Dale Paul Zucker	2	Fiduciary/Theft by Deception	\$54,383.18	Cuyahoga
482. Robert William Zumstein	1	Trust	\$199.34	Franklin



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## APPENDIX B

### CLIENTS' SECURITY FUND APPLICATION FOR REIMBURSEMENT

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

Janet Green Marbley  
*Administrator*

Jerome Phillips  
*Chairman*

Maureen O'Connor  
*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.

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- 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



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## APPENDIX C

### SUPREME COURT OF OHIO RULES FOR THE GOVERNMENT OF THE BAR RULE VIII - CLIENTS' SECURITY FUND

#### **Section 1. Establishment of Fund**

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

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

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

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

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

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

- (1) Investigate applications by claimants for disbursement from the fund;
- (2) Conduct hearings relative to claims;
- (3) Authorize and establish the amount of disbursements from the fund in accordance with this rule;
- (4) Adopt rules of procedure and prescribe forms not inconsistent with this rule.

(D) Powers of the Chair.

- (1) The chair of the Board shall be the trustee of the fund and shall hold, manage, disburse, and invest the fund, or any portion of the fund, in a manner consistent with the effective administration of this rule. All investments shall be made by the chair upon the approval of a majority of the Board. Investments shall be limited to short-term insured obligations of the United States government. Deposits at interest in federally insured banks or federally insured savings and loan institutions located in the state of Ohio,

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and no-front-end-load money market mutual funds consisting exclusively of direct obligations of the United States Treasury, and repurchase agreements relating to direct Treasury obligations, with the interest or other income on investments becoming part of the fund. Annually and at additional times as the Supreme Court may order, the chair shall file with the Supreme Court a written report reviewing in detail the administration of the fund during the year. The fund shall be audited biennially by the Auditor of State at the same time as the Supreme Court's regular biennial audit. The Supreme Court may order an additional audit at any time, certified by a certified public accountant licensed to practice in Ohio. Audit reports shall be filed with the Board, which shall send a copy to the Supreme Court. The report shall be open to public inspection at the offices of the Board.

- (2) The chair and vice-chair of the Board shall file a bond annually with the Supreme Court in an amount fixed by the Supreme Court.
- (3) The chair of the Board shall have the power and duty to render decisions on procedural matters presented by the Board and call additional meetings of the Board when necessary.
- (4) The vice-chair of the Board shall exercise the duties of the chair during any absence or incapacity of the chair.

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

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

**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

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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.

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

**Section 7. Claims Procedure.**

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

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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;

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- (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

## FORMER COMMISSIONERS CLIENTS' SECURITY FUND OF OHIO



	TERM
Luis M. Alcalde	2003-2008
Benjamin F. Barrett Sr.	1998-2000
Hon. Patricia Ann Blackmon	2004-2009
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
Kenneth R. Donchatz	2005-2010
Robert W. Everett	2003-2006
Mary Ellen Fairfield	1990-1991
George Gerken	1985-1991
Laneta Goings	1995-1999
John J. Grady	1985-1989
Edward G. Hack	2004-2009
Francis a. Herzog	1985-1989
Thomas A. Heydinger	1989-1994
E. James Hopple	1996-2001
Donna James	1991-1995
David Kamp	1992-1997
Hon. Richard H. Koehler	1985-1990
David P. Lyons	2002-2004
Keith McNamara	1985-1989
Fred E. Morr	1990-1995
William S. Newcomb Jr.	2002-2007
Jerome Phillips	1998-2003
Gordon L. Rose	1991-1996
Brian G. Selden	2003-2004
Diane Smilanick	2001-2006
Natalie Wester	1997-2002
Henry Young	1985-1988
John W. Zeiger	1995-1997

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