

FILE NO. ADM10-8005

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition to Amend the
Rules of the Minnesota
Client Security Board

**PETITION TO AMEND THE
RULES OF THE MINNESOTA
CLIENT SECURITY BOARD**

TO: THE HONORABLE JUSTICES OF THE SUPREME COURT OF THE
STATE OF MINNESOTA:

Petitioner Client Security Board (CSB) respectfully submits for the Court's consideration revisions to the Rules of the Minnesota Client Security Board (RMCSB). The recommended changes can be found in Attachment A.

In support of this petition, the CSB states the following:

1. Petitioner is a board established by this Court to investigate and pay eligible claims against lawyers whose dishonest conduct has caused a loss of property or money to a client.
2. This Court has the inherent authority, expressly recognized by the Minnesota Legislature, to administer justice and adopt rules and procedures regarding administration of the Client Security Fund. *See* Minn. Stat. §§ 480.05 and 481.20.
3. This Court has adopted the RMCSB to establish standards for administering the Client Security Fund.
4. The RMCSB have not been materially amended since their original adoption.

5. As part of its duties to administer the Fund, the Board has undertaken a review of its rules, and recommends certain revisions. Some of the rules are housekeeping only, but others are substantive in nature. For those that are substantive, the Board provides the following explanation for the recommended changes:

6. The recommended changes to Rule 1.02, RMCSB, are non-substantive.

7. The recommended change to Rule 2.01, RMCSB, makes clear that the fiduciary relationship must arise from an attorney-client relationship to qualify for reimbursement from the Fund. For example, if a lawyer steals money as a trustee of a trust the lawyer drafted for the client, the client could submit a claim for reimbursement. However, if a lawyer acting in a non-attorney role is appointed trustee and steals money from the trust, such an act would not arise from an attorney-client relationship and would be outside the scope of the type of claims the Fund is designed to reimburse.

8. The recommended changes to Rule 2.04, RMCSB, incorporate changes to Rules of the Supreme Court on Lawyer Registration regarding the grace period before suspension for failure to pay annual registration fees.

9. The recommended changes to Rule 3.01, RMCSB, move the language to be stricken to Rule 3.15, where it seemed to fit better.

10. The recommended changes to Rules 3.02, RMCSB, are substantive and are designed to expand eligibility for claims. The need for changes to this rule is what prompted the Board to take action to review the rules. The comments adjacent to the recommended change, state the rationale for the change, but in general, the purposes of the rule changes are to: (1) clarify that a claimant does not need to be a client (although the loss still must arise from an attorney-client relationship in Minnesota), but rather could be someone who paid

the fee on behalf of a client, a circumstance that the Board sees frequently; (2) eliminate the requirement that claimants exhaust remedies such as filing suit before submitting a claim given the burden on claimants who are already victims of lawyer misconduct (a circumstance that the Board has frequently waived in considering claims); and (3) extend the period of time from three to five years to present claims in keeping with the timeline recommended by the ABA Model Rules for Lawyers' Funds for Client Protection.

11. In the Board's experience reviewing claims, the above recommended changes are unlikely to materially increase the number of claims that are paid by the Board, but rather will align current discretionary practices with the text of the rules.

12. The recommended change to Rule 3.03, RMCSB, is consistent with the change that a claimant need not be a client, but could be someone who paid money on behalf of a client, meaning both the claimant and client would have a filing privilege for statements made as part of filing a claim.

13. The recommended change to Rule 3.04, RMCSB, allows the Director to screen out duplicative claims without requiring such claims be provided to a lawyer, and requiring a response from the lawyer. This rule change codifies a policy adopted by the Board.

14. The recommended change to Rule 3.05, RMCSB, aligns with the new title to Rule 3.02, RMCSB, describing "eligible" claims.

15. The recommended changes to Rule 3.10, RMCSB, take into consideration that the Office more regularly advises claimants of their rights to seek relief from the CSB, but does not require consideration of such claims before any disciplinary action is completed.

16. The recommended changes to Rule 3.14, RMCSB, make clear the factors that the Board may consider in whether, and to what extent, to pay a

claim, even when eligible, but also clearly sets a total cap on any claim at \$150,000, notwithstanding any discretion reserved to Board members. The current \$150,000 per claim limit is generous when compared to limits around the country and the Board was not comfortable with discretion that allowed it to exceed \$150,000 per claim.

17. Similarly, Rule 3.15, RMCSB, makes clear the right of the Board to deny a claim in its discretion, which also includes the right to pay a portion of a claim.

18. The recommended changes to Rule 3.16, RMCSB, make clear that decisions of the Board are non-appealable and are final after reconsideration, if reconsideration is requested.

19. The recommended change at Rule 3.19, RMCSB, is a new addition, adopted from the ABA Model Rules, to limit attorney-fee compensation for filing CSB claims to amounts approved by the Board. The claims process is designed to be claimant-friendly and CSB staff work with claimants to gather documents and consider all basis for whether a claim may be payable under the rules, thus, obviating in most if not all cases the need for assistance of counsel. Because of the nature of the claim—theft by prior counsel—eligible claimants should be able to recover the full extent of their loss without the need to incur additional attorney's fees, which are not compensable as a loss under the rules. Although the Board gave consideration to prohibiting attorney fees in their entirety in this context, the Board determined that notice and ability to approve or disapprove such fees allowed flexibility to consider fees in an appropriate case.

20. The recommended change at Rule 3.20, RMCSB, adds a new definition section. Claimant is now a defined term, making clear that an individual who pays money or property to the lawyer on behalf of a client is an eligible claimant without extending standing to third-party beneficiaries. The

remaining two defined terms—dishonest conduct and loss have the same meaning as always.

21. The Board has consulted with the Professional Regulation Committee of the Minnesota State Bar Association regarding these amendments. At its meeting in September 2022, the members of the committee reviewed the proposed changes and made recommended edits, which were considered by the Board. The Board also posted the recommended changes to its website, seeking comment, and provided a copy of the proposed amendments to the Lawyers Professional Responsibility Board Rules and Opinions Committee.

Based upon the foregoing, petitioner respectfully requests this Court amend the Rules of the Minnesota Client Security Board, as set forth in Attachment A.

Dated: April 21, 2023.

Respectfully submitted,

CLIENT SECURITY BOARD

By /s/ Paul J. Lehman

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RULES OF THE MINNESOTA CLIENT SECURITY BOARD

Effective July 1, 1987

Including Amendments Received Through
February 25, 2020

I. RULES GOVERNING THE CLIENT SECURITY BOARD

Rule

- 1.01 Membership of the Board.
- 1.02 Terms of Office.
- 1.03 Reimbursement.
- 1.04 Meetings.
- 1.05 Immunity.
- 1.06 Duties of the Board.
- 1.07 Conflict of Interest.
- 1.08 Duties of the Director.
- 1.09 Confidentiality.
- 1.10 Annual Report.

II. RULES GOVERNING THE FUND

- 2.01 Establishment of the Fund.
- 2.02 Financing.
- 2.03 Ordering, Reinstatement and Cancellation of Assessments.
- 2.04 Failure to Pay Assessment.

III. RULES GOVERNING THE CLAIM PROCESS

Rule

- 3.01 Claims Payment Discretionary.
- 3.02 Filing Claims.
- 3.03 Privileged Complaints.
- 3.04 Screening Claims.
- 3.05 Claim Investigation.
- 3.06 Rights of Lawyer Subject to Claim.
- 3.07 Lawyer Cooperation.
- 3.08 Subpoena.
- 3.09 Jurisdiction.
- 3.10 Action After Investigation.
- 3.11 Panels.
- 3.12 Request for Hearing.
- 3.13 Hearing.
- 3.14 Determination.
- 3.15 Denial.
- 3.16 Reconsideration.
- 3.17 Subrogation.
- 3.18 Notification of Claim Paid.
- 3.19 [Deleted.]

IV. RULE GOVERNING EDUCATION

- 4.01 Education.

I. RULES GOVERNING THE CLIENT SECURITY BOARD

RULE 1.01 MEMBERSHIP OF THE BOARD

The Supreme Court shall appoint seven members to the Client Security Board. Five shall be lawyers actively practicing in the state, three of whom shall be nominees of

the Minnesota State Bar Association, and two shall be public members. The Board shall elect a Chair from its members.

RULE 1.02 TERMS OF OFFICE

~~Two members of the Board shall be appointed for one year, two members for two years and three members for three years, and thereafter.~~ Appointments shall be for three-year terms. The Terms of public members shall be staggered. Any vacancy on the Board shall be filled by appointment of the Supreme Court for the unexpired term. No member may serve more than two consecutive three-year terms, in addition to any additional shorter term for which the person was originally appointed.

Commented [H51]: Clean up only; non-substantive

RULE 1.03 REIMBURSEMENT

Members shall serve without compensation, but shall be paid their regular and necessary expenses.

RULE 1.04 MEETINGS

The Board shall meet at least annually, and at other times as scheduled by the Chair. A quorum shall consist of four members.

RULE 1.05 IMMUNITY

The Board and its staff are absolutely immune from civil liability for all acts in the course of their official duties.

RULE 1.06 DUTIES OF THE BOARD

The Board is authorized:

- a. To administer and operate the Minnesota Client Security Fund, pursuant to statutes, court rules and internal procedures;
- b. To make final determinations on disbursement from the Fund;
- c. To recommend to the Supreme Court limits for the amount payable per claim against the Fund, and for total reimbursement for claims arising from one lawyer's misconduct;
- d. To undertake investigation of claims, coordinating with the Office of Lawyers Professional Responsibility;
- e. To recommend to the Supreme Court means available to cover extraordinary losses in excess of the assets of the Fund;

- f. To annually establish an administrative budget which may be paid from the Fund;
- g. To enforce subrogation and lien rights of the Fund;
- h. To sue in the name of the Fund for restitution of payments made pursuant to claims;
- i. To cooperate in educational activities for theft prevention and risk management, and for remedial services for problem lawyers;
- j. To certify the financial condition of the Fund;
- k. To employ and compensate consultants, legal counsel and employees;
- l. To adopt internal rules of procedure not inconsistent with these rules, and make recommendations to the Supreme Court on rule changes.

RULE 1.07 CONFLICT OF INTEREST

- a. A member of the Board who has or had a lawyer-client relationship or financial relationship with a claimant or the lawyer subject to the claim shall not participate in the investigation or adjudication of the matter.
- b. A member of the Board who is a member or of counsel in the same law firm or company as the lawyer subject to the claim shall not participate in the matter.

RULE 1.08 DUTIES OF THE DIRECTOR

The Board may recommend to the Supreme Court a Director, who shall serve at the pleasure of the Court, to perform duties assigned to the Board, including but not limited to:

- a. Screening claims, coordinating investigations with the Lawyers Professional Responsibility Board, and presenting claims at Board hearings;
- b. Coordinating enforcement of liens, restitution and subrogation rights of the Fund;
- c. Maintaining records of the Board, suitable for audit of the Fund;
- d. Keeping current on legal and procedural developments of the client security funds in other states;

- e. Performing other duties as assigned by the Board.

RULE 1.09 CONFIDENTIALITY

Claims, proceedings, records, and reports involving claims for reimbursement are confidential except as provided below.

a. After authorization of the reimbursement, the Board shall publicize the nature of the claim, the amount of reimbursement and the name of the lawyer. The name and the address of the claimant shall not be publicized by the Board unless specific permission has been granted by the claimant.

b. This Rule shall not be construed to deny access to relevant information by professional disciplinary, law enforcement, or client security agencies in furtherance of their duties. The Board may also use such relevant information as is necessary to pursue subrogation rights pursuant to Rule 3.17.

c. Statistical information such as the number of claims presented to the Board, the number and amount of claims paid, the restitution collected from each attorney, the subrogation lawsuits filed, and the amount in the Fund shall be public information.

RULE 1.10 ANNUAL REPORT

At least once a year and at such other times as the Supreme Court may order, the Board shall file with the Court a written report reviewing in detail the administration of the Fund, its operation, its assets and liabilities.

II. RULES GOVERNING THE FUND

RULE 2.01 ESTABLISHMENT OF THE FUND

There is created a Minnesota Client Security Fund to aid those persons directly injured by the dishonest conduct of any lawyer during an attorney-client or a fiduciary relationship arising out of an attorney-client relationship.

RULE 2.02 FINANCING

The Fund shall be financed from:

- a. Lawyer restitution and subrogation for claims paid;
- b. Gifts and contributions;
- c. Upon order of the Supreme Court, assessments of licensed lawyers.

Commented [HS2]: Added to make clear that claims arising only from a fiduciary relationship, like serving as a trustee, unrelated to performing legal services, are not covered by the Fund, consistent with the requirement that eligible claims need to arise from an attorney-client relationship.

RULE 2.03 ORDERING, REINSTATEMENT AND CANCELLATION OF ASSESSMENTS

The Supreme Court may order, reinstate or cancel the collection of assessments after review of the financial condition of the Fund certified by the Client Security Board in its annual report.

RULE 2.04 FAILURE TO PAY ASSESSMENT

Upon failure to pay the assessment when due, the lawyer's right to practice law in the state shall be ~~automatically~~ suspended as provided in Rule 14 of the Rules of the Supreme Court on Lawyer Registration.

Commented [HS3]: Since no longer automatic on day 1 after due, incorporating by reference the relevant rule.

RULE 2.05 DISBURSEMENTS FROM THE FUND

- a. Upon written authorization of the Board, claims may be paid from the Fund.
- b. The Board shall annually prepare an administrative budget to be approved by the Supreme Court, from which the Board may pay necessary expenses.
- c. The Fund shall be invested as provided by law.

III. RULES GOVERNING THE CLAIM PROCESS

RULE 3.01 CLAIMS PAYMENT DISCRETIONARY

Reimbursements of losses by the Board are discretionary, and not a matter of right. ~~No person shall have a right in the Fund as a third party beneficiary or otherwise either before or after allowance of a claim.~~

Commented [HS4]: This sentence moved to Rule 3.15 where it seems to fit better.

RULE 3.02 ~~FILING~~ ELIGIBLE CLAIMS

The Board shall consider a claim filed on forms provided by the Board. A claim is eligible for consideration, based upon the definitions provided in Rule 3.20, if:

Commented [HS5]: Consideration of this section prompted the Board to consider rule changes. Although the Board has used its discretion to determine eligibility of claims without requiring claimants to exhaust other remedies, the Board wanted to make this clear consistent with the point of the rules to not place a lot of hurdles in the path of claimants who are determined to be the victims of dishonest conduct of a lawyer.

a. The claimant experienced a loss of money or property, excluding loss of profit, consequential damages, interest, and costs of recovery; and

Commented [HS6]: For ease of reference, the Board wanted to establish a definition section and to avoid changing all rule numbers, inserted definitions at the end.

b. The loss ~~of the claimant~~ arose out of and during the course of a lawyer-client relationship of a matter in this state, or a fiduciary relationship between the lawyer and the ~~client claimant~~ which arose out of a lawyer-client relationship in this state; and

Commented [HS7]: The Board decided to address the required relationship between claimant and client, as the Board frequently sees claims from those who pay for the legal services, who may not be the client but still wanted to maintain the requirement that the loss arise from a lawyer client relationship in the state.

Commented [HS8]: The Board considered but declined to extend to losses caused by a Minnesota licensed lawyers, no matter where they occur, so it should be noted that this might leave a gap in remedies.

c. The loss was caused by the dishonest conduct of the lawyer and the claim was not based on negligence; and

d. ~~There is no reasonably available collateral source for reimbursement to the claimant, such as insurance, surety, bond, or some other fund; and~~

e. ~~Reasonable efforts have been made by the claimant to exhaust administrative and civil remedies; and~~

f. The lawyer was licensed to practice law in this state at the time of the misconduct or was licensed within three years prior to the misconduct; and

g. Less than ~~five-three~~ years have elapsed between the filing of the claim and the date the claimant knew or should have known of the dishonest conduct; ~~and~~

h. ~~The dishonest conduct occurred on or after January 1, 1964.~~

i. ~~As used in these Rules, "dishonest conduct" means wrongful acts committed by a lawyer in the nature of theft or embezzlement of money or the wrongful taking or conversion of money, property or other things of value, including but not limited to:~~

(1) ~~Refusal or failure to refund an advance fee when the lawyer performed no work whatever, or an insignificant portion of the services that he or she agreed to perform. All other instances of a lawyer failing to return an unearned fee or the disputed portion of a fee are outside the scope of the Fund.~~

(2) ~~Obtaining money or property from a client representing that it was to be used for investment purposes when no such investment was made. The failure of an investment to perform as represented to, or anticipated by, the applicant is outside the scope of the Fund.~~

j. ~~For purposes of these Rules, including but not limited to those acts set out in Rule 3.02(i), all payments made by the lawyer to the client following the dishonest conduct, however denominated by the lawyer, shall be treated as restitution of principal.~~

RULE 3.03 PRIVILEGED COMPLAINTS

A claim filed pursuant to these Rules is absolutely privileged and may not serve as a basis for liability in any civil lawsuit brought against the claimant or client.

RULE 3.04 SCREENING CLAIMS

Commented [HS9]: Adopting the model rule time limit. ABA Rule 10(b).

Commented [HS10]: Moved to definition section

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The Chair shall designate a Board member or the Director to screen a claim and to advise the lawyer named in the claim that ~~he~~ the lawyer has 20 days to respond to the Board in writing. The lawyer shall receive a copy of the claim, by first class mail sent to the lawyer's last known address. Duplicative claims may be screened out by the Director, who shall report such screening at the next meeting of the Board.

RULE 3.05 CLAIM INVESTIGATION

If a claim is ~~eligible~~ ~~sufficient~~, the Director shall promptly request the Office of Lawyers Professional Responsibility to furnish a report on any investigation matter.

RULE 3.06 RIGHTS OF LAWYER SUBJECT TO CLAIM

A lawyer subject to a claim shall be entitled to receive a copy of the claim, to respond to the claim in writing to the Board, and to request an evidentiary hearing as provided by Rule 3.12.

RULE 3.07 LAWYER COOPERATION

It shall be the duty of a lawyer subject to a claim to cooperate and comply with the reasonable requests of the Board and the Board's investigator by furnishing papers, documents or objects, providing a full written explanation, and appearing at conferences and hearings. The lawyer's failure to respond or cooperate may be reported to the Office of Lawyers Professional Responsibility for possible discipline under this rule.

RULE 3.08 SUBPOENA

With the approval of the Board Chair, the Director may subpoena and take testimony of any person believed to possess information concerning a claim.

RULE 3.09 JURISDICTION

The district court of Ramsey County shall have jurisdiction over issuance of subpoenas and over motions arising from the investigation of a claim.

RULE 3.10 ACTION AFTER INVESTIGATION

No later than 120 days from the conclusion of any disciplinary actions, if applicable, date of the notification to the Office of Lawyers Professional Responsibility, whether or not the Director has received a report from the Lawyers Professional Responsibility Board, the Chair shall determine whether additional investigation should be conducted, a hearing should be held, or a determination may be immediately rendered.

RULE 3.11 PANELS

The Chair may divide the Board into panels, each consisting of not less than three Board members and at least one of whom is a nonlawyer, and shall designate a Chair for each panel. A panel may be assigned to consider a matter and make a recommendation to the entire Board, or may conduct a hearing under Rule 3.12 in lieu of a hearing before the entire Board.

RULE 3.12 REQUEST FOR HEARING

If the claimant or the lawyer subject to the claim requests an evidentiary hearing, the Chair may order such a hearing, defer the matter for further investigation or until any proceedings of the Lawyers Professional Responsibility Board have been completed, or deny the request.

RULE 3.13 HEARING

If an evidentiary hearing under Rule 3.12 is ordered, both the claimant and the lawyer and their representatives may appear. The hearing shall be recorded and preserved for five years.

RULE 3.14 DETERMINATION

- a. Payment of a claim from the Fund shall be made only on affirmative vote of four members.
- b. In determining whether to pay a claim and the amount of any payment, the Board may consider:
 - (1) Monies available and likely to become available to the Fund for payment of claims;
 - (2) Size and number of claims presented and likely to be presented in the future;
 - (3) The amount of a claimant's loss compared with losses sustained by others;
 - (4) The comparative hardship suffered by a claimant because of a loss;
 - (5) The total amount of losses caused by the dishonest conduct of any one lawyer;
 - (6) The culpability or negligence of the claimant contributing to the loss;

(7) The extent to which there is a collateral source for reimbursement to the claimant, such as insurance, surety, bond, or some other state's fund;

(8) The effort made by the claimant to exhaust administrative and civil remedies and the reasonableness of those efforts; and

(9) Other factors as appear to be just and proper.

c. In cases of extreme hardship or special and unusual circumstances, the Board may, in its discretion and consistent with the purpose of the Fund, recognize a claim that would otherwise be excluded under these Rules.

Commented [HS11]: In keeping with the purpose of the Fund, the Board wanted to note its discretion, but also decided that it did not want to authorize amounts over \$150,000, as this is already a generous cap.

d. The maximum amount that may be paid to any claimant for a single claim is \$150,000. ~~In exceptional circumstances, the Board may allow a greater or lesser amount based on the factors set forth in subdivision (b) of this rule.~~

e. The Board may, in its discretion, award interest on any award at the rate of interest payable under Minnesota § 549.049 from the date of filing the claim. In determining the amount of interest, if any, the Board may consider:

- (1) The length of time between filing the claim and its disposition;
- (2) The existence of third-party litigation; and
- (3) Other factors outside the control of the Board.

RULE 3.15 DENIAL

~~If the Board determines that the criteria of Rule 3.02 have not been met, the Board may deny the claim. The Board may, in its discretion, deny any claim. No person shall have the legal right to reimbursement from the Fund.~~ The Board may authorize payment of that portion of a claim proved, although the entire amount of a claim is undetermined. The Board may defer payment of a claim in order to await completion of investigations of related claims, or for payment in subsequent fiscal years. The claimant and the lawyer shall be notified in writing of the Board's determination.

Commented [HS12]: To be consistent, the Board wanted to ensure discretion relates to both approval and denial.

RULE 3.16 RECONSIDERATION

If a claim has been reduced or denied by the Board, a claimant may request reconsideration of the determination within 30 days by submitting a written request to the Board. A claimant may not seek reconsideration if the full claim is allowed but a lesser amount has been authorized for payment under Rule 3.14(b) or (de), or on the

basis that the Board did not award interest under Rule 3.14(ee). Decisions of the Board upon reconsideration are final. There shall be no appeal from a final decision of the Board.

Commented [HS13]: Making explicit what has always been true.

RULE 3.17 SUBROGATION

A claim paid pursuant to these Rules shall be repaid to the Fund by the lawyer. The Board shall obtain a subrogation agreement from the claimant. The Board may bring an action against the lawyer, the lawyer’s assets, the lawyer’s estate, the lawyer’s law firm or partner(s) or any other person(s) or entities against which subrogation rights may be enforced, or may file liens against the property of the lawyer in the name of the Fund, in an amount equal to the sum paid the claimant plus the Board’s attorney fees and costs. The claimant shall be notified of any action and may join in the action to press a claim for the loss in excess of the amount paid by the Fund, but the Fund shall have first priority to any recovery in the suit.

RULE 3.18 NOTIFICATION OF CLAIM PAID

- a. The Board shall advise the Office of Lawyers Professional Responsibility of any claim paid, the amount paid, and the name of the lawyer.
- b. Upon request of the lawyer, the Board may advise a lawyer admission or discipline authority of another jurisdiction the status of any file on the lawyer.

RULE 3.19 COMPENSATION FOR REPRESENTING CLAIMANTS

No lawyer shall accept any payment for assisting a claimant with prosecuting a claim to the Board, unless such payment has been approved by the Board.

Commented [HS14]: Also adopted from the ABA model rule, Rule 19.

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RULE 3.20 DEFINITIONS

- a. "Claimant" means a client of the lawyer or a third-party who provided money or property to the lawyer on behalf of the client. Claimant excludes a spouse (present or former), child, parent or grandparent, sibling, partner, associate and employee of the lawyer causing the loss. Claimant also excludes an insurer, surety, or bonding institution, financial institution, government entity, or business entity owned or controlled by the lawyer causing the loss.
- b. "Dishonest conduct" means means wrongful acts committed by a lawyer in the nature of theft or embezzlement of money or the wrongful taking or conversion of money, property or other things of value, including but not limited to:

Commented [HS15]: New definition.

Commented [HS16]: No change except as noted.

(1) Refusal or failure to refund an advance fee when the lawyer performed no work whatever, or an insignificant portion of the services that he or she agreed to perform. All other instances of a lawyer failing to return an unearned fee or the disputed portion of a fee are outside the scope of the Fund.

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(2) Obtaining money or property from a claimant client representing that it was to be used for investment purposes when no such investment was made. The failure of an investment to perform as represented to, or anticipated by, the applicant is outside the scope of the Fund.

c. "Loss" means money or property, excluding loss of profit, consequential damages, interests and cost of recovery.

Commented [HS17]: Duplicative of Rule 3.02(a), but the Board thought worth repeating.
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IV. RULE GOVERNING EDUCATION

RULE 4.01 EDUCATION

The Board or the Director shall conduct research, analyze statistics, and categorize claims to determine whether there are methods and programs that would minimize lawyer misconduct resulting in claims against the Fund. The Board shall make recommendations to the Court of any such programs.