

# **Lawyers' Fund for Client Protection**

## *2015 Annual Report*

The Maine Lawyers' Fund for Client Protection (Fund) was created by an Order of the Maine Supreme Judicial Court, dated July 1, 1997. The purpose of the Fund is to promote public confidence in the administration of justice and the integrity of the legal profession, by reimbursing clients who suffer losses caused by an attorney's dishonest conduct. The Fund was not designed to address losses caused by professional malpractice and no amounts are payable to clients for such activity.

### **TRUSTEES**

The Fund is administered by a Board of seven trustees, appointed by the Maine Supreme Judicial Court. The trustees determine the eligibility of claims filed with the Fund and manage the Fund's assets. Trustees are appointed to three year terms and may serve no more than two consecutive terms. Trustees are volunteers and serve without compensation but are reimbursed for their actual and necessary expenses incurred in the discharge of their duties.

### **OFFICERS**

Paul H. Sighinolfi, Esq., Chair

Raymond J. Cota, Treasurer

Martha C. Gaythwaite, Esq., Secretary (1/1/2015 – 5/1/2015)

### **TRUSTEES**

Jared S. des Rosiers, Esq.

Meris J. Bickford, Esq.

Jeffrey W. Porter (1/1/2015 – 5/20/2015)

Stephen J. Schwartz, Esq.

### **COURT LIAISON**

Honorable Joseph J. Jabar

### **STAFF**

The Fund retains the Board of Overseers of the Bar for its administrative, financial, and case investigation functions.

### **CLAIM INTAKE AND EVALUATION**

A claimant seeking reimbursement from the Fund must complete a claim form. Upon receipt, the office of Bar Counsel of the Board of Overseers of the Bar investigates the alleged loss, prepares a record, and submits a report with recommendation to the trustees. The claimant has the duty to supply relevant evidence to support the claim.

**TRUSTEE REVIEW**

When the report and recommendations are complete, the trustees act on the claim. The approval or denial of a claim requires the affirmative votes of at least four trustees. Notice of the decision is given to the claimant and the lawyer. Reimbursement from the Fund is a matter of grace. No person has the right to reimbursement from the Fund whether as claimant, third-party beneficiary or otherwise. The decisions and actions of the Fund trustees are not reviewable on any ground in any court or other tribunal.

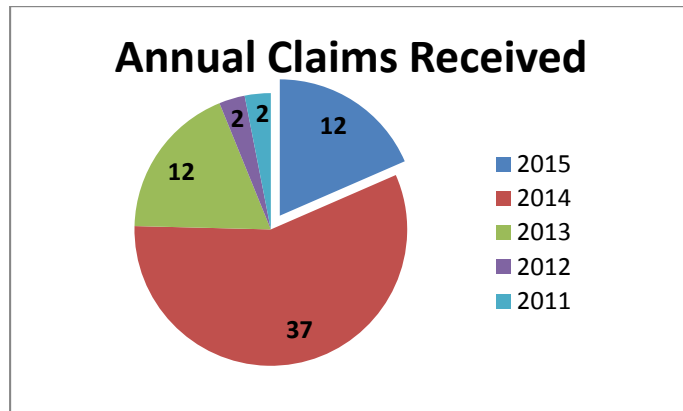
**CLAIMS RECEIVED AND PROCESSED**

In 2015, 12 new claims for reimbursement were received by the Fund. Comparably, 37 claims were received in 2014.

**CLAIMS REVIEWED BY TRUSTEES**

The trustees held five meetings over the course of the year and considered 27 claims involving 6 attorneys. Of those, 18 claims were approved for reimbursement, 6 claims

were found to be ineligible for reimbursement, and 2 claims were withdrawn as a result of settlement. At the close of the calendar year, seventeen claims remained pending.



**2015 CLAIM ACTIVITY**

CASE NUMBER	ATTORNEY	APPROVED PAYMENT	AREA OF LAW
LFCP-14-214	Scott David Giese – York	\$600.00	Motor Vehicle
LFCP-14-300	Carol J. Webb – New Sharon	\$300.00	Foreclosure
LFCP-14-390	Scott David Giese – York	\$1,000.00	Family Law
LFCP-14-440	Dale F. Thistle – Skowhegan	\$500.00	Family Law
LFCP-14-450	Dale F. Thistle – Skowhegan	\$400.00	Estate Planning/Probate
LFCP-14-458	Dale F. Thistle – Skowhegan	\$33,350.00	Wrongful Death (Auto Accident)
LFCP-14-478	Dale F. Thistle – Skowhegan	\$6,985.00	Civil Rights/Wrongful Death
LFCP-14-507	Peter Todd Travis – Temple, TX	\$3,500.00*	Tax
LFCP-14-518	Scott David Giese – York	\$280.00	Landlord Tenant/Administrative/Municipal
LFCP-14-532	Scott David Giese – York	\$2,250.00	Family Law
LFCP-14-585	Dale F. Thistle – Skowhegan	\$3,050.48	Civil Rights
LFCP-15-029	Scott David Giese – York	\$5,000.00	Family Law
LFCP-15-042	Dale F. Thistle – Skowhegan	\$625.00	Freedom of Access
LFCP-15-078	Dale F. Thistle – Skowhegan	\$725.00	Criminal & Family Law
LFCP-15-177	Dale F. Thistle – Skowhegan	\$902.78	Consumer Law
LFCP-15-245	Scott David Giese – York	\$107.30	Litigation (Med-Malpractice)
LFCP-15-413	Dale F. Thistle – Skowhegan	\$5,195.91	Motor Vehicle/Personal Injury
<b>Total:</b>		<b>\$66,271.47</b>	

\*Approved payment was made by respondent attorney.

Since its inception in 1997, the Fund has approved claims totaling \$434,799. Pursuant to Rule 13 of the Rules for Lawyers' Fund for Client Protection, the maximum amount of reimbursement to a claimant is capped from both an individual claimant and attorney perspective. As a result, the Fund has paid \$403,435 to 114 claimants.

#### **FINANCES**

The Fund is supported by an annual assessment against all Maine judges and attorneys. Its fiscal year runs from July 1st through June 30<sup>th</sup>. In FY-2015, the Fund collected \$108,460 in assessments and generated \$20,391 from investments.

The Fund's accounts were audited by Runyon, Kersteen & Ouellette of South Portland, Maine. The fund balance on June 30, 2015 stood at \$1,410,329.

#### **CONCLUSION**

This report confirms the fact that the overwhelming majority of Maine attorneys observe the high standards of integrity when entrusted with client monies or property. However, the dishonest acts of a few can affect the public's image and confidence in the legal profession as a whole. The Lawyer's Fund for Client Protection endeavors to restore public confidence in the legal profession by reimbursing clients for losses sustained as a result of the dishonest conduct of their attorneys.

Stephen J. Schwartz Esq.  
2016 Fund Chair