Friday, May 31, 2019

12:00PM – 12:30PM  Registration  
Marriott, Kitsilano Pre-Function Area, 4th Fl

12:30PM – 12:45PM  Welcome and Introduction  
Marriott, Kitsilano Ballroom D, 4th Fl
Frank X. Neuner, Jr., Chair  
ABA Standing Committee on Public Protection in the Provision of Legal Services, Founder and Managing Partner, NeunerPate, LLC

12:45PM – 2:15PM  Town Hall Meeting  
Marriott, Kitsilano Ballroom D, 4th Fl
Representatives from each jurisdiction present will highlight the major accomplishments of their client protection programs during the past year, and will address issues or problems they are currently confronting. Jurisdictions should assign a representative to provide a brief update of their fund’s activities, not to exceed 3 minutes.

Facilitators:  Scott Kozlov, Director of UPL Litigation/Senior Counsel  
Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois
Minerva Elizaga*, Senior Counsel  
Office of Attorney Services at the Supreme Court of Ohio

2:15PM – 3:30PM  Innovations in Claims Investigations  
Marriott, Kitsilano Ballroom D, 4th Fl
Attendees will explore innovative solutions to common problems encountered during the claims investigation process.

Facilitators:  Alecia M. Ruswinckel, Professional Standards Assistant  
Division Director  
State Bar of Michigan
Michael Harmon*, President  
National Client Protection Organization  
Deputy Director  
Office of Professional Conduct of the Arkansas Judiciary

3:30PM – 3:45PM  Refreshment Break
3:45PM – 5:00PM

Breakout Sessions

Breakout #1

Succession Planning
Marriott, Kitsilano Ballroom D, 4th Fl

What jurisdictions currently require some form of succession planning by lawyers in private practice? What are the pros and cons of succession planning and how do they specifically benefit lawyers’ funds for client protection? If there is a benefit to lawyers’ funds, should funds be more active in promoting the adoption of mandatory succession planning? Attendees will engage in a discussion about these and other questions on this increasingly important subject.

Moderator: H.T. Moore*, Partner
Goodwin Moore, PLLC
Paragould, AK

Panelists: Eileen Donahue, Director, Client Protection
Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois
Chicago, IL

Dean A. Schaffer, Appeals and Special Projects, Office of the Chief Disciplinary Counsel
State Bar of Texas
Austin, TX

Eric A. Seiff, Of Counsel, Storch Amini P.C.
Chair, New York Lawyers’ Fund
New York, NY

Breakout #2

(Joint Session with National Conference on Professional Responsibility)
Marriott, Parq Grand Ballroom D, 4th Fl

Does mandating that lawyers secure professional liability coverage protect the public? Does mandatory disclosure of coverage protect clients? Oregon and Idaho require that lawyers in private practice in their states carry professional liability insurance and a number of other states require disclosure of insurance status. California and Washington are examining the possibility. The panelists for this Joint Session with the National Conference on Professional Responsibility will discuss the public
protection, ethics, economic, and market issues presented when lawyers are required to secure and/or disclose whether they carry professional liability insurance.

Moderator: Susan Saab Fortney, Professor of Law  
Texas A&M University School of Law  
Fort Worth, TX

Panelists:  
Carol J. Bernick, Chief Executive Officer  
Oregon Professional Liability Fund  
Tigard, OR

Maureen Ryan Braley, Assistant Director  
Idaho State Bar  
Boise, ID

Douglas J. Ende, Chief Disciplinary Counsel  
Washington State Bar Association  
Seattle, WA

Randall A. Miller, Founding Partner  
Miller Law Associates & Chair of the State Bar of California  
Malpractice Insurance Working Group  
Los Angeles, CA

5:00PM – 6:30PM  
Joint Reception w/ National Conference on Professional Responsibility  
Marriott, Parq Level, 6th Fl

Saturday, June 1, 2019

7:00AM – 4:00PM  
Registration  
Burrrad Pre-Function Area, 4th Fl

7:00AM – 8:45AM  
Networking Breakfast  
Marriott, Parq Grand Ballroom D, 4th Fl

9:00AM – 10:15AM  
Hot Topics for Client Protection Funds  
Marriott, Parq Grand Ballroom E, 4th Fl

Using issues and concerns raised during Friday’s Town Hall Meeting as a launching pad, this moderated discussion will focus on current challenges facing lawyers’ funds for client protection and other client protection mechanisms. The Model Rules for Lawyers’ Funds for Client Protection, the NCPO Standards, jurisdictional rules and standards, as well as established precedent will be applied to help attendees evaluate and propose solutions to emerging client protection matters.
Moderator: Karen D. O’Toole, General Counsel
Massachusetts Clients’ Security Board
Boston, MA

10:15AM – 10:30AM
Refreshment Break

10:30AM – 11:45AM
Age-Related Impairment and Transitioning into Retirement
Marriott, Parq Grand Ballroom E, 4th Fl

As the lawyer population continues to age, the conversation surrounding lawyers suffering from age-related impairments and transitioning them to dignified retirement continue. In addition to discussing issues relating to lawyer competence and proper maintenance of client funds under Model Rules of Professional Conduct 1.1 and 1.15, as well as other duties owed to clients under the ethics rules, there are implications for client protection funds. There is a meaningful relationship between client losses, whether intentional through direct misappropriation or unintentional through unearned fees (which also implicates Model Rule 1.5), and the impact on claimants and lawyers’ funds. This session will discuss those challenges, as well as existing and potential solutions.

Moderator: Dawn Miller Evans*, Disciplinary Counsel and Director of Regulatory Services
Oregon State Bar
Tigard, OR

Panelists:
Frank X. Neuner, Jr., Partner, Chair
ABA Standing Committee on Public Protection in the Provision of Legal Services
Founder and Managing Partner, NeunerPate, LLC
Lafayette, LA

Derek LaCroix, QC, Executive Director
Lawyers Assistance Program of B.C.
Vancouver, BC

William D. Slease, Chief Disciplinary Counsel
Disciplinary Board of the New Mexico Supreme Court
Albuquerque, NM

Janet Welch, Executive Director
State Bar of Michigan
Lansing, MI

11:45AM – 1:00PM
Lunch (On Your Own)
1:00PM – 2:15PM

**Lawyer Well-Being As A Loss Prevention Mechanism**
*Marriott, Parq Grand Ballroom E, 4th Fl*

There’s an old saying that “hurt people hurt people.” The same is often true for lawyers – hurt lawyers harm clients. This session will engage attendees in a discussion about the importance of lawyer well-being programs as a loss prevention mechanism and how intervention can mitigate client losses and claims to lawyers’ funds.

**Moderator:** Minerva Elizaga*, Senior Counselor
Office of Attorney Services at the Supreme Court of Ohio
Columbus, OH

**Panelists:**
- Susan Burak, Associate Director
  Lawyers Assistance Program of B.C.
  Vancouver, BC
- Lindsey D. Draper, CPR CLE and Diversity Committee Member
  Wauwatosa, WI
- Janet Green-Marbley, Administrator, Lawyers’ Fund for
  Client Protection
  Supreme Court of Ohio
  Columbus, Ohio

2:15PM – 2:30PM

**Break**

2:30PM – 4:00PM

**Difficult Claims Interactive Workshop**
*(Presented by the National Client Protection Organization)*
*Marriott, Parq Grand Ballroom E, 4th Fl*

**Moderator:** Michael T. McCormick, Senior Counsel
New Jersey Lawyers’ Fund for Client Protection
Trenton, NJ

**Facilitators:**
- Trinity M. Braun-Arana, Assistant Director for Boards and
  Commissions, Clients’ Security Commission
  Iowa Judicial Branch
  Windsor Heights, IA
- Andrew J. (Drew) Cloutier, Partner, Hinkle Shanor LLP
  Chair, New Mexico Client Protection Fund
  Roswell, NM
- Julia A. Crossland, Deputy Bar Counsel
  Client Assistance Fund
  Idaho State Bar
  Boise, ID
A. Root Edmonson, Deputy Counsel  
North Carolina State Bar, Client Security Fund  
Raleigh, NC

Karen D. O'Toole, General Counsel  
Massachusetts Clients' Security Board  
Boston, MA

David Weyant, QC, President and Chief Executive Officer  
ALIA, ALIEX  
Law Society of Alberta  
Calgary, Alberta, Canada

Closing Remarks

Frank X. Neuner, Jr., Chair  
ABA Standing Committee on Public Protection in the Provision of Legal Services  
Lafayette, LA

MCLE

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 9.5 CLE credit hours (including 2.5 ethics hours and 1.25 wellness hour) in 60-minute states, and 11.1 credit hours (including 3 ethics hours and 1.5 wellness hours) in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit here or contact Marcia Yarbrough at marcia.yarbrough@americanbar.org or 312.988.5763.

SCHOLARSHIPS: A limited number of scholarships to defray tuition expenses for lawyers who are unable to attend the program due to cost considerations are available for this program. To receive additional information, please contact Sara Smith (sara.smith@americanbar.org). Scholarship requests must be received by no later than 30 days prior to the program presentation.