Friday, May 31, 2019

12:00PM – 12:30PM  Registration
Marriott, Parq Grand Ballroom Pre-Function Area, 2nd Fl

12:30PM – 12:45PM  Welcome and Introduction
Marriott, Kitsilano Ballroom D, 2nd 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, 2nd 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, 2nd 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
Breakout Sessions

Breakout #1

Succession Planning

*Marriott, Kitsilano Ballroom D, 2nd 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 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, Kitsilano Ballroom B & C, 2nd 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
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, Fairview Ballroom & Terrace, 2nd Fl

Saturday, June 1, 2019

7:00AM – 4:00PM  
Registration  
Marriott, Parq Grand Ballroom Pre-Function Area, 2nd Fl

7:00AM – 8:45AM  
Networking Breakfast  
Marriott, Fairview IV-V & Terrace, 2nd Fl

9:00AM – 10:15AM  
Hot Topics for Client Protection Funds  
Marriott, Granville, 2nd 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, Granville, 2nd 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.

Moderators: 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 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

Lunch (On Your Own)

11:45AM – 1:00PM
1:00PM – 2:15PM

Lawyer Well-Being As A Loss Prevention Mechanism
Marriott, Granville, 2nd 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: Lindsey D. Draper, CPR CLE and Diversity Committee Member 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, Granville, 2nd 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 Crossland, Deputy Bar Counsel
Client Assistance Fund
Idaho State Bar
Boise, ID

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

4:00PM – 4:05PM

Closing Remarks
Marriott, Granville, 2nd Fl

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

Founder and Managing Partner, NeunerPate, LLC
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.