

**LAWYERS' FUND FOR
CLIENT PROTECTION**

2023
ANNUAL
REPORT



Lawyers' Fund for Client Protection

Fiscal Year 2023 Annual Report

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Pamela Leslie

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Carmen Roberto

Gregory Delev, *Former Chair*

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Janet Green Marbley

DIRECTOR/BOARD SECRETARY

Table of Contents

Introduction	1
Chair's Comments	2
Board of Commissioners	3
Director & Staff	5
Claims Activity	6
Fund Revenues	7
Attorneys Involved in LFCP Claims in Fiscal Year 2023	9
Public Information & Consumer Education	10
Former Commissioners	11



Introduction

This Annual Report for the Lawyers' Fund for Client Protection is respectfully presented to Chief Justice Kennedy and Justices of the Supreme Court of Ohio.

This report includes a detailed review of reimbursements made during fiscal year 2023 (July 1, 2022 – June 30, 2023), including the types of claims reimbursed and the restitution collected from dishonest lawyers.

The Court established the Lawyers' Fund for Client Protection to restore public confidence in the legal profession. Since the establishment of the Lawyers' Fund in 1985, the Court has allocated over \$25 million towards achieving this mission by reimbursing law clients who have lost money or property as a result of their lawyer's dishonest conduct.

The legal profession is the only profession that reimburses losses caused by the dishonest conduct of its members. While the overwhelming majority of Ohio lawyers observe high standards of integrity and professionalism when entrusted with law-client money or property, the dishonest acts of a few can have a negative effect on the public's image of and confidence in the legal profession as a whole.

The Board of Commissioners as well as the staff commend the Supreme Court of Ohio for its continuing and unwavering support of the mission and purpose of the Fund.

A handwritten signature in cursive script that reads "Janet Green Marbley".

Janet Green Marbley, Esq.
Director, Lawyers' Fund for Client Protection

Chair's Comments

On behalf of the Board of Commissioners of the Lawyers' Fund for Client Protection of Ohio, I am pleased to present this report to the Supreme Court of Ohio covering the work of the Fund during FY2023.

In fiscal year 2023, the Fund received 78 new applications for reimbursement. The Board reviewed 56 claims and determined that 40 were eligible for reimbursement. The total reimbursement for eligible claims for fiscal year 2023 was \$808,142.12. Two claimants received the maximum reimbursement of \$100,000.

The reimbursements made in fiscal year 2023 resulted from the dishonest conduct of 18 Ohio attorneys. As in previous years, this number represents less than one tenth of one percent of all active Ohio attorneys.

I would like to express my sincere 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 who have been harmed by the dishonest acts of a few.

I would like to thank the staff of the Fund whose responsibilities include, but are not limited to, investigation of claims, presentation of claims to the Board, and numerous other administrative tasks. Their contribution to the Fund's mission is invaluable.

I would also 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.

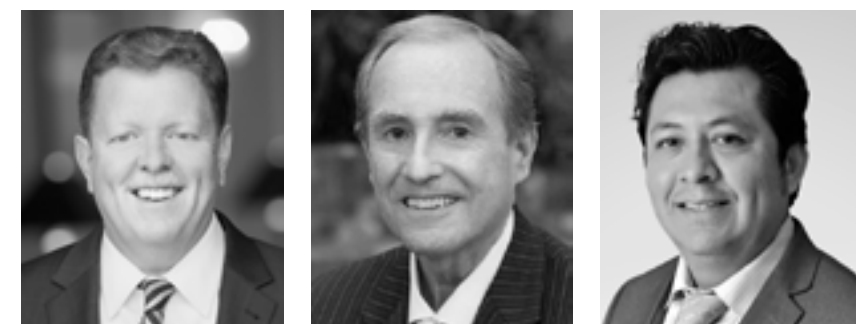
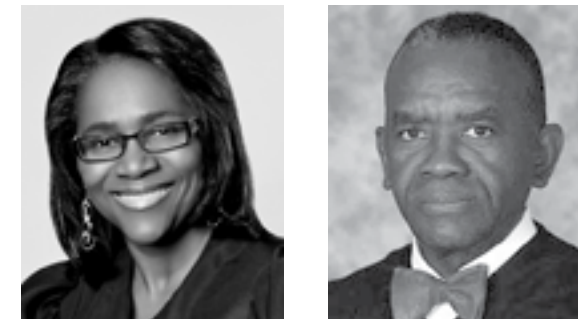


Hon. Cassandra Collier-Williams, Chair
Lawyers' Fund for Client Protection, Board of Commissioners

Board of Commissioners

Gov.Bar R. VIII requires the establishment of a seven-member board of commissioners (Board) of the Lawyers' Fund for Client Protection (LFCP) to determine the eligibility of claims filed with the LFCP and to manage fund assets.

The current board includes three attorneys, one judge, one retired judge, and two non-attorneys. Board members are appointed by the Supreme Court justices to three-year terms and are limited to two consecutive terms. By rule, the commissioners serve as volunteers and are not compensated; however, they are reimbursed for travel expenses related to board business.



TOP ROW, LEFT TO RIGHT: Hon. Cassandra Collier-Williams and Hon. Guy L. Reece II
MIDDLE ROW, LEFT TO RIGHT: Gregory Delev, Gregory Gilchrist, and Pamela Leslie
BOTTOM ROW, LEFT TO RIGHT: Steven Nourse, Carmen Roberto, and Josué Vicente

GREGORY DELEV was appointed to the board in 2017 and reappointed in 2020. He served as chair of the board in 2022, which was the last year of his term. He is a practicing attorney with Delev & Associates, LLC in Cincinnati.

HON. CASSANDRA COLLIER-WILLIAMS was appointed to the board for a three-year term beginning on Jan. 1, 2019. Judge Collier-Williams has served on the Cuyahoga County Common Pleas Court bench since January 2013. She currently serves as chair of the board.

GREGORY GILCHRIST was appointed to the board for a three-year term beginning Jan. 2, 2021. He is a professor at the University of Toledo College of Law where he teaches and writes in the areas of criminal law, corporate law, criminal procedure, and white-collar crime.

PAMELA LESLIE was appointed to the board for a three-year term beginning Jan. 1, 2021. She is a mental-health therapist with Holistic Consultation LLC. Leslie is a former employee of the Supreme Court of Ohio.

HON. GUY L. REECE II was appointed to the board for a three-year term beginning on Jan. 1, 2019. Judge Reece retired from the Franklin County Common Pleas Court bench in January 2019 after having served since 2003. Judge Reece also served on the Franklin County Municipal Court from 1990-1992. He currently serves as vice chair of the board.

CARMEN ROBERTO was appointed to the board for a three-year term beginning Jan. 1, 2022. He is Of Counsel with the Akron office of Buckingham Doolittle & Burroughs, LLC where his practice area is litigation. Mr. Roberto is a former President of the Ohio State Bar Association and the Akron Bar Association.

STEVEN NOURSE was appointed to the board for a three-year term beginning on Jan. 1, 2023. He is Vice President of Legal for AEP and is responsible for forming and implementing legal strategies that shape the company's regulatory policy and legislative initiatives.

JOSUÉ VICENTE was appointed to the board for a three-year term beginning Jan. 1, 2020. He is the executive director of the Ohio Hispanic Coalition.

Director & Staff

The Supreme Court of Ohio appoints a director who serves at the pleasure of the Court and is responsible for managing the legal, fiscal, and administrative affairs of the office. The director also serves as secretary to the board of Commissioners. The director appoints, with the approval of the Court, staff to assist with the duties of the board.



JANET GREEN MARBLEY, the director and secretary to the board, was appointed by the Court in 1995. She is a graduate of the University of Cincinnati and Capital University Law School. She is the former president of the National Client Protection Organization and former chair of the American Bar Association's Standing Committee on Client Protection.



MINERVA ELIZAGA serves as assistant director to the board. She earned her bachelor's degree from McGill University and graduated from Temple University Beasley School of Law. She assists the director on policy matters and assists with claims.



MELETHA DAWSON serves as administrative coordinator and is responsible for processing all claims filed with the LFCP, maintaining the claims inventory, and coordinates the daily operations of the Fund.



RIKKHYIA FAVOURS serves as fiscal officer and is responsible for the fiscal operations of the LFCP and the preparation of financial reports.

Claims Activity

The LFCP Board of Commissioners held four meetings during fiscal year 2023. The board reviewed 56 claims, determining 40 claims eligible for reimbursement totaling \$808,142.12. Two claimants received the maximum reimbursement amount of \$100,000. Twenty-six (26) claimants received 100% reimbursement of their losses. The reimbursements resulted from the dishonest conduct of 18 Ohio attorneys, which comprises four-one hundredths of a percent (0.04%) of the 44,400 active Ohio attorneys.

A total of 16 eligible claims resulted from two attorneys acting as fiduciaries. These claims account for the largest dollar amount of eligible claims at \$743,328.71 or 92% of total reimbursements for FY2023. Twenty-four (24) claims resulted from attorneys' failure to refund unearned fees. However, these claims account for only 8% of the total amount reimbursed.

Fiscal Year 2023 At a Glance

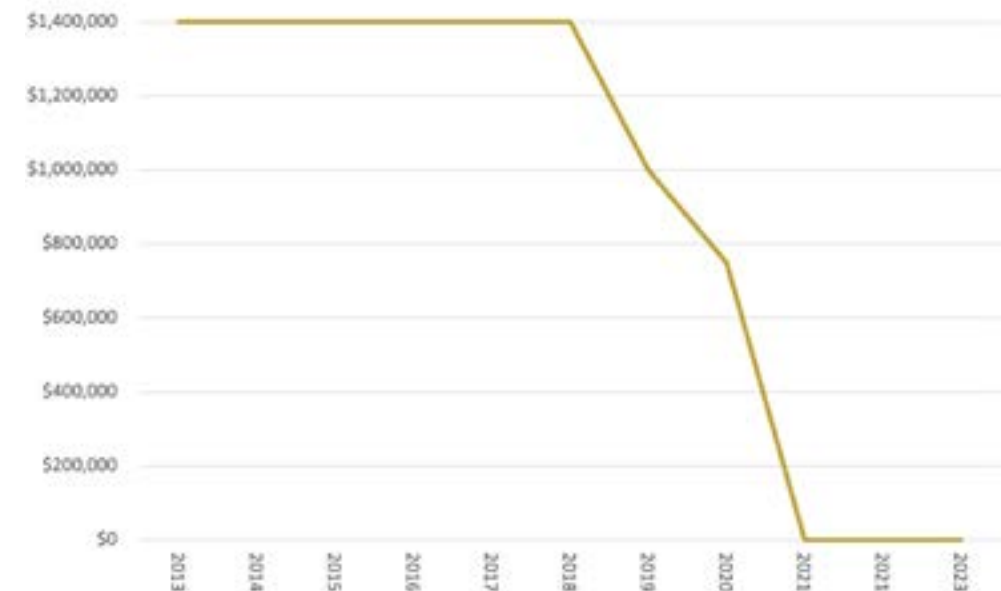
\$808,142.12 reimbursed	40 total eligible claims	56 claims reviewed
lawyers responsible 18	claims pending at year end 80	\$2,992,106 value of claims pending at year end

One attorney is responsible for \$587,301.34 (72.7%) of the total amount reimbursed for FY 2023, and 92% of the total reimbursed is from the dishonest acts of two attorneys.

Fiscal Year 2023 Claim Determinations

Category of Client Loss	Reimbursements	Total
Escrow Thefts	0	\$ 0
Estate Thefts	0	\$ 0
Fiduciary Thefts	16	\$ 743,238.71
Settlement Thefts	0	\$ 0
Unearned Fees	24	\$ 64,903.41
Other	0	\$ 0
TOTAL	40	\$ 808,142.12

Trust Fund Allocation from the Attorney Services Fund



Fund Revenues

Attorney Registration Fees

Every Ohio attorney must register with the Supreme Court of Ohio and pay a registration fee every two years. The LFCP is funded solely from a portion of these fees and any restitution collected from attorneys. No tax dollars are, or ever have been, used to support the Fund.

Operating Budget Allocation

The Court allocated \$580,915 for the Fund's fiscal year 2023 operating expenses. Of that allocation, \$544,231 (93.7%) of the operating budget was expended.

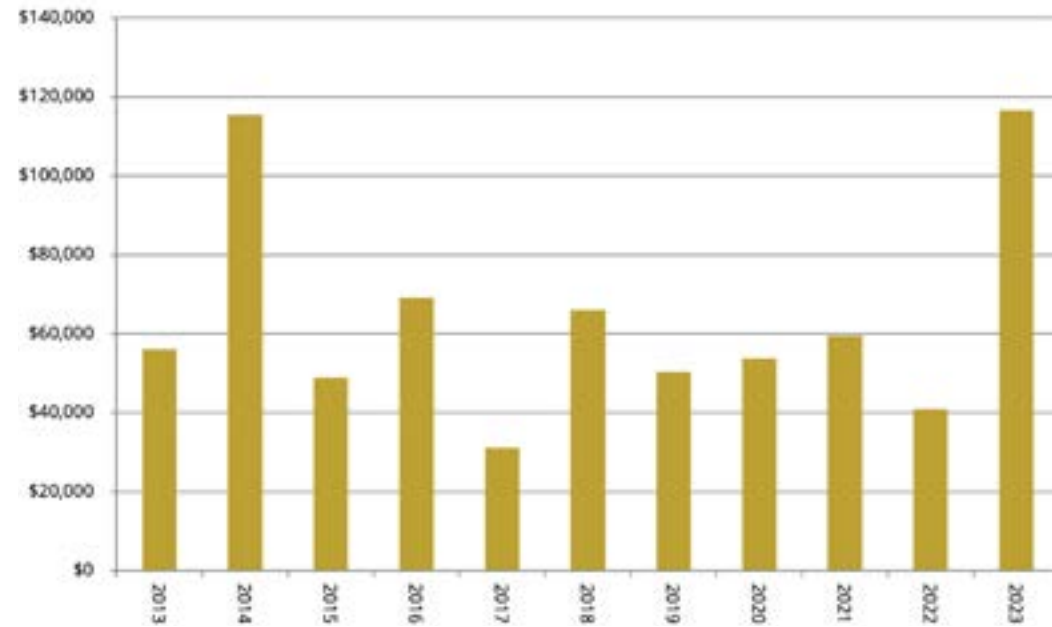
Trust Fund Allocation

Based upon the funds available in the trust account for the payment of claims, no funds have been allocated from the Attorney Services Fund for FY 2023 and the two prior fiscal years. A total of \$808,142.12 was expended from the trust account for the payment of claims. The trust account balance on June 30, 2023, was \$4,812,955.11.

Interest Income

Gov. Bar Rule VIII requires that trust fund investments be limited to short-term, insured obligations of the United States government. Although interest income fluctuations occur, maintenance of principal is the goal. The trust account earned \$73,244.88 in interest income during fiscal year 2023.

Restitution Revenue by Fiscal Year



Restitution Revenue

In FY2023 a total of \$116,502.26 in restitution was collected, an increase of \$75,479 collected from last year. Since the inception of the Fund, over \$1.77 million in restitution has been collected.

In FY2023, restitution was collected as follows:

- \$96,483.95 collected by the Office of the Attorney General
- \$17,867.31 collected through repayment agreements obtained by the LFCP
- \$2,026 collected by outside counsel (Weltman, Weinberg & Reis, Co., L.P.A.)
- \$75 collected through voluntary payments
- \$50 collected through court-ordered probation and/or restitution



- Attorney General's Office: 83%
- Repayment Agreement: 15%
- Other (Outside Counsel/Voluntary/Court Order): 2%

Attorneys Involved in Fiscal Year 2023 LFCP Claims

Attorney	County	Awards	Theft Category	Awarded
Richard Barbera	Medina	1	Unearned Fee	\$1,500.00
Russell Anthony Buzzelli	Medina	1	Unearned Fee	\$7,860.00
James Earl Cooney*	Butler	1	Unearned Fee	\$1,500.00
Richard Louis Crosby III	Butler	1	Fiduciary/Unearned Fee	\$2,000.00
Timothy Raymond Dougherty	Franklin	1	Unearned Fee	\$2,000.00
Steven Scott Fannin	Summit	2	Unearned Fee	\$2,800.00
Mary Jill Brewster Hugan*	Hamilton	2	Unearned Fee	\$9,000.00
Dorothea Jane Kingsbury	Cuyahoga	7	Fiduciary	\$156,737.37
Henry William Kishman*	Erie	10	Fiduciary/Unearned Fee	\$587,301.34
Donald Patrick Leone*	Mahoning	1	Fiduciary/Unearned Fee	\$180.00
Gary Russell Lewis*	Hamilton	1	Unearned Fee	\$3,575.41
Athena Joan Nyers*	Allen	1	Unearned Fee	\$698.00
Sean Richard Porter	Cuyahoga	2	Unearned Fee	\$5,490.00
John Farnan Potts*	Lucas	1	Unearned Fee	\$2,200.00
Albert Linden Purola	Lake	1	Unearned Fee	\$7,500.00
Andrew William Rauzan*	Mahoning	1	Unearned Fee	\$1,000.00
Gary Allen Vick Jr.	Cuyahoga	5	Unearned Fee	\$15,500.00
Reese Mark Wineman*	Huron	1	Unearned Fee	\$1,300.00
18 Attorneys		40 Awards		\$808,142.12

* Attorney was deceased at the time claim was filed and/or during claim process

Public Information & Consumer Education

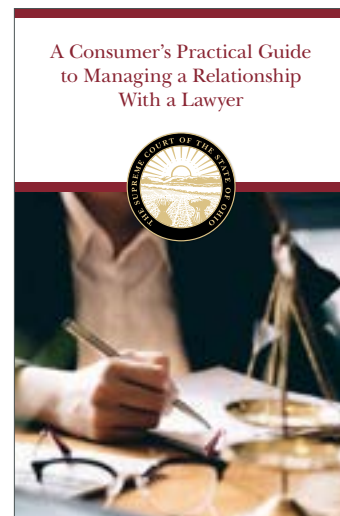
The Lawyers' Fund for Client Protection continues to increase its efforts to make the public aware of its existence. The Fund maintains a webpage at supremecourt.ohio.gov. The page contains questions and answers about the fund and the types of claims reimbursed. An application for reimbursement is available on the webpage as well.

With the assistance of the Court's Office of Public Information, the fund prepares public announcements following all LFCP board meetings containing information about claims determined by the board to be eligible for reimbursement. The announcements include a listing, by county, of attorneys involved in LFCP claims. The announcements are distributed statewide to news media outlets and other organizations.

The LFCP publishes a pamphlet containing a brief description of the purpose of the fund along with answers to basic questions about the types of claims reimbursed. The pamphlet, which is now available in Spanish and English, is distributed to individuals requesting information about the LFCP and/or applications for reimbursement.

The pamphlet, as well as the fund's application for reimbursement, is also distributed statewide to bar associations.

In collaboration with the Court's Commission on Professionalism, the LFCP publishes "A Consumer's Practical Guide to Managing a Relationship with a Lawyer." The guide provides general information about the lawyer-client relationship, 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.



Comments & Inquiries

Any comments or inquiries regarding this report of the fund may be directed to:

Janet Green Marbley, *Director of the Lawyers' Fund for Client Protection*
The Supreme Court of Ohio
65 South Front Street
Columbus, Ohio 43215-3431

Lawyers' Fund for Client Protection Former Commissioners

Luis M. Alcalde	2003 – 2008	David Kamp	1992 – 1997
Benjamin F. Barrett Sr.	1998 – 2000	Larry Johnson	2011–2017
Hon. Patricia Ann Blackmon	2004 – 2009	Hon. Richard H. Koehler	1985 – 1990
Kathleen Burke	1985 – 1990	Jack R. Kullman Jr.	2015 – 2020
David S. Bloomfield	1990 – 1995	Dennis M. Lafferty	2010 – 2012
John J. Chester Jr.	1996 – 2001	David P. Lyons	2002 – 2004
Anne L. Clark	1998 – 2003	Keith McNamara	1985 – 1989
Michael Colvin	1992 – 1997	Fred E. Morr	1990 – 1995
Emily K. Cooper	2000 – 2002	William S. Newcomb Jr.	2002 – 2007
Sally W. Cuni	2009 – 2014	Sara L. Peller	2015 – 2020
Kenneth R. Donchatz	2005 – 2010	Jerome Phillips	1998 – 2003; 2007 – 2012
Robert W. Everett	2003 – 2006; 2014 – 2019	Gordon L. Rose	1991 – 1996
Mary Ellen Fairfield	1990 – 1991	Monica Sansalone	2016 – 2021
George Gerken	1985 – 1991	Hon. John J. Russo	2011–2018
Laneta Goings	1995 – 1999	Brian G. Selden	2003 – 2004
John J. Grady	1985 – 1989	Stephen R. Serraino	2013 – 2018
Hon. James E. Green	2008 – 2013	Diane Smilanick	2001 – 2006
Edward G. Hack	2004 – 2009	Howard A. Traul II	2010 – 2015
Francis A. Herzog	1985 – 1989	Natalie Wester	1997 – 2002
Thomas A. Heydinger	1989 – 1994	Henry Young	1985 – 1988
E. James Hopple	1996 – 2001	John W. Zeiger	1995 – 1997
Donna James	1991 – 1995		



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