

CLIENT PROTECTION/CLIENT SECURITY FUND

Background

The system of lawyer ethics and discipline serves to preserve the integrity of the legal profession and the overall system of justice. An equally important element of a lawyer's professional responsibility is to be responsive to the concerns and best interests of the client population through programs that serve to prevent or redress harm done in the practice of law or the rendering of legal services. This includes instances of direct personal harm, such as the theft of client property.

The American Bar Association's Standing Committee on Client Protection is charged with providing support to the client protection funds that are serving the public in the United States and Canada. In so doing, the committee works closely with the National Client Protection Organization (NCPO). The committee also examines practice issues concerning protection of the public where a provider does not meet the traditional requirements for licensure in a jurisdiction.

Missouri Bar Activities

The Board of Governors created The Missouri Bar Client Security Fund in 1966. It is maintained by appropriations from the annual enrollment fees paid by each member of The Missouri Bar.

A six-member Client Security Fund Committee, operating under rules established by the Board of Governors, administers the fund. All payments recommended by the committee are subject to review by the Board of Governors, which retains full discretion regarding payment of any claim.

The Regulations and Rules of Procedure of the Client Security Fund Committee permit payments for certain types of wrongful conduct. Compensation is not available for cases of malpractice. As a prerequisite to payment, the attorney in question must be disbarred, suspended, deceased or adjudicated mentally incapacitated. The committee notifies the Office of Chief Disciplinary Counsel and the Advisory Committee of all payments, and requests that reinstatement of a disbarred or suspended lawyer be conditioned upon reimbursement to the fund. The Office of Chief Disciplinary Counsel routinely requests information concerning payments made by the fund with respect to the applicant.

In 2004, the Board of Governors approved payment of 44 claims for a total of \$110,502.68. The Board approved denial of 23 claims. \$125,000 was appropriated to the fund for 2005.