



STATE BAR OF WISCONSIN

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**REPORT OF
THE WISCONSIN LAWYERS' FUND FOR CLIENT PROTECTION**

**FISCAL YEAR 2013
JULY 1, 2012 THROUGH JUNE 30, 2013**

Attorney Stephen D. Chiquoine (2013) was appointed chairperson to serve until June 30, 2013. In addition to Attorney Chiquoine, the other members serving on the committee in fiscal year 2013 were Mary Beth Growney-Selene (2013), Attorney David P. Kaiser (2014), Attorney Deborah Smith (2015), Attorney Amy Wochos, who also served as vice-chairperson (2016), Melissa Godden (2016), and Attorney Wayne Maffei (2017).

The committee met three times, September 18, 2012, February 20, 2013 and May 7, 2013 to consider claims filed and address other business.

CLAIMS SUMMARY

During fiscal year 2013, the committee acted upon a total of 81 claims. The claims included 71 new claims first presented in fiscal year 2013; three claims deferred from fiscal year 2012; one claim that was reconsidered from fiscal year 2009; two claims that were reconsidered from fiscal year 2011; one claim that was reconsidered from fiscal year 2012; and three claims that was reconsidered from fiscal year 2013. The 81 claims were against 38 attorneys.

A total of 48 claims were approved in the following categories:

- Trust Account Conversion – three claims totaling \$40,282.95
- Unearned Advanced Fees – 41 claims totaling \$67,506
- Theft from Estate - four claims totaling \$47,523.76

The Fund approved claims against the following 17 individual attorneys:

- Elvis Cardell Banks - one claim totaling \$900
- David J. Bartz – one claim totaling \$2,191.30
- Joan Marie Boyd – three claims totaling \$5,200
- Anne E. Brown – two claims totaling \$3,850
- Andrew J. Bryant – one claim totaling \$29,542.76
- Ernesto Chavez – two claims totaling \$5,500

- Sean D. Cooper – 14 claims totaling \$14,100
- Khja M. Din – one claim totaling \$4,000
- Harvey J. Goldstein– one claim totaling \$1,400
- William J. Grogan – two claims totaling \$1,175
- William R. Lamb – three claims totaling \$11,420
- Ryan D. Lister – one claim totaling \$8,548.89
- David Moss – four claims totaling \$3,950
- Christopher A. Mutschler - two claims totaling \$8,200
- Willie J. Nunnery – one claim totaling \$750
- Gerald D. Stange - eight claims totaling \$52,033.76
- Laura T. Storzer – one claim totaling \$2,551

Of the 81 claims considered, 41 were approved for payment in full, seven were approved in part and denied in part, 28 were denied in full, and five were deferred for further consideration. As of the date of this report, 29 claims have been received for consideration in fiscal year 2014. In addition, the five deferred claims, totaling \$87,000 will again be considered in fiscal year 2014.

REVENUE

The Wisconsin Lawyers' Fund for Client Protection ended fiscal year 2013 with a balance of \$349,380.71. During fiscal year 2013, there was a Wisconsin Lawyers' Fund for Client Protection assessment of \$20 per attorney per SCR 12.07(2) Annual assessments; reserve. (a) *Annual assessments.* Commencing with the state bar's 2013 fiscal year, every attorney shall pay to the fund an annual assessment of \$20. An attorney whose annual state bar membership dues are waived for hardship shall be excused from the payment of the annual assessment for that year. An attorney shall be excused from the payment of the annual assessment for the fiscal year during which he or she is admitted to practice in Wisconsin. (b) *Reserve.* As of May 1 of each year, any funds in excess of those required for payment of approved claims shall be maintained in a reserve account for the Wisconsin Lawyers Fund for Client Protection.

Total assessments collected amounted to \$405,450. Interest on deposits totaled \$1,138.28. Restitution collected from attorneys totaled \$11,092.10. Total funds available to the committee for distribution during fiscal year 2013, therefore, were \$417,680.38.

EXPENSES

Of the 81 claims considered in the fiscal year, 47 were paid for a total amount of \$154,812.71. Administrative expenses were paid in the aggregate amount of \$49,996.43. Total disbursements made by the fund were thus \$204,809.14. As of the end of the fiscal year—June 30, 2013—the fund balance was \$349,380.71.

OTHER ACTION

The Wisconsin Supreme Court established the Wisconsin Lawyers' Fund for Client Protection (WLFCP), formerly named the Clients' Security Fund, in 1981 to reimburse people who lost money through dishonest acts of Wisconsin attorneys. Claims include unearned retainer, theft from estate, misappropriation of funds, conversion of trust account funds, and theft by investment. Claims for reimbursement and all proceedings of the committee are subject to SCR 12.04-12. Reimbursement decisions are made at the discretion of the committee.

Fund Chairperson Stephen D. Chiquoine, said, "Our profession is one of the very few that actively polices itself and this fund is an integral part of the responsibility. Every person who serves on this Committee is deeply rewarded by the thanks the Committee periodically receives from clients whose losses have been reimbursed through the Fund but also finds it deeply frustrating to see the damage caused by a very few member of the Bar. As Wisconsin lawyers, we should all be proud of the fact that this Fund exists and that each and every member of the Bar has contributed to the \$155,312.71 that was approved from a total of 48 claims in fiscal year 2013. It has been my honor to serve both as a member of the Fund and as Chairperson."

Respectfully submitted,

WISCONSIN LAWYERS' FUND FOR CLIENT PROTECTION

By : 

Date: 9/19/13, 2013

Atty. Stephen D. Chiquoine, Chair

Attachment 1 - Action on Claims

Attachment 2 - Financial Statements

Attachment 3 - Fiscal Year 2013 Claims by Attorney

Attachment 4 - Fiscal Year 2013 Claims by Type of Theft