

## New Jersey Lawyers' Fund for Client Protection Completing the Claim Form

### I: General Information

1. The Fund has very limited jurisdiction and may only consider claims where there has been **dishonest** conduct. The Fund cannot consider claims based on negligence or carelessness of an attorney. The Fund's limits are set by the Supreme Court of NJ and those limits are \$400,000 per claimant and \$1.5 million in the aggregate for claims against any single respondent attorney.
2. You are expected to answer every question on the Claim Form and also provide evidence that the attorney against whom you are filing a claim had an attorney/client relationship or a fiduciary relationship with you; that money was paid to the attorney by you or by someone else for you; and that because of the **dishonest** conduct of the attorney you have suffered a financial loss. You also need to tell us the actual dollar amount of your loss.
3. We can help you obtain evidence that you believe exists to help prove your claim, but it may take longer to process the claim than if you provide the evidence to us yourself. Therefore, copies of the front and back of canceled checks, receipts, letters, and any other evidence that **you provide** that supports your claim is very helpful.
4. The actual Claim form must be an original, all other documents and evidence should be copied and preserved by you for future litigation by the Fund to recover any sum we pay to you. **DO NOT DESTROY** any document you shared with us, even after a decision has been made on your claim unless the Fund has notified you that it is all right to do so.
5. Always keep the Fund informed about any developments outside of this office. Tell us if you are contacted or receive any notice about a bankruptcy filing or criminal proceeding involving the lawyer. If you do not do so, important legal rights may be lost to you and the Fund. Also, if the lawyer pays you any money, or offers to do so, please notify us immediately. If your claim involves a real estate transaction, please notify us of any correspondence from a title insurance company or agency.

### II. Specific Instructions to the Claim Form

**Question #1:** Please provide the name of every person who has an interest of any kind in the money which you are claiming. If you are filing a claim for yourself and others, such as an estate, you must provide proof that you have legal authority to represent all others (e.g. letter of appointment by the court).

The physical street address must be provided. P.O. Boxes will be used for mail purposes but the Fund requires you to provide a street address as well. If you move, please keep the Fund informed of any changes in this information, even after the claim has been resolved.

**Question #2:** State your occupation and general field of work. For example, if you write "salesman" as your profession, also state the line of work you are employed in (i.e. car, real estate, computers, etc.).

**Question #3:** Provide the name and the addresses of the lawyer you claim stole your money. Include the office and home address and any telephone numbers you might have for the lawyer.

**Questions #4 & #5:** These two questions help us to understand and put into context the business and perhaps personal relationship you had with the lawyer.

**Question: #6:** Only state the amount of money allegedly stolen. Please do not include interest, additional fees, or opportunity losses (also known as consequential damages).

**Question: #7:** The Fund will consider claims whether clients hired their lawyer directly (attorney/client relationship), or whether the lawyer was not hired by the victim but was required to do something for the victim's benefit (fiduciary relationship). Check what the appropriate box that applies.

**Questions #8 and #9:** This is your chance to explain your claim. Please be specific and give as many details as possible using extra sheets to answer these questions. Explain how your loss occurred, the lawyer's dishonest conduct, and provide dates to give context to the allegations you are making, along with supporting proofs.

**Questions #10:** Specific details about how you first learned about the loss should be stated here, if not already included in the answer to question 8.

**Questions #11:** Tell us about any bond or insurance that you know was in place and that may cover the loss of your money.

**Questions #12:** Even casual knowledge about a lawyer's assets can help us recover money paid out to you on that lawyer's behalf. Please describe things of value you know the lawyer might own that may be the basis of future recovery by the Fund.

**Questions #13:** State whether you have filed a lawsuit or taken any other action to recover the loss.

**Questions #14:** Self Explanatory.

**Questions #15:** State the name and address of anyone that helped you to complete this claim form and that you permit us to communicate with on your behalf. **Under NJ Court Rule 1:28-3(f), lawyers assisting claimants with filing a claim form with the Fund may not charge a fee. A lawyer is, however, permitted to charge a fee in connection with other civil legal work they may perform on behalf of a claimant outside of the claim process.**

**Questions #16:** Self Explanatory.

**Questions #17:** This is another opportunity to tell us anything else that you believe will help us when considering your claim. Do not use this section to repeat or emphasize anything you already wrote in any prior section.

### **Signing the Claim Form:**

Your signature on the claim is a Certification in Lieu of Affidavit so please read it carefully. You are stating that the facts in your claim are true and that these facts have been fully disclosed to the appropriate County Prosecutor's office and the Office of Attorney Ethics. You can comply by simply sending each entity a letter with the details of your claim with the Fund at the same time you send the original and one copy of the claim form to the Fund. Your continued cooperation with these offices is also required. Claims that are not properly signed and certified will be returned.

### **III: What Happens Now?**

On receipt, your claim will be reviewed by the staff attorney to whom it is assigned and we will send you an acknowledgement. At the same time, a copy of your claim will be sent to the respondent who will be asked to provide any response or defense to it.

When the investigation is complete the claim is presented to the Trustees of the Fund who meet once a month. In some instances the Trustees require a hearing on a claim before making a decision, and in other circumstances (and most commonly) a decision is made on all papers submitted without a meeting.

Some claimants seek the assistance of attorney with their claims; others do not. **Please note that, under the Rules of Court, an attorney may not charge you a fee for representing you in connection with a claim to the Fund.**

**No one has a legal right to an award from the Fund.** The Trustees of the Fund have sole discretion to consider claims and make determinations about reimbursement. If an award is made to you, the Fund reserves the right to provide the following information to the Press: your name, the name of the town in which you reside, a general description of your claim, the amount of the award paid to you, and the name and last known office address for the respondent. Unless and until an award is made, a claim is confidential.

### **IV: What Are the Rules by Which the Fund Operates?**

The Fund operates under *New Jersey Court Rule 1:28-1, et seq.*, promulgated by the Supreme Court of New Jersey.

### **V: Where Does the Fund Get Its Money?**

The Fund is not supported by tax dollars. The Supreme Court of New Jersey requires members of the New Jersey Bar to pay an annual fee to the Fund and it is from these fees that our awards are paid. Often called "the conscience of the bar," the Fund is a way for the thousands of honest attorneys in this state to right the wrongs done by the few dishonest members of the profession.