

Clients Bilked by Lawyers Can Submit Claims

State Commission Pays Up to \$10,000

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People who have experienced losses caused by a lawyer's misappropriation of client funds or dishonest lawyer conduct are encouraged to submit claims to a statewide Client Protection Fund Commission.

The commission was created by the New Mexico Supreme Court in 2005 to promote public confidence in the administration of justice and the integrity of the legal profession. It is operated through the State Bar of New Mexico.

The commission oversees the fund, which can reimburse clients up to a maximum of \$10,000.

The loss must arise out of a

lawyer-client relationship or a fiduciary relationship between lawyer and a claimant and have occurred within the past five years.

Fund administrator Tonya Herring said the fund paid out six claims for a total of \$12,098 last year, the first full year of the commission's operation.

Originally, for a client to recover, the attorney had to have been disciplined by the

New Mexico Disciplinary Board or be deceased.

Now, Herring said, clients who believe their attorney has engaged in dishonest conduct are encouraged to file a complaint with the disciplinary board. But because that process takes time, a disciplinary action is not required for a client to obtain reimbursement.

Herring said an example of a claim that might be reimbursed

is where a client has paid a \$1,000 fee to an attorney for work, but the attorney hasn't done any work "and he's fallen off the face of the Earth."

Another scenario that resulted in a payment was a situation in which the lawyer had settled a lawsuit but the client had never received any money from the settlement.

Herring said the client should expect to provide

receipts and documentation to support a claim. Claim forms must be notarized before they are submitted.

Herring emphasized that the fund does not reimburse clients in disputes over fees. The loss must be the result of wrongful conduct.

To obtain claim forms or more information, call 797-6658 in Albuquerque or (800) 876-6227 statewide.