

# LAWYERS' FUND FOR CLIENT PROTECTION

## HISTORY AND PURPOSE OF THE FUND

- The legal profession recognized that there are a few lawyers unworthy of the trust their clients place in them. At the request of the profession, on July 1, 1993, the Kansas Supreme Court established the Lawyers' Fund for Client Protection to compensate clients who suffer economic loss as a result of dishonest actions by Kansas lawyers.

## ABOUT THE FUND

- The fund, administered by the Client Protection Fund Commission, may compensate clients who suffer economic loss as a result of dishonest actions by an active Kansas-licensed lawyer. The loss must have occurred in the course of a lawyer-client relationship. The fund covers most cases in which lawyers have misappropriated clients' money or other property entrusted to the lawyer.
- The fund does not cover losses resulting from lawyers' negligence, fee disputes, or cases of legal malpractice.
- The Client Protection Fund Commission does not have the authority to discipline lawyers, resolve fee disputes, or determine legal malpractice claims.

## HOW TO FILE A CLAIM

- To file a claim, a claimant must also file an attorney disciplinary complaint with the Office of the Disciplinary Administrator.
- The claim can be filed at the same time or after filing the complaint with the Office of the Disciplinary Administrator.
- Supreme Court Rule 227 sets forth the procedures related to claims filed with the Lawyer's Fund for Client Protection.

## DOES LAWYER DISHONESTY OCCUR OFTEN IN KANSAS?

- No; the disciplinary administrator estimates that fewer than 15 lawyers are subject to claims annually.
- There are approximately 10,750 lawyers actively licensed to practice law in Kansas.

## HOW IS THE FUND FINANCED?

- It is financed by the lawyers of this state who pay an annual registration fee.
- No tax money is involved in the fund.

## WHO CAN FILE A CLAIM?

- A person who has suffered a loss caused by the dishonest conduct of an active member of the Kansas bar that occurs in the course of a lawyer-client relationship.

## WHAT KINDS OF LOSSES ARE COMPENSABLE?

- The fund covers most cases in which lawyers have taken for their own use or otherwise misappropriated clients' money or other property entrusted to them.
- The fund does not cover losses resulting from a lawyer's negligence, fee disputes, or cases of legal malpractice.
- The Client Protection Fund Commission does not have the authority to discipline lawyers, resolve fee disputes, or determine legal malpractice claims.

## ARE THERE LIMITS TO THE AMOUNT A CLIENT CAN BE REIMBURSED?

- Yes; a limit of \$125,000 is set for each claim.
- An aggregate limit of \$350,000 is set for all claims against any one lawyer.

## IS THERE A TIME LIMIT TO FILE?

- Yes; claims must be filed no later than one year after the claimant knew or should have known of the lawyer's dishonest conduct.
- The fund was established July 1, 1993, and does not cover losses incurred before that date.

## ARE THERE ANY FEES INVOLVED?

- No; the Client Protection Fund charges no fees.
- A claimant is not required to be represented by a lawyer to file a claim.

## WHO ADMINISTERS THE FUND?

- The fund is administered by the Client Protection Fund Commission.
- The commission consists of seven members: one judge, four lawyers, and two nonlawyers.

## WHERE IS A CLAIM FILED AND IF I HAVE ADDITIONAL QUESTIONS, WHO DO I ASK?

- You may file a claim or ask additional questions by contacting:

Office of the Disciplinary Administrator  
Attention: Client Protection Fund Commission  
701 SW Jackson Street  
First Floor  
Topeka, KS 66603  
785-435-8200  
785-783-8385 (fax)  
[attydisc@kscourts.org](mailto:attydisc@kscourts.org)

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