



# RECOVERING FROM DISASTER

For four years, Alice Whisenhunt kept searching for answers. She'd retained an attorney to help her with a medical malpractice lawsuit in 2002. It settled in 2005 – without Whisenhunt's knowledge. Her attorney – now disbarred – had settled her case and received the settlement funds without informing her or forwarding her payment from the settlement.

"After I found out...I decided to go ahead and contact the state bar and find out what could be done," Whisenhunt said. After speaking to the State Bar of Nevada's Office of Bar Counsel and filing a complaint against her attorney, Whisenhunt was referred to the bar's Clients' Security Fund (CSF) for help in recovering a portion of money to which she was entitled. Whisenhunt was owed \$58,000 from her attorney.

The State Bar of Nevada established the fund in 1970 to make monetary awards to clients in those rare cases in which a lawyer betrays a client's trust, misappropriating the client's funds. It provides some recourse where no other form of recovery exists. Every year, bar members contribute to the fund by paying bar dues and making "over and above" donations to the CSF. One of its goals is to demonstrate that, although there may be a few who do not live up to the ethical demands of the legal community, the State Bar of Nevada is filled with members who not only genuinely care, but also exhibit professional behavior in all respects.

Whisenhunt had tried every other possible method of recovering her money, including filing a complaint with the local police. After her personal efforts were exhausted, she filed an application with the CSF committee for an award from the fund.

## RECIPIENT GRATEFUL FOR CLIENTS' SECURITY FUND

Bar staff and the members of the CSF committee were very helpful, guiding Whisenhunt through the entire process, which began in May 2006. In December 2006, she received a payment of \$50,000 – the maximum amount allowable. "I thought things moved very rapidly," she said.

In order to qualify for payments from the fund, a number of benchmarks must be met:

- The attorney in question can no longer be practicing law in Nevada;
- The act has to involve mishandling or embezzlement of funds or property, not malpractice or negligence; and
- The client cannot make a claim until he or she has made a reasonable attempt to recover the funds within a reasonable amount of time.

In 2008, the most recent year for which figures are available, the fund paid more than \$227,359 to clients harmed by their attorneys. "I had a bad experience [with an attorney] but it didn't send me over the brink," said Whisenhunt. "The Clients' Security Fund has been a godsend to me and my husband." ■

**YOU CAN HELP!** Every year, bar members contribute "over and above" donations to fund the CSF. When paying your dues for 2010, look for the line that says "Voluntary Donation to Clients' Security Fund \$\_\_\_\_\_" and give, or contact fund coordinator Georgia Taylor at the State Bar of Nevada at [georgiat@nvbar.org](mailto:georgiat@nvbar.org).