

## The Client Protection Fund of the Bar of Maryland

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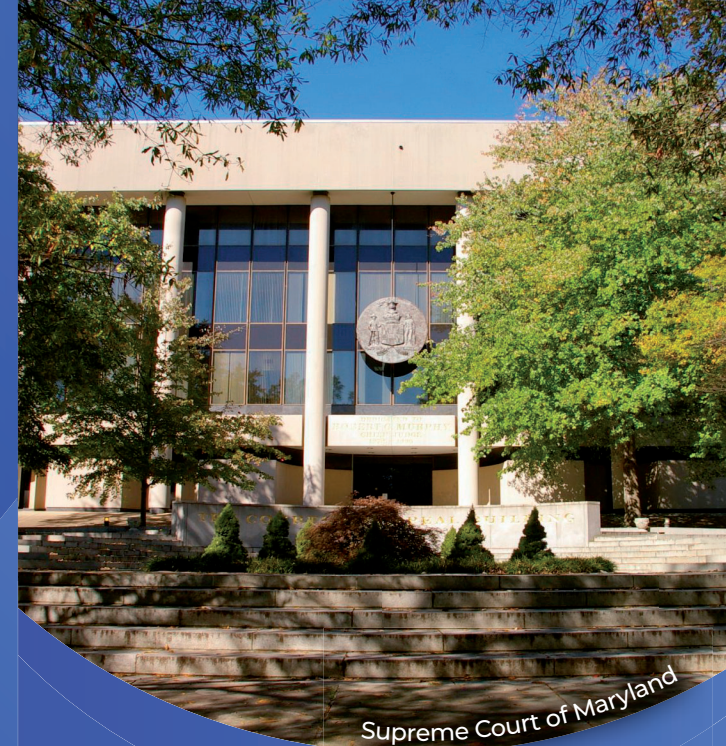
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Supreme Court of Maryland

# THE CLIENT PROTECTION FUND *of* THE BAR OF MARYLAND

## About the Client Protection Fund of the Bar of Maryland

The Maryland Client Protection Fund (the Fund) was established by the Maryland legislature in 1965 for the purpose of maintaining the integrity and protecting the good name of the legal profession. The Fund, supported financially by practicing attorneys, reimburses claimants for losses caused by theft of funds by members of the Maryland Bar acting either as attorneys or as fiduciaries to the extent authorized by Maryland Rule and deemed proper and reasonable by the Trustees of the Fund.

### Administration

The Fund is managed by a volunteer Board of Trustees, appointed by the Supreme Court of Maryland, which comprises eight attorneys and one non-attorney.

### Proper Claims and Proof Required

To properly submit a claim, you must prove an attorney/client or fiduciary relationship with the attorney. You must also prove a “compensable loss” which generally means that the attorney collected money from you or on your behalf (to be held in trust) and then stole it.

You must be able to show that the attorney:

- Received money or property from you.
- Improperly took or used the funds received.
- Caused a loss due to dishonest conduct.

Specific proof of payment to the attorney can include copies of cancelled checks, escrow agreements, retainer agreements, and settlement statements. You must also provide a detailed explanation of the alleged loss caused by the attorney’s dishonest conduct.

## The Fund’s Jurisdiction

Before the Fund can begin its investigation, you must file a Complaint against the attorney with the Attorney Grievance Commission (AGC). AGC, through the Office of Bar Counsel, reviews complaints to determine whether an investigation is warranted, investigates allegations of misconduct and, when appropriate, prosecutes attorneys for violations of the Rules of Professional Conduct. AGC must take final action and close their file before the Fund will start its investigation. AGC’s Complaint form may be found here: <https://www.courts.state.md.us/attygrievance/complaint>

### What Losses Qualify?

Some examples of losses that may qualify for reimbursement:

- Theft of personal injury settlement funds or other funds entrusted to the attorney.
- The attorney’s failure to refund unearned fees when the attorney did not perform services.

### What Losses Do Not Qualify?

The Fund does not reimburse a loss unless an attorney acted dishonestly as defined by the Fund’s rules. The Fund does not reimburse interest, expenses, or consequential losses caused by the attorney, such as fees paid to another attorney, or damages caused by the attorney’s malpractice, negligence, or incompetence.

### How to File a Claim

You can request a Statement of Claim form via phone (410-630-8140), email ([cpf@mdcourts.gov](mailto:cpf@mdcourts.gov)), or online at [www.mdcourts.gov/cpf/forms](http://www.mdcourts.gov/cpf/forms). The original

completed and signed claim form must be returned to us via USPS. There is no filing fee.

### How Claims are Decided

The Fund’s office has staff that reviews and investigates all claims. Once AGC closes their complaint file, your claim with the Fund will be reviewed by the Board of Trustees, who meet several times a year to decide claims. Maryland Rule 19-604 gives the trustees sole discretion to decide claims, including the amount, timing, and conditions of payment.

### Helping Victims and the Profession

One dishonest attorney can cause significant harm to law clients and to the reputation of the Bar. The Fund is often the only means available to reimburse victims when this illegal behavior occurs.

You do not need an attorney to assist you in filing a claim with the Fund, but if you do engage the services of an attorney, those attorneys are prohibited from charging a fee (Fund Regulation h).

