

RULES REQUIRING REPAYMENT TO THE CLIENT PROTECTION FUND AS A CONDITION FOR REINSTATEMENT

(Not an all-inclusive list – examples for review and consideration)

Arizona – A.R.S. Sup.Ct.Rules, Rule 65

(a) Application for Reinstatement

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3. Required Fees and Payments

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C. Amounts Owing to Client Security Fund. Prior to filing the application, the applicant shall also pay any sums owing by the lawyer to the client security fund due to prior discipline, disability or reinstatement proceedings. Verification of such payment in the form of an affidavit from the Administrator of the Client Protection Fund must accompany the application.

California – Rule 3.451

Rule 3.451 Repayment of reimbursement by attorney

An attorney must repay the Fund for any reimbursement, with simple interest and an assessment of processing costs. The rate of interest, set forth in the Schedule of Charges and Deadlines, is adopted by the Board of Trustees upon the recommendation of the Commission and may not exceed the maximum legal rate. Processing costs are the estimated average processing costs for similar applications in the most recent calendar year for which data is available.

Colorado – Rule 242.39

Rule 242.39. Petition for Readmission or Reinstatement After Discipline

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(3) Contents. A petition must set forth:

...

(C) If applicable, a statement showing the amount and source of funds the petitioner used to pay restitution to any persons or to the Colorado Attorneys' Fund for Client Protection, and a statement showing the amount and source of funds the petitioner used to pay attorney's fees or costs related to protective appointment of counsel proceedings; and

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Connecticut Sec. 2-53

Sec. 2-53 Reinstatement after Suspension, Disbarment or Resignation

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(c) In no event shall an application for reinstatement by an attorney disbarred pursuant to the provisions of Section 2-47A be considered until after twelve years from the effective date of the disbarment. No such application may be granted unless the attorney provides satisfactory evidence that full restitution has been made of all sums found to be knowingly

misappropriated, including, but not limited to, restitution to the client security fund for all claims paid resulting from the attorney's dishonest misconduct.

Hawaii Supreme Court Rule 2.17

Rule 2.17. Reinstatement

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(b)(5) Evidence Costs, Lawyers' Fund Paid. No suspended or disbarred attorney shall be eligible for reinstatement except upon a showing that he or she has reimbursed both the Board for all costs ordered including those incurred under RSCH 2.20, if any, and the Lawyers' Fund for Client Protection for monies paid out on account of the attorney's conduct, together with interest at the Hawai'i statutory judgment rate.

Idaho Bar Comm. R. 518

Rule 518 – Reinstatement after Suspension

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(b) Reinstatement after Suspension for More than 90 Days. A lawyer suspended for more than 90 days may be readmitted upon showing that he or she has the moral qualifications, competency and learning in the law for admission to practice law in this State, that his or her resumption of the practice of law within this State will not be detrimental to the integrity of the Bar, to the administration of justice or against the public interest, and that he or she has complied with all the terms of his or her suspension, and that he or she has reimbursed the Bar for any amounts owed related to the disciplinary proceedings and, if applicable, for any amounts paid from the Client Assistance Fund based on the lawyer's dishonest conduct.

Iowa Rule 34.25

Rule 34.25 – Procedure for reinstatement from suspension of more than 60 days

(1) *Application for reinstatement.* ...The application for reinstatement must include the following:

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e. Satisfactory proof that the Clients' Security Trust Fund of the Bar of Iowa is repaid in full for all client security conduct or that the client security commission has approved a repayment plan.

Kentucky SCR 3.502

SCR 3.502 Reinstatement after a disciplinary suspension 181 days or more

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2)(b) A certification from the Office of Bar Counsel that:

- i. There are no pending disciplinary matters against the Applicant;
- ii. There are no pending Client Security Fund claim against the Applicant; and
- iii. There are no unpaid Client Security Fund awards against the Applicant.

New Jersey Rule 1:20-21

Rule 1:20-21 – Reinstatement After Final Discipline

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(f) Contents of Petition

...

(11) a statement of restitution made for any and all obligations to all former clients and the Lawyers' Fund for Client Protection and the source and amount of funds used for this purpose;

New York – Rule 1240.16

...

(b) Necessary papers...an affidavit in the form in Appendix C to these Rules...

Affidavit in Support of Application for Reinstatement to the Bar After Disbarment or Suspension for More Than Six Months

...

11. The discipline imposed upon me was predicated upon, or arose out of, my misappropriation or misuse of the real or personal property of others, or the failure to return legal fees received but unearned by me. I have made full restitution to the owners of the property or the clients in question, and if any part of the loss occasioned by my conduct was the subject of an award by the Lawyers' Fund for Client Protection pursuant to Part 7200 of this Title, I have made full restitution to the Fund, except as follows:

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Pennsylvania – R.D.E. 531

Rule 531. Restitution a Condition for Reinstatement

The Board shall file with the Supreme Court a list containing the names of all formerly admitted attorneys with respect to the Dishonest Conduct of which the Board has made unrecovered disbursements from the Fund. No Covered Attorney will be reinstated by the Supreme Court under Rule 218 (relating to reinstatement proceedings), Rule 219 (relating to administrative changes in status), Rule 301(h) (relating to proceedings where an attorney is declared to be incapacitated or severely mentally disabled), Pennsylvania Rules for Continuing Legal Education Rule 111(b) (relating to noncompliance with continuing legal education rules) or who has been suspended from the practice of law for any period of time, including, but not limited to suspensions under Rule 208(f) (relating to emergency temporary suspension) and 219(g) (relating to administrative suspension) until the Covered Attorney has paid in full a penalty to the Fund assessed in the amount of all disbursements made from the Fund with respect to the Dishonest Conduct of such Covered Attorney, plus 10% per annum interest.