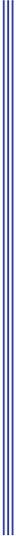




**MASSACHUSETTS CLIENTS' SECURITY BOARD
OF THE
SUPREME JUDICIAL COURT**



**ANNUAL REPORT
TO THE
SUPREME JUDICIAL COURT

FISCAL YEAR 2005
SEPTEMBER 1, 2004 - AUGUST 31, 2005**

CLIENTS' SECURITY BOARD

of the Supreme Judicial Court
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BOSTON, MASSACHUSETTS 02110
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August 30, 2005

Dear Reader,

September 1, 2004, marked the beginning of the fourth decade of this Board's work "to discharge, as far as practicable and in a reasonable manner, the collective professional responsibility of the members of the Massachusetts bar with respect to losses caused to the public by defalcations of members of the bar." (Supreme Judicial Court Rule 4:04, Section 1) Inside, you will read about the specifics of our thirty-first year. Right now, I would like to take a moment to reflect on our history and compare it to the present.

During fiscal year 1974-75 the Board decided seven claims and made five awards totaling \$2,808.00. This year, fiscal 2004-05, the Board decided eighty-one claims and made fifty-five awards totaling more than \$2.2 million. During its first thirty-one years the Board has awarded more than \$27 million to clients whose lawyers have stolen from them. That's more than \$870,000.00 per year! Some might argue those numbers are depressing. I argue that the numbers show that the lawyers of Massachusetts are doing exactly what the Supreme Judicial Court directed us to do. We are demonstrating the highest level of professional responsibility for the microscopic number of lawyers who misappropriate client funds. Consider this: five lawyers (0.016%)¹ are responsible for \$7.8 million (28.8%) of the cumulative \$27 million awarded.

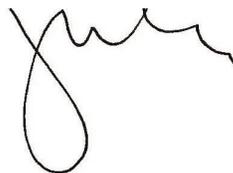
But, it's too easy to become lost in the statistics when the real mission of the Board is to heal the betrayal of client trust placed in us as professionals. Despite the countless lawyer jokes that course through our culture, we on the Board witness in our society a deep, abiding respect for and trust of lawyers. Claimants before us are genuinely shocked that their lawyers could have stolen from them. They gave their trust to their lawyer and expected honorable behavior in return. When, instead, they receive a web of lies and empty bank accounts, their world shattered. Why? Because they truly and wholeheartedly trusted their lawyers.

¹This percentage is based on the mean number of lawyers (approximately 31,000) registered to practice in the Commonwealth between 1974 and 2005

We must never, ever forget that. While we can't prevent the dishonesty of that lawyer, as a profession we can -- and we must -- make these claimants whole. By doing so, we uphold the trust that society places in our profession.

It has been a privilege to serve as Chair of the Board during the first year of its fourth decade. The cordiality and dedication of my fellow Board members as well as the challenge and satisfaction of our work to uphold the highest goals of our profession make my service on the Board and to the lawyers of the Commonwealth among the most satisfying of my career. Finally, we and all the other lawyers in the Commonwealth owe the most profound gratitude to all of the members of the Supreme Judicial Court during the last three decades for their unstinting and unswerving commitment to the goal of 100% reimbursement for proven client losses.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'John R. Gobel'. The signature is fluid and cursive, with a large loop at the beginning and several smaller loops and flourishes extending to the right.

John R. Gobel
Chair



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2005 - BACK TO NORMALCY

During 2004 the Board worked energetically to reduce by 40% the 176 pending claims at the end of 2003. That effort enabled the Board to close 2004 with only 107 pending claims, 7% below the mean number of year-end pending claims of 115 during the past decade. At the close of 2005, pending claims stood at the same level: 107.

While deciding 81 claims and making 55 awards during 2005, the Board ruled on all remaining claims related to deceased lawyer Thai Ngoc Nguyen and disciplined lawyer Shirley Hoak. By making awards to five former clients of Mr. Nguyen, the Board increased the total awards to forty-eight and increased the aggregate amount awarded to \$1,185,359. By awarding seven former clients of Shirley Hoak a total of \$548,803, the Board increased the total awards to twenty and the aggregate amount awarded to \$1,276,236. Those figures place Mr. Nguyen and Ms. Hoak in the company of three other disciplined lawyers (Messrs. Walter Palmer, James Richard Locke and Fred Dellorfano) on whose behalf the Board has awarded more than \$1 million each.

THIRTIETH ANNIVERSARY REPORT

To mark this milestone the Board published a small-format report examining the origins of the current Board and reflecting on the work of the last three decades. The report is available for examination and download at:

<http://www.mass.gov/ClientsSecurityBoard/>

OUTREACH

The Clients' Security Board and Board of Bar Overseers (BBO) meet monthly in the very same boardroom. The BBO acts as a conduit for the CSB budget and as the investment agent for CSB funds. Despite that closeness, the boards wanted to learn more about each other's work. To remedy that situation, John Gobel, CSB Chair, requested time on the agenda for the BBO's June 2005 meeting. Vice-chair, Peter DeGelleke, and Treasurer, Lucy West, accompanied Mr. Gobel, and all made brief presentations about aspects of CSB's work to a receptive and interested audience. Such outreach can only help to foster more positive working relationships.

THE FIRST MULTI-JURISDICTION CLAIM

During this fiscal year, the Board received a claim from a resident of State X who had engaged a lawyer (admitted in both State X and Massachusetts) to represent her in a wrongful discharge suit against the claimant's former employer. The lawyer told the claimant that she would have to build a substantial war chest for expert witnesses. The claimant complied with the request and over the course of several months paid approximately \$100,000 to the lawyer. No suit was ever filed against the employer, although one mediation session took place in State X. After two years it became clear to the claimant, when all communication ceased, that the lawyer had misappropriated her money. Claimant reported the lawyer to the State X Bar, resulting in the lawyer's disbarment. The lawyer was disbarred in Massachusetts shortly thereafter. The claimant, a meticulous

record-keeper, filed a detailed claim with our Board seeking reimbursement. She met all the formal requirements: Claimant was the client of a lawyer who was admitted and had an office and active practice in the Commonwealth of Massachusetts who had misappropriated funds. However, the defalcation occurred, in major part, in State X.

The Board realized that this was an ideal case for clients' security boards in two different jurisdictions to work together. The Board wrote to and consulted with the Board in State X with an exhortation for the two boards to work together to make this claimant whole. The challenges of such cooperation quickly became apparent: Some jurisdictions have statutes of limitations on filing claims while other do not. Many states limit the size of an award to a claimant. Many states limit the aggregate size of awards attributable to one dishonest lawyer. Of the states that have limits, the caps range from as low as \$10,000 to as high as \$300,000. Massachusetts has no statute of limitations. Massachusetts is one of four states that has no limit on the size of an award. The Boards of some funds meet frequently; others do not. Some Boards conduct hearings with appearances by witnesses; others do not. Some states have professional staffs to investigate, research and prepare claims for the Boards' consideration; others rely on Board members to perform those tasks. The disparities appear greater than the similarities, making cooperation difficult. Nevertheless, when viewed through the eyes of a claimant, all these differences are not only puzzling but also frustrating and demoralizing.

These multi-jurisdictional claims will become only more frequent in the future and clients' security boards of all the states must begin to consider and implement methods for dealing with such claims to prevent claimants from perceiving state Clients' Security Boards as turf-guarding, petty bureaucrats instead of restorers of public trust and confidence in the legal profession.

[We] are very happy . . . Thank you very much
for everything. 11/9/2004 CSB-2004-037, Brazil,
South America



TABLE 1: Massachusetts Clients' Security Board
Claims Activity For Fiscal Years 1975-2005

Fiscal Year	# of Claims Filed	# of Claims Adjudicated	# Dismissed	# of Awards Made	Award Amounts	Defalcation Found	Claims Pending Year-end	Total \$\$ Amount of Pending Claims
1975	14	7	2	5	\$2,808.00	\$3,300.00	0	\$0
1976	36	28	18	10	\$44,635.00	\$102,874.61	1	\$40,000.00
1977	21	18	13	5	\$22,100.80	\$29,929.00	2	\$162,000.00
1978	71	34	14	20	\$64,734.00	\$198,218.18	0	\$0
1979	53	39	29	10	\$14,490.00	\$50,010.66	1	\$10,000.00
1980	126	60	38	22	\$71,208.00	\$210,564.42	4	\$98,979.00
1981	42	126	61	65	\$244,276.18	\$509,383.34	5	\$124,414.55
1982	30	29	9	20	\$80,212.00	\$147,383.38	11	\$237,977.40
1983	35	40	7	33	\$152,005.00	\$292,295.54	6	\$150,222.96
1984	45	42	17	25	\$141,125.67	\$252,035.43	22	\$596,644.01
1985	46	34	12	22	\$224,904.17	\$366,320.22	33	Not available
1986	23	38	7	31	\$214,810.75	\$408,222.01	18	\$435,610.54
1987	42	35	12	22	\$503,776.00	\$578,541.42	26	\$913,757.20
1988	28	24	13	11	\$267,954.24	\$334,718.29	31	\$879,523.90
1989	51	40	16	24	\$146,720.06	\$188,003.67	42	\$1,185,536.06
1990	74	73	18	55	\$759,025.23	\$1,062,513.53	43	\$1,684,305.12
1991	71	55	20	35	\$624,592.42	\$701,168.42	59	\$2,385,442.46
1992	124	85	16	69	\$968,894.77	\$997,394.78	97	\$3,876,569.75
1993	146	95	22	73	\$1,111,181.93	\$1,145,546.27	152	\$5,923,733.42
1994	109	157	27	130	\$1,203,911.62	\$1,301,225.72	103	\$6,388,646.51
1995	90	103	35	68	\$1,602,217.70	\$1,837,125.44	92	\$4,941,427.08
1996	139	100	33	67	\$1,696,870.13	\$2,770,734.17	130	\$6,704,036.56
1997	81	113	30	83	\$2,058,900.92	\$2,348,443.15	100	\$6,011,390.39
1998	119	102	46	56	\$1,254,229.91	\$1,313,307.70	117	\$4,896,354.03
1999	80	98	32	66	\$2,119,675.47	\$2,512,843.05	103	\$3,978,062.06
2000	83	108	22	86	\$2,744,848.83	\$2,812,926.57	78	\$3,175,277.78
2001	119	70	15	55	\$1,963,555.27	\$1,963,555.27	125	\$5,766,860.34
2002	82	94	25	69	\$1,066,379.91	\$1,083,745.75	115	\$10,935,665.79
2003	116	56	11	45	\$1,055,477.00	\$1,147,876.90	176	\$14,527,530.07
2004	90	159	58	99	\$2,412,597.49	\$2,449,947.49	107	\$12,526,853.85
2005	81	81	26	55	\$2,203,527.19	\$2,202,420.94	107	\$17,098,832.30

Thank you so much for your time today. [Co-claimant] and I very much appreciate everything you did to help us and the Vietnamese community through this rough time. Ms. Karen O'Toole, The Clients Security Board and especially yourself did an outstanding job by reaching out to understand our problems and guide us through the legal system. It makes us so proud to be Americans to live in a society that the legal system works and that people like yourself care enough to assist us as you have. You have dedicated so much time, both official and personal to assist us, and we are so very grateful to you. 1/14/2005 CSB-2003-094

DISPOSITION OF CLAIMS

Awards

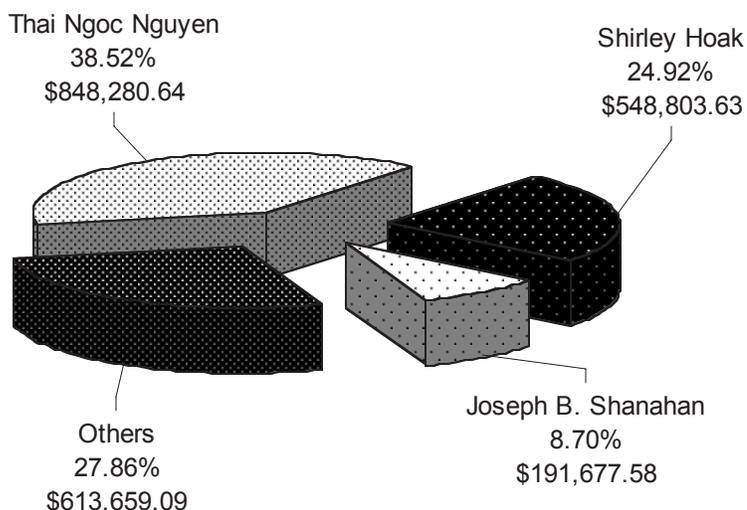
GENERAL

The Board made awards totalling \$2,203,527.19, a decrease of 8.67% from last year's \$2,412,597.49. The number of claimants receiving awards decreased by 44% (99 to 55) compared to 2004.² Only 24 lawyers were responsible for this payout, three of whom were deceased. This represents 1/20 of 1% of the total number of practicing lawyers in the Commonwealth of Massachusetts. The smallest award paid out was \$191.00 on behalf of Kyle T. Buckminster who continued to practice law after being disciplined; the largest single award (\$450,000.00) went to a client of deceased attorney Thai Ngoc Nguyen when Mr. Nguyen breached his fiduciary duty by stealing his client's downpayment for a real estate purchase.

LAWYERS WITH HIGHEST DEFALCATION

Thai Ngoc Nguyen, now deceased, Shirley Hoak, and Joseph B. Shanahan were responsible for \$1,588,761.85 or 72.14% of the total claims paid out. Five claims were attributable to the misconduct of Thai Ngoc Nguyen, the largest being \$450,000.00. Seven claims were paid on behalf of Shirley Hoak (\$548,803.63) and one to an ex-client of Joseph Shanahan (\$192,783.83). In 2004, the Board paid: \$377,077.88 to 43 clients of Thai Ngoc Nguyen, for a grand total to date of \$1,185,359.22 to 48 claimants; and \$662,432.44 to 12 claimants on behalf of Shirley Hoak, for a total over the past three years of \$1,276,236.07 to 20 claimants. Also in 2004, the Board paid: \$608,409.47 to four claimants against Joseph Shanahan. The largest aggregate amount paid out for a single attorney was \$2,256,764, paid to 13 former clients of Walter Palmer.

CHART 1: Lawyers with Highest Defalcation



²The 99 awards made in 2004 was the highest number in a decade. Of those 99 awards, 43 were attributable to deceased attorney Thai Ngoc Nguyen and averaged approximately \$7,800.00.

TABLE 2: Total Awards by Disciplined or Deceased Attorney (September 1, 2004-August 31, 2005)

Name	Town	County	No. of Awards	Defalcation	Total Awarded
Thai Ngoc Nguyen	Dorchester	Suffolk	5	\$ 848,280.64	\$ 848,280.64
Shirley A. Hoak	Cambridge	Middlesex	7	\$ 548,803.63	\$ 548,803.63
Joseph B. Shanahan*	Chelmsford	Middlesex	1	\$ 191,677.58	\$ 192,783.83
Gary L. Meyers	Brookline	Norfolk	8	\$ 168,984.95	\$ 168,984.95
Michael G. McDonald	Salisbury	Essex	3	\$ 97,564.17	\$ 97,564.17
Richard H. Wynn	Revere	Suffolk	2	\$ 93,000.00	\$ 93,000.00
Barry B. Teicholz	Boston	Suffolk	2	\$ 57,984.97	\$ 57,984.97
Elizabeth Ann Wolfe	Boston	Suffolk	1	\$ 54,250.00	\$ 54,250.00
James Wager	Salem	Essex	4	\$ 24,500.00	\$ 24,500.00
John F. Sheehan	No. Dartmouth	Bristol	1	\$ 23,500.00	\$ 23,500.00
Bruce G. Rosen	Providence, RI		1	\$ 20,000.00	\$ 20,000.00
Michael J. Cruz	Springfield	Hampden	3	\$ 16,600.00	\$ 16,600.00
Neil Robert Cola	Chelsea	Suffolk	3	\$ 11,475.00	\$ 11,475.00
Larry Michael Van Hoozer	Salisbury	Essex	1	\$ 11,000.00	\$ 11,000.00
Norris Coleman	Cambridge	Middlesex	1	\$ 9,145.00	\$ 9,145.00
David A. Kiernan	Chelmsford	Middlesex	3	\$ 8,514.00	\$ 8,514.00
Merrill D. Goldfarb	Brockton	Plymouth	1	\$ 4,000.00	\$ 4,000.00
William C. McPhee	Norwell	Plymouth	1	\$ 4,000.00	\$ 4,000.00
Kyle T. Buckminster	Uxbridge	Middlesex	2	\$ 3,191.00	\$ 3,191.00
Joseph P. Carmichael	Boston	Suffolk	1	\$ 2,250.00	\$ 2,250.00
Eric L. Levine	Boston	Suffolk	1	\$ 1,500.00	\$ 1,500.00
Allan Garfinkle	Brockton	Plymouth	1	\$ 1,000.00	\$ 1,000.00
John V. Young	Newton	Norfolk	1	\$ 700.00	\$ 700.00
Gerald L. Shyavitz	Chelmsford	Middlesex	1	\$ 500.00	\$ 500.00
Total*			55	\$ 2,202,420.94	\$ 2,203,527.19

* Total Awarded amount exceeds Total Defalcation because the Board penalized the respondent by adding interest to the defalcation amount.

The members of the [organization] deeply appreciate your recent check of \$114,000. The money will be distributed to the several worthy community organizations that selflessly serve members of our neighborhood. Thank you all so much. 12/3/2004 CSB-2004-031

AWARDS BY CATEGORY

The most awards (21) were made in the Unearned Retainer category representing 38.18% of the total number of awards but only 7.96% (\$175,328.95) of the total dollar amount. The highest dollar amount paid out was in the Real Estate category (\$669,319.26 or 30.37%) to 7 (12.73%) recipients. Table 3 below fully details the award categories. Each category is discussed individually in the following pages.

TABLE 3: Breakdown of Awards

Category	No. of Awards	% of Total Awards	Total Awarded	% Total \$\$ Awarded	Total Defalcation	% of Total Defalcation
Bankruptcy	4	7.27%	\$ 43,936.17	1.99%	\$ 43,936.17	1.99%
Investment	2	3.64%	\$ 71,086.15	3.23%	\$ 71,086.15	3.23%
Trusts & Estates	2	3.64%	\$ 296,515.25	13.46%	\$ 296,515.25	13.46%
Fiduciary	8	14.55%	\$ 638,696.55	28.99%	\$ 638,696.55	29.00%
Real Estate	7	12.73%	\$ 669,319.26	30.37%	\$ 668,213.01	30.34%
Settlement	11	20.00%	\$ 308,644.86	14.01%	\$ 308,644.86	14.01%
Unearned Retainer	21	38.18%	\$ 175,328.95	7.96%	\$ 175,328.95	7.96%
Total	55	100.00%	\$ 2,203,527.19	100.00%	\$ 2,202,420.94	100.00%

Fiduciary

The misuse of funds held by an attorney acting as a fiduciary where there is an attorney-client relationship.

Attorney	No. of Awards	Total Award/Attorney	% of Total Awarded
Thai Ngoc Nguyen	2	\$ 495,500.00	77.58%
Barry Teicholz	1	\$ 54,984.97	8.61%
Shirley Hoak	2	\$ 40,619.58	6.36%
Gary L. Meyers	2	\$ 36,592.00	5.73%
Larry Michael Van Hoozer	1	\$ 11,000.00	1.72%
Total	8	\$ 638,696.55	100.00%

The Board paid out a similar amount last year in this category, \$630,760.24, 56.37% (or \$355,558.00) of which went to clients of Shirley Hoak. This year, 77.58% or \$495,500.00 were paid to two clients of deceased lawyer Thai Ngoc Nguyen. In one instance, the lawyer, knowing his client wanted to purchase a building in the Dorchester business district, asked client to give him \$450,000 as a down payment ostensibly to allow Mr. Nguyen to move quickly in case another buyer appeared. Mr. Nguyen converted the sum for his own benefit. In a similar fashion, the lawyer converted \$45,000 of another client's money.

A complete description of case summaries for the Fiscal Year 2005 can be found at the Clients' Security Board's web site at www.mass.gov/clientssecurityboard

Real Estate

Misappropriation of deposits, escrows or sale proceeds in real estate transactions

Attorney	No. of Awards	Total Award/ Attorney	% of Total Awarded
Thai Ngoc Nguyen	3	\$ 352,780.64	52.71%
Joseph B. Shanahan	1	\$ 192,783.83	28.80%
Shirley Hoak	1	\$ 65,004.79	9.71%
Elizabeth Ann Wolfe	1	\$ 54,250.00	8.11%
Neil Robert Cola	1	\$ 4,500.00	0.67%
Total	7	\$ 669,319.26	100.00%

In addition to paying out 10 awards in 2004 for deceased lawyer Thai Ngoc Nguyen's misappropriation of funds in this category totaling \$268,641.19 or 59.61%, this year he accounted for a further \$352,780.64 or 52.71% of the real estate claims. In one of these three instances, he stole a \$300,000 down payment on a new home. Mr. Shanahan stole \$403,355.17 being all of the proceeds from the sale of a marital house in a contested divorce proceeding. After pursuing the depository bank, the couple were able to retrieve only a fraction of the total funds. The Board paid the remaining \$192,783.83, representing more than one-quarter of the total paid out in this category.

Settlement

Misappropriation of proceeds from the settlement of personal injury matters or other litigation.

Attorney	No. of Awards	Total Award/ Attorney	% of Total Awarded
Shirley A. Hoak	1	\$ 133,537.86	43.27%
Richard H. Wynn	2	\$ 93,000.00	30.13%
James Wager	4	\$ 24,500.00	7.94%
John F. Sheehan	1	\$ 23,500.00	7.61%
Bruce G. Rosen	1	\$ 20,000.00	6.48%
Norris Coleman	1	\$ 9,145.00	2.96%
David A. Kiernan	1	\$ 4,962.00	1.61%
Total	11	\$ 308,644.86	100.00%

After Shirley Hoak settled a claimant's personal injury matter and deducted legal fees and expenses, the claimant's net was \$240,000.00. Ms. Hoak explained to her client that it was customary for lawyers to hold funds for clients who may not be psychologically capable of overseeing their own funds. Sometime later, Ms. Hoak represented the same claimant in a worker's compensation matter and received a \$41,495 settlement. The claimant received over \$40,000 from Ms. Hoak and the Board paid out the remaining \$133,537.86, representing 43.27% of the total of \$308,644.86 in this category.

Trusts and Estates

The misappropriation of money or other assets, intended for the heirs, beneficiaries or a trust, by an attorney serving as trustee, executor or counsel to the executor or trustee

Attorney	No. of Awards	Total Award/ Attorney	% of Total Awarded
Shirley Hoak	2	\$ 296,515.25	100.00%
Total	2	\$ 296,515.25	100.00%

Ms. Hoak was responsible for 32.05% or \$227,830.72 of the awards in this category last year. This year she is responsible for 100%. In one claim, Ms. Hoak probated her client's mother's estate and used the estate assets for her own benefit. In the other claim, an elderly client retained her to assist him with estate planning. After her client delivered more than \$200,000 to fund a trust, Ms. Hoak again used the funds for her own benefit.

Investments

During the course of a lawyer-client relationship, the lawyer undertakes to invest the client's funds but instead uses the funds for the lawyer's own benefit.

Attorney	No. of Awards	Total Award/Attorney	% of Total Awarded
Shirley A. Hoak	1	\$ 13,126.15	18.47%
Michael G. McDonald	1	\$ 57,960.00	81.53%
Total	2	\$ 71,086.15	100.00%

The Board awarded \$257,670.44 in this category last year in two claims. This year, Michael McDonald represented a client in a Ch. 13 proceeding that was dismissed two months after filing. Despite this, Mr. McDonald sold the client's condominium and used the proceeds (approx. \$240,000) to support his failing real estate development project promising claimant 25% annual interest. He paid his client only after she sued, but he kept a total of \$57,960.00 as a bogus "legal fee" and "real estate broker's commission."

Unearned Retainer

Client money accepted by an attorney who failed to perform the agreed upon legal services. These claims should not be confused with *fee disputes or malpractice claims* where an attorney negligently performs legal services causing financial loss to a client.

Attorney	No. of Awards	Total Award/Attorney	% of Total Awarded
Gary Meyers	5	\$ 130,692.95	74.54%
Michael J. Cruz	3	\$ 16,600.00	9.47%
Neil Robert Cola	2	\$ 6,975.00	3.98%
Merrill D. Goldfarb	1	\$ 4,000.00	2.28%
William C. McPhee	1	\$ 4,000.00	2.28%
Barry Teicholz	1	\$ 3,000.00	1.71%
Kyle T. Buckminster	2	\$ 3,191.00	1.82%
Joseph P. Carmichael	1	\$ 2,250.00	1.28%
Eric L. Levine	1	\$ 1,500.00	0.86%
Allan Garfinkle	1	\$ 1,000.00	0.57%
David Kiernan	1	\$ 920.00	0.52%
John V. Young	1	\$ 700.00	0.40%
Gerald L. Shyavitz	1	\$ 500.00	0.29%
Total	21	\$ 175,328.95	100.00%

In 2004, the Board reimbursed \$168,728.00 to 52 claimants. Deceased attorney Gary Meyers accounted for \$44,989.00 (26.66%) paid out to nine claimants. This year 21 claimants received \$175,328.95. Five of those awards, totalling \$130,692.95 (74.54%) were paid to clients of Gary Meyers. In one of these claims, Meyers represented his client in five matters, in all instances, pocketing the legal fees paid totalling \$72,968.00 without doing any work. Although he assured the client he filed the suits and gave status updates, Mr. Meyers never filed suit and supplied fabricated letters and bogus court docket numbers to his client.

Bankruptcy

Misappropriation of client funds intended as payments to the bankruptcy court or to creditors.

Attorney	No. of Awards	Total Award/Attorney	Total Awarded
Michael G. McDonald	2	\$ 39,604.17	90.14%
David Kiernan	1	\$ 2,632.00	5.99%
Gary L. Meyers	1	\$ 1,700.00	3.87%
Total	4	\$ 43,936.17	100.00%

While last year, the Board paid out only \$1,750 in this category, this year it has paid out over \$43,000. Michael G. McDonald accounted for 90.14% of the total awards. In both cases, Mr. McDonald converted his clients' money, set aside for paying their debts, for his own benefit. When his clients filed lawsuits against him for the funds, he promptly filed his own Chapter 7 bankruptcy.

Dismissals

Table 4 lists claims that were dismissed against former attorneys and the reasons for such dismissals. Of the 26 dismissals, 8 claims (30.77%) were dismissed because the Board found no defalcation, 5 (19.23%) were due to restitution before the claims were brought to hearing, 4 (15.38%) claimants had no attorney-client relationship, 4 (15.38%) claimants voluntarily withdrew their claims, 3 (11.54%) were resolved by third-party settlements and 2 (7.69%) lacked sufficient data on which to make an award. See Chart 2 on the following page.

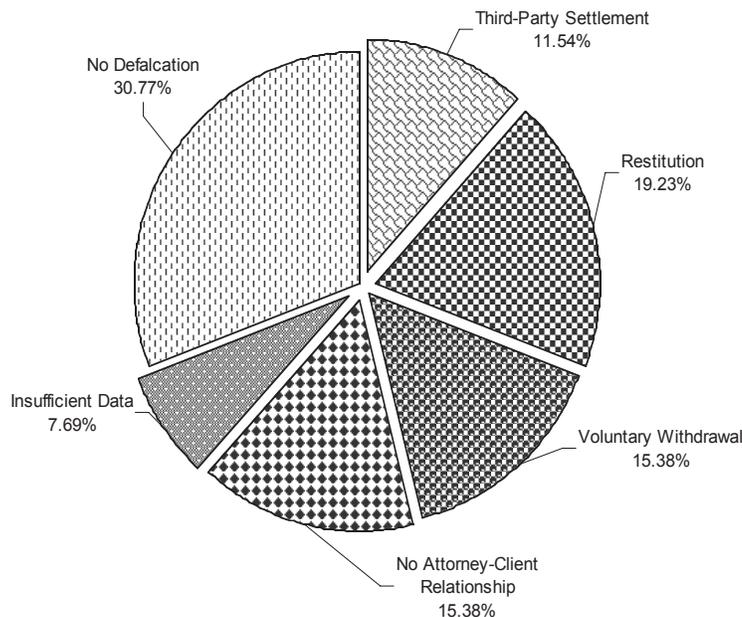
TABLE 4: Dismissals

Attorneys	No. of Claims Dismissed	Basis of Claim	Reason for Dismissal
James F. Boudreau	1	TE	Restitution by Attorney
Mory K. Brenner	1	RE	No Defalcation/Theft
Kevin F. Carney	1	UNRET	Restitution by Attorney
James E. Costello	1	SETT	Voluntary Withdrawal
Robert J. Delaney	1	RE	Voluntary Withdrawal
Roberta Golden	1	UNRET	No Defalcation/Theft
Merrill D. Goldfarb	1	UNRET	Restitution by Attorney
Henry J. Joyal	1	RE	No Defalcation/Theft
Francis Kelley Landolphi	1	UNRET	No Defalcation/Theft
Christopher Long	1	SETT	Voluntary Withdrawal
Michael G. Moore	1	UNRET	No Defalcation/Theft
Sean C. Murphy	1	BANKR	Failure to Produce Data
Bruce G. Rosen	1	SETT	Third Party Recovery
Joseph B. Shanahan	1	RE	Voluntary Withdrawal
Gerald L. Shyavitz	1	UNRET	No Defalcation/Theft
Neil Robert Cola	1	RE	Restitution by Attorney
	1	TE	Third Party Recovery
Thai Ngoc Nguyen	1	RE	No Defalcation/Theft
	1	SETT	Third Party Recovery
Eric L. Levine	1	RE	No attorney-client Relationship
	1	RE	No Defalcation/Theft
Michael G. McDonald	1	UNRET	No Defalcation/Theft
	1	RE	No attorney-client Relationship
	1	UNRET	Failure to Produce Data
Richard H. Wynn	1	SETT	No attorney-client Relationship
Total	25		

SETT-Settlement Proceeds; UNRET-Unearned Retainer; FID-Fiduciary Funds; INV-Investment; RE-Real Estate Funds; TE - Trustee; BANKR - Bankruptcy

Thank you to you and the Board for your efforts on my behalf. I appreciate it very much. 1/31/05 CSB-2002-81

CHART 2: Distribution of Dismissed Claims



RESTITUTION

During 2005, the Board collected \$165,060.64 in restitution. The majority, \$82,981.20, was collected through the activities of the Board, \$69,013.72 was court-ordered restitution, \$5,834.44 was paid voluntarily and \$7,231.28 was paid to the Board through other activities.

PENDING CLAIMS

At the close of fiscal 2004, there were 107 claims totaling \$12,526,853.86. By the end of fiscal 2005, that figure grew to an all-time high of \$17,098,832.30 for 107 pending claims. Of that daunting number, the misconduct of disbarred lawyer Morris Goldings is responsible for \$8.2 million or 48% of the total.

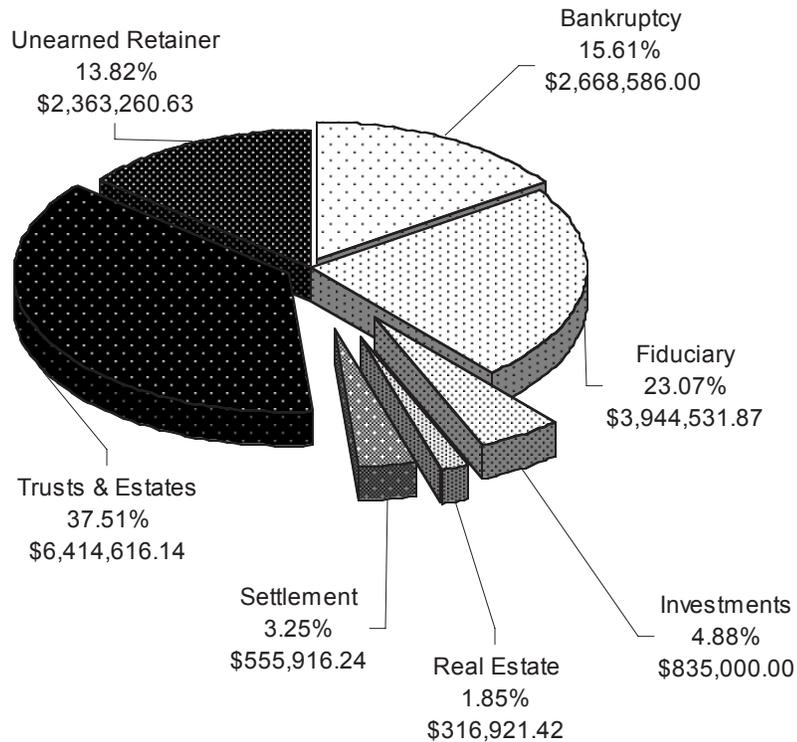
During the past four and one-half years the Board has closely monitored the bankruptcy proceeding of Mr. Goldings' former firm and now anticipates that during fiscal 2006 the eight Goldings claimants will receive payments (mainly from the firm's professional liability insurer) based on the partial allowance of their claims in that proceeding. Those payments will reduce the \$8.2 million in outstanding claims and will define the exact amount of the unsatisfied claims. The Board remains cautiously optimistic that it will be able to respond to the pending claims with available funds.

Adam ... thank you for the long awaited good news, ... I appreciate your support during this difficult time, words cannot express the appreciation, ... please extend out thanks to Sandra and Karen for their support as well ...
 Thanks again. 6/24/2005 CSB-2004-076

TABLE 5: Analysis of Claims Pending as of 8/31/2005

Basis	# of Claims Pending	% of Total Claims Pending	\$ Total Claims	% of Total \$\$ in Pending Claims
Bankruptcy	1	0.93%	\$ 2,668,586.00	15.61%
Fiduciary	8	7.48%	\$ 3,944,531.87	23.07%
Investments	2	1.87%	\$ 835,000.00	4.88%
Real Estate	9	8.41%	\$ 316,921.42	1.85%
Settlement	25	23.36%	\$ 555,916.24	3.25%
Trusts & Estates	10	9.35%	\$ 6,414,616.14	37.51%
Unearned Retainer	52	48.60%	\$ 2,363,260.63	13.82%
Total	107	100.00%	\$ 17,098,832.30	100.00%

CHART 3: Breakdown of Pending Claims as of 8/31/05



The officers of the [organization] want to thank you for your guidance in helping us secure reimbursement from the Clients' Security Board. As you know, the loss impacted several worthy organizations and your assistance in helping us throughout the reimbursement process was invaluable and most appreciated. 12/3/2004 CSB-2004-031

The 2005 William J. LeDoux Award
Featured Speaker: Honorable Francis X. Spina,
Associate Justice, Supreme Judicial Court

A lot has been said about the importance of an independent judiciary to a free and democratic society, and we must be ever vigilant to keep that debate alive. Not enough has been said about the independence of the legal profession, however, and we need only ask what good is an independent judiciary if the attorneys who appear before judges are not able to take on the unpopular causes that have given us some of our most cherished rights. We often take for granted the independence of our bar.

Ours is the only self-regulated profession in the Commonwealth. This is so because we have shown that we can do a better job of policing ourselves than government regulators. For that we have the Board of Bar Overseers to thank, in part. We also have the Clients' Security Board to thank, in part.

The Clients' Security Board, established by the Supreme Judicial Court in 1974, consists of seven lawyers who volunteer their time for terms of five years. They have been chosen to discharge the collective responsibility of the members of the Massachusetts bar to clients who have suffered a financial loss as a result of the dishonest conduct of their lawyer, who, for any number of reasons, is unable to make good on his oath. A portion of the annual registration fees paid by members of the Massachusetts bar to the Board of Bar Overseers goes to the Clients' Security Fund administered by the Clients' Security Board, to reimburse injured clients.

In addition to the boards I have just mentioned, the continued independence of the legal profession in Massachusetts is due, in large measure, to lawyers themselves, most notably, those who take seriously their role as public citizen, described in the preamble to the Rules of Professional Responsibility. These lawyers volunteer their time to advance the ideals of the profession in a myriad of ways, including pro bono rep-

resentation of persons of limited means before the courts and agencies in the Commonwealth.

Today we celebrate the independence of the legal profession by recognizing the work of two of our members, Hang Nina Nguyen and Hung Tran, by presenting them with an award named for William J. LeDoux, a Worcester County lawyer who served on the Clients' Security Board for ten years from 1987 to 1997, including seven years as its chairperson. Bill LeDoux was, in the words of virtually everyone who tried a case with him, a formidable opponent who held himself to the highest standards of the profession, both technically and ethically. It was his work on the Clients' Security Board, however, that he told Mike Frederickson was his most important professional achievement. He passed away in April, 1999, but not before presenting, with great pride, the first William J. LeDoux award in 1998.

The award we present today is given annually to an attorney or attorneys who demonstrate outstand-



Picture above shows left to right: Justice Spina, Hung Tran, Nina Nguyen and John R. Gobel, Chairman of the Clients' Security Board. Courtesy the SJC Public Information Office.

ing service in representing a claimant before the Clients' Security Board on a pro bono basis. The William J. Le Doux award gives us an opportunity to blow the horn of our profession and tell the world that we actively pursue our tradition and ideals of community service.

I wish to thank the members of the Clients' Security Board, for their tremendous contribution, Elma Le Doux and members of her family for their continued support of the ideals held so dearly by their husband, father, and grandfather, and to Hang Nina Nguyen and Hung Tran for keeping the tradition alive.

2005 William J. LeDoux Award
 Recipient
HUNG TRAN

Hung Tran, Esq. is a sole practitioner at his law firm, Hung Tran Law Office in Dorchester, Massachusetts where he concentrates on business law, real estate and immigration matters. He graduated from Boston College, Chestnut Hill, MA in 1993 with a B.A. degree, cum laude and from Suffolk University Law School, Boston, MA in 1996

where he received the prestigious David J. Sargent Fellowship. Before going into private practice, Mr. Tran served as Assistant Regional Counsel in the Office of

General Counsel of the Social Security Administration and as Assistant Attorney General in the Government Bureau of the Massachusetts Attorney General. Prior to this, he clerked at the Superior Court of the Commonwealth of Massachusetts for two years.



Remarks by Hung Tran

I'm honored to be a co-recipient of this year's LeDoux Award. I didn't expect my tiny contribution to result in this great recognition. And for that I'm humbled, humbled to receive an award named after a man whose life was devoted to country and community service.

When I was asked to help the Clients' Security Board to reach out to the Vietnamese community, I was thrilled for a couple of reasons. First, hardly anyone in our community knew about the Board and its great work. Second, a lot of people needed the Board's help at the time.

The Board came in at the right time - right when people had questions and didn't know where to turn. And the last thing they wanted to do was to hire another lawyer.

The Board did a great service here not only because it helped people who didn't have the language skills to navigate the system, but also because it restored some level of trust to the legal profession.

I'm proud to be a part of the Board's work. It was wonderful to work with Nina, Karen, and Sandra. We had a lot of fun working together, be it conducting bilingual meetings or translating documents into Vietnamese.

Translating was more challenging than I expected. It's difficult enough to translate legalese into any language, let alone into one that has no common roots with English *and* to an audience that's used to a different legal system.

That took a lot of patience and consultation. And for that, I have my Mother to thank. She filled out the first Vietnamese-translated claim application, pointed out where things didn't make sense, and offered lots of help thereafter. She's thrilled to know the good result of her work.

I hope the Board will be able to reach out to other immigrant communities the same way it did to the Vietnamese community. It's vulnerable enough when someone breaks your trust; it's even more so when you don't where to turn to for help.

In closing, I'd like to thank the Board, Justice Spina and everyone for this great recognition. Thank you.

2005 William J. LeDoux Award
 Recipient
HANG NINA T.K. NGUYEN

Hang Nina Nguyen, Esq. is the managing partner in the Law Office of Hang Nina Nguyen in Dorchester, Massachusetts. Ms. Nguyen holds a J.D. from Suffolk University Law School, a B.A. from Tufts University, and attended the School for International Training at Ho Chi Minh University in Saigon. She was an associate at the law firm of Boone & Henkoff before starting her own practice concentrating in real estate conveyances, family, immigration and business law. She interned at Greater Boston Legal Services - Asian Outreach Program and was the Public Relations Coordinator for the Massachusetts Office for Refugees and Immigrants from 1997-2000. She clerked at the Economic Crime Unit at the Office of the US Attorneys, US Department of Justice, Boston and was a legal assistant at Bingham McCutchen LLP in Boston, MA. She is the President of the Vietnamese American Initiative for Development (VIET-AID) and is active in the Fields Corner Main Street Program and the Fields Corner Civic Association.

Thank you for helping me. God Bless. 10/12/2004 CSB 2004-38
 Palin Escuintla, Guatemala, S.A.

Remarks by Hang Nina T.K. Nguyen

Greetings friends and family and guests,

I would like to thank the LeDoux Family, the Honorable Justice Spina, and members of the Clients' Security Board for this award and I am happy that my colleague and long time friend, Hung is also a recipient for his dedication to the community.

I would also like to thank my family and a few of the Vietnamese community leaders who have provided great leadership, support and guidance, such as Long Nguyen, Nam Pham, Zenobia Lai, Sherry Dong and Mary Truong.

It is an honor to be a recipient of this award for work that I enjoy doing and for a cause that I truly believe in—which is trying to bring justice to victims of a lawyer who had stolen their money and more importantly their trust.

I have been fortunate to have the opportunity to serve the Clients' Security Board during these past couple of years by translating, interpreting and assisting the Board with the hearing process for these claimants and at times, it was difficult to listen to some of facts of the victims cases, but their voices would not have been heard without a conduit, and I was happy to serve as that medium.

Without the Board, the Vietnamese community would have lost all hope and trust in lawyers, and more particularly in Vietnamese lawyers; but because the Board was able to award a large number of claimants for their loses, their distrust of the legal system and belief that justice did not exist lessened each time a case is heard and the claimant saw how dedicated and compassionate the Board was to their case.

However, there is still a negative perception of being a lawyer in the community and the sad truth is that "people in our profession earn degrees to take advantage of those without education" thereby creating no trust in lawyers.

My only hope is to change this perception slowly by providing legal services that would educate the clients to make their own decisions, advising them of their rights when entering into simple transactions such as buying a home, obtaining a lease or selling a business, and earn their trust again.

Past Recipients:

Peter H. Sutton, Riemer & Braunstein, Boston (1998)
Nathan H. Proctor and Charles F. Proctor, Oxford (1999)
Thomas G. Hoffman, Hoffman & Greene, Boston (2000)
Douglas W. Salvesen, Yurko & Salvesen, P.C., Boston (2002)
Jerry Cohen, Perkins, Smith & Cohen, LLP, Boston (2003)
Laura Hancock Barry, Fletcher, Tilton & Whipple, Worcester (2004)

Media Publicity

- ▶ Amon, Elizabeth. "Client funds improved, still flawed." *The National Law Journal*. September 27, 2004.
- ▶ Farmer, Tom. "MILLION\$ RETURNED TO BAD LAWYERS' CLIENTS." *Boston Herald*, November 29, 2004, p. 5; Also, <http://news.bostonherald.com/local/Regional>
- ▶ Farmer, Tom. "Million\$ at stake in tug-of-war: Thief-lawyer's victims duel firm," *Boston Herald.com* at <http://news.bostonherald.com/local/Regional>, December 17, 2004.
- ▶ Farmer, Tom. "Victims fume as disgraced Hub attorney basks in Fla," at <http://news.bostonherald.com/localRegional/view>, December 22, 2004.
- ▶ "Fund has returned more than \$2.4 million to lawyers' victims." *The Associated Press* at <http://www.masslive.com/newsflash/mass>, November 29, 2004.
- ▶ "Relief for law clients," Letter to the Editor by Suzanne Mishkin, Associate Counsel and Kristin Weber, Program Associate, HALT – In the News, Monday, December 20, 2004, at http://www.halt.org/about_halt/in_in_the_news/2004/boston_herald_dec_14_2004.php
- ▶ "Disbarred lawyer sentenced for swindling clients." *Boston.com. AP*, The New York Times Company at <http://www.boston.com/news/local/massachusetts/articles/2004/12/16>, December 16, 2004.
- ▶ "la Suprema Corte de Justicia de Massachusetts reembolsa victimas de advogados desonestos," *Jornal dos Sport*. 12-27-03 - 1-3-05.

Information on filing a claim for reimbursement can be obtained from:

- ▶ The Clients' Security Board's web site at www.mass.gov/ClientsSecurityBoard;
- ▶ The offices of the Clients' Security Board, 2nd Floor, 99 High Street, Boston, MA 02110; or,
- ▶ By calling 617.728.8757

CLIENTS' SECURITY BOARD MEMBERS



John R. Gobel, Esq., a Board member since November 9, 2001, has been appointed Chair of the Board effective December 2004. He is a partner in the law firm Gobel & Hollister in Pittsfield, Massachusetts, where he is engaged in the general practice of law. Mr. Gobel is a former lecturer at the Berkshire Community College, the Paralegal Institute, and the Massachusetts Bar Association's Continuing Legal Education Program. He is also a former Chair of the Probate Court Committee of the Berkshire County Bar Association.



Peter G. DeGelleke, Esq., a Board member December 2003, has been appointed Vice Chair of the board effective December 2004. He is a sole practitioner who specializes in criminal and civil litigation and corporate risk management. His office is in Concord, Massachusetts, where he is of counsel to the firm of McWalter, Barron & Boisvert. Admitted to the Bar in 1977 after graduating from Georgetown Law School, Mr. DeGelleke served two terms as a Hearing Officer for the Board of Bar Overseers, serves as an arbitrator for the Massachusetts Bar Association Fee Arbitration Board, and teaches trial advocacy in the Harvard Law School Trial Advocacy Workshop. A member of the Association of Trial Lawyers of America (ATLA), he provided pro bono representation to the family of a September 11 victim in making a claim with the Victim Compensation Fund as part of the Trial Lawyers Care program.



Peter H. Sutton, Esq., a Board member since November 2000, is a senior partner and Chair of the litigation department in the Boston law firm of Riemer & Braunstein LLP, which he joined in 1973, after his tenure as Chief Law Clerk to the Justices of the Superior Court. He has a diversified litigation practice with emphasis on business and commercial matters and bankruptcy law. Mr. Sutton has been a volunteer lecturer at the Boston University School of Law and has served as a trustee for several charities. He is a founder and president of the new Hellenic Bar Association. In 1988, he received the first annual William J. LeDoux Award Clients' Security Board award for outstanding *pro bono* legal representation of a claimant before the Board.



Lucy W. West, Esq., a Board member since December 1, 2002, is a partner at Rackemann, Sawyer & Brewster of Boston and Wellesley, where she concentrates in estate planning and the administration of estates and trusts. Ms. West began her legal career as a staff attorney at the U.S. Court of Appeals for the First Circuit, and has been in private practice ever since. Elected to the American College of Trust & Estate Counsel, she is past Moderator and Program Chair of the Boston Probate & Estate Planning Forum and past Chair of the New Developments Committee of the Boston Bar Association Trusts & Estates Section.



Guy B. Moss, Esq., a Board member since December 1, 2002, is a partner in the law firm of Bingham McCutchen LLP in Boston, where he concentrates on bankruptcy law, creditors' rights and commercial law. A Fellow of the American College of Bankruptcy, Mr. Moss is an active member of the Boston, Massachusetts and American Bar Associations, and the American Bankruptcy Institute, as well as a frequent author and lecturer in his field.



Pamela Jeanne Koehr, Esq., a Board member since December 1, 2004, serves as the Attorney General's designee on the Board of Appeal on Motor Vehicle Liability Policies and Bonds. Prior to her present position, she managed a general law practice in Lexington for 15 years. From 1997 until 2004, she served as a hearing officer for the Board of Bar Overseers. Ms. Koehr received her undergraduate degree from Chaminade University (Hawaii) and her J.D. from New England School of Law. She is a member of the Massachusetts Bar Association, the Middlesex County Bar Advocates and also serves as a trial advisor to the Trial Advocacy Workshop at Harvard Law School.



Kathryn A. O'Leary, Esq., a Board member since December 2004, is a trial attorney with the Worcester law firm of Gould & Ettenberg, P.C. since 1997. After graduating from Suffolk University Law School, she worked with Madan and Madan and the Boston office of Day, Berry & Howard. She is a member of the Worcester County Bar Association, Senior Women's Practice Group, and the Concord Attorney Round Table and has participated as a volunteer in the Suffolk and Middlesex County Bench/Bar Committees and the First Circuit Gender and Ethnic Bias Study. Ms. O'Leary is the president of Women's Hoop Dreams, Inc. and plays competitive women's basketball.

CLIENTS' SECURITY BOARD COUNSEL



Michael Fredrickson, Esq., is counsel to the Clients' Security Board. He received his bachelor's degree in English from Macalester College, attended Oxford University as a Rhodes Scholar, and did graduate work in English literature at the University of Toronto. After receiving his law degree from Harvard Law School, he worked for over five years as an associate at the Boston law firm of Hill & Barlow before taking his present position with the Clients' Security Board. He also serves as general counsel to the Board of Bar Overseers, the state's lawyer disciplinary agency.



Karen D. O'Toole, Esq., has been the assistant board counsel to the Clients' Security Board and the associate general counsel to the Board of Bar Overseers since 1989. From 1986 until 1989, Ms. O'Toole was an associate at the law firm of Hoch & McHugh in Boston practicing maritime law. She received her B.A. from Carnegie-Mellon University, her M.S.W. from the University of Michigan and her J.D. from Northeastern University.



Adam M. Lutynski, Esq., became assistant board counsel in 2002 after fourteen years as general counsel and secretary to an NYSE-listed technology solutions company. He is also a former public defender, legal aid lawyer and law school instructor. B.S., Loyola University (Chicago) - J.D., University of Chicago Law School.

After receiving your check yesterday, I would like to express my thanks and my gratitude to all the members of the Board who made it possible. I am now able to pay all my debts and go on with my life. It is no longer possible for me to go back to France and retire there, but I am going to move to Arkansas, in The Ozark Mountains, where life is cheaper than in Massachusetts. It is comforting to know, in this country of ours, the legal profession keeps an eye on their members and tries to make wrongs right. 10/5/2004 CSB-2004-036

ATTORNEYS WHO REPRESENTED CLAIMANTS IN CASES
ADJUDICATED BY THE CLIENTS' SECURITY BOARD DURING
THE PERIOD 9/1/2004-8/31/2005

The Board is pleased to publicly acknowledge and thank the following lawyers who generously contributed their time and talents during FY 2005 to represent claimants before the Board for which, by Court rule, they may not receive compensation.

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The Law Firm of William
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65 Gleneida Avenue
Carmel, NY 10512



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