Lawyers' Fund for Client Protection of the
Hawai'i Supreme Court

# 2025 Annual Report

## HISTORY & PURPOSE

The Lawyers' Fund for Client Protection of the Hawai'i Supreme Court ("Fund," formerly known as the Client Security Fund) was established in 1981 as a trust by the Supreme Court of Hawai'i. The Fund provides a remedy for clients of attorneys who have suffered financial losses as a result of the dishonest conduct of their attorney.

The Fund is financed entirely by assessments from attorneys in private practice. No taxpayer dollars are involved. Our legal profession is one of the few professions that take on the challenge and responsibility of making victims of dishonest conduct whole. The Fund exists because of the good lawyers who practice law in our state.

The overwhelming majority of the members of Hawai'i's legal profession are honest, hard-working professionals who do their best for their clients. However, despite the profession's best efforts to establish and maintain high ethical standards, there are a few dishonest lawyers who take advantage of their clients. And unfortunately, these lawyers usually do not have the financial wherewithal to make restitution to their victims. This is the gap that the Fund attempts to address.

The Fund considers all claims resulting from the dishonest conduct of a member of the Hawai'i State Bar, provided that:

- The dishonest conduct occurred while the attorney was an active member of the Bar of Hawai'i;
- The claim originates from the attorney providing legal services in the state of Hawai'i;
- The Claimant engaged the attorney in the state of Hawai'i;
- The claim stems from an attorney-client relationship or a fiduciary relationship such as when an attorney acts as an administrator, executor, or trustee of a trust or estate; and
- The attorney has either:

  ✔ Died

  ✔ Become bankrupt

  ✔ Been declared incompetent or incapacitated

- ✔ Has been disbarred or suspended from the practice of law
- ✔ Voluntarily resigned from the practice of law
- ✔ Has become a judgment debtor of the claimant because of his or her dishonest conduct
- ✔ Has been judged guilty of a crime based on his or her dishonest conduct
- ✔ Left the state of Hawai'i and cannot be found.

There are several types of conduct under which the Fund does not reimburse. They are:

- Claims for reimbursement occurring outside of an attorney-client relationship, or outside of the lawyer's fiduciary role.
- Loss not resulting from the lawyer's dishonest conduct.
- Losses due to negligence, malpractice or incidental to the claimant's cause.

The lawyer's failure to refund unearned legal fees account for the majority of reimbursement applications.

## 2025 CLAIMS OVERVIEW

Below is an overview of 2025 claims handling along with recent historical statistics:

| | 2025 | 2024 | 2023 | 2022 | 2021 | 2020 | 2019 | 2018 | 2017 |
|---|---|---|---|---|---|---|---|---|---|
| # Claims Opened during year | 12 | 21 | 40 | 57 | 25 | 39 | 16 | 6 | 15 |
| # Claims Disposed of during year | 14 | 18 | 37 | 39 | 11 | 12 | 8 | 13 | 4 |
| # Claims Pending at Year End | 76 | 78 | 75 | 90 | 72 | 58 | 31 | 23 | 30 |
| $ Claims Pending at Year End | $1,709,908 | $2,772,673 | $2,696,000 | $1,985,045 | $2,420,804 | $2,286,205 | $1,516,783 | $181,574 | $293,794 |

| | 2025 | 2024 | 2023 | 2022 | 2021 | 2020 | 2019 | 2018 | 2017 |
|---|---|---|---|---|---|---|---|---|---|
| # Claims Approved and Reimbursed | 5 | 11 | 13 | 13 | 2 | 3 | 4 | 6 | 0 |
| $ Claims Approved and Reimbursed | $22,949 | $110,945 | $172,253 | $281,198 | $101,655 | $15,544 | $20,877 | $21,050 | $0 |
| # Claims Dismissed – Fee Disputes | 0 | 0 | 1 | 1 | 1 | 0 | 3 | 3 | 2 |
| # Claims Dismissed – Lack of Cooperation from Claimant | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| # Claims Dismissed – Restitution by Atty or Other | 0 | 0 | 0 | 0 | 2 | 1 | 1 | 4 | 1 |

## CLAIMS APPROVED IN 2025

| Attorney | Type | Number of Claims | Amount |
|---|---|---|---|
| Brian J. De Lima | Unearned Fee/Conversion | 2 | $10,540.68 |
| Daniel J. O'Phelan | Unearned Retainer | 1 | $5,000.00 |
| Michael C. Lippert | Unearned Fee | 1 | $775.00 |
| Moanikea'ala R. Crowell | Unearned Fee | 1 | $6,633.51 |

## 2025 CONSIDERATIONS

The Fund saw fewer claims opened in 2025 compared to 2024 (i.e., 12 vs. 21). Even with the Fund disposing of 14 claims, at yearend 76 claims were pending (vs. 78 claims at 2024 yearend). That said, the monetary value of claims pending decreased to $1,709,908 compared to $2,772,673 for 2024 yearend.

The Fund continues to keep a watchful eye on claims considering the $100,000 per claim and $300,000 per attorney caps, as well as the Fund's financial balance ($437,539 as of December 31, 2025 compared to approximately $327,153 as of December 31, 2024). The Fund could potentially be exhausted by a few attorneys with multiple claims.

For calendar year 2026, the Fund was approved to receive a small annual fee assessment increase (i.e., increase of $10 per year for members with five or more years of practice and $50 per year for Pro Hac Vice and Foreign Law Consultants). That said, to ensure the continuity of the Fund, the Trustees anticipate additional increases in assessments over time may become necessary so that the fund balance does not come close to falling below $300,000.

In recent history, the Fund had experienced a significant increase in the number of claims involving attorneys who were transferred to Inactive Status – Medical, as the respondent attorneys were considered to be incapable of defending themselves because of underlying health issues. While this trend has abated in the last couple of years, we expect incapacity issues related to aging to continue to be an issue in the foreseeable future. The Fund continues to monitor the aging demographic of the Hawai'i State bar as 39.6% of the Hawai'i bar is 60 years old or more.

## ACTIVE HAWAI'I BAR LICENSES, excluding judges & government attorneys

| Age | 2025 | 2024 | 2023 | 2022 | 2021 | 2020 | 2019 | 2018 | 2017 |
|---|---|---|---|---|---|---|---|---|---|
| **All Ages** | 3,885 | 3,884 | 3,927 | 3,951 | 3,840 | 3,870 | 3,902 | 3,905 | 3,898 |
| **70 and older** | 18.7% | 20.1% | 18.16% | 17.74% | 16.9% | 13.3% | 12.5% | 11.2% | 9.9% |
| **60 – 69** | 20.9% | 21.7% | 22.31% | 22.65% | 24.2% | 25.5% | 25.4% | 26.1% | 26.2% |
| **Aggregate of 60 and older** | 39.6% | 41.8% | 40.46% | 40.39% | 41.1% | 38.8% | 37.9% | 37.3% | 36.1% |

*Note: 2025 calculations above based on statistics from https://cdn.sailamx.com/14/cms_uploads/ce78d1da254c0843eb23951ae077ff5f/2025-Bar-Statistics-and-Summaries.pdf.*