



**OFFICE OF THE DISTRICT ATTORNEY
WESTCHESTER COUNTY**

WESTCHESTER COUNTY COURTHOUSE
111 Dr. Martin Luther King, Jr. Blvd.
White Plains, New York 10601
(914) 995-4200

JANET DiFIORE
DISTRICT ATTORNEY

November 10, 2010

Mr. Andrew K. Brotmann
White Plains Bar Association
c/o Keane & Keane
445 Hamilton Avenue, 15th Floor
White Plains, New York 10601

Dear Mr. Brotmann,

Recently, my office received a complaint from a local lawyer reporting an attempted fraud involving a scheme that is used to target attorneys around the country. I am writing to alert you to its presence here in Westchester County as I would like your help in alerting the members of our county bar to this scheme.

As set forth in the enclosed advisory, an attorney will receive an email from a person purporting to be a party in ongoing litigation or someone in need of representation. If the attorney agrees to provide representation, he or she will subsequently receive a check in an amount that exceeds the retainer and fees along with instructions to deposit the check and wire a portion of the excess amount to a third party as part of a settlement. The check appears to be genuine but is counterfeit leaving the attorney with the loss after the bank reverses the charges.

I would very much appreciate your forwarding the enclosed advisory to your membership so that all local attorneys are alert to this fraud. I invite you to call me (914-995-4200) to discuss how we can work together to disseminate this important information and prevent attorneys in our county from becoming the victims of this fraud.

Sincerely,

Janet DiFiore
Westchester County District Attorney



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Westchester County District Attorney Janet DiFiore has issued the following advisory through White Plains Bar Association:

Please be advised that a counterfeit check scam that targets law firms across the country has now been reported in Westchester County. This advisory is intended to alert all attorneys to the fraud so that they do not fall victim to it.

The fraud is perpetrated in various forms, but its essential elements include an attorney receiving an email from a person purporting to be a party to litigation or otherwise in need of legal services, and wishing to retain the attorney or his/her firm. The person generally purports to be an individual or company outside the US, thus diminishing any concern on the attorney's part over the lack of personal or telephone contact. Once the attorney agrees to represent the individual or company, the "client" has a check sent, possibly issued by a third party, with instructions that it be divided between the attorney, to cover retainer and fees, and another individual or company to whom settlement money is to be sent via a wire transfer. This check appears to be genuine, but is counterfeit.

Commonly, the attorney's bank will temporarily credit the attorney's account with the amount of the check deposited, pending clearance of the check. However, once the bank realizes that the check is counterfeit, the bank reverses the temporary crediting and debits the attorney's account. If the attorney has in the interim wired money to another party pursuant to the instructions of the purported client, the attorney suffers a loss in that amount. The following are features of this fraud:

- emails using poor English;
- checks appearing to be from major banking institutions;
- large retainers for little legal work;
- requests to wire money overseas.

Should you believe that you are being targeted by this fraud, cease all communications with the sender and do not negotiate any checks. Please contact the High Technology Crimes Bureau in the District Attorney's Office at 995-3460 to report the matter.