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Employment Lawyers Being Targeted by Phishers and Scammers

Plaintiffs employment lawyers beware. There is a new email scam targeting employment lawyers that is a variant on the old “Nigerian prince” scam.

By **Jeffrey Campolongo** | June 21, 2018

Plaintiffs employment lawyers beware. There is a new email scam targeting employment lawyers that is a variant on the old “Nigerian prince” scam. For those not familiar, the “Nigerian prince” scam goes something like this: the mark is contacted via email by someone claiming to represent a Nigerian prince in need of collecting or transferring some ridiculous amount of money in U.S. dollars. It just so happens that all the scammer needs is for the target, who is completely random and unaffiliated with the prince or his henchmen, to open



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a bank account and deposit their own money into the account. Then, once the target jumps through some additional hoops, he/she can withdraw the millions upon millions of dollars due the Nigerian prince and receive a cut of the money.

The variations on the scam can range from being an unsuspecting lottery winner to brokering a sales transaction on behalf of a foreign national. In almost every instance of the scam, there are scant details presented, spelling and grammatical errors, vague references to the law in “your jurisdiction” and so on. Scammers have gotten more sophisticated over the years and the scam eventually evolved into targeting lawyers. Seeking to capitalize on lawyers looking to make a quick buck, the scammers will typically ask for assistance with a business transaction such as the following email received by our office:

Name: Wah Teng Gan **Email:** edaleletronics@gmail.com
(<mailto:edaleletronics@gmail.com>) **Subject:** business transactions **Message:** Dear Counsel, I want to inquire if your firm can draft business agreement for sale transactions rather assist us in drafting sale transaction agreement or A referral will be welcome if this is not your area of practice.kindly advice regarding this issue as soon as possible. Yours Sincerely, Wah Teng Gan Edal Electronics Co., Ltd Room 911-914, Chevalier Commercial Centre 8 Wang Hoi Road, Kowloon Bay, KLN, Hong Kong Phone: 852 27598225 Fax 852-35518363 edaleletronics@gmail.com (<mailto:edaleletronics@gmail.com>).

Sometimes the scam email is more simplistic, such as the following, also received just weeks apart from the foregoing scam: “I am writing to request your firm’s service to prepare and negotiate a Sale Agreement. Thank you for your consideration of my request. Donald Voghel.” Or, there is the innocuous “debt” owed, such as this: “My name is Mr. Andy Liu. I am requesting your assistance in the litigation of a \$555,000 debt owed to me by my late wife’s brother, Mr. David Smith. I need a lawyer that will help me enforce the agreement we had, and force him to pay back what he owes me. Hope to hear from you soon. Thanks Andy Liu andyliu324@gmail.com +85258193860.” That phone number, has 11 digits, not 10.

Until recently, it has been easy for our firm to brush off these phishing and email scams. None of the requests were within our practice discipline and did not particularly interest our office. Couple that with the fact that they appeared to be fraudulent and a decision not to get involved was easy.

That said, the following email inquiry did get our attention:

Name: David Wang **Email:** wangcarsondavid@yahoo.com

(mailto:wangcarsondavid@yahoo.com) **Subject:** wrongful termination

Message: Hello, Urgent! I am seeking representation for wrongful dismissal and sexual harassment at my place of work. Please advise if you are able to take my case and schedule a time to discuss further via e-mail id

below wangcarsondavid@yahoo.com *(mailto:wangcarsondavid@yahoo.com)* Thanks in anticipation of your assistance. David Wang. (Mr) e-mail id. wangcarsondavid@yahoo.com *(mailto:wangcarsondavid@yahoo.com)*

On its face, this is the type of inquiry our office routinely handles and we will typically conduct an intake, including a phone consultation and possibly an in-person meeting. Upon further investigation, we learned that Wang reached out to another attorney just one day earlier. That attorney did a complete intake and learned that Wang believed he was the victim of sexual harassment by his female supervisor and was wrongfully fired from his very high paying job without any prior disciplinary record. Wang's story was replete with examples of unwanted sexual assault by his female supervisor including touching of his genitals, as well as a demand for settlement of \$430,950. Wang was certain the company would settle with him immediately as soon as he secured an attorney. Wang was out of the country and unable to meet face to face because his late mother recently passed away in Canada and he was handling her business affairs. Again, all of the foregoing facts seemed plausible and well worth exploring.

As it turns out, Wang's issues were eerily similar to an intake done on a John Smith just a few weeks earlier. We knew that Wang's story sounded familiar, and once again, upon further investigation, learned that Smith, like Wang, presented the same facts: sexual harassment by female supervisor; unwanted touching of his genitals; wrongful termination with no prior discipline; and a demand for three year's salary, which also happened to be \$430,950. One other clue that set off alarm bells, Smith was out of the country tending to his late mother's death in Canada. Something was "phishy." After repeated attempts to get a hold of Wang and Smith, both men disappeared, never to be heard from again. We concluded then, as we do now, that this was a scam. Identical facts and identical stories, all the way down to the dollar amount sought and the dead mom in Canada.

Fortunately, our office did not take the bait. Other lawyers have not been so fortunate. The following story was shared by a fellow employment lawyer concerning a scammer using the name "Jeffrey Helman." Helman's initial email goes as follows: Dear Attorney, I wish to request for legal representation in an unfair dismissal claim from my former employer. I will really be greatfull if your/your firm can assist me with this process. Jeffrey Helman

Helman's story is one where he claims he was sexually harassed by his female supervisor at Abbott, and then fired when he complained. This story has a similar ring to it. In the story relayed by the prominent and successful employment lawyer, Helman retained the lawyer's law firm to represent him in a miraculously fast and successful negotiation whereby the company increased their offer from \$3,000 to \$97,000 as soon as he told the company that the law firm was going to represent him. After the settlement was reached, either Helman or a confederate masqueraded as Abbott's director of human resources, and sent by email a PDF titled, "Settlement Agreement and General Release." The agreement had some of the usual elements in it, but also some unusual ones.

The idea of the scam is that the settlement check is then sent to the law firm where it was deposited into the trust account. Once the money becomes available, the firm takes its share and then mails Helman his share of the proceeds. Helman then cashes the check, flees the coop and is never heard from again. Meanwhile, the bank finds the original check is fraudulent, it withdraws money from the trust account to cover as much as possible of the withdrawals, and notifies the ethics authorities that the trust account is overdrawn. The firm and their clients, with funds in the trust account are left picking up the pieces.

Abbott's legal department is currently aware of the scam and have a staffer to answer calls about this scam from plaintiffs lawyers across the country. Apparently, the scammer is still reaching out to plaintiffs attorneys for representation. All of the frauds used the same name: Jeffrey Helman. The scams have been reported to—and are being investigated—by the FBI.

The threat of similar emails scams targeting employment lawyers is very real. In the John Smith example, above, the scammer even fabricated emails and documents to make it appear as realistic as possible. As attorneys, we have to be extra vigilant in how we approach these issues. There is a natural inclination to want to help purported victims of sexual assault. Any time a new case comes in we want to give the client the benefit of the doubt, especially when the facts are salacious. Be forewarned. Even for those of us who have malpractice insurance, some malpractice insurance carriers are excluding such events from their coverage, necessitating lawyers to secure cyberliability coverage and “social engineering” coverage.

Jeffrey Campolongo, *founder of the Law Office of Jeffrey Campolongo, has been perfecting his brand of law for almost two decades, focusing on employment and entertainment matters.*