

1 **Rule 14-912. Processing claims.**

2 (a) Whenever it appears that a claim is not eligible for reimbursement pursuant to
3 these rules, the claimant shall be advised of the reasons why the claim may not be
4 eligible for reimbursement, and that unless additional facts to support eligibility are
5 submitted to the Committee, the claim file shall be closed. The chairperson of the Fund
6 may appoint any member of the Committee and/or his/herself to determine the eligibility
7 of claims.

8 (b) A certified copy of an order disciplining a lawyer for the same dishonest act or
9 conduct alleged in the claim, or a final judgment imposing civil or criminal liability
10 therefor, shall be evidence that a lawyer committed such dishonest act or conduct.

11 (c) The Bar's Office of Professional Conduct Senior Counsel shall be promptly
12 notified of each and every claim.

13 (d) The lawyer alleged to have engaged in dishonest conduct shall be provided a
14 copy of the claim and given an opportunity to respond in writing within 20 days of the
15 receipt thereof to the Committee.

16 (e) The Committee may request that testimony be presented. The lawyer or lawyer's
17 representative shall be given an opportunity to be heard if they so request within 20
18 days of receiving a notice from the Committee that the Committee will process the
19 claim.

20 (f) The Committee may make a finding of dishonest conduct for purposes of
21 adjudicating a claim. Such a determination is not a finding of dishonest conduct for the
22 purposes of professional discipline and further, represents only a recommendation to
23 the Board. A claim may only be considered if the individual ~~attorney~~lawyer involved has
24 been disciplined to a threshold level of a public reprimand or is no longer in practice.

25 (g) The claim shall be determined on the basis of all available evidence, and notice
26 shall be given to the claimant and the lawyer of the final decision by the Board after a
27 recommendation has been made by the Committee. The recommendation for approval
28 or denial of a claim shall require the affirmative votes of at least a majority of the
29 Committee members and a quorum of the voting members of the Board.

30 (h) Any proceeding upon a claim shall not be conducted according to technical rules
31 relating to evidence, procedure and witnesses. Any relevant evidence shall be admitted

32 if it is the sort of evidence on which responsible persons are accustomed to rely on in
33 the conduct of serious affairs, regardless of the existence of any common law or
34 statutory rule which might make improper the admission of such evidence over
35 objection in court proceedings. The claimant shall have the duty to supply relevant
36 evidence to support the claim.

37 (i) The Board shall determine the order and manner of payment and pay those
38 claims it deems meritorious, but unless the Board directs otherwise, no claim should be
39 approved during the pendency of a disciplinary proceeding involving the same act or
40 conduct as alleged in the claim; specifically, no determination and/or hearing shall take
41 place until such time that all disciplinary proceedings have, in fact, been completed.

42 (j) Both the claimant and the lawyer shall be advised of the status of the Board's
43 consideration of the claim and after having received the recommendation of the
44 Committee, also shall be informed of the final determination.

45 (k) The claimant may request reconsideration within 30 days of the denial or
46 determination of the amount of the claim.

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