

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

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

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

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

15 (d) The lawyer or licensed paralegal practitioner alleged to have engaged
16 in dishonest conduct shall be provided a copy of the claim and given an
17 opportunity to respond in writing within 20 days of the receipt thereof to the
18 Committee.

19 (e) The Committee may request that testimony be presented. The lawyer,
20 licensed paralegal practitioner or ~~lawyer's~~ his or her representative shall be
21 given an opportunity to be heard if they so request within 20 days of receiving
22 a notice from the Committee that the Committee will process the claim.

23 (f) The Committee may make a finding of dishonest conduct for purposes
24 of adjudicating a claim. Such a determination is not a finding of dishonest
25 conduct for the purposes of professional discipline and further, represents
26 only a recommendation to the Board. A claim may only be considered if the

27 | individual lawyer or licensed paralegal practitioner involved has been
28 | disciplined to a threshold level of a public reprimand or is no longer in
29 | practice.

30 | (g) The claim shall be determined ~~on the basis of~~ based on all available
31 | evidence, and notice shall be given to the claimant and the lawyer or licensed
32 | paralegal practitioner of the final decision by the Board after a
33 | recommendation has been made by the Committee. The recommendation for
34 | approval or denial of a claim shall require the affirmative votes of at least a
35 | majority of the Committee members and a quorum of the voting members of
36 | the Board.

37 | (h) Any proceeding upon a claim shall not be conducted according to
38 | technical rules relating to evidence, procedure and witnesses. Any relevant
39 | evidence shall be admitted if it is the sort of evidence on which responsible
40 | persons are accustomed to ~~rely~~ relying on in the conduct of serious affairs,
41 | regardless of the existence of any common law or statutory rule which might
42 | make improper the admission of such evidence over objection in court
43 | proceedings. The claimant shall have the duty to supply relevant evidence to
44 | support the claim.

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

51 | (j) Both the claimant and the lawyer or licensed paralegal practitioner shall
52 | be advised of the status of the Board's consideration of the claim and after

53 having received the recommendation of the Committee, also shall be informed
54 of the final determination.

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

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