

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 or licensed paralegal practitioner
9 for the same dishonest act or conduct alleged in the claim, or a final judgment imposing
10 civil or criminal liability therefor, shall be evidence that a lawyer or licensed paralegal
11 practitioner committed such dishonest act or conduct.

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

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

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

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

27 (g) The claim shall be determined ~~on the basis of~~based on all available evidence,
28 and notice shall be given to the claimant and the lawyer or licensed paralegal
29 practitioner of the final decision by the Board after a recommendation has been made

30 by the Committee. The recommendation for approval or denial of a claim shall require
31 the affirmative votes of at least a majority of the Committee members and a quorum of
32 the voting members of the Board.

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

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

45 (j) Both the claimant and the lawyer or licensed paralegal practitioner shall be
46 advised of the status of the Board's consideration of the claim and after having received
47 the recommendation of the Committee, also shall be informed of the final determination.

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