

1 **Rule 14-904. Funding.**

2 (a) The Supreme Court ~~shall~~will provide for funding by the lawyers licensed in this  
3 state in amounts adequate for the proper payment of claims and costs of administering  
4 the Fund subject to paragraph (c).

5 (b) All determinations ~~with regards to~~regarding funding ~~shall~~will be within the  
6 discretion of the Board, subject to the Supreme Court's approval ~~of the Supreme Court.~~

7 (c) The Bar ~~shall have the~~has authority to assess its members for purposes of  
8 maintaining the Fund at sufficient levels to pay eligible claims in accordance with these  
9 rules. The Committee ~~shall~~must report annually to the Commission on a timely basis as  
10 to known prospective claims as well as total claims paid to date so that an appropriate  
11 assessment can be made for the upcoming fiscal year. After the assessment at the  
12 beginning of the fiscal year is determined, the Fund balance ~~shall~~must be set in an  
13 amount of ~~not less than~~at least \$200,000. The Bar ~~shall~~will then report to the Supreme  
14 Court as to known prospective claims as well as total claims paid to date after which the  
15 final assessment and fund balance ~~shall~~will be set with the Court's approval.

16 (d) A lawyer's failure to pay any fee assessed under paragraph (c) ~~shall be~~is cause for  
17 administrative suspension from practice until payment ~~has been made~~is received.

18 (e) Any lawyer whose actions have caused payment of funds to a claimant from the  
19 Fund ~~shall~~must reimburse the Fund for all monies paid out as a result of ~~his or her~~the  
20 lawyer's conduct with interest at legal rate, in addition to payment of the assessment for  
21 the procedural costs of processing the claim and reasonable attorney fees incurred by  
22 the ~~Bar's~~ Office of Professional Conduct or any other attorney or investigator engaged  
23 by the Committee to investigate and process the claim as a condition of continued  
24 practice.

25 (1) In lawyer discipline cases for which the Fund pays an eligible claim, the  
26 lawyer's license to practice ~~shall~~will be administratively suspended for non-

27 payment until the lawyer has reimbursement ~~to~~ the Fund ~~has been made by~~  
28 ~~the lawyer.~~

29 Effective December 15, 2020