

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

2 (a) Whenever it appears that a claim is not eligible for reimbursement pursuant to these  
3 rules, the claimant ~~shall~~must 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~~will be closed. The ~~chairperson of the~~  
6 Fund chair may appoint themselves or any ~~member of the~~ Committee member ~~and/or~~  
7 ~~his/herself~~ to determine the eligibility 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  
10 liability therefor, ~~shall be~~is evidence that a lawyer committed such dishonest act or  
11 conduct.

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

14 (d) The lawyer alleged to have engaged in dishonest conduct ~~shall~~must be provided a  
15 copy of the claim and given an opportunity to respond to the Committee in writing  
16 within 201 days of ~~the receipt thereof to the Committee~~receiving the claim.

17 (e) The Committee may request that testimony be presented. If desired, ~~T~~he lawyer or  
18 lawyer's representative ~~shall~~must request ~~be given~~ an opportunity to be heard ~~if they~~  
19 ~~so request~~ within 201 days of receiving a notice from the Committee that the Committee  
20 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 involved has been  
25 disciplined to a threshold level of a public reprimand or is no longer in practice.

26 (g) The claim ~~shall~~will be determined on the basis of all available evidence, and notice  
27 ~~shall~~must be given to the claimant and the lawyer of the final decision by the Board

28 after a recommendation has been made by the Committee. The recommendation for  
29 ~~approval or denial of~~approving or denying a claim ~~shall~~requires the affirmative votes  
30 of ~~at least~~ a majority of the Committee members and a quorum of the voting ~~members~~  
31 ~~of the~~ Board members.

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

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

45 (j) The Board must advise ~~B~~both the claimant and the lawyer ~~shall be advised~~ of the  
46 status of the Board's consideration of the claim and after having received the  
47 recommendation of the Committee, must also ~~shall~~ be informed of the final  
48 determination.

49 (k) The claimant may request reconsideration within ~~30~~28 days of the denial or  
50 determination of the amount of the claim.

51 Effective December 15, 2020