

BY-LAW 12

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COMPENSATION FUND

EXERCISE OF POWERS

Exercise of powers, etc.

1. The holders of the following offices may exercise the powers and perform the duties under subsection 51 (11.1) of the Act:
 1. The office of the Executive Director, Professional Regulation.
 2. The office of Senior Counsel, Professional Regulation.

COMPENSATION FUND COMMITTEE

Compensation Fund Committee

2. The standing committee known as the Lawyers Fund for Client Compensation Committee is continued as the Compensation Fund Committee.

Application of By-Law

3. The following provisions of By-Law 3 [Benchers, Convocation and Committees] apply to the Compensation Fund Committee:
 1. Section 107, except that in the application of subsection 107 (3) the reference to “under this Part” shall be read as a reference to “under By-Law 12 [Compensation Fund]”.
 2. Sections 109 to 116.

Composition

3.1. Despite subsections 109 (1) and (2) of By-Law 3 [Benches, Convocation and Committees], the Compensation Fund Committee shall consist of five persons appointed by Convocation, of whom,

- (a) two shall be benchers who are licensed to practise law in Ontario as barristers and solicitors;
- (b) two shall be lay benchers; and
- (c) one shall be a bencher who is licensed to provide legal services in Ontario.

Quorum

3.2. (1) Despite subsection 114 (1) of By-Law 3 [Benches, Convocation and Committees], three members of the Compensation Fund Committee shall constitute a quorum for the purposes of the transaction of business.

Resolution in writing

(2) A resolution in writing signed by at least three members of the Compensation Fund Committee entitled to vote on the resolution at a meeting of the Committee is as valid as if it had been passed at a meeting of the Committee.

Mandate

4. (1) The Compensation Fund Committee is responsible to Convocation for the administration of the Compensation Fund.

Grants over \$5000 re dishonesty of lawyers

(1.1) The Compensation Fund Committee may make grants from the Compensation Fund in amounts over \$5000 as a result of the dishonesty of a member, as defined in subsection 51 (13) of the Act, or a person licensed to practise law in Ontario as a barrister and solicitor and the making of such grants is not subject to the approval of Convocation.

Grants over \$1500 re dishonesty of paralegals

(1.2) The Compensation Fund Committee may make grants from the Compensation Fund in amounts over \$1500 as a result of the dishonesty of a person licensed to provide legal services in Ontario and the making of such grants is not subject to the approval of Convocation.

Powers

4.1 The Compensation Fund Committee may make such arrangements and take such steps as

it considers advisable to carry out its responsibilities.

Appointment of Claims Officers

4.2 (1) The Compensation Fund Committee may appoint as many persons as it considers necessary as Claims Officers for the purposes of assisting it to decide whether to make a grant from the Compensation Fund.

Approval by Convocation of appointment not required

(2) The appointment of a person as a Claims Officer is not subject to the approval of Convocation.

Assistance to be provided by Claims Officer

(3) The Compensation Fund Committee may refer to a Claims Officer for consideration any question that is not a question of law alone arising from an application for a grant from the Compensation Fund.

Procedure to be followed by Claims Officer

(4) The Compensation Fund Committee shall determine the procedure to be followed by a Claims Officer in the consideration of a question, including requiring a hearing.

Recommendation of Claims Officer

(5) A recommendation of a Claims Officer is not binding on the Compensation Fund Committee.

REFEREES

Appointment

5. (1) Every employee of the Society who is a licensee and who holds any of the following offices is a referee for the purposes of subsection 51 (10) of the Act:

1. Manager, Compensation Fund.
2. Compensation Fund Counsel.

Grants up to \$5000 re dishonesty of lawyers

(2) A person who is a referee under subsection (1) may make grants from the Compensation Fund in amounts up to \$5000 as a result of the dishonesty of a member, as defined

in subsection 51 (13) of the Act, or a person licensed to practise law in Ontario as a barrister and solicitor and the making of such grants is not subject to the approval of Convocation.

Grants up to \$1500 re dishonesty of paralegals

(3) A person who is a referee under subsection (1) may make grants from the Compensation Fund in amounts up to \$1500 as a result of the dishonesty of a person licensed to provide legal services in Ontario and the making of such grants is not subject to the approval of Convocation.
