

## **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 [Benchers, 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 [Benchers, 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.

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