



CLAIMS PROCEDURE: LEGAL PRACTITIONERS FIDELITY FUND

When you entrust money to a registered legal practitioner in a legal matter, it is automatically protected by the Legal Practitioners Fidelity Fund if the practitioner holds a valid Fidelity Fund Certificate.

All legal practitioners who practice for their own account are required to hold and display a valid Legal Practitioner Fidelity Fund Certificate. Ensure that you have seen the certificate before entrusting money to the practitioner.

Circumstances for claims

The Legal Practitioners Fidelity Fund investigates allegations financial losses or loss of property due to theft by:

- A legal practitioner or candidate legal practitioner
- An employee of the above
- An executor employed by the above

The allegation must be reported to the Legal Practitioners Fidelity Fund. If the allegation and loss is proven true, the Legal Practitioners Fidelity Fund reimburses the affected member of the public for the loss.

Reporting

To lodge a complaint against a legal practitioner for investigation by the Legal Practitioners Fidelity Fund please provide:

1. A written complaint in English, under oath
2. The name of the legal practitioner and the name of the firm
3. An explanation of the matter, under oath
4. An annexure containing certified documentation pertaining to the matter

Complaints must be received within 3 months of becoming aware of the theft. Proof must be provided within 6 months after a request from the Legal Practitioners Fidelity Fund. The Legal Practitioners Fidelity Fund may at its discretion extend these periods

Investigation

The Legal Practitioners Fidelity Fund will investigate the complaint following a meeting of the Board of Control to initiate the process. The complainant may request progress updates from the Legal Practitioners Fidelity Fund at any time. Further supporting documentation must be provided within 6 months after a request from the Legal Practitioners Fidelity Fund. The legal practitioner who is the subject of the complaint will make a deposition in her / his defence, if required.

An auditor / chartered accountant will examine the documen-

tation. Once the investigation is concluded, the Board of Control will issue a decision and inform all parties involved.

Exemptions

Individuals exempted from handling of complaints by Legal Practitioners Fidelity Fund

- Practitioners employed by state
- Employees of law centres
- Employees not practicing on their own account
- Practitioners who do not hold money from clients

Reimbursement

In the event of a decision in favour of the complainant, the Legal Practitioners Fidelity Fund will reimburse the complainant with the following limitations on claims:

- Claims are limited to the actual amount of money handed over, without interest
- Claims are limited to the actual or fair market value at the date of receipt of the claim by the Legal Practitioners Fidelity Fund
- Claims are limited to the actual amount of loss, with none of the benefits that might have accrued

Submissions

Submit the documents in person or by courier to:

- The Legal Practitioners Fidelity Fund
The offices of the Law Society of Namibia
First Floor, Namlex Chambers
333 Independence Avenue, Windhoek

Or send the complaint by post to:

- The Legal Practitioners Fidelity Fund
The Law Society of Namibia
P O Box 714, Windhoek



www.fidelityfundnam.com