

Rule 10. Public Hearing

(a) Rules of Evidence. All testimony shall be under oath, and the Rules of Evidence shall apply except that affidavits and depositions are admissible in lieu of testimony.

(b) Presentation: Burden of Proof; Cross-Examination; Recording.

(1) An attorney or attorneys of the board's staff, or special counsel retained for the purpose, shall present the matter to the panel.

(2) The board has the burden of proving by clear and convincing evidence the facts justifying action.

(3) The judge shall be permitted to adduce evidence and produce and cross-examine witnesses, subject to the Rules of Evidence.

(4) Every formal hearing conducted under these rules shall be recorded verbatim.

(c) Amendments. By leave of the presider of the panel for good cause shown or by consent of the judge, the Formal Complaint or Formal Statement of Disability Proceeding may be amended after commencement of the hearing if the judge and the judge's counsel are given adequate time to prepare a response. Leave to amend shall be freely granted when justice so requires.

(Amended effective January 1, 1996; amended effective July 1, 2009; amended effective July 1, 2016.)