

1 **Rule 11-531.(b)** Proceedings before Committee and screening panels.

2 ~~(a)(1)~~ **Review and investigation.** ~~In their role as fact finders and investigators,~~
3 screening panels ~~shall will~~ review all ~~informal~~ Complaints ~~the OPC referreds~~ to them
4 ~~by OPC counsel,~~ including all ~~the~~ facts developed ~~by in~~ the ~~informal~~ Complaint, ~~the~~
5 answer, the contents of the file~~investigation,~~ and the hearing, and ~~the~~ including the
6 OPC's recommendations ~~of OPC counsel.~~

7 **(b) OPC's summary and Notice of additional alleged violations.** ~~Prior to~~ Before any
8 screening panel hearing, the OPC may file with the clerk and serve on the ~~Respondent~~
9 a summary of its investigation. If ~~filed~~ the OPC has determined, after serving
10 Respondent with the Notice, that the Respondent may have violated ~~the summary shall~~
11 ~~identify with particularity~~ any additional ~~violations of the~~ Rules of Professional
12 Conduct or Licensed Paralegal Practitioner Rules of Professional Conduct, then the
13 summary must identify with particularity all such additional alleged violations. The
14 summary will serve as Notice of any additional violations the OPC did not previously
15 charge as subsequently determined by OPC after service of the NOIC. If the OPC
16 provides ~~ed to the~~ a summary to the screening panel, ~~the~~ the OPC must also provide the
17 summary ~~shall also be provided~~ to the ~~Respondent~~ ~~and shall serve as notice of any~~
18 ~~additional violations not previously charged by OPC in the NOIC.~~ If the OPC alleges
19 additional rule violations ~~are alleged~~ in the summary, the summary ~~shall~~ must be
20 served on the ~~Respondent~~ ~~no less than~~ at least seven ~~14~~ days ~~prior to~~ before the hearing.
21 In cases where a judicial officer has not addressed or reported a ~~Respondent's~~ alleged
22 misconduct, the screening panel ~~should~~ may not consider this inaction to be evidence
23 either that misconduct has occurred or has not occurred.

24 **(c)(2) Respondent's appearance.** The screening panel must, with at least 28 days'
25 notice, afford the Respondent an opportunity to appear before the screening panel
26 Before taking any action ~~is taken~~ that may result in ~~the~~
27 ~~recommendation~~ recommending of an admonition or public reprimand, or ~~the~~ the
28 OPC's filing of an Action ~~formal complaint,~~ the screening panel shall, upon at least 30

29 ~~days' notice, afford the respondent an opportunity to appear before the screening panel.~~
30 Respondent and any witnesses the Respondent ~~called~~ by the respondent may testify,
31 and ~~the~~ Respondent may present oral argument with respect to the ~~informal~~ eComplaint.

32 (d) Respondent's brief. Respondent may ~~also~~ submit a written brief to the screening
33 panel and serve a copy on the OPC at least ~~107~~ days ~~prior to~~ before the hearing, which
34 ~~shall~~ may not exceed 10 pages ~~in length~~ unless ~~permission for enlargement is extended~~
35 ~~by~~ the panel chair or vice chair allows an extension for good cause ~~shown~~. The OPC will
36 forward ~~A~~ copy of the brief ~~shall be forwarded by OPC counsel~~ to the eComplainant. ~~If~~
37 ~~OPC identifies additional rule violations in the summary referenced in (b)(1), the~~
38 ~~respondent may file an additional written response addressing those alleged violations~~
39 ~~prior to the hearing.~~

40 (e)(3) Complainant's appearance. A eComplainant ~~shall~~ have the right to appear
41 before the screening panel personally and may testify, together with any witnesses the
42 Complainant ~~called~~ ~~by the complainant~~, may testify.

43 (f)(4) Right to hear evidence; cross-examination. The ecomplainant and ~~the~~
44 ~~the~~ Respondent ~~shall~~ have the right to be present during ~~the~~ presentation of ~~the~~ evidence
45 unless excluded by the screening panel chair for good cause ~~shown~~. Respondent may be
46 represented by counsel, and eComplainant may be represented by counsel or ~~some~~
47 another representative. Either eComplainant or ~~the~~ Respondent may request that the panel
48 chair seek responses or pose questions to ~~from~~ the other party at the hearing ~~by posing~~
49 ~~questions or areas of inquiry to be asked by the panel chair~~. Direct cross-examination
50 will ordinarily not be permitted ~~except~~ unless, upon request, ~~when~~ the panel chair
51 deems that it would materially assist the panel in its deliberations.

52 (g)(5) Rule V violations Nnot echarged by the OPC. During the screening panel
53 hearing, but not after, the panel may find that rule violations have occurred not
54 previously charged by the OPC. ~~in the NOIC or summary memorandum have occurred.~~
55 If so, the screening panel ~~shall~~ will give ~~the~~ ~~the~~ Respondent a reasonable opportunity to
56 respond during the hearing. The ~~the~~ Respondent may address the additional charges at the

57 hearing and ~~also may~~ file with the Committee Clerk and serve on the OPC within two
58 business days of the hearing a written response to the new charges along with
59 supplemental materials related to the new charges. ~~Prior to~~Before making a
60 determination or recommendation, the response and any supplemental materials ~~shall~~
61 must be reviewed and considered by ~~at least a quorum of~~ the panel members present at
62 the original hearing.

63 ~~(h)(6)~~ **Hearing Record.** The proceedings of any screening panel hearing ~~before a~~
64 ~~screening panel~~ under this ~~subsection (b) rule shall will~~ be recorded at an ~~level of~~ audio
65 quality level that permits an accurate transcription of the proceedings. The Clerk ~~shall~~
66 will assemble and deliver to the Committee chair a complete record of the proceedings
67 ~~and deliver it to the chair of the Committee~~ upon the ~~rendering of the~~ panel's
68 determination or recommendation to the Committee chair. The record of the
69 proceedings before the panel ~~shall must~~ be preserved for ~~not less than at least~~ one year
70 ~~following after~~ delivery of the panel's determination or recommendation to the ~~chair of~~
71 ~~the~~ Committee chair and for such additional ~~period time~~ as any further proceedings on
72 the matter are pending or might be instituted under this ~~section rule~~.

73 ~~(i)(7)~~ **Screening panel determination or recommendation.** ~~Upon~~After reviewing ~~of~~ all
74 the facts developed by the ~~informal e~~ Complaint, answer, investigation, and hearing, the
75 screening panel ~~shall will~~ make one of the following determinations or
76 recommendations:

77 ~~(1)(b)(7)(A)~~ The preponderance of evidence ~~presented~~ does not establish that the
78 ~~r~~ Respondent ~~was~~ engaged in misconduct, in which case the screening panel will
79 dismiss the informal e Complaint ~~shall be dismissed~~. A letter of caution may also
80 be issued with the dismissal. The letter ~~shall must~~ be signed by ~~OPC counsel or~~
81 the screening panel chair or vice chair and ~~shall will~~ serve as a guide for the
82 future conduct of the ~~r~~ Respondent. The e Complainant ~~shall will also~~ be
83 confidentially notified of the caution;

84 ~~(b)(7)(B) The informal complaint shall be referred to the Diversion Committee for~~
85 ~~diversion. In this case, the specific material terms of the Diversion Contract~~
86 ~~agreed to by the respondent are to be recorded as a part of the screening panel~~
87 ~~record, along with any comments by the complainant. The screening panel shall~~
88 ~~have no further involvement in processing the diversion. The Diversion~~
89 ~~Committee shall process the diversion in accordance with Rule 14-533.;~~

90 ~~(2)(b)(7)(C) The informal eComplaint shall~~must be referred to the Professionalism
91 and Civility Counseling Board established ~~pursuant to~~under the Supreme
92 ~~Court's Standing Order No. 7~~Rule 14-303;

93 ~~(3)(b)(7)(D) The informal eComplaint shall~~must be referred to the Committee chair
94 with an accompanying screening panel recommendation that the ~~r~~Respondent be
95 admonished;

96 ~~(4)(b)(7)(E) The informal eComplaint shall~~must be referred to the Committee chair
97 with an accompanying screening panel recommendation that the ~~r~~Respondent
98 receive a public reprimand;~~or~~

99 ~~(5)(b)(7)(F) The OPC must file~~A formal an Action~~complaint shall be filed~~
100 ~~against~~against the ~~r~~Respondent if the panel finds ~~there is~~ probable cause to
101 believe there are grounds for public discipline ~~and~~ that merit an Action~~formal~~
102 ~~complaint is merited;~~or

103 ~~(6) The OPC must file an Action~~A formal complaint shall also be filed if the
104 panel finds ~~there was~~ misconduct and the misconduct is similar to the
105 misconduct alleged in ~~a formal complaint~~an Action against the ~~r~~Respondent that
106 has been recommended by a screening panel or is pending in district court at the
107 time of the hearing.

108 ~~(j)(b)(8) Aggravation and M~~itigation. The ~~r~~Respondent and the OPC may present
109 evidence and argument as to mitigating and aggravating circumstances during the

110 screening panel hearing, but this evidence ~~shall~~will not be considered ~~until after~~unless
111 the panel has determined the ~~¶~~Respondent engaged in misconduct.

112 ~~(k)(9)~~ **Multiple cases involving the same ~~¶~~Respondent.** More than one case involving
113 the same ~~¶~~Respondent may be scheduled before the same panel, ~~but~~ in determining
114 whether a rule has been violated in one case, only the factual allegations in that case
115 may be considered. ~~a screening panel shall not consider the fact it may be hearing~~
116 ~~multiple cases against the same respondent.~~

117 ~~(l)(10)~~ **Recommendation of admonition or public reprimand.** A screening panel
118 recommendation that the ~~¶~~Respondent ~~should~~ be disciplined under ~~subsection~~
119 paragraph (b)(7)(D)(i)(3) or (b)(7)(E)(i)(4) ~~shall~~must be in writing and ~~shall~~ state the
120 substance and nature of the ~~informal~~eComplaint and defenses and the basis upon
121 which the screening panel has concluded, by a preponderance of the evidence, that the
122 ~~¶~~Respondent ~~should~~ be admonished or publicly reprimanded. The screening panel
123 must deliver ~~A copy~~ies of the recommendation ~~shall be delivered~~ to the Committee
124 chair, ~~and a copy served upon the~~ ~~¶~~Respondent, and the OPC.

125 Effective December 15, 2020