

1 **Rule 11-532.(e) Exceptions to screening panel determinations and recommendations.**

2 **(a) Time to file.** Within ~~30~~28 days ~~of~~ after the date of service of the screening panel's
3 determination ~~or recommendation: of the screening panel of a dismissal, dismissal with~~
4 ~~letter of caution, a referral to the Diversion Committee, a referral to the Professionalism~~
5 ~~Counseling Board, or the recommendation of an admonition, or the recommendation of~~
6 ~~a public reprimand,~~

7 (1) the OPC may file ~~with the Clerk of the Committee~~ an exceptions to the
8 determination or recommendation and may request a hearing, and Respondent
9 will have 28 days to respond, and ~~The respondent shall then have 30 days within~~
10 ~~which to make a response, and the response shall include respondents~~
11 ~~exceptions, if any, to a recommendation of an admonition or reprimand.~~

12 ~~(2) Within 30 days after service of the recommendation of an admonition or~~
13 ~~public reprimand on respondent,~~ the ~~r~~Respondent may file an ~~with the Clerk of~~
14 ~~the Committee~~ exceptions to the determination or recommendation and may
15 request a hearing, and the OPC ~~shall~~ will have ~~30~~28 days ~~within which to file a~~
16 ~~rerespond~~ response.

17 **(b) Reply.** The Committee chair may allow a reply to any response.

18 **(c) Actions.** No exception may be filed to a screening panel determination that an
19 Action ~~formal complaint shall~~ will be filed against a ~~r~~Respondent ~~pursuant to Rule 14-~~
20 ~~511.~~

21 **(d) Requirements.** All exceptions ~~shall~~ must include a memorandum, not ~~to~~
22 ~~exceed~~ exceeding 20 pages, stating the grounds for review, the relief requested, and the
23 bases in law or in fact for the exceptions. All exceptions, responses, and replies must be
24 filed with the Committee clerk.

25 **(e) Procedure on exceptions.**

26 (1) **Hearing not requested.** If no hearing is requested, the Committee chair will
27 review the record compiled before the screening panel.

28 (2) **Hearing requested.** If a request for a hearing is made, the Committee chair or
29 a screening panel chair designated by the Committee chair ~~shall~~will serve as the
30 Exceptions Officer and hear the matter in an expeditious manner, with OPC
31 ~~e~~Counsel and the ~~r~~Respondent having the opportunity to be present and give an
32 oral presentation. The ~~e~~Complainant need not appear personally.

33 (3) **Transcript Request.** Upon request, the Committee chair ~~shall~~must extend the
34 deadlines for filing exceptions or responses no more than 60 days ~~in order~~ to
35 allow a party time to obtain a transcript of the screening panel proceedings, so
36 long as the audio or video recording is requested within 28 days. The requesting
37 party will bear ~~T~~he costs of such transcript ~~shall be borne by the requesting~~
38 ~~party. The party obtaining the transcript shall~~ and must file ~~it~~the transcript with
39 the Committee ~~C~~lerk at the time of or before filing an exception or response,
40 together with ~~an affidavit~~an unsworn declaration establishing the transcript's
41 chain of custody ~~of the record.~~

42 (4) **Burden of proof.** The party who files an exceptions ~~under subsection (c) shall~~
43 ~~have~~has the burden of showing that the determination or recommendation of the
44 screening panel is unsupported by substantial evidence or is arbitrary,
45 capricious, legally insufficient, or otherwise clearly erroneous.

46 (5) **Record on exceptions.** The proceedings of any hearing on an exceptions
47 ~~under this subsection (d) shall~~must be recorded at a level of audio quality that
48 permits an accurate transcription of the proceedings.

49 Effective December 15, 2020