

**Rule 15-1106. Conduct of the hearing; evidence and civil procedure; right to counsel; right to record hearing; effect of failure to appear; postponements.**

1        (a) Setting of hearing. The panel chair or the sole arbitrator, shall set a time and place for the  
2 hearing and shall cause written notice to be served personally or by mail on all parties to the  
3 arbitration, and on the remaining panel members, not less than 30 days before the hearing. A  
4 party's participation at a scheduled hearing shall constitute a waiver on his part of any deficiency  
5 with respect to the filing of the notice of the hearing.

6        (b) Notice of hearing and rights. In the notice of the hearing, the panel chair or sole arbitrator  
7 shall inform the parties of their right to present witnesses and documentary evidence in support  
8 of their respective positions, and to be represented by an attorney.

9        (c) Court reporter and transcripts. Any party may have the hearing reported by a certified  
10 court reporter at his expense, by written request presented to the panel chair or sole arbitrator at  
11 least three days prior to the date of the hearing. The chair or arbitrator shall confirm with the  
12 court reporter that the requesting party, and not the Bar, is responsible for all costs of the court  
13 reporter. In such event, any other party to the arbitration shall be entitled to obtain, at his own  
14 expense, a copy of the reporter's transcript of the testimony by arrangements made directly with  
15 the reporter. When no party to the arbitration requests that the hearing be reported, and the panel  
16 chair or sole arbitrator deems it necessary to have the hearing reported, the panel chair or sole  
17 arbitrator may employ a certified court reporter for such purpose if authorized to do so by the  
18 executive director in writing.

19        (d) Testimony under oath. Upon request by any party to the arbitration or any member of the  
20 panel, the testimony of witnesses shall be given under oath. When so requested, any member of  
21 the panel or the court reporter may administer an oath to the witness.

22        (e) Evidence and civil procedure. The panel shall be the judge of the relevancy and  
23 materiality of evidence offered and shall rule on questions of procedure. The panel shall exercise  
24 all powers related to the conduct of the hearing. Conformity to legal rules of evidence or civil  
25 procedure shall not be required.

26        (f) Panel member failure to appear. If, at the time set for any hearing, one of the members of  
27 the panel is not present, the panel chair, or in the event of his unavailability, the chair or his  
28 designee, in his sole discretion, shall decide either to postpone the hearing, or with the consent of

29 the parties, to proceed with the hearing with the remaining two members of the panel as the  
30 arbitrators.

31 (g) Party failure to appear. If any party to an arbitration who has been duly notified fails to  
32 appear at a scheduled hearing, the panel may proceed with the hearing and determine the  
33 controversy upon the evidence produced.

34 (h) Adjournment and postponement. The panel chair or the sole arbitrator may adjourn the  
35 hearing from time to time as necessary. Upon the request of a party and for good cause, or upon  
36 the determination of the panel chair or sole arbitrator, the panel chair or sole arbitrator may  
37 postpone the hearing from time to time.

38 (i) Failure of a licensed paralegal practitioner respondent to respond. Failure of a licensed  
39 paralegal practitioner respondent to file the fee arbitration response form shall not delay the  
40 scheduling of a hearing. In any such case, the panel may, in its discretion, refuse to consider  
41 evidence offered by the licensed paralegal practitioner which would reasonably be expected to  
42 have been disclosed in the response.

43 (j) Telephonic hearings. In its discretion, a panel may permit a party to appear or present  
44 witness testimony at the hearing by telephonic conference call. The cost of the telephone call  
45 shall be paid by the party.

46 (k) Reopening of hearing. With good cause shown, the panel may reopen the hearing at any  
47 time before a decision is issued.

48 (l) Burden of proof and standard. The burden of proof shall be on the licensed paralegal  
49 practitioner to prove the reasonableness of the fee by a preponderance of the evidence.

Effective November 1, 2018