

Rule 1-531. Proceedings before Committee and screening panels.

(a) ~~Review~~. Screening panels will review all matters ~~Complaints~~ the OPC refers to them, ~~including all facts developed in.~~ As part of its review, the screening panel will consider the Complaint, the answer, the ~~contents of~~ Notice, the file assembled by the OPC, and the evidence presented at the hearing, ~~and including.~~ The screening panel also will review the OPC's ~~recommendations~~ recommendation. If a judicial officer has not addressed or reported a Respondent's alleged misconduct, the screening panel may not consider this inaction to be evidence either that misconduct has occurred or has not occurred.

(b) ~~OPC's summary and N~~ notice of additional alleged violations. ~~Before~~ any screening panel hearing, the OPC may file with the Committee clerk and ~~serve on~~ send to the Respondent a summary of its investigation. If the OPC has determined, after serving the Respondent with the Notice, that the Respondent may have violated any additional Rules of Professional Conduct ~~or Licensed Paralegal Practitioner Rules of Professional Conduct~~, then the summary must identify with particularity all such additional alleged violations. The summary will serve as N ~~notice~~ of any additional violations the OPC did not previously charge. If the OPC provides a summary to the screening panel, the OPC must also provide the summary to the Respondent. If the OPC alleges additional rule violations in the summary, the summary must be served on the Respondent at least 14 days before the hearing. ~~In cases where a judicial officer has not addressed or reported a Respondent's alleged misconduct, the screening panel may not consider this inaction to be evidence either that misconduct has occurred or has not occurred.~~

(c) ~~Respondent's appearance~~. The screening panel must, with at least 28 days' notice, afford the Respondent an opportunity to appear before the screening panel before taking any action that may result in recommending an admonition or public reprimand, or the OPC's filing of an Action. The Respondent and any witnesses the Respondent calls may testify at the screening pabel hearing, and the Respondent may present oral argument ~~with respect to the Complaint.~~

(d)- **Respondent's brief.** ~~The~~ Respondent may submit a written brief to the screening panel and ~~serve~~send a copy ~~onto~~ the OPC at least ~~7~~seven days before the screening panel hearing, which may not exceed ~~10~~ten pages unless the panel chair or vice chair allows an extension for good cause. The OPC will forward a copy of the brief to the Complainant.

(e)- **Complainant's appearance.** A Complainant has the right to appear personally and may testify before the screening panel. ~~personally and may testify, together with any witnesses the~~The Complainant ~~calls~~also may have witnesses testify.

(f)- **Right to hear evidence; cross-examination.** The Complainant and the Respondent have the right to be present during the presentation of evidence unless excluded by the screening panel chair for good cause. The Respondent may be represented by counsel, and the Complainant may be represented by counsel or another representative. Either the Complainant or the Respondent may ~~request~~ask that the panel chair seek responses from or pose questions to the other party and witnesses at the hearing. Direct cross-examination will ordinarily not be permitted unless, upon request, the panel chair ~~deems~~decides that it would materially assist the panel in its deliberations.

(g)- **Rule violations not charged by the OPC.** During the screening panel hearing, but not after, the panel may find that rule violations have occurred that were not previously charged by the OPC. If so, the screening panel will give the Respondent a reasonable opportunity to respond during the hearing. The Respondent may address the additional charges at the hearing and may file with the Committee clerk and serve on the OPC within two business days of the hearing a written response to the new charges along with supplemental materials related to the new charges. Before making a determination or recommendation, the response and any supplemental materials must be reviewed and considered by the panel members present at the original hearing.

(h)- **Hearing record.** The ~~proceedings of any~~ screening panel hearing ~~under this rule~~ will be recorded at an audio quality level that permits an accurate transcription of the proceedings. The Committee clerk will assemble and ~~deliver~~send to the Committee chair

a complete record of the proceedings upon the panel's determination or recommendation to the Committee chair. The record of the panel's proceedings ~~before the panel~~ must be preserved for at least one year after ~~delivery of~~ the panel's determination or recommendation ~~to the Committee chair~~ and for such additional time as any further proceedings on the matter are pending or might be instituted under this rule.

(i) **- Screening panel determination or recommendation.** After ~~reviewing all the facts developed by the Complaint, answer, investigation, and screening panel~~ hearing, is complete and the screening panel considers any additional materials submitted under paragraph (g), the screening panel will make one of the following determinations or recommendations:

(1) The preponderance of evidence does not establish that the Respondent engaged in misconduct, in which case the screening panel will dismiss the Complaint. A letter of caution may also be issued with the dismissal. The letter must be signed by the screening panel chair or vice chair and will serve as a guide for the Respondent's future conduct ~~of the Respondent~~. The Complainant will be confidentially notified of the caution;

(2) The Complaint must be referred to the Professionalism and Civility Counseling Board established under Rule 14-303;

(3) The Complaint must be referred to the Committee chair with an accompanying screening panel recommendation that the Respondent be admonished;

(4) The Complaint must be referred to the Committee chair with an accompanying screening panel recommendation that the Respondent receive a public reprimand;

(5) The OPC must file an Action against the Respondent ~~if~~ based on the ~~panel~~ panel's finding of finds probable cause to believe there are grounds for public discipline that merit an Action; or

(6) The OPC must file an Action ~~if~~based on the ~~panel finds~~panel's finding of misconduct ~~and the misconduct that~~ is similar to the misconduct alleged in ~~an~~another Action against the Respondent that ~~has been~~was recommended by a screening panel or is pending in district court at the time of the screening panel hearing.

(j)- **Aggravation and mitigation.** The Respondent and the OPC may present evidence and argument as to mitigating and aggravating circumstances during the screening panel hearing, but this evidence will not be considered unless the panel has determined the Respondent engaged in misconduct.

(k)- **Multiple cases involving the same Respondent.** More than one case involving the same Respondent may be scheduled before the same panel, but that panel must separately consider each case and may consider only the factual allegations relevant to each case in determining whether a rule has been violated ~~in one case, only the factual allegations in that case may be considered.~~

(l)- **Recommendation of admonition or public reprimand.** A screening panel recommendation that the Respondent be disciplined under paragraph (i)(3) or (i)(4) must be in writing and state the substance and nature of the Complaint and defenses and the basis upon which the screening panel has concluded, by a preponderance of the evidence, that the Respondent be admonished or publicly reprimanded. The screening panel must deliver copies of the recommendation to the Committee chair, the Respondent, and the OPC.