

Rule 1-532. Exceptions to screening panel determinations and recommendations.

(a) **Time to file.** Within 28 days of the date ~~of service of~~ the screening panel's determination or recommendation ~~is issued~~sent:

(1) the OPC may file an exception to the determination or recommendation and may request a hearing, and the Respondent will have 28 days to respond, and

(2) the Respondent may file an exception to the determination or recommendation and may request a hearing, and the OPC will have 28 days to respond.

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

(c) **Actions.** No exception may be filed to a screening panel determination that an Action will be filed against a Respondent.

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

(e) Procedure on exceptions.

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

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

(3) **Transcript Request.** Upon request, the Committee chair must extend the deadlines for filing exceptions or responses no more than 60 days to allow a party time to obtain a transcript of the screening panel proceedings, so long as the audio or video recording is requested within 28 days of the date the screening panel's determination

26 [or recommendation is issued](#). The requesting party will bear the costs of such
27 transcript and must file the transcript with the Committee clerk at the time of or before
28 filing an exception or response, together with an unsworn declaration establishing the
29 transcript's chain of custody.

30 (4) **Burden of proof.** The party who files an exception has the burden of showing that
31 the determination or recommendation of the screening panel is unsupported by
32 substantial evidence or is arbitrary, capricious, legally insufficient, or otherwise
33 clearly erroneous.

34 (5) **Record on exceptions.** The proceedings of any hearing on an exception must be
35 recorded at a level of audio quality that permits an accurate transcription of the
36 proceedings.