DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY

December 13, 2018

ADMINSTRATIVE ORDER 2018-3

PLEASE TAKE NOTICE THAT, in an effort to facilitate the efficient resolution of disciplinary cases by Hearing Committees and continue to ensure due process and fairness, on December 13, 2018, the Board approved the attached Board Policy on Hearing Scheduling, which is effective immediately, and which shall apply to all cases in which the Specification of Charges is served after December 13, 2018.

It is so ORDERED.

BOARD ON PROFESSIONAL RESPONSIBILITY

By: _____
Robert C. Bernius, Chair

Board Policy on Hearing Scheduling

The Board developed a Standard Case Track for Hearing Committee matters (not involving negotiated discipline) that will facilitate the efficient resolution of cases and continue to ensure due process and fairness. The Standard Case Track, set forth below, anticipates that post-hearing briefing will be completed no later than 180 days after Disciplinary Counsel files proof of service of the Specification of Charges in a contested case, or Disciplinary Counsel files its Answer in a reinstatement case.

	Days pending before Hearing Committee
Proof of service/Answer to Reinstatement Petition filed	1
Pre-hearing – no more than 42 days after Proof/Answer	42
Hearing complete – no more than 90 days after pre-hearing	132
Briefing complete – no more than 48 days after hearing	180

In nearly all cases, the time periods reflected in the Standard Case Track allows sufficient time for diligent case preparation, the presentation of evidence and argument at the hearing, and post hearing briefing.

The Hearing Committee Chairs have the authority and responsibility to set the schedule in each case. In doing so they must employ a schedule that affords the parties due process without unnecessarily delaying the proceedings. A Hearing Committee Chair shall deviate from the Standard Case Track when justice so requires, but such deviations should be limited to the rare times when, despite

diligent effort, the parties cannot prepare for the hearing within the time provided in the Standard Case Track.

To assist respondents in retaining counsel in a timely manner, the Executive Attorney will serve on the respondent, with the Petition and Specification of Charges, a notice informing the respondent of the right to be represented by counsel, and that the Office of the Executive Attorney maintains a list of counsel who have experience handling disciplinary matters. Absent unusual circumstances, a respondent's inability to timely retain counsel will not justify deviation from the Standard Case Track.

Once a hearing has been scheduled, the parties are required to secure the attendance of their witnesses, and hearings should not be continued due to witness' unavailability absent illness or other emergency. Extensions of time to file post-hearing briefs rarely assist in efficient case resolution and are disfavored.

The Board appreciates the volunteer service of all Hearing Committee members and recognizes that this volunteer work is balanced with the members' other responsibilities. To ensure that the system operates as efficiently as possible, if, at the time of scheduling or otherwise before the hearing, a Hearing Committee member (including the Chair) recognizes that his or her schedule prevents participation on the hearing dates that are mutually convenient for the parties, the Office of the Executive Attorney shall make reasonable efforts to identify a replacement Hearing Committee member, so the hearing can proceed expeditiously. Only if this replacement cannot occur should the case be continued beyond the

recommended Standard Case Track dates due to scheduling conflicts of hearing committee members.