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LITIGATION

2.1 Three-member Hearing Panel Requirement

Formal proceedings and hearings upon charges of misconduct shall be conducted by a hearing panel consisting of three District Committee Members. Disciplinary Counsel and/or Respondent may not agree to waive the requirement of a three-member panel.

2.2 Appointment of Hearing Panel

A. Following the service of the answer or upon failure to answer, the matter shall be assigned by the Board Chair or the Vice-Chair to a hearing panel. Rule 9, § 15.2(d). In assigning the members of the hearing panel, the Chair shall select them from the members of the district committee in the district in which the respondent practices law with consideration given to their availability and willingness to serve and to the number of panels on which the Hearing Committee Member currently serves. If there is an insufficient number of committee members in that district who are able to serve on the hearing panel, the Chair or Vice Chair may appoint one or more members from the district committee of an adjoining district to serve on the panel. Rule 9, § 15.2(d).

B. District committee members from the same law firm or office may not serve together on the same hearing panel.

C. District Committee Members may not participate in cases against respondent attorneys defended by members or associates of their law firm.

D. District Committee Members are prohibited from serving on a hearing panel wherein a judge is a respondent and the member practices before the judge.

E. A District Committee Member may not be assigned to a hearing panel if a complaint is pending against the committee member.

F. A District Committee Member may continue to review Disciplinary Counsel's recommendations for dismissals, diversion and private informal admonitions regarding complaints while a complaint is pending against that District Committee Member.

2.3 Defending Respondents

District Committee Members are not to serve as counsel for respondents in disciplinary matters, either in their disciplinary district or other districts.