

ELC 2.5
HEARING OFFICERS

(a) Function. A hearing officer to whom a case has been assigned for hearing conducts the hearing and performs other functions as provided under these rules.

(b) Qualifications. A hearing officer must be an active member of the Association, have been an active or judicial member of the Association for at least seven years, have no record of public discipline, and have experience as an adjudicator or as an advocate in contested adjudicative hearings.

(c) Appointment. The Supreme Court, upon recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel, appoints hearing officers to the hearing officer list. The list should include as many lawyers as necessary to carry out the provisions of these rules effectively and efficiently.

(d) Terms of Appointment. Appointment to the hearing officer list is for an initial period of two years, followed by periods of four years. Reappointment is in the discretion of the Supreme Court on recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel. A hearing officer may continue to act in any matter assigned before their term expires. On the recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel, the Supreme Court may remove a person from the list of hearing officers.

(e) Chief Hearing Officer.

(1) *Appointment.* The Supreme Court, upon recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel, appoints a chief hearing officer for a renewable term of two years. The person appointed as chief hearing officer must meet the qualifications for hearing officers set forth in paragraph (b) above, have significant experience in the adjudication of contested matters, and have substantial administrative and managerial skills. If the chief hearing officer position is vacant or the chief hearing officer has recused or been disqualified from a particular matter, the Chair may, as necessary, perform the duties of chief hearing officer.

(2) *Duties and Authority.* The chief hearing officer:

(A) hears matters,

(B) assigns cases,

(C) monitors and evaluates hearing officer performance,

(D) hears motions for hearing officer disqualification,

(E) hears prehearing motions when no hearing officer has been assigned,

(F) hears motions for protective orders under rule 3.2(e),

(G) hears motions prior to a matter being ordered to hearing, including while a grievance is being investigated,

(H) hears requests for amendment of formal complaints under rule 10.7(c),

(I) approves stipulations to discipline not involving suspension or disbarment as provided by rule 9.1(d)(2),

(J) responds to hearing officer requests for information or advice related to their duties,

(K) supervises hearing officer training in accordance with established policies, and

(L) performs other duties as the chief hearing officer deems necessary for an efficient and effective hearing system.

(f) Case Assignment. The chief hearing officer assigns hearing officers to cases from the list of hearing officers appointed by the Supreme Court. The chief hearing officer shall be given confidential notice of any grievances filed against any hearing officers, and the ultimate disposition of those grievances, and shall consider this information when making assignments.

(g) Training. Hearing officers must comply with training requirements established by the chief hearing officer.

(h) Staff. The Executive Director of the Association may appoint a suitable person or persons to assist the hearing officers and the chief hearing officer in carrying out their functions under these rules.

[Adopted effective October 1, 2002; Amended effective January 1, 2014; September 1, 2017; January 1, 2023.]