

ELC 8.7

BURDEN AND STANDARD OF PROOF

In proceedings under rules 8.2 or 8.3, the party asserting or alleging the incapacity has the burden of proof. If the issue of incapacity is raised by a hearing officer, the Association has the burden of proof. A respondent lawyer establishes incapacity by a preponderance of the evidence. The Association establishes incapacity by a clear preponderance of the evidence.

[Amended effective October 1, 2002; Amended effective January 1, 2014.]