

**ELC 10.16**  
**DECISION OF HEARING OFFICER**

**(a) Decision.** Within 30 days after the proceedings are concluded or (if applicable) the transcript of proceedings is served, the hearing officer should file with the Clerk a decision in the form of findings of fact, conclusions of law, and recommendation. This deadline may be extended by agreement.

**(b) Preparation of Findings.** Either party may submit proposed findings of fact, conclusions of law, and recommendation. Proposed findings, conclusions, and recommendation, if any, must be submitted within 20 days after the disciplinary hearing is concluded or as otherwise ordered by the hearing officer. The hearing officer either (1) writes findings of fact, conclusions of law, and recommendations without requiring submission of proposed findings, conclusions, or recommendations or (2) announces a tentative decision then requests one or both parties to prepare proposed findings, conclusions, and recommendations. After notice and an opportunity to respond, the hearing officer considers the proposals and responses and enters findings, conclusions, and recommendations.

**(c) Amendment.**

(1) *Timing of Motion.* Either party may move to modify, amend, or correct the decision as follows:

(A) In a proceeding not bifurcated, within 15 days of service of the decision on the respondent lawyer;

(B) In a bifurcated proceeding, within 15 days of service of:

(i) the violation findings of fact and conclusions of law; or

(ii) the sanction recommendation, but this motion may not seek to modify, amend, or correct the violation findings or conclusions.

(2) *Procedure.* Rule 10.8 governs this motion. The hearing officer should rule on the motion within 15 days after the filing of a timely reply or after the period to file a reply under rule 10.8(c) has expired. The ruling may deny the motion or may amend, modify, or correct the decision.

(3) *Effect of Failure To Move.* Failure to move for modification, correction, or amendment does not affect any appeal to the Board or review by the Supreme Court.

**(d) When Final.** If a hearing officer recommends reprimand or an admonition, or recommends dismissal of the charges, the recommendation becomes the final decision if neither party files an appeal and the Chair does not refer the matter to the Board for sua sponte review under rule 11.13(b). If the Chair refers a matter for sua sponte review under rule 11.3(b) and the Board declines review, the hearing officer's recommendation becomes the final decision upon entry of the Board's order declining review. If a hearing officer recommends disbarment or suspension, the recommendation becomes the final decision only upon entry of an order by the Supreme Court under rule 11.12(g) or final action on an appeal or petition for discretionary review under Title 12.

[Adopted effective October 1, 2002; Amended effective January 1, 2014; January 1, 2015; September 1, 2017.]