

3. Supplemental Exchange. By the close of business on _____, the parties shall furnish each other with written lists of any additional witnesses (with expert disclosure as described in ¶ 1 above for any additional expert witnesses) or proposed exhibits in supplementation of their prior disclosures, together with copies of all exhibits not previously provided. Each party shall also file a copy of the supplemental witness list with the board and send copies to the hearing committee members.

4. Supplemental Objections. By the close of business on _____, the parties shall exchange, in writing, any objections to the other's proposed additional witnesses and exhibits, specifying for each contested exhibit the grounds for each objection.

B. Motions in Limine or Other Prehearing Motions Concerning Conduct of the Hearing

5. Motions. By the close of business on _____, the parties shall file with the board and serve on the opposing party, with copies sent to each hearing committee member, any motions in limine or other prehearing motions concerning the conduct of the hearing, specifying the relief sought and the basis and authority therefor.

6. Oppositions to Motions. The parties shall file with the board and serve on the opposing party, with copies sent to each hearing committee member, any opposition to a prehearing motion within seven days of service of the motion, but in no event later than _____.

C. Hearing Subpoena Requests

7. By the close of business on _____, the parties shall file with the board any requests for hearing subpoenas for those on their witness lists. While subpoenas for witnesses not listed (such as witnesses called in rebuttal) may be requested beyond this date, please be advised that it takes the board several days to issue subpoenas. In addition, it is not the board's, but the party's obligation to serve subpoenas. A copy of each subpoena request shall be served on the opposing party.

D. Filing of Stipulations, Final Witness Lists, Agreed-Upon Exhibits, Lists of Disputed Exhibits and Objections

8. The parties are encouraged to stipulate as to the authenticity of documents and/or the purposes for which it is

agreed they are admissible in order to expedite the hearing of the matter. The standard form of stipulation regarding documents is attached to this order.

9. By the close of business on _____, the parties shall file with the board and serve on the opposing party, with copies sent to each hearing committee member, any stipulations, final witness lists, a list of agreed-upon exhibits as described in ¶ 8, lists of disputed exhibits, and objections to exhibits with the grounds therefor.

(a) One set of agreed-upon exhibits shall be:

(1) pre-marked by number, sequentially, with each exhibit having a colored numeric label (integers only) affixed to it and separated with a numeric tab;

(2) this set of exhibits shall be filed with the board and shall not be bound in any manner, shall not be three-hole punched, and shall be placed in a redwell (with flaps and elastics) that is labeled with the case name; and

(b) An additional copy of the agreed-upon exhibits shall be filed with the board, and copies shall be sent to each hearing committee member and served on the opposing party. The copies for the board and hearing committee members shall be three-hole punched and placed in binders.

(c) All exhibits shall be Bates-numbered so that each page of each exhibit has a unique identifying number that can be used to locate that specific page without delay during the hearing. The originals and all copies of exhibits filed with the Board, circulated to committee members or used at the hearing shall be Bates-numbered in this fashion. Exhibits that are not Bates-numbered may be rejected and returned to the submitting party or parties.

(d) Disputed exhibits shall not be filed, forwarded, pre-marked or bound. The parties shall bring to the hearing six copies of any disputed exhibit that they intend to offer at the hearing.

10. All witness and exhibit lists and other evidentiary disclosures between the parties shall include evidence on the merits (including bar counsel's case in chief and the respondent's defense) as well as on issues of aggravation and mitigation. The witness and exhibit lists filed with the board and sent to the hearing committee

pursuant to ¶ 9 shall be limited to evidence on the merits. The parties shall not disclose to the hearing committee any evidence of prior discipline until after the completion of bar counsel's case in chief. The parties are not required to exchange or list exhibits to be used in cross-examination or rebuttal, nor shall they be required to list rebuttal witnesses.

11. The parties shall be precluded from contesting the authenticity or admissibility of any listed exhibit absent timely objection thereto in accordance with this order. In addition, if exhibits are not listed and exchanged or witnesses not listed or disclosed in accordance with this order, they may be excluded from the party's case in chief, unless good cause is shown.

12. The original of any pleading or other submission must be filed with the board.

13. All documents submitted to the committee or filed with the board must be redacted so that the document includes at most: (1) the last 4 digits of any social security number, taxpayer identification number, credit card or other financial account number, driver's license number, state-issued ID card number, or passport number (a dash or X characters or the phrase "ending in" can be used in place of the omitted digits); (2) the first initial of a person's mother's maiden name, if the document identifies it as such; (3) if an individual's date of birth must be included, then only the year should be used; and (4) if a minor child must be mentioned, then only the initials of the child should be used. A pseudonym, identified as such, may also be used. Where there is a reason to submit an unredacted document to the board, then prior to filing the document, the party shall file a motion to impound with the board, and if and when such motion is allowed, file the document with the board.

E. Hearing

14. The hearing on this matter will take place on _____, commencing at 10:00 AM and concluding at approximately 4:00 PM [daily], at [location], and shall not be rescheduled except for good cause shown.

15. Please be advised that BBO Rule § 3.7(c) provides that the absence of one member of a hearing committee shall not be a basis for continuing the hearing.

16. Please note that, based on the regulations concerning notaries public, the hearing stenographers require all witnesses to have state or federal photo identification.

Optional (if at issue)

Bar counsel's/respondent's motion to amend petition/answer is allowed.

By the close of business on _____, the respondent shall file and serve his/her revised answer.

The respondent has been advised to seek counsel and has declined to do so.

The respondent has been advised to seek counsel and shall contact the board's general counsel on or before _____ to seek assistance in obtaining counsel. There will be no further continuances for the purpose of permitting the respondent to obtain counsel.

[If the respondent has placed his or her medical or psychological condition at issue, then] By the close of business on _____, the respondent shall identify and disclose to bar counsel all medical and psychological conditions which the respondent claims may have affected his or her professional conduct or is otherwise in issue and for which he or she has received consultation, evaluation or treatment; and for each such condition, provide to bar counsel (1) all related hospital, medical, psychiatric, psychological, counseling and other records and reports in the respondent's possession or control; and (2) the name(s) and address(es) of all medical and mental health providers; and (3) executed releases authorizing bar counsel or his representatives to communicate with and receive information from each provider. Failure to do so may result in exclusion of such evidence if offered by the respondent.

Dated:

Hearing Committee Chair

Standard Form for Document Stipulation

The parties stipulate as follows concerning the documents listed below, which have been marked with exhibit numbers corresponding to the numbers listed:

- 1. All the documents listed are authentic, that is, they are what they purport to be, including, in the case of communications, whether electronic or paper, that they were sent by the one party and received by the other.**
- 2. The following numbered documents are admissible for all purposes, including as evidence of the truth of any hearsay contained within them: [followed by a list of numbered exhibits]**
- 3. The following numbered documents are admissible for limited purposes [specify numbers and the purpose or purposes for which the parties agree they are admissible]. In addition, either party may offer the documents at the hearing for different or more general purposes, subject to the panel's ruling whether or not they should be admitted for that purpose or those purposes.**