

Preparation for Hearing Panel Members

Prior to the Hearing

- ✓ Read the case a minimum of **two times** prior to the hearing
- ✓ Jot down questions you need to ask Board Counsel and/or the Complainant(s)/Respondent
- ✓ Bring the material with you if the hearing is in-person

What to Expect the Day of the Hearing

Panel members should arrive at least one half-hour early for pre-hearing discussion, whether in person or remote. This is important because this is the time for panelists to ask Board Counsel and/or the Chairperson questions regarding the procedure.

Before the parties involved in the hearing arrive, introduce yourself to other panel members. Keep the discussion with panel members brief and professional. Casual conversation should be saved for another time.

During the Hearing

- ✓ Turn electronic devices to vibrate or turn them off
- ✓ Chairperson will introduce the panelists, Board Counsel, parties, parties' Counsel, and witnesses
- ✓ Chairperson delivers the basis of hearing, citing the alleged violations, and swears in all parties
- ✓ Testimony begins with an opening statement by Complainant(s) then an opening statement by Respondent
- ✓ Complainant(s) then give full case presentation followed by cross examination by Respondent and questions from panel members
- ✓ The same order follows with Respondent's full case, cross examination, and questions

Each party will make a closing statement.

The Chairperson makes a closing statement.

The hearing is then adjourned.

Chairperson, panelists and Board Counsel will then go into Executive Session to deliberate.

Keep in mind that hearings are a serious matter for those involved. The following "Do's" and "Do Not's" give you helpful guidance for your role during the hearing.

Some Helpful DO's

Chairperson

- Explain rulings calmly and sensitively

All Panelists

- Let each side present their case without interference from the panel
- Write questions out in advance
- Questions by panelists **must be relevant** to the issues and only asked to bring clarification to the facts of the case
- Relax, smile, and be polite
- Stay on the subject
- Talk slowly and evenly
- Let one person speak at a time
- Be aware of your body language

Some DO NOT's

- Don't refer to "general practices" of the Association or your firm
- Don't try to help either side
- Don't take hearsay as evidence
- Don't intimidate by talking down
- Don't make statements/don't preach
- Don't laugh
- Don't be overly familiar with one party or another
- Don't judge or draw conclusions until it's over
- Don't yawn, act bored, or check electronic devices
- Don't bring up issues that are not in the complaint