

Rule 222

HEARINGS

- (a) **Hearing Open to Public.** A disciplinary or reinstatement hearing is open to the public and the media in the same manner as a district court hearing. A hearing may be closed only in accordance with *Kansas City Star Co. v. Fossey*, 230 Kan. 240, 630 P.2d 1176 (1981). Under Rules 1001 and 1002, the hearing panel may limit or prohibit the use of an electronic device during the hearing.
- (b) **Location.** A hearing will be conducted in Topeka, Kansas. For good cause, the presiding officer may order that a hearing be conducted at another location in Kansas.
- (c) **Notice of Hearing.** The hearing panel will set the date for the hearing. The notice must state the following:
 - (1) the date, time, and location of the hearing;
 - (2) the name and business address of each panel member; and
 - (3) that the respondent is entitled to be represented by counsel, to cross-examine witnesses, and to present evidence.
- (d) **Rules of Civil Procedure.** Except as otherwise provided in subsection (e), the Rules of Civil Procedure do not apply in a board proceeding.
- (e) **Hearing Procedure.**
 - (1) **Rules of Evidence.** A hearing is governed by the Rules of Evidence, K.S.A. 60-401 et seq.
 - (2) **Witness Placed Under Oath.** A witness called to testify during a hearing must be placed under oath.
 - (3) **Record of Board Proceeding.** A hearing must be recorded by stenographic means.
 - (4) **Witness Sequestration.** The complaining witness may remain in the hearing room during presentation of all matters. All other witnesses may remain in the hearing room unless, before the start of the hearing, the respondent or the disciplinary administrator requests that the witnesses be excluded from the hearing room except while testifying.

[History: New rule adopted effective January 1, 2021.]