

Rule 617

PROCEDURAL RIGHTS OF A RESPONDENT IN FORMAL PROCEEDINGS

- (a) **Right to Counsel, Defend, and Offer Evidence.** A respondent has the following rights:
 - (1) a right to be represented by counsel;
 - (2) a right and reasonable opportunity to defend against the charges by the introduction of evidence and examination and cross-examination of witnesses; and
 - (3) a right to the issuance of subpoenas for the attendance of witnesses or for the production of documents, electronically stored information, or tangible things.
- (b) **Transcript of Formal Hearing.** A respondent has the right, at the respondent's expense, without any order or approval, to a copy of all or any portion of the formal hearing transcript.
- (c) **Guardian Ad Litem if Incompetent.** If a respondent is adjudged an incapacitated person, or if it appears to the Hearing Panel at any time during the proceedings that the respondent is not competent to act, the Hearing Panel may appoint a guardian ad litem. The guardian ad litem may claim and exercise any right and privilege and make any defense for the respondent with the same force and effect as if claimed, exercised, or made by the respondent if competent. When these rules provide for service or notice to the respondent, the service or notice must be to the guardian ad litem.

[**History:** New rule adopted effective May 1, 2019.]