

1 **15-301. Investigation, interviews, and appeals.**

2 A. **Investigations.** The board shall conduct an investigation and otherwise inquire into
3 and determine the character, fitness, and general qualifications of every applicant for admission.
4 In every ~~[such]~~ investigation and inquiry the board may obtain ~~[such]~~ information relating to the
5 character, fitness, and general qualifications of the applicant; and may take and hear testimony,
6 administer oaths and affirmations, and compel, by subpoena, the attendance of witnesses and the
7 production of books, papers, and documents. Any member of the board may administer ~~[such]~~ the
8 oaths and affirmations. Investigations and inquiries shall be informal, but shall be thorough, with
9 the object of ascertaining the truth. Technical rules of evidence need not be observed. Any hearing
10 for ~~[such]~~ that purpose may be held by a division of the board consisting of not less than three (3)
11 members of the board, and ~~[either]~~ the board ~~[chairman]~~ chair, the board ~~[vice-chairman]~~ vice-
12 chair, or a member of the board appointed by the board ~~[chairman]~~ chair to preside shall serve as
13 the division's presiding officer, ~~[which presiding officer]~~ who shall have power to issue subpoenas.
14 A complete record shall be made of all hearings held ~~[pursuant hereto]~~ under this rule, and each
15 applicant shall be advised of the nature of any allegations or charges made which may lead to
16 denial of licensure, and may cross-examine adverse witnesses, be represented by counsel, and
17 present relevant evidence. Subpoenas shall be freely issued on the written request of any ~~[such]~~
18 applicant. Failure to respond to subpoenas issued ~~[hereunder]~~ under this rule will be an act of
19 contempt of the Supreme Court and shall forthwith be reported by the board to the Supreme Court.

20 B. **Interviews.** The board, any member of the board, or a committee of the board, shall
21 investigate and may hold interviews as to an applicant's qualification. An interview is not a
22 "hearing"[-] as described in these rules; however, information gathered at an interview of the

1 applicant shall be admissible at hearings and an applicant's truthfulness shall be considered
2 relevant to the applicant's qualifications.

3 C. **Hearings.** The board may hold a hearing on the qualifications of any applicant. The
4 hearing may be held by a committee [~~of the board~~] consisting of not less than three members, of
5 whom no fewer than one (1) shall be a member of the board. Members of hearing committees shall
6 be members of the bar of this state, appointed by the chair of the board upon recommendation of
7 the board. The chair of the board or any member of the board appointed by the chair shall chair
8 the committee. The applicant shall be advised of the nature of the subject and purpose of the
9 hearing and may cross-examine witnesses, be represented by counsel, and present evidence [~~in~~]
10 on the applicant's behalf. A record shall be made of all committee hearings. The committee chair
11 shall have the power to issue subpoenas on behalf of the committee. Subpoenas shall be freely
12 issued on the written request of the applicant. Failure to respond to a committee subpoena will be
13 an act of contempt of the Supreme Court and shall be reported by the board to the Supreme Court.

14 D. **Appeals.** If after a hearing the board refuses to recommend the admission of an
15 applicant, the board shall make written findings of fact and conclusions. The findings and
16 conclusions of the board shall be filed with the secretary of the board and a copy sent by certified
17 or registered mail to the applicant. Any applicant aggrieved by a decision or action of the board
18 may within sixty (60) days after the date of mailing of the findings and conclusions to the applicant,
19 appeal to the Supreme Court by filing a petition and brief-in-chief with the clerk of the Court
20 specifying wherein the board has erred, and by serving copies [~~upon~~] on the secretary of the board.
21 A docketing statement and docket fee will not be required. The record on appeal to the Supreme
22 Court shall consist of the application and file of the board, the record of the hearing, whether by
23 tape recording or transcript, and the findings and conclusions of the board. Within forty-five (45)

1 days after the board has received the petition on appeal it will file a response. Oral arguments shall
2 be made in accordance with the Rules of Appellate Procedure. The petitioner shall be responsible
3 for making satisfactory arrangements with the secretary of the board for the record on appeal,
4 whether by tape recording or transcript. The Supreme Court may tax the costs of appeal against
5 the petitioner or the board, or partially against both, as it may deem equitable.

6 [As amended, effective November 1, 1994; as amended by Supreme Court Order No. 2020-8300-
7 001, effective August 31, 2020.]