

Rule 224

WITNESSES AND EXHIBITS

- (a) **Disciplinary Administrator's Witness List and Exhibits.** No later than 14 days after service of a formal complaint, the disciplinary administrator must file a witness and exhibit list and the original exhibits, marked numerically. The disciplinary administrator must serve the respondent and each hearing panel member with a copy of the list and a copy of each exhibit.
- (b) **Respondent's Witness List and Exhibits.** No later than 14 days after the answer to a formal complaint is due, the respondent must file a witness and exhibit list and the original exhibits, marked alphabetically. The respondent must serve the disciplinary administrator and each hearing panel member with a copy of the list and a copy of each exhibit.
- (c) **Reference to Certain Persons or Information.** A party offering an exhibit for admission into evidence must protect personally identifiable information as follows:
 - (1) by complying with Rule 7.043 when referencing certain persons;
 - (2) by redacting a person's date of birth except for the year; and
 - (3) by sealing the exhibit or redacting the exhibit to refer to only the last four digits of any of the following numbers:
 - (A) a Social Security number;
 - (B) a financial account number, including a bank, credit card, and debit card account;
 - (C) a taxpayer identification number (TIN);
 - (D) an employee identification number;
 - (E) a driver's license or nondriver's identification number;
 - (F) a passport number;
 - (G) a brokerage account number;
 - (H) an insurance policy account number;
 - (I) a loan account number;
 - (J) a customer account number;
 - (K) a patient or health care number;
 - (L) a student identification number; and
 - (M) a vehicle identification number (VIN);
 - (4) by sealing any exhibit that is a medical, substance abuse, psychological, or psychiatric report or record; and
 - (5) by sealing or redacting the exhibit for other good cause shown.

- (d) **Procedures for Calling an Expert Witness.**
- (1) No later than 21 days after service of a formal complaint, a party planning to call an expert witness must file notice of intent to call an expert witness.
 - (A) Written notice and any expert witness' report must be served on each hearing panel member and the opposing party.
 - (B) If the expert witness has not issued a report, the notice must include a proffer of the subject matter on which the expert is expected to testify and the substance of the facts and opinions to which the expert is expected to testify.
 - (2) If the opposing party plans to call a rebuttal expert witness, the opposing party must file notice of intent to call a rebuttal expert witness no later than 21 days after service of a notice under subsection (c)(1).
 - (A) Written notice of intent to call a rebuttal expert witness and any rebuttal expert witness' report must be served on each hearing panel member and the other party.
 - (B) If the rebuttal expert witness has not issued a report, the notice must include a proffer of the subject matter on which the rebuttal expert is expected to testify and the substance of the facts and opinions to which the rebuttal expert is expected to testify.
- (e) **Scope of Testimony.** An expert witness may not testify unless the following apply:
- (1) the witness is qualified as an expert by knowledge, skill, experience, training, or education;
 - (2) the testimony will help the hearing panel understand the evidence;
 - (3) the testimony is based on sufficient facts or data;
 - (4) the testimony is the product of reliable principles and methods; and
 - (5) the witness has reliably applied the principles and methods to the facts of the formal complaint.
- (f) **Additional Witness and Exhibit; Time Limit.** For good cause, the hearing panel may allow a party to endorse an additional witness or offer an additional exhibit at any time, including at the hearing on the formal complaint.

[History: New rule adopted effective January 1, 2021; [Am. effective November 29, 2021.](#)]