

Alabama Rules of Disciplinary Procedure

Rule 19.

Hearings.

(a) *Standard of Proof.* Clear and convincing evidence shall be the standard of proof required in all disciplinary proceedings, including petitions for reinstatements and for transfer to disability inactive status.

(b) *Rules of Evidence.* In the taking of evidence by the Disciplinary Commission or by the Disciplinary Board, whether in a hearing, by deposition, by a commissioner, or by a Disciplinary Hearing Officer, the Commission or the Board shall consider only that evidence that, in its opinion, is relevant, material, or competent. In this regard, the Commission and the Board shall adhere to the Alabama Rules of Evidence, except that the Commission may relax those rules if a strict application of those rules would otherwise preclude the admission of highly probative and noncumulative evidence, and the Board may relax those rules if a strict application would otherwise preclude the admission of highly probative and noncumulative documentary or demonstrative evidence.

(c) *Objection Necessary to Preserve Issue for Appellate Review.* On a hearing before the Board or Commission, counsel for the respective parties may object to proffered evidence and state grounds for the objection. Evidence received by the Board or the Commission without objection and stated reasons for the objection shall not be made an issue for appellate review.

[Amended eff. 8-1-2000.]

Note from the reporter of decisions: The order amending Rule 19, effective August 1, 2000, is published in that volume of *Alabama Reporter* that contains Alabama cases from 753 So.2d.