

FILED

JAN 15 2014

CAROL G. GREEN
CLERK OF APPELLATE COURTS

IN THE SUPREME COURT OF THE STATE OF KANSAS

ORDER

RULES RELATING TO DISCIPLINE OF ATTORNEYS

RULE 216

SUBPOENA POWER, WITNESSES, AND PRETRIAL PROCEEDINGS.

Rule 216 is hereby amended, effective the date of this Order.

(a) The disciplinary administrator, the chairman of the Board, any member of a hearing panel, the Clerk of the Appellate Courts, or any other person authorized by law, acting under these rules, may administer oaths and affirmations and, subject to the Rules of Civil Procedure, compel by subpoena the attendance of witnesses and the production of pertinent books, papers, and documents before a hearing panel. A respondent may, subject to the Rules of Civil Procedure, compel by subpoena the attendance of witnesses and the production of pertinent books, papers, and documents before a hearing panel.

(b) The judge of the district court of any judicial district in which the attendance or production is required shall, upon proper application, enforce the attendance and testimony of any witness and the production of any documents so subpoenaed. Subpoena and witness fees and mileage shall be the same as in the district court. A witness shall be allowed additional actual and necessary expenses for travel, meals and lodging if the same are approved by the disciplinary administrator.

(c) The disciplinary administrator in making investigations under these Rules is authorized to issue subpoenas and administer oaths.

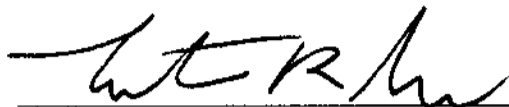
~~(d) Upon request, the Disciplinary Administrator shall disclose to the respondent all evidence in his possession relevant to the proceeding. No other discovery shall be permitted.~~

(ed) At the discretion of the hearing panel, a prehearing conference may be ordered for the purpose of obtaining admissions or otherwise narrowing the issues presented by the pleadings. Said conference may be held before the chairman of the panel or any member of the panel designated by its chairman.

(fe) With the approval of the hearing panel, a deposition may be taken by stenographic means or by electronic recording as provided in K.S.A. 60-230 if the witness is not subject to service of subpoena or is unable to attend or testify at the hearing because of age, illness, or other infirmity. A complete record of the testimony so taken shall be made and preserved.

(g) The subpoena and deposition procedures shall be subject to the protective requirements of confidentiality provided in Rule 222 as applicable.

BY ORDER OF THE COURT this 15 day of January, 2014.

A handwritten signature in black ink, appearing to read "Lawton R. Nuss", written over a horizontal line.

Lawton R. Nuss
Chief Justice