

Litchfield Code of Ethics Committee

Town Hall
2 Liberty Way
Litchfield, NH 03052

Rules Regarding the Conduct of Hearings

Pursuant to Section IV.D.3, the Litchfield Ethics Committee adopts the following rules that shall apply to all hearings on written complaints.

Notice of Hearing: The committee shall provide written notice of the hearing to both the complainant and the respondent. The notice shall provide the date, time, and place of the hearing.

R.S.A. 91-A: All hearings shall be held in compliance with New Hampshire's "Right to Know" law. Accordingly, all hearings shall be posted and shall be open to the public, except under extraordinary circumstances when the committee considers matters during a non-public session.

Use of Recording Devices: The Ethics Committee does not always make a verbatim record of its hearing, but instead relies upon minutes. Accordingly, any person who wishes to do so may elect to record a meeting by audio or videotape. However, before doing so they must inform those present that they are recording the meeting, the recording device must at all times remain in an open and obvious place, and the recording must be done in a manner which does not interfere with the conduct of the hearing.

Complaints Alleging Misuse of Confidential Information: When the committee receives a complaint alleging that a person has misused confidential information, the committee may take whatever measures it deems appropriate under R.S.R. 91-A.

Prehearing and Other Informal Conferences: At any time prior to the commencement of a formal hearing, the Ethics Committee may meet with the parties for a prehearing conference to aid in the disposition of the proceeding. Issues to be addressed may include but are not limited to narrowing or simplification of the issues, or any other matters which might contribute to the prompt, fair, and orderly conduct of the proceedings.

Evidence:

- (a) Hearings shall not be conducted under the rules of evidence, but the evidentiary and statutory privileges recognized by New Hampshire law shall apply.
- (b) Any evidence which will reasonably assist the Ethics Committee in arriving at the truth shall be admissible, but evidence which is irrelevant or immaterial;

- unduly repetitious or cumulative; or needlessly insulting, harassing, or scandalous shall be excluded.
- (c) The Ethics Committee may direct that some or all of the evidence be submitted in written form, but oral testimony shall be required when necessary to avoid material prejudice or to permit full and fair disclosure of disputed material facts.
 - (d) Witnesses testifying before the Ethics Committee shall testify under oath or affirmation.
 - (e) If the Ethics Committee takes official notice of a fact, it shall so state, and upon timely request shall permit any party the opportunity to show to the contrary.

Burden of Proof: The party alleging that a person has violated the Code of Ethics shall have the burden of proving the truth of that allegation by clear and convincing evidence.

Clear and convincing evidence is an intermediate standard of proof which calls for more proof than that based on probabilities but less proof than that based on beyond a reasonable doubt.

Clear and convincing evidence is defined as that evidence which establishes a factual conclusion to be highly probable, rather than merely more probable than not. It requires that the party having the burden of proof place in the tier of fact an abiding conviction that the truth of his/her factual contentions are highly probable; otherwise he/she has failed to prove it and is not entitled to relief.

Argument: Oral argument, other than a brief opening and a brief closing statement, shall only be permitted in exceptional circumstances.