

Rule 218

DEPOSITION

- (a) **When Permitted.** Either party in a disciplinary board proceeding may request in writing to take the deposition of a witness. The presiding officer may grant the request if the following applies:
 - (1) the witness is not subject to service of a subpoena;
 - (2) the witness is unable to attend or testify at the hearing because of age, illness, or other infirmity; or
 - (3) the parties agree to the deposition.
 - (b) **Notice.** The party requesting a deposition must give reasonable written notice to the other party. The notice must state the time and place of the deposition and the deponent's name.
 - (c) **Method of Recording.** A deposition must be taken under oath or affirmation and recorded by stenographic means.
 - (d) **Persons Attending Deposition.** Unless otherwise stipulated by the parties or ordered by the presiding officer, no person may attend a deposition except the court reporter, the parties, and the deponent.
 - (e) **Remote Means.** The parties may stipulate or for good cause the presiding officer may order that a deposition be taken by telephone or other remote means. The deposition takes place where the deponent answers the questions.
 - (f) **Original; Copy.** The party requesting a deposition must file with the Board the original transcript of the deposition and serve the opposing party with a copy.
 - (g) **Costs.** The party requesting a deposition must pay any costs.
- [History:** New rule adopted effective January 1, 2021.]