

# Advisor Training Supplemental slides 2022-2023 a/y



# Exclusionary Rule Changes

- ▶ Previously, if a Party or witness who refused to submit to live questioning from the other party's advisor, their testimony was excluded.
- ▶ Now, the decision-maker has the discretion to give such weight to prior statements made either inside or outside of the hearing as the decision-maker determines is appropriate.

# Offering Evidence & Presenting Witnesses-Exclusionary Rule changes

- Previously, a party that was aware of and had reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation and elected not to do so, would be prohibited from introducing such evidence during the adjudication absent of showing of mistake, inadvertence, surprise or excusable neglect.
- Now, a party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses should do so during the investigation. The failure to do so may be considered a factor in assessing weight and credibility during the adjudication phase.



Questions?

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