

**KENTUCKY BAR ASSOCIATION  
RULES OF THE SUPREME COURT OF KENTUCKY**

**PRACTICE OF LAW**

**SCR 3.400 Rehearing by Trial Commissioner**

Rehearing shall not be permitted except for newly discovered evidence so material to the rights of either party as to affect the finding and recommendation which could not have been discovered by the exercise of reasonable diligence and then only if such evidence is first presented in affidavit form, together with the affidavit of counsel that such evidence could not have been discovered sooner by the exercise of reasonable diligence. After the Trial Commissioner has made his/her report to the Board, no rehearing shall be permitted by the Trial Commissioner. After the Board has conducted its review, no rehearing shall be permitted by the Board. After the Board has filed its order under Rule 3.370, the Court may remand the case to the Board for such action as the Court may direct.

HISTORY: Amended by Order 98-1, eff. 10-1-98; prior amendments eff. 1-1-78, 7-2-71