

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

YOUR ADMINISTRATIVE HEARING

Welcome to the Office of Administrative Hearings. This brief video has been prepared to orient you to the hearing process.

The purpose of an administrative hearing is to allow you to present evidence in the form of documents or testimony by witnesses, including yourselves. In general, the hearing will consist of opening statements, direct and cross-examination of witnesses, and closing arguments.

Opening Statements

Opening statement is a brief preview of your case. It is not the time to present evidence. Simply tell the judge what your case is about.

Direct Examination

Direct examination is your opportunity to ask questions of witnesses who can help you prove what happened in your case.

When in doubt, ask the familiar questions:
Who? What? When? Where? Why? And, How?

Who is the witness? What did the witness do or what does the witness know? When or where did something happen? And so on.

1 The important point is that the witness
2 must testify about what the witness personally knows.
3 Expert witnesses can give opinions, if you have
4 established the facts on which the expert's opinion is
5 based.

6 Avoid testifying while asking questions.
7 You should never provide the answer to the witness. If
8 you want to give information yourself, you may testify.
9 However, when you call a witness, that is the witness's
10 chance to give the judge information.

11

12 **Excluded Witnesses**

13 Witnesses may be required to leave the
14 hearing room until they are called to testify. Such
15 excluded witnesses are not permitted to discuss their
16 expected testimony with any witness, nor are they
17 permitted to listen in or examine the testimony of any
18 other witness. This includes listening to audio
19 recordings or examining transcripts.

20 The purpose of this rule is to ensure that
21 each witness testifies according to his or her own
22 knowledge and is not influenced by the testimony of
23 others. If any witness violates these restrictions, his
24 or her testimony will not be considered.

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Exhibits

Exhibits such as pictures, diagrams, blueprints, and reports can be introduced as evidence. If you have an exhibit, the judge will mark it for identification. This is so the record will be clear when you refer to the exhibit in the future.

A witness will need to tell the judge what the exhibit is and how it relates to the case. This is called foundation.

Objections can be made to either an exhibit or a question. There must be a reason for your objection. Disagreeing with the other party or disliking the exhibit is not a reason to object.

Questions By The Judge

The Administrative Law Judge may, on occasion, ask questions to clarify the record. You should not take the asking of a question as favoring any party or as any signal of how the judge will rule.

Cross-Examination

Cross-examination is the chance to ask questions of the other side's witnesses. You can challenge a witness's knowledge, opinion, perception, motive, memory, bias, or credibility. However, don't just

1 repeat the same question over and over again. Do not
2 interrupt or argue with the witness if you do not like the
3 witness's testimony. Disagreement with a witness can only
4 come in the form of contrary evidence.

5

6 **Closing Arguments**

7 Closing argument should briefly summarize
8 the evidence presented during your hearing. It should
9 explain why the judge should decide the case in your
10 favor. You may not present new evidence during your
11 closing argument.

12

13 **The Record**

14 An audio record is made of your case using
15 a digital recorder which is hooked up to the microphones
16 in front of you. It is important to make the record as
17 clear as possible, therefore, always give an audible
18 response to a question. This means answering yes or no.
19 Don't simply shake your head or shrug your shoulders.
20 Avoid using huh-uhs or uh-huhs. If you are making a
21 gesture with your hand or pointing something out, make
22 sure you describe what you are doing. Make sure your
23 witnesses follow these same rules.

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Decorum

The Office of Administrative Hearings maintains a professional and pleasant environment, therefore disruptive or disrespectful behavior is not tolerated. The golden rule in hearings, as everywhere else, is to treat others as you want to be treated.

Settlement Discussions

Prior to your hearing, the Administrative Law Judge may ask the parties whether they have discussed settlement. The question is asked to accommodate the desires of the parties, and no party should assume that the question is asked because the judge has formed any opinion about the merits of the case.

The Office of Administrative Hearings is independent of any other state agency, board, or commission.

Mission Statement

Our mission is to contribute to the quality of life in the State of Arizona by fairly and impartially hearing the contested matters of our fellow citizens arising out of state regulation.

We welcome your feedback about your hearing experience. You have been provided with an evaluation

1 form to share your comments with the director, should you
2 choose to do so. Your responses will be confidential and
3 will not be viewed by the Administrative Law Judge.
4 Feedback is shared only in a general fashion and helps us
5 to improve our service to the public.

6 Completed evaluations may be returned to
7 the black boxes located on the first and third floors, or
8 to our receptionist, at the conclusion of your hearing.

9 On behalf of the judges at the Office of
10 Administrative Hearings, we hope that the information we
11 have provided will assist you in understanding the
12 procedures for your hearing.

13 The Administrative Law Judge assigned to
14 your case will also provide you with important information
15 and answer any questions that you may have.

16 We hope that your experience at the Office
17 of Administrative Hearings is a pleasant one.

18
19
20
21
22
23
24
25