



2021 Attorney General's Public Law Conference Program Guide

Monday, October 11

8:30-9:30 DOJ and You

This workshop describes the available tools to get the right answers to your questions and make the best use of your attorney. Participants will learn how to spot the “not-so-obvious” legal issues. We will also discuss the protections afforded when clients rely on their attorney’s legal opinion and the significance of the attorney-client privilege (and how this privilege can be inadvertently waived – with unfortunate consequences.) This session is intended for anyone who would like to learn about how to get the most out of their relationship with DOJ.

10:00-11:00 Investigating Under the APA: Overview

Knowing where to start with an investigation can be difficult, and knowing how to obtain your evidence without inadvertently walking into a legal landmine can be even trickier. This session will cover the basics of conducting an investigation. After attending this session, you will be able to assess a complaint to identify an investigation strategy and employ methods for gathering relevant evidence. You will also be able to identify and avoid common legal pitfalls that may arise during the investigation process. This session is primarily geared towards state employees who conduct investigations for professional licensing boards, who could benefit from an overview of the basics of conducting an investigation.

11:30-12:30 Public Meetings Intro

Following the training, attendees will know how to answer questions such as: Is my agency subject to the public meetings law? What must we do to notify the public of an upcoming meeting? How do we tell the public about executive sessions? What do I do if the meeting attendees start talking about a public session topic in executive session? What happens if decision makers confer on email? Who enforces the Public Meetings law anyway? Where can I find more information on the Public Meetings law? This session is intended for audiences with no more than limited experience with Oregon’s Public Meetings law and will address the basics.

1:00-2:00 Drafting Notices for Contested Cases - What Every Agency Needs to Know

The notice of proposed action is a critical legal document for every contested case proceeding. A legally invalid notice can result in the entire contested case proceeding and final order being overturned on appeal. This session covers what agencies need to know, in general, for drafting good notices, including legal and practical considerations as well as tips and common traps. Since most agencies are required to have contested cases heard before the Office of Administrative Hearings (OAH), this workshop focuses on the requirements and good practices under the current Attorney General's Model Rules for OAH. This workshop is not designed to address these issues in a manner specific to any agency. After attending, participants should be able to draft a legally adequate notice for a simple contested case, as well as recognize situations where they might need our assistance due to complex factual or legal considerations. This session is intended for state employees new to drafting notices, however those with experience should not be deterred as this course will also cover nuances and common traps. Drafting a good notice has become more critical as the appellate courts, in recent years, have reversed final orders based on inadequate notice.

2:30-3:30 Contested Case Overview

Respondent licensee has requested a hearing. You are a newly assigned, slightly rusty, or overachieving Case Manager, Compliance or Enforcement Employee, Investigator or Lay Representative for your agency. What do you have to do to prepare yourself, and others, for the hearing? Is there a particular order in which you should complete each of the pre-hearing tasks? Are there set deadlines by which certain documents have to be prepared? We know that preparing for a Contested Case Hearing can be nerve racking - that's why Department of Justice (DOJ) is here to help! This session will provide an overview of the Contested Case Process, its participants, and exhibit and witness types. We'll discuss the discovery process, the filing of motions for protective orders, and the filing of motions for summary determination. We'll then discuss the hearing itself – specifically objections to Respondent Licensee's arguments and the oral, or written, arguments that your agency assigned counsel or Lay Representative, may or may not, make. In closing we will also consider events that may happen during the post hearing process. And yes, you get to ask questions – as many questions as time will allow!

Tuesday, October 12

8:30-9:30 Making it Through the Home Stretch: How to Draft a Final Order that Will Withstand Appeal

Drafting a final order can seem daunting, especially when you have gone through an appeals process in the past. This session will address the critical aspects of final order writing, including statutorily required elements, the details that matter to the Court of Appeals, and the differences among: (1) final orders after a contested case; (2) stipulated or other "agreed" final orders; (3) and, final orders after a default. The goal is to help ensure that attendees can write legally defensible final orders. This session is targeted towards state employees who are new to writing final orders, or who have some experience writing final orders but need a detailed refresher or updating.

10:00-11:00 Public Meetings Advanced

Following the training, attendees will be able to answer questions such as: What is a meeting? (Turns out, a meeting may be more things than you knew!); What lessons have we learned from the pandemic? (There are several areas, including: conducting emergency meetings, remote attendance, and new legislation regarding remote access and participation); What are the current hot topics in enforcement? (Based on a review of recent cases and investigations at the Oregon Government Ethics Commission). This session will expand from the content in Public Meetings – Intro and is intended for audiences with a basic understanding of the public meetings law.

11:30-12:30 Better Than Good, Grant-astic!: Everything You Wanted to Know (and More) About Grants

One of the state's core functions is distributing money to public and private entities for a variety of important public purposes: protecting our air, land and water; educating our children; and building vital infrastructure, to name but a few. One of the core ways that the state distributes that money is through grants. Learners will be able to decide whether the public contract on your desk is, or should be, a grant or a

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procurement under the public contracting code, recall legal sufficiency requirements for grants, define sources of grant funding in Oregon, recognize important provisions that all grant agreements should include, and identify requirements for federally funded grants. This session is intended for agency program staff, those already seasoned in grant administration and those who are just cutting their teeth.

Wednesday, October 13

11:00-1:00 It's the Foundation for Everything We Do: Statutory Interpretation Overview
(30 minute break at 11:45)

Reading and interpreting statutes is something we do every day – but are we doing it correctly? This workshop is an introduction to the important process of correctly interpreting statutes and rules. This session is intended for any state employee who wants an overview of statutory interpretation. Please note this is a repeat from the 2019 PLC.

1:30-2:30 We Were the Experts! Statutory Interpretation Advanced

This workshop will take a more in depth look at PGE v. BOLI, Gaines and other relevant cases that shape the way we interpret statutes and rules. The session will clarify when courts will defer to a state agency's interpretation of its own statutes and its own rules, as well as provide guidelines for applying statutory construction rules in varying fact situations. This is intended for any state employee who has a base knowledge of statutory interpretation, but need a more in-depth training. Please note this is a repeat from the 2019 PLC.

3:00-4:00 How to Work with Money: Understanding Oregon's Public Funds Laws

Protecting public funds is an important responsibility shared by all public employees, but understanding the various requirements and risks can be challenging. This session will explain what public funds are, how they must be handled, and what your respon-

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sibilities are. You also will learn about the Oregon State Treasury's role in protecting public funds and overseeing all banking and cash management services used by state agencies. After attending this session, you will be able to recognize when to engage with Treasury to accomplish your goals while protecting public funds. This session is intended for anyone whose work involves how money is collected, handled, or disbursed including finance, procurement, and program staff.

Thursday, October 14

11:00-1:00 Orders in Other than Contested Cases: Tips and Traps
(30 minute break at 11:45)

This session is intended to help employees identify when they have issued an order, which is sometimes inadvertent, and whether that order is a final order that may be subject to judicial review. Attendees will also learn when to involve DOJ, and what to do if a petition for judicial review is threatened or filed. Attendees will be able to describe the litigation process in circuit court, which differs procedurally from appeals in contested cases, and when it may be advantageous to offer a contested case even if it is not strictly required by rule or statute. This session is intended for state employees at all levels of experience who frequently interact in writing with the public.

Friday, October 15

8:30-10:30 Navigating the Legislature's Labyrinth: The Fundamentals of Public Contract Law
(30 minute break at 9:15)

We will provide an overview of ORS Chapters 279A and 279B and start with reviewing the policy underlying public contracting law. We will then learn how to determine, before undertaking any procurement, whether an agency has the authority to conduct a

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procurement for a desired service or product. Attendees will be able to identify the different source selection methods and associated processes and what type of contract is appropriate for the products or services desired. Most importantly, attendees will be able to recall the resources that can help them build their knowledge of public contracting. This session is intended for those state employees who are new to public procurements and contracting.

11:00-1:00 Introduction to Public Records Law and Processing
Public Records Requests
(30 minute break at 11:45)

If you have ever been asked by your agency to work on a public records request, you might have found the process confusing or overwhelming. This session will help reduce that confusion by covering the basic principles of Oregon’s Public Records Law and how to process public records requests. Topics will include determining when and how to balance the public interest in disclosure against the public interest in nondisclosure; how to identify, locate, and apply appropriate public records exemptions; understanding which statutory guidelines dictate how and when to respond to a records request; how to effectively communicate with requesters; how to calculate fee estimates and evaluate requests for fee waivers; and where to go for help. After attending this session, you will know where to find helpful resources and how to spot and avoid common public records pitfalls. This session is intended for employees who are new to processing public records requests on a regular basis or who have struggled with responding to occasional requests in the past.

1:30-2:30 Legal Sufficiency Review

Legal sufficiency by DOJ is required for most contracts anticipated to exceed \$150k in value. But how does DOJ determine whether a contract is legally sufficient? This session will provide an overview of the legal sufficiency review requirements and provide guidance and tips to help you prepare contracts that are legally sufficient. After this

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training you should understand what DOJ is looking for when it reviews a contract for legal sufficiency and help you to obtain the most efficient review of your contracts. This is an overview with a target audience of those more unfamiliar with legal sufficiency requirements, but also would benefit those who want a refresher on the legal sufficiency review and approval process.

3:00-4:00 The Legislative Process

State agencies have a role in developing legislative concepts, reviewing bills, proposing amendments to bills, testifying at committee hearings and working with stakeholders. After attending, participants will be able to identify the role of the Governor’s Office, Department of Administrative Services (DAS), your agency legislative liaison, your assigned DOJ counsel, and Legislative Counsel in helping you navigate this process. This session is intended for any state employee looking for a general overview of the legislative process. Please note this is a repeat session from the 2019 PLC.

Monday, October 18

8:30-11:00 ADA Compliance Considerations & Practical Application
(30 minute break at 9:30)

This session addresses the management of workplace requests for accommodations, re-assignment, remote work as an accommodation, mental health conditions in the workplace, and managing performance concerns. To some extent the pandemic has re-defined the modern workplace and going forward some employees will continue working remotely and others will transition into working in a hybrid model. We will discuss to what extent agencies need to accommodate these employees. This training is aimed at experienced managers and HR professionals, where compliance requirements, including contractual and statutory obligations, will be discussed and the content is also appropriate for those new to management.

In the first half of this session we discuss will foundational topics related to the ADA and state disability laws, such as who is covered by such laws, how to conduct an interactive

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process, and what is considered a “reasonable accommodation.” We will also discuss what types of medical information can be requested from an employee or the employee’s medical provider, as well as when medical information is not needed to identify a reasonable accommodation.

In the second half of this session, we will look at some of the tricky issues with scheduling and leave issues, as well as how to handle requests for remote work as a reasonable accommodation. We will also consider remote and hybrid workspace and how agencies can accommodate employees who request equipment and other accommodations to use in a remote workspace. And finally, we will look at how to continue effective performance management. **This workshop is restricted to executive and management service employees, which includes those with management, confidential, or supervisory designations, and HR professionals.**

11:30-12:30 IT Contracting - Overview of the IT Contracting Process

What can you do to ensure that technology is purchased timely, and in compliance with good public procurement practices for information technology? This workshop will address information technology contracts with an emphasis on processes, basic structure and use of templates, issue spotting, and drafting considerations. This workshop will address cloud services, hardware, software, and services. This pairs nicely with session “IT Contracting Cybersecurity and Data Protection”, and is targeted towards State employees new to IT Contracting who want to know where to start, and employees who are looking for more in-depth information and to make connections with others working in this area.

1:00-2:00 IT Contracting - Cybersecurity and Data Protection

Cybersecurity and data protection are critical for State agencies - and especially critical when contracting for technology and data services. This session dives into review processes specific to security and data protection practices, and related contracting terms and strategies, in the evolving area of information security and privacy.

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Attendees will be able to recall key principles for information security and data privacy, and tips for spotting issues in the wild and gain an overview of the State’s response plan for data breaches. This session will include a Cyber Security Services (CSS) subject matter expert. Session pairs nicely with session “IT Contracting Overview of the IT Contracting Process” and is targeted towards State employees new to security and privacy who want to know where to start, and employees who are looking for more in-depth information and to make connections with others working in this area.

2:30-4:30 Tribal Relations: Making the Most of the Government to Government Relationship
(30 minute break at 3:15)

Oregon’s rich history is more than what you saw in that classic video game “Oregon Trail;” the region we now call Oregon has been home to native nations since time immemorial. In this session, we’ll touch on the legal status and history of federally recognized tribes in Oregon, discuss the legal landscape governing state agency coordination with tribes, and share tips for working with tribes. You’ll arrive at your destination better prepared to engage with tribal partners with your enhanced knowledge of this vibrant history and the requirements of tribal consultation.

This workshop is suitable for any state agency employee or board or commission member.

Tuesday, October 19

8:30-10:30 Leave Laws - Compliance Considerations & Practical Application
(30 minute break at 9:15)

FMLA/OFLA and other forms of leave are complex and interrelated. With various laws in play, it can be challenging for managers and HR professionals alike to navigate the tricky compliance issues as well as the practical challenges in the workplace. This

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training covers both: Managing the absent employee, the employee with more sick leave amassed than their FMLA/OFLA entitlement, and other challenging issues. Attendees will leave this session with clarity and advice to ensure that both the employer and employee are protected when navigating the Leave Laws. This training is aimed at both experienced managers and HR professionals, as well as those new to management.

After the first half of this session, the participant will be able to identify and address common compliance considerations and concerns which may be encountered when employees utilize protected leave. Issues covered will include identifying legally protected reasons for leave, obligations to returning employees, and practical scenarios focused on compliance considerations.

The second half of the training will build upon the first and explore the added practical issues raised when managing employees who need protected leave for various reasons and will explore more complex scenarios and potential management strategies for appropriately handling leave issues in the workplace. **This workshop is restricted to executive and management service employees, which includes those with management, confidential, or supervisory designations, and HR professionals.**

11:00-1:00 Recent Developments in the Public Records Law **(30 minute break at 11:45)**

If you're a seasoned veteran in handling public records requests, but are curious about recent developments in Oregon's Public Records Law, this session is for you. Topics will include recent opinions from the courts and the Attorney General addressing matters of public records, new public records exemptions and changes to existing exemptions, and recent changes in the statutes that govern public records request processing. You will also hear from the Public Records Advocate about his role and responsibilities, the responsibilities of the Public Records Advisory Council, and his suggestions on how to take your public records request program to the next level. This session is intended for employees who have a basic working knowledge of, and experience with Oregon's Public Records Law, but novices should not be deterred.

1:30-2:30 DE&I in Contracting

This training is to assist policymakers and clients engaged in equity work to more effectively develop agency contracting policies and programs that advance equity within constitutional limits. After this training, policy makers will gain a clearer understanding of what legal considerations may impact implementation and how to work with DOJ proactively to craft contracting practices that effectuate the equitable use of state resources and advance this important work. This session is targeted towards new and experienced contracting professionals who want to gain foundational knowledge of diversity and equity concepts in contracting.

Wednesday, October 20

8:30-10:30 Hiring Considerations

(30 minute break at 9:15)

Hiring and training the right candidates are critical to ensuring the success of your Agency. In this comprehensive training, you will receive guidance on the hiring process from inception to the final offer of employment. The goal of the training is to provide you with the most updated legal and policy considerations for developing the recruitment and hiring process for success in reaching the most qualified candidates.

The first half of the training focuses first on the legal and statewide policy and practice considerations in developing the recruitment process, including consideration of diversity and inclusion goals, legal requirements including veterans preference entitlements, and tailoring the minimum qualifications and other hiring criteria to set yourself up for a successful hiring decision. This portion of the training will give you practical tips for setting the Agency up for success in the hiring process and avoiding legal claims.

The second half of the training focuses on the interview and hiring stages of the recruitment process. The presenters will first focus on technical and legal considerations in the interview stage of the process, including developing comprehensive interview questions that help identify the best candidates for the position. The training closes with guidance for after you choose a job candidate. The presenters will offer real scenarios as they provide you with the tools for conducting effective and legal reference and background checks. Finally, the presenters cover changes and guidelines in applying the state's pay equity law and policy.

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This training is useful for both newer and long-term managers involved in recruitment and hiring. **This training is restricted to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only.**

**11:00-1:00 Protecting Against Things that Go Bump in the Night:
Drafting Legally Sufficient Contracts, including Statements of Work
(30 minute break at 11:45)**

Have you been asked to draft a contract or a statement of work and you're not quite sure where to start? Drafting can be difficult, but it also can be fun and bring out your creative side! This session will guide you through the ins and outs of drafting contracts and statements of work. After attending this session, you will be able to prepare a clear statement of work, and recall how the legal sufficiency guidelines can help you design a contract and statement of work. This session is targeted towards contracting professionals who already have a good base knowledge of contracting and legal sufficiency and want a more in-depth dive and some pointers.

Thursday, October 21

**8:30-9:15 Navigating Conduct & Performance Concerns
Part 1—Using Non-Disciplinary Tools**

This four-part series addresses the management of workplace performance and conduct concerns from non-disciplinary intervention through preparing for hearing or arbitration and testifying as a witness. This training is aimed at experienced managers and HR professionals, where compliance requirements, including contractual and statutory obligations, will be discussed and the content is also appropriate for those new to management.

Issuing discipline is not a task that managers and HR professionals enjoy. The first part of this training will look at non-disciplinary intervention tools that can be used before issuing discipline letters. Topics discussed include effective supervision methods, how to best provide coaching and feedback for employees, and letters of expectation. We will also discuss the importance of accurate and timely performance

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evaluations and how they can be helpful in setting expectations for needed improvement. Managers and HR professionals who are new to State government may find this training especially helpful. **This workshop is restricted to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only.**

**9:45-10:30 Navigating Conduct & Performance Concerns
Part 2—Investigating**

Have you asked yourself whether a situation requires an investigation and how to make that decision? What about identifying the scope? Do you feel like each interview generates new issues? Do you know the common missteps and how to address them? If so, this training can help. We will discuss the elements of an effective investigation, including gathering testimonial and documentary evidence, assessing the credibility and weight of the evidence, and making factual findings. You will learn about the compliance requirements, including Just Cause for represented positions and due process considerations for all employees, which are factored into how an investigation is conducted. We will also give you tools to help when a witness or subject is uncooperative or claims to not recall the situation. This training will address the questions we pose, cover investigation process, compliance considerations, interview techniques, and drafting factual findings. **This workshop is restricted to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only.**

**11:00-1:00 Introduction to Design & Construction Contracts
(30 minute break at 11:45)**

In this session attendees will learn about the unique contracting requirements contained in ORS 279C: procuring services from architects, engineers, related-service providers, and construction contractors using a design-bid-build approach. After this session, attendees will be able to identify public works, public improvements, and the approaches to contracting for basic construction, emergency construction work, or

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ordinary repairs, as well as the unique restrictions surrounding qualifications-based-solicitations. This session will also cover practical drafting issues for these sorts of contracts and solicitation documents, and relevant updates to the code and DOJ model rules. This session is intended for State employees involved with Design/Construction Contracts looking for a solid foundation on the topic.

1:30-3:30 Advanced Design & Construction Contracts

(Alternative Delivery)

(30 minute break at 2:15)

The session will cover the process for obtaining an exemption from the competitive bidding/low bid requirements of the Public Contracting Code and will include a discussion of the RFP procurement process where factors other than low-bid are evaluated. The session will cover the specific statutory requirements and mandatory use of the DOJ Model Rules for CM/GC procurements and contracts, as well as practical considerations for using the various alternative selection and contracting methods. This session is designed for attendees wanting an enhanced understanding of alternative selection and contracting methods for public improvement contracts, including design-build, CM/GC, energy savings performance contracts and A+B/A+C/A+C+D transportation construction contracts.

Friday, October 22

8:30-9:15 Navigating Conduct & Performance Concerns

Part 3—Drafting Discipline Letters

All the work involved in a personnel review often comes down to the discipline letter. Once delivered, it cannot be changed unless the action is rescinded and the letter reissued. This training integrates the legal requirements with practical aspects for producing an effective document that will survive a grievance or administrative review. After this training the learner will be able to recall and draft key components and content of

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a discipline letter, making it a more effective corrective tool and/or able to withstand a challenge (i.e., being overturned through a grievance arbitration or appeal to the Employment Relations Board). There will also be an explanation about what makes a letter “disciplinary.” Employees new to public sector, and/or specifically State government, will gain deeper familiarity with the principles of “Just Cause” and other state-specific legal standards that guide all management interactions and approaches, through discussion and analysis of sample discipline letters that reflect and meet those legal standards. **This workshop is restricted to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only.**

9:45-10:30 Navigating Conduct & Performance Concerns

Part 4—Preparing for a Hearing and Testifying as a Witness

Have you ever sent a personnel matter to the DOJ Labor and Employment (L&E) section to litigate, only to be later bothered by the assigned L&E attorney asking you to provide more documents, gather witnesses, and telling you that you need to prepare to testify at hearing? If you felt at that moment you could not shake free of that case and would get stuck at hearing, then you are right! This session will cover the most effective way for you to stay involved and increase your chance of obtaining the outcome you need from the hearing. After attending this session, you will know how to produce the best package of a case to send over to DOJ that is based on the most solid evidence; identify what type of documents you must develop for DOJ for exhibits or to provide to the opposing parties, what type of witnesses must be contacted and cultivated by you, and how to best prepare for testifying. This session is intended for HR personnel, and executive level managers involved in making personnel decisions, who are often tasked with becoming the client contact for a personnel matter going to labor arbitration, an administrative hearing, or a hearing at the Employment Relations Board. **This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only.**

**12:15-2:15 Managing Remote Workers—Managing for Legal Compliance
& Employees Working Remotely Out-of-State
(30 minute break at 1:00)**

We recognize that the pandemic has re-defined the modern workplace and the “new normal” includes managing a workforce where some positions will continue working remotely and others will phase into a hybrid model of work at a central office and a remote work location. This session will focus on legal compliance issues associated with remote and hybrid work and special considerations when employees are working remotely out-of-state. Because this training implicates relatively new and evolving subject-matter for public sector employers, it is aimed at both experienced managers and HR professionals, as well as those new to management.

The first half of the session will focus on ensuring legal compliance when managing remote workers. After this training, the participant will be able to identify and address concerns which may be encountered when managing a remote or hybrid workforce. Issues covered will include wage and hour compliance, leave requests, expectations for flexible schedules, equity considerations, accommodations for employees with disabilities, and worker safety/worker compensation issues, among others.

The second half of the session will focus on managing employees working remotely out-of-state. We will build upon the first half of the training and explore the added compliance issues raised when managing employees who are working remotely outside the state of Oregon. **This workshop is restricted to executive and management service employees, which includes those with management, confidential, or supervisory designations, and HR professionals only.**

Multi-Day Workshops

Rulemaking Process and Procedures

- Part 1: Wednesday October 20 1:30-2:15
- Part 2: Wednesday October 20 2:45-3:30
- Part 3: Friday October 22 11:00-11:45
- Part 4: Friday October 22 2:45-3:30

This four-part series provides an overview of the rulemaking process from beginning to end, starting with determining when rulemaking is required and when it is not, through filing the final rule and submitting mandatory rule reports. Participants will learn about public involvement in the rulemaking process including the formation and conduct of advisory committees. We will explore requirements for drafting statements of need and fiscal impact statements, timelines for giving notice of rulemaking, and the scheduling and conduct of rulemaking hearings. We will also discuss temporary rulemaking. There will be a legislative update and an update on recent developments in case law. This course is appropriate for participants who are new to the rulemaking process, those who would like a refresher, and those seeking an update on the most recent changes in rulemaking requirements. *Please note that this course **does not** cover rule drafting, as that is covered in a separate course.*

Nuts and Bolts of Administrative Rule Drafting

- Part 1: Wednesday October 13 8:30-9:15
- Part 2: Wednesday October 13 9:45-10:30
- Part 3: Thursday October 14 8:30-9:15
- Part 4: Thursday October 14 9:45-10:30

Are you new to administrative rule drafting, need a refresher on best practices, or looking for more advanced tips on how to craft effective rules? This four-part series will provide you with a road map to writing great rules. The sessions will cover the basics of what is a rule and why they are necessary, as well as topics such as how the

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courts interpret rules and the nuts and bolts of how to structure and word your rules for clarity and precision. After attending these sessions, you will also have an understanding of the types of legislative rulemaking authority and how to draft rules that are clear and accomplish your agency’s statutory goals. These sessions are intended for those new to administrative rule drafting as well as more experienced drafters looking for tips and hints to improve their rule writing.

The Lay Rep Role in a Successful Contested Case Proceeding

Part 1: Tuesday October 12 1:00-2:00

Part 2: Tuesday October 12 2:30-3:30

Part 3: Thursday October 14 1:30-2:30

Part 4: Thursday October 14 3:00-4:00

Are you contemplating your first contested case hearing as a “lay” (non-attorney) representative with excitement and, perhaps, trepidation? Are you a veteran lay rep interested in what information an Administrative Law Judge (ALJ) really needs to make proposed factual findings and legal conclusions—and how you can present that information as effectively as possible? Are you a manager who collaborates with DOJ attorneys on contested case hearings and you are hoping for a more comprehensive understanding of the contested case process? Then this session is for you. In four one-hour sessions, we will discuss hearing preparation (including drafting notices, discovery, witness preparation); examine key legal concepts like the burden of proof and the standard of proof; offer pointers for how to present your case (including direct and cross examination, objections, opening statements, and closing arguments); and review the permissible scope of a lay rep’s representation. Bring your thorniest real-life dilemmas; we may not be able to solve them all, but we will gladly offer our perspective and recommendations.