



# 2023 Attorney General's

# Public Law Conference

# Program Guide

## Monday, October 16

*\*The sessions on Monday will be held live, in-person at the Salem Convention Center. All other days will be held virtually. \**

### **10:00-10:30 Address from the Attorney General**

### **10:35-11:35 DOJ & 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.

### **11:35-12:30 Lunch**

### **12:30-2:00 It's the Foundation for Everything We Do: Statutory Interpretation-Overview**

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.

### **2:15-3:15 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.

# Tuesday, October 17

## **8:30-9:30 Investigating Under the APA: An 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.

## **10:00-11:00 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, 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.

## **11:30-12:30 Public Meetings Intro**

Following this 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? 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 experienced with Oregon's Public Meetings Law and will address the basics.

## **1:00-2:00 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 responsibilities 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.

## **2:30-3:30 Government Ethics**

All public employees are subject to the code of ethics in ORS Chapter 244. This session will cover what to do when offered a gift or met with a conflict or in other situations that present ethics issues. The session will also cover requirements that apply if you lobby on behalf of your agency. This workshop is suitable for any state agency employee or board or commission member.

# Wednesday, October 18

## **10:45-12:30 Contested Case Overview**

**(15 minute break at 11:30)**

Respondent licensee has requested a hearing. You are your agency's newly assigned, slightly rusty, or overachieving: Case Manager, Compliance Officer, Enforcement Officer, Investigator, and/or Lay Representative. What do you have to do to prepare yourself, and others, for the hearing? In what order should you complete each of the pre-hearing tasks? Are there deadlines for the completion of the prehearing tasks? DOJ knows that preparing for a Contested Case Hearing can be stressful – so never fear - that's why DOJ is here, to help! By the end of this session you will be able to

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outline the Contested Case Process, its participants, and its exhibit and witness types. You will be able to describe the prehearing discovery process, the filing of motions for protective orders, and the filing of motions for summary determination. Also, you will be able to discuss the hearing itself – specifically the different question styles used when questioning Respondent and their witnesses and when questioning the agency and its witnesses, the objections that can be made to Respondent’s exhibits and legal arguments, and the oral or written arguments that your agency assigned counsel or Lay Representative, may or may not, make during the hearing. Additionally, you will be able to identify the various motions and exceptions that may be filed during the post hearing process. And yes, you will get to ask questions – as many questions as time will allow!

**1:00-2:00 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. After attending this session, participants will be able to identify the must-haves for each of the 3 types of contested case final orders, recall the importance of the agency’s file in cases of default, and incorporate practice tips that will smooth their way at the Court of Appeals. This session is not recommended for agency employees who appear before administrative law judges with final order authority.

**2:30-3:30 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

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the 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 DOJ 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 Court have reversed final orders based on inadequate notice.

# Friday, October 20

**8:30-9:30 Public Meetings - Advanced**

Following the training, attendees will be able to answer questions such as: Who is covered by the Public Meetings Law? What meetings are covered? (Turns out, a meeting may be more things than you knew!); What is Required to Comply? What is New? (You can catch up on recent legislative changes). What are the current hot topics in enforcement? (Based on a review of recent cases and investigations at the Oregon Government Ethics Commission).

**10:00-11:45 Introduction to Public Records Law and Processing**

**Public Records Requests**

**(15 minute break at 10:45)**

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

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and how to process public records requests. After attending this session, you will be better equipped to determine 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; understand 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 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.

# Monday, October 23

## **8:30-10:15 Recent Developments in the Public Records Law**

**(15 minute break at 9:15)**

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. We will cover recent opinions from the courts and the Attorney General addressing matters of public records, new public records exemptions and changes to existing exemptions, as well as any 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.

## **10:45-12:30 Tribal Relations: Respecting Sovereignty in the Government to Government Relationship**

**(15 minute break at 11:30)**

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

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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 will be prepared to engage with tribal partners with your enhanced knowledge of this vibrant history and the requirements of tribal consultation. After attending this session, participants will be able to define sovereignty and summarize its importance and navigate when and how a state agency should engage with tribes. This workshop is suitable for any state agency employee or board or commission member.

## **1:00-2:45 Navigating the Legislature's Labyrinth: The Fundamentals of Public Contract Law**

**(15 minute break at 1:45)**

We will provide an overview of ORS Chapter 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 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.

## **3:15-5:00 Better Than Good, Grant-astic! Everything You Wanted to Know (and More) About Grants**

**(15 minute break at 4:00)**

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 procurement

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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.

## Tuesday, October 24

### 8:30-9:30 Introduction to Contract Drafting

For those of you new to State contracting, in this session we will review the basic law affecting contracting for State agencies, discuss State agency authority to conduct procurements and enter into contracts, walk through the methods State agencies use to acquire Goods and Services, and introduce the basic elements of a contract and some standard terms in State contracts. At the end of this session, you will be able to recall the basic law defining State agency contracting and recognize the elements of a contract and what to look for, as well as identify some of the standard provisions in State contracts.

### 10:00-11:45 Introduction to Design & Construction Contracts

(15 minute break at 10:45)

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 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.

### 12:15-1:15 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 IT Contracting Part 2 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.

### 1:45-3:30 IT Contracting -Cybersecurity and Data Protection

(15 minute break at 2:30)

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. Attendees will be able to recall key principles for information security and data privacy, and tips for spotting issues in the wild. 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 IT Contracting 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.

### 4:00-5:00 PECBA/Labor Law Basics for Supervisors

Are you new to supervising a union-represented workforce? Or has it been a while since you refreshed your knowledge of labor law basics in the Oregon public sector? This session will get you up to speed on the basic knowledge you need to confidently supervise subordinates who are represented by a labor organization. After attending this session, you will be able to identify the role and rights of labor organizations that represent public employees, as well as the union-related rights of your subordinates. You'll also come away from this session with the ability to recognize common unfair

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labor practices and easy steps you can take to avoid them. Additionally, you will be able to recall who you can call with questions or for help when your instinct tells you that a challenging labor law situation may be developing. **This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.**

## Wednesday, October 25

### **8:30-9:30 Legal Sufficiency Review**

Legal sufficiency by DOJ is required for most state agency 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 training you will be able to identify 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 less familiar with legal sufficiency requirements, but also would benefit those who want a refresher on the legal sufficiency review and approval process.

### **10:00-11:45 Navigating the ADA**

**(15 minute break at 10:45)**

This two-part series addresses workplace requests for accommodations, reassignment, remote work as an accommodation, mental health conditions in the workplace, and managing performance concerns. This workshop is restricted to executive and management service employees, which includes those with management, confidential, or supervisory designations, and HR professionals. This training is aimed at experienced managers and HR professionals, where compliance requirements, including contractual and statutory obligations, will be discussed. This content is also appropriate for those

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new to management. **This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.**

### **12:15-2:00 Advanced Design & Construction Contracts (Alternative Delivery)**

**(15 minute break at 1:00)**

The session will cover the process for obtaining an exemption from the competitive bidding/low bid requirements of the Public Contracting Code for public improvements under ORS 279C 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. After this session, attendees will be able to identify the “exceptions” to competitive bidding in 279C.335(1) vs. the competitive bidding “exemption” process in 279C.335(2). They will also be able to recall when to use one of the alternative 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.

### **2:30-4:15 Protecting Against Things that Go Bump in the Night: Drafting Legally Sufficient Contracts, including Statements of Work**

**(15 minute break at 3:15)**

Have you been assigned to draft contracts that will need DOJ’s legal sufficiency approval? Do you dread the drafting process, and do you worry about what might go wrong after contracts are signed? If so, this session is for you! We’ll guide you through the fundamentals of contract drafting—whether using state templates or drafting “from scratch”—and explain how to make documents easier to draft, easier

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for DOJ to review and approve for legal sufficiency, and easier for the parties to understand and use. We'll also explore common drafting challenges, errors and best practices, to give you peace of mind both during the drafting process and after the contract is signed. After this session, attendees will be able to recall the best practices for drafting a legally sufficient contract. This session is targeted towards contracting professionals who already have a good base knowledge of contracting and want a more in-depth dive and some pointers.

## Thursday, October 26

### **8:30-10:15 Advanced Contract Drafting**

**(15 minute break at 9:15)**

For those of you who have the basics, this session is designed to work through drafting a contract and the use of a template. We'll explore particular challenges that can arise in the drafting of unusual or complex contracts, and how certain contract provisions relate to State requirements and policies. After attending this session, attendees will be able to draft a contract for a particular transaction using a State template. This session aims to make the contract drafting and editing process smoother for everyone! This session is targeted towards contracting professionals who already have a solid foundation in contract drafting.

### **10:45-12:30 Drafting Disciplinary Letters**

**(15 minute break at 11:45)**

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 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

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“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 limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.**

### **1:00-2:45 Investigations**

**(15 minute break at 1:45)**

This training covers the basics of conducting a fair fact-finding personnel investigation and incorporating diversity, equity, and inclusion considerations throughout the process. Topics will include identifying the appropriate scope of an investigation, conducting witness interviews, gathering and reviewing other evidence, making credibility determinations which are free from bias, and preparing reports. After attending this session, attendees will be able to recognize whether a situation requires an investigation, recall common missteps and how to address them and identify the scope of an investigation. **This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.**

### **3:15-4:15 Employment Law, Legal Compliance & Framework**

If you've ever asked, “Why do we have to do it this way?” with regard to hiring, firing, performance management, leave, etc., this training is for you! This session builds a foundation of knowledge regarding the complex overlay of employment laws that govern State employment. Suitable for supervisors, managers, and HR professionals, this training will cover the interplay between Federal and State employment laws, with practical examples of how these laws affect State employees and managers. After the

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training, attendees will have a map-level view of the laws that affect employee management, and the knowledge to issue-spot legal hazards. **This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.**

# Friday, October 27

## **8:30-9:30 Contract Administration**

Your contract should not be in a drawer or a shoe box! Contracts live. This session will explore what it really means to be a Contract Administrator and how important this position is in the life of a project and a contract. We will introduce the concepts around contract administration, including the duties of a Contract Administrator, understanding the agency's contract, how to work with project teams, how to work with contractors, and the basic elements of a Contract Administration Plan. This is a basic session intended for people new to contract administration. You will be able to identify what contract administration is, how important contract administration is, and how to create a CAP.

## **10:00-11:45 Considerations in Hiring**

**(15 minute break at 10:45)**

Recruiting and hiring is evolving. Applicants seek jobs where they can make a difference, positions with flexibility, and workplaces that are committed to diversity and inclusion goals. This training covers the basics of hiring and incorporating diversity, equity, and inclusion considerations throughout the process. The trainers will address technical and legal considerations in drafting minimum qualifications, practices to expand hiring pools, and applying veterans preference. The second part of the training covers the interview stage of the process, reference checks, guidance for after you choose a finalist, and pay equity considerations. This training is useful for both newer

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and long-term managers involved in recruitment and hiring. After this session, attendees will be able to recall practical tips for setting their agency up for success in the hiring process and correctly apply veterans preference. **This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.**

## **1:15-3:00 Leave Law Compliance**

**(15 minute break at 2:00)**

FMLA/OFLA, Paid Leave Oregon, 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 two-part 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 workshop is limited to executive and management service employees, which includes those with management, confidential, or supervisory designations, and HR professionals. This training is aimed at both experienced managers and HR professionals, as well as those new to management.

### **Part 1 – Ensuring Legal Compliance with Leave Laws**

After this training, 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.

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## Part 2 – Practical Application

The second part 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 limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.**

# Multi-Day Workshops

## Rulemaking Process and Procedures

**Part 1: Thursday October 19 1:00-2:45** (15 minute break at 1:45)

**Part 2: Friday October 20 2:30-4:15** (15 minute break at 3:15)

This session provides an overview of rulemaking process and procedures 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. In this program you will receive information to employ in scheduling and conducting advisory committee meetings and rulemaking hearings. You will also receive information that will allow you to recall rulemaking timelines and to prepare

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notices of proposed rulemaking. 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 writing, as that is covered in a separate course.

## Nuts and Bolts of Administrative Rule Drafting

**Part 1: Wednesday October 18 8:30-10:15** (15 minute break at 9:15)

**Part 2: Thursday October 19 8:30-10:15** (15 minute break at 9:15)

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 course 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 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 be able to recognize the different types of legislative rulemaking authority and be able 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 Hearing Rep Role in a Successful Contested Case Proceeding

**Part 1: Thursday October 19 10:45-12:30** (15 minute break at 11:30)

**Part 2: Friday October 20 12:15-2:00** (15 minute break at 1:00)

Are you contemplating your first contested case hearing as a non-attorney hearing representative with excitement and, perhaps, trepidation? Are you a veteran Hearing Rep interested in what information an 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 this two-part series, we will

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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 hearing 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. After attending this presentation, attendees should be able to prepare a direct examination and a cross-examination of a witness, make informed objections at a hearing, and know and understand the scope of what a hearing representative may do in the contested case process.

We look forward to seeing you at this year's conference!