

Administrative Hearing Skills



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**Legal Aid
Education**

Course Description

CLAE's Administrative Hearing Skills training is tailor-made to serve as an entry-level training experience for both non-attorney legal advocates and entry-level attorneys who will be involved in an administrative practice. The training experience leads participants through all the stages of an administrative case, from the initial client interview to the culminating hearing. Learners begin by breaking a rule into elements, identifying issues, distinguishing law and facts, and using elements to build a theory of the



We think trainings ought to have a sense of humor, and in delivering them we seek to inject a little anxiety reducing lightheartedness to the learning experience. Here, Dick Bauer offers a lecture on "Parsin' a rule" during CLAE's administrative hearing skills training dressed up as "Parson Dick."

case. They learn how to develop a case plan and introduce evidence, basic administrative law, claim analysis, case planning, fact development, witness prep, witness examination and closing argument. In short: how to prepare for and conduct an administrative hearing.

These skill and knowledge areas are all explored in CLAE's customary best practice format, following fundamental adult education norms. Brief and interactive large group presentations and best practice demonstrations alternate with small group exercises, individual practices, and critiques in a "live case" simulation.

All of these activities are brought together through an engaging case study, the thread of which runs throughout the entire three day training experience. It involves a client's termination from employment and ensuing unemployment disqualification. While at heart, this "case" is about entitlement to unemployment benefits, the case study also implicates a host of related issues and client concerns that powerfully illustrate the need for open-ended interviewing and a focus on client goals. Workplace safety, whistle blower retaliation, and access to health care all ultimately play a role in the proper analysis of the case problem and in the discussions involving that analysis as the course progresses, leaving participants with a powerful sense of the need to think beyond presenting problems and our traditional legal silos to serve our clients effectively.

The training culminates with mock hearings before administrative hearing officers, with faculty and ALJ's on hand to offer feedback and critique.

Sample Agenda

Day One

9:30 – 10:30	Trainers' Meeting
10:30 – 11:00	Training and Hotel Registration
11:00 – 12:30	Welcome, Introductions and Small Group Introductions
1:30 – 2:30	Case Analysis Presentation
2:30 – 2:35	Move to Small Groups
2:35 – 4:15	Case Analysis Practice
4:25 – 5:25	Case Planning and Development Presentation
5:25 – 5:35	Day One Evaluation; Day Two Preview
6:30 – 7:45	Optional Interviewing Practice Session

Day Two

8:00 – 9:00	Trainers' Meeting
9:00 – 10:00	Evidence Presentation
10:10 – 12:20	Case Development and Evidence Exercise (using case file)
1:20 – 2:20	Presentation on Hearing Preparation and Hearing Conduct (including Witness Prep, the Hearing Memorandum and Post-Hearing Responsibilities)
2:30 – 6:10	Hearing Preparation Practice (outline prep of case and direct and cross exam) Hearing Preparation Practice (open/closing arguments and witness prep)

Day Three

7:45 – 8:30	Trainers' Meeting
8:30 – 9:30	Workshop on Case Analysis, Case Development and Evidence Issues in Particular Substantive Areas
9:45 – 11:45	Mock Hearings, including Critique (Round 1)
12:45 – 2:45	Mock Hearings, including Critique (Round 2)
3:00 – 3:30	Final Evaluations and Closing Plenary and Favorite Administrative Hearing stories

At a Glance

Time Frame: 3 days

Faculty to Student Ratio: 1:4

Skills and Concepts Explored:

- Client Interviewing
- Client Counseling
- Legal Claim Analysis
- Fact Development
- Evidence for Administrative Proceedings
- Witness Preparation
- Witness Examination and Cross-Examination
- Closing Argument

Learning and Production Materials Provided:

- Administrative Hearing Skills manual
- Participant manuals
- Trainer manuals, including timed outlines and instructions for each session
- Coordinator and Lead Trainer manual (logistics)

ABA Civil Legal Aid Practice Standards addressed:

7.4: Initial exploration of client's legal problem; **7.5:** Investigation; **7.6:** Legal Analysis & Research; **7.7:** Case Planning; **7.11-4:** Discovery; **7.12:** Administrative Hearing