



ADMINISTRATIVE LAW JUDGE 1	1510
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SERIES CONCEPT

Administrative Law Judges (ALJ) conduct administrative hearings regarding disputes involving State agencies, other governing agencies and outside parties, and render written orders setting forth the findings of fact and conclusions of law. These disputes arise from matters regulated by or under the authority of the State of Oregon, and may involve license suspensions, licensing, eligibility for unemployment insurance benefits, child support obligations, medical services and public assistance benefits, Social Security disability insurance claims and Supplemental Security Income, boundary disputes, issuance or denial of a liquor license, environmental pollution violations, Public Utility Commission issues involving regulated utilities, Employment Relations Board labor and employment disputes and Bureau of Labor and Industries civil rights and wage and hour disputes. Administrative law judges frequently preside over pre-hearing conferences. Hearing files may be voluminous, and ALJs are required to thoroughly review the file and conduct legal research as necessary prior to the pre-hearing conference and /or the hearing. ALJs rule on discovery, procedural and evidentiary motions. They write proposed or final orders at the conclusion of contested case hearings. Administrative Law Judges may also provide arbitration and mediation services.

DISTINGUISHING FEATURES

The **Administrative Law Judge 1** presides over routine administrative hearings that are generally governed by a limited number of statutes and/or administrative rules. This level is characterized by knowledge of the programs of a limited number of agencies and their administrative procedures and statutory authority. A majority of the hearings involve a single legal issue and may be conducted by telephone. Parties in the cases are often not represented by counsel. Cases typically involve the rights of one individual or organization, do not involve precedent setting matters; rarely require a pre-hearing motion or conference, and decisions do not have a broad impact on other citizens or represent significant penalties or monetary awards. Cases may become factually complicated, but once the facts are decided upon, the conclusions of law are generally obvious and in-depth legal research is seldom required. Case preparation generally takes less than thirty minutes. This class describes the first working level Administrative Law Judge. Incumbents in this class receive training and orientation from experienced Administrative Law Judges in appropriate agency law and administrative hearings procedures. This level is designed to provide experience in administrative hearings in order to develop skills to accept more complex hearings assignments. Not every position in this class will progress to the next higher class.

The **Administrative Law Judge 2** presides over administrative hearings of moderate difficulty that are generally governed by broader or vague statutes, conflicting case law or precedents that require greater legal interpretation and analysis. This level typically conducts hearings for multiple agencies requiring the knowledge of the assigned agency programs and their administrative procedures and statutory authority or may conduct hearings for a single agency requiring expertise in that agency's program. Cases typically involve multiple legal issues, and parties in the cases are more likely to be represented by counsel. Proceedings are usually held in a formal quasi-judicial manner. Hearings are usually completed within four hours but may last one or more days with multiple witnesses. Some cases require the issuance of final orders, appealable to state circuit courts, federal district courts, or the Court of Appeals. Other cases require the issuance of proposed orders, appealable to the agencies on whose behalf the Administrative Law Judge holds the hearing. Cases at this level can be highly litigated. The cases may be factually complicated and, once the facts are decided upon, the conclusions of law may not be obvious requiring in-depth legal analysis and research. This level is characterized by having greater discretion in the control of the hearings process; having pre-hearing motions to review and rule upon; having a greater amount of submitted documentary evidence and legal briefs to analyze; sometimes having multiple witnesses testify resulting in a greater potential for conflicting testimony which requires analysis; having political implications to consider; and having public awareness and involvement not found at the first level. Hearing decisions often have significant impact on the parties involved and/or involve substantial

monetary awards and penalties. Positions in this class perform independently within a broad and diversified assignment with considerable latitude for initiative and independent judgment and may be required to have a background in a specific subject matter area related to assigned agency programs. Positions may confer with and assist Administrative Law Judge 1 positions on problem cases and provide guidance. This class describes the full working level Administrative Law Judge. Not every position in this class will progress to the next higher class.

The **Administrative Law Judge 3** presides over administrative hearings including the most difficult hearings that involve vague statutes, complex and difficult law and policy issues, and precedent setting matters that require in-depth, exhaustive legal interpretation and analysis. Cases are procedurally, factually and legally complex. Positions typically serve as the adjudicative expert. This level may conduct hearings for a single agency requiring subject matter expertise and legal expertise in a specific agency program or may conduct hearings for multiple agencies requiring the knowledge of the assigned agency programs and their administrative procedures and statutory authority. Cases generally involve novel questions of law and policy, multiple legal issues, the rights of multiple individuals or organizations representing divergent and conflicting business, consumer, and public interests. Parties in the cases are generally represented by counsel. Proceedings are held in a formal, quasi-judicial manner and some may be time-sensitive. Depending on the agency, proceedings may involve the development of, or application of, significant issues of public policy, agency rules and policies, federal agency rules and policies and relevant proceedings in other jurisdictions. Cases may require an extended procedural schedule and are characterized by significant motions practice, extensive discovery, large amounts of pre-filed testimony and evidence, submission of numerous legal briefs, analysis of conflicting expert witness testimony and heightened agency and public interest awareness. Cases at this level are often highly litigated. Once the facts are decided upon, the conclusion of law is not obvious and requires in-depth legal research and analysis. Some cases require the issuance of non-appealable interlocutory orders, final orders, appealable to state circuit courts, federal district courts, or the Court of Appeals. Other cases require the issuance of proposed orders, appealable to the agency on whose behalf the Administrative Law Judge holds the hearing. Hearing decisions frequently have a significant and broad impact on the parties involved, the law, citizens, agency administrative policy and/or represent substantial monetary awards and penalties. Depending on the agency, ALJs may preside over rulemaking hearings. These hearings are held in an informal quasi-legislative manner. Positions in this class perform independently within a broad and diversified assignment in a single or multiple contested case subject matter areas. Positions are generally required to have a background in a specific subject matter area related to assigned agency program(s). Positions may function as a technical advisor, confer with and assist Administrative Law Judge 1 and 2 positions on problem cases and provide peer review as directed. This class describes the highly experienced, advanced working level Administrative Law Judge.

MINIMUM QUALIFICATIONS & SKILLS

Administrative Law Judge 1: Graduation from an accredited law school with a LL.B. or J.D. degree;
OR

Three years experience conducting contested case hearings.

Experience preparing and/or presenting cases before an administrative hearing or preparing written administrative decisions based on laws and regulations may be substituted for one year of the conducting contested case hearings experience.

Per ORS 9.160(1), some positions in this classification may require active membership in the Oregon State Bar.

Skill To:

Conduct routine administrative hearings for a single agency generally involving a single legal issue and one or two parties.

Understand assigned agency program and non-legal program concepts necessary to analyze specific legal issues brought to hearings.

Ensure that hearings are orderly, conducted fairly, and safeguard the rights of the involved parties.

Explain the law and procedure at the start of hearings, provide clear expectations to the parties, and assist in the development of testimony.

Identify essential facts, issues or potential issues during the course of hearings.

Follow oral and written arguments and identify and apply appropriate law to essential facts and key issues.

Write clear, concise, well organized and legally sufficient decisions and orders.

Communicate effectively orally and in writing as appropriate for the needs of the audience.

Use logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to issues.

Interpret documentary evidence and testimony.

Deal with people under adverse or emotional situations.

Administrative Law Judge 2: Graduation from an accredited law school with a LL.B. or J.D. degree and one year of experience conducting contested case hearings or as a trial lawyer; OR

Five years experience conducting contested case hearings.

Experience preparing and/or presenting cases before an administrative hearing or preparing written administrative decisions based on laws and regulations may be substituted on a year-for-year basis for up to two years of conducting contested case hearings experience.

Per ORS 9.160(1), some positions in this classification may require active membership in the Oregon State Bar.

Skill To:

Conduct quasi-judicial administrative hearings of moderate to considerable difficulty for a single or multiple agencies usually involving multiple, complex issues of substantial impact, multiple parties and retained counsel.

Understand single or multiple agency programs and their administrative procedures and statutory authority.

Ensure that hearings are orderly, conducted fairly, and safeguard the rights of the involved parties.

Define and analyze complex legal issues and problems, conduct in-depth legal research and organize facts, and develop conclusions and recommendations.

Analyze and evaluate submitted documentary evidence, exhibits, legal briefs, conflicting witness testimony and develop a clear understanding of the issues and facts of the case.

Present complex ideas in direct, understandable language.

Preside over pre-hearing conferences to identify complicated hearings issues and to resolve discovery and other procedural or evidentiary disputes.

Use logic to analyze or identify underlying principles, reasons, or facts associated with information or data to draw conclusions.

Identify and communicate complicated legal and factual issues orally and in writing.

Write clear, concise, well organized and legally sufficient decisions and orders.

Facilitate communication of complex and sensitive issues between parties in an effort to achieve a satisfactory resolution of a problem or dispute.

Provide peer review and case guidance.

Administrative Law Judge 3: Graduation from an accredited law school with a LL.B. or J.D. degree and admission to the Bar of any state or federal jurisdiction; **and**

3 years of experience conducting contested case hearings or as a trial lawyer.

Skill To:

Conduct formal, quasi-judicial administrative hearings of considerable or unusual difficulty for single or multiple agencies involving multiple, complex issues representing significant social, economic, financial or public policy impact.

Serve as an adjudicative expert for single or multiple agency programs and their administrative procedures and statutory authority.

Analyze and evaluate voluminous hearings records including exhibits in contested case proceedings involving attorneys, agency staff, and the public.

Define, analyze and evaluate multiple issues at hearing that lack clarity or specificity in the law or administrative procedures.

Use logic to analyze or identify underlying principles, reasons, or facts associated with information or data to draw conclusions.

Conduct in-depth exhaustive legal research regarding legal issues without precedent or that involve vague statutes and present highly complex and sensitive issues.

Present statements of fact, law and argument clearly and persuasively, orally and in writing.

Examine and analyze a considerable amount of conflicting, extremely technical information, evidence, testimony, and exhibits and develop a clear understanding of the issues and facts of the case.

Apply and analyze past legal and administrative decisions, rulings, precedents, decisions and principles to specific situations.

Write clear, concise, well organized and legally sufficient decisions and orders.

Preside over pre-hearing conferences to identify highly complex hearings issues and resolve discovery and other procedural or evidentiary disputes.

Act as technical advisor, confer with and assist on problem cases and provide peer review.

DISTINGUISHING FEATURE FROM SIMILAR SERIES

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The Compliance Specialist class series differs from the Administrative Law Judge series because the Compliance Specialist applies laws, rules and regulations to determine compliance with various state programs. Compliance Specialists do not conduct administrative hearings. Compliance Specialists refer cases for administrative or legal proceedings, testify at case hearings representing the agency/program and/or attempt to resolve compliance issues or disputes prior to hearing.

The Program Analyst class series differs from the Administrative Law Judge series because of the emphasis on planning and administering program services to citizens, local agencies and governments, non-profit organizations or to internal customers.

The Operations and Policy Analyst class series differs from the Administrative Law Judge series because of the emphasis on operational analysis, policy evaluation and program effectiveness of agency programs.

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STATE OF OREGON
Dept. of Administrative Services
Human Resource Services Division