

OBJECTIVES AND METHODS

DIVISION OF ADMINISTRATIVE HEARINGS

I. OBJECTIVE: Improve and refine legal analysis, research and writing skills.

METHODS:

1. Review critically the pleadings, motions and other papers in assigned cases, selected to ensure a broad range of complexity and subject matter.
2. Frame and analyze the issues, develop a research strategy, research the issues, and prepare a summary of or memorandum regarding assigned cases.
3. Discuss and defend analysis of assigned cases with the administrative law judge.
4. Prepare preliminary drafts of orders in assigned cases.
5. Perform assigned supplementary research and draft memoranda for the judges on selected issues covering a wide variety of subjects.

II. OBJECTIVE: Develop better understanding of, and practical insight into, Florida administrative practice and procedure, including building a record for final agency action and appeal.

METHODS:

1. Consider the jurisdiction of the Division of Administrative Hearings in all assigned cases and proceedings.
2. Determine the procedural context of all assigned cases and proceedings in accordance with the Florida Administrative Procedures Act and the Florida Administrative Code rules.
3. Acquire understanding of the organization of the Division of Administrative Hearings and the various divisions thereof, and the roles of the chief judge and clerk.
4. Acquire understanding of case administration, including the filing of the petition, the establishment of the case docket, the assignment of cases, the scheduling of hearings, the use of prehearing orders, the preparation of recommended orders, and the transmittal of the record to an agency for final agency action.
5. Evaluate critically the efficiency of the administrative judicial decision-making process.

III. OBJECTIVE: Develop deeper understanding of the adversary system and the roles of judges and advocates.

METHODS:

1. Acquire understanding of the qualifications, selection, retention, ethics, disqualification, and discipline of administrative law judges.
2. Observe critically the competence of counsel, including their preparation for hearing.
3. Observe critically the ethical behavior of counsel.
4. Observe critically the strategy and trial advocacy skills of counsel and the impact of counsels' strategy and skill on the outcome of cases and the quality of the record preserved for final agency action and appeal.
5. Attend and observe critically each of the following proceedings, as feasible:
 - a. Motion to compel/limit discovery.
 - b. Motion for dismissal/summary judgment.
 - c. Opening statements.
 - d. Examination and cross-examination of witness.
 - e. Qualification of an expert witness and introduction of expert testimony.
 - f. Closing arguments.
 - g. Final agency action.

IV. OBJECTIVE: Develop keener insight into the administrative judicial decision-making process.

METHODS:

1. Research, draft and revise summaries, proposed orders and legal memoranda in assigned cases.
2. Discuss assigned cases, issues and conclusions with the judge.
3. Prepare preliminary drafts of orders in assigned cases, and review and discuss with the judge.
4. Observe critically and discuss with judges their personal judicial philosophies and approach to decision-making.
5. Observe critically, and discuss the role of the administrative law judge in the administrative judicial decision-making process.
6. Observe critically, and discuss the role of the judicial clerk (extern) in the administrative judicial decision-making process.
7. Consider critically and discuss in daily journals and seminars the applied jurisprudence which has been observed.
8. Evaluate critically the technical competence, fairness and equality of the administrative judicial decision-making process in light of the needs and aspirations of our society.