

Office of Administrative Hearing (OAH) Most Commonly Asked Frequently Asked Questions (FAQs)

Q: What is an administrative Law Judge (ALJ)?

The Administrative Law Judge (ALJ) is not part of a court. The ALJ is an employee of the Office of Administrative Hearings and not an employee of the regulating agency which has initiated the action or from whose action or inaction you have appealed. You may view a biography and a picture of the assigned ALJ [here](#). The ALJ will decide facts, apply law, and make recommendations to the regulating agency.

The ALJ of the Office of Administrative Hearings is charged with making sure that you have had a fair, impartial, and independent opportunity to be heard before an agency acts. The function of the ALJ can best be summed up by our Mission Statement:

"We will contribute to the quality of life of the State of Arizona by fairly and impartially hearing the contested matters of our fellow citizens arising out of State regulation."

Q: What is a hearing like?

An administrative hearing is like a trial, but less formal. Evidence is presented by each party, either as sworn testimony or as documents. Before the hearing, each party may make an opening statement to tell the administrative law judge what the party believes the evidence will show. At the end of the hearing, each party may present a closing argument to explain why the ALJ should rule one way or the other. After the hearing, the ALJ will review all the evidence and issue a decision which will be submitted to the agency which brought the action, or whose action is being appealed from. See [OAH Procedural Rule \(A.A.C.\)19-116](#).

[Click here](#) for articles on the hearing process that will provide a good overview and practice pointers.

Q: Do I need a lawyer?

No one is required by the Office of Administrative Hearings to have a lawyer. Individuals may, of course, represent themselves. However, when a party wishes to be represented by another, the Supreme Court restricts that representation to licensed attorneys, with exceptions.

Corporations or other legal entities are not individuals and therefore must be represented. The Supreme Court allows these entities to be represented before the OAH by full-time employees and officers, subjects to certain requirements. An example would be a contracting company in a Registrar of Contractors case who could choose to be represented by a properly authorized corporate officer or employee. The article, "[Representation in ROC Disciplinary Proceedings](#)", discusses such representation and provides useful guidance in any type of case in which an entity is a party.

Certain exceptions also exist for agencies whose hearings are conducted by the OAH. (see for example [Rule 31\(d\)\(12\)](#), allowing anyone to represent a party in AHCCCS cases, as long as no fee is charged).

An attorney who practices law in another jurisdiction may represent a party in an administrative proceeding before the OAH if the attorney is licensed to practice law in the State of Arizona, admitted pro hac vice, or is an officer of a legal entity who can appear as an authorized officer pursuant to Rule 31(d)(11). (see [Rule 31\(a\)\(2\)\(B\)](#)).

The Office of Administrative Hearings may not give legal advice to you, although it will do everything it can to provide you with a fair and impartial hearing. It will also help you understand and follow the procedures to present your case.

Q: How do I know what rules to follow?

You can find the rules at our website at www.azoah.com. In addition, statutory provisions found in [A.R.S. §41-1092 .01 to A.R.S. §41-1092.11](#) are applicable. A.R.S. §12-904 to A.R.S. §12-910 will guide any appeal to Superior Court. See [Appeals](#).

Q: Where do I send requests?

After you receive the "Notice of Hearing" in your case, you may need to file requests or motions with the Administrative Law Judge. You must also send a copy of whatever you file to any other party and the agency, even if the agency is not a party. Likewise, the agency must send you a copy of what it sends to the Administrative Law Judge or any other party. Sometimes the agency or you will refer to documents that you intend to use at the hearing to make your point. In that case, both the agency and you must make those other documents reasonably available for inspection by the other party if requested prior to the hearing. Be sure to list on whatever you file both the names and addresses of everyone who has been given a copy. For more information, see [OAH procedural rule 19-108](#).

File motions online [here](#).

Q: What if I need a delay?

Sometimes either or both parties may request that a hearing be rescheduled. The administrative law judge will make a decision as to whether there is a good reason for the delay. If there is, the hearing will be rescheduled to the next available date. Your request for a continuance must be in writing and generally must be received fifteen days before the scheduled hearing. You may make a request for continuance by filing a motion. For more information, see [OAH procedural rule 19-110](#).

[File motions online here](#).

Q: How do I file a motion or ask the judge to do something?

Normally pre-hearing motions will be heard on the day of the hearing. The ALJ will determine in advance whether the hearing itself will be rescheduled and will inform the parties whether only the motion will be heard that day. See [OAH procedural rule 19-106](#). [File motions online here](#).

Q: How do I submit electronic exhibits for use at hearing (REVISED May 30, 2014)?

Parties may find it useful to submit exhibits electronically for use at hearing. This is particularly true if one's case is document intensive. Such electronically submitted exhibits may be moved into evidence, as all will be in a form that may be ultimately transmitted to Superior Court, should an appeal to that court be filed later.

Q: May I use multimedia as an exhibit at hearing?

On occasion you may wish to use multimedia to present your case, such as PowerPoint presentations, video clips, etc.

Parties must generally provide the means to present such media. However, parties may pre-submit a flashdrive, dvd or cd containing the proposed media for review by OAH staff to ensure compatibility with OAH's equipment. If found acceptable, the flashdrive, dvd or cd may be used by the party to display the media on monitors throughout the hearing room. If there are compatibility issues with the pre-submitted media, you will then be notified, otherwise it will be given to the Administrative Law Judge (ALJ) to be placed in the case file. Failure to pre-submit media may result in your being precluded from using OAH equipment for display purposes. Please Note: You will be notified ONLY regarding media determined to be unacceptable.

The multimedia itself may or may not be admitted into evidence at the discretion of the ALJ. However, even if the media itself is not admitted, such media may be accepted as demonstrative evidence and considered by the ALJ. Tangible expressions of the media, such as printed copies of photographs, a printout of the PowerPoint presentation, printed stills from video, etc. may be moved into evidence as separate exhibits as long as they are printed on 8.5 x 11 paper.

The following may **NOT** be displayed using OAH's equipment (list to be updated periodically):

- Excel files
- Word documents
- DVD movies

The following **MAY** be displayed using OAH's equipment (list to be updated periodically):

- Jpg, bmp, gif files
- Pdf files
- PowerPoint presentations IF they can be played without installed Powerpoint software
- Wav files
- Videos that can be played on Microsoft Windows Media Player, Quicktime or Real Player

Q: Are there forms I can use?

File [motions online](#) and see a [sample subpoena form](#).

Q: What if I need special accommodations?

The Office of Administrative Hearings endeavors to ensure the accessibility of its hearings to all persons with disabilities. Should you, or anyone you call as a witness need special accommodations, contact the Office of Administrative Hearings at (602) 542-9826 at least three working days before the hearing.

Q: Will there be a record and are there transcripts?

There will always be a record of any hearings, generally by digital audio tape. Either party can hire a court reporter instead. The record will be available to either side. For more information, see [OAH procedural rule 19-121](#).

The OAH does not provide written transcripts of hearings, however, you may listen to public hearings and transcribe or engage someone to transcribe it for you. Please visit the following link and follow the instructions for doing so.

<http://azoah.com/QDigitalfile.html>

If the hearing is confidential, you must be associated with the case, and request in writing that an audio cd be prepared for you. You may do so by visiting the following link <http://azoah.com/records.html>

Q: [Where can I go to learn more about the process?](#)

Q: [How can I contact OAH?](#)