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- Majority of board members are non-lawyers; they are members of the regulated profession or a “citizen” member
- Even if an attorney, the attorney board member should not be advising the board during a hearing

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- Hearings counsel's duty is to advise the board on 1) procedural issues and rules of order, 2) evidentiary issues, 3) the board's law and rules, and 4) other applicable statutes such as the Open Meeting Law
- Since the chair is also most likely a non-lawyer, the Hearings Counsels “calls the balls & strikes” as would an umpire or judge

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- This allows the board's counsel, if acting as "prosecutor," to prosecute the case and assume a neutral role with the board
- Even if the board's counsel is not also the prosecutor, the presence of a Hearings Counsel preserves due process by providing a neutral legal advisor to the board
- Biggest challenge for all (board, "prosecutor," and Hearings Counsel) is the *pro se* litigant.

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