






The Big Picture


- A. Prevail at the Administrative Hearing
- B. Protecting the record for appeal


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The Evidence (Review & Assess)


- Direct Evidence
 - Eye witness
 - Confession
 - Written Statement
 - Video/Security Recording


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The Evidence - continued


- Circumstantial Evidence (inference)
 - Urine Drug Screens
 - Documents & Records
 - Investigative Reports
 - Any thing that is not direct evidence

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The Evidence - continued

- Standard of Proof
 - Substantial
 - Preponderance
 - Clear & Convincing
 - Something else?

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Hearsay (Second Hand Info)

- General Rule
 - Exceptions
- Administrative Proceedings
 - Generally allowed
- Weight


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Expert Testimony


- When?
 - Luscombe v. Missouri State Board of Nursing
- Issues for Boards
 - Availability
 - Cost


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Objections


- Hearsay
- Relevant
- Form of the Question
- Leading
 - Attorney Testifies


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Disclosure of Evidence (Must we tell?)


- Varies from State to State
- Most Have to Provide Records
- Arkansas - Open file


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Questionable Questions


- Relevant Questions
- Non-repetitive Questions
- Specific Questions
- Don't Make Statements

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Questions to Avoid

- Inflammatory
 - Religious
- Overly Personal
 - Clothing, Hair, etc.
 - Sexual Orientation
- Why Questions

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