

ADMINISTRATIVE HEARINGS IN COLORADO



AWSE

Wichita, KS

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State Engineer

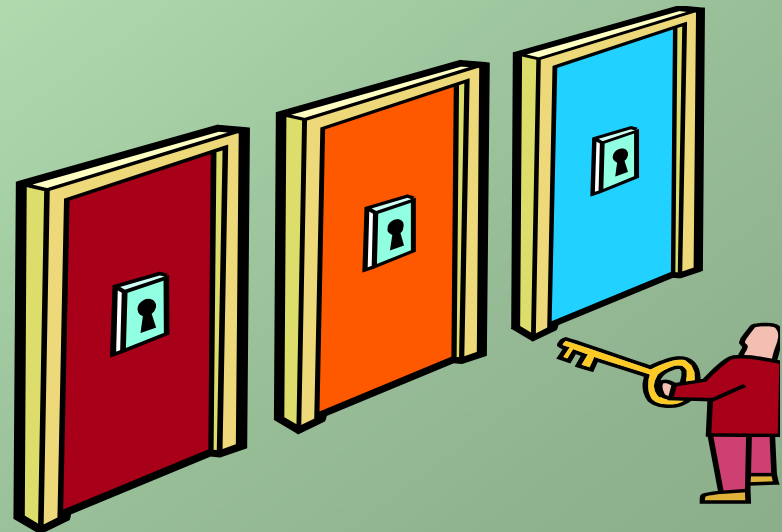


Types of Hearings

- Hearings for the State Engineer
- Hearings for the Ground Water Commission
- Hearings for the Board of Examiners
- All others

Dam safety

Rules and Regulation Hearings



The Great Wall of China

- Chinese Wall
- Maintenance
 - Ex Parte Communications
 - Separate Files
- Of Crucial Importance



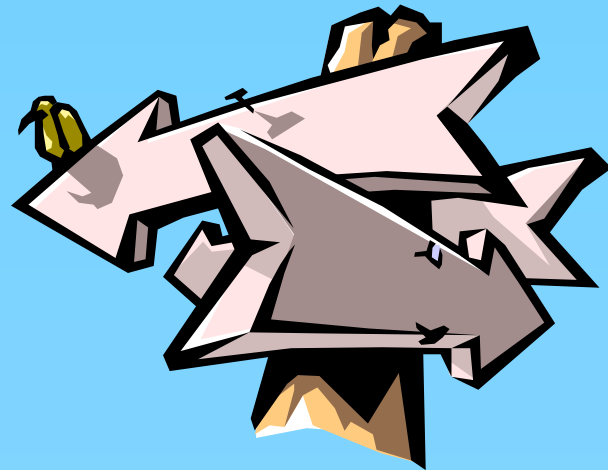
When should staff get an attorney?

- If the opposing party has one
- Whenever a formal motion or summary judgment is filed



What governs the hearing procedures?

- Administrative Procedures Act, C.R.S. 24-4-101, et. Seq.
- Governs all administrative hearing procedures no matter what
- Section 105 is main procedure
- Governs most appeals



Rules and Regulations Concerning Hearings



- State Engineer's Procedural Regulations
- Adjudicatory Rules for the Ground Water Commission

What other formal rules apply?

Colorado Rules of Civil Procedure

Colorado Rules of Evidence

More liberal than Court

Heresay is generally ok

Weight of the evidence

Preponderance of the evidence
What a group of normal people
would think was reasonable



What to expect



Usually informal

With Attorneys (Q & A)

Without Attorneys (narrative)

Exception

Big important cases

A Order of presentation

B

Proponent of order (The party who wants something) goes first

Other objectors or parties

C

Staff (most times)

Some small informal cases it helps to just have staff inform Hearing Officer what is going on

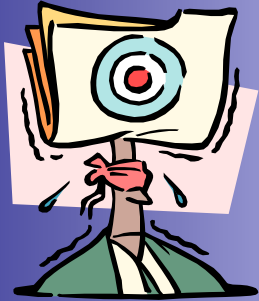
Testimony

Know your facts

Tell the truth

Your attorney can help you prepare





Cross Examination



If you don't understand the question say so

Take your time
(pause & think before answering)

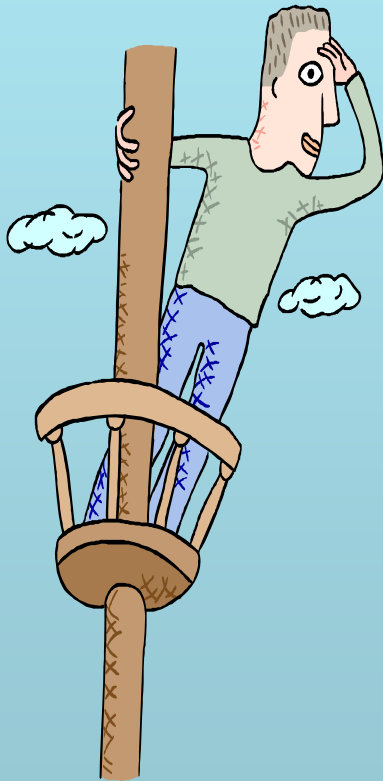
Don't get in an argument with their attorney
(or Hearing Officer)

Don't become defensive!

Again, tell the truth

Hearing Officer will ask questions as well

What the Hearing Officer is looking for?



Rulings are based on the evidence presented

Need certain things to issue a good ruling

When preparing your case think about:

- How you want Hearing Officer to rule
- What you think Hearing Officer might need in evidence to get what you want
- Give all the facts (don't assume)

ADDITIONAL INFORMATION

- The Non-Lawyer's Guide to Hearings before the State Engineer