



Administrative Agency Litigation

Christopher McNeil

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Whenever the government tries to deny a benefit or take away a license, the parties affected by the action have the right to a fair hearing before an impartial adjudicator. Protecting that right takes some planning. This book is designed to offer practical suggestions about how to prepare for agency hearings. It's a guide for lawyers, clinical assistants, law students, and laymen who want to gain an accurate understanding of what to expect in litigating with a local, state, or federal governmental agency. Written by an experienced administrative litigator and judge, the book explains why preparing for agency litigation is different from civil or criminal litigation. It provides a brief summary of the constitutional principles controlling agency action, a comprehensive discussion about issues that are likely to arise in administrative hearings, and a thorough review of the best practices for effective advocacy before governmental bodies. It explains how to avoid the trial-by-fire process that is common among agency hearings, by giving specific suggestions on how to prepare your client, your judge, and yourself for agency adjudication. It also explains steps you can take before the hearing to discover the evidence likely to be used in these hearings, along with checklists of questions to ask both before and during the evidentiary hearing. With this information, you can be sure to fully exploit the constitutional protections that are designed to ensure a level playing field when challenging proposed governmental action.

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