The Necessary Qualities of an Administrative Law Judge: Manual for Administrative Law Judges

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The Necessary Qualities of an Administrative Law Judge

Manual For Administrative Law Judges

Morgan E. ("Pat") Thompson

Association President Thompson is preparing a handbook for the guidance of newly appointed and non-lawyer state hearing officers. When published, the Manual will be made available to members of the Association.

Reprinted below are excerpts from President Thompson's chapter on the necessary qualities of an Administrative Law Judge.

He must have a thorough knowledge of the laws under which his agency operates, the rules adopted by the agency, and the guidelines established by precedent decisions.

He must have the ability to interpret the laws governing the agency, and to interpret the purpose and intent behind those laws.

He must have sound logical thinking, and a vast amount of common sense.

He must have a great deal of patience and self control. He must be able to deal with angry parties without permitting himself to become involved in their anger.

He must be able to completely control his personal biases. He will not have the opportunity to pick and choose the matters to be heard. He must be able to deal with all races, creeds and nationalities without expressing any partiality whatsoever.

He must be able to act objectively and independently, even though his salary is paid by the agency he represents.

He must have a working knowledge of proper judicial decorum, and the ability to control the parties present, and the progress of the hearing. He must be able to control without being offensive or dictatorial.

He must have a good working knowledge of proper grammar and word usage. He must have the ability to clearly and distinctly state his rulings during the proceedings so that all parties present will understand.

He must have the ability to converse with highly educated and intelligent, as well as uneducated and handicapped individuals.

He must be able to write clearly, so that his decisions will not be misunderstood by any party. He must be able to write concisely, and at the proper level to be understood by all.
He must have the ability to listen during the proceedings, evaluate and weigh all testimony and evidence.

He must be able to receive legal motions and objections from attorneys, and to make quick decisions and rulings.

He must be able to quickly and tactfully interrupt an attorney when the attorney is wandering from the issue, or conducting an improper examination.

He must be able to quickly determine the difference between proper questioning and the badgering of a witness or party.

He must be able to protect the unrepresented and untrained party from overreaching and abuse by a more skilled opposing representative.

He must have the ability to analyze the credibility of each party, and of each witness presenting testimony.

He must always be aware that he is acting for, and as a representative of, the state in which he is performing his services.

He must be ready at all times to act in the best interest of justice and fairness, even when this may be contrary to the preferences or requests of the agency for whom he works.

He must have experience in the world of daily affairs. In most agencies, he is not expected to be expert in the business of the parties before him, and his expertise, where it exists, should never close his mind to novel arguments or unexpected evidence. In all cases, he must be thoroughly familiar with business ethics.

If these requirements seem to eliminate all but the most perfect of individuals, they are nevertheless, necessary criteria for an Administrative Law Judge. Each and every hearing officer should strive constantly to meet them.

* * *

The National Association of Administrative Law Judges extends best wishes for a speedy recovery to Honorable Mary Lou Berry, Faculty Coordinator of the 1983 Annual Meeting.