

1400.8606 ADMINISTRATIVE LAW JUDGES.

Subpart 1. **Impartiality.** An administrative law judge shall be impartial, objective, and even-handed. If at any time the administrative law judge is unable to conduct any proceeding in an impartial manner, the administrative law judge shall withdraw. Upon the filing in good faith by a party of an affidavit of prejudice, the chief judge shall determine the matter as a part of the record provided the affidavit shall be filed no later than five days prior to the date set for hearing. A judge must be removed upon an affirmative showing of prejudice or bias. A judge may not be removed merely because of rulings on prior cases.

Subp. 2. **Communications.** The administrative law judge shall not communicate directly or indirectly with any person or party concerning any issue of fact or law relevant to a pending case except upon notice to all parties and opportunity for them to participate, except that:

A. ex parte communication for scheduling, administrative purposes, or emergencies that do not deal with substantive matters or issues on the merits are authorized;

B. a judge may consult with other judges and with office personnel in carrying out the judge's adjudicative responsibilities; and

C. communication expressly authorized by law is permitted.

Subp. 3. **Duties.** Consistent with law and these rules, the administrative law judge shall perform the following duties:

A. receive, and recommend action to the chief administrative law judge upon receipt of, requests for subpoenas;

B. hear and rule on motions;

C. preside at the hearing;

D. administer oaths and affirmations;

E. grant or deny continuances;

F. examine witnesses as necessary to make a complete record;

G. prepare findings of fact, conclusions, and recommendations;

H. make preliminary, interlocutory, or other orders as necessary to assure a fair hearing;

I. recommend a summary disposition of the case or a portion of it where there is no genuine issue as to any material fact or recommend dismissal where the case or a portion of it has become moot or for other reasons; and

J. do all things necessary and proper to the performance of the foregoing.

Statutory Authority: *MS s 14.51; 15.474*

History: *9 SR 2276; L 1984 c 640 s 32; 26 SR 391*

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