

REPRESENTING YOURSELF AT THE STATE PERSONNEL BOARD HEARING

1. Representing yourself at a Board hearing is a significant responsibility. You must read all Board orders and notices and abide by them. No Board staff or settlement facilitator can provide you with legal advice.
2. The state agency ("Respondent") is represented by an Assistant Attorney General ("AAG"). You must send copies of all correspondence and pleadings to the AAG assigned to your case. The AAG's name and address are on the Certificate of Service on all Board orders.
3. **Board Rules.** You must follow the Board Rules as they apply to your case (available in your agency's HR office or on the web at <http://www.colorado.gov/dpa/spb/rulesnew.pdf>). The Board Rules contain important deadlines and procedural guidelines. This document is not a substitute for the Board Rules. If you do not follow the Board rules, you may be sanctioned up to and including having your appeal dismissed.
4. **Discovery.** Within 15 days of the notice of hearing, each party must disclose to the other party, a copy of all documents, information, data compilations and tangible items, in that parties control that are relevant to the party's claims and defenses. See Board Rule 8-58, 4 Code of Colo. Reg. 801.
5. Either party may make a written request for documents and/or information from the other party. You may request any document or information necessary for your case, subject to objection by the opposing party. Once your case is set for hearing, you have just **15 days** from the Notice of Hearing to send your written request for discovery to the opposing party. The opposing party has 20 days after receiving your request to respond. The opposing party may also send you written requests for discovery, and you must respond within 20 days. If you need more than 15 days to prepare your request for discovery, or more than 20 days to respond to the opposing party's requests, you must file a motion asking the Administrative Law Judge (ALJ) for an extension of time. See Board Rule 8-58.
6. **Witnesses.** At hearing, you have the right to call any witnesses you deem appropriate (subject to objection by the opposing party). You may be able to make arrangements with the AAG to have agency employees appear as witnesses without subpoenas, but the AAG is not required to make witnesses available. If you cannot make such arrangements, you will need to serve subpoenas on witnesses you wish to call on your behalf.
7. **Subpoenas.** A subpoena is a Board order that requires a person to appear as a witness at a Board hearing. You must obtain subpoenas from the Board by completing the following procedure.

Write a letter to the Board Program Assistant requesting subpoenas. It is important to request subpoenas as early as possible. The letter must include the name and case number of your case and the number of subpoenas you need. The Board staff will then prepare subpoenas to be signed by an Administrative Law Judge. The Board will inform you by telephone that your subpoenas are ready for you to pick up, usually after one or two business days. After you pick up the subpoenas, you must fill in the missing information (name of witness, etc.) on each subpoena. You then must have a person not involved in your case, such as a process server; serve each subpoena on each witness, personally. Be sure to obtain the return of service form (swearing that the subpoena was served) and bring it to the hearing with you. If the witness does not appear, you can then prove you served the subpoena. You must have your subpoenas served at least 48 hours prior to the hearing date and time (not including weekends or holidays).
8. **Motions.** If either party files a motion in your case, the opposing party has ten (10) days to file a response with the Board. See Board Rule 8-57. If the other party fails to respond to a motion, the Administrative Law Judge may consider the motion confessed, which means that the motion will be granted.
9. **Prehearing Order.** The Prehearing Order sets deadlines for filing your Prehearing Statements, in which you identify the witnesses and their expected testimony and the exhibits you plan to present as evidence at hearing. It also contains other critical information. Read and follow this document closely.
10. **Settlement.** Any settlement discussions or mediation of your case does not put your case on hold. All deadlines remain in full force and effect during settlement discussions.