



BEST PRACTICES IN LEGISLATIVE OVERSIGHT
Presented by the Carl Levin Center for Oversight and Democracy
State Oversight Academy
January 24, 2025 | 9:30 a.m. – 12:30 p.m.

HANDOUT

A

AGENDA

Introductions and Overview

Legislative Oversight Basics

- What is legislative oversight?
- The cycle of accountability
- Where do investigations come from?
- Avenues for legislative oversight
- Four phases of oversight
- Setting priorities and developing questions
- Maine in a national context

Break and Group Photo (approx. 10:50)

Getting More Out of Hearings

- Hearings as theatre and story
- Practical considerations
- Preparing for a hearing
- Asking great hearing questions
- After the hearing

Interactive Hearing Planning Exercise

Program Concludes (approx. 12:30)

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ATTACHMENTS AND HANDOUTS

- **A** – Agenda and Handouts (this sheet, 1 page)
- **B** – Levin Center Online Resources (1 page)
- **C** – Tips for Great Hearing Questions (1 page)
- **D** – Sample Hearing Questions (4 pages)
- **E** – Hearing Planning Exercise Worksheet (2 pages)



LEVIN CENTER ONLINE RESOURCES

State Legislative Oversight Wiki – go.levin-center.org/wiki

State legislatures conduct oversight in countless ways and often through committees and with help from partner agencies. SOA's Wiki is the first resource of its kind to include links to legislatures and committee websites; committee jurisdictional information; recommended agency reports; and fiscal data; as well as a submission tool for legislators, department officials, and staff to submit their own updates and corrections.

Oversight Training Program – go.levin-center.org/training

The State Oversight Academy Oversight Training Program, geared toward legislators and staff at the state level, is a new, online program designed to give a new and experienced practitioners a rooting in the theory and practice of legislative oversight. Over nine courses, you will learn how to conduct an in-depth oversight investigation using the six avenues of oversight. Each lesson will include an instructional video (typically 20 to 40 minutes long), interviews with practitioners and academics, examples of best practices in the states, and a short assignment to explore how you can apply the lesson in your legislature.

Online Tutorials – go.levin-center.org/howto

The Levin Center for Oversight and Democracy offers a series of free online tutorials in which experienced investigators offer advice in brief segments on how to conduct effective oversight investigations. While the tutorials have a congressional focus, many of their lessons are applicable to more involved state investigations, too. Along with a general overview of oversight work, the tutorial goes into depth on the four stages of oversight: 1) conducting the Investigation, 2) writing up investigative results, 3) holding a hearing, and 4) following up on the investigation to get results.

Portraits in Oversight – go.levin-center.org/portraits

If you are looking for inspiration on what you can accomplish by exercising your legislative oversight powers, check out the Levin Center Portraits in Oversight. These short profiles describe notable inquiries and leading figures in congressional oversight history.

Oversight Case Law – go.levin-center.org/caselaw

The Levin Center's Oversight Case Law website provides detailed information, including legal briefs, court orders, and judicial opinions, about recent federal court cases adjudicating the rights of Congress to obtain information to carry out its constitutional responsibilities. Some of these cases may offer precedents of interest in state-level legal disputes, too.



TIPS FOR GREAT HEARING QUESTIONS

HANDOUT

C

1. Prepare written questions (or lines of questioning) on separate pages. Provide the name and job title of the person to whom the question is to be directed.
2. Include an opening with enough information for viewers to understand the significance of the question.
3. Ensure the actual question – after the opening – is short and clear.
4. Consider using an exhibit or quotation to illustrate a key point.
5. Use the question to make a point exposing the current problem or need for change.
6. Include a likely or expected answer to the question on the page.
7. Include follow-up questions in the same line of questioning to demonstrate an understanding of the issue at hand.
8. Include a snappy, memorable line for the press.



FOUR SAMPLE HEARING QUESTIONS

HANDOUT

D

Question for Deputy Commissioner Jane Doe Expand on What Happened

Q: Deputy Commissioner, you said in your testimony at page 4 [copy attached with sentences highlighted] that certain events happened. Here's what you wrote:

[Include exact quote.]

Can you please expand on that testimony by indicating the date and time of the events, who was involved, how the agency learned about the events, and what action the agency took in response?

A: The witness is expected to provide the following details: [fill in].

Q: How did you personally learn of the events and, when you did, were you troubled?

A: Will say a subordinate came into the office and described what happened, and everyone at the agency was troubled by the events.

Q: What was it about the events that troubled everyone?

A: May say the actions were troubling because agency personnel violated agency policy. If the witness doesn't make that point, you could ask: Was one of the reasons everyone was troubled the fact that the agency personnel present at the events may have violated agency policy?

**Question for Deputy Commissioner Jane Doe
Performance Chart**

Q: Deputy Commissioner Doe, please look at this hearing chart which is designated Hearing Exhibit 1 [copy attached]. You have a copy in your exhibit book. The chart summarizes agency enforcement efforts for the last 5 years. Are the chart figures accurate?

A: Yes. [The agency liaison was told this question might come up and confirmed to staff ahead of time the accuracy of the hearing chart.]

Q: You testified that the declining enforcement is due to reduced funding, but 5 years ago, your agency was bringing more cases with a lot less funding than you have now. What is your response?

A: Not sure what the witness will say.

Follow-up Q: If the witness says the agency had more enforcement personnel before: Five years ago, you had 10 lawyers who brought 60 cases; last year you had 8 lawyers who brought 24 cases. That's a drop from 6 cases per year per lawyer, to 3 cases per year per lawyer. What happened?

A: Not sure what the witness will say.

**Question for Entire Panel
Think Tank Study**

Q: Last month, think tank X issued an 18-month study examining this problem in detail. A copy of the study is included in the book before you as Hearing Exhibit 10. The study found that multiple federal agencies are spending increasing funds to stop the misconduct but have gotten worse results over time. To all the panelists: Do you agree with the study's factual conclusions? Why or why not?

A: A and B will agree with the study. C will disagree and criticize the study, saying its data is out of date and too limited. Not sure what D will say.

Q: Witness C, you disagree with the study. Isn't it a fact that your agency had an opportunity to include its criticisms in the published report but chose not to? Why did the agency wait until now to voice its objections?

A. Not sure what the witness will say.

Question for Witness D
Incriminating Email and Phone Calls

Q: Witness D, please turn to Hearing Exhibit 20 in the book before you. This is an email that you wrote on the date in question right after the events we are concerned about. In the second sentence, you write: "John Doe just called in with the information." Did I read that accurately?

A: Yes.

Q: Doesn't this email show you were informed of the events soon afterward?

A: Witness will say no recollection of John calling or of the email.

Q: The email shows not only the date, but also the precise time it was sent. The timing is right after the events took place, isn't it?

A: Should say yes. May want to press the point if witness won't admit.

Q: Isn't it also true your cell phone records show a call from Susan, the person to whom your email is addressed, about 10 minutes after the email? Do you remember getting that phone call?

A: Witness is expected to say doesn't remember that phone call.

Q: My time is up, but it is troubling that you can't recall, not only your own email, but the call from John that triggered it and the call with Susan right after it. As far as I'm concerned, that's three strikes in a row.



HEARING PLANNING EXERCISE WORKSHEET

HANDOUT

E

Panel One: _____

Main points to be made by this panel:

Hearing charts and exhibits:

Witnesses, with key topics for each:

Potential questions:

Panel Two: _____

Main points to be made by this panel:

Hearing charts and exhibits:

Witnesses, with key topics for each:

Potential questions:



Hearing Media Plan

Early release of a written product?

What kind of written product?

How many days before the hearing?

Press release, press calls, or press conference?

Participants?

Press advisory on hearing?

How many days before the hearing?

Press release on hearing?

When?

Press conference on hearing?

When?

Participants?

Exclusive or broad release?

Op-ed or column? Other media?

Hearing Follow-Up Plan

Follow-up with agency or department?

Outstanding questions?

Outstanding promises?

Follow-up within the Legislature?

Oversight partners?

Policy committees?

Legislation and rulemaking?

Bully pulpit

Statements, speeches, op-eds, columns, media appearances