

Educational Law Cases Are Decided By Administrative Law Judges, Not Judges In Our Superior Court System. What's The Difference Between The Two Courts?

February 6, 2019 | by Jennifer Fortunato

A Superior Court judge interprets and applies the law, both statutory and case law. Statutory law is enacted by the legislature. Case law is established by judicial decision in litigated matters (i.e. cases of the Trial Court, Appellate Division or Supreme Court). The Law Courts have the authority to adjudicate legal disputes between parties and carry out the administration of justice in civil, criminal and family matters in accordance with the law. Therefore, if you have a legal dispute with another party (including your spouse), or you are charged with a crime, the matter will be heard in the Superior Court.

By contrast, Administrative law governs the activities of administrative agencies of the government. Administrative law is created by agencies and departments of the government, which carry out statutes passed by Congress or a state legislature. When Congress passes a law on a complex issue, Congress often needs technical assistance in determining the details as to how the statute will be implemented. Administrative agencies assist Congress with determining these details and they pass additional rules and regulations to achieve Congress' goals.

Administrative law also governs the decision-making of boards or commissions, that are part of the national regulatory scheme in areas such as, educational law, law enforcement, health care, manufacturing, the environment, taxation, transportation safety, broadcasting and immigration. Therefore, if someone disagrees with the decision that a particular government agency has made, then an Administrative Law Judge will hear your complaint and make a decision about your case. For example, if you disagree with your school district's refusal to classify your special needs child, then an Administrative Law judge will hear your case.

There are three significant differences between Administrative Law Courts and Superior Courts:

1. Administrative Courts are less formal, less expensive and provide a faster way to resolve disputes.
2. Administrative Law Judges have special knowledge about the topic they are asked to consider. Judges in our Superior Court system are expected to have general knowledge about many areas of law. Unlike Administrative law judges, they are not required to have a particular expertise about the law of the case they are hearing.
3. Administrative Law Judges serve as the “trier of fact.” In other words, their proceedings are conducted as bench trials; there are no juries. In the Superior Court, with the exception of certain cases such as, family and juvenile cases, the jury, not the judge, is the trier of fact.

Although the rules and regulations passed by administrative agencies are not the same as laws passed by Congress or our State Legislation, they may carry similar penalties for noncompliance, such as fines and a denial of benefits (e.g. benefits for a special needs child, disability, unemployment and Social Security).

If you are having a legal issue involving a federal or state administered agency, consult with an attorney who is informed about and skilled in administrative proceedings in the area of your legal issue (e.g. an educational law attorney if your special needs child is being denied services at school) to preserve your legal rights.