

Administrative Adjudication*

Section 1.3

What Process is Due?

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Due process is often said to be a flexible concept. Its exact boundaries cannot be defined and its content varies according to the specific factual contexts in which it is considered. Thus, when any governmental agency makes a determination affecting the legal rights of an individual, we must look at the specific factual context in order to determine precisely what due process protections will apply.

Several factors must be weighed in order to determine whether the U.S. Constitution requires that a particular procedural protection be applied in a given proceeding, including the nature of the protection, the character of the proceeding, the interests of the parties, and the burden of implementing the procedural protection in that proceeding.

Within the framework of due process, each administrative agency in California must adopt specific procedures which are in accord with the statutory provision governing that agency.

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