

CODE OF DUE PROCESS OF INFORMATION

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Abstract: ¹You got problems? We can solve 'em! ²You come bringing information; we do process: inquire into it to arrive at the heart of the problem and resolve any matters raised into question. ³Our value-imperatives are to speak truth, love wisdom, and pursue equity and upstanding righteousness. ⁴These are the general principles of the clinical practice of the “Dialectician”.

Main Function: ⁵Dialectic Method is represented by the statement

$$f(x)=y,$$

which is to say, the function mapping input x to output y . ⁶In other words it is said that the function of proceeding from information x to reach a resolution y is **the Due Process of Information**. Consider the following values for x , y :

Subroutine x: Input x =

1. **N = NOTICE:** perception, literacy, and reading comprehension; in the 1st Degree (“Clinical Practice”);
 - a. **Filing** – To raise a matter of interest or concern to the clinical dialectician, or information processing server (IPS), client(s) shall submit information, being a matter to which they are party, a matter in which they have an interest, a grievance, an inquiry, a plea, or a petition for investigation (respectively, “the matter(s)”, or, “in re [in the matter of]”) in electronic, oral, or hard copy.
 - b. **Initial Analysis** – (1) Determine whether a matter which has been raised to the IPS requires formal investigation or whether it can be examined and resolved based on the facts already known, presented, or substantiated. (2) Determine whether the matter would be more properly handled by another competent jurisdiction. (3) Establish the role of the IPS (e.g., to find facts, analyze production of discovery, and/or present findings to the decision-maker following completion of the investigation).
2. **D = DATA:** discover, collect, weigh, and measure evidence; in the 1st Degree (“Clinical Practice”);
 - a. **Reading Comprehension** – Help client(s) to read and understand the terms of complicated, formal, or arcane language in re the matter(s) in order for them to develop competency and make informed decisions and good judgments in their own right.

- b. **Investigation and Inspection** – (1) Develop an investigative plan in order to determine the scope, complexity, and timeline of the investigation; develop a strategy for the investigative process. (2) An investigative plan shall take account of: the precipitating event (or charge) and all persons involved, including name, contact information, and relation to charges (including but not limited to the investigation subject); the chronology of dates, times, places, meetings, calls, conversation, and other material documentation; general laws, policies, procedures, and/or code of ethics which may bear upon the charges and their investigation, including where such information may be located (as well as other broad issues covered by the investigation); potential sources of evidence and material information (including but not limited to material witnesses); the decision-makers in the matter (i.e., those to whom IPS shall report findings, such as a Single Point of Accountability or “SPA”); the order of persons to be interviewed and the subjects to be covered with each; communication planning with those having a need to know in the matter(s) under investigation.
- 3. **I = INFORMATION:** draw inferences from data; make findings of fact, resolutions, in the 2nd Degree (“Session of Parliament”);
 - a. **Discovery** – (1) Collect and gather evidence in the matter(s) through discovery of further information by and through investigation (within proper jurisdiction), research, or other lawful and appropriate means. (2) Conduct fact-finding through requests for material information and conducting interviews (also known as fact-finding conferences, deposition upon written interrogatories or questions, or deposition upon oral examination).
 - b. **Production and Findings** – Examine the Production of Discovery. Try, test, and examine client(s)’s working knowledge in the matter(s) and make findings of fact thereon.
- 4. **K = KNOWLEDGE:** draw conclusion, log information under true=1,0; in the 3rd Degree (“Adjudgment Tribunal”).
 - a. **Oral Hearing:** Conduct examination by oral hearing in the matter; call witnesses, introduce and exhibit documentation to formally deposit evidence into official record, weigh evidence; try case.
 - b. **Analysis and Preponderance** – Reconcile and resolve to the greatest possible extent all contradiction between facts in evidence, considering which version of the facts is more consistent with the overall evidence than another; assess the quality of the evidence, bearing in mind its objectivity v. subjectivity, firsthand knowledge

vs. hearsay, and speculation vs. credibility; consider the source of evidence and the motives (explicit and implicit) of witnesses testifying in the matter; in the course of resolving issues of credibility, consider whether the overall evidence is inconclusive with respect to the matter under investigation. This is known as “preponderance of the evidence”.

- c. **Preponderance and Decisionmaking** – Preparation of a final report of investigation shall rest upon a thorough analysis of the facts and preponderance of the evidence discovered in the course of the (instant) investigation, so as to cause the matter to be resolved between the parties, or to provide the decisionmaker(s) with sufficient basis on which to decide the outcome of the case. “Preponderance” means the quality of facts in evidence being accorded weight based upon critical analysis of objective and material information. Otherwise it is said that “Preponderance” means to accord greater weight to genuine, credible and relevant material evidence, so as to determine whether it is “more likely than not” that some matter occurred.
- d. **Reporting** – Prepare a final report that outlines: (1) all steps taken in the course of investigation (including schedule of discovery of documents and testimony); (2) all facts found (including citation to material evidence as cited to case file or reproduced in exhibits, appendices); (3) objective analysis of the facts in evidence; (4) any specialized or expert opinion or information solicited by or proffered to the investigation; (5) citation to any similar case work known to the IPS, if any; (6) a general analysis of the control factors relevant to the matter under investigation and/or to the course of the investigation itself.
- e. **Closure** – (1) Upon submission of the final report or decision to the SPA, decisionmaker, or client, the IPS shall be absolved by the parties of all involvement in or responsibility to the matter of the completed investigation, and the client and all participants shall indemnify the IPS against any and all actions arising from the investigation; however, the IPS may be called as a witness to a subsequent action taken in a matter previously under their investigation, and may testify upon the course of their investigation. (2) Close the record; close the investigation; and close the case. The conclusion of an IPS investigation proceeding does not preclude the parties from working toward another resolution or pursuing action in a venue of appropriate jurisdiction.

Subroutine y: Output y=[**Methods of Discourse (MOD)**]:

1. **AUDIT:** Acts of Hearing, Examination, and *Voir Dire*:
 - a. **Lecture:** Confer information based on general inquiry. Conference is didactic, pro forma and/or according to script.
 - b. **Recitation:** Same as above where the script is identified.
 - c. **Confession:** Hold traditional Catholic-style confession of conscious through a partition. Standard blessing is conferred. No analysis. No adjudgment.
 - d. **Hearing:** Conduct formal examination of evidence through witness testimony and production of a written record (which record may be as simple as a memorandum). No analysis. No adjudgment.
2. **ASSESSMENT:** Acts of Analysis and Comprehension:
 - a. **Analysis:** Perform the function mapping client inquiry to rational solution; that is, to arrive at the resolution of a matter raised into question.
 - b. **Counsel:** Hold formal conference of information based on record evidence; face to face. Analysis is conferred.
 - c. **Advocate:** Study one party's position and vigorously represent the same to another in appeal to their reason.
 - d. **Investigation:** To find facts; that is, to perform inquiry into material evidence so as to discover and produce a record of information.
3. **ASSURANCE:** Acts of Polity, Parliament, and Ecclesiastes:
 - a. **Mediation:** Arbitrate with neutrality between adversarial parties.
 - b. **Assembly:** Assemble a body politic and/or corporate for purposes ecclesiastic and/or civil.
 - c. **Committee:** Assemble a body politic and/or corporate for purposes of conducting business, enacting policy, and reaching united and consenting resolutions.
4. **ADJUDGMENT:** Acts of Jurisdiction of Tribunal:
 - a. To arrive at a formal decision or opinion on the resolution of some matter which has been raised into question; achieved via any of the aforementioned means, and (usually) memorialized in writing.

Office: ⁷The chief dialectician shall be known as the "Ombudsman".

Free Will Offering: ⁸In receipt of service, clients shall give thanks offerings to the service provider in the form of grain, herbs, burnt offerings, fine stones and metals, legal tender and other paper instruments, or any combination hereof.

⁹The provider shall capitalize service based on an accumulation of MODs.