



**NAALJ AND THE PEPPERDINE SCHOOL OF LAW
PRESENT**

**EXCELLENCE IN ADMINISTRATIVE JUSTICE:
DELIVERING DUE PROCESS**

NAALJ ANNUAL CONFERENCE & MEETING – 2010

Villa Graziadio Executive Center, Pepperdine University
Malibu, California
October 10 – 14

SCHEDULE

All events will be held at the Villa Graziadio Executive Center (VGEC), unless stated otherwise.

All sessions are plenary, except Tuesday afternoon.

Sunday, October 10

5 - 7:00 Opening Reception, Pepperdine University School of Law
Registration open

Monday, October 11

7:30 - 8:30 Breakfast

8:00 Registration open

8:30 Welcome Remarks and Opening Announcements

8:35 - 10:15 “*Goldberg v. Kelly: Casting a Long Shadow after 40 Years.*”
- Hon. Steve Wise, Prof. John Gedid and Peter Sitkin

A multi-media presentation examining the social and political conditions leading up to *Goldberg v. Kelly*; the history of the *Goldberg* case and the forgotten California case of *Wheeler v. Montgomery*; the current influence of *Goldberg* on administrative law and its impact on welfare law; and the retrenchment in due process jurisprudence after *Goldberg*.

10:15 - 10:30 Break

10:30 - 12:00 “*Cognitive Bias and Judicial Decision-Making*”
- Prof. Marybeth Herald

We regularly rely on mental short cuts, known as heuristics, to help us navigate quickly through the mass of information we encounter in daily life. Although we like to think of ourselves as rational decision-makers, many times these “cognitive biases” can lead us to quick but poor decisions. For example, we tend to search for confirming evidence of our gut reactions, rather than evidence that might impeach them. Cognitive biases strongly influence our behavior and our decision-making but they operate behind the scenes – most of the time, we are unaware of their effect on our decisions and how these biases guide our choices. Professor Herald will reflect on her research into cognitive biases and the effect they may have on judicial decision-making.

12:00 - 1:15 Lunch and Speaker

“*The Lack of Transparency in Immigration Law and the Immigration Adjudication Crisis.*”
-2010 NALJF Fellowship Recipient Prof. Jill Family

Monday afternoon through Tuesday morning, the Conference Centerpiece Program –

EXCELLENCE IN ADMINISTRATIVE DECISIONS:
COMMUNICATING DUE PROCESS
Presented by LAWriters

1:15 - 2:45 “*Drafting Effective Decisions: An Overview*”
 - John Salatti, Esq.

The keys to strong communication – based in the writer’s self-confidence and command of the material – are developed in this seminar’s principles and techniques of effective writing. This half-day presentation thoroughly but succinctly explains the fundamental principles of expository writing, and then demonstrates how to apply them.

2:45 - 3:00 Break

3:00 - 5:00 *Drafting Effective Decisions* continues

5:00 - 6:00 NAALJ Board Meeting [Location TBA]

Optional evening event: Dinner at Duke’s Malibu
6:00 - Bus leaves from VGEC for Duke’s

Tuesday, October 12

7:30 - 8:30 Breakfast

8:30 - 10:15 “*Edit Like a Pro: Editing and Feedback Skills*”
- John Salatti, Esq.

Learn to strengthen your drafts quickly, effectively, and substantively. Using actual ALJ decisions, this half-day presentation demonstrates surefire techniques for efficiently editing your own work and that of others.

10:15 - 10:30 Break

10:30 - 12:15 *Edit Like a Pro* continues

12:15 - 1:15 Lunch – Honoring Hardwicke Mentors and Challenge Grant Recipients

1:15 - 2:15 “*Your Computer is Your Co-Editor: A Gimmicky But Effective Way To Improve Your Writing in Six Keystrokes or Less*”
- Howard Posner

The author of *California Lawyer* magazine’s column “Legal Ease” offers simple and practical ways to improve your writing. Singing, dancing, and caffeine might just be included along the way.

Tuesday afternoon – a Choice of Seminars:

2:15 - 3:15 Special Education Panel Presentation:

“*How and Why Do You Apply the Sufficiency Standard?*”

-Moderated by Professors Richard Peterson, S. James Rosenfeld, and Julie Waterstone. Panelists are: Hon. Peter-Paul Castillo, Hon. John Farago, and Hon. Kristen Miller

2:15 - 3:15 “*Best Practices for Conducting Electronic Hearings*”
-Hon. Mary Kelly, Hon. Robert Cohen, Hon. Joanne Eshleman, and Hon. Debra Wise

This break-out session will include a mock telephone hearing. The very experienced panel participants will discuss the hearing and make suggestions for best practices. Chief Judge Cohen will address issues that arise in conducting hearings via video conferencing. Many legal pundits opine that electronic hearings are the way of the future, so join us and get ready for the changes that may be coming to your jurisdiction!

2:15 - 3:15 *“International Courts for a New Era”*

-Professors David Kaye and Cesare Romano; moderated by
Hon. Mary-Margaret Anderson

And now for something entirely different! — and yet similar in many ways to the systems in which American administrative judges operate. International law has taken tremendous strides in the past 20 years, developing extensive systems of justice for international crimes committed by individuals, and increasingly holding states responsible for breaches. These experts will explore just how advanced international legal institutions have become, as well as the limits of their advancement.

3:15 - 3:30 Break

3:30 - 4:15 Special Education Panel Presentation:

“To Ask or Not to Ask—What is Your Job as a Hearing Officer?”

-Moderated by Professors Richard Peterson, S. James Rosenfeld, and
Julie Waterstone. Panelists are: Hon. Eileen M. Cohn, Hon. Robert
Ladenson, and Hon. Sharon Ramage

3:30 - 5:00 *“Best Practices for Self-Represented Parties”*

-Hon. Mary Kelly, Hon. Dian Vorters, and Hon. Rebecca Westmore

The number of self-represented parties is not just slowing down the state and federal courts; administrative hearings increasingly involve self-represented parties, and often on both sides. In short, self-represented parties are here to stay and judges need to learn how to deal with them. How can administrative judges explain procedures and the law, and help develop the record, without crossing the advocacy line? Is “engaged neutrality” an oxymoron or a sound, developing legal principle? These speakers will present tried and true tools and techniques to help you get through the hearing without losing your temper or your mind!

4:15 - 5:00 *“Credibility Findings That Work”*

-Hon. Charles Marson

For special education judges and others, an examination of the standards for weighing the credibility of lay, percipient, and expert witnesses; how those standards differ; and what kinds of credibility findings are likely to withstand judicial review. Includes a case study of findings found inadequate by a federal court, improved on remand, and then affirmed.

Optional evening event: Dinner at Mariasol in Santa Monica

6:00 - Bus leaves from VGEC for Santa Monica

Wednesday, October 13

7:30 - 8:30 Breakfast

8:30 Welcome and Introductions: Emerging Issues in Neuroscience for Judges

-Mark S. Frankel, Ph.D, Director, and Deborah Runkle, Senior Program Associate, Scientific Freedom, Responsibility, and Law Program at the American Association for the Advancement of Science (AAAS) in Washington, D.C.

8:35 - 10:00 Session I. *“How the Brain Works. Neuroanatomy, Function, and Neuroscience Methods”*

Michael Raafi, M.D. Ph.D., Director of the Memory Disorders Clinic, and Attending Neurologist at the Shirley-Marcos Alzheimer’s Disease Research Center, University of California, San Diego, will address brain anatomy and function, and methods of studying the brain. How brain structure and chemistry relate to behavior, disease, and injury will be discussed.

10:00 - 10:15 Break

10:15 - 11:30 Session II. *“Brain Injury, Disability, Recovery and Assessment”*

Kathleen Bell, M.D., Associate Professor Rehabilitation Physician Medical Director, Rehabilitation Medicine Ambulatory Care Medical Director, and Brain Injury Rehabilitation at the University of Washington, will address how brain impairment is diagnosed, how its effect on everyday functioning is assessed, and to what extent therapy can minimize the negative effects of brain injury or disease. The session will include a review of the variety of assessment tools and methods used by psychologists and other professionals, including a discussion of their utility.

11:30 - 12:00 NAALJ Membership Meeting

12:15 - 1:15 Lunch

1:15 - 2:15 Session III. *“The Neuroscience of Substance Dependence”*

Carlton Erickson, Ph.D., Professor of Pharmacology, Associate Dean for Research and Graduate Studies, and Director of the Addiction Science Research and Education Center in the College of Pharmacy, University of Texas, Austin, will examine the role that brain chemistry plays in substance abuse and dependence and will describe the accompanying effects on behavior. Methods of treatment and their efficacy will also be addressed.

2:15 - 3:15 Session IV. *“Interaction of Culture and the Brain”*

Joan Chiao, Ph.D., Assistant Professor, Brain, Behavior, and Cognition, Northwestern University, will discuss how cultures affect brain development and function and influence underlying social behavior and emotion, and how differences in brain structure may affect culture. She uses several advanced neuroscience techniques, including functional imaging, in her work.

3:15 - 3:30 Break

3:30 - 4:30 Session V. *“Memory and Deception”*

Craig Stark, Ph.D., Associate Professor, Department of Neurobiology and Behavior, University of California, Irvine, and Fellow at the Center for the Neurobiology of Learning and Memory, will address how normal memory works, and sometimes doesn't, as well as the effects of injury, disease, and aging on memory. The speaker will also address issues relating to relying on memory in legal proceedings. A discussion on whether deception can be detected and technologies that may aid in that detection will be included.

5:30 - 7:00 Closing Reception and Silent Auction

7:00 - 9:30 Banquet

Thursday, October 14

7:30 - 8:30 NAALJ Board Members Breakfast

8:30 - 12 NAALJ Board Meeting and Committee Meetings. Exact times TBA.

Optional events (for those who have prepaid):

12:15 Getty Villa Group Visit and Tour leaves VGEC

The group will arrive at the Getty Villa at about 12:40. Lunch will be “on your own” at the Getty Villa’s excellent café. Our group tour is from 2:30 to 3:15. Expect to be back at the VGEC at about 4:00 p.m.

@12:00 Surfing Safari leaves VGEC for the beach, with a lunch stop on the way.

