



The NAALJ News

2008 NAALJ MIDYEAR AND ANNUAL CONFERENCES

KEYSTONES OF JUSTICE: IMPROVING ALJ TRIAL SKILLS

JUNE 24-26, 2008

HARRISBURG, PENNSYLVANIA

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Widener University School of Law hosts the 2008 National Association of Administrative Law Judiciary Midyear Meeting in Harrisburg, Pennsylvania's Capital city, on June 24-26, 2008. This annual event will occur for the first time in Pennsylvania, and will be held at the Harrisburg Hilton Hotel in downtown Harrisburg, Pennsylvania.

GENERAL CONFERENCE INFORMATION

Conference registration will open on March 15, 2008. On site registration opens on the afternoon

of Tuesday, June 24, and NAALJ Board meetings will be held on Tuesday afternoon. The Conference officially begins at 9 a.m. on June 25 and ends at 5 p.m. on June 26.

The Conference registration fee is \$375.00. For NAALJ members the tuition is \$325.00. There is a \$25.00 discount for registration before May 1, 2008.

(Continued on page 2)

**New York City, Gotham, Metropolis. Like no other city on earth,
New York City brings the world to you.**

THE ADMINISTRATIVE JUDICIARY: DEFINING JUSTICE IN A CHANGED WORLD

OCTOBER 11-15, 2008

NEW YORK CITY, NEW YORK

This New Century poses many new challenges and opportunities for the administrative judiciary. And there is no other place in the western world more in touch with those challenges and opportunities than New York City. The City has been called the "Capital of the World" and, with its scores of ethnic groups, nationalities, languages, and religions, it is in many ways a microcosm of the planet. In a diverse society, only steadfast adherence to Justice is a proven and reliable means of insuring the peace, prosperity, and durability of our civilization. It is clear that the Ad-

ministrative Judiciary will continue to play an ever-expanding role in this endeavor.

EDUCATIONAL PROGRAM:

This conference will investigate a myriad of perspectives on the complex issue of justice in our world from several points of view. Sessions are now being developed and finalized regarding Access to Justice Issues, Federal and State Administrative Case Law, Evidence, Confronting Hearing Room Bias, Judicial Independence,

(Continued on page 3)

Special points of interest:

- **NAALJ Midyear**
June 24-26, 2008
Harrisburg, PA
- **NAALJ Annual**
October 11-15, 2008
New York City, NY
- **NAALJ Midyear**
2009
Little Rock, AR



KEYSTONES OF JUSTICE (continued)

HOTEL INFORMATION

A special hotel group rate of \$124 per night per room plus taxes has been negotiated with the Harrisburg Hilton. To make your reservation at this rate, telephone the Harrisburg Hilton at (717) 233-6000. To obtain this rate you must use the group code NAA. Fax at (717) 233-6271. You can book your room online at the group rate at:

<http://www.hilton.com/en/hi/groups/personalized/MDTHHHF-NAA-20080624/index.jhtml>

EDUCATIONAL INFORMATION

The education program will total twelve hours of continuing education credit, of which one will be in ethics. Widener University School of Law is licensed by the Supreme Courts of Pennsylvania and Delaware to deliver continuing legal education credits.

Featured presenters and their topics include:

Alternative Dispute Resolution for ALJs. 120 minutes. Experienced ALJs will discuss the value and uses of Alternative Dispute Resolution (ADR) and successful ADR techniques and approaches.

Presenters:

David A. Cicola is the director of the Pennsylvania Worker's Compensation Office of Adjudication.

David B. Torrey is a Worker's Compensation Judge with the Pennsylvania Department of Labor & Industry.

Credibility for ALJs. 180 minutes. An experienced judge will review and explain all aspects of making credibility determinations at administrative hearings.

Presenter:

Thomas Cheffins is Chief Administrative Law Judge for the Department of Public Welfare Bureau of Hearings and Appeals in Harrisburg, Pennsylvania.

Bias is a Four Letter Word. 90 minutes. Bias occurs in administrative hearings unintentionally or unconsciously. This presentation will help ALJs recognize their biases.

Presenter:

Felix Thau is an Administrative Law Judge with the Pennsylvania Liquor Control

Board, Office of Administrative Law Judge.

Revision of the Model State Administrative Procedure Act. 60 minutes. A drafting committee of the National Conference of Commissioners on Uniform State Laws (NCCUSL) is revising the 1981 Model State Administrative Procedure Act (MSAPA). Two reporters will review the adjudication provisions of the MSAPA.

Presenters:

Gregory Ogden is a Professor at Pepperdine University School of Law. Professor Ogden has served as Reporter (drafter) for the Drafting Committee to the Model State Administrative Procedure Act of NCCUSL since 2006.

John L. Gedid is a Vice Dean and professor of Widener University School of Law—Harrisburg. He served as reporter for the Drafting Committee to the Model State Administrative Procedure Act of NCCUSL from 2003 until 2006.

Developments in the Law—Recent Important State and Federal Cases. 60 minutes. This is an update on important state and federal cases involving administrative law.

Presenter:

Gregory Ogden is a Professor at Pepperdine Law School, where he teaches administrative law, among other subjects.

Appeals from Administrative Agencies—the View from the Bench. 90 minutes. A panel of judges from the Pennsylvania Commonwealth Court, the intermediate appellate court to which has jurisdiction of all appeals from agency action in Pennsylvania, will discuss what they look for in administrative agency opinions.

Presenter:

Honorable Bonnie Brigance Leadbetter. Judge Leadbetter is President Judge of the Commonwealth Court of Pennsylvania.

The Effect of Intrinsic Agency Factors on Adjudication. 60 minutes. A panel of experienced ALJs and agency officials will discuss factors inherent in agency structure and purposes that have impact on adjudication. One theme will be the tension between

independence of ALJs and the need for uniformity in agency discussions.

Selected Hearsay Problems for ALJs. 60 minutes. Analysis and discussion of frequent hearsay problems that occur at administrative hearings.

Presenter:

Linda L. Ammons is Associate Provost of Widener University and Dean and Professor of Law at Widener University School of Law.

Practicing What We Preach—Ethics for ALJs. 60 minutes. Discussion of ethical problems faced by ALJs.

Presenter:

Steven Wise is an Administrative Law Judge with the Iowa Workforce Development Department.

HARRISBURG PENNSYLVANIA ATTRACTIONS

Harrisburg, the Capital City of Pennsylvania, is filled with attractions. Only a short walk from the Hilton Hotel, the Pennsylvania Capital Building is praised as one of the most architecturally beautiful capitols in the United States. It has been described as a "Palace of Art" because it is filled with noted painting and sculpture.

Nearby and also within easy walking distance, the Pennsylvania State Museum contains historical and other exhibits relating to the State, art exhibits and the state archives.

Harrisburg was the most northern point that Confederate troops reached during the American Civil War. Just prior to the Battle of Gettysburg, Southern Troops on reconnaissance reached Harrisburg and fought a few small pitched skirmishes here. One planned excursion for conference attendees is a visit to Harrisburg's National Civil War Museum. For serious Civil War buffs, Harrisburg is just forty minutes by car from the Gettysburg Battlefield.

Harrisburg is only a few miles distant from Hershey, Pennsylvania and Hershey Park, a popular amusement park, and a golf destination.

Amish Country in Lancaster, Pennsylvania is within easy driving distance, and is a popular tourist destination.

Defining Justice in a Changed World (continued)

Special Education, Legal Research, Evaluating Scientific Evidence, Complex Litigation, and many other topics. More details will be available soon.

ACCOMMODATIONS:

The conference will be held at the New York Marriott Downtown (85 West Street / New York, NY 10006). This striking hotel, with a pool, sauna, and exercise room, is located in the heart of New York's historic financial district, just a few blocks from the Hudson River and a waterfront park with breathtaking views of Ellis Island and the Statue of Liberty. Downtown Manhattan is within walking distance of the hotel and three of the city's subway lines are only a few blocks away. We have secured a remarkable hotel rate of \$229.00/night, a rate far below the federal government per diem rate for New York City.

SOCIAL ACTIVITIES:

Planning is now underway to ensure that early arrivals will be afforded opportunities to partake in memorable organized activities on Saturday, including Broadway shows and/or Dinner on Saturday eve-

ning. In addition, the Social Planning Committee is working with NYC & Company, the successor to the NYC Visitors and Convention Bureau, to organize an unforgettable group visit to an historic venue in NYC, probably on Tuesday afternoon.

CONFERENCE PARTNERS: Conference Hosts are the National Association of Administrative Law Judiciary (NAALJ), the New York State Administrative Law Judges Association (NYSALJA), and the New York County Lawyer's Association (NYCLA) CLE Institute. NYCLA will administer the Conference CLE credits and assist participants from all states in acquiring CLE credit. *(New York County Lawyers' Association has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from 2007 through 2010.) (Conference Tuition Assistance available: details and application process pending.)*

Other conference partners and supporters so far include the New York City Office of Ad-

ministrative Trials and Hearings (OATH), the Administrative Justice Coordinator of the New York City Mayor's Office, the City University of New York (CUNY) Law School, and the National Association of Women Judges (NAWJ). ThomsonWest is now confirmed as one of our Major Sponsors and we are currently in final discussions with many other companies regarding their level of sponsorship. In addition, to date there are twelve New York State agencies, three New York City agencies, and one Federal agency involved at various levels of participation.

Questions or comments may be directed to:

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Joel Ziev
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Visit the Statute of Liberty and Time Square in NYC



NEWS FROM STATE AFFILIATES

Maryland/DC Affiliate News

Jim Murray, Acting President

The year 2007 was one of highs and deep lows for the Maryland and District of Columbia Association of Administrative Adjudicators (MDCAAA). In October, we, along with our co-sponsors The Washington College of Law, NAALJ, and the National Association of Women Judges, hosted the NAALJ Annual Conference in Washington, D.C.

The Conference was our high point of 2007. Our planning efforts paid off. The Conference and social activities were well received by the 135 attendees. The tour of the Capitol was extraordinary, even for those of us

who have seen it before. Kudos to those who guided the effort, including Neil Alexander, Tyrone Butler and Joan Davenport of MDCAAA, and Jennifer Dabson of Washington College of Law.

Unfortunately, the success of the Conference was greatly overshadowed by the death of our President, colleague and friend, Neil Alexander. In honor of Neil, we've created an award in his name. The award criteria have yet to be determined. Although we still mourn Neil, we continue to try to positively impact administrative adjudication.

Elected officers for 2007-2008: Neil Alexander, President; Jim

Murray, President-Elect; Joan Davenport, Vice-President; Paul Handy, Secretary; and William England; Treasurer. New board members are Tyrone Butler, Tom Dewberry, Robert McGowan, E. Savannah Little, Mike Nolan and Past President Dennis Sober.

Bert Brandenburg, Executive Director of Justice at Stake Campaign spoke to the membership about his organization and how it educates the public about special interests attacks on the judiciary and how to seek reforms. Mr. Brandenburg's organization is beginning to focus on the administrative judiciary and plans to speak at the upcoming annual conference.



NEWS FROM STATE AFFILIATES (continued)

New York Affiliate News

By John Farrell, President

In other news, a MODEL CODE FOR ALJs IN NYS is being developed. Several members of NYSALJA, who are also members of the Administrative Law Judges Subcommittee of the Committee on Attorneys in Public Service of the New York State Bar Association,

have been working for the last several months to develop a Model Code of Judicial Conduct for State Administrative Law Judges.

The proposed Code was presented to the New York State Bar Association's Executive Committee for consideration at its January 31, 2008 meeting.

The NYSALJA members on the drafting committee included James McClymonds, Catherine Bennett, John G. Farrell, James Horan, Peter Loomis, Elizabeth Liebschutz, Edward Mevec, and Marc Zylberberg. We anticipate that presentation of this model code will be included in the Conference Educational Program.



Iowa Affiliate News

By Lynette Donner, President

The Iowa Association of Administrative Law Judges continues to provide exceptional continuing legal education to judges and administrative law practitioners. As many of you know, IAALJ co-sponsored the National Judicial College course "Achieving Impartiality in Administrative Adjudication" on June 18 and 19, which substituted for the Detroit Mid-year conference. We had a

great turnout with 111 participants, and the sessions and NJC presenters were outstanding.

On September 28, 2007, IAALJ held a CLE in conjunction with our annual membership meeting. Tim Eckley, staff attorney with the American Judicature Society in Des Moines, gave an informative presentation on "Judicial Ethics and the Self-represented party."

After the CLE, the Association held its annual meeting and

elected the following officers for the 2007-2008: Lynette Donner, president; Amy Christensen, vice president; Maggie LaMarche, secretary; and Phil Deats, treasurer.

IAALJ membership for 2007-08 is 51 members, which is the highest number of members since it was formed. We are planning our Spring CLE for April 2008, which will feature Creighton University Vice President Patrick Borchers.



Arkansas Affiliate News

By Barbara Webb, President

The Arkansas Association of Administrative Adjudicators (ArkAAA) held its annual meeting and election of new officers. Our 2008 President is Barbara Webb, an ALJ with the Arkansas Workers' Compensation Commission. President-Elect for 2009 is Toni White (Bogan), Managing ALJ in the Office of Appeals and Hearings (OAH) for the Arkansas Department of Human Services (DHS) and NAALJ Board member.

ArkAAA presented its annual Fall Conference in Little Rock on November 2, 2007, titled "Core Concepts in Administrative Hearings." Topics included bias, opinion writing, judicial review, professional conduct, witness credibility, and recent legislation. This year's conference drew 49 attendees with 7

presenters. Our attendees included a mix of federal and state adjudicators.

Four ArkAAA members were recognized for outstanding service to the Association: Shannon Mashburn, OAH (2007 website design); Sue Stolzer, OAH (long-time ArkAAA Secretary); Kerri Palmer, OAH (long-time ArkAAA Treasurer); and Robert Hunt, Arkansas Disability Determination for Social Security Administration (2007 conference planning).

For the ArkAAA members who attended the NAALJ Annual Conference in Washington, D.C. last October, we send our sincere thanks and congratulations to the Maryland-DC Association of Administrative Adjudicators, the American University Washington College of Law, and the other conference

sponsors for their hospitality and hard work.

ArkAAA members were also honored and excited to recently learn that NAALJ has picked us to host the NAALJ 2009 Mid-year Conference. Planning is now well under way. The conference will be held in Little Rock, Arkansas. Check for 2009 Midyear Conference updates from time to time on our website at www.arkaaa.org. For those looking for a possible career move, www.arkaaa.org is also currently hosting NAALJ's Job Posting Information Bank. Come check us out online.

In other news, David Mackey, OAH, judged a state-wide debate contest at Little Rock's Central High School. ArkAAA members will volunteer to judge upcoming debate contests this Fall 2008.



TRIBUTE TO NEIL ALEXANDER

By Joan Davenport

On Monday, November 19, 2007, our friend, colleague, professional administrative law judiciary member, Neil Alexander, Jr., Chief Hearing Examiner of the D.C. Commission on Human Rights for 20 years, departed this life at his home in Washington, D.C.

Few of us knew that Neil was recognized as an expert in discrimination law and a leader in the fight for social justice. He presided over administrative law hearings dealing with cases of discrimination filed under the D.C. Human Rights Act. With an extensive knowledge of discrimination law, he wrote decisions in numerous cases that received regional and national attention, involving housing discrimination based on AIDS, employment discrimination based on race, and hostile work environments based on sexual orientation. Neil

was also a guest lecturer at Georgetown University School of Law, Howard University School of Law, and at the University of Maryland for its African-American Studies program. He conducted extensive Equal Employment Opportunity training sessions for District of Columbia personnel, as well as staff of the District of Columbia Office of the Attorney General.

Neil's professional affiliations included NAALJ for which he actively co-chaired the successful 2007 annual conference held in Washington, D.C. He was President of the Maryland and District of Columbia Association of Administrative Adjudicators (MDCAAA) which is in the process of establishing an annual award in his name. The award criteria are still being developed, but may include service to the cause of human rights or exemplary contributions to administrative law.

Neil was a prolific Washington Redskins fan, and he never missed an opportunity to celebrate life, living and football. He once said that he was always fond of having a good time and could not, and would not, be bothered by the small stuff. One time, while an elementary school student, he was scolded by his teacher for his poor skills at writing cursive, he politely informed her that "smart people like me, have more important things to do in life than waste time on learning to write well."

The members of NAALJ, MDCAAA and many others will always remember Neil and the ease with which he worked with people at all levels. We will remember his capacity to pull together a hospitality venue and are appreciative of having been associated with him during his lifetime.



NEIL ALEXANDER SCHOLARSHIPS AWARDED

Two scholarships were recently awarded by NAALJ to assist administrative adjudicators in attending a one-week, resident course at the National Judicial College (NJC) on the University of Nevada, Reno campus.

The scholarships are named the Neil Alexander Scholarships in honor of a NAALJ colleague, who at the time of his recent untimely death was chief hearing examiner of the D.C. Commission on Human Rights. Judge Alexander served as co-chair of the 2007 NAALJ Annual Conference in Washington, D.C.

Each scholarship from NAALJ is for \$500 and is to

be used in combination with a 50 percent tuition waiver awarded by NJC for the one-week course.

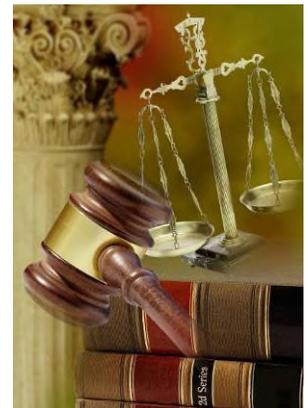
The recipients for 2008 are Judge Josephine C. Townsend, who is an ALJ for the Washington State Department of Licensing in Vancouver, WA, and Judge James A. Monk, who conducts special education hearings for the New York Education Department.

Judge Townsend has been a member of NAALJ since 2006. She plans to attend either a course on Judicial Writing or a course on Advanced Evidence.

Judge Monk has been a member of NAALJ since 2001 and plans to attend an advanced administrative law course at NJC.

Congratulations to both of these scholarship recipients! They both hope to be presenters at upcoming NAALJ conferences and will share the knowledge they gained from these courses in an upcoming NAALJ newsletter.

For more information on the Neil Alexander Scholarships, contact Judge Janet Raider at Janet.Raider@ky.gov.



President's Message—Moving Ahead



By L. David Brunke

Although the wheels of progress in many volunteer organizations often move ever so slowly, a review of the last board meeting minutes from the 2008 NAALJ Annual Conference reveals that NAALJ is somewhat of an exception as progress and change are occurring. Nonetheless, it can be difficult to keep the momentum going due to the demands of our busy lives.

As the challenges of managing the day-to-day operation of a large-membership, volunteer organization can be and often are overwhelming, the board recently considered outsourcing more of its management services. Services available for outsourcing include communications and marketing, consulting, event management, member services, finance and governmental relations. As you may know, NAALJ concurrently outsources membership services and

the billing and collection of revenue (bookkeeping). However, due to the high cost of additional management services, the board voted instead, as an interim step, to acquire a web-based management system as a less costly alternative. After an exhaustive search, the board voted to purchase the web management system from MemberClicks. (www.memberclicks.com). In the coming months, more information will be disseminated to the membership on this important initiative, which will be headed up by President—Elect Steve Wise.

At its last meeting, the board approved the by-laws of the newly established Special Education Section and its e-newsletter. You may recall that the NAALJ by-laws were amended at the 2006 annual meeting to authorize the board to establish sections in specialized areas of administrative adjudication.

Recently the board accepted the Arkansas affiliate's proposal to host the 2009 midyear

conference in Little Rock. In addition, the board, through its Future Conference Site Selection Committee, is seeking proposals from interested parties to host the 2009 annual conference and the 2010 conferences.

Be on the lookout for the next issue (Fall 2007) of the Journal, which should be published next month, and which will announce the 2008 Fellowship topic.

In my view, one of the key ingredients required for a volunteer organization to move forward is a high level of membership interest and participation, which can be achieved through an effective committee framework. To ensure members have an opportunity to serve on committees, I am asking that you email me your committee preferences (rank order), if you have not done so already, within 30 days of receipt of this newsletter. A list of the committees and chairs appointed to date can be found on page 8 in the newsletter.

Treasurer's Report—On The Financial Front



By Thomas E. Dewberry

Rising oil prices, falling real estate markets, a Federal deficit in the trillions and most states facing or already suffering budget deficits. Pretty gloomy economic news, for sure. Nevertheless, if you are looking for a glimmer of good news in the world of finances, I am pleased to tell you that the Association's financial health is doing well.

As noted in the past, the major sources of revenues for the Association are from membership dues, conferences and sales of the Journal. The revenue from dues has held steadily around \$22,000 this year, similar to

recent past years. So far this year the sales revenue from the Journal is a little over \$2,000, which is down somewhat from previous years. Revenue from the annual conference is likely to be in the range of \$4,000. The fiscal year '07 - '08 revenues year-to-date (January 31, 2008) are running about \$29,000.

The primary expenses of the Association are for the Journal, Secretariat (membership and bookkeeping) and the board member travel reimbursement. The fiscal year '07 - '08 expenses year-to-date (January 31, 2008) are running about \$20,600.

As you can see, the arithmetic reflects that at this point in time (just over halfway through the fiscal year) the Association is in

the black by about \$8,500. Add this news to the fact that the Association had total reported assets at the end of calendar year 2007 of a little over \$92,000 and things look quite positive financially. This is especially true when you consider that the Association's total reported assets two years ago were only about \$57,000.

Probably the most encouraging news is that the Association's positive fiscal growth this year continues a trend that began in the '05 - '06 fiscal year, reversing several years of deficits. I can report to you with great confidence that the current officers and board intend to keep this trend going forward into the future.

NAALJ Special Education Section News

by James Rosenfeld

The Special Education Section has adopted section by-laws, updated its officers and advisors and joined in the publication of an email newsletter produced by the National Academy for IDEA Administrative Law Judges and Hearing Officers at the Seattle University School of Law. James Rosenfeld appointed Judge Janice E. Shave of Washington as Vice Chair of the Committee to succeed Lori Eiseley of Kentucky, who had resigned from NAALJ. Judge Sherianne Laba of California has been appointed to succeed Judge Shave as Advisor to the Committee. The Committee Newsletter is available to any current special education hearing officer, whether or not a member of NAALJ, by emailing James Rosenfeld at rosenfeld@seattleu.edu.



Washington, D.C. Conference Photos



Cathy Bennett at the closing session.



Dancing the night away!



NAALJ Officers and Board



Delicious food galore!



Chatting on the floor of the U.S. Capitol Rotunda.



Relaxing after the banquet



Thanking Jennifer Dabson for her hard work.

NAALJ**Committees and Chairs****(2007-2008)****2008 Annual Conference Committee**

John G. Farrell (NY), Chair

jfarrell.nysalja@yahoo.com**2008 Midyear Conference Committee**

John L. Gedid (PA), Chair

jlgedid@widener.edu**2009 Midyear Conference Committee**

Toni White Bogan (AK), Chair

Toni.bogan@arkansas.gov**Education Committee**

Phyllis Carter (WV), Chair

phylliscarter@wvdhhr.org**Fellowship Committee**

Edward Schoenbaum (IL), Chair

e.schoen@insightbb.com**Finance Committee**

Thomas Dewberry (MD), Chair

tdewberry@oah.state.md.us**Future Conference Site Selection Committee**

Robert S. Cohen (FL), Chair

Bob_cohen@doah.state.fl.us**Job Postings Committee**

Toni White Bogan (AK), Chair

Toni.bogan@arkansas.gov**Journal Committee**

Edward Schoenbaum (IL), Chair

e.schoen@insightbb.com**Membership (& Affiliate Support) Committee**

Mattie Harvin Woode (WA), Chair

mharv@oah.wa.gov**Newsletter Committee**

James Murray (MD), Chair

jmurray@oah.state.md.us**Nominating Committee**

Catherine Bennett (NY), Chair

cbennett@nysdta.org**Past Presidents Committee**

Janet C. Raider (KY), Chair

Janet.Raider@ky.gov**Roskopf Achievement Award Committee**

Edward Schoenbaum (IL), Chair

e.schoen@insightbb.com**Website Committee**

Steven Wise (IA), Chair

Steve.wise@iwd.state.ia.us

THE NEWSLETTER OF THE NATIONAL
ASSOCIATION OF ADMINISTRATIVE LAW
JUDICIARY

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Elected Officers and Board Members**OFFICERS**

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Hon. Steven Wise (IA)	President-Elect
Hon. Robert S. Cohen (FL)	Secretary
Hon. Thomas E. Dewberry (MD)	Treasurer
Hon. Catherine M. Bennett (NY)	Past President

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Hon. Janet Raider (KY)	(term expires 2008)
Hon. Beverly Sherman Nash (DC)	(term expires 2008)
Hon. Peter L. Plummer (MI)	(term expires 2008)
Hon. Phyllis Carter (WV)	(term expires 2009)
Hon. Mary Margaret Anderson	(term expires 2009)
Hon. Kristin Miller (GA)	(term expires 2009)
Hon. Mattie Harvin Woode	(term expires 2009)