



The NAALJ News

2009 NAALJ MIDYEAR AND ANNUAL CONFERENCES

ENSURING JUSTICE AND PROFESSIONALISM WITHIN THE ADMINISTRATIVE JUDICIARY

May 17 - 19, 2009— LITTLE ROCK, ARKANSAS

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The Arkansas Association of Administrative Adjudicators (ArkAAA) will host the NAALJ Midyear Conference in Little Rock on May 17-19, 2009. This event will be held for the first time in Arkansas, at the Peabody Little Rock Hotel, "Home of the World-famous Peabody Ducks," who march down the red carpet to the Lobby Fountain every day at 11 am and 5 pm.

GENERAL CONFERENCE INFORMATION

Registration opened February 1, 2009 with information posted on the Conference Website:

<http://www.arkaaa.org/events.html>

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The Clinton Library



Little Rock at Night

2009 NAALJ ANNUAL CONFERENCE—YES WE ARE GOING TO DISNEY WORLD! SAVE THE DATES—NOVEMBER 3-7, 2009—ORLANDO, FLORIDA

The 2009 NAALJ Annual Conference will be held from November 3-7 at the Rosen Plaza Hotel in Orlando, Florida. The Rosen Plaza Hotel is on International Drive, located in the heart of all the excitement and minutes from Orlando's world famous attractions.

Bob Cohen is chairing our conference committee and is planning programs for improving our professional skills and opportunities for recreation and relaxation in the Sunshine State.

Please check www.naalj.org/upconferences.html for future details about the conference.

- 15 minutes to Orlando International Airport
- Five minutes to Universal Orlando
- 10 minutes to Walt Disney World Resort
- One mile to SeaWorld
- Across the street from Pointe Orlando, a 17-acre entertainment and shopping complex



Rosen Plaza Hotel

Special points of interest:

- NAALJ Midyear Conf. May 17-19, 2009 Little Rock, AR
- NAALJ Annual Conf. Nov. 3-7, 2009 Orlando, FL
- NJC ALJ Courses Scholarships Available!
- NALJF Requesting Fellowship Submissions for 2009
- 2007 NJC Ethics Essay Winner



On-site registration opens at noon on Sunday, May 17th in conjunction with the NAALJ Board meeting which will be held on Sunday afternoon. The conference officially begins on Monday, May 18th at 8:30 am and ends on Tuesday, May 19th at 4:30 pm.

The registration fee for NAALJ members is \$240.00, if full payment is received by April 17, 2009. NAALJ is pleased to announce that **included** in the conference fee is a **Riverboat Cruise** and **Dinner** on the Arkansas River aboard the Arkansas Queen. On Monday evening, May 18, Conference attendees will cruise the Arkansas River while dining, viewing the Little Rock skyline, and enjoying a live band. The registration fee also includes: all conference materials; admission to all conference sessions; morning and afternoon refreshments, each full day; NAALJ Board Reception, Sunday May 17; and luncheons on May 18 and 19.

HOTEL INFORMATION

The special group rate of \$144 per night per room (single or double), plus taxes has been negotiated with the Peabody. This rate also is available three days prior to and after the conference, on a space available basis. The rate includes complimentary shuttle service to and from the Little Rock Airport and access to the hotel's Health Club. Book your room using one of the following methods by **April 16, 2009**:

•On-line at www.PeabodyLittleRock.com

Use Group Number: 631147

•Phone 1-800-Peabody

Use Group Name: "NAALJ Mid-Year"

EDUCATION INFORMATION

The educational program will provide updates on substantive administrative law, practical skills for handling and processing administrative hearings, and will challenge attendees to rethink how they handle litigants from diverse cultural backgrounds.

The program includes 12 hours of CLE with 1 hour of ethics, approved by the Arkansas Continuing Legal Education Board.

The conference will feature presenters from diverse cultural backgrounds with extensive knowledge and experience in administrative law. Conference presenters include:

The Honorable Wendell Griffen will open the conference with a presentation on "*Cultural Competence and Adjudication*." The Honorable Wendell Griffen formerly served as a

Judge on the Arkansas Court of Appeals, the second highest court in Arkansas. While serving on the Arkansas Court of Appeals, Judge Griffen also lectured throughout the U.S. on workplace diversity and legal professionalism. Judge Griffen has published scholarly articles on judicial independence and judicial accountability as well as race, law and culture. Prior to serving on the Arkansas Court of Appeals, Judge Griffen served for two years as the Chairman of the Arkansas Worker's Compensation Commission. He is the Chief Executive Officer of Griffen Strategic Consulting, PLLC which provides consulting services on legal policy, government relations, and legal affairs.

The Honorable Lavenski Smith, Eighth Circuit Court of Appeals, will speak on administrative adjudication as viewed from the federal bench. Judge Smith is a former Assistant Professor who entered public service on the inaugural staff of former Arkansas Governor Mike Huckabee as a regulatory liaison in the Governor's Office. Judge Smith also served a total of four years on the Arkansas Public Service Commission and later as a Commissioner. Before his appointment to the Eighth Circuit Court of Appeals, Judge Smith served for two years as a Justice on the Arkansas Supreme Court.

The Honorable Timothy Fox, Circuit Court Judge, will moderate a presentation on judicial independence and the rule of law while showing a multimedia video-clip featuring Supreme Court Justice Steven Breyer. Judge Fox was an Assistant City Attorney and Prosecutor in North Little Rock; and he is the first judge in Arkansas to receive a Master's in Judicial Studies from the University of Nevada at Reno.

Timothy Gauger, Chief Legal Counsel to Arkansas Governor Mike Beebe will be the Conference Luncheon Speaker. Timothy Gauger graduated *cum laude* from Northwestern University School of Law in 1989. He has taught courses in Federal Courts and Civil Liberties as an Adjunct Professor at the University of Arkansas at Little Rock William H. Bowen School of Law as well as Education Law as a visiting Professor at the University of Pittsburgh School of Law. Before becoming Chief Legal Counsel to Governor Beebe, he was the deputy Attorney General in the Civil Department of the Arkansas Attorney General's Office.

Additional conference speakers include law professors, attorneys, and ALJs who will

LITTLE ROCK MID-YEAR 2009: Ensuring Justice and Professionalism in the Administrative Judiciary (continued)

speak on topics such as Administrative Law Concepts and Updates; Expert Opinion Evidence for ALJs; Opinion Writing for ALJs; Special Education and Due Process; Handling Pro Se Parents in Special Education Cases; Autism Spectrum Disorders; Ensuring Due Process in Worker's Compensation or other High Volume Cases; Defending Yourself Against a Judicial Complaint; the Pros and Cons of a Central Panel; Hearing Tips and Tools for ALJs; and Language Interpreters. Speakers will also present and give reports on the Draft ABA Revisions to the Model State APA. Article 4 (Adjudication provisions), the Arkansas 2009 Legislative Session, and the impact of the Model Code of Judicial Conduct on the administrative law judiciary.

OTHER ATTRACTIONS

Besides the free **Riverboat Cruise**, at an additional minimal cost, attendees can tour one-of-a-kind attractions including the William J. Clinton Presidential Center & Park; Little Rock Central High School; the Governor's Mansion; the Capitol buildings; the "Big Dam Bridge" over the Arkansas River (world's longest linear foot bridge for pedestrians and bicycles); local museums; historic Quapaw State Park; and the River Market District. As the "Natural State," Arkansas offers day-trips to the Hot Springs State Park and "Bathhouse Row," and "Crater of the Diamonds State Park," the only authentic diamond mine in the United States.

Co-Sponsors include the University of Arkansas School of Law in Fayetteville and the University of Arkansas at Little Rock William H. Bowen School of Law.

For further details and links to a detailed conference agenda with course descriptions and speakers, please visit www.arkaaa.org or www.naalj.org.



Trolley by the River Market in Little Rock, Arkansas

PRESIDENT'S MESSAGE — "Improving the Quality of Administrative Justice" is more than a slogan



By Steve Wise

The NAALJ brochure has a "tagline," defined as "a reiterated phrase identified with an individual, group, or product." Our tagline reads, "Improving the Quality of Administrative Justice." As NAALJ President, I believe we should consider how well our association measures up to our tagline in looking back at the past year and forward to this year.

A key to improving administrative justice is providing quality training for the administrative law judiciary. Anyone attending our 2008 Midyear Conference in Harrisburg, Pennsylvania and Annual Conference in New York City had to be impressed with the high caliber of the topics and presenters at both conferences. The New York State Administrative Law Judges Association; its conference committee members; and particularly, John Farrell and Cathy Bennett, are to be commended for hosting an outstanding educational conference with fantastic events for judges and family members. Holding a NAALJ conference in NYC (the first since 1980) was challenging, but our hosts were successful in creating something memorable and valuable.

We have a valuable partnership with the National Judicial College and the ABA National Conference of the Administrative Law Judiciary in sponsoring the Mediation for Administrative Law Judges course. In April 2008, the course was held in Santa Fe, New Mexico, with over 30 participants. The 2009 Mediation

for ALJs course is scheduled for March 30-April 3, 2009, with scholarships available through NJC. We should also recognize the training provided by our state affiliates each year that is especially valuable in times of budget cuts and travel restrictions.

Looking ahead to this year, our Midyear tour of state capitals continues with the 2009 Midyear Conference in Little Rock, Arkansas. You can get all the details about the conference in this newsletter. The Arkansas Association of Administrative Adjudicators have planned an event filled with opportunities to improve our professional skills and to enjoy some Arkansas hospitality (the Riverboat cruise is sure to be a highlight). Our president-elect, Bob Cohen, is hard at work planning our 2009 Annual Conference in Orlando, Florida, November 3-7, 2009.

In 2008, NAALJ began offering two \$500 scholarships to assist NAALJ members in attending a resident course at NJC in Reno, Nevada. The scholarships are named the Neil Alexander Scholarships in memory of a colleague from Washington D.C. NAALJ has continued this program in 2009 through our National Administrative Law Judge Foundation (NALJF) and Education Committee. In addition, spearheaded by the efforts of the NAALJ Past President's committee, NAALJ has established a new NALJF Mentor program to raise funds for the Neil Alexander Scholarships and to reinstitute the challenge grant program to assist each affiliate in sending one member to the NAALJ annual conference. You can become a Charter Mentor or

Life mentor by making your contribution or pledge this year.

NAALJ is at the forefront in promoting scholarly research on matters of interest to the administrative judiciary, which enhances the quality of administrative justice. The NAALJ Journal is widely recognized as the finest and most scholarly publication focusing on developments affecting the administrative judiciary. NAALJ also encourages research and scholarship for improving administrative justice through its annual Fellowship to a recipient who produces a scholarly paper on an issue relevant to administrative adjudication.

My goals this year are to continue the excellent programs NAALJ has established for serving its members and to expand the benefits of NAALJ membership. I intend to reach out to our affiliates and identify ways NAALJ can better serve the affiliates. We need to strengthen our committees and get more members involved. I would encourage each of you to look at the committee assignment page on our website and contact me or the committee chair about joining a committee. Please contact me at 515-274-9187 or steve.wise@mchsi.com if you have any suggestions on things NAALJ can do to improve our association.

Looking over NAALJ's accomplishments and future goals, my judgment is that NAALJ's focus on improving the quality of administrative justice is more than a slogan—it is something our officers, board of governors, and members are committed to through our work in NAALJ and in our professional lives.

Officer and Board Member Profiles

STEVEN WISE, NAALJ President, obtained his bachelor's degree and law degree from the University of South Dakota. He has served as an administrative law judge for the Iowa Workforce Development Department in Des Moines, Iowa, since 1997 and has worked as an administrative law judge since 1986. After law school, he practiced law for four years for Dakota Plains Legal Services, specializing in poverty law, Indian law, administrative law, and social security law. He was an assistant professor of criminal justice and political science at the University of South Dakota from 1984-1986. He served as an administrative law judge for the South Dakota Department of Labor from 1986-1994 and 1995-1997 and was the deputy chief administrative law

judge for the South Dakota Office of Administrative Hearings from 1994-1995. He is the author of *Steering a Neutral Course—Applying the Unemployment Law's Labor Dispute Disqualification in South Dakota*, S.D.Law Review, Vol. 38:2 (1993). He has taught administrative law for the University of South Dakota as an adjunct professor since 1988. He is an alumnus of National Judicial College and in 2002 joined the NJC faculty teaching in the Advanced Administrative Law course.

KRISTIN L. MILLER, Board Member, has been an administrative law judge with the Georgia Office of State Administrative Hearings since 2005. At OSAH, she serves on a central panel and hears many different types of administrative matters, with a focus on those involving profes-

sional licensing, special education, environmental regulation, classified employment, DUI, and public assistance benefits. She has provided continuing education training in various areas of administrative law.

Prior to joining OSAH, Judge Miller spent eight years as an Assistant Attorney General, where she provided legal representation to a number of state boards and commissions, including the Public Service Commission, the Office of Consumer Affairs, the Composite State Board of Medical Examiners, the Board of Dentistry, the Board of Nursing, the Office of Bar Admissions, and the Board of Regents. She has argued before the Georgia Court of Appeals and served as lead counsel in administrative appeals as well as state

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ETHICAL RULES OF THE ROAD FOR ADMINISTRATIVE ADJUDICATORS

The Model Code of Judicial Conduct professed and adopted by the American Bar Association offers a proverbial “rules of the road” for the Administrative Law Judge (hereinafter ALJ) to follow.

Canon 1 should be viewed as the general purpose language of our vehicle code, and can be difficult and problematic for an ALJ. Canon 1 provides “a judge shall uphold the integrity and independence of the judiciary.” The position of ALJ is usually created by legislation as part of a statute passed by the legislature and signed by the governor that vest the ALJ with authority to conduct hearings under the supervision of an agency or department. The level of independence is directly affected by budgets, manpower and office space allocations. These budgetary, manpower, and space constraints can be viewed as roadblocks or bottlenecks on our road to administrative justice. In Pennsylvania, the Unemployment Compensation Board of Review is a quasi-independent board with its three board members appointed by the governor with the consent of the state senate which is within the Department of Labor and Industry. Administratively from the Appeals Administrator on down to clerks and secretaries everyone reports at least indirectly to the deputy secretary for compensation programs. Consequently the ALJ can attempt to do everything possible to maintain integrity and independence, only to be undermined by actions of the department.

Canon 2 provides “a judge shall avoid impropriety and the appearance of impropriety in all of the judge’s activities.” A simple statement to apply on its face, but as one examines the details, the situation becomes more complex. How does an ALJ act to further and comply with Canon 2? In another ethics course attendees were encouraged to ask “what would Jesus do” in the given situation. One attendee cynically replied that Jesus at times consorted

with prostitutes, and certainly this was not ethical behavior. ALJs must use their own instinct and examine their own conscience to determine whether they are “ethically speeding or driving in the wrong lane.” Certainly it is improper for an ALJ to hear a case involving a spouse or sibling, but is it also improper to mention to a fellow ALJ that is hearing the case that you recused yourself because of the family relationship? If your intent is to sway the other ALJ in their handling of the case, then it does violate the canon. If however, your simply conveying information as to why you are not hearing the case and not “dumping” work on another ALJ is this also a violation? The answer to the second question is not so clear, but absent more the canon has not been violated.

Canon 3 requires that “a judge shall perform the duties of judicial office impartially and diligently.” ALJs must avoid bias in favor of or against parties before them. The ALJ also must dispose of cases efficiently and allow for no excessive or unnecessary delays in moving cases along, sort of an administrative traffic cop. If grades where assigned to UC decisions for example an “A” decision issued in two months, is not superior to a “B” decision issued in two weeks. Clearly diligence in an administrative UC context requires a degree of speed; an “unsafe deciding” can include dallying too slowly.

An ALJ’s “out of work” conduct is governed by Canon 4 which states, “a judge should conduct the judge’s extra-judicial activities as to minimize the risk of conflict with judicial obligations.” Does Canon 4 require an ALJ to become a cloistered monk or nun? No, but you certainly should not call local restaurants in your area making reservations for “Judge Smith” when “John Smith” would accomplish the same purpose. It simply means the ALJ should take reasonable precautions to insure

his impartiality is not questioned. If, i.e. “Sonny’s” is your favorite restaurant, then you should not hear any cases where “Sonny’s” is involved. If the restaurant becomes a large part of your docket, you may have to find a new restaurant.

Canon 5 covers political activity. Have you signed up to work on the Jones campaign for governor in hopes of becoming the next chief ALJ? You have just driven through the “red light” of Canon 5. It provides “a judge or judicial candidate shall refrain from inappropriate political activity.” In Pennsylvania, ALJs (Referees as well) are covered by the state civil service act and the Hatch Act as well, so any activity other than making a donation or attending an event are prohibited by those acts. Since the civil service and Hatch Acts prohibit employees from being a candidate for office, it appears that Canon 5A acts to prohibit the ALJ from attending political gatherings or making a donation to a political party. It is in essence a stop sign or red light to such conduct.

In summary the canons are a code to live by, but if there is a shortcoming, it is that in Pennsylvania, there is no entity that an ALJ could go for binding advice. That is if you ask for direction concerning a particular situation and you follow the advice, you cannot be disciplined for following the advice. Such an entity or agency would be most helpful in following the rules of the road.

This essay, written by Hon. Leonard R. Omolecki, Jr., Appeals Referee, Pennsylvania Unemployment Compensation Board of Review, was the winner of the 2007 essay contest for the National Judicial College’s Web Ethics Course for Administrative Law Judges. As the essay contest winner, Judge Omolecki was, among other things, awarded an honorary one year NAALJ membership.

2009 NEIL ALEXANDER SCHOLARSHIP RECIPIENT ANNOUNCED

NAALJ recently awarded a scholarship to assist an administrative adjudicator to attend a one-week, resident course at the National Judicial College (NJC) on the Reno campus of the University of Nevada. The NAALJ scholarship is for \$500 and is to be used in combination with a 50 percent tuition waiver awarded by the NJC for the one-week course. The Neil Alexander Scholarship honors 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 also served as co-chair of the 2007 NAALJ Annual Conference in Washington, D.C.

The recipient for 2009 is Judge Melissa Klemens. She is an ALJ for the District of Columbia. Judge Klemens has been a member of NAALJ since 2006. She plans to attend either the Judicial Writing course or Ethics for Judges course. She would be interested in writing an article for the NAALJ newsletter about the course she attends, and would be honored to speak on a panel at an upcoming NAALJ conference.

Congratulations Judge Melissa Klemens on being selected to receive the Neil Alexander Scholarship for 2009!

Please read the National Judicial College article for information about an additional scholarship opportunity. For more information on the Neil Alexander Scholarship, contact Judge Phyllis Carter at phylliscarter@wvdhhr.org.

JOIN THE FOUNDATION MENTOR PROGRAM!

By Janet Raider

The National Administrative Law Judiciary Foundation (NALJF), the public interest arm of NAALJ, is embarking on an ambitious project—a fundraising drive to increase the Foundation's assets to provide it with the means to fulfill its mission.

The Foundation currently sponsors the Fellowship, which provides the Fellow with a stipend of \$1,000 and expenses paid to the annual meeting and conference. The Foundation also currently sponsors two scholarships assisting members to attend courses at the National Judicial College. They have been designated as the "Neil Alexander Scholarships" in memory of a colleague and active member from Washington, DC.

If this fundraising drive is successful, the Foundation will be able to offer additional scholarships and reinstitute the Challenge Grant Program. The Challenge Grant Program encourages affiliates to select a member to attend the NAALJ annual meeting and conference with financial assistance from both the Foundation and the affiliate. In 2003, the only year when this Program was in effect, all of the affiliates participated in the program and sent a member to the annual meeting and conference. This Program has not been available since 2003 due to lack of funding.

The success of this fundraising project depends on NAALJ members and others who have a commitment to the association and its goal of improving the quality of administrative justice. Many of us have been fortunate to have attended NAALJ conferences and/or mediation training. The Past Presidents' Committee, which proposed this project to the NAALJ Board, believes we have a responsibility to make it possible for other administrative adjudicators to experience the professional education and training from which we have benefited. Hon. John Hardwicke (MD) serves as honorary chair of the NALJF Mentors Fund Drive. The following are serving on the Past Presidents' Committee: Janet Raider, chair; David Brunke, Bob Cohen, Larry Craddock, Julian Mann, Bryan McDaniel and Steve Wise.

At the recent annual conference in New York City, the members of the Foundation (who are the Board of Governors of NAALJ), voted to amend the Foundation bylaws to provide the following levels for donors:

Mentors—are persons or other legal entities that make an annual contribution of not less than \$100.

Life Mentors—are persons or other legal entities that make a one-time, lump-sum contribution of not less than \$1,000, or make an initial contribution of \$300

and a written pledge to contribute an additional \$900 over the next three years.

Please join us in supporting this project by filling in the contribution form (link below) and returning it and your check to: NAALJ, P.O. Box 71, Glenmont, NY 12077. The Foundation is a 501(c)3 organization and donations are tax deductible.

Contributors, who become Mentors or Life Mentors in 2008 and 2009, will be deemed Charter Mentors and Charter Life Mentors. Mentors and Life Mentors will be recognized on the NAALJ website, in the newsletter, and at the midyear and annual conferences. Mentors will receive an engraved lapel pin signifying that they are Foundation Mentors. Life Mentors will receive a lapel pin and personalized engraved paperweight signifying that they are Life Mentors.

As you see from the list to the right, the NALJF Mentors Fund Drive is off to a great start! Please add yourself to this list by becoming a Charter Mentor or Life Mentor.

If you would like to contribute, the Mentor Contribution Form can be downloaded and printed out from this link:

[www.naalj.org/
Mentor_Form.pdf](http://www.naalj.org/Mentor_Form.pdf)

NALJF Charter Mentor Members

Charter Life Mentors:

Mary-Margaret Anderson (CA)

Tyrone Thomas Butler (DC)

Bryan McDaniel (DC)

Julian Mann III (NC)

Janet and Jerry Raider (KY)

Marc Zylberberg (NY)

Charter Mentors:

Abigail Bernhardt (NY)

Sammie Chess (NC)

Robert Cohen (FL)

John Gedid (PA)

Richard Goodwin (CA)

Laura King (WA)

Anne Murphy (NY)

Gregory Ogden (CA)

Felicia Orth (NM)

Jordan Rossen (NY)

Robert Sharkey (DC)

Steven Wise (IA)

Ann Marshall Young (DC)



THE NATIONAL JUDICIAL COLLEGE WILL ENHANCE YOUR SKILLS SCHOLARSHIPS AVAILABLE!

The National Judicial College is committed to providing the administrative law judge with meaningful educational and professional development opportunities. Administrative law judges can enhance professional skills, gain knowledge of substantive law, and improve management and technical skills through courses designed specifically for ALJs. NJC offers programs and courses where questions are answered with practical, cutting-edge solutions, and where participants learn from experienced faculty and each other. Informa-

tion about the 2009 Course offerings can be found at:

<http://www.judges.org/aljs.html>

Scholarships are available for these courses.

Upcoming courses include the *Administrative Law: Fair Hearing* (March 9-19, 2009); *Mediation for Administrative Law Judges*, (March 30-April 3, 2009); and *Administrative Law: Advanced* (June 8-11, 2009). All courses are offered in Reno, NV. *Mediation for ALJs* is co-sponsored by NAALJ and the National Conference of the Administrative

Law Judiciary. Through a special arrangement with NJC, NAALJ's Neil Alexander Scholarship can be used this year for the *Mediation for ALJs* course. The scholarship is also available for the *Administrative Law: Advanced* course.

To apply for the scholarship, fill out and submit the application by March 6, 2009, to Judge Phyllis Carter, West Virginia Human Right Commission, 1321 Plaza East - Room 108A, Charleston, WV 25301-1400. Scholarship applications can be downloaded from:

www.naalj.org/NAALJ_Scholarships.pdf

Hail and Farewell— Secretariat

By L. David Brunke

You'll recall in the last issue of the newsletter I had the distinct pleasure of extending congratulations on behalf of NAALJ to Laura Bierman on her acceptance of a full-time position as Executive Director of the New York State League of Women Voters and, at the same time, announcing that she would not be renewing her contract at the end of the year. What you may not know is that I had another opportunity at the 2008 annual conference board meeting to extend appreciation to Laura for her faithful and devoted long-time service (10 years) to NAALJ. Laura's primary tasks have included membership services, billing, collection of revenue, disbursement of expenses, accounting and reporting, and bank reconciliations. Furthermore, the Secretariat is the official depository for membership files and records. One last task assigned to Laura was to assist with the recruitment of her successor, which she accomplished magnificently for the reasons set forth below. The continuity Laura has provided to the association in her superb performance of these critical tasks has been simply phenomenal.

For many years now, it has been readily apparent to the leadership of NAALJ that management services needed to be beefed up to not only grow the association but also to provide improved and expanded services to the membership. The pending departure of Laura gave the executive committee an opportunity to explore contracting with a nonprofit association management company to provide a full-range of management services to the association. As you may have guessed, it quickly became apparent that significantly more revenue would be required before a management services company could be hired. As a result, the committee turned its attention back to hiring a replacement for Laura. Fortunately, Laura had recruited an excellent candidate.

On December 8, 2008, the executive committee interviewed Robin M. Storey, who has been an active community volunteer in the Delmar, NY area for several years, including serving 9 years as an elected school board member. During this



period, Robin served separate 2-year terms as the vice-president and then as the president of the school board. She has also served as the vice-president, secretary, newsletter editor and webmaster of Bethlehem Opportunities Unlimited, as a board member of the Bethlehem Central Endowment Fund, and as editor of several organizational newsletters. Her computer skills include extensive use of Word, Publisher, Works (database), Front-Page and Quicken. Robin is a graduate of Bucknell University (Lewisburg, PA), receiving a B.S. degree in biology, *cum laude*. Since graduation, Robin has completed several business courses at the University of Arkansas (Little Rock).

Robin's interview indicated she has demonstrated leadership skills and abilities, proven organizational and editorial skills, computer skills, database management skills and, most importantly, the ability to work with diverse groups in a variety of situations. Following the interview, the committee entered into contract negotiation with Robin, and by mid-December, a 6-month contract was signed, effective on January 1, 2009. Welcome to NAALJ Robin!

NEIL ALEXANDER SCHOLARSHIP RECIPIENT ENJOYS NJC

By Josephine Townsend

When I first signed up to attend the Advanced Evidence Class at NJC, I was excited. I have always treasured learning and being in an environment as positive as NJC lifted my spirits. I received a **Neil Alexander Scholarship** for \$500 and saved up for the rest. With the economic front the way it is, I, like other ALJs was not able to obtain financial support to attend NJC from my agency.

Looking back I will say it was worth every penny. I arrived at Harrah's and found the rooms to be clean and spacious. Having been to NJC several times in the past, I was familiar with the idea that the hotels varied with each visit. Early Monday morning, I walked out front and found the "SPIRIT" sign.

Every 20 minutes or so, the shuttle picks up folks and takes them on a route up and down Virginia Avenue to the college and back through downtown. I find it is easier to get off at the Arts building and cut across campus. Many of my classmates did also.

The class was probably one of the best evidence courses I have ever taken, and I would encourage any judge who has not attended, to sign up right away. Our class went out to dinner twice during the week, continuing on with many of the discussions we had in class. We bonded as a group and I still think of our discussions when evidence questions arise. The class challenged our thinking and each of us walked away with new insights. I am grateful that I was given this opportunity.



Judge Townsend and her classmates at NJC

Josephine C. Townsend is an ALJ with the Washington State Department of Licensing in Vancouver, WA. She has been a member of NAALJ since 2006 and was one of two recipients of the Neil Alexander Scholarship for 2008.

She was a National Merit Finalist and recipient of an Illinois General Assembly Scholarship.

Judge Miller served as the President of the Georgia Association of Administrative Judiciary from 2007 to 2008 and as Vice President from 2006 to 2007. She has been a member of the NAALJ Board of Governors since 2007, and she is the current chair of the membership and affiliates committee.

(Officer and Board Profiles Continued)

and federal litigation. She has also worked as a juvenile court prosecutor and guardian ad litem.

Judge Miller attended the University of Georgia School of Law and received her juris doctor, with honors, in 1995. While in law school, she was the Executive Editor of the Georgia Journal of International and Comparative Law and authored

The National Environmental Policy Act of 1969 and Its Implications for NAFTA: Public Citizen v. Office of United States Trade Representative, 23 Ga. J. Int'l & Comp. L. 603 (1993). She received the Marion J. Smith scholarship for academic excellence and was on the board of the Equal Justice Foundation.

Judge Miller received a bachelor of science, with honors, from the University of Illinois in 1991.



New York City Conference Photos



Dim Sum Brunch—Chinatown



John Farrell and Cathy Bennett open the conference



Mike Nolan giving his address



Enjoying the banquet



Mingling at the Hospitality Suite



Ground Zero



Twin Towers of Light.

Photos courtesy of Marc Zylberberg, NYSAJLA

Great Weather, Great Location, Great Programs — New York Got It Right!

By Richard Boulanger

Last year's annual conference, sponsored by the New York State Administrative Law Judges Association and the New York County Lawyer's Association, was held in New York City from October 11-14. It was the first conference held in New York City since the 1980's—before our world changed. And where else could this year's theme: "The Administrative Judiciary: Defining Justice in a Changed World," be more appropriately addressed? Even the location of the conference hotel, just blocks away from "Ground Zero" and the New York Stock Exchange, served as a reminder of the impact events can have on our world perspective.

The setting was just right—warm sunny days, comfortable evenings, with the Hudson River nearby. The night skyline's buildings reminded me of the lit mountain tops of my home state during winter. The conference hotel, the New York Marriott Downtown, placed attendees within walking distance to a number of good restaurants and places to visit—convenient for a fat, flatfooted tourist like me. The hotel rooms were nice, and its staff helpful and friendly. As for the food; well, it was good and plenty.

From the opening remarks to Keynote Speaker George Smith Bundy's address at the annual banquet, this conference examined change as an interactive process. The presentations provided a good balance between identifying the various legislation, cases, legal tools, and events which shape the legal landscapes of our various jurisdictions and hammering home the message that it's just as important to recognize that it is our perceptions of these matters that actually change how we view and react—"change is an inside job." In this spirit, all of the sessions provided numerous opportunities for attendees to ask

questions and offer comments, observations, and immediate feedback to presenters.

Sunday's and Monday morning's sessions dwelled upon change from the individual adjudicator's point of view. Attendees were treated to presentations focusing on recognizing our biases, the impact our personal lives have on job performance, and identifying some of the ways in which administrative judges can change by using education, technology, and just plain language to provide equal access to justice for all. Most of the presentations in this half of the conference were made via panel format, which allowed for the expression of several different points of view from audience and panel members on a particular topic. In a well-timed change of pace, Mark Hillman, Ph.D., with Cathy Bennett as moderator, provided an entertaining and insightful interactive look at ourselves, and how we learn and think.

Armed with information and insights about administrative adjudicators as individuals, attendees spent the rest of the conference hearing about some of the ways administrative and legal tools such as mediation, on-line legal research, hearing room security, and scientific evidence among others, can be mastered and used to our advantage. Other sessions provided information and useful tips on how to cope with changes imposed upon administrative adjudicators due to recent decisions from other state and federal courts as well as current trends in high volume, complex, and special jurisdiction caseloads. Several special topics were addressed, includ-

ing an update on the Model State Administrative Procedures Act, by John Gedid, currently serving as a member of this revision's Drafting Committee. The last session, on administrative law in China, provided a glimpse of how one nation's administrative judiciary is trying to cope with a changed world.

I've always rated conferences in terms of overall balance. A successful and enjoyable conference balances program, facilities, and entertainment. This conference not only receives high marks for the individual components, but for the manner in which they blended together. Throughout this conference—in the meeting rooms, at the various receptions, and sightseeing out on the streets—I felt relaxed. Credit for this goes to the members of the New York City and State Affiliate members who planned and worked so hard to create a relaxed atmosphere in all of the conference activity sites and to become the perfect hosts. From beginning to end, this conference resided in a state of equipoise. In other words, New York got it right.



John Farrell and Cathy Bennett after a very successful New York City annual conference

National Administrative Law Judiciary Foundation Requests Applications for the 2009 Fellowship

The National Administrative Law Judiciary Foundation is accepting applications for the 2009 Fellowship. The 2009 topic is "Ethics and Integrity in Administrative Adjudication: Issues and Solutions."

The fellowship will offer the successful candidate the opportunity to analyze a range of issues regarding ethics, ex parte communication, independence, impartiality, and integrity as it relates to administrative adjudication.

The Fellowship Committee will also consider applications for the 2009 Fellowship on topics of the applicant's choosing. To be considered, such a submission should propose, for

approval by the Fellowship Committee, a scholarly review of the law on an issue relevant to executive branch adjudication at any level of government.

Applicants for the 2009 Fellowship should submit two copies of a detailed outline for the proposed article, an abstract or an introduction to the paper, with a writing sample, curriculum vitae, and a list of publications, by April 30, 2009. Submissions in electronic format are encouraged. The Fellowship Committee will review the submissions and select a Fellow by May 30, 2009. The final draft of the paper will be due January 1, 2010.

The Fellow will prepare an original article for publication in the Journal of the National Association of Administrative Law Judiciary, and will deliver a 50 minute oral presentation at the annual meeting in Florida. Besides a \$1000 cash stipend, the Fellow will receive transportation, accommodations, and meals at the annual meeting and educational program in Florida.

Applications and inquiries should be submitted to the Fellowship Committee, NAALJ, P.O. Box 71, Glenmont, NY 12077, or by email to: naalj@naalj.org with a cc: to the Fellowship Committee Chair, John Farrell at jfarrell.nysalja@yahoo.com.

NAALJ

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