

D.C. Association of Administrative Law Judiciary

Winter 2011

Meet Your 2010 – 2011 Board

On September 16, 2010, the oath of office was administered to the 2010 – 2011 Board. Everyone swore to faithfully and diligently execute and perform the duties of office and to uphold and defend the Constitution and Bylaws of both the National Association of Administrative Law Judiciary and the District of Columbia Association of Administrative Law Judiciary. It is with great pride that we introduce the new Board.

President Paul Handy (Office of Administrative Hearings) – Judge Handy has been an administrative law judge for D.C. Office of Administrative Hearings since July 2004, and he is the director of training there. Prior to that, he was an administrative law judge for the Maryland Office of Administrative Hearings for six years. Judge Handy has also been a private practitioner and an assistant public defender. He is a member of the Maryland and D.C. bars.

Judge Handy received his Bachelor of Arts from Rutgers University with a double major in Labor Studies and Sociology. He earned a Juris Doctor from the University of Baltimore.

In addition to his vocation, Judge Handy is involved in theatre as a hobby, and he has written numerous plays, including two that have been performed as staged readings at NAALJ conferences – “Merryman” and “Full Truth.” On April 9, 2010, he married Frances Recio, an attorney with the U.S. Department of Health and Human Services.

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You are the Future Today

Implementing Change to Address Self-Represented Litigants

Professor H. Faith Mullen of the Catholic University of America Columbus School of Law was the guest speaker at this year’s annual meeting. She reminded us what a great country we live in because our citizens have a meaningful recourse when they believe a wrong has been committed against them.

After watching dozens of administrative hearings, Professor Mullen observed that overall, self-represented litigants left feeling as though they had been heard. Nonetheless, she offered some suggestions for simplifying and clarifying procedures in order to render administrative proceedings accessible yet formal enough to provide adequate safeguards.

Not all litigants face the same challenges. Each case has its own degree of complexity; each party has its own level of sophistication.

- As an adjudicator, think about the supports you can offer that are helpful in the most complex cases and to the most unsophisticated litigants.

Litigants with the greatest impairments need the most help. After all, everyone is entitled to a fair hearing, and some are much more in need of it.

- Devise mechanisms to provide assistance to those who need it most.

Each case involves the life of at least one person. Timely decisions are critical to the function and the integrity of the system.

- Address issues causing delays on an individual level so you can become more efficient.

Customer service is not wholly intuitive to everyone working within the administrative system. Nonetheless, customer service matters.

- Do your part to send litigants away feeling better about the system.

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President Elect Nicholas Cobbs (Office of Administrative Hearings) – Judge Cobbs began service as an administrative law judge in August 2005. Previously, as a lawyer in private practice, he served as a volunteer mediator and arbitrator for the District of Columbia Superior Court Multi-Door Program. He also served as an arbitrator in the D.C. Bar’s Attorney-Client Arbitration Program, for which he received a special merit award in 2002.

Judge Cobbs practiced as an associate and partner in law firms in New York City and Washington, D.C., specializing in insurance, maritime, and aviation litigation. He also was a solo practitioner in Washington, D.C. representing individual and corporate clients in addition to several foreign countries.

Judge Cobbs is active in the District of Columbia Bar where he has served on the Membership Committee, the steering committee of the Law Practice Management Section, and the Litigation Section; he serves on the steering committee of the Administrative Law Section. In 2003, he received an Exceptional Service Award from the D.C. Bar for his representation of the D.C. Legal Community in connection with pending legislation before the D.C. Council. He has taught courses for the D.C. Bar and other professional organizations on civil procedure, discovery, mediation and arbitration, transportation law, and insurance law.

Judge Cobbs is a graduate of Amherst College and the University of Pennsylvania Law School. He is a member of the New York, Maryland, Virginia, and D.C. Bars. He has appeared in trial courts in twelve states and the District of Columbia and has briefed and argued appeals before the U.S. Supreme Court and seven Federal Circuit Courts of Appeals.

Vice President Melissa Lin Jones (Department of Employment Services, Compensation Review Board) – For almost ten years, Judge Jones (nee Klemens) litigated workers’ compensation cases in Maryland, Virginia, and the District of Columbia. Then, in 2006, she was appointed as an administrative law judge with the Department of Employment Services, Administrative Hearings Division to preside over workers’ compensation hearings. Currently, she is an administrative appeals judge for the Department of Employment Services, Compensation Review Board.

Co-Secretary Scott Harvey (Office of Administrative Hearings) – Before joining the bench in August 2005, Judge Harvey practiced law in the private sector with a number of regional and national firms operating out of the Washington Metropolitan area. He represented industrial and commercial clients in a broad range of litigation and regulatory counseling matters involving the transportation of fuel, chemicals, and agricultural commodities by rail, sea, and pipeline; hazardous waste recycling, disposal, and

remediation; intellectual property; employment; and corporate governance. He also structured and negotiated long term fuel supply transactions for electric utilities in the southwestern United States and co-authored a book on emergency release reporting for hazardous chemicals.

Judge Harvey graduated from the University of Virginia Government Honors Program, earning a Bachelor of Arts in U.S. government and foreign affairs with an emphasis on classical political philosophy. He received his Juris Doctor from the University of Virginia Law School.

Judge Harvey is married to Matilda Harvey. They belong to McLean Baptist Church where Judge Harvey is an ordained Deacon. He is an avid, moderately successful amateur golfer and an avid, wholly unsuccessful sport fisherman.

Co-Secretary Beverly Nash (Office of Administrative Hearings) – Beverly Sherman Nash currently presides over hearings in the areas of rental housing, licensing board denials, suspensions and revocations of licenses, unemployment compensation benefits, and taxation (other than property). She serves as the mediation resource for the Office of Administrative Hearings.

Previously, Judge Nash was an administrative law judge for the Maryland Office of Administrative Hearings. In addition, Judge Nash has worked as a trial attorney for the U.S. Department of Justice, an Assistant United States Attorney heading a financial unit with the U.S. Attorney’s Office for the Southern District of New York, an attorney advisor for the Administrative Office of the U.S. Courts, and a private practitioner.

Judge Nash received a Bachelor of Arts with honors in Political Science from the University of Michigan where she was elected to Pi Sigma Alpha, the National Political Science Honorary, and was awarded a place in the Michigan-Wisconsin junior year aboard program in Aix-en-Provence, France. She earned her Juris Doctor with honors from George Washington University Law School. She was on the Law Review and was elected to the Order of the Coif.

Judge Nash is active in the National Association of Women Judges, the National Association of Administrative Law Judges, the Anne Arundel County Bar Association, and the Maryland Women’s Bar Association; she also is a volunteer mediator.

Treasurer William L. England, Jr. (Office of Administrative Hearings) – Judge England began serving as an administrative law judge for the District of Columbia Office of Administrative Hearings on August 9, 2004. Prior to that, he served as an administrative law judge for the Maryland Office of Administrative Hearings, and before that, he was a partner in the full-service law firm of Brooks & England in Washington, D.C.

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KUDOS CORNER

The National Association of Administrative Law Judiciary has partnered with Pepperdine University School of Law to present “Excellence in Administrative Justice: Delivering Due Process” in conjunction with this year’s annual meeting. The NAALJ and the DCAALJ sponsored two Challenge Grants to send members to this event: The Honorable **E. Savannah Little** (Office of Administrative Hearings) was awarded \$500.00 to attend the event; the Honorable **Louis Burnett** (Office of Administrative Hearings) was awarded a tuition waiver plus \$100.00 to attend the event. In return, each recipient agreed to write an article for an upcoming edition of our newsletter; the articles will focus on subjects discussed at the conference.

DCAALJ congratulates our Challenge Grant recipients. We look forward to the insights they will share with us.

* * *

Following her contributions to *Modern American Usage* (3d ed.), and *Black’s Law Dictionary* (9th ed.), the Honorable **Melissa Lin Jones** (Department of Employment Services, Compensation Review Board) has been invited to work on the *Dictionary of Modern Legal Usage* (3d ed.). This dictionary defines and discusses distinctions between similar legal terms in an attempt to facilitate accurate word choices by legal writers; it is scheduled for publication in 2011.

* * *

DCAALJ members in good standing are encouraged to submit announcements for Kudos Corner. Please e-mail your submissions to DCAALJ Vice President Melissa Lin Jones (melissa.jones@dc.gov).

CALENDAR OF EVENTS

SPECIAL EVENT

LITIGANTS WITH MENTAL HEALTH ISSUES

On **January 25, 2011 at 3:00 p.m.**, in the Mayor’s Conference Room at 441 – 4th Street, N.W., Ms. Celeste Valente will increase the awareness and sensitivity to challenges faced by these litigants and will help the judiciary and its staff work effectively to see that justice is served. Because adjudicative staff can benefit from this presentation, the DCAALJ extends a special invitation for them to attend this event. **Invited staff must be accompanied by a current member of the DCAALJ.**

Administrative agencies do not have to “go it alone.” Students are desperate for meaningful work drafting and administering surveys, developing fact sheets, and preparing documents such as simple orders.

- Consider what help you need to do your job and partner with student-interns to achieve success.

Administrative adjudicators set precedent in formal and informal ways. Formally, administrative adjudicators issue decisions that establish the law; informally, administrative adjudicators affect how the world thinks about the system. In other words, what you do now will become the way “things always have been done” so as an administrative adjudicator, you have the ability to make the system just. ❖

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Judge England has been a member of the bar since 1979. He earned his Juris Doctor degree from the Georgetown University Law Center and his graduate law degree in government procurement law from The George Washington University National Law Center.

Judge England earned his undergraduate degree from Tuskegee University where, upon graduation, he received a commission as a Second Lieutenant through the Army Reserve Officers Training Corps. He served on active duty in the U.S. Army for twenty years, including two tours of duty in Vietnam. He attained the rank of Lieutenant Colonel.

Board Member At-Large Joan Knight (Department of Employment Services, Administrative Hearings Division) – Judge Knight currently serves as an administrative law judge for the District of Columbia Department of Employment Services. She was previously an administrative hearing adjudicator for the Maryland Department of Labor, Licensing & Regulation (DLLR) in Baltimore, Maryland. Prior to joining DLLR, Judge Knight worked as a transactional attorney for an intellectual property and entertainment law firm in Bethesda, Maryland.

While obtaining her law degree from The Catholic University of America, Columbus School of Law, Judge Knight worked in the Washington, D.C. Bureau of CBS News, Inc. where she was an integral contributor to national news correspondents for *CBS News with Dan Rather* and the CBS Radio Network. She has a news and program production background and has served as news reporter and public affairs producer for WHUR-FM in Washington, D.C.

NEIL ALEXANDER: A MEMORIAM

By Hon. Joan Davenport
Chair, Neal Alexander Scholarships Committee

On October 9, 2007, I received a telephone call from Neil telling me that he would not be in to work because he could not walk. My response was: what do you mean you cannot walk? (DUH!) He said he was getting out of bed to get ready for work and his legs collapsed - that he could not stand - that the ambulance was on the way and that he would call me later with a report. He did not call later, and I called him early the next morning trying to find him. He had been moved from hospital to hospital in an effort to find him a room. He ended up at Howard University Hospital, and had been in the hallway all night waiting for a bed.

On November 18, 2007, I took Neal a huge basket of Cheer, courtesy of NAALJ. We drank, we ate breakfast muffins, we trash talked about who would win the game between the Dallas Cowboys and the Washington Redskins. I finally left, and Neil hugged me and told me to take care of myself.

On November 19, 2007, as I walking down the street with two of my assigned mentees from the University of Baltimore School of Law, I turned my telephone on, and was trying to figure out why there were so many messages. Before I could retrieve any messages, Cathy Bennett called very upset and crying and said she was so sorry about Neil. My response was: what about Neil? He's dead, she said. I don't think so, I said, and let me call you back, Neil is calling me now. It wasn't Neil; it was one of his housemates, using Neil's cell phone. He had been trying to reach me for a while to tell me Neil had died.

And now, three years later, as a tribute to Neil, there is, courtesy of NAALJ, the Neil Alexander Scholarships Fund. Please read the information below and apply.

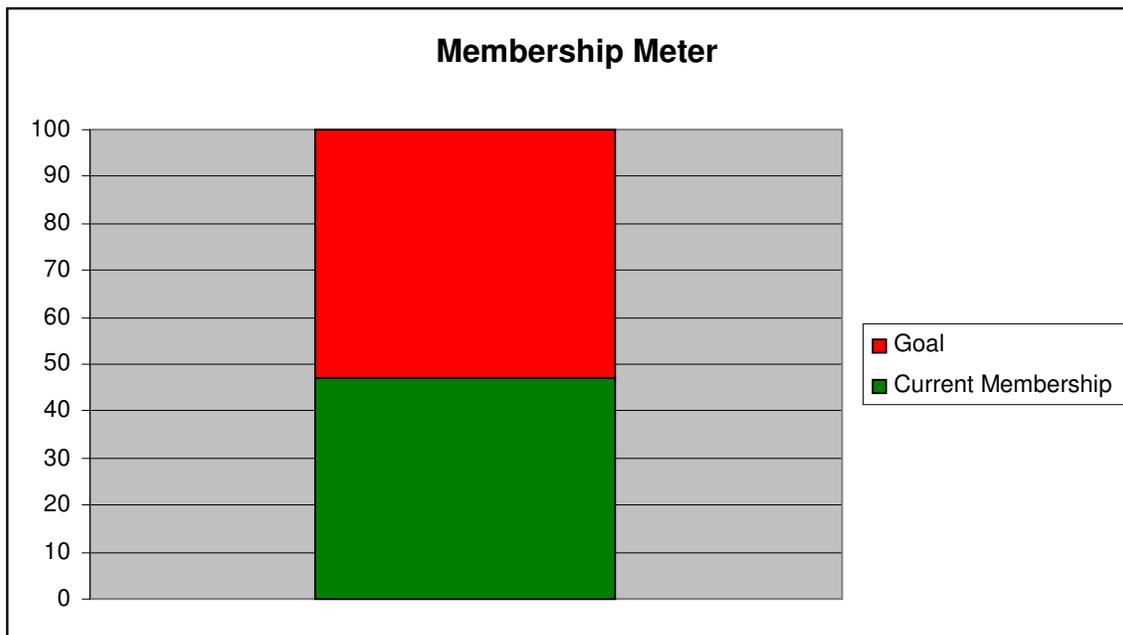
NEIL ALEXANDER SCHOLARSHIPS 2011

NAALJ offers two \$500 Neil Alexander Scholarships for NAALJ members to attend a one-week course at the National Judicial College (NJC) in Reno, Nevada. NJC has also authorized the use of the scholarship this year for the Administrative Law Advanced course being offered in Wilmington, Delaware, June 12-16, 2011.

The scholarships are in honor of a NAALJ colleague who at the time of his untimely death was chief hearing examiner of the D.C. Commission on Human Rights. He was co-chair of the 2007 NAALJ Annual Conference in Washington, D.C. The scholarships are awarded in conjunction with two tuition-waiver certificates NJC awards each year to NAALJ. Each NJC certificate grants a 50-percent tuition waiver (\$475 maximum) for a one-week course held in Reno, Nevada. Per NJC guidelines, the tuition-waiver may not be used by participants attending Mediation for ALJs or any other NJC-sponsored mediation course. Each certificate can only used for the tuition waiver and no other discounts apply. NJC is not obligated to provide any other financial assistance to an award recipient. NAALJ will pay the \$500 scholarship directly to NJC towards the NJC course tuition or will reimburse the scholarship recipient for any uncovered course expenses—tuition, conference fee, lodging, meals, and travel—up to a total of \$500 based on a NAALJ reimbursement form submitted after the recipient has attended the course. Additional expenses to attend a course beyond the tuition waiver and \$500 scholarship are the responsibility of the recipient or his or her employer.

To apply, submit an application no later than December 3, 2010: by mail to NAALJ, 1001 Office Park Rd., Ste 105, West Des Moines, IA 50265; or by email to naalj@naalj.org; or by fax to (515) 440-6055. The NAS Committee will review applications and make recommendations to the NAALJ Executive Committee, which is responsible for selecting the recipients. Scholarship recipients will be selected and notified by December 31, 2010. Selection criteria include: NAALJ involvement, available support to attend course (including other NJC financial assistance), benefit of course to recipient, and willingness of recipient to contribute a newsletter article. For information on 2011 NJC course offerings, please go to www.judges.org or request the 2011 course catalog by calling 800-25-JUDGE.

Application URL: https://naalj.memberclicks.net/assets/documents/NAALJ_Scholarships.pdf



**Help us double our membership this year.
Recruit a Friend!**

Everyone referring a new member who gets in good standing is eligible to win a prize in the year end raffle. Each new member earns you one entry in the raffle.

Ask a Board member for an Application today.

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Coming up in Our Next Edition

Local Administrative Law Judges Offer Suggestions for Changes to China's System of Administrative Adjudication

District of Columbia Association of Administrative Law
Judiciary, Inc.

AN AFFILIATE OF THE NATIONAL
ASSOCIATION OF ADMINISTRATIVE LAW JUDICIARY



**2010 - 2011 MEMBERSHIP APPLICATION
AND DUES INVOICE**

Dues for **DCAALJ /NAALJ** membership year 2010 – 2011 are now payable for the period from October 1, 2010 - September 30, 2011. Please remit your payment as soon as possible. The annual payment of \$50.00 includes membership dues for both the **DCAALJ and NAALJ**. (\$100.00 for sustaining member.)

NAME: _____

Last Name

First Name

Middle Name

HOME ADDRESS: _____

CITY, STATE, ZIP CODE: _____

HOME PHONE: () _____ WORK PHONE: () _____

AGENCY NAME: _____

BUSINESS ADDRESS: _____

PLEASE SEND MAIL TO: HOME WORK

EMAIL ADDRESS(ES): _____

ARE YOU AN ATTORNEY?: YES NO

REFERRED BY: _____

ARE YOU INTERESTED IN SERVING ON AN **DCAALJ** OR **NAALJ** COMMITTEE SUCH AS MEMBERSHIP, PROGRAM DEVELOPMENT, LOGISTICS, CONTINUING EDUCATION, COMMUNICATIONS OR CHARTER REVIEW?

YES I AM INTERESTED IN: _____

No

SIGNATURE: _____ DATE: _____

THANKS FOR YOUR INTEREST!

Send Payment to:

District of Columbia Association of Administrative Law Judiciary, Inc.
c/o Hon. William L. England, Jr., Treasurer
P.O. BOX 77203
Washington, DC 20013-7203