



ADMINISTRATIVE ADJUDICATION
A “CAPITOL” IDEA
FACT, FICTION, PROOF IN THE 21ST CENTURY



NATIONAL ASSOCIATION OF ADMINISTRATIVE LAW
JUDICIARY:
ANNUAL CONFERENCE 2007

WASHINGTON, DC

OCTOBER 16 – 20, 2007

SPONSORED BY



MARYLAND AND DISTRICT OF COLUMBIA
ASSOCIATION OF ADMINISTRATIVE ADJUDICATORS



AMERICAN UNIVERSITY
WASHINGTON COLLEGE OF LAW

**NATIONAL ASSOCIATION OF ADMINISTRATIVE LAW JUDICIARY:
ANNUAL CONFERENCE 2007
WASHINGTON, DC**

PROGRAM CO-CHAIRS

Honorable Tyrone T. Butler, Chief Administrative Law Judge, D.C. Office of Administrative Hearings
Honorable Neil Alexander, Chief Hearing Examiner, D.C. Commission on Human Rights and President,
Maryland and District of Columbia Association of Administrative Adjudicators
Jennifer Dabson, Director, Office of Continuing Legal Education, American University Washington College of
Law
Honorable Joan Davenport, D.C. Office of Administrative Hearings
Honorable Jennifer Long, D.C. Office of Administrative Hearings

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Lisa Coleman, General Counsel, D.C. Office of Administrative Hearings
Honorable Paul Handy, D.C. Office of Administrative Hearings
Honorable Dianne S. Harris, D.C. Commission on Human Rights
Honorable E. Savannah Little, D.C. Office of Administrative Hearings
Jeffrey Lubbers, Practitioner in Residence, Program on Law and Government, American University Washington
College of Law
Honorable Calonette McDonald, D.C. Office of Administrative Hearings
Honorable James T. Murray, Maryland Office of Administrative Hearings and President-Elect, Maryland and
District of Columbia Association of Administrative Adjudicators
Honorable Mike Nolan, Maryland Office of Administrative Hearings
Andrew F. Popper, Professor, American University Washington College of Law
Honorable Marvin Robbins, Retired
Honorable Denise Wilson-Taylor, D.C. Office of Administrative Hearings

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TUESDAY OCTOBER 16

- 2:00-5:00 pm Registration/Exhibitors
2:00-5:00 pm NAALJ Board Meeting
5:30 pm NAWJ Business Meeting
6:00-7:30 pm Welcome Cocktail Reception, sponsored by MDCAA, Washington Bar Association, Bell Law Firm and CaseLoad Software, Inc.
8:00-10:00 pm Hospitality Suite sponsored by NAWJ

WEDNESDAY OCTOBER 17

- 8:00-8:30 am Continental Breakfast
8:00-3:30 pm Registration/Exhibitors
8:30-9:00 am Welcome Remarks:
Honorable Tyrone T. Butler, Chief Administrative Law Judge, D.C. Office of Administrative Hearings
Honorable Catherine M. Bennett, Administrative Law Judge, President, National Association Of Administrative Law Judiciary
Phil Mendelson, Member-at-Large, Council of the District of Columbia
Dean Claudio Grossman, American University Washington College of Law
- 9:00-10:30 am **Plenary: Evidence & Credibility for Fact Finding**
Speakers:
Honorable Paul Grimm, Chief Magistrate Judge, U.S. District Court for District of Maryland
Honorable Frederic N. Smalkin (Retired Judge), Jurist-in-Residence, University of Baltimore School of Law
Honorable Thomas Welshko, Administrative Law Judge, Maryland Office of Administrative Hearings
Moderator:
Lynn McLain, Professor of Law and Dean Joseph Curtis Faculty Fellow, University of Baltimore School of Law
- 10:30-10:45 am Break
- 10:45-12:15 pm **Breakout Session: Pro Se Litigant: A Balancing Act for the Adjudicator**
Speakers:
Honorable Louis N. Hurwitz, Administrative Law Judge, Maryland Office of Administrative Hearings
Honorable Evelyn B. Coburn, Magistrate Judge, Superior Court of the District of Columbia
Moderator:
Honorable Vicky L. Orem, Prince George's County Orphans' Court
- 10:45-12:15 pm **Breakout Sessions: Case Management Systems**
Presenter:
Darryl Evans, President, CaseLoad Software, Inc.
- 12:15-1:45 pm **Lunch with guest speaker**
Rebecca Pawlowski, Director of Communications, Washington, DC Convention & Tourism Corporation
- 2:00-3:30 pm **Breakout Session: Legal Research and Technology/Discovery**
Speakers:
Teresa Phelps, Professor of Law and Director - Legal Rhetoric Program, American University Washington College of Law
Roy Turner, LexisNexis
Moderator:
Billie Jo Kaufman, Associate Dean for Library and Information Resources Professor of Law, American University Washington College of Law

- 2:00-3:30 pm **Breakout Session: Security Issues and Maintaining Order in the Courtroom**
Speakers:
Honorable Gerald Bruce Lee, United States District Court, Eastern District of Virginia
Honorable Peter J. Messitte, U.S. District Court, District of Maryland – Southern Division
Honorable Lee F. Satterfield, Associate Judge, Superior Court of the District of Columbia
Moderator:
Honorable Tyrone T. Butler, Chief Administrative Law Judge, D.C. Office of Administrative Hearings
- 2:00-3:30 pm **Breakout Session: Judicial Ethics**
Speakers:
Honorable Mary-Margaret Anderson, Administrative Law Judge, California Office of Administrative Hearings
Honorable Rufus G. King, III, Chief Judge, Superior Court of the District of Columbia
Honorable Louis N. Hurwitz, Maryland Office of Administrative Hearings
Honorable Noel Anketell Kramer, District of Columbia Court of Appeals
Moderator:
Byron Warnken, Professor, University of Baltimore
- 3:30 pm Free Time to Sightsee on Your Own (information on local attractions and restaurants will be provided)
- 4:00 pm Ticket holders for tour of the U.S. Capitol to gather in hotel lobby
- 4:15 pm Bus to U.S. Capitol leaves promptly (note bus is one way only)
- 5:00 pm Unique Opportunity to tour the U.S. Capitol with a United States Capitol Historical Society guide (see information at www.uschs.org)
- 8:00–10:00 pm Hospitality Suite sponsored by NAWJ

THURSDAY OCTOBER 18

- 8:00-8:30 am Continental Breakfast
- 8:00-2:30 pm Registration/Exhibitors
- 8:45-10:15 am **Plenary: Constitutional Updates**
Speakers:
Heather Elliott, Professor, Catholic University Columbus School of Law
Amanda Frost, Associate Professor, American University Washington College of Law; Visiting Associate Professor, Harvard Law School
Justin Smith, U.S. Department of Justice
David Zaring, Visiting Assistant Professor, Vanderbilt Law School
Moderator:
Amanda Leiter, Professor, Georgetown University
- 10:15-10:30 am Break
- 10:30-12:00 pm **Breakout Session: New Model State Administrative Procedure Act**
Speakers:
Bernard W. Bell, Associate Dean, Professor & Herbert Hanoach Scholar, Rutgers-Newark Center for Law and Justice
Honorable Ronnie A. Yoder, Chief Administrative Law Judge, U.S. Department of Transportation
Moderator:
Gregory L. Ogden, Professor, Pepperdine University School of Law
- 10:30-12:00 pm **Breakout Session: Independence of the Judiciary: Chief Judges and the Inter/Intra Agency Politics**
Speakers:
Honorable William E. Fowler, Jr., Chief Administrative Law Judge, National Transportation Safety Board
Honorable Ann Marshall Young, Administrative Judge, Nuclear Regulatory Commission
Honorable Irma S. Raker, Court of Appeals of Maryland

Honorable Daniel Solomon, Administrative Law Judge, U.S. Department of Labor
Moderator:

Bert Brandenburg, Executive Director, Justice at Stake

10:30-12:00 pm **Breakout Session: Deterring Underage Drinking and Driving – Video and Judicial Outreach (Branded DUI – Emmy Winning Documentary)**

Speakers:

Honorable Thomas Dewberry, Chief Administrative Law Judge, Maryland Office of Administrative Hearings

John P. Kudel, Esq.

John J. Joyce, Esq., Senior Research Associate, Maryland MVA

Moderator:

Honorable Yvette N. Diamond, Administrative Law Judge, Maryland Office of Administrative Hearings, ABA/NHTSA Judicial Fellow

12:15-1:45 pm **Lunch with guest speaker - *Honorable Julian Mann, III***, Chief Administrative Law Judge, North Carolina, and Presentation of the Roskoff Award to the ***Honorable Ed Schoenbaum***, Administrative Law Judge

2:00-3:30 pm **General Membership Meeting**

4:00 pm Gather in hotel lobby for shuttle to American University Washington College of Law

4:15 pm Shuttle to American University Washington College of Law, 4801 Massachusetts Avenue leaves promptly

5:00-6:30 pm **Full Truth Play ****, followed by discussion, at Washington College of Law

6:30-8:00 pm **Reception, sponsored by the Washington College of Law, and presentation of the NAWJ 2007 Scholarship by *Honorable Irma S. Raker***, Maryland Court of Appeals Judge (a NAWJ member and a Washington College of Law alumna)

8:00 pm Shuttle from Washington College of Law to Hotel

** Full Truth" is an original play by ALJ Paul Handy of D.C. OAH, who also wrote "Merryman." "Full Truth" tells the story of Thurgood Marshall's struggle to eliminate segregation of children by race in the public schools, as he coordinated the NAACP Legal Defense Fund presentation of *Brown v. Board of Education of Topeka, Kansas*.

8:00–10:00 pm Hospitality Suite sponsored by NAWJ

FRIDAY OCTOBER 19

8:00-8:30 am Continental Breakfast

8:00-3:30 pm Registration/Exhibitors/Silent Auction

8:45-10:15 am **Plenary: Central Panel vs. Agency**

Speakers:

Honorable John Vittone, Chief Judge, U.S. Department of Labor, Office of Administrative Law Judges

Arnold Rochvarg, Professor, University of Baltimore School of Law

Honorable Denise Noonan Slavin, National Association of Immigration Judges (NAIJ)

Jim Rossi, Harry M. Walborsky Professor and Associate Dean for Research, Florida State University College of Law

Moderator:

Honorable Tyrone T. Butler, Chief Administrative Law Judge, D.C. Office of Administrative Hearings

10:15-10:30 am Break

10:30-12:00 pm **Breakout Session: ADR and Use of Settlement**

Speakers:

Honorable Mary-Margaret Anderson, Administrative Law Judge, California Office of Administrative Hearings

Honorable William S. Colwell, Associate Chief Administrative Law Judge, Office of Administrative Law Judges, U.S. Department of Labor

Honorable Robert Giannasi, Chief Administrative Law Judge, National Labor Relations Board

Honorable Sharon Goodie, Administrative Law Judge, D.C. Office of Administrative Hearings

Moderator:

Andrew F. Popper, Professor, American University Washington College of Law

10:30-12:00 pm **Breakout Session: Federal and State Case Law Developments**

Speakers:

Gregory L. Ogden, Professor, Pepperdine University School of Law

Jeffrey Lubbers, Practitioner in Residence, Program on Law and Government, American University Washington College of Law

Moderator:

Sarah K. Brown, Editor in Chief, Administrative Law Review, American University Washington College of Law

10:30-12:00 pm **Breakout Session: Judicial Performance Evaluation**

Speakers:

Honorable Denise Noonan Slavin, National Association of Immigration Judges (NAIJ)

Jordan M. Singer, Director of Research, Institute for the Advancement of the American Legal System, University of Denver.

Honorable Mark Poindexter, Deputy Chief Administrative Law Judge, Office of Administrative Hearings, Washington, DC

Moderator: *Honorable Errol Powell*, Administrative Law Judge, State of Florida Division of Administrative Hearings

12:15-1:45 pm **Lunch with guest speaker, *Kurt L. Schmoke*, Dean, Howard University School of Law**

2:00-4:00 pm **Plenary: Bias and Subconscious Bias in Decision Making**

Speakers:

Honorable Phyllis H. Carter, Chief Administrative Law Judge, West Virginia Human Rights Commission

James E. Craigen, Associate Professor, Howard University School of Social Work

Honorable Frank A. Cristaudo, Chief Judge, Office of Disability and Adjudication and Review, Social Security Administration

Donald Temple, Temple Law Offices

Moderator:

Judge E. Savannah Little, Administrative Law Judge, D.C. Office of Administrative Hearings

6:00-7:00 pm **Banquet Cocktails**

7:00-9:00 pm **Banquet and Awards Gala Dinner** with guest speaker, *Honorable James A. Wynn, Jr.*, North Carolina Court of Appeals and Chair, ABA Judicial Division.

Remarks, *Honorable Tyrone T. Butler*, Chief Administrative Law Judge, D.C. Office of Administrative Hearings

Silent Auction Results announced by *Honorable Dianne S. Harris*, D.C. Commission on Human Rights

SATURDAY OCTOBER 20

9:00-12:00pm **New Board and Committee Meetings**

12:00 pm Conference adjourned