



# The NAALJ News

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The Newsletter of the National Association Of Administrative Law Judges

March 2003

## NAALJ, NCALJ & NJC TEAM UP FOR MEDIATION COURSE

By Marshall Snider

The National Judicial College is offering a course in Mediation for Administrative Law Judges for the first time. This unique program, which is presented in conjunction with the National Association of Administrative Law Judges and the American Bar Association, Judicial Division, National Conference of Administrative Law Judges, will be held at the Reno, Nevada campus of the National Judicial College on March 30 through April 4, 2003.

The course is designed to equip administrative law judges and hearing officers to be effective mediators and to be eligible for certification in states that require a 40-hour educational program. The faculty will use a variety of training methods emphasizing participatory activities such as role-plays and mediation simulations.

Participants in the course will learn about the essential stages of mediation, theories of negotiation and mediation, and the skills and techniques necessary to mediate disputes effectively in the framework of administrative law. Course topics include communication and negotiation skills, ethics, confidentiality and neutrality in mediation, multi-party mediation, bringing closure to negotiations and issues specific to mediation in the administrative law context.

The program faculty are experienced mediators in both the public and private sectors and have all taught mediation skills on numerous occasions. The faculty members are: Albert Harbersson, Director of National Policy, The Council of State Governments; Nancy Lynch, Administrative Law Judge, Texas State Office of Administrative Hearings; Phyllis Reha, Commissioner, Minnesota Public Utilities Commission and former Administrative Law Judge; and Marshall Snider, Chief Administrative Law Judge, Colorado Division of Administrative Hearings.

Tuition for the course is \$795 plus a \$200 conference fee. For more information contact:

Sylvia Edgar, Program Attorney,  
National Judicial College,  
1-800-25 JUDGE,  
[edgar@judges.org](mailto:edgar@judges.org).

### THE PRESIDENT'S COLUMN

Janet Thompson, (KY)

Hello All!

2003 is looking like a year of great expectations for NAALJ! Before promoting the programs which are being planned for 2003, I want to once again commend my colleagues in the Kentucky affiliate for the great Annual Meeting and Conference in Lexington, KY, in October 2002. Not only were the educational sessions superb, but the special events provided participants with the best of the Bluegrass. Please read the article



included in this newsletter. In addition, profits from the conference totaled approximately \$33,500!! The MOU between NAALJ and KAAA provides that 80% of these profits go to NAALJ. Thanks again to all of my dear friends in the Kentucky affiliate and in NAALJ who made this conference a success!

Our first NAALJ program for 2003 will be Mediation Training for ALJs, March 30 - April 4, at the National Judicial College (NJC) in Reno. This is the first year this course, designed especially for ALJs, has been held at NJC. Space is still available for this training, which will be co-sponsored by NAALJ, NJC, and the American Bar Association, Judicial Division, National Conference of Administrative Law Judges (NCALJ). Please see the article.

Next, Ann Breen-Greco and the Illinois affiliate have put together a very ambitious midyear program to be held in Chicago May 29-31, entitled "Administrative Law Judges and Agencies: Working to Enhance Public Confidence in Administrative Adjudication". The first day will focus on Decision Writing for ALJs and the remainder of the program will look at Administrative Law Judges and Agencies: Roles and Relationships. Please don't miss the article.

From October 10-15, the Florida Division of Administrative Hearings, will host our 2003 Annual Meeting and Conference at the Gaylord Palms Resort and Convention Center in Orlando. The program will be co-hosted by the University of Florida, College of Law; and the Florida Bar Association. This

promises to be a wonderful location for our fall meeting and conference! In addition, under the new LexisNexis Challenge Grant Program, each affiliate will be eligible to receive grant money for a scholarship to send one of its members to the Florida conference. See the articles on the 2003 conference and challenge grant program.

You will see the 2002-2003 list of NAALJ Committees in this newsletter. There are two committees which will be working in tandem on goals which are vital if this organization is to fulfill its mission of increasing professionalism in administrative law. The new Infrastructure Committee is co-chaired by past president Larry Craddock, whose dedication to NAALJ and willingness to share his experience with the new officers is invaluable. The Infrastructure Committee will be looking at other nonprofit, professional organizations to learn how they developed the infrastructure necessary to support their volunteer leaders. A special thanks to the committee's co-chair, Julian Mann, for his visionary focus and tireless efforts for NAALJ. The Strategic Planning Committee is now the Strategic and Long Range Planning Committee. This committee is chaired by Bryan McDaniel who skillfully led NAALJ through 2001, a year of tough decision making to avert a financial crisis. The Strategic and Long Range Planning Committee will expand the focus of the former committee by looking at goals, resources, and actions for NAALJ in both the short term as well as long range.

Also, please read the Education Committee, which is being chaired by David Marcus. The Committee has revised its mission statement and adopted ambitious objectives for its four new subcommittees - Conferences and Seminars; ALJ Training Initiatives; Public Education; and Law School Outreach.

Please know that the leadership of NAALJ is interested in hearing from you! Read the article about the board member mentor program and contact the board member who will serve as a district liaison for your state. I urge your attendance at this year's conferences, as well as your participation in the committee structure. You can make a difference in the future of administrative law!

**Janet Thompson, NAALJ President**  
**(502) 564-7312**

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## ALJ SUMMIT COORDINATING COMMITTEE

Last year President Larry Craddock appointed Ronnie Yoder, Chief ALJ for the US Department of Transportation, as the NAALJ Liaison to the ALJ Summit Coordinating Committee, which consists of ALJs from various organizations including the Federal Administrative Law Judges Conference (FALJC), the Association of ALJs (AALJ), the National Conference of ALJs (NCALJ), FORUM, the Federal Bar Association (FBA), and others.

The ALJ Summit Coordinating Committee met on February 25, 2003, to discuss plans for the 2003 Summit. The Summit is scheduled to be held on March 17, 2003, in the Rayburn House Office Building, in order to maximize attendance by Congressional staff and/or members. A presentation is expected to be made by a panel of Congressional staff on current events of importance to federal administrative law judges, including pay compression. Other presenters will include OPM Directors Sanders and Winstead, discussing the Administration's pay for performance proposals and other ALJ issues, and a panel of Chief Judges and an SSA representative addressing the status of the Azdell case and the re-establishment of the ALJ examination and an open ALJ register. An afternoon session will include an update on the status of an ALJ retirement proposal and the bill to establish an ALJ Conference of the United States to assume the current functions of OPM with respect to ALJs. The ALJ Summit is an annual event sponsored by the FBA's Judiciary Division since 1999.

The NAALJ News is published twice each year by the National Association of Administrative Law Judges. The current Newsletter editors are Judge Lynda Lee Moser (GA) [lmoser@osah.state.ga.us](mailto:lmoser@osah.state.ga.us), Judge Noreen Lynch (MD) [nlynch@oah.state.md.us](mailto:nlynch@oah.state.md.us), and Judge Michael Nolan (MD) [mnolan@oah.state.md.us](mailto:mnolan@oah.state.md.us).

General Inquiries may also be directed to NAALJ, P.O. Box 418 Glenview, Illinois 60025-0418, E-mail: [NAALJ@aol.com](mailto:NAALJ@aol.com). The NAALJ website can be accessed at <http://www.naalj.org>. The views expressed herein are those of the authors and are not necessarily those of the NAALJ or the government agencies and offices by whom the authors of the articles are employed. We reserve the right to edit articles in accord with space limitations.

## ROSSKOPF AWARD TO SAMMIE CHESS

### CHESS IS THE THIRD RECIPIENT OF THE ANNUAL ROSSKOPF AWARD FOR JUDICIAL PROFESSIONALISM AND ETHICS

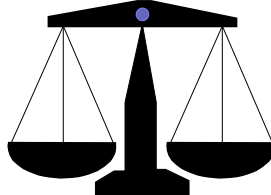
At this year's annual banquet in Kentucky, NAALJ conferred its Rosskopf award on Judge Sammie Chess, Jr. NAALJ presented the award to Judge Chess in recognition of his many achievements as a trial lawyer, judge in a court of general jurisdiction, and administrative law judge. Judge Chess served in the military during the Korean War. He earned undergraduate and law degrees at North Carolina Central University where he was a student government president and graduated with honors. Following graduation, he pursued a career as a trial lawyer in the civil rights movement. He litigated to protect the right to engage in peaceful demonstration, to end racial discrimination, and to desegregate public facilities. Judge Chess worked closely with Dr. Martin Luther King, Jr., and other prominent civil rights leaders.

In 1971, North Carolina Governor Bob Scott appointed Judge Chess as the first black judge of a court of general jurisdiction in North Carolina. Judge Chess was probably the first black judge of a state court of general jurisdiction anywhere in the South. Judge Chess distinguished himself in that position attracting much public acclaim as a tough but fair judge.

In 1975, Judge Chess resumed private law practice, concentrating on trial work with a heavy emphasis on public interest litigation. Judge Chess has been an administrative law judge with the North Carolina Office of Administrative Hearings since 1991.

Judge Chess is a past president of the High Point North Carolina Bar Association, a former member of North Carolina's Board of Higher Education, and a trustee of Winston-Salem State University. He has been a leader in his church. Judge Chess also served from 1996-2002 on the NAALJ Board of Governors and has been a frequent speaker at NAALJ annual conferences.

Judge Chess received a standing ovation when he accepted the award. Judge Chess is the award's third recipient. The first recipient was the late Vic Rosskopf, a former NAALJ treasurer and member of the Board of Governors, after whom the award is named. Last year, NAALJ presented the award to Judge Arthur Gladstone, a former Chief Administrative Law Judge of the Federal Communications Commission who taught for many years at the National Judicial College.



## NHTSA ALJ FELLOWSHIP EXPERIENCES

*By Chris McNeil,*

Many administrative law judges, hearing examiners, and other executive-branch adjudicators have seen the notice soliciting applications for the 2003 Administrative Law Judge Fellowship sponsored by the National Highway Traffic Safety Administration and the American Bar Association's Judicial Division. The deadline for applications is May 1, 2003, so there's still time to consider pursuing this outstanding opportunity. Because it is a very new fellowship – it's only two years old – it might be useful to describe the nature of the work and provide a brief outline of how things went during the inaugural run.

According to NHTSA, the purpose of the fellowship program is to provide a mutually beneficial working relationship between the National Highway Traffic Safety Administration and a sitting ALJ or other executive-branch adjudicator, whose jurisdiction currently involves the adjudication of motor vehicle and pedestrian-related offenses. The ALJ Fellow is called upon to function as an active liaison between the American Bar Association's Judicial Division, the National Judicial College (NJC), the National Highway Traffic Safety Administration (NHTSA), and judges and their representative organizations throughout our nation. The goal is for the ALJ Fellow to promote understanding, communication, cooperation, education, and collegiality between her or his peers and the highway traffic safety community.

I began my work towards this Fellowship even before I was selected to serve. The application process (a copy of which can be accessed through the JD's web page) requires a substantial investment of your time. Central to the selection process is the need for proof that the candidate actively participates in adjudicating cases involving highway safety. In my case, I am one of six hearing examiners in Ohio who hear cases involving the National Driver Registry, and Commercial Driver disqualification cases based on .04 BAC. I've also provided training to other hearing examiners and hearing officers in Ohio, thereby lending support to the other key requirement: that the candidate actively participate in community outreach and peer education programs.

One of the first assignments I was given called for me to introduce to several senior staff members at NHTSA the role of the administrative adjudicator and the manner in which evidence can be introduced at an administrative proceeding. Over the course of a half-day at NHTSA's headquarters in Washington, I met with several high-ranking administrators, and we discussed how agencies would on occasion seek to introduce as evidence policy manuals and other institutional documents. The administrators were somewhat

familiar with the nature of administrative proceedings (they knew, for example, that the rules of evidence do not apply in most agency hearings). What they really wanted to do, and the reason they had me fly to D.C. for the day, was to more clearly understand trends in the use of evidence in administrative proceedings. I found those in attendance were genuinely interested in understanding with more precision the kind of work performed by ALJs and other executive adjudicators.

Of equal, or perhaps even greater importance than serving as a resource to NHTSA staff, the ALJ Fellow is called upon to develop outreach and educational programs. Within the first month of my Fellowship, I was sent to participate in a panel discussion in Long Beach, hosted by the National Association of Governors' Highway Safety Representatives, on the topic of what leads a driver whose license is suspended to refuse to seek reinstatement after a suspension. Those in attendance (primarily persons involved in developing highway safety policies for state public safety departments) had had very little interaction with ALJs, and wanted to know if there were particular problems with state driver licensing systems that lead a recidivist to simply elect to not seek the reinstatement of a driver license after a period of suspension has expired.

NHTSA has undertaken concerted efforts to reach out to judges and to the public through its collaboration with the American Bar Association. Each month, I've worked with NHTSA staff to become familiar with current initiatives like the "Click It or Ticket" program that's designed to increase driver use of seat belts, and the "You Drink, You Drive, You Lose" program aimed at cutting the rate of drunk driving. I also now meet and write by email regularly with other NHTSA Fellows, including the Special Court Fellow, the Medical Fellow, and a law enforcement officer Fellow. The Fellows share writing and editing responsibilities for publications sponsored by NHTSA, including the "Highway to Justice" insert found in the ABA JD's quarterly newsletter, the Judicial Record. Through "Highway to Justice," judges are able to stay informed about successful judge-run community outreach programs, like the "Courage to Live" program offered for executive and judicial branch judges at the National Judicial College.

The one accomplishment that I am perhaps most proud of during my tenure as the inaugural NHTSA ALJ Fellow is the development of a three day course I helped create for the National Judicial College. This course, which will be offered for the first time in early 2004, brings together national leaders in executive-branch adjudication in dockets having to do with highway traffic safety, like the agency review of administrative license suspension and other alcohol-related driving cases. Through its sponsorship of courses like these, NHTSA has demonstrated a solid

commitment to provide educational support for all kinds of adjudicators, and through this innovative course we'll provide a primer for judges involved in highway traffic safety cases.

I should mention that the Fellowship also provided me with a unique opportunity to learn about how our federal administrative agencies work. During my visits to D.C. every other month, I have been provided with office space and an opportunity to meet the policy-makers for NHTSA. I've become acquainted with present and past Judicial Fellows, and worked closely with NHTSA's Brian Chodrow, who is in charge of the day-to-day assignments given to the ALJ and Judicial Fellows. Brian and his colleagues at NHTSA have become good friends and professional colleagues, and have encouraged my continued research and writing in areas like the problems of our aging driver population. As the ALJ Fellow, I've been uniquely able to express concerns frequently raised by my fellow ALJs and hearing examiners in NAALJ meetings, on areas as diverse and important as due process for all participants of administrative license suspension hearings, and on the topic of finding funding for the continuing education of executive-branch adjudicators.

As the promotional material mentions, the yearly stipend for the part-time judicial fellow is \$12,000.00. The Fellow is chosen based on applications that are screened first by the ABA and the Executive Committee of the Judicial Division's National Conference of Administrative Law Judges (NCALJ), and final selection of the judicial fellow will be made by NHTSA. You can learn more about NHTSA, its products, services, and programs at the NHTSA web site [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov). I'd strongly recommend those in NAALJ whose docket includes a substantial amount of highway traffic safety related cases to look at NHTSA's web site. If you're interested in participating in this national outreach effort, please consider submitting an application for the 2003 NHTSA ALJ Fellowship.

### CALL FOR NOMINATIONS

The Nominating Committee invites all NAALJ members interested in serving either as an officer or member of the Board of Governors for the coming year to let us know of their interest. You may contact the Committee by e-mail addressed to [NAALJ@aol.com](mailto:NAALJ@aol.com) or may write the Committee at NAALJ, P.O. Box 418, Glenview IL 60025-0418. Members of the Committee are also available to answer any questions concerning either the nominating process or service as officers or board members.

NAALJ has always welcomed diversity among its leadership group, and the Committee therefore encourages federal, state and local ALJs from all areas of the country, both women and men, and from all minority

groups, to seek nomination. NAALJ seeks to improve the administrative adjudication process; to promote fairness, neutrality and respect for law; to eliminate cultural and racial bias; and to reduce cost and delay in administrative proceedings. We seek officers and board members dedicated to these goals.

The officer positions include president, president-elect, secretary, and treasurer, and immediate past president. Officers are elected annually. The president-elect automatically moves up to president the following year and the president automatically becomes the immediate past president the following year. Board members serve for two years and may serve up to two consecutive terms. Then they may run for an officer position or they must remain off the board for at least a year before running for a board position again.

Each candidate should specify the office sought, and submit brief biographical information as well as a brief statement of why he or she wishes to serve. Each candidate should also indicate a willingness to devote the necessary time and energy required for service as an officer or board member.

Those of us who have served as past officers or board members have found it a very enjoyable and rewarding experience and we strongly encourage your application. We also ask you to encourage others to apply if you believe they would make good officers or board members.

A list of nominees will appear in the summer newsletter. The deadline for submitting letters of interest is May 1, 2003.

The Nominating Committee:  
Larry Craddock, Chair  
Susie Bargo, Vice-Chair  
Chris Graham, Member  
Peter Loomis, Member  
Judith F. Plymyer, Member

### BOARD MEMBER MENTOR PROGRAM

The Directors of NAALJ have a new assignment—they have taken on the duty of actively assisting members and affiliates in specifically assigned districts. The Directors will be available to talk with members, communicate member concerns to the Board, assist with educational programs, and support local affiliates however they can. The Board's newly adopted Guidelines for NAALJ District Liaisons appear below.

The program is now being implemented. Lists of current and former members have been distributed and the Directors are ready to help. Please feel free to call, write, or email your District Liaison anytime and expect to hear from them soon if you haven't already. Here are the assignments made by President Janet Thompson. Find your liaison and send him or her an email. Tell them what you need from NAALJ, what your affiliate is doing, or if you are interested in forming an affiliate.

**Steve MIHALCHICK (MN) (612) 349-2544,**  
[steve.mihalchick@state.mn.us](mailto:steve.mihalchick@state.mn.us).

Michigan, Wisconsin, Minnesota, North  
Dakota, South Dakota, Iowa, Nebraska.

**DAVID BRUNKE (TX) (512) 416-4866,**  
[lbrunke@dot.state.tx.us](mailto:lbrunke@dot.state.tx.us).

Texas, Oklahoma, Kansas, New Mexico,  
Colorado.

**MIKE NOLAN (MD) (410) 229-4137,**  
[mnolan@oah.state.md.us](mailto:mnolan@oah.state.md.us).

New York, Vermont, New Hampshire,  
Maine, Massachusetts, Rhode Island,  
Connecticut, New Jersey, Delaware,  
Maryland, District of Columbia.

**LOIS OAKLEY (GA) (404) 651-7850,**  
[loakley@osah.state.ga.us](mailto:loakley@osah.state.ga.us).

Georgia, South Carolina, North Carolina,  
Virginia, Pennsylvania.

**ERROL POWELL (FL) (850) 488-9675,**  
[errol\\_powell@doah.state.fl.us](mailto:errol_powell@doah.state.fl.us).

Florida, Alabama, Tennessee, Kentucky,  
West Virginia, Ohio.

**JACQUELYN WATTS (LA) (225) 219-9963,**  
[jwatts@adminlaw.state.la.us](mailto:jwatts@adminlaw.state.la.us).

Louisiana, Mississippi, Arkansas,  
Missouri, Illinois, Indiana.

**DAVID MARCUS (OR) (503) 373-0346,**  
[david.g.marcus@state.or.us](mailto:david.g.marcus@state.or.us).

Wyoming, Montana, Idaho, Oregon,  
Washington, Alaska.

**BILL DORSEY (CA) (415) 744-6577,**  
[wdorsey@oalj.dol.gov.us](mailto:wdorsey@oalj.dol.gov.us).

Arizona, Utah, California, Nevada, Hawaii.

### **GUIDELINES FOR NAALJ DISTRICT LIAISONS**

(Adopted by NAALJ Board on October 18,  
2002, at Lexington, KY)

#### **Purpose:**

District Liaisons provide direct support to  
NAALJ members and affiliates

1. to promote communication of information and concerns between NAALJ leadership and members,
2. to insure that NAALJ members and affiliates are aware of and receive all available benefits of NAALJ membership, and
3. to encourage the growth of NAALJ.

#### **Assignment:**

4. The President shall appoint all Directors as District Liaisons and specify the geographic districts to be served by each District Liaison.
5. A Director may be excused from such assignment by the President because of additional duties or other good cause.
6. The President shall attempt to design districts to include the home state of the District Liaison and the most nearby states.

#### **Duties:**

7. District Liaisons shall act under the coordination and oversight of the Membership Committee and shall report all activity regularly to the Membership Committee.
8. District Liaisons shall notify members and affiliates in their districts at least at the start of each fiscal year of their availability, desire to provide assistance, and services available. Such contact shall be by mail or email.
8. District Liaisons shall communicate at least quarterly with the presidents of all affiliates in their districts, preferably by telephone or in person.
10. District Liaisons shall provide any assistance requested by members and affiliates that they are capable of providing and arrange for requested services to be provided by NAALJ if possible. In particular, District Liaisons should provide assistance in communicating member and affiliate concerns to the Board, organizing an affiliate, recruiting members, and organizing educational conferences for administrative adjudicators within their districts.
11. District Liaisons shall assist the Membership Committee by developing contact lists of potential members and identifying state and local agencies that employ administrative adjudicators in their districts and reporting that information to the Membership Committee as it is gathered.
13. District Liaisons shall convey any information regarding potential affiliates to the President and the Membership Committee Chair and coordinate NAALJ efforts with the Chair.
14. District Liaisons shall solicit information from members and affiliates as to their needs and as to conferences and meetings of administrative

adjudicators to be held within their districts.

15. With prior approval of the President, District Liaisons shall, within their districts, attend affiliate functions and educational conferences or similar meetings where several members or potential members are present.
16. If requested by the Treasurer or Membership Committee, District Liaisons shall contact members delinquent in their dues to offer support and to encourage the members to continue membership in NAALJ.
16. District Liaisons shall report their activities annually to the Board.

#### **Relationships:**

18. District Liaisons shall work closely with the Membership Committee to coordinate membership and affiliate support and recruitment efforts throughout NAALJ.
19. The Membership Committee shall provide oversight and coordination of the activities of the District Liaisons.
20. The Membership Committee shall provide the District Liaisons with district membership lists, affiliate lists, educational program attendee lists, and similar contact information.
21. The Membership Committee shall provide the District Liaisons with NAALJ brochures, information packets, membership forms, organizational forms for affiliates, and similar promotional material as requested.
22. The Membership Committee shall at least annually provide suggested techniques and materials to District Liaisons.
23. NAALJ Officers shall assist District Liaisons in the support or recruitment of a member or affiliate, particularly if they live in the same state.



## MID-YEAR PROGRAM CHICAGO 2003

By Ann Breen-Greco

The Illinois Association of Administrative Law Judges (IAALJ) is pleased to be the host affiliate for the National Association of Administrative Law Judges (NAALJ)/ABA National Conference of Administrative Law Judges (NCALJ) Mid Year Educational Program to be held in Chicago on May 29, 30, and 31, 2003, at the Illinois State Bar Association, 20 South Clark. Hotel rooms have been reserved at the Palmer House and Hyatt Printers Row, at the rate of \$130, plus tax. Our program theme is: "Administrative Law Judges and Agencies--Working to Enhance Public Confidence in Administrative Adjudication."

This two and a half day mid year educational program will focus on writing decisions and the relationship between Administrative Law Judges (ALJ) and agencies. The faculty will be comprised of Law School Professors, Judicial Branch Judges and Justices, ALJs, Chief ALJs, Attorneys, and agency General Counsels and Administrators. The focus of the writing component will be to provide techniques for writing an objective, clear, and legally sufficient decision. Judges and Justices who hear appeals of ALJs' decisions will provide their insight, along with other faculty, to assist ALJs in writing a decision that will enhance the public's confidence that it has been afforded justice by an impartial decision maker.

The second part of the program will focus on the relationship between ALJs and the agencies and will continue the emphasis on the public's expectation of and right to an impartial ALJ. Panels and round table discussions will provide for an exchange between the ALJs and agency representatives to identify ways of working together to ensure public trust in the administrative judiciary.

The program is designed to benefit all Administrative Law Professionals—Attorneys, Administrative Law Judges, Hearing Officers, Administrators, Case Presenters and Other Agency Staff, Law Faculty and Law Students. The ABA will be handling the conference registration and the program will be posted on the ABA web site and NAALJ web site.

Chicago will be an excellent venue for this educational program. Located in Chicago are six law schools, the largest circuit court in the country, Illinois Appellate and Supreme Court Justices, the Northern District Federal court and the Seventh Circuit Court of Appeals, along with the City of Chicago Central Hearings Panel, federal, state, and county administrative adjudicators, and 22 bar associations. Chicago also offers excellent tourist attractions, restaurants, shopping, and public transportation for sightseeing.

For information, contact: Ann Breen-Greco (President, IAALJ) 773-539-3292; email [annrun@aol.com](mailto:annrun@aol.com); Erika LaCerde (Vice President, IAALJ) 773-814-5498; email: [eclacerda@yahoo.com](mailto:eclacerda@yahoo.com); LaVerne Rolle Sanders (IAALJ Education Chair.); William Hall (IAALJ Program Chair)

## 2003 NAALJ ANNUAL MEETING & CONFERENCE

By Errol Powell

Florida is the place to be--business and educational activities mixed with sunshine, fun, orange juice, and amusement parks. The 2003 National Association of Administrative Law Judges (NAALJ) Annual Meeting and Conference (Conference) will be held on October 10-15, 2003, in Florida. The opening ceremony of the Conference remains on Sunday, October 12, 2003. The host agency is the Division of Administrative Hearings (DOAH), and the planning for the Conference is well underway. Expect the Conference to be educational, fun, intriguing, and memorable.

The host hotel for the Conference is the Gaylord Palms Resort & Convention Center in Kissimmee, Florida (the Orlando, Florida area). At the Gaylord Palms, attendees will be staying in the Emerald Bay section, which is practically a hotel itself. The Gaylord Palms is an exquisite, new resort located within minutes of fantastic attractions for all ages, including Walt Disney World (complimentary transportation by the Gaylord Palms), Universal Studios, Sea World, and Wet 'N Wild. For more information about the Gaylord Palms, log onto its website at [www.gaylordhotels.com](http://www.gaylordhotels.com).

For those of you who want to begin your planning now in terms of expenses, here a few details. Registration is \$325 for members and \$375 for non-members; early registration (date to be set) is \$300 for members and \$350 for non-members; late registration is \$350 for members and \$400 for non-members. Rooms at the Gaylord Palms are \$129 single/double, with 12% tax, and \$10 resort fee (with amenities) per night, per room; the room rates are also available three days prior to and following the Convention. For air travel, a group discount with one or more of the airlines is being explored. Additionally, as in the past, for Saturday, October 11, 2003, an activity, or two, will be planned, for which the cost is not included in the registration fee.

**Contact persons at DOAH are:**

Errol H. Powell, 850-488-9675,  
[errol\\_powell@doah.state.fl.us](mailto:errol_powell@doah.state.fl.us)

Bill Pfeiffer, 850-488-9675,  
[bill\\_pfeiffer@doah.state.fl.us](mailto:bill_pfeiffer@doah.state.fl.us);

Claudia Llado, 850-488-9675,  
[claudi\\_llado@doah.state.fl.us](mailto:claudi_llado@doah.state.fl.us).

DOAH's website is [www.doah.state.fl.us](http://www.doah.state.fl.us).

## NAALJ BOARD ANNOUNCES LEXISNEXIS CHALLENGE GRANT PROGRAM TO HELP AFFILIATE MEMBERS ATTEND FLORIDA ANNUAL CONFERENCE

LexisNexis and the NAALJ Board of Governors are pleased to announce that grant money is available for challenge grants. Under the LexisNexis Challenge Grant Program, each affiliate will be eligible to receive grant money for a scholarship to send one of its members to Florida for the national conference. The program contemplates that LexisNexis and each affiliate will contribute money toward the scholarship, and that NAALJ will waive some of the conference fees to allow one person from each affiliate to receive a scholarship that will cover all conference expenses. Each affiliate will establish its own selection criteria for scholarship eligibility and will determine how to raise the money for the affiliate share of the scholarship contribution. NAALJ President Janet Thompson has named Lori Eisele of Kentucky to coordinate this program. You may reach Lori at [Lori.Eisele@mail.state.ky.us](mailto:Lori.Eisele@mail.state.ky.us) or (502) 564-6621 for further information.

In announcing the program, Matt Cegelis, LexisNexis Manager, State and Local Government Marketing, has reaffirmed the LexisNexis commitment to the professional advancement of ALJs. He has, in addition, pledged to continue the outstanding support that LexisNexis has given NAALJ for the past several years, including sponsoring the banquet at the annual conference and providing tote bags to carry the conference notebooks. LexisNexis has been a major sponsor of NAALJ annual conferences for the past several years. LexisNexis will help coordinate the program through its local offices.

President Thompson and the NAALJ Board are excited that we can offer this additional membership benefit to our affiliate members. We will announce additional details later in the year.



## 2002 - KENTUCKY ROLLS OUT THE BLUEGRASS

By Lori Eisele and Janet Thompson

Adjudicators, representing 28 states and Canada, received a Bluegrass welcome when they came to Lexington, Kentucky, last fall for the NAALJ 2002 Annual Meeting and Conference. The conference theme, "When Winning Isn't Everything-Resolving Disputes with Justice for All," proved to be a timely topic for administrative adjudicators, regardless of their experience level or the type of cases they hear.

The conference was co-hosted by NAALJ, the Kentucky Association of Administrative Adjudicators (KAAA), and the University of Kentucky College of Law, Department of Continuing Legal Education.

### PROGRAM

A lively series of skits focused on ensuring that the hearing both provides due process and promotes public confidence led off the conference on Sunday afternoon. Discussion and audience participation was moderated by Prof. Henry L. Stephens, Chase Law School, Northern Kentucky University, and Hearing Officer Lori Davis, Kentucky Health Services. Following the skits was the Fellowship presentation, "The Administrative Judge as a Bridge Between Law and Culture" presented by Phyllis E. Bernard, professor of law and director, Center on Alternative Dispute Resolution, Oklahoma City University School of Law.

Governor Paul E. Patton was on hand Monday morning to welcome attendees to the Bluegrass State and express his appreciation for the work of administrative adjudicators.

At the 2002 NAALJ Annual Conference Banquet in Lexington, Kentucky, Kentucky Supreme Court Justice Keller reminded conference attendees of the primary and basic duty of administrative law judges. Justice Keller, who served for decades as a trial judge and literally wrote the book on domestic relations law in Kentucky, told the attendees the story of Tommy Bell's debut as a National Football League Referee. Bell, now a successful Lexington attorney, called his first NFL game between the Chicago Bears and the Detroit Lions at Soldier Field in Chicago. "Papa Bear" George Hallas as coaching the Chicago Bears, and was also the leading voice for the NFL.

With the Bears trailing in the second half, a Chicago defender intercepted a pass, and ran it back for what appeared to be a touchdown. However, Bell ruled the defender had stepped out of bounds. Hallas called him over after the ruling, and said "Son, if you keep calling them like that, you're not going to be in the NFL long." Figuring his career was over as soon as it began, Bell answered, "Mr. Hallas, if I can't call them like that, I don't want to be here."

*Rob Luyton*

The keynote speech of U.S. District Judge Jennifer B. Coffman, Eastern District of Kentucky, gave her view from the federal bench on "Beyond the Rules: Public Confidence in the Judiciary."

Two alternative tracks followed. One track featured state and federal administrative case law updates by Professor Greg L. Ogden of Pepperdine University School of Law and by Professor Michael P. Healy of the University of Kentucky College of Law. The other track, a panel discussion moderated by Hearing Officer Susan Durant, Division of Administrative Hearings, Kentucky Office of the Attorney General, provided demonstrations of different mediation styles, comparing their strengths with the benefit of using arbitration.

Hon. Joseph Hood, U.S. District Court Judge for the Eastern District of Kentucky, gave a thought-provoking speech on judicial independence at Monday's luncheon. The afternoon plenary session, "Dealing with Diversity", presented by Professor Edwin S. Segal, University of Louisville Anthropology Department, opened registrants' minds to people of diverse cultural, religious, ethnic, and racial backgrounds.

Tuesday provided three alternate tracks all day. In the first track, the morning sessions included "Admission and Use of Documentary Evidence," by Professor William Fortune, University of Kentucky College of Law, and "Ethical Use of Technology," presented by Michael Losavio, manager, Department of Education, Kentucky Administrative Office of the Courts. In the afternoon for this track, Allison Connelly, director of the Legal Clinic at the University of Kentucky College of Law, provided pointers on excellence in decision writing, and the NAALJ Central Panel Committee discussed current issues in central panel states. The second track on Tuesday featured a panel, moderated by Susie Bargo, Kentucky Cabinet for Families and Children Hearing Officer, discussing the management of high volume dockets. Those interested in guiding NAALJ's future policy initiatives, joined the late-morning round-table discussion jointly led by Julian Mann, III, chief ALJ in the North Carolina Office of Administrative Hearings, and Lois F. Oakley, chief ALJ in the Georgia Office of State Administrative Hearings. In the afternoon of this track, Raymond A. Limon, acting deputy assistant director, Office of ALJs, Office of Personnel Management, explained how to apply to become a federal ALJ. Afterwards, Ann Sheadel, director of the Division of Administrative Hearings, Kentucky Office of the Attorney General, and Ann Breen-Greco, Illinois State Board of Education ALJ, working in tandem, set out the fundamentals of conducting a hearing.

Track three on Tuesday began with the NAALJ Complex Adjudication Committee presenting a morning-long series of skits and discussion focusing on issues unique to the more involved hearing. In the afternoon, Michael Losavio did double duty presenting another interesting session on how to use technology to enhance the hearing process. His comments led into vendor demonstrations by Lexis-Nexis and Westlaw. Kentucky Supreme Court Justice James E. Keller, the keynote speaker at Tuesday evening's banquet, also administered the oath of office to NAALJ's new officers and board members.

The last day of the conference began with Judge Mary C. Noble, Fayette Circuit Court, speaking on "A Judge's Role in Determining Whether Hardball is Fair Game". She was followed by Jefferson County District Court Judge Janice R. Martin's review of Kentucky's efforts at "Opening the Judicial Process to All." Professor Richard H.

Underwood, University of Kentucky College of Law, who is well known for being an entertaining and engaging speaker, closed the conference with a discussion on ethics for ALJs entitled "What Will Get You in Trouble?"

### SPECIAL EVENTS

Registrants and their guests enjoyed several special events designed to showcase the best of the Bluegrass. From horseracing to candy tasting, Saturday offered something for everyone. For many, the day began with a scenic ride through Horse Country and a guided tour of Three Chimneys Farm, 1500 acres of farmland and home to the only undefeated Triple Crown winner in history, Seattle Slew, and to Kentucky Derby winner Silver Charm. The journey continued with a tour of Labrot & Graham Distillery, a national historic landmark and home to Woodford Reserve bourbon. Lunch was served at Berry Hill Mansion, former home of distiller George Franklin Berry. Next, it was off to Frankfort for a narrative tour of the Capitol City, and a stop at Rebecca Ruth Candy Factory, where world famous Bourbon Chocolates are made. While the participants of this tour were enjoying local spirits and sights, others spent the afternoon wagering on the horses at Keeneland. Keeneland offers Thoroughbred racing at its best. Bets were won and lost as everyone who attended this event enjoyed a spectacular view and delicious lunch buffet from the Lexington Room, high atop the grandstand.

On Sunday, golf enthusiasts spent the morning at Kearney Hill Golf Links, a Scottish links style top-rated course designed by Pete and P.B. Dye. Others opted for a bus trip to Shaker Village where they enjoyed a country buffet breakfast and a self-guided tour of the 33 original 19<sup>th</sup> century buildings and 2,800 acres of farmland. Shaker Village features original Shaker furniture, skilled artisans practicing their trade, and Shaker music. On Sunday evening, Carol Palmore, Secretary of the Kentucky Personnel Cabinet, greeted conference registrants and their guests at a reception at the Kentucky Horse Park. During the event, attendees strolled through the park, explored the International Museum of the Horse, took hayrides, browsed the gift shop, listened to bluegrass music performed by the Kettleheads, and watched a Parade of Breeds presentation that demonstrated the history and uses of equine breeds. A Kentucky-style buffet was served while local cloggers performed a foot stomping, entertaining show.

The first ever NAALJ "No-Talent Show" was held on Monday evening. From songs to skits, the talented and not so talented alike participated in what the Kentucky affiliate hopes will become a fun-filled tradition for years to come.

Kudos to conference planners and attendees for making this conference a financial success for NAALJ. Profits to NAALJ will total more than \$27,000!

# KENTUCKY MEETING PHOTOGRAPHS



THE HAYRIDE AT THE HORSE PARK



WALKING TO DINNER AT THE HORSE PARK



SATURDAY AFTERNOON AT THE RACES



NAALJ PAST PRESIDENTS GET TOGETHER



SUSIE BARGO AND JANET THOMPSON RELAX



PROF. BERNARD, SUSIE BARGO, GREG OGDEN



THE NEW YORK GANG – FORMAL

## THE NO-TALENT SHOW



ELMA TURL WAS A BEAUTIFUL GIRL ....



DAVE, ANN, & WILLIE



LOU GETS ALL THE LUCK



THE NEW YORK GANG – NOT SO FORMAL



THE MARYLAND CREW - WINNERS ??



THEY'LL NEVER RECOGNIZE US  
BEHIND THESE FAKE BEARDS!!!



PHILLIP JACKSON BELTS ONE OUT

## JUDICIAL EVALUATION RESULTS FOR MINNESOTA ADMINISTRATIVE JUDGES RELEASED

Reprinted with permission- Minnesota Lawyer

Date: January 13, 2003  
By Michelle Lore

The Office of Administrative Hearings (OAH) has released the results of its latest judicial evaluation survey.

The OAH solicits input from attorneys and parties that appeared before the judges and provides the results to the individual judges for review with a mentor.

Both attorneys and non-attorneys filling out the questionnaire generally gave the Administrative Law Judges (ALJs) high marks in the 2002 survey, providing the ALJs with "excellent" and "good" ratings for most of the 21 statements. Most of the responses to the questionnaire's five open-ended questions were also positive, according to a summary of the responses.

The judicial development program was established in 1998 under the leadership of Chief Administrative Law Judge Kenneth A. Nickolai.

Nickolai said he believes that making the results freely available increases the credibility of the program with the bar and the public. He also was encouraged by the results of the 2002 survey.

"By making the results available on the Web and during continuing education courses, the bar knows that we are taking their feedback seriously," he said. "It is also a useful tool to show members of the Legislature that we are willing to be publicly accountable for both our substantive decisions and the manner in which we do our work as judges."

### Getting with the program

Judicial evaluation has been a hot topic among members of the bar for many years. It took more than 12 years of committee meetings, research and pilot programs, but in March 2001, the Minnesota Conference of Chief Judges unanimously approved a mandatory, statewide system for evaluation of state District Court judges. (See "Chief judges adopt plan for judicial evaluations," in the April 2, 2001, edition of *Minnesota Lawyer*.)

The OAH, however, had adopted a judicial development program years earlier. In 1998, the chief administrative law judge established a judicial development program to identify for administrative law judges the things they are doing well and areas of their performance that could be improved.

Since its inception, the OAH judicial development program has been touted by the American Bar Association as a model for other states. The program was named a semi-finalist for the 2001 Innovations in American Government Awards, an awards program of the Institute for Government Innovation at the John F. Kennedy School of Government at Harvard University.

The program consists of using a written questionnaire to solicit feedback from parties and legal counsel who have appeared before the judges. Each judge reviews his or her results with a mentor, usually another judge.

The questionnaires ask all respondents to rate a judge's performance in areas concerning judicial conduct and management of proceedings — and also ask attorneys to comment on the judge's legal knowledge and abilities. Rating choices range from "excellent" to "very poor" with a sixth choice of "does not apply." Open-ended questions allow respondents to comment on a judge's strengths or areas for improvement and fairness or bias.

Administrative Law Judge George Beck, who has been with the OAH since 1976, said that this is the first time since he joined the office that there has been a judicial development program that has been this organized.

Beck explained that about 15 years ago the office sent some surveys out and collected feedback on the judges' performance. "This is much more carefully designed and constructed," he said.

### Confidential mentoring

An important part of the OAH's judicial development program is its confidentiality.

In discussing the program shortly after its inception, Nickolai explained that an attorney's responses are kept confidential from the judge being evaluated (and from administration), and the compiled results are not used *against* a judge, but rather are used for self-improvement. Nobody gets the individual results but the individual judge and his or her mentor.

Nickolai also stressed the importance of mentors to the judicial development process.

"By the time lawyers become judges, they have years of experience in the law and confidence in their skills," he said. "Providing a copy of an individual judge's results to a mentor — of the judge's choice — as well as to the judge, helps the judge to reflect upon and consider the results. The mentoring process helps break through the usual aura of judicial invincibility."

### Recent results

In its second attempt to solicit feedback on judicial performance, the OAH mailed 3,869 questionnaires to attorneys and non-attorneys between November 2001 and September 2002. A total of 1,641 (or 42 percent) responded. A summary of the results was publicly released last month.

In releasing the results, the OAH cautioned that because the response rate was only 42 percent, the results should not be considered as representative of all attorneys and parties who appeared before the OAH during 2001 and 2002, according to the survey summary. Instead, the results should only be interpreted as what these particular respondents said.

### Attorney responses

With respect to attorney responses, the four statements about ALJs with the highest percentage of "excellent" ratings were:

- "Showing respect to you" (67 percent),
- "Paying attention during the proceedings" (64 percent),
- "Starting the proceedings on time" (61 percent), and
- "Remaining even-tempered throughout the proceedings" (59 percent).

The five statements with the lowest percentage of attorney respondents choosing "excellent" were:

- "Basing decisions on evidence, testimony, and law" and "Writing understandable decisions" (both 49 percent)
- "Skillfully handling settlement conferences and mediations" (45 percent),
- "Assisting people in narrowing the issues" (43 percent), and
- "Preventing participants from making lengthy, repetitive statements" (41 percent).

Generally, for the five attorney-only statements, between 49 and 53 percent chose "excellent" and 30 to 36 percent chose "good." Those questions concerned the judges' knowledge of the rules of procedure, evidence and substantive law; basing decisions on evidence, testimony and the law; and writing understandable and thorough decisions.

Like the 1999 evaluation, the statement, "basing decisions on evidence, testimony, and the law," showed the highest percentage of



respondents choosing "poor" (6 percent) and "very poor" (4 percent).

Nickolai noted that even the lower ratings, while a relatively small proportion of the responses, provide important insight.

"A review of the questions with the highest combined ratings of fair, poor, and very poor provides useful information about the perceived weaknesses of the judges," Nickolai observed. "[This] indicates where we can focus attention for office-wide skills training."

### Individual improvement

Nickolai believes the program is valuable not only for judges, but also for lawyers and the general public, who get to reflect on the subject of judicial performance.

"The program creates an opportunity [for] judges, lawyers, the public and law faculty to stop and consider what are the characteristics of a good judge, how well does this individual judge do, and what can we as judges do to improve how the public and bar perceives our work," said Nickolai.

The OAH judges *Minnesota Lawyer* talked with also like the program, in large part because it gives them some guidance as to what areas of their work performance or behavior they need to improve.

Administrative Law Judge Bruce Johnson, who also serves as assistant chief judge, said that the program has definitely helped him as a judge. He explained that based on the results of the 1999 survey, he made a conscious effort to improve his performance in areas that were not rated as high as he would have liked.

"I came out very strong in those areas this time," Johnson observed. "It validated what I'd been doing ... and told me that it was a worthwhile effort."

Workers' Compensation Judge Janice Culnane called the process "critical."

"We all want to do well and improve our performance. To do that [we] need feedback — all professionals do," she said. "We want to be fair and have people trust the system and know that justice was done."

Culnane pointed out that as a workers' compensation judge the same lawyers appear before her consistently, so she wants to hear their impressions as to what she is doing right and what she is doing wrong.

"The workers' compensation bar is a good, efficient bar that knows the law," she said. "[And] there is good, mutual respect

between the bar and the judges. We respect their opinions."

Culnane also noted that it is difficult to objectively measure a judge's performance. The court structure is not set up for giving informal feedback to judges on their performance, she said.

Beck concurred. "It's hard to get feedback on what you do in this type of job," he said.

There are always people watching what the judges do, Beck observed. "To get information from them about what they liked and what they didn't is invaluable."

Beck said that he is pleased with the judicial development program and firmly believes it assists judges in improving areas of their performance that may be lacking. He admitted that the most recent survey identified two or three areas where he thinks he can pay some attention.

"It's information we need to do our job. Everyone wants to do as well as they can," he said.

### Targeted training

In addition to helping individual judges improve their own performance, distribution of the office-wide results assists the OAH in determining general areas of weakness and where to put its training dollars.

Johnson explained that in looking at the aggregate results from 1999, it was determined that there were two or three areas in which the office was weaker than it should be.

"We aimed our training at those areas," he said.

Nickolai explained further that based on the 1999 survey results, the OAH worked with law school faculty and judicial branch judges to provide training in the areas of judicial demeanor, evidence and decision writing.

"The results were encouraging," he said. "In the 2002 survey, 48.9 percent rated the judges as 'excellent' in writing understandable and thorough decisions, up from 44.9 percent in 1999. Fifty-one percent rated the judges as excellent in knowing the rules of evidence in 2002, compared to 43.9 percent in 1999. The excellent ratings for the judges' ability to promote a sense of fairness rose from 50.8 percent to 55.3 percent."

The 2002 survey results demonstrated a definite increase in the areas targeted by the OAH, Johnson added. "It showed that the training dollars were being used effectively."

### Response rate

The only complaint OAH judges identified with the judicial development program is the relatively low response rate to the questionnaires sent out.

"It would be nice to have greater participation of people returning the surveys," said Beck, adding that the higher the return rate, the more feedback the judges get and the more accurate the results are statistically.

Johnson said, "We'd like to do better than [42 percent], but it's still pretty good as far as these things go."

While Culnane would also like to see a higher response rate, she added that she understands that the survey is time consuming and that attorneys are frequently asked to fill out similar questionnaires.

"I can tell by the results that attorneys ... really are being reflective and putting thought into it," she said.

The OAH "Judicial Development Program Office-wide Summary" is available at [www.oah.state.mn.us](http://www.oah.state.mn.us) or calling (651) 296-7041. \_\_\_\_\_

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### NEW BOARD MEMBERS ELECTED!!



**David G. Marcus** is an Arbitrator, Mediator and Administrative Law Judge with the Oregon Hearing Officer Panel in Salem, Oregon. His area of concentration is construction contract disputes and contractor licensing and

disciplinary cases referred to the Panel by the Oregon Construction Contractors Board. He also serves as shop steward and collective bargaining representative for ALJs and staff in one of the two bargaining units in the Hearing Officer Panel. He formerly served as an Administrative Law Judge for the Oregon Department of Transportation and has also served in several capacities in the Department of Human Resources.

Mr. Marcus received his B.A. *magna cum laude* from the University of Cincinnati; has completed the "Administrative Law: Advanced" course at the National Judicial College in Reno, Nevada; and completed Mediation Training for Professional and Community Mediators through the University of Oregon School of Law.

Mr. Marcus is an active member of the Oregon Association of Administrative Law Judges (OAALJ) and the National Association of Hearing Officials (NAHO). He is a current member of the Board of Directors and serves as chair of the Education Committee of the National Association of Administrative Law Judges (NAALJ); he previously served as its ADR Committee Chair, 1999-2001, and Chair of the Non-Lawyer ALJ Issues Committee and Co-Chair of the Membership Committee (2001-2002).



**L. David Brunke** is the Consumer Affairs Director of the Texas Motor Vehicle Division. After graduating from Baylor Law School, he served as the Assistant General Counsel of the Texas

Municipal League and as a Staff Judge Advocate in the USAF. Among his duties as a Staff Judge Advocate were serving as a legal advisor on numerous administrative discharge boards as well as prosecuting defendants charged with offenses under the Uniform Code of Military Justice. After military service, he was in private practice in Sherman, Texas specializing in person injury cases.

Judge Brunke relocated to San Antonio, Texas, and continued in private practice and thereafter served as the General Counsel of Alamo Technology, Inc. In 1991, he joined the then Texas Motor Vehicle Commission as a hearing officer. In 1995 he became the Director of the Consumer Affairs Section of the Motor Vehicle Division (MVD) of the Texas Department of Transportation. The primary mission of the Consumer Affairs Section of the MVD is administrating the Texas Lemon Law. As the Director, Judge Brunke manages a section of 13 people, including four Administrative Law Judges (ALJ) who conduct hearings throughout Texas. He also serve as a part-time ALJ, dealing primarily with pre-hearing matters.

Judge Brunke was a founding member of the International Association of Lemon Law Administrators (IALLA) and is currently the President of the Association. Previously, he served a 3-year term as the Vice President of Corporate Relations of IALLA and also served a 1-year term as a Board Member. Additionally, he is a past President of the Texas Association of Administrative Adjudicators and have served also as the Secretary of the Association. Before being elected to the NAALJ Board of Governors, he served as a co-chair of the NAALJ 2002 Conference and as the Chair of the NAALJ Conference Logistics, Planning and Assistance Committee.



**JACQUELYN WATTS** is an Administrative Law Judge, Supervisor, with the Louisiana Division of Administrative Law. Judge

Watts is a native of Buffalo, New York. She has served as an Administrative Law Judge in the State of Louisiana for the past six (6) years. Prior to becoming an administrative law judge, she was employed as a judicial law clerk at the 19<sup>th</sup> Judicial District Court and the First Circuit Court of Appeal in Baton Rouge, Louisiana. She also held the position of Staff Attorney with the Department of Social Services. Presently she is one of two Administrative Law Judge Supervisors with the Louisiana Division of Administrative Law. She supervises eight (8) administrative law judges who specialize in Public Safety Implied Consent (DWI) hearings. Jacquelyn holds a B.S. in Social Science from Medaille College – Buffalo, New York, a M.S. in Education from State University of New York at Buffalo, and a Juris Doctorate from Southern University Law Center in Baton Rouge, Louisiana. She taught school for five (5) years in New Orleans, before going to law school. After law school she practiced as a private attorney (family law, criminal law and personal injury), and then held the positions stated above. She has served as Vice President and President of the Louisiana Association of Administrative Law Judges and is currently on the Board of Governors of the National Association of Administrative Law Judges. She is a member of the Louisiana State Bar Association, Baton Rouge Bar Association, National Bar Association/ Judicial Council and the Louis A. Martinet Legal Society. Jacquelyn has been a co-presenter at Continuing Legal Education Seminars, in particular “Conducting DWI Hearings”, “Recent Developments in Administrative Law”, both in Louisiana and most recently “Managing a High Volume Docket” at the NAALJ annual meeting in Lexington, Ky.

**IN ADDITION TO THESE JUDGES, JUDGE ERROL POWELL OF FLORIDA WAS ELECTED AS A MEMBER OF THE NAALJ BOARD. HIS BIOGRAPHICAL INFORMATION WILL APPEAR IN THE NEXT ISSUE OF THE NAALJ NEWS.**

## PROPOSAL REGARDING NOMINATIONS AND ELECTIONS

*By Ann Breen-Greco*

Currently there are no guidelines for the Nominating Committee, either as to function or composition. A difference of opinion exists as to whether the Nominating Committee is to propose a slate that the membership is to vote on, as is, with only the number of nominees to fill the open slots, or whether the function is to ensure there are a number of applicants qualified according to the by-laws, from whom the membership can select officers and directors. At a number of annual meetings, the membership has been able to select from a number of nominees. Although nominations may be taken from the floor, if the function of the Committee is to select only the number of nominees to fill available slots, generally the membership votes to elect those individuals, which reduces the membership input significantly in terms of selecting its leadership. Additionally, with no guidelines as to the number of members to be on the Nominating Committee, NAALJ currently has a system in which as few as three people can select the leadership.

Also, the only members voting under the current system are those at the annual meeting. Historically, there was a proxy system by which a member who could not attend gave a proxy to a member who did attend for voting on officers and directors. That system, however, was eliminated because it favored states that could send more members to the annual meeting. A more inclusive system might be allowing non-attending members the opportunity to do “absentee” ballots—a voting by mail procedure by which information on applicants and ballots could be sent out through the newsletter, to be returned prior to the annual meeting.

Adopting new procedures should be seen as the opportunity to ensure the membership greater input and a more representative method of selecting leadership.

I submitted a proposal to the Board with the recommendation that the NAALJ board vote to have the Nominating Committee submit the names of all qualified applicants to the membership for vote and that an ad hoc committee be appointed, composed of a number of non-board members, to make recommendations to the board regarding the election process with a proposal to be submitted to the membership for vote on the election process. At the meeting in Kentucky, the Board voted against my proposal. However, the membership may seek to override the Board’s vote and choose to have more participation in the election process.

# NEWS FROM THE STATES

## MARYLAND

A. Michael Nolan



### BY A UNANIMOUS VOTE OF THE MEMBERS PRESENT

**AT A SPECIALLY-SCHEDULED MEETING, THE MARYLAND ASSOCIATION OF ADMINISTRATIVE ADJUDICATORS CEASED TO EXIST AS OF 7:00 PM ON TUESDAY, FEBRUARY 25, 2003**

(See page 13 for details)



### Georgia GAALJHO News Steve Teate

The Georgia affiliate continues to focus on continuing education for its members. GAALJHO and the State Bar Administrative Law Section co-sponsored an Administrative Law Seminar on February 28, 2003, in Atlanta. Many of our members spoke at the seminar. While we have hosted speakers for informal "Brown Bag Lunches" in the past, we are investigating the possibility of converting such events into regular 1 hour legal seminars that would be held at breakfast or lunch and hopefully at a very affordable price. The Administrative Law Section recently sponsored such an event at the Ritz-Carlton that provided 1 hour CLE, an informative speaker, and a tasteful meal for approximately \$10 per attendee.



Phillip Jackson, Lynda Lee Moser, Patrick Woodard

Fund-raising events have included sale of GAALJHO t-shirts and monthly bake sales at the Office of State Administrative Hearings where many of our members are routinely located. Both events have generated some revenues to help GAALJHO.

A Christmas Party at Manuel's Tavern was the most recent social event. It was well attended even though it is a busy season for most members. Prior to that Judge Cathi Crawford hosted a very pleasant buffet lunch at her home in the North Georgia hills. With a Monticello-like setting, nicely-done gardens, an infinity pool, an outdoor open-walled room with a fireplace and lots of rockers, and trimmed pastures where children could

easily romp, the event would have been entertaining even if lunch had not been available.

Prior to the Christmas Party, a general membership meeting was convened to elect new officers and executive committee members for the year. The new officers are: President-Steve Teate; Vice-President-Judi Helton; Secretary-Cathi Crawford; Treasurer- Ana Crawford. The new executive committee include: Philip Jackson, Jessy Lall, Laura Morris, Carol Walker-Russell, and Patrick Woodard. All officers and executive committee members are judges at the Office of State Administrative Hearings.

To improve communications, the affiliate may create a Yahoo or Hotmail account and/or website; so, if you get a communication from GAALJHO @ yahoo.com, it's not SPAM.



### Louisiana IAALJ NEWS

Sara (Sue) Laborde

The Louisiana Association of

Administrative Law Judges conducted its 10<sup>th</sup> Annual Meeting and CLE Seminar on November 15, 2002, in Baton Rouge. The members enjoyed a continental breakfast prior to the business meeting. New officers are: Maya Evans, President; Michelle Finnegan, President Elect; Valerie Meiners, Vice President of Communications; John Kopynec, Vice President of Education; Earl Vaughan, Secretary; and Sue LaBorde, Treasurer. Immediate Past President is Carolyn DeVitis.

Following a continental breakfast for non-members, presentations were made by Attorney Linda A. Liljedahl on Ethics, and Retired Judge Freddie Pitcher, Jr., on Professionalism.



### Oregon OAALJ News

It has been an energetic fall and winter for NAALJ's Oregon affiliate, the Oregon Association of Administrative Law Judges (OAALJ). OAALJ's governing board in recent weeks has sponsored and organized a joint administrative law conference with Willamette University Law School, hosted a highly successful annual meeting, expanded the board's membership from seven to nine members and begun the process of reviewing new initiatives from both the Oregon legislature and Attorney General's office that effect the future of Oregon's new Hearing Officer Panel.

OAALJ hosted its ninth bi-annual administrative law conference with the Willamette University College of Law and its Law and Government program on November 16, 2002. Entitled Administrative Hearings in Oregon: Improving the Process and the Product, the conference featured 20 presenters,

including a state supreme court justice, a court of appeals judge, five law professors, and a host of attorneys and ALJs with expertise in administrative law. Topics ranged from recent legislative and judicial developments to understanding preclusion, estoppel and waiver, from credibility findings to the probative value of hearsay. Approximately 80 attorneys, ALJs, educators and administrative law professionals attended the conference.

OAALJ has a long history of collaborating with Willamette in hosting educational events, though this was the first time that a sizeable portion of the program was planned by Willamette professors and administrators. Coordinated by David Marcus, chairman of OAALJ's education committee and a current member of the NAALJ board, the conference was one of the best planned and most academically potent single day educational events in the organization's history. OAALJ's share of the profits raised from the event was approximately \$2,500.

On December 5, 2002, OAALJ held its 20<sup>th</sup> annual meeting. The event featured a one hour presentation on administrative law from Oregon Court of Appeals Judge, Robert Wollheim. Approximately 40 OAALJ members and their guests attended the meeting. The membership unanimously approved a number of proposals to amend OAALJ's bylaws at the annual meeting, including a measure to expand the OAALJ board from seven to nine members and increase membership dues. Expansion of OAALJ's governing board is intended to improve the board's ability to take on large projects, such as the bi-annual conference as well as increase membership participation in the organization's regular activities. The dues increase was necessary to offset the rising cost to OAALJ of maintaining its affiliation with NAALJ.

At present, OAALJ's board is engaged in a comprehensive effort to monitor and influence legislative and administrative proposals in 2003 that may shape the landscape of administrative law in Oregon for years to come. No less than three legislative bills have been proposed in the Oregon legislature that would make Oregon's new Hearing Officer Panel a permanent feature of state government. Created in 1999 as a pilot project, the Hearing Officer Panel is still considered an experiment and is subject to a sunset provision in 2005. In addition, OAALJ members are participating in an effort to revise procedural rules promulgated by the Oregon Attorney General that establish uniform procedures for contested case proceedings.

OAALJ officers elected for 2003 include: Steve Rissberger, President; Skip Russel, Vice-President; Monica Smith, Secretary and Deeanna Hassanpour, Treasurer. Additional board members are Bruce Black,

Cathy Coburn, Kevin Anselm, Larry Smith and Alison Webster.



## KENTUCKY KAAA NEWS

*Nancy S. Alexander*

The Kentucky Association of Administrative Adjudicators ("KAAA")

elected and installed new officers at a May 10, 2002 meeting at the Kentucky Bar Association Building in Frankfort, Ky. Officers installed were Susie Bargo, President; Bob Layton, President-Elect; Alan Wagers, Vice President; Sheila Lowther, Secretary; and James Dickinson, Treasurer. Lori Eisele is immediate Past President and Janet Thompson is Ex Officio Liaison NAALJ. Janet Thompson, who spearheaded efforts to organize KAAA in 1997, has served as Secretary of NAALJ and is currently President of the national organization. Susie Bargo has served on the NAALJ Board of Governors and also served as NAALJ Secretary. KAAA is grateful for the untiring leadership and contributions of Janet and Susie. KAAA also recognizes the special efforts of Bob Layton, who has compiled a workable and up-to-date database of NAALJ conference attendees for the past several years, which is an invaluable resource for marketing NAALJ programs. He has also worked diligently to obtain e-mail addresses of NAALJ members so that the NAALJ NEWS can now reach your doorstep electronically.

On August 23, 2002, KAAA members gathered at the Berry Hill Mansion for the annual "complimentary lunch" meeting. Members enjoyed a catered meal, toured the historic mansion and learned more about opportunities to participate in each KAAA standing and special committee. Members were updated on plans for the 2002 conference.

KAAA, along with NAALJ and the University of Kentucky Department of Continuing Legal Education, proudly hosted the 2002 NAALJ Annual Meeting and Conference October 19-23, in Lexington, Kentucky, the heart of the Bluegrass State. From all reports, financial and otherwise, the conference was a huge success. The unique mix of continuing education and special events was overlaid with inimitable Kentucky hospitality. Kudos go to all those who worked to make the conference a success, with special recognition going to NAALJ Conference Chair, Susie Bargo; KAAA Co-Chairs, Janet Thompson and Jim Dickinson; Program Chairs, Vanessa Mullins Dickson and Michael Head; Logistics Chair, Lori Eisele; and Promotions Chair, Alan Wagers. NAALJ President, Larry Craddock, served admirably as ex officio committee member.

While laurels were abounding, KAAA has not been wont to rest upon them. In December, 2002, members learned about computer forensics, electronic information and electronic evidence. The program, presented at the Department of Workers Claims by Michael Losavio, was approved for CLE credit. A delicious box lunch was served. A luncheon meeting at Tumbleweed's restaurant was held February 21, 2003, and featured a discussion on ethics led by Andy Crocker, General Counsel for the Executive Branch Ethics Committee. The program was approved for CLE credit.

KAAA will host its final quarterly meeting and annual business session in May, 2003. At that time officers for the upcoming year will be installed.



## NEW YORK NYSALJA NEWS

### OFFICERS

NYSALJA has elected the individuals listed

below as its Officers and Board members to constitute the Executive Committee of the Association. The membership has also changed our Constitution and By-Laws to indicate that "The Executive Committee shall consist of the elected officers of the Association, past presidents who remain members of the Association, and not more than five other active members, one of whom shall serve as liaison to NAALJ. The Executive Committee shall be elected by majority vote at the annual membership meeting"

#### PRESIDENT

Hon. Marc P. Zylberberg  
NYS Department of Health

#### VICE-PRESIDENT

Hon. Christine C. Traskos  
NYS Department of Health

#### SECRETARY

Hon. Anne W. Murphy  
NYC Tax Appeals Tribunal

#### PRESIDENT-ELECT

Hon. Catherine M. Bennett  
NYS Division of Tax Appeals

#### TREASURER

Hon. Catherine M. Bennett  
NYS Division of Tax Appeals  
(completing term of resigned Treasurer)

#### BOARD MEMBERS

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NYS Department of Health

#### LIAISON TO NAALJ

Hon. Abigail S. Bernhardt  
NYS Education Department

Hon. James R. Hinds  
NYS Education Department

Hon. Larry G. Storch  
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#### PAST-PRESIDENTS 2000-2001

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NYS Department of Transportation

1999-2000  
Hon. Tyrone T. Butler  
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NYS Education Department

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Administrative Law Judge

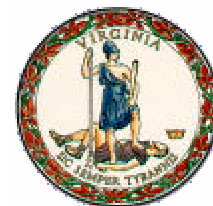
Hon. Theodore Vassilakis  
Administrative Law Judge

## ADMINISTRATIVE LAW JUDGE INSTITUTE TO BEGIN IN JUNE

The New York State Administrative Law Judges Association (NYSALJA), in cooperation with the Albany Law School Institute for Legal Studies and the Government Law Center of Albany Law, will begin an intensive and innovative training opportunity for Administrative Law Judges (ALJs) and Impartial Hearing Officers (IHOs) in New York State and beyond. The new training endeavor will be known as the ALJ Institute. The Institute is an opportunity for ALJs and IHOs in administrative hearings to attend sessions designed especially for them, with a variety of educational tracks running simultaneously over three days. They can attend sessions on evidence, ethics, decision writing, technology, complex hearings, and high volume hearings, among other topics. The first program offering from the ALJ Institute will be a session on June 17-19, 2003, at Albany Law School.

"NYSALJA is extremely pleased to be partnering with Albany Law School and the Government Law Center to develop and present this exciting education opportunity for ALJs and IHOs. Administrative Hearing decisions affect all aspects of our society. In New York State, as well as many States in this country, the needs of ALJs and IHOs for current and pertinent training are often overlooked. We believe that the ALJ Institute will fill that void." said Marc P. Zylberberg, President of NYSALJA.

Additionally, the ALJ Institute will provide Continuing Legal Education credits to attendees who may choose to attend half-day sessions or full-day sessions, with up to three days of unique educational offerings available. The Government Law Center is currently seeking funding to make this Institute a more permanent part of the summer program at Albany Law School. For more information, contact the Institute for Legal Studies (518-445-2301 [Holly Steuerwald]) or Marc P. Zylberberg (518-402-0748; mpz01@health.state.ny.us).



## VIRGINIA VAALJHO NEWS

[WWW.VAALJHO.ORG](http://WWW.VAALJHO.ORG)  
by Willie Thompson

The Virginia Association of Administrative Law Judges and Hearing Officers (VAALJHO) held its annual meeting on February 24, 2003, at the offices of the State Corporation Commission in Richmond. Approximately twenty five members attended. The keynote address was given by Professor Clifford Fox, J.D., Ph.D., of Virginia Commonwealth University who teaches courses in administrative law in the graduate school. Substantive sessions included *Improving Hearings, a Lawyer's perspective; Scientific vs. Other Evidence; and Ethical Considerations of Administrative Law.*

A list of association officers, and other information about the Virginia association can be found on our newly designed website.

[www.vaaljho.org](http://www.vaaljho.org)



**MARYLAND &  
THE DISTRICT  
OF COLUMBIA**  
www.m-a-a-a.org

On Tuesday, February 25, 2003, a new and strong NAALJ affiliate was born. Like the Phoenix rising from the ashes, the new association grew from the now defunct Maryland Association of Administrative Adjudicators. The new organization not only serves administrative hearing personnel in the State of Maryland, but also persons similarly involved in the government of the District of Columbia. This is the first "regional" affiliate for NAALJ, serving more than one jurisdiction. The new organization will keep the original Acronym (MAAA), but is named the Maryland & District of Columbia Association of Administrative Adjudicators. The members involved are excited about the expanded opportunities the conjoined organization presents in several areas. We have, as the newsletter goes to press, participated in two dinner meetings where the basic plan was developed, and at the most recent meeting, the required changes to the Constitution and bylaws were modified to permit the expansion.

Since its inception in 1997, MAAA has served the administrative law community in the State of Maryland. The organization holds monthly luncheon meetings, frequently with speakers on topics of interest to the field of administrative law. In addition, the association provides guest lecturers to the local law schools, and participates in several outreach programs with these institutions. This year, on March 13, 2003, in addition to a combined luncheon and interview session with administrative law students at one of the law schools, we are debuting a program wherein any law student who is interested, will shadow an administrative adjudicator for a day.

### **DISTRICT OF COLUMBIA OFFICE OF ADJUDICATION & HEARINGS**

*By Bob Sharkey*

In 1999, Washington, D.C., started on the road to administrative adjudicative reform with the creation of the Office of Adjudication and Hearings ("OAH"). OAH was conceived of as a pilot program for a new central panel for administrative adjudication in the District of Columbia that would be independent and have highly qualified judges and support staff. Its mission was to provide a fair, impartial, efficient, and effective system to manage and resolve administrative litigation within its assigned areas of jurisdiction, and at the same time to develop innovative approaches and procedures to reform administrative adjudication in the District. The OAH pilot's legal structure was unique in that it was formed by executive orders of the Mayor and by orders of, and agreements with, several District departments and agencies, rather than

by legislative action. OAH was lodged within the D.C. Department of Health and was granted jurisdiction over administrative adjudication involving the District's environmental laws and health care enforcement programs, more than a dozen independent professional regulatory boards, and several other executive branch agencies and programs which, because of the unique constitutional status of the District of Columbia, carry out state, county and local functions.

Drawing on best practices and standards developed by the OAH pilot and central-hearing agencies around the country, in late 2001, the Mayor and the District of Columbia Council enacted legislation creating the new Office of Administrative Hearings ("new OAH"). This new executive agency extends OAH's reforms and is constituted as a fully independent entity within the District of Columbia government with substantially expanded jurisdiction. Under the enabling statute, new OAH's jurisdiction is phased in between October 2003 and October 2004 and covers administrative litigation from over 25 different agencies, boards, and commissions in the District and certain litigation between private parties. Among the agencies covered are: the Department of Health, Department of Human Services, Board of Appeals and Review, Department of Consumer and Regulatory Affairs, Child and Family Services Agency, Office of Tax and Revenue, Department of Banking and Financial Institutions, Department of Employment Services, and special education cases currently heard through the District of Columbia State Education Office.

The new agency, utilizing successful reform models developed by the OAH pilot, has been planning for expanded operations. This includes, among other things:

- establishing elevated criteria and a merit-based system for the selection of judges;
- coordinating a wide variety of training programs for judges and staff that are offered in-house and through outside sources;
- implementing new diversity recruitment initiatives; conducting annual strategic planning retreats among the entire staff;
- adopting codes of ethics for judges and staff;
- establishing quality assurance measures for written decisions; automating and improving its docket and case management; making available foreign language translations of court forms, including Spanish, Chinese, Korean and Vietnamese; providing for on-call foreign language interpreters in over 130 languages by teleconference for hearings; and establishing an extensive website to provide information for *pro se* parties and the bar about the office and its procedures and to make available forms and representative decisions. A recent addition to the website, [www.oah.dc.gov](http://www.oah.dc.gov), is a page that graphs and updates the results of OAH's Customer Quality Assurance Survey, a questionnaire that measures the level of

citizens' satisfaction with their administrative court system.

In 1999, Paul Klein was appointed Chief Administrative Law Judge of OAH, and he is now Interim Chief ALJ of the new OAH. There are presently four additional OAH administrative judges. Unique among central-hearing agencies, a Commission on Selection and Tenure will make appointments of administrative judges in the new OAH. By statute, the Commission is composed of representatives from all three branches of government. Selection is made from qualified candidates who are eligible for appointment and meet prescribed criteria. The initial term of office is two years, after which a judge is eligible for reappointments to 10-year terms. The pilot currently has a non-judicial legal, management, and docket staff complement of six, a number that will expand significantly under the new OAH. In addition, students from the area's law schools serve as law clerks and interns at various times throughout the year.

Reflecting on the importance of the District of Columbia's reform effort, Judge Klein noted: "Through their strong support and commitment to OAH, the Mayor and the Council have enabled us to create something truly unique and valuable for the citizens and businesses of the nation's capital. Not only will we now have a fair, efficient, predictable and fully independent administrative court system, but we also have a statute, a structure, and a culture that will help make us a national model of administrative justice."

### **2002-2003 COMMITTEE ASSIGNMENTS**

#### **2003 MIDYEAR CONFERENCE COMMITTEE**

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#### **2003 ANNUAL CONFERENCE COMMITTEE (FLA)**

Errol Powell and the Florida Division of Administrative Hearings; Administrative Law Section, Florida Bar Association; and University of Florida College of Law  
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#### **2004 MIDYEAR CONFERENCE WITH CANADA EXPLORATORY COMMITTEE**

Tyrone Butler (NY), Ed Felter (CO), and Bryan McDaniel (LA)- Co-chairs  
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#### **2004 ANNUAL CONFERENCE COMMITTEE**

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**AD HOC COMMITTEE TO STUDY  
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Members: Chris Graham (MO), Steve Mihalchick (MN)  
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**ALJ SUMMIT LIAISON**

Ronnie Yoder (Wash. D.C.)  
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Co-chair,s Faculty: Bert Harberson (KY),  
Nancy Lynch (TX), Marshall Snider (CO) and  
Phyllis Reha (MN) Ed Felter (CO),  
Administrator, Sylvia Edgar (NV), NJC  
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**PROPOSED STATE ADMINISTRATIVE  
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\*pending finalization

**THE NAALJ WEBPAGE WILL SOON HAVE AVAILABLE A "CORKBOARD" WHICH WILL CONTAIN UP-TO-DATE INFORMATION ABOUT THE STATES, THE COMMITTEES, RECENT CASES IN ADMINISTRATIVE LAW, AND ANYTHING ELSE A MEMBER FEELS THAT IT IS APPROPRIATE TO SUBMIT. THE CORKBOARD IS A JOINT EFFORT OF THE NEWSLETTER COMMITTEE AND THE TECHNOLOGY COMMITTEE, AND WILL BEGIN APRIL 1, 2003. THE MESSAGES WILL BE UPDATED ON OR ABOUT THE FIRST OF EACH MONTH, AND WILL INCLUDE ANY INFORMATION SUBMITTED DURING THE PRIOR MONTH. FOR FURTHER INFORMATION, OR TO HAVE SOMETHING INCLUDED, CONTACT MIKE NOLAN AT MNOLAN@OAH.STATE.MD.US OR BOB LAYTON, AT ROBERT.LAYTON@MAIL.STATE.KY.US**

# COMMITTEE REPORTS

## NAALJ ROSSKOPF AWARD COMMITTEE

The 2003 Rosskopf Award committee members are Willie C. Thompson, Jr., Chair, Charlotte Rutherford, James Reilly, and William Dorsey. The committee is seeking nominations for 2003 award that will be presented at the NAALJ annual meeting in Orlando, Florida in October. The award is given to individuals who have made significant contributions to the field of administrative adjudication. Nominations can be submitted to any member of the committee, but no later than August 31, 2003.

The 2002 Rosskopf Award recipient is the Honorable Sammie Chess, Jr., an Administrative Law Judge with the North Carolina Office of Administrative Hearings. Judge Chess has had a distinguished career as trial lawyer, and he has represented clients in groundbreaking civil rights cases; most notably, the case of *Griggs v. Duke Power*, that required job test questions to be job-related.

In 1971, Judge Chess was the first African-American to be appointed to the Superior Court bench in North Carolina. He became an administrative law judge in 1991. Judge Chess has also served on the Board of Higher Education for the state of North Carolina, is a past president of the High Point Bar Association, and is listed in *Who's Who in America*. Judge Chess has been a member of the NAALJ board of Governors since 1995, and is a frequent speaker and panelist at NAALJ and other conferences. Our congratulations to Judge Chess.

## STRATEGIC AND LONG-RANGE PLANNING COMMITTEE

by R. Bryan McDaniel

This year, Janet Thompson has renewed strategic and long-range planning. She appointed a committee of the current president, past-president, president-elect and two former presidents of NAALJ. The committee consists of: myself (chair), Janet Thompson, Larry Craddock, Chris Graham, and Julian Mann. The mission of the committee is to review the NAALJ Strategic Plan, which was passed by the Board of Governors in 2001 and propose to the Board updates and revisions. Such planning is meant determine the goals, resources, and actions needed to help NAALJ move forward over the short and long term in a manner which increases its ability to better achieve its mission to improve administrative adjudication. Your input is important. If you have ideas, please email them to the committee.

## NON-LAWYER ALJ COMMITTEE

by David Marcus

For far too long, a myth was perpetuated that NAALJ is a professional organization only for Administrative Law Judges who are attorneys. In part to dispel that myth and to promote membership among non-lawyer ALJs, Immediate Past President Larry Craddock appointed me to chair the Non-lawyer Issues Committee for 2001-2002. I soon found that I had a committee in search of a mission.

There were very few appointed members for the committee and when I inquired of our secretariat, I learned that it was impossible to identify members who are non-lawyers (that information is not in the database). However, with a few inquiries, I also learned that informed guesstimates place the number of non-lawyer ALJ members of NAALJ at over 30%. In short, there is no question that NAALJ is a professional organization for all Administrative Law Judges, whether they are attorneys or not. In fact, two non-lawyer ALJs currently serve on the Board of Directors.

It was not until the committee held an open meeting at the Annual Meeting and Conference in Lexington that any substantial input was received. A group of ten non-lawyer ALJs attended that meeting, and the message was loud and clear-- a committee devoted to issues and concerns of non-lawyer ALJs is not necessary. We are all ALJs seeking to improve ourselves and our profession; and it is not necessary or appropriate to distinguish between lawyer and non-lawyer ALJs in any of the activities of the Association. What was recognized at that meeting, however, is that we simply need to avoid the assumption that members are lawyers, that all committee members or even board members are lawyers, or that all conference attendees are lawyers, and to recognize that a substantial number of our members are non-lawyer ALJs.

The Non-lawyer Issues Committee made three recommendations at the Wednesday Board meeting, following the conference in Lexington, and all three recommendations were adopted by the Board.

1. Establish requirement that a certificate of completion be provided to all participants attending any training/CLE sponsored in whole or in part by NAALJ (this includes, but is not limited to, all mid-year seminars and annual conferences);
2. Inform all presenters invited to NAALJ programs that their audience includes both attorneys and non-attorneys; and,
3. Discontinue the Non-lawyer issues committee.

We recognize that more and more ALJ recruitments require applicants to be attorneys in order to qualify for the position. This is especially true in the central panel states. In the coming years, there will be a steadily diminishing number of non-lawyer ALJs employed at the federal, state and local level, and filling the ranks of NAALJ membership. But right now there are a significant number of non-lawyer ALJs, who are competent, caring professionals, and who will make many contributions to our profession for many more years to come. These members are encouraged to be actively involved in the Association by joining its many committees.

## EDUCATION COMMITTEE

by David Marcus

With sixteen energetic members, this year's Education Committee has adopted a revised mission statement with an expanded and ambitious scope. The objectives of the committee are:

- To serve as a resource in the development of NAALJ mid-year seminars, and annual conferences, including site selection and coordination of co-sponsorships;
- To develop and promote new educational programs for ALJs, including collaborating with NJC, and including computer-based training and preparation of training packages for use at the local level, that benefit and educate the administrative judiciary on issues of timely importance to both state and federal ALJs;
- To develop and recommend outreach initiatives in the public educational system (at the middle school and high school level) aimed at integrating education about the administrative justice system into our public education system;
- To develop and recommend outreach initiatives to law schools, aimed at promoting the study of administrative law, including issues of state administrative law; develop at least one demonstration project within the coming year;
- To develop and recommend public education initiatives, to be carried out by the Association or by its affiliates, aimed at improving public understanding and acceptance of, and confidence in, the administrative judiciary.

To accomplish these objectives, the committee is now comprised of four subcommittees: **Conference and Seminars**, chaired by Steve Mihalchick (MN); **ALJ Training Initiatives**, chaired by Robert Sharkey (D.C.); **Public Education**, chaired by Chris McNeil (OH); and, **Law School Outreach**, chaired by Judith Finn Plymyer (MD).

Your suggestions and comments regarding any of the committee's objectives are more than welcome, and may be directed to the appropriate subcommittee chair or to me as the full committee chair, [ddtmarcus@netzero.net](mailto:ddtmarcus@netzero.net).

#### **Subcommittee on Law School Outreach.**

Here in Maryland, the Maryland and District of Columbia Association of Administrative Adjudicators ("MAAA") has joined the Admin. Law Section of the state bar association to offer input to Administrative Law classes at the University of Baltimore School of Law. We guest lecture at classes and for the past three years have sponsored a luncheon for Md. Admin. Law students. We use a small banquet room at the law school and have the students sit with the ALJs/Hearing Examiners/Tax Judges and State Bar members (including members of the Md. Court of Appeals, our highest appellate court). We introduce ourselves, explain the purpose of MAAA and the Admin Law Section, and then let the students meet a group of us at each lunch table. After 15 minutes or so, we switch tables so the students can meet more of us. One year we had the professor speak briefly. He has published a text on Md. Admin. Law. This year we will reprise my award-winning contested case pre-hearing skit, "Hu's on First?" We also plan to have students sign up to shadow our members for a day. We hope to extend this program to the University of Maryland School of Law. I would appreciate suggestions from others regarding this type of program to present a report to the next annual meeting, if the Committee likes the idea.

*Jody Plymyer, MD*



## **BOARD OF GOVERNORS & OFFICERS 2002 - 2003**

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#### **Hon. Janet C. Thompson**

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Immediate Past President:

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