



The NAALJ News

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The Newsletter of the National Association Of Administrative Law Judges

August 2002

MARYLAND CHIEF ALJ HARDWICKE RETIRES

“Administrative Law in Maryland is one he of a mess”.** With these stirring words, I began my introduction into the field of administrative law. They were uttered by a Professor at the University of Baltimore School of Law when introducing a seminar sometime during the summer of 1987.

The 1989 Maryland General Assembly apparently heard those words, or others similarly, although quite possibly more artfully phrased. Prior to that time, individual agencies conducted their own hearings, conducted by employees of the same agency whose action was being appealed. The Legislature created the Maryland Office of Administrative Hearings, the State’s first central Panel.

Governor William Donald Schaefer was a proponent of the Central Panel concept. The central panel was to be created from the hearing units of a wide variety of agencies. The initial 74 Administrative Law Judges were selected from the Hearing Officers and Hearing Examiners employed by the affected agencies. To lead this diverse and disparate aggregation, Governor Schaefer appointed John Webster Hardwicke.

Judge Hardwicke was born in Winston-Salem, North Carolina on April 10, 1927. He entered the University of North Carolina, by examination, in June 1943 and, after completing 3 years, in the fall of 1945 commenced teaching in the public schools in North Carolina where he was an Instructor in Latin, English and History. After finishing his Degree at the University of North Carolina, Chapel Hill in 1950, he worked toward a Masters Degree in Ancient History prior to entering law school. He graduated from the George Washington University Law School in Washington, DC in May 1953 and was admitted to the Maryland Bar that year. He served as Assistant Counsel to the Controller of the Currency in Washington from 1953-55; he was an Associate with the firm of Piper and Marbury in Baltimore from 1955-57. From 1957 until 1989 he was engaged in the general practice of law in the City of Baltimore and in Harford County, Maryland..



Hon. John W. Hardwicke

Judge Hardwicke has been an adjunct professor of undergraduate business law at the Johns Hopkins University commencing in the early 1950s. In 1998, he received an award recognizing his over 40 years of outstanding contributions to various undergraduate programs. He has continued to teach at Johns Hopkins University and was selected as the recipient of the University’s Excellence in Teaching Award for the year 1998.

Judge Hardwicke has long been active in State and local government. He was an elected Member of the Maryland House of Delegates from Harford County, 1962-66. He was also elected as a Member of Maryland’s Constitutional Convention from Harford County, 1967-68; a member at-large of the Harford County Council from 1972-74 and elected as the President of the Harford County Council for three successive terms, 1978-90.

During his tenure as Maryland’s Chief Administrative Law Judge, Judge Hardwicke remained active in professional and academic activities. He was appointed as a member of the Maryland Commission to Revise the Administrative Procedure Act. That Commission resulted in the introduction of a bill, the final version of which passed both Houses unanimously April, 1993. Judge Hardwicke was reappointed to a second six year term as Chief ALJ by Gov. Parris N. Glendonning beginning January 1, 1996

With Robert W. Emerson, Judge Hardwicke co-authored a textbook titled Business Law, which is published nationally and internationally by Barron’s Educational Series, Inc.

Judge Hardwicke became active in the National Association of Administrative Law Judges from the time of his appointment. He was selected as the winner of the National Administrative Law Judges Foundation Fellowship award in 1994 for his treatise “The Central Hearing Agency – Theory and Implementation in Maryland.” Also that year, Judge Hardwicke was largely responsible for hosting the NAALJ annual meeting in Maryland which was based in the Inner Harbor area of Baltimore City. In 1996 Judge Hardwicke was elected as the President of NAALJ. Since that time he has chaired and been an member of numerous committees and other activities.

In addition to his Fellowship paper, Judge Hardwicke has authored many articles on Administrative Law including “The Central Panel Movement: Problems, Solutions and Ethical Considerations,” which was published in the October 2000 issue of the New York State Bar Association’s, Government, Law and Policy Journal; and “The Central Panel Movement: A Work in Progress,” which was published in the Administrative Law Review of the American Bar Association.

On June 19, 2002, the Maryland OAH held a retirement gathering for Judge Hardwicke, during the course of which the Office’s main Courtroom was dedicated and renamed the John W. Hardwicke Courtroom. A large portrait has been commissioned and will be added to the room when complete. At the ceremony, former NAALJ President, and Chief ALJ for the State of North Carolina Julian Mann read the formal resolution unanimously passed by the NAALJ Board of Governors at the recent mid-year meeting commending Judge Hardwicke for his years of service, the text of which can be found elsewhere in this newsletter. We of the newsletter staff wish Judge Hardwicke a happy retirement, and hope that he will remain active in NAALJ for many years to come.



**THE
PRESIDENT'S
COLUMN**

By Larry Craddock

**HOBNOBBING WITH FELLOW
WIZARDS: A REPORT ON THE
2002 MIDYEAR CONFERENCE
IN MINNEAPOLIS**

"And in that balloon, my dear Dorothy, you and I will return to the land of E Pluribus Unum . . . to confer, converse, and otherwise hobnob with my brother wizards." -- From the Wizard of Oz (MGM 1939).

On June 8, the NAALJ Board of Governors met in Minneapolis. The Board held its meeting in conjunction with the annual educational conference cosponsored with the ABA Judicial Division National Conference of Administrative Law Judges. Ken Nicholai and his Minnesota Office of Administrative Hearings staff put this year's conference together. The conference theme was "Becoming a Better Judge." The conference was heavily interactive. It made good use of state-of-the-art University of Minnesota Law School classroom facilities. Faculty included judicial ethics expert, Cynthia Gray, of the American Judicature Society, law school professors, ALJs, trial court, and appellate judges from all over the United States. In addition to offering excellent training, there was plenty of opportunity to hobnob and exchange information with brother and sister "wizards." Tours of the West Group publishing complex were also available. The Board's business meeting focused on making NAALJ more responsive to needs and desires of our rank and file membership. In the future individual Board members will each be responsible for a district that will include six or seven states. The Board hopes this decentralization of authority to individual board members will make NAALJ more responsive and that it will help NAALJ capitalize more fully on the suggestions, knowledge, and creativity of our members. The individual Board members will be liaisons with the state affiliates and individual members within their districts. One of the other articles in this newsletter outlines the boundaries of the initial districts. Steve Mihalchik will head a committee that will define board members' duties vis-a-vis their districts. The Board looks forward to receiving Steve's report.

If you or your organization want help putting together an event, forming an affiliate, or just getting the word out about something going on in your jurisdiction, please contact your district Board representative for help.

The Board is also trying to "work out bugs" in the NAALJ bylaws and to adopt resolutions on issues of importance to ALJs. Lois Oakley of Georgia and Julian Mann of North Carolina chair the NAALJ bylaws and resolutions committee. I have recently added Marc Burns of Texas and Marc Zylberberg of New York to the committee. The committee is soliciting input from members. Please see the separate article in the newsletter about this.

Several of you have inquired as to the implementation schedule on the new dues increase and change in the fiscal year. For those of you whose NAALJ membership was current on the date that the dues increase passed, the new dues increase kicks-in as soon as your last year dues expire. The change in the fiscal year will be effective on the first day of July following that date. The Board will work with individual chapters that have problems phasing in the dues increase to make the process as smooth as possible.

NAALJ continues to work on behalf of all ALJs and the public interest. Together we can make a difference. Although NAALJ has had to raise its dues slightly to cover inflation and increased costs and increased responsibilities, NAALJ dues are still substantially less than you would pay to belong to other similar professional organizations.

In closing I want to pay tribute to my friend and mentor, John Hardwicke, who recently stepped down as the Chief Administrative Law Judge of Maryland after serving two six-year terms. John has been a good friend and mentor to a whole generation of ALJs. No one has worked harder or contributed more to NAALJ than John has over the years. The administrative judiciary has profited enormously from John's contributions to our organization and to our profession. We thank John and look forward to working with him in the future.

Please let me and the other officers and board members hear from you. You can write us individually at the e-mail addresses listed on the website or collectively care of our secretariat at NAALJ@aol.com. We hope to see you in Kentucky. – Larry



**NAALJ RESOLUTION
HONORING JOHN W.
HARDWICKE**

The following resolution was unanimously passed by the NAALJ Board of Governors at the Mid-Year Meeting on June 8, 2002:

WHEREAS in 1989, Maryland's Governor William Donald Schaefer, recruited John Hardwicke to serve as the inaugural Chief Administrative Law Judge for the State of Maryland's Office of Administrative hearings; and

WHEREAS, John Hardwicke diligently and proficiently crafted what his peer directors in the United States have described as the "Cadillac" of Central Panels, not only in the magnitude and scope of its jurisdiction, but in the quality of its adjudicatory services; and

WHEREAS, John Hardwicke has given of himself sacrificially in time and service to both emerging and existing central panel directors and chief judges throughout the United States with both personal and group training, advice, support, and continuing education programs designed to unselfishly share his ingredients for success in Maryland; and

WHEREAS, John Hardwicke has authored numerous scholarly articles, published in the best legal journals in the United States, promoting the independence of central panels and advocating their creation to secure the liberty of due process of law to average citizens of both states and municipalities, just as he has accomplished for the citizens of Maryland; and

WHEREAS, John Hardwicke has appeared in numerous national administrative law forums over the past decade and a half, teaching, educating, debating, and advancing generally the constitutional purposes of central panels; and

WHEREAS, John Hardwicke has served as both the President of the National Association of Administrative Law Judges and Chair-Elect of the National Conference of Administrative Law Judges of the American Bar Association, and in both capacities passionately advanced the cause of central panels in the United States;

NOW, THEREFORE, BE IT RESOLVED that the National Association of Administrative Law Judges bestows upon Chief Judge John Hardwicke its highest expression of professional recognition for his untiring commitment to excellence, not only in the operation of the Maryland Office of Administrative Hearings, but for the advancement of the cause of central panels throughout the United States.

NAALJ BOARD OF GOVERNORS RESTRUCTURED

By Larry Craddock

At the Minneapolis Mid-Year meeting in June, the NAALJ Board of Governors approved a trial plan under which each board member (except for the officers) will become responsible for a district of from six to seven states. Each Board member will be responsible for mentoring members, potential members, affiliates or potential affiliates within his or her district.

The Initial district assignments are as follows:

Tyrone Butler - New York, Connecticut, Maine, Massachusetts, New Hampshire, Vermont and Rhode Island;

Mike Nolan - Maryland, Pennsylvania, Delaware, the District of Columbia, Michigan, New Jersey, and Ohio;

Sammie Chess - South Carolina, North Carolina, Virginia, West Virginia, Indiana, and Kentucky;

Ann Breen-Greco - Illinois, Wisconsin, Iowa, Kansas, Missouri, and Oklahoma;

Lois Oakley - Georgia, Florida, Alabama, Arkansas, Louisiana, Mississippi, and Tennessee;

Shelia Bailey-Taylor - Texas, New Mexico, Colorado, Arizona, Utah, and Wyoming;

Steve Mihalchik - Minnesota, Nebraska, North Dakota, South Dakota, Montana, and Idaho; and

Bill Dorsey - California, Nevada, Oregon, Washington, Alaska, and Hawaii.

The Board hopes that this change will strengthen NAALJ by spreading authority and the workload more evenly among board members. The Board also hopes that this change will make NAALJ more responsive to member and affiliate needs and concerns. It will relieve the officers of some of the detail involved in running the organization. It will provide an opportunity for individual NAALJ Board members to assume more active leadership roles. Finally, the new arrangement will give members and affiliates a specific board member to turn to when they need assistance from the Board.

REPORT OF THE NOMINATING COMMITTEE

By R. Bryan McDaniel

The election for officers and Board members will occur at the annual membership meeting in Lexington, Kentucky on Monday, October 21, 2002. The Nominating Committee of NAALJ nominates the following candidates for officers and members of the Board of Governors for 2002 – 2003. Nominations may also be made from the floor.

Officers – (One year term, Expiring in 2003)

President Elect: **Hon. Christopher Graham**, Administrative Hearing Commission, Jefferson City, Missouri

Secretary : **Hon. Donna "Susie" Bargo**, Cabinet for Families and Children, London, Kentucky

Treasurer: **Hon. Tyrone T. Butler**, New York Department of Health, Troy New York

Board of Governors – (Two Year Term, Expiring in 2004)

Hon. David Brunke, Texas Motor Vehicle Commission, Austin, Texas

Hon. David Marcus, Oregon Hearing Officer Panel, Salem, Oregon

Hon. Errol Powell, Division of Administrative Hearings, Florida

Hon. Jacqueline Watts, Division of Administrative Law, Baton Rouge, Louisiana

Incumbent Officers:

Hon. Larry Craddock: Texas Finance Commission automatically becomes the ex-officio Past President at the completion of his term as President.

Hon. Janet Thompson: Natural Resources, Office of Administrative Hearings, Frankfort, Kentucky, automatically becomes President by virtue of her current Office as President-Elect

Incumbent Board Members - the second year of a two-year term

Hon. William Dorsey, US Department of Labor, Office of Administrative Law Judges, San Francisco, California

Hon. Steve M. Mihalchik, Office of Administrative Hearings, Minneapolis, Minnesota

Hon. A. Michael Nolan, Office of Administrative Hearings, Hunt Valley, Maryland

Hon. Lois F. Oakley, Office of State Administrative Hearings, Atlanta, Georgia

Respectfully Submitted
The Nominating Committee

Hon. R. Bryan McDaniel, Chair
Hon. Anne Breen-Greco, Vice-Chair
Hon. Janet Thompson
Hon Mark Zylberberg
Hon. Georgia Brady

MARYLAND'S NEW CHIEF ADMINISTRATIVE LAW JUDGE

By Noreen Lynch

Hon. Thomas E. Dewberry was appointed Chief Administrative Law Judge of the Maryland Office of Administrative



Hearings on May 10, 2002. Judge Dewberry has been a member of the House of Delegates, in the Maryland legislature, since 1990. Also, for the past twenty three years, Judge Dewberry served as a senior hearing examiner with the Maryland Public Service Commission. His legislative and adjudicative experience are outstanding qualifications to oversee the Office of Administrative Hearings. Judge Dewberry has been representing the citizens of Baltimore County, Maryland and has earned the respect of his peers for his extensive knowledge of state government, legal expertise and his sense of fairness and inclusion.

Judge Dewberry reports that he is 'very excited that he has been given the opportunity to embark on this new course in his professional career'. Judge Dewberry is a member of both NAALJ and MAAA and is very supportive of the objectives of both organizations. Maryland welcomes Thomas E. Dewberry as our new chief judge. He looks forward to meeting NAALJ members at the annual meeting in Kentucky in October, 2002. Please help us welcome and congratulate Judge Dewberry on his appointment.

HORSING AROUND IN KENTUCKY



NAALJ ANNUAL CONFERENCE LEXINGTON, KENTUCKY OCTOBER 19-23, 2002

By James L. Dickinson

The 2002 KAAA \ NAALJ Committee is eagerly anticipating your arrival to [Lexington, Kentucky](#), on October 19-23 for the 28th NAALJ Annual Conference. The theme of this year's conference is "When Winning Isn't Everything-Resolving Disputes with Justice for All." You can check out the wide variety of program topics and download a copy of the registration form at our website, <http://www.kyaaa.org/>. **The conference has been accredited for 14.75 CLE hours, but we have submitted a revised application asking for 15.75 hours.** If you have not registered for the conference, you need to do so as soon as possible, in order to take advantage of the regular registration membership rate of \$325 (Non-members - \$350). After September 1, 2002, the late registration fee for NAALJ members will be \$350. (Non-members \$375). For those who need it, our tax ID number is 61-1327730.

Hotel space is beginning to fill up, so we urge you to make your reservations at our host hotel the [Radisson Plaza](#), as soon as possible. The discounted room rate is \$124 single/double; \$134 double/quad. Reservations may be made at 800.333.3333, or [click here](#) to reserve online. To receive the discounted Conference hotel reservations, use the special promotional code "NALJ" (not NAALJ). **The local hotel telephone number is 859.231.9000** (we apologize for the typo in the brochure). The contact person is Michael Russell. Registrations must be made by **September 1, 2002**, in order to receive the discounted room rate.

Hotel space is limited for Friday and Saturday nights. If you are told that the hotel is full, please call immediately either Janet Thompson or Jim Dickinson at **502.564.7312**. Usually, but not always, they can work a miracle or two. E-mail addresses are Janet.Thompson@mail.state.ky.us and James.Dickinson@mail.state.ky.us.

SPECIAL EVENTS

Now that we have those pesky details out of the way, let's talk about all the fun things we will be offering for your pleasure and entertainment. Although we know you are definitely interested in continuing your legal education and becoming an even better administrative adjudicator (much more about that later on in this article) there is no reason why you can't have a little fun while you are doing it. For your entertainment, we have assembled a virtual smorgasbord of special events (at a very reasonable price) which we think you find enticing and just plain fun.

SATURDAY, OCTOBER 19, 2002.

On what we hope will be a gorgeous Autumn day, we are offering two options: the thrill of watching magnificent thoroughbreds racing for first place from a prime vantage point or a tour of the Bluegrass region of Kentucky when the weather and fall foliage is at its best.

HORSING AROUND: Experience the thrill of some of the world's most prestigious Thoroughbred racing at [Keeneland](#), a National Historic Landmark located in the heart of Bluegrass country. Keeneland is one of the few racetracks in America where you can get up close and personal with magnificent horses as they enter the Paddock—said to be one of the most beautiful places in central Kentucky. Once the races begin, you'll watch all the action and enjoy a delicious lunch buffet from your table in the Lexington Room, situated high atop the grandstand. Best of Luck!

BUSES DEPART AT 11:00 A.M. RETURN AT 6:00 P.M. COST IS \$60 PERSON.

Seating is limited in the Lexington Room, and accommodations can only be made for the first 70 persons who pay for this event. Coat and tie are required for guests in the Lexington Room.

Historic Tours: As you begin your scenic ride through Horse Country, you'll stop for a guided tour of [Three Chimneys Farm](#). Situated on approximately 1,500 acres, Three Chimneys was home to the only undefeated Triple Crown winner in history, Seattle Slew, and is the home of Kentucky Derby winner Silver Charm. From the horse farm you'll travel to Woodford County to tour [Labrot & Graham Distillery](#), a National Historic Landmark and home to Woodford Reserve bourbon. Next, it's off to Frankfort for a catered lunch in the Music Room of Berry Hill Mansion, former home of distiller George Franklin Berry. The mansion is situated on a prominent western bluff overlooking the state Capitol. While in Frankfort, you're sure to satisfy your sweet tooth with a tour of the Rebecca Ruth candy factory, where world famous Bourbon Chocolates are made. You'll

wrap up the afternoon with a narrated tour of Frankfort's historic sites including [Daniel Boone's grave](#), the [Floral Clock](#), the [Kentucky History Center](#) and both the [new](#) and [historic](#) capitol buildings. Enjoy!

Buses depart at 8:15 a.m. Return 4:15 p.m. Cost is \$55.00 per person.

SUNDAY, OCTOBER 20, 2002.

On an equally beautiful Sunday morning, we are offering two very different events: one which will appeal to people who love having a good hearty breakfast in a historic setting; the other event is designed for the many golfers in our association who find a difficult, premier golf course to be something akin to Nirvana.

Shaker Village: Begin your morning with a hearty country buffet breakfast at [Shaker Village](#), a premier living history museum where costumed interpreters chronicle Shaker life. Enjoy a self-guided tour of the 33 original 19th century buildings and 2,800 acres of farmland. You'll marvel at the extensive collection of original Shaker furniture, watch skilled artisans practice their trades, and listen to Shaker music being performed in the 1820 Meeting House at Pleasant Hill.

Buses depart at 7:00 a.m. Return 12:00 p.m. Cost: \$39 per person.

Golf Outing: All golf enthusiasts will enjoy the pleasure of a morning in the rolling hills of the bluegrass at Kearney Hill Golf Links, a Scottish links style course characterized by open rolling terrain, deep sand, grass bunkers, and few trees. The course was designed by foremost golf architect, Pete Dye and hosted a stop on the Senior PGA tour from 1990 to 1997. It has been rated in the top 10 best golf course in Kentucky by [Golf Digest](#) magazine.

Buses depart at 7:00 a.m. Return at 12:00 p.m. Cost: \$55 per person.

RESERVE YOUR SPECIAL EVENTS NOW!!!

There are still plenty of spaces available for all the events, but we expect to sell out soon. So, unlimber your checkbook and include with your registration fee, a check for the special events, or if you have already registered, you can send a check for the special events directly to UK \ CLE, Room 260, College of Law, University of Kentucky, Lexington, Ky 40506-0048. Just mark on a copy of your registration form or in the memo portion of your check, the events you would like to reserve.

If you need more information about a special event, feel free to e-mail Lori Eisele at Lori.Eisele@mail.state.ky.us or call her at 502-564-6621.

PROGRAM

Although the emphasis of this article has been on the “fun” things you can do in Kentucky, there is no discounting the importance of also having a top-notch program. After all, the point of this conference, consistent with the mission of NAALJ, is to provide a high quality educational opportunity for our members. In fact, this conference is one of the few events specifically designed to meet the needs of an administrative adjudicator. To that end, the 2002 Conference, with its theme, “When Winning Isn’t Everything-Resolving Disputes with Justice for All,” promises to provide interesting and educational programs for both administrative adjudicators and practitioners, regardless of their experience level or the type of cases they hear or practice.

SUNDAY, October 20, 2002:

Leading off the conference Sunday afternoon will be a lively skit series with discussion and audience participation moderated by Prof. Steve Stephens, Chase Law School, Northern Kentucky University, and Lori Davis, Kentucky Health Services Hearing Officer.

MONDAY, October 21, 2002

First thing Monday morning, registrants will be inspired by the keynote speech entitled, “When Winning Isn’t Everything-the Judge’s Role in Determining Whether Hardball is Fair Play,” by Professor and former Dean of the University of Louisville Brandeis Law School, Donald Burnett. Two alternative tracks will follow on Monday morning. One track features state and federal administrative case law updates by Professor Greg Ogden of Pepperdine University School of Law, and by Professor Michael Healey, University of Kentucky College of Law. The other track, a panel discussion moderated by Susan Durant, Hearing Officer, Kentucky Office of the Attorney General, will provide 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, will entertain conference attendees at Monday’s luncheon with his view of judicial independence. The afternoon plenary session, “Do You Mean What I Thought You Said?”, presented by Professor Edwin S. Segal, University of Louisville Anthropology Department, will open registrants’ minds to people of diverse cultural, religious, ethnic, and racial backgrounds.

TUESDAY, October 22, 2002

Tuesday provides three alternate tracks all day. In the first track, the morning sessions include “Admission and Use of Documents in

Administrative Hearings,” by Professor William Fortune, University of Kentucky College of Law, and “Using Technology to Enhance the Hearing Process,” presented by Michael Losavio, Judicial Education Department, 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, will provide basic training on decision writing, and the NAALJ Central Panel Committee will discuss current central panel issues.

The second track on Tuesday will begin with 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, may join 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, there’s an exciting opportunity: Raymond A. Limon of the Office of Personnel Management will explain how to apply to become a federal ALJ. Afterwards, Ann Sheadel, Chief Hearing Officer, Kentucky Office of the Attorney General, and Ann Breen-Greco, Illinois State Board of Education ALJ, working in tandem, will set out the fundamentals of conducting a hearing.

Track three on Tuesday will begin 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 does double duty presenting another interesting session on how to use technology to enhance the hearing process. His comments will lead into vendor demonstrations by Lexis-Nexis and Westlaw.

Kentucky Supreme Court Justice James E. Keller will be the keynote speaker at Tuesday evening’s banquet and will also administer the oath of office to NAALJ’s new officers and board members. Also expected in attendance at the banquet are National Judicial College President William Dressel and Dean Ernest Borunda from Reno, Nevada.

WEDNESDAY, October 23, 2002

The last day of the conference will not disappoint. Hon. Jennifer B. Coffman, District Judge from the Eastern District of Kentucky, will give her view from the Federal Bench on “Promoting Public Confidence in the Judiciary.” She will be followed by Jefferson County District Court Judge Janice Martin’s review of Kentucky’s efforts at “Opening the Judicial Process to All.” Attendees won’t be leaving early because the always entertaining Professor Richard Underwood, University of Kentucky College of Law, will close the conference with a discussion on “What Will Get You in Trouble?”

Guest tickets for Monday’s luncheon (\$21) and Tuesday’s banquet (\$35) are available and may be reserved in advance on your registration form.

If you need more information about the program feel free to e-mail Michael Head at Michael.Head@mail.state.ky.us.

OTHER FUN EVENTS

SUNDAY EVENING RECEPTION.

The program schedule also includes a couple of events designed to allow you to unwind after a full day of programs. On Sunday evening, we will travel a short distance from the hotel to the world-renowned [Kentucky Horse Park](#) a casual affair, jeans are definitely a must, where you will be treated to the stirring, toe-tapping music of the Kettleheads, a bluegrass band hailing from Eastern Kentucky. At the Horse park you will have an opportunity to mingle with many of the Kentucky constitutional officers and hear the welcoming remarks of Crit Luallen, Secretary of Governor Patton’s Executive Cabinet. A Kentucky style buffet (burgoo, a unique beef and vegetable stew, cornbread, fried chicken, pulled barbecued pork, slaw, green beans, rolls, pecan pie) will be served. Cloggers are the dinner entertainment. After dinner, you will have an opportunity to tour the various museums on the site including the burial place of [Man O’War](#), take a hayride, browse the International Museum of the Horse and watch the Parade of Breeds presentation (demonstration and narrative of history and uses of some of the breeds in the park. Later on in the evening you will be treated to a magnificent display of the Parade of Breeds, a depiction of the infinite variety of horse breeds. Finally, you will have some time to shop at the Visitor’s Center and pick up that unique and much needed souvenir to take home.

Guest tickets for the reception (\$30) are available and may be reserved in advance on your registration form.

“NO TALENT” SHOW.

On Monday night, starting at around 8:00 p.m., you will be able to take part in, or if you are too talented, listen to the “No Talent Show.” This concept, the brainchild of President-Elect Janet Thompson, (at the suggestion of David Marcus, who definitely will be performing) has never been done before, so you will be in on the creation of a new tradition for the conferences.

The idea behind this event is that all of us know we have a unique talent, such as playing a musical instrument, singing, performing magic tricks, acting, etc., in addition to our abilities as adjudicators. *WE ARE OFFERING YOU AN OPPORTUNITY TO STRUT YOUR STUFF* and make a fool of yourself in front of all your peers. Plenty of

liquid refreshment (for a price) will be available to help you get over your inhibitions. Deep in your heart, you know you are as talented as (you pick your favorite performer). On Monday night for a mercifully short period of time, we are giving you an opportunity to prove it.

As part of the "No Talent Show", we would like to see the affiliates coordinate a show among their members and put on an affiliate show. There will be a prize for best (worst???) affiliate performance at the end of the evening.

This event is free – there is no charge for coming into the showroom. But like the Hotel California, you can check in, but you can't check out, UNLESS you perform or stay until the last performer croaks. If you must leave early, please pay the insignificant fee of \$5.00. (It will help defray the costs of the audio equipment).

If you would like to sign up in advance e-mail or call Alan Wagers at Alan.Wagers@mail.state.ky.us / 502.564.7312.

NIGHT LIFE IN LEXINGTON

Although we are going to keep you plenty busy, there will be plenty of time to sample the warm vibrant nightlife in downtown. At the host hotel is one of the most popular bars in Lexington, The Big Blue Martini, which offers a variety of specialty martinis (natch), as well as a full bar. Across the street is Desheas, a popular restaurant offering traditional Kentucky fare. Within two blocks is the Rosebud, a moderately priced upscale restaurant offering a classic menu. Across the street from Rosebud is Cheapside's, home of some of the best music in town, which offers basic and tasty pub food. Other places that need to be checked out are Mia's, Portafino's, 431, Jonathan's at Gratz Park, and Dudley's. For a truly special dining experience, a la lucie offers a wonderfully fresh menu, planned and created daily by Lucy herself. We are stealing an idea from the Minnesota affiliate and will have available at the registration desk a list and map of our personally recommended dining establishments, all of which are either within walking distance or a short 15 minute cab drive from the hotel. Average fare is about \$5.00 one way.

YOU WANNA SHIRT?

For the first time ever, we are offering a handsome, good quality souvenir polo shirt or tee shirt. Polo shirts are \$23.00, T-shirts are \$16.00. Prices include tax. The shirts are in Keeneland green (forest green) and have embossed on them the NAALJ \ KAAA 2002 logo and come in all sizes, up to XXLlarge. It's a great way to remember all the

fun times you had at the conference. And besides, you can never have too many casual wear shirts. To order a shirt, mark your registration form, give us your size, and include a check. The shirts will be available upon check-in at the registration desk. By the way, the shirts run true to size, a large is a large, not a mislabeled medium – these are not inexpensive shirts. If you wait until the conference, you can order one, but we will have to charge you extra for shipping.

Additional T-shirt information is available from James Dickinson at James.Dickinson@mail.state.ky.us / 502.564.7312.

We are looking forward to your visit in Lexington and we have planned some truly memorable events for your enjoyment.

See you in October!!

(The Author thanks Lori Eisele, Michael Head, Janet Thompson, and Robert Layton for their much appreciated assistance)

UPCOMING CONFERENCES

MIDYEAR 2003

Planning is underway for the 2003 Midyear ... in mid May! The program will focus on the relationship between the agency and the ALJ, and also may include a day devoted to writing for ALJs. The Illinois affiliate and the NAALJ Education Committee are both involved in program planning. More information will be available at the Annual Meeting and Conference in Kentucky. However, it is not too early to mark this on your calendar for 2003!

ANNUAL 2003

Florida, specifically, Orlando, Florida, will be the location for the 2003 Annual Meeting and Conference (2003 AMC) of the National Association of Administrative Law Judges (NAALJ) to be held in October 2003. Florida's Division of Administrative Hearings (DOAH), a central panel, will host the 2003 AMC. Orlando offers a variety of thrills and attractions for you and your entire family. Begin making your plans today. Further details will be forthcoming.

MID-YEAR 2004

By Ed Felter



The NAALJ International Conference Exploration Committee, comprised of Bryan McDaniel, Tyrone Butler and Ed Felter, have been working with Murray Chitra, President of the Council of Canadian Administrative Tribunals (CCAT) on the June 20-24, 2004 international conference to be co-sponsored by CCAT, NAALJ and NCALJ of the ABA. Murray Chitra has already signed a contract with the Royal York Hotel in downtown Toronto, with a room rate of \$137 per night (US), a real bargain for the Royal York. Hopefully, the opening reception will be held at the Hockey Hall of Fame, right across from the Royal York. Bertrand Roy of Montreal is working on signing up Canadian Supreme Court Justice L'Heureux-Dube and U.S. Supreme Court Justice Stephen Breyer as two of the keynote speakers. Widespread attendance from all over the world, including Latin America, is expected. There will be translation devices for Spanish and French. The theme of the conference will concern international administrative justice. Toronto is probably the easiest Canadian sell for the budgetary authorities, with economical direct flights from most major U.S. cities. If you cannot secure official funding for the conference, we hope you will decide to attend on your own nickel as many of us plan to do.



JUDICIAL
DIVISION
National Conference of Administrative Law Judges

2002 NAALJ ANNUAL MEETING AND CONFERENCE

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SWIFTER ADMINISTRATIVE JUSTICE IN MINNESOTA

By George A. Beck, ALJ



Minnesota administrative law practitioners have become used to a biennial examination of the rulemaking provisions of Minnesota's Administrative Procedure Act as legislators seek effective ways to influence the adoption of rules. This year, however, the legislature enacted four significant changes to the contested case procedures contained in the APA. The contested case procedures govern the quasi-judicial or trial-type decision-making by state agencies. The bill was drafted by the Minnesota Office of Administrative Hearings and was adopted by Governor Ventura as an administration bill.

The first change makes it clear that an agency may, when it begins a contested case proceeding, provide that the decision of the Administrative Law Judge will be the final agency decision. The ALJ decision would then be appealable directly to the Minnesota Court of Appeals. Although some agencies have delegated final decision-making authority to ALJs in the past, this is the first time that the APA has explicitly recognized this alternative. Minnesota ALJs currently make final decisions for several agencies where required by the legislature.

In cases where agency policymaking is not an important factor, an agency will likely find that delegation to the ALJ saves time and money. The agency will be able to avoid time devoted to an examination of the exhibits and testimony developed at the hearing, as well as time devoted to the arguments of the parties as to an appropriate final decision. In cases where a second Assistant Attorney General (other than the "prosecuting" attorney) is used to advise the agency, that expense can be avoided. Under the legislation, the agency retains full discretion as to whether or not to delegate its final decision-making authority.

The second addition to the APA allows the parties to agree in writing to arbitrate the case, with an ALJ as arbitrator, under the procedures of the Minnesota Uniform Arbitration Act. The arbitration is in lieu of the usual contested case procedure. Arbitration must also be approved by the agency, if it is not a party. Among the matters that might be covered in a written agreement

to arbitrate are a deadline for an award, the form of the award, service of the award, and the payment for the costs and fees of the arbitrator.

In an arbitration the parties have the right to present evidence, cross-examine, and to be represented by an attorney. There is no provision for discovery apart from allowance for a deposition of a witness who cannot be subpoenaed or who is unable to attend the hearing. The ALJ serving as an arbitrator makes a final decision under the Act. The final decision is called an award and is not required to be in any particular form, except that it must be in writing and signed by the arbitrator. Customarily, arbitration awards are quite brief and may be limited to a statement of the outcome. An arbitrator may modify or correct an award within 20 days, upon the application of a party.

Normally, agency decisions under the Minnesota APA are appealable to the Court of Appeals. Under the Uniform Arbitration Act an appeal is made to the district (trial) court in the county in which the hearing is held. The grounds for appeal or vacation of an award, however, are quite limited and extend only to matters such as fraud, evident partiality of an arbitrator, hearing conduct that substantially prejudices the rights of a party, or the arbitrator exceeded his or her powers. There is no appeal on the grounds of a lack of substantial evidence or error of law as would be the case in the appeal of a contested case under the APA. The 2002 Minnesota APA amendments specifically provide that review of the ALJ award would be in district court, as with other arbitrations.

The selection of arbitration by the parties would permit a speedy and economical final result and would lessen the possibility of an appeal. It would be a good choice where discovery is unnecessary, agency policy is not at stake, and detailed findings are not required. Attorney fees and ALJ expense would be minimized. The Minnesota legislature also considered the appropriate contents of an agency final decision that rejects or modifies a finding of fact, conclusion, or recommendation by an ALJ. It directed that the agency decision must include the reasons for each rejection or modification. Minnesota case law has held that agency rejection of an ALJ's findings without explanation may constitute arbitrary action justifying reversal.

The new statutory language goes a step further and requires an agency to state its reasons "for each rejection or modification" of any finding or fact, conclusion, or recommendation. The level of detail required will likely be worked out in the appellate process.

Finally, the new provision that stirred the most controversy in the legislature, and among

state agencies, is a requirement that the recommended decision of the ALJ becomes the final agency decision if the agency fails to modify or reject it within 90 days of the close of the record. The impetus for this provision was recent final decisions by some agencies issued up to one year after the ALJ decision. Some agencies felt that they could not always complete their review within 90 days. So, a provision was added that allows the Chief ALJ to order a reasonable extension of the 90-day deadline upon a showing of good cause by a party or the agency. The new statute also requires a final decision issued by an ALJ to be served within 90 days of the close of the record. However, the Minnesota OAH expects to maintain its policy of issuing decisions, whether recommended or final, within 30 days.

A question that must be resolved is what changes will need to be made to the ALJ's recommended decision in order to comply with the legislation. Since the inception of the Minnesota OAH, its policy has been not to make a specific recommendation in licensing cases (e.g. a two week suspension), but rather to simply recommend that disciplinary action be taken if a violation was proved. That policy was approved by the Minnesota Court of Appeals. However, if the ALJ decision is to become final in 90 days when the agency fails to act, it would need to include a specific recommendation on discipline. The appropriate discipline would then need to be argued on the record before the ALJ.

Minnesota Chief ALJ Ken Nickolai notes that the change in this new legislation is designed to provide the public and agencies with faster and more cost effective options to resolve disputes. He observed that "these are the most significant changes to the contested case provisions of the APA in many years and will help enhance public trust and confidence in our system of administrative justice."

JOINT MEDIATION TRAINING

By Ed Felter

The NAALJ partnership with the National Judicial College is off to a good start. Mediation Faculty Members Nancy Lynch, Phyllis Reha (Minnesota Public Utilities Commissioner) and Marshall Snider attended the National Judicial College Intermediate Faculty Development Program in Reno from June 10 to June 13, 2002. Also in attendance for reasons other than teaching mediation were Janet Coulter, Tyrone Butler and Ed Felter, in addition to eleven other judicial branch judges and/or judicial educators. The program was outstanding and you will be seeing the faculty employ the more refined presentation skills learned in Reno.

COMMITTEE REPORTS

COMPLEX ADJUDICATION

James Horan

The Complex Adjudication Committee currently has two members, James Horan (New York) and Dennis Moss (Washington).

Our principal goal for 2002 is to prepare and present a successful program at the NAALJ annual meeting in Lexington. Following discussions with Larry Craddock and Michael Head, we have agreed to present a program entitled Special Issues in Complex Litigation during the 8:45 a.m. – 12:00 noon time slot on Tuesday, October 22, 2002. Our program will follow the “drama” format that has met with good success in previous years. Judge Horan and I will prepare the script and supporting materials. We will need several volunteers to assist us in presenting the program.

Our second goal this year is to recruit additional members to serve on the Committee. We ask for your support and suggestions.

MEMBERSHIP

Bob Layton

The Membership Committee currently has five members, including Vice-Chair David Marcus, Willie Thompson, Bill Dorsey and Bryan McDaniel.

Efforts for 2002 have been to continue the previous work of developing new affiliates. Since the annual meeting in Austin in November 2001, we have gained a new affiliate in the state of Michigan. There are presently less than 20 affiliate members in Michigan; however, in a state with a population of 10 million, there are a large number of potential new members. The affiliate could very reasonably expect to have 40 members. In addition to the hard copy packet of material, electronic copies of articles of incorporation, sample by-laws, and benefits of NAALJ membership have been distributed to potential new affiliate organizers. A hard copy of the sample electronic information is attached, so Board members will know what kind of information is available to be sent to potential new affiliates. Oregonian David Marcus is leading development efforts for an affiliate in the state of Washington, and Bill Dorsey continues to work to establish a California Affiliate. In addition to California and Washington, other states contacted that have the most current potential to become affiliates are Arkansas, Florida and Tennessee. Gaining three new affiliates in the next year is a very reasonable goal for NAALJ.

NAALJ Board members and members at large are encouraged to extend any assistance possible to the new affiliates. The

Membership Committee also will be more productive if it can gain new committee members. With more members, more active involvement and recruiting contact with potential affiliates can occur. Even without more committee members, by having all Board members and members at large helping affiliates, and the new affiliates will have a continued appreciation for the benefits of being part of NAALJ. The Membership Committee Chair has offered to attend the next Michigan affiliate meeting (at no expense to NAALJ or Michigan) to provide suggestions for affiliate growth, and to assist with creating a website for the affiliate.

The Membership Committee has also spent time assisting in discussions to resolve member concerns within an affiliate. Those concerns and potential responses will be addressed by others in NAALJ as a separate topic from this report.

ALTERNATIVE DISPUTE RESOLUTION

Ann Breen-Greco, Beverly Nash

The ADR Committee continued with the goals of the ADR Committee for the year 2001: "To promote the use of alternative dispute resolution in the administrative forum; to maintain liaison with the educational committee to determine any need for educational programming addressing this issue."

The training aspect of ADR will be continued separately, with NAALJ working with NJC. However, this will not preclude the ADR Committee from continuing to plan for educational workshops at mid-year or annual conferences and locally within states.

The areas of concentration for the Committee will be outreach and work with affiliates on promoting the use of ADR on a state level. In the current state budget crisis climate throughout the country, however, it will be difficult to promote the creation of any new agencies, within states, even one such as ADR which could ultimately save states millions of dollars in hearing/litigation fees. Nonetheless, it would be worthwhile to have a structure in place for planning for the future.

Jody Plymyer has proposed that a survey be conducted, perhaps randomly in regions of the country, or a Lexis-type search, of state and federal law requiring or permitting ADR prior to or as an alternative to a contested case hearing. The survey could include the extent of use of the law, effectiveness, reduction of hearings, types of cases, training requirements for mediators, and problems

The ADR Committee will continue to work on publicity as a major aspect of helping to promote ADR. The Committee will designate a committee to work on writing an

article for the newsletter and for posting on the NAALJ website.

A networking activity we plan to pursue is based on former Committee Chair David Marcus' work in maintaining an ongoing relationship with Policy Consensus Initiative (PCI), which has opened a new training center at Portland State University in Portland, Oregon. The Committee will focus on another institute engaged in this kind of work and/or a law school that teaches ADR. Additionally, further contact with the ABA ADR Committee will take place at the ABA annual conference in Washington, D. C., primarily for updating on the Uniform Mediation Act considered by the ABA earlier this year.

CONFERENCE LOGISTICS, PLANNING AND ASSISTANCE

L. David Brunke

The members of the NAALJ Conference Logistics, Planning and Assistance (CLPA) committee include the following: L. David Brunke, Chair; James Horan, Laura Bierman, Meg Phipps and Susie Bargo.

This is the first year of the committee's existence. According to President Craddock, the committee "is intended as a nuts and bolts committee to help with the day-to-day nitty gritty details of putting a conference together, i.e., how to budget, what are the standard conditions of a hotel contract, putting together a planning calendar, etc." The committee augments the Conference Committee and the Future Conference Site Selection Committee.

As the planning for the NAALJ 2002 Annual Meeting & Conference is well underway, thanks to the diligent efforts of the Kentucky Association of Administrative Adjudicators, the CLPA committee has directed its efforts towards the NAALJ 2003 Annual Meeting & Conference. One of the tentative hosts of the 2003 conference is the Florida Department of Administrative Hearings (DOAH), which is planning to partner with a law school. The Florida DOAH will be making a presentation at the Mid-Year meeting. Contact has been made with the DOAH and assistance has been offered. In addition, the NAALJ Conference committee has provided DOAH with sample documents. Following the Mid-Year meeting, the CLPA committee will continue its efforts to provide assistance to the 2003 hosts.

Later this year, the CLPA committee will be contacting the tentative host of the 2004 conference to offer its assistance.

BY-LAWS, PROCEDURES & RESOLUTIONS COMMITTEE

Lois Oakley and Julian Mann

At the 2001 Annual Meeting in Austin, the following resolutions were considered by the membership and accepted:

1. The Washington D.C. Council has under consideration proposed legislation that if enacted in the fall of 2001, would authorize the creation of a central panel tribunal for the District of Columbia. **NOW, THEREFORE, BE IT RESOLVED THAT:** NAALJ endorses the adoption of legislation creating a central panel tribunal in Washington, D.C.
2. The Model Code of Conduct for State Administrative Law Judges (hereinafter "State Model Code") as endorsed by the NAALJ Board of Governors and the National Conference of Administrative Law Judges of the Judicial Division of the American Bar Association is intended to establish basic ethical standards for administrative law judges or any other hearing officials throughout the United States. The State Model Code is intended to govern the conduct of these administrative law judges and to provide guidance to assist state administrative law judges in establishing and maintaining high standards of judicial and personal conduct. **NOW, THEREFORE, BE IT RESOLVED THAT:** NAALJ urges the central panel tribunals and other administrative law tribunals throughout the United States to adopt the State Model Code.
3. The collection and dissemination of individual contested case statistical disposition rates, meaning the number of days elapsed between the date of receipt of a request for an administrative hearing until the date of the issuance of the decision by individual administrative law judges or other hearing officials, is a major statistical factor indicating whether citizens and agencies are delayed in the adjudicative contested case process. **NOW, THEREFORE, BE IT RESOLVED THAT:** NAALJ endorses and encourages central panel tribunals and other administrative law tribunals in the United States to collect, monitor, report and disseminate contested case statistical disposition rates for administrative tribunals.

4. Several jurisdictions in the United States have adopted statutory salaries for state administrative law judges as a percentage of the statutory salary of comparable judicial branch judges. The statutory percentage provides for salary equity among state administrative law judges and represents a degree of parity with judicial branch judges. **NOW, THEREFORE, BE IT RESOLVED THAT:** NAALJ endorses the concept that the salary of state administrative law judges be established by statute as a percentage of the salary of a comparable judicial branch judge and further instructs the Secretary of NAALJ to forward a copy of this adopted resolution to the Chief Administrative Law Judge or Director of every central panel tribunal in the United States as an endorsement by NAALJ of this method for determining state administrative law judges' salaries.

Subsequent to the 2001 Annual Meeting, a new procedure for the Committee's consideration and adoption of proposed resolutions was instituted. This procedure was adopted by the NAALJ Board at its meeting in Austin. The procedure requires submission of resolutions to the By-laws, Procedures and Resolutions Committee (the "Committee") at least one (1) month prior to the Mid-Year meeting. The procedure requires the Committee to deliberate each resolution and to express its sentiment by a vote of "favorable", "unfavorable" or "no position". The Committee's deliberations are to be reported to the NAALJ Board two (2) weeks prior to the Mid-Year Meeting. At the Mid-Year Meeting, the Board is to adopt a position of "favorable", "unfavorable" or "no position" with respect to each resolution. The Board's position is to be reported in the NAALJ newsletter preceding the Annual Meeting. The draft resolutions are to be placed on the agenda at the Annual Meeting for adoption by a majority vote of the membership in attendance.

The Committee's report to the Board at the Minneapolis Mid-Year meeting prompted lively and extended debate. The debate related to the new procedure for adoption of resolutions. It was the consensus of the Board that the new procedure contained flaws and required changes. The Board was in agreement that the resolutions procedure should be rewritten to accomplish the following: (a) creation of a mechanism for enhancing the input of the membership regarding governance of the organization; and (b) creation of a mechanism for the Committee's substantive review of draft resolutions.

The Committee invites your submission of ideas about revisions to the resolutions procedure. It would be helpful to have your ideas prior to the Committee's deliberations in October at the Kentucky Annual Meeting. No later than August 31, please send your comments and suggestions to:

Julian.mann@ncmail.net and
Loakley@osah.state.ga.us

For your information, the Committee's membership includes: John Hardwicke; Bruce Johnson; Jim Horan; Stan Cygan; Ronnie Yoder; Chris McNeill; Sammie Chess; Marc Burns; Marc Zylberberg and Tyrone Butler. You are welcome to communicate directly with any of these Committee members regarding your ideas.

NAALJ FELLOWSHIP

Ed Felter

The Fellowship Committee is pleased to report that Professor Phyllis E. Bernard of Oklahoma City University School of Law has been awarded the 2002 Fellowship for her proposed paper, "The Administrative Judge as a Bridge Between Law and Culture." In her proposed paper, she will, among other things, analyze the differences in mediation between the U.S. and the Niger Delta.

Professor Bernard has served as a consultant to the Administrative Conference of the United States in developing an Alternative Dispute Resolution (ADR) process to replace most Medicare adjudications for institutional providers.

As a state commissioner serving on the Oklahoma Merit Protection Commission, Professor Bernard helped develop the rules and procedures replacing much of the state merit system appeals process with ADR, and helped develop the first ethics rules for Merit Protection commissioners. She has served as a consultant to the U.N. World Health Organization, advising the Lao People's Democratic Republic on privatization of their health care system and development of a quality of care dispute resolution system. Professor Bernard has started a pro bono consultation with the International Federation of Women Lawyers in the Niger Delta, where she was asked to design an appropriate tribal peacemaking program, using the [Early Settlement](#) model.

The topic of the 2003 Fellowship is "Agency Heads and Adjudicatory Hearings." The deadline for submissions for 2003 has been moved up to February 1, 2003, in order that the planners of the 2003 Midyear Education Program with a similar theme will have the option of inviting the 2003 Fellowship winner to participate.

NEWS FROM THE STATES

OREGON

Steve Risberger

It has been a busy summer for NAALJ's Oregon affiliate, the Oregon Association of Administrative Law Judges (OAALJ). In recent weeks, OAALJ's governing board has endorsed a decisional independence proposal for Oregon's Hearing Officer Panel, finalized a plan for a joint administrative law conference with Willamette University Law School and approved a summer scholarship for one of our members to attend the National Judicial College in Reno.

A committee of ALJs and private practitioners headed by OAALJ's vice-President, Bruce Black, has put the finishing touches on recommendations for a new peer review system for written ALJ orders issued by Oregon's Hearing Officer Panel. Chief Hearing Officer, Tom Ewing, plans to implement the committee's recommendations, with some adjustments, by late July 2002.

The committee's work marks a watershed in the short history of the Hearing Officer Panel. Prior to July 2002, managers were primarily responsible for reviewing ALJ orders in many high profile cases, such as professional licensing and environmental regulation cases. OAALJ members expressed concern that management review of ALJ orders could compromise the decisional independence of ALJs. The Hearing Officer Panel's new peer review system will place an emphasis on both decisional quality and greater decisional independence by ALJs. Although the new peer review system falls short of long-range OAALJ goals, OAALJ's board has endorsed it as a significant step toward enhanced independence and professionalism for Oregon ALJs employed by the Hearing Officer Panel.

OAALJ and Willamette University Law School have firmed up an agreement to sponsor a joint conference on administrative law at Willamette's campus in Salem, Oregon on November 16, 2002. The conference will feature sessions on issue preclusion, ethics, legislative developments relative to administrative law, probity safeguards for hearsay evidence and recent judicial decisions. Presenters will include appellate judges, law school professors, private practitioners and OAALJ members.

David Marcus, chair of OAALJ's education committee, noted at a recent OAALJ board meeting that Willamette has played a stronger role in helping to plan the 2002 conference than has been the case in the past. He predicted a high quality program that should be attractive to ALJs, private practitioners and administrative law professionals. Willamette and OAALJ have

maintained a cooperative partnership since the early 1980s and have jointly sponsored several educational events related to administrative law.

Veteran ALJ and OAALJ member Larry Smith has been selected by OAALJ's board to receive a tuition scholarship to attend an administrative law oriented program at the National Judicial College. Smith is a veteran ALJ with a long history of membership and service in OAALJ and currently is a member of OAALJ's education committee. He is employed by the Hearing Officer Panel and has conducted hearings in a wide variety of areas, ranging from unemployment insurance hearings, to implied consent hearings, to professional licensing proceedings for the Oregon Medical Board.

ILLINOIS

Ann Breen-Greco

Although our Illinois association has been in existence for a long time, this year for the first time will have an official swearing in of officers and board members, with a reception. Of course you are all invited to join us. However, if you will not be with us, we would so much appreciate it if you would send greetings, either individually or from your state affiliates. I have been elected President, Stan Cygan continues as treasurer, and Ed Schoenbaum is a director. Please feel free to email the greetings to me, and I will be sure to share them with our members and other guests at our reception. We will also put them in our newsletter. Thank you so much.

MICHIGAN

James R. Ward

The Michigan Association of Administrative Law Judges (MAALJ) was formed approximately 20 years ago. MAALJ affiliated with NAALJ to increase the opportunities for education and public service for its members. Currently there are only 15 members of the Michigan affiliate. Michigan has approximately 190 administrative law judges or hearing officers in various departments of state government. Departments with a heavy hearing caseload, such as the Department housing the licensing and regulation and labor relations agencies, exclusively employ full-time administrative law judges. Some the Departments, such as the Department of Environmental Quality, employ full-time administrative law judges, assisted by contractual hearing officers on an "as needed" basis. Other Departments, such as the

Department of Civil Rights, employ only contractual hearing officers.

MAALJ is already receiving benefits of its affiliation with NAALJ as Robert Layton of Kentucky is helping Lauren VanSteel of Michigan develop a website for MAALJ. MAALJ looks forward to a long and fruitful relationship with NAALJ.

KENTUCKY

Lori Eisele

While much of the energy of the Kentucky Association of Administrative Adjudicators (KAAA) has been focused on planning and preparing for the National Conference to be held in October, the organization's regular business has continued. In May, new officers were elected by the membership and were installed by Judge Anthony Wilhoit at the Kentucky Bar Association Building in Frankfort, Kentucky. Susie Bargo (Cabinet for Families and Children Hearing Officer), who is currently NAALJ Secretary, moved from President Elect into the office of KAAA President. Other officers elected included: Bob Layton (Board of Tax Claims Hearing Officer), President Elect; Allen Wagers (Natural Resources Environmental Protection Cabinet Chief Hearing Officer), Vice President; Jim Dickinson (Natural Resources Environmental Protection Hearing Officer), Treasurer; and Sheila Lowther (Worker's Compensation Chief Administrative Law Judge), Secretary. Elected as Board Members at Large were Mary Burden (Cabinet for Families and Children Hearing Officer) and Gene Kiser (Department for Local Government Chief Hearing Officer). Lori Eisele (Cabinet for Health Services Hearing Officer) moved into the position of Past President.

Janet Thompson, the individual responsible for initially organizing the Kentucky affiliate, will be inducted as President of NAALJ at the 2002 Conference in Lexington, Kentucky. In her honor, KAAA has committed to sponsor the \$1000.00 award given to the NAALJ Fellowship Winner at the conference. Not only is Janet the epitome of professionalism, she is a kind and caring individual and a true friend to each member of the organization. CONGRATULATIONS JANET!



NEW YORK

James Horan



This report will concern
1.) our current membership and dues,
2.) our new Web Site,
3.) our plans for a joint educational program in October 2003, and 4.)

the Administrative Law Judge Institute at Albany Law School (ALS).

1.) New York currently has 78 members. The NYSALJA Board has decided against raising the NYSALJA dues for the 2002-2003 year. We retain membership dues at \$35.00 and will forward the entire amount to NAALJ. We will ask the NYSALJA Membership to approve a dues increase at the September Membership meeting.

2.) We have signed a contract with ALS for them to operate the NYSALJA Web Site. Please visit <http://www.nysalja.org>

3.) In October 2003, the American Bar Association State and Local Government Section will hold its Fall Meeting in Albany. The New York State Bar Association (NYSBA) Municipal Law Section, the NYSBA Committee on Attorneys in Public Service and the ALS Government Law Center are co-sponsoring the meeting. Patty Salkin from ALS has invited NYSALJA to participate as well and we have agreed. The events at that Conference will occur in a Thursday-Sunday schedule, so we anticipate no conflict with the dates for the NAALJ Annual Meeting.

4.) The Government Law Center at ALS will be opening an Administrative Law Judge Institute to provide comprehensive training for ALJs and those who administer administrative adjudication programs. In April, ALS requested and NYSALJA provided a letter of support for the Institute's efforts to obtain a \$30,000.00 grant from the New York State Budget.

SOUTH CAROLINA

Allen Hutto

On Friday September 20, 2002, the South Carolina Administrative and Regulatory Law Association will hold its second annual educational seminar and meeting at Spring Valley Country Club in Columbia, South Carolina. This non-profit organization sprang from meetings which Judge Buddy Kittrell initiated with attorneys, certified public accountants, accountants, state administrative officials and employees, together with local officials and employees who sought an annual educational conference. The membership is open to all who conduct administrative hearings, whether they are attorneys or not. Its intent is not only to provide educational programs, but also to promote uniformity in

administrative procedures and to provide a forum for the exchange of ideas and opinions on administrative law issues.

The board consists of 27 members, with representation from academia, from chairmen of the Judiciary committees in both the House and Senate, attorneys, certified public accountants, commissioners, judges and other state and local officials. There are break-out sessions at the conferences which provide educational programs for all. Local attorneys speak to local officials and members of the legislature provide information on administrative issues and the outlook for administrative law.

The membership after the first years was approximately 218 persons. We anticipate that the membership will increase to 350 to 400.

TEXAS

Sara Ramos

A primary focus for TAPAA is to provide its membership with continuing legal education that centers around topics of interest to the administrative adjudicator—topics sometimes ignored by traditional CLE providers. Payment of dues entitles each TAPAA member to regular CLE events sponsored by TAPAA at no additional cost.



In 2002, TAPAA has solicited a number of speakers with varied experience, from both within and outside the legal profession. The topics explored include Security, Bankruptcy, Hearsay, and Ethics, as they relate to the administrative hearing process. Our May CLE event, entitled *Evidence and Discovery in Administrative Hearings*, attracted a large group of legal professionals from a variety of agencies, including many non-ALJs. TAPAA will hold one more CLE event this year. As always, they are open to the public, and non-members are charged a very reasonable rate.

TAPAA is very interested in receiving ideas from members and non-members about CLE topics people want to see at future seminars. Please contact Vice-President Lea Burnett at lburnet@dot.state.tx.us to submit comments or suggestions.

MARYLAND

A. Michael Nolan



The Maryland Association of Administrative Adjudicators has been extremely busy so far this year. First, we want to congratulate MAAA member Thomas E.

Dewberry, who was appointed by the Governor as Maryland's Chief Administrative Law Judge in May 2002. Way to go Tom!!!!

Our regular 3rd Monday Luncheon Meetings continue. Attendance seems to be increasing each month. At the August Meeting, our speaker was Frederick Natri, a Division of Correction Hearing Officer who is also a psychologist. He spoke of identifying and handling situations which are dangerous to the individual presiding at a hearing.

In addition to the regular luncheon meetings, we have business meetings at least twice each year. We recently had our annual meeting and election of officers. Professor Byron Warnken of the University of Baltimore School of Law spoke about administrative proceedings conducted under the Law Enforcement Officers' Bill of Rights. This is a unique form of personnel administrative law due to the unusual nature of police work.

For the year 2002 – 2003, our newly elected Officers are:

President - Bob McGowan,
Public Service Commission
President Elect – Mike Nolan
Office of Administrative Hearings
Vice-President – Lou Steinwedel,
Unemployment Insurance
Secretary – Marvin Robbins;
Sundry Claims Board
Treasurer – Marvin Pazornick,
Unemployment Insurance

For the first time, MAAA is sponsoring an essay competition about administrative law for High School students. It is our hope that the students will develop an interest in this field of law early in life. There will be cash prizes, and others still in the planning stages. More to come!!

GEORGIA

Phillip Jackson

Greetings from GAALJHO, the Georgia Affiliate of NAALJ. We are presently focusing on three projects. We are trying to expand our membership while retaining our current members. To accomplish this, we are planning on moving our meeting to various sites in order to expose our organization to groups who practice Administrative Law, but are not active in GAALJHO.

In addition, we are planning our annual CLE. We are working with ICLE of Georgia to present a program in October. It is our hope that by affiliating ourselves with ICLE, we will get extra exposure for our organization within the bar, and increase our membership. Our third project is a fall picnic in the mountains to allow our members and guests some fellowship in a more relaxed environment.

MID-YEAR MEETING AN UNQUALIFIED SUCCESS!!

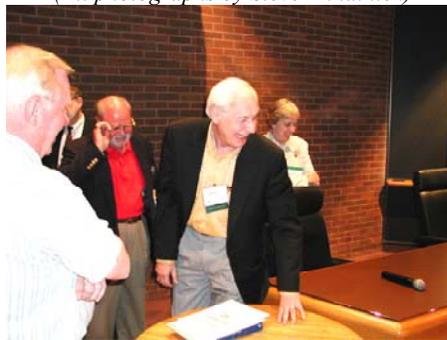
By Steve Mihalchik

The Midyear Educational Conference in Minneapolis was well-received. The 88 administrative adjudicators and lawyers who attended gave high marks to most of the presentations, the food, the convenience of the facilities, and the general Minneapolis-St. Paul area. On Saturday evening, ALJ Alan Klein and his wife hosted a gathering of members at his beautiful home in nearby St. Paul, prior to dinner on a floating restaurant. ALJ Rick Luis prepared a guide to all types of dining and entertainment establishments in the West Bank and Downtown areas of Minneapolis. This guide was particularly much appreciated and applauded by the 38 participants who joined us from outside of Minnesota.

The overall goal of the program was to provide tools and techniques for adjudicators to put to use upon their return, and we think that we accomplished that goal. All of the presentations were very informative and the presenters and discussion leaders were very entertaining. As always, intense discussions among judges from around the country were interesting and educational. One of the many highlights was a tour of the West Publishing complex in nearby Eagan, Minnesota.

We in Minnesota want to thank all of you who joined us for the conference. Your participation added tremendously to its success.

(All photographs by Steve Mihalchik)



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