



The NAALJ News



**CALIFORNIA,
HERE
COMES
NAALJ!**

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CALIFORNIA TO HOST 2010 NAALJ ANNUAL CONFERENCE

**“EXCELLENCE IN ADMINISTRATIVE JUSTICE:
DELIVERING DUE PROCESS”**

OCTOBER 10-14, 2010

By Hon. Mary-Margaret Anderson, Conference Co-Chair and NAALJ President-Elect

NAALJ and the Pepperdine School of Law invite you to join your colleagues at the 2010 NAALJ Annual Conference, **EXCELLENCE IN ADMINISTRATIVE JUSTICE: DELIVERING DUE PROCESS**, to be held at the Villa Graziadio Conference Center on the Pepperdine University campus October 10 to 14, 2010. The conference officially begins with a reception at the Law School on Sunday evening, October 10th. The ensuing three days of programming will feature the special presentations *Goldberg v. Kelly: Casting a Long Shadow after 40 Years*; how cognitive bias affects decision-making; a full day of judicial writing instruction presented by LAWriters and a full day of seminars on neurological topics. The seminars have been designed to teach judicial officers basic brain function, and the latest research on memory and deception; substance dependence; and brain injury, disability, recovery and assessment. On Tuesday afternoon, Special Education Hearing Officers have an agenda designed specifically for them while other attendees will have a choice of presentations. Break-out sessions in the works include panel presentations on administrative adjudication systems in other countries; an intriguing overview of international court systems such as the International Criminal Court; and best practices for conducting hearings electronically and/or with self-represented litigants.

In addition to stimulating and educative programming, there will be many opportunities to relax and get to know colleagues from far and wide. Our breathtaking location in the hills above Malibu calls out for activities that show off that beautiful part of our state. Please join us for the following optional events: Monday night dinner at a private, ocean-front room at Duke's Malibu, a local institution featuring the Barefoot Bar and delicious Hawaiian-inspired cuisine; a Tuesday evening trip to Santa Monica, including dinner at a Mexican restaurant on the end of the Pier; a Thursday afternoon group tour of the Getty Villa, a unique museum featuring a collection of antiquities in a specially designed Roman-style villa; and, by special request, also on Thursday afternoon, a surfing safari!

Special points of interest:

- **NAALJ 2010 Annual Conference**
October 10-14, 2010
Malibu, CA
- **NAALJ 2011 Midyear Conference**
May 2- 4, 2011
Atlanta, GA

CALIFORNIA, HERE COMES NAALJ!

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A group lesson, including equipment, will provide an unforgettable experience for all those game enough to try that wonderful and challenging sport.



The traditional NAALJ Annual Banquet and Silent Auction will be held on site at the Villa Graziado Wednesday evening. The Auction benefits the good works of the NALJ Foundation and our Silent Auction Committee is putting together a wonderful array of merchandise sure to tempt your contributions to that worthy organization.

Please note: Early registration at the NAALJ member price of \$400 ends September 1, 2010. To register, please go to the conference website at <http://law.pepperdine.edu/naalj2010>. Further information, including housing choices, is on the website. Registration includes the Sunday night reception, all programming, breakfasts, lunches, snacks, and the Annual Banquet. You can also sign up on the web site for the optional events and purchase banquet tickets.

My co-chair, Professor Greg Ogden, as well as the entire California Conference Team, looks forward to welcoming you to Malibu in October!

Challenge Grant Program Offered to Affiliates for 2010 Annual Conference!

Affiliates were notified in April that the Challenge Grant Program will be offered at the 2010 Annual Meeting and Conference at Pepperdine University in Malibu, CA! This marks the third year (prior years were 2003 and 2009) that the National Administrative Law Judiciary Foundation (NALJF) and the National Association of Administrative Law Judiciary (NAALJ) have offered this program to affiliates!

Through the Challenge Grant Program, each affiliate in good standing (with its 2011 dues paid) may choose an affiliate member to attend the annual meeting and conference. The registration fee for this Challenge Grant affiliate recipient will be waived and the affiliate recipient will be presented with a check for \$500 during the conference to help defray expenses. The affiliate is challenged to provide all or a portion of the remaining expenses for the affiliate member to attend.

The Challenge Grant Program is made possible in part by generous donations made by Mentors and Life Mentors to the John Hardwicke Mentor Program. (See lists of Mentors and Life Mentors in this newsletter). The purpose of the Mentor Program, which was begun in late 2008 and named the John Hardwicke Mentor Program in early 2010, is to increase the Foundation's assets to provide it with the means to fulfill its mission of sponsoring the Fellowship, the Neil Alexander Scholarships, and the Challenge Grant Program.

Each affiliate decides on the criteria for choosing the recipient of the Challenge Grant. The only requirement is that applicants must be members of NAALJ. As stated, a \$500 check will be presented to recipients at a ceremony during the Annual Meeting and Conference. The recipients will get an opportunity to meet with Mentors and Life Mentors as well as other long time supporters of NAALJ who will share with recipients the benefits of active involvement in NAALJ.

Affiliates are encouraged to announce the Challenge Grant Program as soon as possible. The affiliates must advise NALJF of the recipient on or before September 20 by sending the name of the recipient to Janet Raider at Janet.Raider@gmail.com. Questions can also be addressed to Janet at this email address or by calling 859-333-7278.



President's Message

At a time when all of our states are experiencing some form of economic downturn, we must strengthen our organization to meet the challenges that lay ahead. You may ask, as members of all organizations do, "What can NAALJ do for me?" For an administrative adjudicator, NAALJ has a great deal to offer, and I don't just mean excellent educational programs.

NAALJ gives us the opportunity to exchange information among the various states and members; it gives us the ability to foster scholarly research and debate on matters of current interest through the NAALJ Journal, an excellent publication, and through the network of adjudicators, both formal and informal, created by our communications with one another. NAALJ as an organization works with both the National Conference of the Administrative Law Judiciary (NCALJ) as well as the Central Panel Directors Conference, a less formal group of key personnel from those states having central panels of administrative adjudicators. Thanks to our ties to these organizations, we have strong links to both administrative adjudicators as well as the judiciary. This allows us access to groups like the National Judicial College and the Judicial Division of the American Bar Association whose members face similar problems to those facing us in our daily professional lives.

A relatively small group of NAALJ members attended the Council of Canadian Administrative Tribunals' annual conference in late May of this year. We worked jointly with our friends to the north and made this our Mid-Year meeting for 2010. The Canadian hospitality was warm and all our needs were met in terms of allowing us to conduct our board business and to feel like a part of this truly international conference. The theme included discussions (in multiple languages through the use of electronic interpreting devices!) related to the use of technology to improve the administration of justice, and making our offices more "green" through reducing the amount of paper and expendable resources we consume.

Our upcoming conference will be hosted jointly by NAALJ and Pepperdine University where our long-time colleague and friend Professor Greg Ogden makes his home. The theme for the conference to be held October 10-14, 2010, is "Excellence in Administrative Justice: Delivering Due Process" and it should prove to be one of our most intense educational conferences to date. There will be workshops on judicial writing taught by some of the leading instructors in the field, as well as significant special education hours for those adjudicators who hear cases under the IDEA.

We are keenly aware of the difficulties every state is experiencing regarding training and education of its adjudicators. Many states have bans on out-of-state travel. Others allow only travel that is "mission critical" to the agency or central panel. Mindful of this, we are pleased to offer once again the Challenge Grant program which will offer one free registration plus \$500 towards expenses for one NAALJ member from each affiliate chapter. Thanks to Janet Raider we have raised funds sufficient to offer this program yet again. Additionally, we have been experimenting with videotaping conferences to make the educational hours available to members unable to travel. Watch for links on the NAALJ website for excerpts of the conferences which will allow attendance at a reduced cost. Our goal is to have the equipment to fully record the entire conference programs and make them available to our members to use for training purposes at home.

A President's message would not be complete without a request for money and I will not disappoint. The NAALJ Mentoring Program now enters its second full year and it has been a rousing success to date. We were able to fund last year a conference attendee from each of our affiliates and, as mentioned before, will do this again for the California conference. If you have not done so already, please consider becoming either a Mentor for \$100 a year or a Life Mentor for either a one-time \$1,000 payment or a \$300 down payment and a pledge to pay an additional \$300 for each of the succeeding three years (total \$1,200). A significant chunk of that money goes right back to funding member attendance at the Annual Conference so it is an investment with excellent dividends paid to our organization.

As a bit of a preview to what lies ahead, we will be holding our mid-year meeting in 2011 in downtown Atlanta, Georgia, a dynamic, entertaining, and diverse Southern capital, and home of the Division-leading Atlanta Braves (yes, you Yankees fans, we do have Major League Baseball in the South). Please mark your calendars for May 2-4, 2011.

I must mention that both our Oregon and Michigan affiliates have been rejuvenated and membership is on the rise in each. We are excited to see the expansion in these trying times! I hope you all enjoy the rest of your summer and I look forward to seeing you in California in October.

5th International Conference - Montreal 2010

By Richard Boulanger, Hearing Examiner, VT Agency of Transportation

NAALJ this year opted to use the 5th International Conference sponsored by CCAT, the Council of Canadian Administrative Tribunals, as their mid-year meeting. This conference was held in Montreal, Quebec, from May 30-June 1, 2010.



Although the conference theme, "The World and Administrative Justice: Forward, to Basics!", would appear somewhat familiar to NAALJ annual and mid-year meeting conference attendees from previous years, its international emphasis promised to provide a unique perspective on some classic topics. After all, where else could a lowly hearing examiner such as I get detailed information on administrative justice in Australia, Tunisia, the United Nations and how these and other tribunals cope with changes?

You see, I'd attended an earlier CCAT International conference held in Toronto in 2004. It was a rather expensive and formal affair attended mostly by NAALJ and CCAT members. And while some speakers from other nations made presentations and representatives of other countries attended, the conference really needed more of an international presence. So why bother with this one? Well, since Vermont and Quebec share a common border, the cost of driving a little over two hours to Montreal certainly helped my budget. Quebec is familiar ground; on the way I stopped to visit the graves of my grandparents and drove by their old farm. Also, don't underestimate the pull of nostalgia. I spent my weekends in and around Montreal and Quebec for about three years back in the late 70's conducting my dissertation research by poring over provincial, church, and local archives. Haven't been there since. Besides, I liked some of the topics listed on the flyer: International trade, health care, and the environment have not been featured topics at recent NAALJ conferences. The conference used French as the official language, another plus; no need to pay for use of the translation service.

The conference proved to be an enjoyable surprise. For one, a noticeably larger group of attendees representing at least 15 countries were present. A more relaxed and informal atmosphere prevailed. Wherever possible the conference organizers utilized a comparative approach to the topics, meaning that on any given topic depending upon the identities of the presenters, you could learn about the problems administrative judiciaries such as those found in Australia, England, Mexico, the Netherlands, and France as well as the United States, Quebec, and Canada are facing and how they choose to address the matter. Again, the conference organizers showed care in mixing broad abstract topics such as social changes with specific sessions addressing a specific "basic" topic such as worker's compensation, labor relations or ethics. And the presenters? Well, there were some, Robert Yazzie, Ruben Zanatta, and Ken Bell come readily to mind, that I'd certainly enjoy hearing from again. This conference truly did provide something for everybody. Their common message? In order to provide the best possible service in a changing environment, it always comes down to doing things properly by mastering the 'basics'.

This conference also functioned as CCAT's annual meeting, so many of the presenters were Canadian or Quebecois. While their presentations certainly reflected this, for me it was not a bad thing because I ply my trade in a border state. It helps to understand your neighbor and where he or she is coming from. Besides, hearing how other countries' (as opposed to other states) administrative judiciaries choose to face problems similar to those we Americans encounter kept my attention and made for some very pleasant sessions. One of my favorites was Monday morning's breakout session on excellence, where by popular acclaim, every NAALJ attendee found their favorite job – administrative judge for the United Nations - and learned from its incumbent, Judge Mark Painter from Ohio, just how to apply for it.

Conference accommodations were just what you would expect from CCAT – first rate. Le Centre Sheraton, an excellent hotel, is located near Old Montreal and an easy walk to several of the city's museums, quality restaurants, and many of my old haunts. The food – outstanding, of course. Plus, the conference organizers arranged for some diverting entertainment after the Monday night banquet. From the beginning to the end, CCAT conference staff and the hotel's staff were always friendly and very helpful. I can't say enough about the relaxed atmosphere created by our hosts, which went a long way towards making the conference an enjoyable experience.

Much as I enjoyed it, however, my recollections of this particular conference are more for what

5th International Conference - Montreal 2010

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happened after the conference than during it. Memories of driving through Montreal rush hour traffic late Tuesday afternoon then travelling at “prevailing traffic” speed along the Trans- Can to Quebec with Jean-Francois Clement as co-pilot and Steve and Deb Wise in back, a wonderful dinner in Quebec with great company, and pitching my tent on the Isle D’Orleans at 11:30 PM in the dark by flashlight will always be foremost. But that’s another story, I guess.

NAALJ Nominating Committee Seeks Nominations Nomination Period Closes August 20, 2010

By Steve Wise

The NAALJ Nominating Committee invites you to provide candidates for NAALJ officer and board member positions for the 2010-2011 year. The Committee will propose a slate of officers and board members for election to leadership positions. The slate will be submitted to each of the members of the organization at least 30 days before the election at the annual membership meeting, which will be held in conjunction with the NAALJ 2010 Annual Conference on October 11-13, 2010, in Malibu, California.

NAALJ bylaws provide that officers serve one-year terms and the board members serve two year terms, which are staggered so that four board members are elected each year. In addition, the bylaws provide the President automatically becomes the Immediate Past President and the President-Elect becomes the President. As a result, the slate being proposed by the Nominating Committee will consist of the President-Elect, Treasurer and Secretary as well as four board member positions. When the election is held, candidates nominated by the Committee shall be considered as automatically nominated. However, additional nominations may be taken at the time of the election.

NAALJ members may contact any Nominating Committee member listed below if they are interested in serving as an officer or board member, or if they desire to submit other candidates for one of the available positions.



Steve Wise, Chair (IA), steve.wise@mchsi.com

L. David Brunke, Chair (TX), lbrunke@dot.state.tx.us

Catherine Bennett, Member (NY), cbennett@nysdta.org

Janet Raider, Member (KY), janet.raider@gmail.com

Jim Murray, Member (MD) JMurray@oah.state.md.us

The deadline to submit candidates is August 20, 2010.

Call For Rosskopf Award Nominations

Nominations are being accepted for the Rosskopf Award for Judicial Professionalism and Ethics. NAALJ confers this award to a judge who embodies the qualities of judicial success, such as moral courage, fairness, patience, mercy, decisiveness, innovation, intellect, intelligence, dignity, honesty and integrity. The first award was given posthumously to Victor John (Vic) Rosskopf of Missouri, who was treasurer of NAALJ at the time of his death. The award has been given to Arthur A. Gladstone, Sammie Chess Jr., John W. Hardwicke, Stan Cygan, Janet Raider, Ed Schoenbaum, Julian Mann, and Larry Craddock. Nomination letters should summarize the achievements of the nominee and should be submitted no later than August 15, 2010. Nominations can be emailed to the Rosskopf Committee Chair, Julian Mann Julian.mann@oah.nc.gov, with a courtesy copy to NAALJ President, Bob Cohen bob_cohen@doah.state.fl.us.

NEWS FROM STATE AFFILIATES

Iowa Affiliate News

By Lynette Donner, IAALJ President

On April 19, 2010, the Iowa Association of Administrative Law Judges held its Spring ALJ CLE. We partnered with the Iowa Bar Association, Administrative Law Section, and had a very successful CLE, with 90 attendees.

Jane Lorentzen, Iowa Bar Association President, gave excellent tips on Practicing before Administrative Agencies. We also had the following presentations: Case Law Developments in Administrative Law, an Access to Justice Interpreter's Panel, a Federal Adjudication Panel, and an Open Records-Open Meetings Panel. Iowa Supreme Court Justice David Baker examined important Judicial and Attorney Ethical Issues.

After the conference, IAALJ held its annual meeting and elected the following officers for 2010-2011: Lynette Donner, president; Amy Christensen, vice president; Maggie LaMarche, secretary; and Christie Scase, treasurer. IAALJ accepted the challenge given by the New York affiliate and made a \$1,050 donation to the John Hardwicke Mentor Program. IAALJ challenges all affiliates to become Life Mentors and meet or beat our donation!

The IAALJ's Fall 2010 ALJ CLE will be held on September 13, 2010. Our keynote speaker will be Judge Mark Bennett, Federal District Court Judge, who will speak on the topic of Implicit Bias in Judging. Please check out our website for updates regarding CLEs and other events at: <http://www.naalj.org/page/iowa>



Maryland Affiliate News

By Scott Oakley, President

The Maryland Association of Administrative Law Judiciary (MAALJ) recently met and elected and installed officers for FY 2010-2011. They are Scott Oakley (President), Mary Shock (President-Elect), Denise Shafer (Secretary), Robert McGowan (Treasurer), Thomas Dewberry (Board Member), Ronald Frampton (Board Member), and Dennis Sober (Board Member). Outgoing President James Murray was thanked for his leadership in the transition occasioned by the separation of the Maryland contingent from the District of Columbia contingent of the formerly combined Maryland and District of Columbia Association of Administrative Adjudicators, and for his progress in attracting new members to our reconstituted Maryland affiliate.



MAALJ was pleased in recent months to honor its favorite son, John W. Hardwicke, by contributing an additional \$1,000 and advancing from Charter Mentor to Life Mentor of the John Hardwicke Mentor Program of the National Administrative Law Judiciary Foundation. In a related action, MAALJ is participating in this year's Challenge Grant program and selected MAALJ member Beverly Nash by a random drawing to receive the \$500 NALJF challenge grant together with an additional grant of up to \$500 from MAALJ to attend the NAALJ Conference at Pepperdine University in Malibu this coming October.

In the coming year MAALJ is hoping to increase its membership and revive a former tradition of periodic luncheon meetings featuring prominent speakers. Our first for this new fiscal year will be in September with the Hon. Frank A. Cristaudo, Chief Administrative Law Judge of the Office of Disability Adjudication and Review of the Social Security Administration.

NEWS FROM STATE AFFILIATES

District of Columbia Affiliate News

Chief Judge Walker Joins DCAALJ

On February 4, 2010, Mary Oates Walker was appointed Chief Administrative Law Judge of the District of Columbia Office of Administrative Hearings (OAH). Prior to her appointment, Judge Walker was a partner in Wiley Rein, LLP, and in-house labor and employment counsel for The Hershey Company. Judge Walker is the former Chair of the D.C. Public Employee Relations Board (PERB) and a former member of the D.C. Board of Zoning Adjustment (BZA). She has a J.D. from Howard University, where she was a Merit Fellow and Co-Captain of the National Moot Court Team. She received a B.A. in Journalism, *cum laude*, from Howard University. Judge Walker is married to Joseph Walker, Esq., a partner with Howrey, LLP, and they have two children, ages seven and five. On June 23, 2010, I interviewed Judge Walker for this article.



Q: What interested you in becoming the Chief ALJ for D.C. OAH?

I wanted the opportunity to round out my experience. I started my legal career in federal government and went into private practice, eventually becoming partner. Then I was in-house counsel for a large corporation. I felt I had gained broad understanding of organizations and how they operate. I wanted to manage an organization, and was interested in having a professional staff and the opportunity to work in a legal environment. In addition, I was thrilled at the chance to have a public service role.

Q: What kind of work did you do at Wiley Rein?

I started out doing insurance litigation primarily, but the firm needed employment practice assistance. I had done employment work previously. The General Counsel at The Hershey Company hired me through the firm to do employment work for Hershey as outside counsel until they could hire in-house counsel. I was commuting to central Pennsylvania two to three days a week, while still doing litigation for other firm clients. This continued for an extended period. The General Counsel at Hershey decided it was crazy to pay me as outside counsel, and said, “Why not work for me here?”

Q: What attracted you to going to work for Hershey?

At that time, my first child had been born, and I thought it would be a more flexible situation. (laughs) It didn’t turn out that way. I continued to commute between D.C. and Hershey, Pennsylvania, which was demanding. But it was a phenomenal experience. I was responsible for all labor and employment matters for Hershey’s 12,000 employees throughout the 50 states. I did a lot of traveling and handled both federal and state matters.

Q: What did you enjoy about Howard University?

It has very high standards. I didn’t realize how high its standards were until I got out into the world. Even in our third year, we would stand to brief cases. Under Howard’s attendance policy, if you missed three classes, you would fail the course. My husband went to the University of Minnesota Law School and had an easier time of it. (laughs)

Q: Prior to joining OAH, you were appointed to two boards. Can you describe the experiences?

District of Columbia Affiliate News

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The first was at the BZA. We heard requests for special exceptions and variances -- anything from a homeowner seeking to put a deck on a house that exceeds the limitations, to a developer seeking to demolish and rebuild a whole city block.

I then became the Chair of PERB, which is the state equivalent of the National Labor Relations Board. We heard appeals on labor issues. It was very emotional, as the parties had much at stake. I went to PERB at the Mayor's request because it had not had a quorum for some time with only two members. The board had an extensive backlog of cases. During my time there, we eliminated almost all of the backlog.

Q: What is your vision for OAH?

I want D.C. OAH to be the model administrative court for the country. I am excited about our upcoming move in which we will be consolidating our operations into one space. Our immediate goal is to take advantage of the technological advances out there. We are working to incorporate videoconferencing. We will be able to conduct status conferences with attorneys at remote locations and have witnesses appear remotely. Eventually we would love to have high profile cases video-streamed live on our website and even broadcast on cable television.

Q: Do you foresee us changing the jurisdictions or types of cases we hear?

We are a central panel, so it is appropriate for us to add jurisdictions. Once we relocate, I anticipate we will expand and have increased caseload.

- Paul Handy, President-Elect of DCAALJ

Georgia Association of Administrative Judiciary Hosts the 2011 Mid-Year Conference in Atlanta

The Georgia Association of Administrative Judiciary ("GAAJ") is pleased to be hosting the 2011 NAALJ Mid-Year Conference in Atlanta, Georgia on May 2-4, 2011. We have lined-up a stellar panel of speakers on a wide range of topics and are planning many exciting and fun activities in the heart of downtown Atlanta. Conference activities will be held at the historic, cosmopolitan Glenn Hotel and the state-of-the-art facilities at the Georgia State Bar Conference Center. In addition, to Atlanta's first rooftop lounge, the Glenn Hotel offers a number of amenities and is within walking distances to many of Atlanta's prime attractions, including the Georgia Aquarium, the new World of Coca Cola, the CNN Center, Phillips Arena and Centennial Olympic Park.



Glenn Hotel, Atlanta, Georgia

We hope you will make plans to join GAAJ at the Mid-Year Conference in May 2011 and enjoy southern hospitality in vibrant downtown Atlanta.

Fellowship Committee Announces 2010 Fellowship Winner

As you all know, the National Administrative Law Judiciary Foundation (NALJF) is the public interest arm of NAALJ. One of the Foundation's major purposes is to promote the study and research of administrative law and distribute this knowledge to the administrative judiciary and the public. To further this purpose, a Fellowship was endowed to encourage research and scholarship for improving administrative justice. Topics are chosen each year by the Fellowship Committee. The topic chosen for the 2010 Fellowship was "*Transparency in Government in the Context of Administrative Adjudication.*"



Jill E. Family,
Associate Professor
of Law

Winner of the
2010 Fellowship

We had a record number of entries this year, and the Fellowship Committee is now pleased to announce that the **Winner of the 2010 Fellowship is Jill E. Family, Associate Professor of Law**. Professor Family is also the Associate Director of the Law & Government Institute at Widener University School of Law, and has written numerous articles on many facets of Immigration Law and Policy.

Her proposed article is entitled: "The Lack of Transparency in Immigration Law and the Immigration Adjudication Crisis." This article will examine how the lack of transparency in this forum may actually contribute to some of the problems plaguing the immigration adjudication system.

Professor Jill Family will prepare her original article for publication in the Journal of the National Association of Administrative Law Judiciary, (JNAALJ), and will deliver a presentation of this paper at the 2010 NAALJ Annual Conference, which will take place in Malibu, CA on October 10-14, 2010, at Pepperdine University Villa Graziadio Executive Center. The final draft of her paper will be due on or before January 1, 2011.

As the Fellowship winner, Professor Family will receive free registration to the conference, as well as reimbursement for transportation, accommodations, and meals at the Conference. Upon submission of her final draft article, she will also receive a \$1,500.00 cash stipend.

We all look forward with great anticipation to hearing her presentation at the NAALJ Conference in Malibu in October 2010 and also reading her final article in the Spring 2011 issue of the NAALJ Journal. .

Hon. John G. Farrell
NAALJ Secretary
Fellowship Committee Chair

Make Giving a Habit!

Take a look at the lists of Charter Life Mentors, Charter Mentors, Life Mentors and Mentors. Notice that some of your fellow judges (and perhaps you) have chosen to make a donation, a pledge, or a one-time lump sum to the John Hardwicke Mentor Program and then they have taken the next step toward commitment to this program by making an additional donation on a yearly basis. What a wonderful habit ... and a way of ensuring that the Challenge Grant Program, Neil Alexander Scholarships and Fellowship Program can continue. It is essential that we make yearly giving a habit in order to sustain sufficient assets to fund all the programs the Foundation underwrites.

Join in supporting these projects by filling in the contribution form at <http://data.memberclicks.com/site/naalj/MentorForm.pdf> and sending it with your check to: NAALJ, 1001 Office Park Rd., Ste. 105, West Des Moines, IA 50265.

Charter Life Mentors:

(Life Mentors are those persons and other legal entities that make a one-time, lump sum contribution of not less than \$1,000 or make an initial contribution of \$300 and a written pledge to contribute an additional \$900 over the next three years. Charter Life Mentor membership was available only through 2009.)

Mary-Margaret Anderson (CA) (pledge 2009)
 Abigail Bernhardt (NY) (2008, pledge 2009)
 David Brunke (TX) (lump sum in 2009)
 Tyrone Butler (DC) (pledge 2008)
 John Hardwicke (MD) (pledge 2009)
 Ana-Beatriz Pasion Kidd Kennedy (GA) (pledge 2009)
 E. Savannah Little (VA) (pledge 2009)
 Barbara Lundin (KS) (pledge 2009)
 Bryan McDaniel (DC) (lump sum 2009)
 R. Bruce McKibben (FL) (pledge 2009)
 June McKinney (FL) (pledge 2009)
 Julian Mann (NC) (pledge 2009)
 Bev Sherman Nash (DC) (lump sum 2009)
 Janet and Jerry Raider (KY) (lump sum 2008; donation in 2009)
 Edward Schoenbaum (IL) (lump sum 2009)
 Steven and Debra Wise (IA) (lump sum 2009, donation in 2010)
 Marc Zylberberg (NY) (pledge 2008)

Charter Mentors:

(Mentors are those persons and other legal entities that make an annual contribution of not less than \$100. Charter Mentor membership was available only through 2009.)

Ruth Astle (CA) (2009)
 Phyllis Carter (WV) (2009)
 Sammie Chess (NC) (2008)
 Nicholas Cobbs (DC) (2009) (Challenge Grant recipient in 2009)
 Robert Cohen (FL) (2009)
 Larry Craddock (TX) (2009)

Lynette Donner (IA) (2009) (Challenge Grant recipient in 2009)
 John Farrell (NY) (2009)
 Sallie Farrow (NY) (2009)
 Camela Gardner (IL) (2009)
 John Gedid (PA) (2008)
 Richard Goodwin (CA) (2008, 2010)
 Patricia Hart (FL) (2009)
 Carolyn Holifield (FL) (2009)
 Laura King (WA) (2008)
 Ruth Kraft (NY) (2009)
 Bob Layton (KY) (2009) (Challenge Grant recipient in 2009)
 Peter Loomis (NY) (2009, 2010)
 David Mackey (AR) (2009) (Challenge Grant recipient in 2009))
 Maryland Affiliate (2009)
 Kristin Miller (GA) (2009)
 Anne Murphy (NY) (two donations in 2009)
 Jim Murray (MD) (2009, 2010)
 Scott Oakley (MD) (2009)
 Greg Ogden (CA) (2008, 2010)
 Felicia Orth (NM) (2009, 2010)
 Robert O'Neal (VA) (2009) (Challenge Grant recipient in 2009)
 Rebecca Pauli (AK) (2009)
 Peter Plummer (MI) (2009)
 Errol Powell (FL) (2009)
 Jordan Rossen (NY) (2008)
 Robert Sharkey (DC) (2008, 2010)
 Denise Wilson-Taylor (DC) (2009) (Challenge Grant recipient in 2009)
 Ann Marshall Young (DC) (2008)

Life Mentors:

NY Affiliate (2010)
 Iowa Affiliate (2010)
 Maryland Affiliate (2010)

New York, Iowa and Maryland Affiliates Challenge Other Affiliates to Become Life Mentors!!

In March 2010, the NY Affiliate (NYSALJA) became the first state affiliate to become a Life Mentor by donating \$1,000 to the John Hardwicke Mentor Program! Not to be outdone, the Iowa Affiliate (IAALJ) became a Life Mentor in May 2010 with a donation of \$1,050. The Maryland Affiliate (MAALJ) was not far behind with its Life Mentor donation of \$1,000 in June 2010. (The Maryland Affiliate became a Mentor in 2009.)



A BIG thank you to these affiliates!

The decisions of these affiliates to become Life Mentors are a recognition that their members are greatly benefiting from the programs offered by NAALJ and NALJF, especially the Challenge Grant Program which offers affiliates in good standing the opportunity to choose an affiliate member to attend the annual meeting and conference. The registration fee for the Challenge Grant affiliate recipient will be waived and the affiliate recipient will be presented with a check for \$500 during the conference to help defray expenses. The affiliate is challenged to provide all or a portion of the remaining expenses for the affiliate member to attend.

Other affiliates are challenged to become Life Mentors with a one-time, lump sum contribution of not less than \$1,000 or an initial contribution of \$300 and a written pledge to contribute an additional \$900 over the next three years. If affiliates are unable to make the donation required to become a Life Mentor, they may make an annual contribution of not less than \$100 to become Mentors. Every donation counts!

The contribution form is located at http://data.memberclicks.com/site/naalj/Mentor_Form.pdf and should be sent with the affiliate check to: NAALJ, 1001 Office Park Road, Suite 105, West Des Moines, Iowa 50265.

New Resource for ALJs in Special Education Cases

Perry A. Zirkel¹

The legal boundaries for impartial hearings under the Individuals with Disabilities Education Act (IDEA) are complicated and often not clearly demarcated. A handy reference for the ALJs who conduct these specialized hearings is available free at the website of the National Association of State Directors of Special Education (www.nasdse.org - "Publications").

This reference is arranged in question-and-answer form within two broad categories—the issues specific to the hearing officers and those specific to the hearing process and its product, the written decision. For the first category, the Q&A items concern IDEA hearing officer qualifications (e.g., competence and training requirements) and immunity. For the second and much larger category, the subtopics include resolution sessions, the sufficiency process, jurisdiction, expedited hearings, timelines, hearing procedures, and the written decision. The legal sources for these Q&A items consistent of the pertinent IDEA legislation and regulations, court decisions, and the OSEP policy letters but do not extend to the variations in state law.

The author welcomes and will incorporate any corrections or additions that ALJs and new legal developments offer.

¹University Professor of Education, Lehigh University [perry.zirkel@lehigh.edu].

Plain English: A Follow-Up on a Panel Discussion at the November 2009 Conference in Orlando, Florida

By Nick Cobbs and N. Denise Wilson-Taylor

The authors were fortunate enough to be recipients of \$500 challenge grants from NAALJ and its District of Columbia Chapter to attend the November 2009 NAALJ Annual Meeting in Orlando, Florida. One of the more interesting presentations at the Conference was a discussion of Opinion Writing for Judges by Florida judges Patricia M. Hart, Eleanor M. Hunter, and Charles A. Stampelos. The panel explained why good opinions don't have to be incomprehensible. Simple words and short phrases are easier for litigants to understand and follow. They will also be more clear and precise than a jumble of Latinisms glued together with a string of aforesaids and hereinbefores.

For judges steeped in the stilted style of warranties, deeds, and bureaucratize, plain English will not come easy. But a little practice and drill can work wonders for even the most turgid stylist. Following are a few guidelines for good plain English writing.

1. Keep it short. Break ideas into their logical parts and then break out the parts separately. Number your points, as we are doing here. Prefer the period to the semicolon and the semicolon to the comma. Avoid too many conjunctions. Break up long paragraphs.
2. Make it logical. Start with the key idea and then elaborate. Check your topic sentences to see if they flow in a logical sequence. Move or recast any parts of your discussion that don't flow smoothly from what came before.
3. Use precise words. Did the witness assert, explain, excuse, confirm, agree, report, concede, or confess? Each of these words is a substitute for "testified." But each has a connotation that will give a different emphasis to your story.
4. When possible, use short words rather than long ones. "Use" is better than "utilize." "After" is better than "subsequent to."
5. Shun the passive voice. The passive voice is sometimes appropriate to focus the reader on the object of an action. (An election was held.) But too often it obscures the dynamic of the sentence. Better to say "Judge Smith dismissed the case," than "the case was dismissed by Judge Smith."
6. Don't be scared of the first person. Many judges, afraid of losing dignity, write their decisions in the third person so that everything is done by "this administrative court," or "the bench." Be a narcissist. Tell the parties that "I don't credit Mr. Jones's testimony," or "we reject Respondent's argument."
7. Use frequent headings and subheadings. Don't emulate the U.S. Supreme Court and separate long segments of dense legalese with only an occasional roman numeral. Give the readers markers to let them know what you are discussing. Using headings will also help you to organize your thoughts.
8. Beware of too many adjectives and adverbs. Try to replace adverbs with stronger or more precise verbs. A person who runs "very quickly" may be sprinting, dashing, or rushing. Adjectives can be replaced by more precise nouns. A tiny house may be a cottage, shack, or bungalow. A big house may be a mansion or an estate.
9. Keep a sense of proportion. You don't need to cite 20 cases to demonstrate that a motion for summary judgment must be denied if there is a genuine issue of material fact in dispute. Nor do you need to quote an entire statute if the

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critical language is contained in a single sentence. Ask yourself if a sentence or paragraph adds anything to what you have already said. If it doesn't, take it out.

10. Tell a story. Findings of fact do not have to be as dry as Death Valley. The great judicial writers — Holmes, Cardozo, Learned Hand, Minor Wisdom — are also great story tellers. Their facts flow smoothly with connecting phrases linking the sentences and paragraphs together. Their legal analysis is terse and logical. Their best opinions are often surprisingly short. *Palsgraf v. Long Island R.R. Co.*, 162 N.E. 99, (N.Y. 1928) is only six pages long. If you organize your points and eliminate the chaff, you'll find that the story starts to emerge naturally. Resist the urge to comment or embellish and let the facts, or legal principles, speak for themselves.

You won't get a Pulitzer Prize for your crisp, cogent disposition of a worker's compensation claim. The reward of good writing is the satisfaction of knowing that your readers understand what you are saying. Nor does good writing come easily. It takes time and patience to break bad habits and to purge the cluttered syntax that afflicts so many judges. But the discipline is worth the effort. You will gain the respect both of your colleagues and of your litigants, who, whether they are successful or not, will understand why you ruled as you did.

NEIL ALEXANDER SCHOLARSHIPS 2011

NAALJ offers two \$500 Neil Alexander Scholarships for NAALJ members to attend a one-week course at the National Judicial College (NJC) in Reno, Nevada. The scholarships are in honor of a NAALJ colleague who at the time of his untimely death was chief hearing examiner of the D.C. Commission on Human Rights. He was co-chair of the 2007 NAALJ Annual Conference in Washington, D.C.

The scholarships are awarded in conjunction with two tuition-waiver certificates NJC awards each year to NAALJ. Each NJC certificate grants a 50-percent tuition waiver (\$475 maximum) for a one-week course held in Reno, Nevada. Per NJC guidelines, the tuition-waiver may not be used by participants attending Mediation for ALJs or any other NJC-sponsored mediation course. Each certificate can only be used for the tuition waiver and no other discounts apply. NJC is not obligated to provide any other financial assistance to an award recipient.

NAALJ will pay the \$500 scholarship directly to NJC towards the NJC course tuition or will reimburse the scholarship recipient for any uncovered course expenses—tuition, conference fee, lodging, meals, and travel—up to a total of \$500 based on a NAALJ reimbursement form submitted after the recipient has attended the course. Additional expenses to attend a course beyond the tuition waiver and \$500 scholarship are the responsibility of the recipient or his or her employer.

To apply for the scholarships, submit an application no later than November 16, 2010: by mail to NAALJ, 1001 Office Park Rd., Ste 105, West Des Moines, IA 50265; or by email to naalj@naalj.org; or by fax to (515) 440-6055. The education committee will review applications and make recommendations to the executive committee, which is responsible for selecting the recipients.

Scholarship recipients will be selected and notified by December 15, 2010. Selection criteria include: NAALJ involvement, available support to attend course (including other NJC financial assistance), benefit of course to recipient, and willingness of recipient to contribute a newsletter article.

For information on 2011 NJC course offerings, please go to www.judges.org or request the 2011 course catalog by calling 800-25-JUDGE."

Scholarship Application link: http://data.memberclicks.com/site/naalj/NAALJ_Scholarships.pdf

Montreal Conference Photos



Ruth Kleinfeld and Steve and Deb Wise critiquing art at Mexican Consulate Art Exhibition



Tyrone Butler, Bryan McDaniel, and Bev Nash at Conference Reception



President-Elect Maggie Anderson and CCAT CHAIR Guy Giguere at the Mexican Consulate Art Exhibition



Bryan McDaniel and Ed Felter present panel on Judicial Ethics



President-Elect Maggie Anderson invites conference attendees to come to Malibu for the 2010 Conference

Montreal Conference Photos



President Bob Cohen enjoying some wine and conversation with Anne Murphy and her husband Arthur



Journal Editor Greg Ogden and his wife Daryl socializing with NCALJ Officer Tom Snook



Navajo Chief Judge Robert Yazzie addresses conference



Conference Chair Jean-Francois Clement, UN Appeals Tribunal Judge Mark Painter, and Commissioner Murray Chitra

President Bob Cohen, John Farrell and Anne Murphy deal with French-English presentations



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NAALJ
1001 Office Park Road, Ste. 105
West Des Moines, IA 50265

Phone: 515-440-6057
Fax: 515-440-6055
E-mail: naalj@naal.org

www.naalj.org