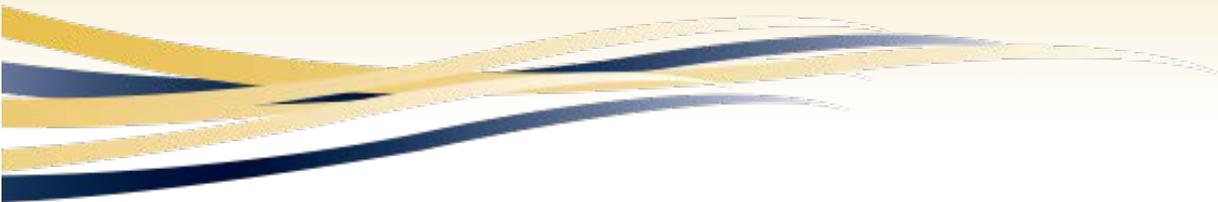




THE NAALJ NEWS



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A Message from the President



Hon. Peter S. Loomis

This is the first opportunity I’ve had since becoming NAALJ president in Salt Lake City in September to reach out to my fellow judges. For those of you who don’t know me, I worked as a staff Administrative Law Judge with the New York State Department of Transportation in Albany, the state capital, for more than twenty-five years, and was the agency’s Chief ALJ for approximately eight years. I have been a NAALJ member since the mid 1980s, and have attended some 20 conferences since then. I have served as Sponsorship Chair, worked on several silent auctions, and in 2013 was greatly honored to receive the NAALJ Rosskopf Award.

When I first became involved with NAALJ, I had been an ALJ for only a short period of time, and worked in an office where there was sadly little communication between those with whom I shared each work day. I was the only ALJ in my office who became involved in professional activities outside the office, despite my urging to others to get involved, and today I look back and recognize how important that choice was in affecting both my personal life and my professional career.

Being a member of the New York State Bar Association’s Committee on Attorneys in Public Service, and eventually its Chair, and being active as a NAALJ member have been extraordinarily important to me. I have benefitted greatly by the collegiality of this Association. It was welcoming to me from the outset, and provided me opportunities to have conversations with fellow judges that I had not previously experienced, to share concerns and discuss common problems.

Before joining NAALJ, I found being an ALJ to be an isolating experience. NAALJ changed that for me, and, I expect, for many of you. My point is that, as a NAALJ member, you have a special opportunity to help your colleagues become part of the NAALJ family. If you have benefitted both personally and professionally from being a NAALJ member, you have a strong argument to make to inspire others to give NAALJ a try. Membership in our Association comes at a relatively minimal cost, and the benefits are significant.

We have an exciting year ahead of us. For the first time, NAALJ will, with the support of the National Judicial College, and thanks to the hard work of Part President Steve Wise, host a free Webinar in May. There is more news about the Webinar elsewhere in this newsletter. We have a new Strategic Planning Committee, headed by President-Elect Selina Brooks of North Carolina, which will take a hard look at our Association's long range mission and goals. This coming October, for the third time since I joined NAALJ and for the fourth time in our history, the NAALJ 2017 Annual Meeting and Conference will be in New York State. We were in New York City in 1980, in Albany in 2000, in New York City again in 2008, and we will once again be in Manhattan in 2017. There is more about our fall conference elsewhere in this newsletter.

I look forward to seeing many friends from around the country at our October conference, and I hope to meet and welcome many members who have not previously attended a NAALJ conference. Working with our partner, the New York State Administrative Law Judges Association (NYSALJA), we anticipate a memorable program, some exciting social opportunities and great conversations. Best wishes for a good year and I look forward to greeting you at Fordham Law School. What could be better than a fall weekend in New York City?

NAALJ in Manhattan in October!

October 8 – 10, 2017

Fordham University School of Law

New York, New York

With accommodations at The Hotel Belleclaire



The NAALJ Annual Meeting and Conference, always an exciting time for attendees to experience worthwhile educational programming, have great conversations and take in the best of what our conference locale has to offer, will provide those opportunities once again this year when we convene at Fordham Law School in October. In a change from past annual conferences, our educational programming and meals, including the Banquet and Silent Auction, will not be at a conference hotel, but rather at Fordham's state of the art Skadden Conference Center, at 140 West 62nd Street, in Manhattan, practically next door to Lincoln Center and three blocks from Columbus Circle. This venue gives NAALJ the unique opportunity to present an educational program without the extraordinarily daunting fiscal burdens that a hotel room block and Manhattan hotel catering charges present to conference organizers. By choosing this option, and using the Fordham caterer, Aramark, NAALJ hopes to make attendance at a New York City based conference much more affordable than would have been the case if our programming were hotel based.



At the same time, we have selected a nearby conference hotel that we believe will also offer our attendees a somewhat unique and inviting New York experience, at exceedingly attractive rates, particularly for a fall holiday weekend. The Hotel Belleclaire, at the corner of Broadway and West 77th Street (250 West 77th Street, New York, New York 10024 – hotelbelleclaire.com) is a relatively small 240 room historic boutique hotel in Manhattan's upper west side neighborhood. Built in 1903, and used continually as a hotel since that time, the hotel has served guests including Babe Ruth and Mark Twain.

The hotel is in walking proximity to Fordham Law School, approximately 20 minutes away, or conference attendees can easily walk to the subway, two blocks away, and take the #1 train one stop to 66th street, or hail a taxi for a short ride. There are a number of cultural sites and museums also in close proximity, including the American Museum of Natural History, Carnegie Hall, the Metropolitan Museum of Art and the Museum of Modern Art. Central Park and all it has to offer on a sunny fall day, is three blocks away. There are a number of fine restaurants, cafes, delis, bars and shopping opportunities in the neighborhood, including the world famous Zabar's Delicatessen, at 2245 Broadway (80th Street) and Bloomingdale's Outlet at 2085 Broadway (72nd Street). A listing of dining options in the vicinity of the hotel will be provided to conference registrants.

The Belleclaire is offering NAALJ attendees a choice of rooms. The conference rate for a queen or king room will be \$239, and a double/double, for those who might wish to share, will be offered at \$259, both exclusive of taxes. The rooms feature modern updated baths (some only with a shower) with C.O. Bigelow bath amenities, Frette linens, iPad docking stations and 32" flat screen TVs with cable and pay per view. The hotel also features a 24-hour state of the art complimentary fitness center and a ground floor café, serving outstanding French pastries from nearby Mille-Feuille. Online reservations may be made at hotelbelleclaire.com by using the group code NAALJ, or you may call 929-257-0120.

The Conference educational committee, headed by ALJ Ray Kramer of New York City's Office of Administrative Trials and Hearings, is presently hard at work developing the educational program, and other conference committees, including the social committee, are exploring opportunities for attendees. The tentative conference program and details regarding registration will be available soon, but it's never too early to start making travel plans for what is sure to be a memorable conference!



Hotel Belleclaire, 250 W. 77th Street, New York, NY

From the State Affiliates

MAALJ News

By Hon. Will Somerville
MAALJ President



The mission of our Association, according to our constitution, is to “associate ourselves for purposes of maintaining the highest professional standards and advocating improvements in the field of administrative law.” I have the pleasure to report that our Association appears to be accomplishing those goals and that the state of our Association is strong. Our leadership is strong. Our Board Members and Committee Chairs are dedicated volunteers; they are task oriented but also know how to have fun. With Kim Farrell as our Immediate Past President, we have some solid institutional knowledge on which to rely. With John Leidig as our President-Elect, waiting in the wings as it were, we have someone who is learning the ropes. Sakeenah Graham as Secretary is an energetic chronicler and communicator. Marc Nachman, our Treasurer, is a walking calculator. Our Members at Large on the Board of Governors, Terri Garland, Lou Hurwitz, and Bonnie Leppert, offer wise advice at our Board meetings and fill other important roles as committee

chairs. Our Standing Committees include the Education Committee, Nominating Committee and Membership Committee. Our ad hoc Committees include the Legislative Committee, focusing on both state and federal legislation that might affect our members; the Bylaws Committee; the Finance & Audit Committee; the Events Committee; and the Publication & Website Committee. Bonnie Leppert chairs our NAALJ Liaison Committee. As a member of the NAALJ Membership Committee, Bonnie is “in the know” about almost everything NAALJ.

So far this year our events have included our Annual Meeting and Dinner in June at Little Havana in south Baltimore, and our less formal gathering and dinners at the NAALJ Conference in Salt Lake City in September. We have more Association events in the pipeline to help us “maintain the highest professional standards” so please stay tuned.

Our reputation among the state associations is strong. We are remembered for our recent, outstanding, mid-year conference in Annapolis. In September, at the NAALJ Conference in Salt Lake City, our Association had the highest number of participants (ten) of any NAALJ affiliate at the Conference. Showing our Maryland pride in Utah, we debuted a fashionable MAALJ lapel pin. In addition, one of our members, Georgia Brady, presented a CLE program, and another, Mary Shock, was elected to the NAALJ Board of Governors. Because of our high participation rate, among other things, I believe that our Association is considered a leader among the state associations affiliated with the NAALJ.

INAALJ News

By Hon. Gabe Paul
INAALJ President



The Indiana chapter of INAALJ is off to a good start for 2017. While we meet monthly to discuss topics of interest among the members, we also strive to offer as many value-added benefits as possible for the cost of membership. Perhaps the best way we accomplish this is by hosting several members-only free CLE events throughout the year, which results in our members being eligible for up to 6 hours a year. Since most commercial CLE seminars in Indiana can cost upwards of \$200, our members realize significant savings. These savings are multiplied by the fact that many state agencies do not pay for their employee ALJs to attend CLE seminars. Since these employees must pay out of pocket, INAALJ provides a real benefit.

In addition, INAALJ has established a scholarship fund, which any member can utilize to cover part of the cost of any conference they wish to attend. Again, many agencies do not cover this expense, so our members enjoy having this benefit. In return for the scholarship, our chapter requires the recipient to provide one hour of CLE to the membership.

Finally, our chapter was recently at the forefront of a unique topic of Indiana law involving whether corporations must be represented by counsel in administrative proceedings in front of an ALJ. Since Indiana law was unclear on the matter, our executive board approached the Indiana Attorney General in order to seek out an official opinion on the matter. After several months of research, we received the opinion in December 2015. While the opinion was initially disseminated for use solely by our membership, we learned in late February 2017 that Indiana’s new Attorney General directed the opinion to be published in the Indiana Register, which is the official repository for all important government documents. Since anyone can access the Indiana Register for free online, INAALJ is proud to have been granted this honor.

As INAALJ continues to grow and expand, we look forward to providing our membership with more and unique opportunities throughout the year. We’re hopeful that 2017 will go down as one of the best years for our chapter and we look forward to meeting that goal.



Malcolm Rich's Central Panel Study

by Hon. Larry Craddock

"Manifestly judicial reform is no sport for the short-winded or for lawyers who are afraid of temporary defeat" – Arthur T. Vanderbilt, "Brief For A Better Court System" NY Times, Sunday Magazine, May 5, 1957.

Arthur T. Vanderbilt was a former president of the American Bar Association, a former Dean of the New York University Law School, and a former chief justice of the New Jersey Supreme Court. In the article referenced above, he describes how he and a group of his associates "wasted an unconscionable amount of time and energy over ten years" attempting to pass legislation to improve New Jersey's outmoded judicial system and how in the end, after many years of what proved to be temporary setbacks and defeats they were ultimately victorious.

Similarly, a group of would-be reformers is sponsoring this project to collect and publish comprehensive information on existing central panels in the various states. We hope accurate information about what has been tried and has either worked or failed in the existing central panel states will benefit other jurisdictions as they create a new central panel or upgrade an existing one in their own state.

For the benefit of any readers who are not already familiar with the term, a "central panel" is an agency of administrative law judges that conducts administrative adjudications for other agencies. The central panel's main role is to provide fair and unbiased adjudications and due process to both the agency involved in the litigation and the public. The central panel judges are free to decide every case that comes before them on the basis of the law and the facts without feeling the pressure to rule in favor of their employer that may be experienced by other ALJs who are employed by an agency that appears before them as a litigant. The central panel ALJ is independent of, and not subject to, the control or influence of, those agencies whose cases he or she adjudicates. Instead, these ALJs report to a central panel director or chief ALJ who is usually appointed by the state governor and confirmed by the state senate. The central panel adjudication system is the alternative to the system used in the federal government and in the remaining states in which the ALJ is an employee and reports either directly or through intermediaries to the head of the agency that is one of the litigants in the cases that come before the ALJ.

In a 2010 law review article, Michael Asimow and Jeffrey S. Lubbers, have stated what seems to now be a consensus of academic opinion – "Our impression is that central panels have worked well and are considered by the public and by lawyers to be more legitimate than administrative judges embedded in the agency that is a party to the dispute." Asimow and Lubbers, *The Merits of Merits Review*, 28 WINDSOR Y.B. ACCESS JUST. 261, 283 at n. 131 (2010).

There are approximately 30 central panel states. Each one has been custom designed to meet the needs of that individual state and no two are exactly alike. There is not at present a comprehensive comparative data base showing how these panels are alike and how they differ from one another. This project is collecting and will publish that information.

The project is being conducted by Malcolm Rich of the Chicago Appleseed Fund for Justice. Initial funding for the project came from the State of Michigan. Additional funding is coming to the project from the National Association of

Administrative Law Judiciary (NAALJ) and its 501(c)(3) tax-exempt non-profit affiliate the National Administrative Law Judges Foundation (NALJF). NAALJ and NALJF have awarded the project the money normally reserved for the NAALJ-NALJF Fellowship Competition. There will be no NAALJ-NALJF Fellowship Competition in 2017 so that the money can be awarded to support this project.

In addition, NAALJ and NALJF have pledged up to another \$2,500 in matching funds to match any money that may be donated to the project by the National Conference of the Administrative Law Judiciary (NCALJ) of the Judicial Division, American Bar Association. No other grant or foundation funding has been located for the project at this time but we continue to look.

The steering committee for this project is Larry Craddock, retired ALJ, Texas Finance Commission, chair; Edwin L. Felter Jr., Senior ALJ, Colorado Office of Administrative Courts, vice-chair; Roderick A. Bell, Ph D, professor of government with long experience in designing and conducting polls for government and industry; Julian Mann, Director and Chief ALJ, North Carolina Office of Administrative Hearings; Bob Cohen, Director and Chief ALJ, Florida Division of Administrative Hearings; Lorraine Lee, Chief ALJ, Washington State Office of Administrative Hearings; Ann Wise, Director, Louisiana Division of Administrative Hearings; Tom Dewberry, Chief ALJ, Maryland Office of Administrative Hearings; and Allen C. Hoberg, retired, former Chief ALJ of the North Dakota Office of Administrative Hearings. Several of the steering committee members have contributed money to the project out of their own pockets.

Our project director, Malcolm Rich, was the co-author of MALCOLM RICH AND WAYNE E. BRUCAR, THE CENTRAL PANEL SYSTEM FOR ADMINISTRATIVE LAW JUDGES: A SURVEY OF SEVEN STATES. The original Rich-Brucar study was a work of first rate scholarship. It was published in book form and was also the subject of two law review articles. Both the book and the articles have been cited as authoritative many times over a period of many years. The study has had a major beneficial long-term impact on the growth of state central panels and the development of state administrative law. The number of times the study has been cited and the fact that occasionally it is still cited nearly thirty-five years after the date it was completed attests to both its quality and the importance attached to it by researchers and academics. However, much of the information contained in the original study is now badly out-of-date and in need of a follow-up. Hopefully, Malcolm Rich's update of the study will prove as useful and durable as the original study.

Malcolm is supervising students from Northwestern University who are receiving academic credit for assisting with this project and volunteer attorneys from Chicago area law firms. He hopes to complete the project sometime this year and will be at the NAALJ annual meeting to report on his findings.

In addition to collecting this information for the project, he is working with the Illinois governor's office to get that office full and complete information on best practices used by central panels in other states. Illinois is currently in the process of setting up a state central panel on an experimental basis. In addition, New York Governor Chris Cuomo has indicated his intent to develop a central panel system and Malcolm has volunteered this project's services to work with it also.

It is too early to speculate on what will ultimately occur but recent federal litigation indicates that the current system for appointment of federal ALJs may violate the appointments clause of the United States Constitution. Should the federal courts ultimately hold that, it is likely that the federal government will take a close look at developing its own central panel system. The information collected through this project should be very valuable to guide the federal government should the need arise.

For additional information on Malcolm Rich's Central Panel Study, contact:

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Judge Wise Honored as 2016 Rosskopf Recipient

By Hon. Peter S. Loomis



At the 2016 Salt Lake City Annual Conference, incoming President Peter Loomis was honored to present the NAALJ Award for Judicial Professionalism and Ethics, which is known as the Rosskopf Award, to NAALJ Past President Steven Wise, now of Montana. This award was first presented in 1999, posthumously to Judge Victor J. Rosskopf of Missouri, who had served as NAALJ Treasurer and a long-time Board member. The Rosskopf award is presented no more than once annually to a judge who embodies the highest qualities of judicial professionalism and ethics. That can most certainly be said of the 2016 recipient. Judge Wise represents the very best among us, and is a shining example of what it really means to be an ALJ.

Judge Wise received his Bachelor's degree in 1977, and a Juris Doctor degree in 1980, both from the University of South Dakota. After graduating from law school, he practiced law for four years with Dakota Plains Legal Services, specializing in poverty law, Indian law, administrative law and social security law. He then served two years as an assistant professor of criminal justice and political science at the University of South Dakota. He was an administrative law judge for 11 years working for the South Dakota Department of Labor and as the deputy chief administrative law judge for the South Dakota Office of Administrative Hearings.

From 1997 to 2015, Judge Wise was an administrative law judge with the Iowa Workforce Development Department. He relocated to Montana in 2015 with his wife, ALJ Deb Wise, and he currently serves as an ALJ with the Montana Department of Labor and Industry, Office of Administrative Hearings. Judge Wise has taught administrative law for the University of South Dakota as an adjunct professor since 1988, and has developed an interactive online administrative law course for the University. He is also a past education chair of the Iowa Association of Administrative Law Judges. As some readers know, Steve is also a frequent presenter at NAALJ conferences.

Judge Wise is an alumnus of The National Judicial College and has served as member of the faculty since 2002, teaching in the areas of judicial process, judicial writing, ethics, due process, and conducting telephone hearings.

In addition to these compelling professional activities, NAALJ treasures Judge Wise as someone who is willing to do literally anything and everything for the organization. He was Chair of the NAALJ Midyear Conference in 2006 in Des Moines, was on the NAALJ Board of Directors from 2004 through 2006, and was NAALJ Treasurer in 2006 and 2007. He was elected President-Elect in 2007 and served as NAALJ President from 2008 to 2009. He was Program Chair for the 2011 Annual Conference, Co-chair of the 2012 Midyear, has served as Chair of the Website Committee since 2009, and now once again is a current member of the NAALJ Board, his term expiring this year. As this issue of the NAALJ newsletter goes to press, Judge Wise is working hard once again on behalf of NAALJ, being the prime organizer of our first Webinar, to take place on May 12, 2017. For his tireless advocacy and work on behalf of the administrative judiciary, NAALJ was truly honored to present Judge Steven Wise with the 2016 Rosskopf award.



Strategic Planning

By Hon. Selina Brooks
NAALJ President Elect

Our Board of Governors recently announced that it has determined that in order to better achieve our mission as an organization, it would be beneficial to revise our Strategic Plan—our last revision was in 2003.

A committee has been formed made of NAALJ members who answered the email call for volunteers last month and are committed to envisioning our future and creating a plan to make that future happen. At our first meeting, we agreed on a general framework for the committee's work and that we will periodically make reports to the Board of Governors and the general membership about our progress.

The committee welcomes any comments or ideas from the NAALJ membership. The members of the Strategic Planning Committee are: Selina Brooks, NAALJ President-Elect & Committee Chair, Peter Loomis, NAALJ President, Maggie Anderson, Brock Avery, Mary Li Creasy, Paul Gager, Yolonda Green, Chris Hanifin, Eileen Jones, June McKinney, Felicia Orth, Darlene Redmond, Christopher Stephens, James von Scholz and Tina Schott, NAALJ Administrator.

Introducing THIS MONTH IN ADMINISTRATIVE LAW

By Hon. Mary Shock



Among the comments to recent NAALJ surveys, are member requests for training on issues that confront administrative law judges and on the nuts and bolts of conducting fair and efficient hearings. In response, NAALJ has launched a monthly e-mail to our members with a case summary of a decision addressing administrative law. Topics include determining the relevancy of witness testimony and the status of federal ALJs. Look for *This Month in Administrative Law* toward the end of each month. Comments and discussions about the cases are welcomed and encouraged on the NAALJ website, Members Only link, Discussion Forum. Your participation is also requested. We are looking for case summaries from around the country, or even around the world. State, federal, and international cases are accepted. Please contact Mary Shock, ALJ, Maryland Office of Administrative Hearings, to discuss a submission for publication. (mary.shock@maryland.gov.)

*The Journal of The National Association of Administrative Law Judiciary,
as published by Pepperdine School of Law,
can be found on both lexis.com and Lexis Advance under
J. Nat'l Ass'n of L. Jud.*



NAALJ Midyear Webinar

May 12, 2017

Expanding NAALJ's Horizons

10 am – 1:30 pm (PDT) | 11 am – 2:30 pm (MDT)

12 pm – 3:30 pm (CDT) | 1 pm – 4:30 pm (EDT)

(Webinar Services provided through the generous support
of the National Judicial College www.Judges.org)



Est. 1963

NAALJ is expanding its horizons by offering a free Midyear Webinar

NAALJ is excited to provide a variety of judicial education offerings for the administrative law judiciary including judicial writing, statutory and rule interpretation, and judicial ethics.

NAALJ Midyear *FREE* Webinar

May 12, 2017

Expanding NAALJ's Horizons

10 am – 1:30 pm (PDT) 11 am – 2:30 pm (MDT)
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(Webinar Services provided through the generous support
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NAALJ is expanding its horizons by offering a Midyear *Free* Webinar



Ron Hofer, *Bonehead Grammar for Judges*
10:00 am – 10:45 am, 10:55 – 11:40 am (PDT)

Professor Ron Hofer is a Distinguished Professor at the National Judicial College in Reno, Nevada. Professor Hofer has taught at the NJC since 1994, and he received the NJC's V. Robert Payant Award for Teaching Excellence in 2011. Professor Hofer also taught various writing and appellate law classes at Marquette University Law School for 21 years. Prior to law school, he taught writing and literature courses at the University of Wisconsin-Milwaukee and Marquette University.

Professor Hofer has taught writing to judges and lawyers in more than 35 states, as well as in the Ukraine, Guam, the Czech Republic, Jamaica, Russia and the Federated States of Micronesia. He received his B.A. and J.D. from Marquette, and an M.A. in English and linguistics from the University of Virginia, where he was a Danforth Fellow. Professor Hofer also served as the Senior District Staff Attorney for the Wisconsin Court of Appeals for more than 25 years.

Steve Wise, *The Nature of the Judicial Process*
11:50 am – 12:35 pm (PDT)

Judge Steve Wise is an administrative law judge/hearing officer with the Montana Department of Labor and Industry, Office of Administrative Hearings. He received bachelor's and juris

doctor degrees from the University of South Dakota. After graduating from law school, he practiced law with Dakota Plains Legal Services, specializing in poverty law, Indian law, and administrative law. He then served as an assistant professor of criminal justice and political science at the University of South Dakota. He was an administrative law judge for the South Dakota Department of Labor and a deputy chief administrative law judge for the South Dakota Office of Administrative Hearings. From 1997 to 2015, he was an administrative law judge with the Iowa Workforce Development Department.

Judge Wise has taught administrative law for the University of South Dakota as an adjunct professor since 1988 and has developed an interactive online administrative law course for the University. He is a past president of the National Association of Administrative Law Judiciary. Judge Wise is an alumnus of The National Judicial College and has served as faculty since 2002. In September 2016, Judge Wise was the recipient of NAALJ's Victor Roskopf Award for Judicial Professionalism and Ethics for his contributions to NAALJ and administrative adjudication.

Jerome Woods, *The Perils and Pitfalls of Online Social Media in the World of Adjudication*

12:45 – 1:30 pm (PDT)

Jerome Woods, II is an Administrative Law Judge with the Maryland Office of Administrative Hearings. He also serves on the administrative judicial ethics committee. In November 2015, Judge Woods was one of four candidates nominated by the Judicial Nominating Committee to fill the then vacancy on the District Court in Howard County Maryland.

Judge Woods is an Adjunct Professor of Law at the Community College for Baltimore County: School of Business, Education, Justice and Law. ALJ Woods teaches Business Law, Civil Litigation Practice and Procedure and Administrative Law.

Woods is a graduate of The George Washington University (1994) where he received his Bachelor of Arts in English Literature with a minor in Sociology. He received his Juris Doctorate in 1997 from The Catholic University of America, Columbus School of Law. He is a past member of the Thurgood Marshall American Inn of Court where he served as a distinguished barrister.

[Click here to register for this Webinar](#)

Once you are approved by the host, you will receive a confirmation email with instructions for joining the session.

Continuing Legal Education (CLE) Credit

Participants are responsible for filing a Certificate of Attendance form provided at the conclusion of the webcast with their states' Continuing Legal Education Commissions, Boards or State Bar where required. While NAALJ's educational programs have been regularly approved by CLE Commissions, Boards or State Bars, participants must follow their states' specific filing rules to have CLE credits considered for approval.

Of Interest to All ALJs

North Carolina News

By Hon. Robin Anderson
Medicaid Administrator and Administrative Law Judge



In 2008, the North Carolina's General Assembly enacted legislation transferring Medicaid recipient appeals from the North Carolina Department of Health & Human Services (DHHS) to the North Carolina Office of Administrative Hearings (NCOAH). (The Centers for Medicare & Medicaid Services approved a State Plan Amendment delegating final agency decision-making authority to NCOAH in 2012.) This transfer to NCOAH was precipitated by DHHS' two-year dispositional delay in Medicaid hearings.

In 2008, NCOAH began receiving appeals and at that time there were about 4,500 appeals filed. Four years later, the filings ballooned to over 22,000.

NCOAH has one administrative law judge dedicated to Medicaid recipient appeals with the central panel of 10 administrative law judges available to cover a second courtroom when needed. Today the average time from filing to closing of appeals remains at a prompt 60 days (22 days average for Managed Care appeals; 38 days average for non-Personal Care Service appeals). Most importantly, there is no backlog.

One of the primary reasons for this phenomenal result rests with North Carolina's Medicaid mediation program. More than 84,000 mediations have been conducted since the inception of the program. More than 83% of the appeals have been resolved at mediation and within the first 25 days. It has been reported that due to this remarkable disposition time, North Carolina has saved over \$25 million annually in maintenance of service costs.

NCOAH's mediation program was recently featured in *Bi-Focal*, the journal of the American Bar Association's Commission on Law and Aging, Vol. 35, No. 3, January-February 2014, "Using Mediation to Find Solutions: North Carolina Medicaid Appeals Program."

Further, other states, such as Alaska, have modeled their Medicaid recipient appeals process after the program implemented by NCOAH. Alaska's program confirms that a majority of their cases move substantially faster using significantly less resources.

Join NAALJ!

NAALJ membership is open to federal, state and local attorney and non-attorney hearing officers, administrative law judges, administrative judges, referees, trial examiners, agency chairs and commissioners, as well as higher level appellate authorities.

Member benefits include subscriptions to the *Journal* and newsletter, discounts on NAALJ educational conference registration fees, as well as networking and volunteer opportunities.

Annual dues are \$85, or \$100 for sustaining membership.

To join or learn more about NAALJ, visit our website at www.naalj.org, or e-mail us at naalj@naalj.org.

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Administrative Law Judiciary

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