



# The NAALJ News

## NAALJ Goes Back to National Judicial College for Midyear Conference

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### Special Point of Interest:

- **NAALJ 2012 Mid-Year Conference April 1-3, 2012 Reno, NV**
- **NAALJ 2012 Annual Conference Sept. 9-13, 2012 New Orleans**

By Steve Wise, Conference Co-Chair

The National Judicial College in Reno, Nevada, was a regular location for NAALJ conferences in the 1980s and 1990s, but it's been 20 years since the last Reno conference in 1992. The National Judicial College, nationally renowned for excellence in judicial education, has again graciously agreed to open its doors to NAALJ and actively partner with us to put on

what we anticipate to be a great 2012 Midyear Conference to be held on April 1 - 3, 2012. Conference committee members (Steve Wise, Jim Murray, Robert O'Neal, and Bob Layton and NJC Program Attorney Susan Conyers) are in the process of finalizing the program and events but would like to share what we have lined up so far.



A block of rooms has been set aside for NAALJ at the Silver Legacy Hotel ([www.silverlegacyreno.com](http://www.silverlegacyreno.com)) at very budget-friendly rates of \$49 per night (Sunday, April 1 – Thursday, April 5) and \$89 per night (Friday, March 30 and Saturday, March 31). Call 1-800-687-8733 to reserve your room today using

“NAALJ” as the group code to obtain the conference rate. The Sierra Spirit shuttle will take you from downtown Reno to a stop near the Judicial College's facilities where the education program will be held.

After the Sunday afternoon NAALJ board meeting, we will be hosting an evening reception at the Wild River Grille located along the Truckee River Walk in downtown Reno. We will be enjoying great service, food, and spirits delivered in a casual, fun and relaxing environment.

Our education program on Monday, April 2, and Tuesday, April 3, will include some of NJC's favorite faculty along with sessions planned and presented by our own NAALJ

## NAALJ Goes Back to National Judicial College for Midyear Conference

members. For example, we plan to have respected NJC faculty member, Toni Boone of Nevada, and equally well-respected NAALJ member, Anne Murphy, make timely presentations on Social Media and Judging. Training in decision-writing skills will be provided by Professor Elizabeth Francis. NJC faculty member Kelly Tate will focus her considerable communications expertise in a session on Effective Techniques for Self-Represented Litigants. Professor Paul Paton, Director of the McGeorge School of Law's Ethics across the Professions Initiative, is recognized nationally in both the United States and Canada for his contributions to debates on the future of the legal profession. He will be presenting on the topic of Judging Yourself: Judicial Ethics and The Challenge of Implicit Bias. NAALJ Past-President Maggie Anderson is coordinating a session with California ALJs presenting on the topic of Complex Litigation in Administrative Hearings. NAALJ President-elect Jim Murray has organized a panel discussion on the Special Education topic of Deciding What to Decide: Getting to the Merits with panelists from Texas, Georgia, and California discussing common prehearing issues facing special education impartial hearing officers. Andrea Krlickova with the Nevada Court Interpreters Program will discuss interpreter issues. Finally, Ben Holden, Director, Donald W. Reynolds National Center for Courts and Media will be making a presentation on handling media issues in your hearings. We are close to completing our educational agenda, and a final program schedule will be posted on the NAALJ website very soon.

We are continuing the NAALJ tradition of providing an optional excursion opportunity, this time to Lake Tahoe for our Monday evening activity that will include a bus tour, fine dining, and a fun evening for NAALJ colleagues and their guests. Details regarding this excursion are also being finalized and will be included in a website update. Check [www.naalj.org/2012-midyear-conference-home](http://www.naalj.org/2012-midyear-conference-home) for the latest information about the Midyear Conference, including information about registering for the conference. See you in Reno in April!

## Santa Fe Silent Auction Earns Record Revenues

By Peter S. Loomis (New York)

Each year since 2006, when the NAALJ Annual Conference and Meeting was held in Seattle, a Silent Auction has preceded the Annual Banquet, traditionally held on the last evening of the Conference. In Washington, D.C. (2007), New York City (2008), Orlando (2009), and Malibu (2010), conference attendees demonstrated great generosity and their winning bids benefitted the good work done by our affiliate not-for-profit foundation, the National Administrative Law Judiciary Foundation (NALJF). For the Santa Fe Conference in 2011, the goal was to raise at least \$3,000 for the Foundation. In what developed into an historic night at the La Fonda, an extraordinary record setting \$5,110 was bid for a total of 85 auction items, the most ever in a NAALJ Silent Auction program. This could not have happened without the generosity of both donors and bidders, who each year make this event possible. In New Mexico, where the auction was managed by NAALJ in the absence of any state affiliate, ALJ Felicia Orth, one of our hosts, donated multiple items, all of which reflected the beauty, character and uniqueness of the Santa Fe area. NAALJ owes great thanks to her. As always, State affiliates and ALJ donors from around the country were also critical to this year's auction success. The wide variety of items, reflective of diverse parts of the country, contributed to the very competitive bidding. Urged on by then NAALJ President Maggie Anderson, banquet attendees responded with vigor, and the Cocktail Hour passed quickly, with many last minute bidders attempting to outbid their colleagues. ALJs Cathy Bennett and Anne Murphy, of New York, entertainingly announced the results of the auction during the Banquet, as they had done the year before in Malibu, and winning bidders left with their fond remembrances of a great week in Santa Fe.



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## President's Message

Hon. John G. Farrell

### Happy New Year!

I had the privilege of starting my presidential term in September at the 37<sup>th</sup> Annual NAALJ Conference in sunny Santa Fe, New Mexico. Although the warm weather is now just a fading memory (as I face the wintery weather at my home in the Hudson Valley of New York State), the Conference itself has stayed with me as a lasting memory because of the terrific educational program and fascinating social activities. The 2011 Santa Fe Conference Organizers, our very own Bob Cohen and Steve Wise (former NAALJ presidents), along with indispensable local ALJ Felicia Orth, are to be congratulated for planning a NAALJ Conference without benefit of a local affiliate or any other local professional organization. Kudos to the Santa Fe Planning Team! More perspectives on this amazing conference appear elsewhere in this Newsletter.

It's been a busy presidential term so far. In late September, I received an inquiry from Triway International Group, (an organization dedicated to promoting cultural exchange between the US and China), regarding two Chinese Delegations from the Supreme People's Procuratorate of the People's Republic of China, that would be visiting the NYC in October and November. These groups expressed interest in learning more about NAALJ and the US legal system. In coordination with the New York Affiliate (NYSALJA), I organized two panel presentations for these delegations. I chaired the first panel on October 31, in an NYU classroom, with the other panelists, Catherine Bennett (former NAALJ president), Ruth Kraft (NYSALJA President-elect), Ed Mevec (NYSALJA Secretary), and Ray Kramer (NYSALJA Board member). Our presentation explained the structure and purpose of NAALJ, as well as the role of the Administrative Adjudicator within the US legal system. Members of the Chinese Delegations were presented with copies of the NAALJ Journal, a NAALJ information pamphlet and Newsletter, and a NYSALJA Lapel pin as a souvenir. The profile of NAALJ is now worldwide! A similar panel took place on November 17 and is described in greater detail under News from New York State. Many thanks to the impressive NYSALJA participants! I hope to continue to raise the profile of NAALJ internationally over the coming year. I encourage any members interested in international administrative adjudication to contact me by e-mail.

In other news, the **ABA has recently approved a group discount for NAALJ members**. Therefore, members interested in joining the National Conference of the Administrative Law Judiciary - American Bar Association Judicial Division (ABA-NCALJ) will soon be able to do so at a greatly reduced rate. Logistical details will be available soon regarding this exciting new opportunity.

Looking forward to our **2012 Midyear Conference**, NAALJ returns again to the American West, this time in **Reno, Nevada on April 1-3, 2012**. You may notice that this is an extra-early mid-year in 2012, **so save these dates now!** Our planning partner in Reno is the prestigious National Judicial College, a national leader in judicial education. Our Conference will take place at the NJC's state-of-the-art facility and include NJC Faculty presenters as well as other presenters from around the US. Our Reno Planning Team is headed by Steve Wise from NAALJ and Susan Conyers from NJC. Acknowledging the economic challenges we all are facing, they have secured unbelievable \$49.00 per night room rates at the Silver Legacy Hotel in downtown Reno for conference dates. This lovely hotel is a very short (and free) shuttle bus ride (or brief walk) from the NJC Campus. **Book your hotel rooms now to take advantage of this limited room block!**

I am also pleased to announce that later in 2012, we'll be moving back East, for the **38<sup>th</sup> Annual NAALJ Conference in New Orleans on September 9-13, 2012**. This conference is being hosted by the local affiliate, the Louisiana Association of Administrative Law Judges (LAALJ). And, for the very first time, NAALJ will be holding a joint conference with our federal ALJ counterparts and their professional organization: the Federal Administrative Law Judges Conference (FALJC). This partnership and joint endeavor with our federal colleagues promises a rare opportunity that we believe will greatly enrich our educational and professional networking opportunities. Our top-notch New Orleans Planning Team consists of Valerie Meiners (LAALJ), Maggie Anderson (NAALJ) and James Gilbert (FALJC). *(It's an acronym extravaganza!)* The planners have procured an amazing Conference Venue: The Ritz-Carlton on Canal Street in New Orleans, just adjacent to the historic French Quarter! This is truly a not-to-be missed conference. **Save these dates! September 9-13.**



Street in New Orleans, just adjacent to the historic French Quarter! This is truly a not-to-be missed conference. **Save these dates! September 9-13.**

As you can imagine, planning these conferences takes a lot of effort, but these efforts can be immensely rewarding for local affiliates. They enhance in-state affiliate membership and participation and give your Affiliate a chance to show-off your State before a national audience. **Attention ALL Affiliate Presidents: We are currently accepting proposals for the 2013 Annual Conference!**

Finally, I'd like to encourage all members to consider attending a NAALJ conference this year. In a profession that can be emotionally exhausting, as well as personally isolating, these conferences provide a rare opportunity to engage with other adjudicative professionals, who know first-hand what our job is all about and who are actively working to improve their profession. I always pick up some nuggets of wisdom from the remarkable judges I meet at NAALJ conferences and I return from these conferences to my daily hearing calendars with a new sense of purpose and professionalism. These conferences also provide a real and rewarding opportunity to share your expertise with others. Finally, attendance at these national conferences is just plain fun, with a chance to explore a new city and make new friends in the profession.

I also understand that it can be logistically and financially challenging to attend a conference. I encourage you to check with your government agencies regarding their professional leave policy to attend such educational conferences. I also encourage you to inquire with your agencies, and your professional unions (if applicable) regarding possible financial reimbursement for attendance at NAALJ Conferences. Finally, remember that many professional expenses, including membership fees and costs to attend professional conferences, can be tax deductible.

I look forward to hearing from you in the coming year and to see some of you soon in Reno, Nevada.

Hon. John G. Farrell  
NAALJ President

## 2012 NAALJ Annual Conference

Whether you use Outlook or an old-fashioned flip-the-pages calendar, please make sure you save the dates of September 9-13, 2012. You are invited to the first-ever joint conference of NAALJ and FALJC. Join fellow ALJs and hearing officers for exciting programming and events in the incomparable Big Easy -- New Orleans, Louisiana. The Louisiana Association of Administrative Law Judges, a NAALJ affiliate, is working hard with the Federal Administrative Law Judges Conference (FALJC) to put together a legal education program that specifically addresses the needs of ALJs. It is our goal to tackle timely topics such as the role of social media in administrative hearings as well as provide substantive information and updates in areas of interest to us all, such as ethics and evidence. Through breakout sessions, the conference will be able to fine-tune topics of special interest to attendees. It is our hope that no matter what area of law you address in the administrative adjudicative process, you will find the NAALJ 2012 Conference worthy of an investment of your time and resources. Be watching for updates as our program planning evolves. Also, be sure to send us any ideas you have for fresh and timely topics! [valerie.meiners@la.gov](mailto:valerie.meiners@la.gov) We would love to hear from you!



## NEWS FROM THE STATES

### North Carolina News

By Hon. Julian Mann, III

During 2011, North Carolina experienced a sweeping change in administrative law. The last major change in North Carolina's APA occurred in the 2001 legislative session. An unprecedented volume of bills was introduced and passed concerning final decision making authority, agency rulemaking, and occupational licensing boards. The stated impetus for these changes were cost-savings and more efficient, responsive government procedures and practices.



The North Carolina Regulatory Reform Act of 2011 was passed by the General Assembly, vetoed by the Governor, and then swiftly overridden by a bipartisan vote. The Act amends the APA with significant policy implications for decisional authority and the rulemaking process. Final authority has been given to administrative law judge decisions, effective January 1, 2012. The legislative debate concerning final decision authority centered on agency treatment of decisions issued by administrative law judges that were favorable to citizens and the judicial standard of review of those decisions in superior court. The governor's veto was overridden by a unanimous, bipartisan vote in the Senate and by a substantial vote in the House.

The Act contains new provisions for agency rulemaking that mandate specific principles and procedures to be followed which emphasize clarity, fairness and cost-effectiveness. Three areas received particular attention. Specific revisions relate to agency declaratory rulings and standards for environmental. In the area of Medicaid, several new provisions address measures to ensure fairness in hearing procedures.

The success of mediated settlement conferences for all types of contested cases is being studied to increase the number of cases being referred to mediation. Currently, all Medicaid cases are mediated and some other types of cases are routinely referred to mediation. Mediations in Medicaid appeals have resolved 80 percent or more of all contested cases referred.

## NEWS FROM THE STATES

### New York Affiliate News

#### Expanding Horizons- NAALJ/NYSALJA meets Chinese Delegation

Written by Deborah Richards, Assistant Counsel and Director of Hearing Administration and Matrimonial for the New York State Comptroller



An opportunity...I was asked to be on a panel to speak to delegates from China at New York University Law School. A group of us, ALJs from New York -- some on the NYSALJA board -- spoke to the Delegation on November 17 from 10 am to noon.\* We did not have enough time to delve into the similarities and differences of our systems, but happily had a chance to begin some interchange.

I first perused the Delegate list -- Directors, Deputy Directors, Inspectors, Chiefs, and Deputy Chiefs from People's Procuratorates -- both National and Provincial. Impressive, but what did all these titles mean? The list included the birth dates (I was happy that our bios did not!).

Ray Kramer welcomed the group with coffee and bagels -- noting the food connection to New York City. The translations provided for long pauses. Ray explained that the presentation was not meant to be a lecture; thus, we did get some questions from the delegates and at the end, some feedback to our questions. Ray provided a general review of the three branches of government, and how ALJs fit in the executive branch. He emphasized that the ALJ process is usually less formal, quicker, more user-friendly than judicial hearings, and that there are 1000s of ALJs nationwide (city, state, and federal) making decisions that are often recommendations -- and that ultimately can be reviewed by the courts -- the judicial branch.

Ray explained that NAALJ is a nongovernmental voluntary association of ALJs nationwide and started in 1974. It has a newsletter and professional journal through Pepperdine Law School -- the delegates received some literature and NAALJ pins.

This sparked some questions from the delegation. Does NAALJ have a close association with the NYS Bar Association? Are all ALJs attorneys? We answered the questions -- the vast majority of ALJs are attorneys and many in New York are members of NYSBA. Some agencies require 10 years experience as attorney for the ALJ job. At this point the delegates explained that they are prosecutors for the government and that they got their positions after much study, training and testing. I understood this to mean that a non-attorney or a person with less training would not be in their positions.

The panel explained that agencies enforce laws, some have their own dedicated judges, some use part-time judges, some have central panels. NAALJ as the largest ALJ association brings these divergent groups together.

The NAALJ panelists continued -- providing information on processes. Leonard Polleta provided a history of unemployment insurance benefits starting with the Great Depression in the 1930s. He explained more about the hearing process particularly in the NYS Department of Labor. Other panelists filled in details about the rules of procedure and law including providing for due process and right of cross-examination.



NYSALJA Panel with Chinese Delegation Leader - October 31, 2012



Chinese Delegation Leader with NAALJ President John G. Farrell - October 31, 2012

## NEWS FROM THE STATES

Ray did get to ask the delegates some questions: whether they have ALJs in China, is there due process and a constitution, and what is the greatest challenge in their jobs? It was difficult to be patient wanting to know the answers yet having to wait for the translation. We learned that there is not an ALJ equivalent. The delegates prosecute cases for the agencies. They investigate and then issue warrants for arrest. They assert the People's Procuratorate is equivalent to the Supreme Court. The Constitution is followed and there is due process just like the US. All accused are represented by counsel, and have right of cross-examination. Courts are open to all – except those with national security issues or involving a juvenile.

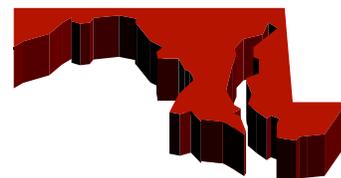
It is safe to say we all left wanting to know more. NYSALJA took home a gift of a beautiful framed embroidery of a Chinese opera mask.

\* Panelists:

Ray Kramer, Meeting Chair/Facilitator, ALJ, New York City Office of Administrative Trials and Hearings (OATH); Anne Murphy, ALJ, New York City Office of Administrative Tax Appeals (OATA); Leonard Polletta, ALJ, New York State Unemployment Insurance Appeal Board (UIAB) as guest of NAALJ; Eric Zaidins, ALJ for two NYS County Health Departments (Putnam and Nassau Counties); Deborah Richards, Director of Hearing Administration, New York State Office of State Comptroller (OSC). Also attending Theodore Vasilokis, ALJ, New York State Office of Temporary Disability and Assistance (OTDA); and Attorney Gracie Ming Zho, graduated from a Beijing Law School.

### Maryland Affiliate News

ALJ Mike Osborn of the Maryland Office of Administrative Hearings (OAH) reports that as the Maryland Affiliate recipient of the NAALJ Challenge Grant he had the opportunity to visit the Land of Enchantment to attend the NAALJ Annual Conference in Santa Fe, NM September 18–21. The NAALJ site selection was spectacular, and offered a superb mix of culture, dining, shopping, and entertainment to go along with a very informative agenda. Obviously, months of effort went into making this event a resounding success. Those who attended had the opportunity in a 30-minute stroll to learn about centuries of history of the American west. For those who wanted a more panoramic perspective, like me, a hot air balloon ride was the method of choice, or the tramway up a nearby mountain. The silent auction gave all of us an opportunity to learn more about our sister states, and provided an opportunity to get to know our fellow judges and hearing officers. I recommend a visit to New Mexico to anyone who has never been there. Thanks to the NAALJ for making my trip possible.



The Maryland Association of Administrative Law Adjudicators (MAALJ) is seeking new members. In order to try to attract new members, MAALJ is embarking on a membership drive in an attempt to recruit administrative adjudicators at all levels of government. The membership drive is being spearheaded by President Mary Shock and Board Member Ron Frampton. MAALJ plans a mass mailing to prospective members throughout Maryland with an informational brochure and a new website that will allow people to join and pay dues on line. In April 2012, MAALJ plans to hold a reception for prospective members at the OAH. Hope to see you there!

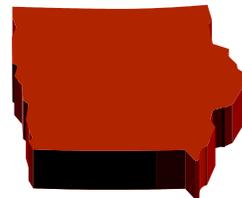
On May 2, 2011, MAALJ held a Law Day presentation to educate citizens on the U. S. Constitution. The various sections of the Constitution were discussed by MAALJ members and participants received pocket copies of the Constitution. Although attendance was small, the program was well received. As a result of the success of last year's Law Day presentation, MAALJ will be hosting another Law Day presentation on May 1, 2012. Although the format for this year's presentation has not yet been determined, the presentation will follow the American Bar Association's Law Day theme for 2012 which is "No Courts, No Justice, No Freedom." The 2012 Law Day presentation is once again being coordinated by Mary Shock and Ron Frampton. In order to volunteer or for further details, contact Mary Shock ([mshock@oah.state.md.us](mailto:mshock@oah.state.md.us)).

## NEWS FROM THE STATES

### Iowa Affiliate News

By Steve Wise

IAALJ was well-represented at the 2011 Annual Conference in Santa Fe New Mexico. Dévon Lewis was the winner of the NAALJ Affiliate Challenge Grant award, and Vicki Seeck received a IAALJ scholarship to attend the conference. IAALJ President Lynette Donner and Deb and Steve Wise also attended the Santa Fe conference. Iowa ALJs loved the Southwestern hospitality, food, and great educational program.



On October 3, 2011, the Iowa Association of Administrative Law Judges held its Fall CLE, with 67 attendees. Professor Paul Milich, Georgia State University College of Law was our keynote presenter on Advanced Evidence. Bruce Smith, Administrative Law Judge, Department of Homeland Security, shared Techniques for Handling Cases with Self-Represented Litigants. Views from the Bench were provided by Judge Mary Tabor, Iowa Court of Appeals, and Judge Mary Pat Gunderson, Polk County District Court. Andy Teas, Legal Counsel, explained the What, Why, and How of the Iowa Ombudsman Office, and Eve Ricaurte, Managing Attorney, Iowa Legal Aid, advocated Plain Language–Writing Decisions and Orders That People Can Understand.

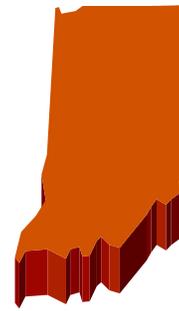
The IAALJ's Spring ALJ CLE will be held on April 16, 2012. The Agenda is being finalized, but we will have a presentation on Judicial Ethics in the Internet Age by Judges Ann Brenden and John Priester with the Division of Administrative Hearings, and we are reprising a program offered at the Santa Fe conference centered on the short film, The Response, a dramatization of the Guantanamo Combatant Status Review Tribunals. Writer-Producer-Actor Sig Libowitz will be participating along with Mark Kende, Professor of Constitutional Law and Director of the Drake Law School's Constitutional Law Center. Please check out our website for updates regarding CLEs and other events at:

<http://www.naalj.org/page/iowa>.

### Welcome to New Indiana Affiliate!

A formation meeting was held November 4, 2011 in Indianapolis to initiate Indiana as a NAALJ affiliate state. Linda Klain and Catherine Gibbs, two state government attorneys, have set a goal to organize and connect those individuals in the state who are working in an ALJ capacity. Hearing officers and non-attorneys are also welcome.

The group has met twice and plan another organizational meeting in January; Bob Layton of the more established Kentucky Chapter has been instrumental assisting in the start up. For more information, or to offer recommendations about things that have worked well in your State, or even to just offer welcomes and hellos!-- please call Linda Klain at 317-800-0855.





# National Administrative Law Judiciary Foundation

The National Administrative Law Judiciary Foundation (NALJF) is the public interest arm of the **National Association of Administrative Law Judiciary (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.

## 2012 FELLOWSHIP COMPETITION

NALJF is currently requesting applications for the 2012 Fellowship. The topic for 2012 is:

**“A survey of final decision authority among central panel states with interpretative analysis and policy implications.”**

To be considered, each submission should propose, for approval by the Fellowship Committee, a scholarly review of the law on the above Topic.

ONLY ONE fellowship proposal will be chosen for the Fellowship.

All applications for the 2012 Fellowship must be in electronic format (*WORD Format preferred*) and must include the following documents: (1) an abstract or an introduction to the proposed article; (2) a detailed outline for the proposed article; (3) a writing sample; (4) curriculum vitae; and (5) a list of publications. All submissions must be sent by e-mail to [naalj@naalj.org](mailto:naalj@naalj.org) with a CC to [julian.mann@oah.nc.gov](mailto:julian.mann@oah.nc.gov).

**The deadline for all submissions is April 30, 2012.**

The Fellowship Committee will review the submissions and select the Fellowship Winner by May 30, 2012.

***IMPORTANT NOTICE:*** *Prior Fellowship winners, current members of the Fellowship Committee, current members of the NAALJ Journal Board of Advisors, and current members and officers of the NAALJ Board MAY NOT APPLY for the Fellowship.*

The Fellow will prepare an original article for publication in the Journal of the National Association of Administrative Law Judiciary, and will deliver an oral presentation at the 2012 NAALJ Annual Conference in New Orleans, Louisiana, September 9-13, 2012. The final draft of the paper will be due on January 1, 2013.

The Fellow will receive a \$1500.00 cash stipend, as well as transportation, accommodations, and meals, at the 2012 NAALJ Annual Meeting and Educational Conference.

Applications and inquiries regarding the Fellowship should be submitted by e-mail to [naalj@naalj.org](mailto:naalj@naalj.org), with a CC to the Hon. Julian Mann, Fellowship Committee Chair, at [julian.mann@oah.nc.gov](mailto:julian.mann@oah.nc.gov).



## 2011 Challenge Grant Recipients

The Challenge Grant Program was initiated at the 2003 Annual Meeting in Orlando and has been offered at the 2009, 2010, and 2011 Annual Meetings. Affiliates who participate in the program chose an affiliate member (or two members who share the award). These affiliate Challenge Grant recipients had their registration fee waived by NAALJ and were given a \$500 check from the Foundation to help defray expenses in attending. In addition, the affiliate is encouraged to contribute to the recipient's expenses.

Eight affiliates participated in the Challenge Grant Program in 2011 by selecting a member to attend the Annual Meeting in Santa Fe.

Challenge Grant recipients at the 2011 Annual Meeting and the affiliates they represented were:

Robert Sharkey and Claudia Barber, DC	John Newton, FL
Ana Kennedy, GA	Devon Lewis, IA
P. Michael Gonzalez, IL	Valerie Meiners and Michelle Finnegan, LA
Michael Osborn, MD	Cathy Bennett, NY

For the first time in the history of the Challenge Grant Program, a non-affiliate recipient was chosen on the basis of the potential to establish a state affiliate in the recipient's home state of Missouri. The non-affiliate recipient was Sreenivasa Rao (Sreenu) Dandamudi.

Congratulations to all of these Challenge Grant recipients!! NAALJ and the Foundation look forward to these recipients becoming more involved in NAALJ or continuing their service to NAALJ!

The Challenge Grant Program relies on donations to the Mentor Program to be able to continue the program. Mentors are persons or other legal entities that make an annual contribution of not less than \$100. Life Mentors are persons or 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.

Many Life Mentors and Mentors are choosing to make yearly donations in addition to their initial donation! A special thanks to those who are doing so!

Please go to [http://data.memberclicks.com/site/naalj/Mentor\\_Form.pdf](http://data.memberclicks.com/site/naalj/Mentor_Form.pdf) to join in supporting this project by filling in the contribution form and returning it and your check to NAALJ, 1001 Office Park Road, Suite 105, West Des Moines, Iowa 50265.

## WHICH AFFILIATE WILL STEP UP TO THE PLATE???

Which affiliate will be the 5<sup>th</sup> state affiliate to become a Life Mentor by donating \$1,000 to the John Hardwicke Mentor Program??? One year ago, in the February 2011 newsletter, it was announced that the Kentucky affiliate (KAAA) had become the 4<sup>th</sup> affiliate to become a Life Mentor. Other affiliates which are Life Mentors are the Maryland affiliate, the Iowa affiliate, and the New York affiliate. These four affiliates challenged other affiliates to become Life Mentors. No affiliate has answered the challenge!!

To become a Life Mentor, an affiliate makes 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.

Encourage your affiliate to be the 5<sup>th</sup> state affiliate to become a Life Mentor!!! The contribution form can be found at [http://data.memberclicks.com/site/naalj/Mentor\\_Form.pdf](http://data.memberclicks.com/site/naalj/Mentor_Form.pdf) and returned with your check to NAALJ, 1001 Office Park Road, Suite 105, West Des Moines, Iowa 50265.

## Are You Among the Supporters of the Foundation?

As a way of recognizing those who support the many programs of the National Administrative Law Judiciary Foundation (NALJF or the Foundation), a list of donors is published in each NAALJ newsletter. Please check to see if your name is on the list. If it is, are you making a yearly donation? If your name is not on the list or if you are not making a yearly contribution, please do so!! The Foundation will be able to continue its programs ONLY with generous donors!

\*\*The contribution form is located at [http://data.memberclicks.com/site/naalj/Mentor\\_Form.pdf](http://data.memberclicks.com/site/naalj/Mentor_Form.pdf) and should be sent with a check to NAALJ, 1001 Office Park Road, Suite 105, West Des Moines, Iowa 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 is no longer available.)

Mary-Margaret Anderson (CA) (pledge 2009)	E. Savannah Little (VA) (pledge 2009) (Challenge Grant recipient in 2010)	Bev Sherman Nash (DC) (pledge 2009) (Challenge Grant recipient in 2010)
Abigail Bernhardt (NY) (2008, pledge 2009)	Barbara Lundin (KS) (pledge 2009)	Janet and Jerry Raider (KY) (lump sum 2008; donations in 2009, 2010, 2011)
David Brunke (TX) (lump sum in 2009)	Bryan McDaniel (DC) (lump sum 2009)	Edward Schoenbaum (IL) (lump sum 2009)
Tyrone Butler (DC) (pledge 2008)	R. Bruce McKibben (FL) (pledge 2009) (Challenge Grant recipient in 2010)	Steven and Debra Wise (IA) (lump sum 2009, donation in 2010) (Debra – Challenge Grant recipient in 2010)
Bob Cohen (FL) (lump sum 2010)	June McKinney (FL) (pledge 2009)	Marc Zylberberg (NY) (pledge 2008)
John Hardwicke (MD) (pledge 2009)	Julian Mann (NC) (pledge 2009)	
Ana-Beatriz Pasion Kidd Kennedy (GA) (lump sum 2009)(Challenge Grant recipient in 2011)		

### Charter Mentors:

(Mentors are those persons and other legal entities that make an annual contribution of not less than \$100. Charter Mentor membership is no longer available.)

Ruth Astle (CA) (2009)	Carolyn Holifield (FL) (2009)	Scott Oakley (MD) (2009)
Phyllis Carter (WV) (2009)	Laura King (WA) (2008)	Greg Ogden (CA) (2008, 2010)
Sammie Chess (NC) (2008)	Marvin Kittrell (SC) (2010)	Felicia Orth (NM) (2009, 2010)
Nicholas Cobbs (DC) (2009) (Challenge Grant recipient in 2009)	Ruth Kraft (NY) (2009, 2010)	Robert O'Neal (VA) (2009, 2010, 2011) (Challenge Grant recipient in 2009)
Robert Cohen (FL) (2009)	Bob Layton (KY) (2009) (Challenge Grant recipient in 2009)	Rebecca Pauli (AK) (2009)
Larry Craddock (TX) (2009) (2010)	Peter Loomis (NY) (2009, 2010, 2011)	Peter Plummer (MI) (2009, 2011)
Lynette Donner (IA) (2009, 2010) (Challenge Grant recipient in 2009)	David Mackey (AR) (2009) (Challenge Grant recipient in 2009)	Errol Powell (FL) (2009)
John Farrell (NY) (2009)	Maryland Affiliate (2009)	Jordan Rossen (NY) (2008)
Sallie Farrow (NY) (2009)	Kristin Miller (GA) (2009, 2010, 2011)	Robert Sharkey (DC) (2008, 2010) (Challenge Grant Recipient in 2011)
Camela Gardner (IL) (2009, 2010)	Anne Murphy (NY) (two donations in 2009)	Denise Wilson-Taylor (DC) (2009) (Challenge Grant recipient in 2009)
John Gedid (PA) (2008, 2010)	Jim Murray (MD) (2009, 2010)	Ann Marshall Young (DC) (2008)
Richard Goodwin (CA) (2008, two donations in 2010)		
Patricia Hart (FL) (2009)		

**Mentors:**

Louis Burnett (MD) (2010)  
*(Challenge Grant recipient in 2010)*  
Joan Davenport (DC) (2010)  
Lionel Foster (IA) (2010)  
M. Teresa Garland (MD) (2012)

Mark Handley (AK) (2010)  
Allen and Mary Hoberg (ND) (2010)  
Marvin Kittrell (SC) (2010)  
Kristin Miller (GA) (2011)

**Life Mentors:**

IA Affiliate (2010)  
KY Affiliate (2010)  
MD Affiliate (2010)  
NY Affiliate (2010)  
Cathy Bennett (lump sum 2011)  
*(Challenge Grant recipient in 2011)*

**Leave a Lasting Legacy**

A new category of giving to the Foundation – the Legacy Mentor – was introduced in the February 2011 newsletter.

If you state in your will or trust that you wish for a sum of money or a percentage of your estate to be given to the Foundation, you are making a lasting bequest to further the good work of the Foundation. The Foundation encourages research and scholarship for improving administrative justice and fulfills this mission by supporting the Neil Alexander Scholarships to the National Judicial College; the Challenge Grant Program; the Fellowship; and provides the plaque for the Vic Roskopf Award for Judicial Professionalism and Ethics.

The Foundation is a 501(c)(3) charitable entity. Thus, you may secure a charitable estate-tax deduction for the value of the gift and know that your generous gift will support the Foundation’s mission for years to come.

If you choose to become a Legacy mentor, please fill out the Legacy Mentor Form below and send it to: NAALJ, 1001 Office Park Road, Suite 105, West Des Moines, Iowa 50265.

**Legacy Mentor Form**

\_\_\_\_\_ I choose to be a Legacy Mentor of the National Administrative Law Judiciary Foundation.  
I have made a bequest to the Foundation in my will or trust.

\_\_\_\_\_ I am willing to have my name included on a list of Legacy Mentors in NAALJ publications promoting the Legacy Mentor Program.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone No.: \_\_\_\_\_  
Email: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

*Note: Please consult your professional tax and financial advisor concerning the specific consequences of making gifts to the National Administrative Law Judiciary Foundation.*

*If you find errors in the above lists, please notify Janet Raider at [Janet.Raider@gmail.com](mailto:Janet.Raider@gmail.com) or (859) 333-7278.*

## Looking For A New Year's Resolution?

So what is your New Year's resolution? To lose a few pounds? To exercise more? To take a course or pursue a new hobby?

How about resolving to become a Mentor of the Foundation!! No resolution could be easier to keep than this one. You can become a Mentor by making an annual contribution of not less than \$100 to the Foundation. By becoming a Mentor you are supporting the Challenge Grant Program, the Neil Alexander Scholarships to the National Judicial College, and the Fellowship. You would be helping to make it possible for all of these programs to continue.

If you are looking for a more challenging resolution, how about resolving to become a Life Mentor? Life Mentors 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.

Both of these resolutions can be kept by filling out the contribution form at [http://data.memberclicks.com/site/naalj/Mentor\\_Form.pdf](http://data.memberclicks.com/site/naalj/Mentor_Form.pdf) and returning it with your check to NAALJ, 1001 Office Park Road, Suite 105, West Des Moines, Iowa 50265.

## Making a Pledge and Keeping a Pledge

When a fundraising campaign for the Foundation began in late 2008, certain judges stepped forward and became Charter Life Mentors by making an initial contribution of \$300 and a written pledge to contribute an additional \$900 over the next three years.



Judges who made these pledges were the following: Mary-Margaret Anderson (CA), Tyrone Butler (DC), Julian Mann III (NC), and Marc Zylberberg (NY).

These judges have now fulfilled their pledges by faithfully paying \$300 each year following their initial contribution, making a total contribution of \$1,200! Congratulations and a big thank you to these judges!!

Other judges have become Charter Life Mentors or Life Mentors by making a one-time contribution of at least \$1,000. These judges are: Cathy Bennett (NY), Abigail Bernhardt (NY), David Brunke (TX), Bob Cohen (FL), Ana Kennedy (GA), Bryan McDaniel (DC), Beverly Nash (DC), Janet Raider (KY), Ed Schoenbaum (IL), and Steve and Debra Wise (IA). A big thank you to these judges as well!!

Still other judges have made an initial contribution of \$300 and are in the process of contributing an additional \$900 over the following three years. Judges who are in the process of fulfilling these pledges are: E. Savannah Little (DC); Barbara Lundin (KS), Bruce McKibben (FL), and June McKinney (FL). Many thanks to you judges also!!

Without these "heavy hitters", the Foundation would lack sufficient funds to support all the programs it provides to administrative adjudicators. Consider joining your fellow judges by becoming a Mentor or Life Mentor. The contribution form can be found at [http://data.memberclicks.com/site/naalj/Mentor\\_Form.pdf](http://data.memberclicks.com/site/naalj/Mentor_Form.pdf) and returned with your check to NAALJ, 1001 Office Park Road, Suite 105, West Des Moines, Iowa 50265.

## From Atlanta to Santa Fe: A 2011 NAALJ Journey

By Richard Boulanger  
Hearing Examiner, Vermont Agency of Transportation

After every conference I wind up contributing a newsletter article about that event. Every time I start to write, the same question pops up – How do I convey the conference experience to people who did not attend? After all, we attend these events for more than CLE credits and association politics, right? Since my Atlanta review didn't make the cut last issue, I think that for this round a comparison of the mid-year and the annual 2011 NAALJ meetings will be useful.

First, some facts: The 2011 mid-year meeting was held in Atlanta, Georgia, on May 1-4. The annual meeting was held at Santa Fe, New Mexico on September 18-22. Atlanta's theme vowed a return to the basics for effective administrative adjudication while Santa Fe's organizers assured us evidence, ethics, and experts, land of enchantment style. So did these events deliver on their promises? I think so, and here's why.

**Ambience:** Both conferences are models of what environment and atmosphere can contribute. Downtown Atlanta with its "big city" pace and the conference location, the Georgia Bar Association, reinforced the back to basics theme. Upon entering that building, you truly never forgot what you did for a living and, while sitting in the classroom, that as a professional you should always try to improve. Santa Fe, on the other hand, helped you realize that sometimes much can be learned by not taking yourself seriously, enjoying the surroundings, and taking the conference presentations at face value.

Perhaps the secret ingredient to the mid-year and the annual meetings' success was the use of events by organizers to enhance the ambience and enrich the experience. For Atlanta, that meant local speakers and presenters, an outdoor rooftop reception, a group meal in a very nice local restaurant, and a fun trip to Turner Field to see the Braves and Brewers. 'Very Atlanta', you might say. In Santa Fe, we were treated to non-stop enchanting and informative reminders of where we were. These included a very enjoyable Monday morning presentation by Felicia Orth who graced us with her thoughts on New Mexico and her career as a New Mexico Environmental ALJ, and two very enjoyable events, a Sunday afternoon walking tour of spy sites in that hot-bed of cold war espionage, Santa Fe, New Mexico, and a Tuesday evening walkabout in Pueblo San Ildefonso that later included margaritas overlooking the Rio Grande River and dinner at a restaurant featuring southwestern cuisine. Even the NAALJ Silent Auction sported a local accent, featuring a number of items with a New Mexico connection.

**Accommodations:** The meeting hotels, Atlanta's Glenn and Santa Fe's La Fonda, reinforced the ambience. The Glenn, with its spectacular rooftop view of Atlanta (from the hotel's outdoor bar, natch), emphasized the conference's busy, 'always a professional' tone, while the La Fonda gave you the opposite message – you are a tourist after all, so relax, let yourself be pampered, and enjoy the show. As for the food, both conferences set new standards for food quantity and quality, the Santa Fe conference in particular emphasizing regional cuisine.

**Program:** Any comparison has to take into account the different conference lengths, with Atlanta's



Santa Fe, NM

lasting two days and Santa Fe three days. Given that, however, similarities and points of comparison can be found. Attendees at each conference got the “basics” program on the first day (Atlanta) or in the morning (Santa Fe). By basics I mean, of course, CLE credit topics covering ethics, writing, evidence, statutory interpretation (Atlanta), etc. In Atlanta, they were presented by local speakers who taught and/or practiced in the greater Atlanta area. No hardship here; they were exactly the type of very knowledgeable and energetic presenters one would expect to hear in Atlanta. With an extra day, Santa Fe’s organizers spread “the basics” over three mornings, mixing speakers from across the country with locally based speakers. We were treated to presentations on evidence, decision-making, and reliability standards for experts and scientific evidence.



View of Atlanta from the roof  
of the Glenn Hotel

Many NAALJ members participated as topic presenters and panel discussion participants. In Atlanta, we heard from Stephanie Howells, Ronit Walker and Maxwell Wood; in Santa Fe, Julian Mann, David Torrey, Melissa Lin Jones and Felicia Orth, among others, provided updates in their particular areas of expertise. I particularly enjoyed OSAH Chief Administrative Law Judge Maxwell Wood’s panel discussion in Atlanta on his experiences helping to establish the new Iraqi Court System and an interactive presentation by Julian Mann in Santa Fe on combatant status review tribunals and the protection offered by the rules of evidence. Mann’s included a short movie on the topic with an interactive discussion with Sig Libowitz, Esq. who wrote, produced and acted in it.

No report would be complete without a word of thanks and appreciation to the organizers of these conferences, in particular Kristin Miller and the Georgia Affiliate for Atlanta and Bob Cohen, Steve Wise and Felicia Orth for Santa Fe, and their volunteer helpers. Both conferences were financial and educational successes; each showed a profit and provided outstanding education programs. Even the NAALJ Silent Auction set a new record by raising slightly more than \$5,000.00 for the Foundation in Santa Fe. Their dedication and commitment made both meetings memorable experiences for attendees and set new standards for future conferences.

It’s now a new year; time to determine who in NAALJ - will (drum roll, please) reap the benefits of the NAALJ conferences for 2012. The beneficiaries - conference attendees of course, who will experience very enjoyable meetings and those of you who do not attend and have to learn about the conferences from a poor substitute, my best efforts on the printed page. ‘Nuff said.

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## Member News

Gary Payne has been elected Chairperson Elect of the Government and Administrative Law Practice Section of the Oklahoma Bar Association.

# Santa Fe - 2011 Annual Conference



Felicia Orth, Hearing Officer, NM Department of the Environment introducing A. Joseph Alarid, Judge (Ret.) NM Court of Appeals on "After the Smoke Clears; A View Toward Appeal"



Steve Wise, ALJ, IA introducing Professor Penny White for her evidence presentation



2011 NAALJ Fellowship Award winner Dave Torrey, PA Workers' Compensation Judge outlining his paper "Master or Commander? The Workers' Compensation Hearing Officer and Adjudicatory Power"



"Communication Skills for ALJ", Carol Herrera, former Director, NM Family Court Services



Chief Justice Charles Daniels, NM Supreme Court on "Conflicts of Interest and Conflicts of Pistols"



Morgan Lyman, Special Education Impartial Hearing Officer on "IDEA: A Journey from Complaint to Power"



The Navajo Nation Perspective on Issues Facing Indian Country



Ann Marshall Young, ALJ, Nuclear Regulatory commission, on Judicial Ethics



Felicia Orth, talking about her travels around New Mexico as a hearing officer for the New Mexico Department of Environment



Steve Wise introducing Professor Christopher Behan, Southern Illinois University School of Law and NC Chief ALJ Julian Mann to comment on "The Response Move"

# Santa Fe - 2011 Annual Conference



Julian Mann, Chief ALJ, NC swearing in new officers and Board



Bob Cohen, Chief ALJ, FL, and conference chair



Maggie Anderson thanking Peter Loomis, ALJ, NY (Ret.) for making the Silent Auction a huge success



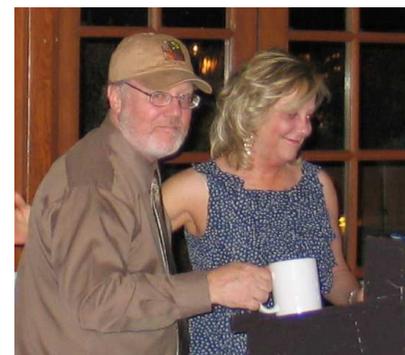
Outgoing President Maggie Anderson thanking outgoing Treasurer Kristen Miller for her dedication, hard work and service to NAALJ



John Farrell thanking outgoing President Maggie Anderson for her dedication, hard work and service to NAALJ



President John Farrell outlining his future plans for NAALJ



Maggie Anderson presenting Steve Wise with gifts for important work on the conference

# Santa Fe - 2011 Annual Conference



NAALJ President Maggie Anderson talking with members of the Canadian Forces Grievance Board (from left) Brand Hamel, Chair; Mike Auger; Jim Rice, Vice-Chair; and (behind Judge Anderson) Denis Brazeau, Part-Time Vice-Chair



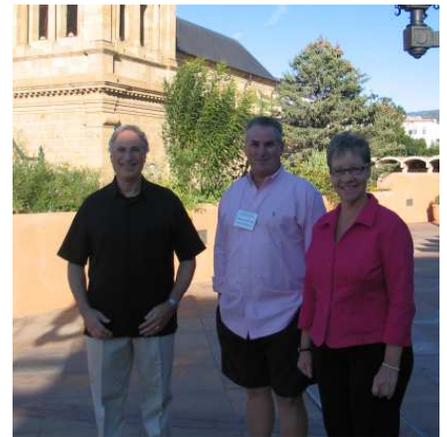
Bruce McKibben, ALJ FL; Bob Cohen, Chief ALJ FL; Wayne Brooks, ALJ & Deputy Director of Operations, MD OAH, with his wife Joanne



Bruce Held, former CIA Agent and author of "A Spy's Guide to Santa Fe and Albuquerque" speaking about his book



Mixing on the Terrace at LaFonda (from left) Peter Plummer, ALJ MI, Tom Dewberry, Chief ALJ MD, Julian Mann, Chief ALJ NC; and Bob Cohen, Chief ALJ FL speaking with Larry Craddock, ALJ TX



MD ALJs (from left) Douglas Koteen, Bernard McClellan and Mary Shock on the Terrace at LaFonda



Enjoying the sites of Santa Fe

## NAALJ Committees and Chairs (2012)

### Audit Committee

Chair: Cathy Bennett (NY)  
cbennett@nysdta.org

Members: Tom Dewberry (MA)  
and Larry Craddock (TX)

### Membership and Affiliate Support Committee

Chair: Bob Layton (KY)  
Robert.layton@ky.gov

### Nominating Committee

Chair: Maggie Anderson (CA)  
Maggie.anderson@dgs.ca.gov

### Liaison to Central Panel Directors

Chair: Bob Cohen (FL)  
Bob\_Cohen@doah.state.fl.gov

### Publications Committee

(includes all publications except the website; currently the NAALJ Newsletter and the Mullins Manual Project)

Chair: Selina Brooks (NC)  
Selina.brooks@oah.nc.gov

### Special Education Section

Chair: Prof. Jim Rosenfeld (WA)  
Rosenfeld@seattleu.edu

Board Liaison: Jim Murray  
jmurry@oah.state.md.us

### Administrative Adjudication Research Projects

Chair: Maggie Anderson (CA)  
Maggie.anderson@dgs.ca.gov

### Fellowship Committee

Chair: Julian Mann (NC)  
Julian.mann@oah.nc.gov

### Future Conference Sites Committee

Chair: Maggie Anderson (CA)  
Maggie.anderson@dgs.ca.gov

### Roskopf Achievement Award Committee

Chair: Julian Mann (NC)  
Julian.mann@oah.nc.gov

### Speaker's Bureau Committee

Co-Chairs: Jim Murray (MD)  
Jmurray@oah.state.md.us

Mary Kelly (CA)  
Maryk@cuib.ca.gov

### Neil Alexander Scholarships Committee

Chair: Joan Davenport (DC)  
Joan.davenport@dc.gov

### Website Committee

Chair: Steve Wise (IA)  
Steve.wise@mchsi.com

### Past-Presidents Committee

Chair: Janet Raider (KY)  
Janet.raider@gmail.com

### NAALJ Journal Board of Advisors

Chair: Larry Craddock (TX)  
Larrycraddocktx@gmail.com

Faculty Editor: Prof. Greg Ogden  
Gregory.ogden@pepperdine.edu



The newsletter of the National  
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Hon. Jim Murray (MD)	President-Elect
Hon. Lynette Donner (IA)	Secretary
Hon. Peter Plummer (MI)	Treasurer
Hon. Mary-Margaret Anderson (CA)	Past President

### BOARD OF GOVERNORS

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Hon. Ana Kennedy (GA)	(term expires 2013)
Hon. June McKinney (FL)	(term expires 2013)