



The NAALJ News

NAALJ Annual Conference Chicago Welcomes You Back!

By Camela Gardner

If you have not already done so, you will want to register for the upcoming 2013 Annual Conference and Meeting taking place in the gem of the Midwest – Chicago! Take advantage of the Early Bird Registration and hotel discounts due to end soon.

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This year’s Annual meeting will offer an array of informative, cutting edge educational opportunities designed to appeal to any adjudicator, no matter the area of practice. Ethics and professionalism, evidence, federal practice, decision writing, immigration, technology, alternative dispute resolution and mediation, and special education are but a few of the topics to be presented by judges and attorneys from the local, state, federal courts, administrative tribunals, and faculty from the local law schools.



Opportunities to receive one to one legal writing instruction from members of the John Marshall Law School faculty will also be available. The Illinois State Police will provide a presentation on hearing security. As a special treat, the Honorable Patricia Jackowiak, of the Chicago Administrative Hearings Office will lead a tour of the Chicago Administrative Hearings Facility and Courtrooms.



Traditional events will remain on the agenda such as the ever popular Welcome Reception, Challenge Grant Luncheon, Silent Auction and Banquet. The conference will open with a keynote address delivered by the Honorable Ruben Castillo, Chief Judge of the United States District Court Northern District of Illinois.



For members and visitors alike, there is hardly a better time to explore the nation's third-largest city. The committee has included in the programming many new discoveries and classic experiences. We invite attendees and family to: **Explore the Architecture.** Reserve your seat on a cruise down the Chicago River for some of the best views of the city's most notable buildings. Our tour guide will inform you of events such as the Chicago Fire of 1871 which led to Chicago being rebuilt. **Live Music.** For a taste of Chicago-style blues and food, join us at the Welcome Reception. In addition to enjoying some riffs from the popular blues band, "Blue Willie T. and Da'Midnight Lovers", you will sample iconic staples like hot dogs piled high with mustard, onions, sweet-pickle relish, a light sprinkle of celery salt (hold the ketchup please), barbecues ribs, potato salad, cole slaw, mac and cheese, the infamous Eli's Cheesecake and more. **World Class Restaurants.**

We have also reserved seating in two of the city's finest restaurants, Kiki's Bistro and Quartino's Ristorante & Wine Bar. **Tea Time.** Come join us at the Palm Court for tea (or merely a cocktail) just as Queen Elizabeth II did in 1958, in the world-famous Drake Hotel, which has been a symbol of elegance since 1920. **Untouchables Tour.** Re-live the roaring twenties when mobsters populated the city. This two-hour (bus) tour takes you to Chicago's most infamous sites, including where the St. Valentine's Day massacre occurred, the Biograph Theater (where John Dillinger was killed), Dion O'Bannion's flower shop and much, much more. Informative and entertaining guides will be on hand to provide interesting tidbits about Chicago in the Roaring '20s. **Comedy Central.** Second City, Chicago's world-famous comedy club, founded in 1959, has produced some of America's greatest comedy and comedians. Such comedy legends as Robert Klein, John Belushi, Dan Aykroyd, Chris Farley, Gilda Radner, Stephen Colbert and Tina Fey all started at Second City. Join us for a night of comedy and fun!

Want to get out on your own? Be sure to experience dazzling Broadway in Chicago performances at the award-winning theaters. Enjoy shopping at one or more of the boutiques of up-and coming designers or at the main stream shops on the Magnificent Mile. If neither of these options appeals to you, check out these unforgettable Chicago sights.

Millennium Park, John Hancock Observatory & Willis (formerly Sears) Tower Skydeck, The Art Institute, Navy Pier, Museum of Science and Industry, Wrigley field, The Lakefront, The Museum Campus comprising three museums (Field Museum, Shedd Aquarium and Adler Planetarium), and the Museum of Contemporary Art.

Whatever you choose to do while attending the fabulous conference and meeting we have planned, I am sure you will not be disappointed.



***Early Bird Registration
ends July 31, 2013!***

*For more information and to
register on-line visit:*

*[http://www.naalj.org/upcoming-
conferences](http://www.naalj.org/upcoming-conferences)*

Chicago Sponsorship Report Update

Peter S. Loomis, NAALJ Sponsorship Chair

With our Chicago Annual Conference coming up in just a few weeks, NAALJ is pleased to announce our sponsors to date for our fall event. Joining us for the second time, having been a Bronze sponsor last year in New Orleans, Cisco Systems, Inc. will be the Gold Sponsor in Chicago. We are extremely grateful to Cisco for their significant support. On Wednesday morning of the Conference, Cisco will present a one-hour educational program.

Evans Caseload, Inc., which was also a Bronze Sponsor in New Orleans, will also rejoin NAALJ in Chicago, this year as a Silver Sponsor. Caseload will sponsor the NAALJ Challenge Grant Luncheon on Tuesday of the Conference. We are very happy to welcome Caseload back and deeply appreciate their continuing support of our Association.

As of press time for this newsletter, we are also happy to report that ForTheRecord, which was a first time Bronze Sponsor last fall in New Orleans, will repeat that role in Chicago. We are excited to welcome FTR back! AppearByPhone was a Bronze and Tote Bag Sponsor at our 2013 mid-year in Williamsburg, and will be a three day exhibitor and tote bag sponsor in Chicago. We welcome AppearByPhone and thank them for their support in 2013. Clear2There, which was with us in Atlanta for a past midyear conference, has happily decided to exhibit once again in Chicago, and will be with us for the full three days. We welcome Clear2There back, and are appreciative of their decision to rejoin us.

Three general supporters are also going to be with us in Chicago. They are Sustain Technologies, Inc., New Dawn Technologies, Inc., which are now sister companies, and Infocom System Services, Inc. Sustain and Infocom will be familiar names to past conference attendees, Sustain having supported NAALJ for several years, and Infocom at both conferences in 2012. We thank each of them for their support of NAALJ.

Without the support of our sponsors, it would be extremely difficult for NAALJ to present both mid-year and annual conferences at rates which are affordable for our registrants. The opportunity of sponsors to speak with NAALJ attendees at our conferences about their products and services is clearly important to them, and it is what initially draws those sponsors to us. They also hope for follow-ups, opportunities to present at state agencies, and ultimately business relationships resulting in part from their sponsorship. We ask that attendees in Chicago recognize the importance of our sponsors' participation and take the time to speak with their representatives!

On a personal note, I want to express my appreciation and thanks for the extraordinary efforts of my prior Sponsorship co-chair, Cathy Bennett, also of New York. Cathy, a past NAALJ president, was highly effective in bringing sponsors into the NAALJ fold, and her presence in that role is sorely missed! Happily, though, Cathy will be a "Chicagoland Exhibitor" in Chicago, bringing her Silpada jewelry with her for your consideration. Judge Bennett has graciously offered to donate all her profits resulting from her Chicago appearance to the National Association of Administrative Law Judiciary Foundation, so your Silpada purchases will support a wonderful organization, whose work, including the granting of NAALJ conference scholarships, is well known to all of us!





Program At-A-Glance Highlights

National Association of Administrative Law Judiciary • 39th Annual Conference

Sunday, September 15 - Wednesday, September 18, 2013 • Embassy Suites, Chicago, IL

Sunday, September 15, 2013

12:00 p.m. - 5:00 p.m.
Early Registration

2:00 p.m.
Tea Time at the Palm Court in the
Drake Hotel (Optional)

3:00 p.m.
Untouchables Tour (Optional)

3:30 p.m. - 5:30 p.m.
NAALJ Board Meeting

6:00 p.m. - 8:00 p.m.
*Welcome Reception

Monday, September 16, 2013

8:00 a.m. - 5:00 p.m.
Registration

8:45 a.m. - 9:15 a.m.
Welcome Address

9:15 a.m. - 10:15 a.m.
Ethics

10:25 a.m. - 11:25 a.m.
Judicial Independence and
Accountability

11:25 a.m. - 12:25 p.m.
Bias/Judicial Temperament

12:25 p.m. - 1:30 p.m.
*Lunch

1:30 p.m. - 2:30 p.m.
Administrative Review and
Preserving the Record in
the State Courts

2:30 p.m. - 3:30 p.m.
Breakout Sessions:

Special Education - Views from
Hearing Officers and Practitioners

or

How to Identify and Report
Threatening Behavior and Tips on
Protecting Oneself

4:00 p.m. - 5:30 p.m.
Establishing and Organizing an
Effective Municipal Administrative
Hearing System

6:00 p.m.
Dinner at Kiki's Bistro (Optional)

8:00 p.m.
The Second City Comedy Club
(Optional)

Tuesday, September 17, 2013

8:30 a.m. - 9:30 a.m.
Motion Practice

9:30 a.m. - 10:30 a.m.
Judges and Social Networking

10:45 a.m. - 12:30 p.m.
Judicial Writing/Workshops

12:30 p.m. - 1:30 p.m.
*NAALJ Challenge Grant
Luncheon

1:30 p.m. - 2:30 p.m.
Evidence in Administrative
Hearings

2:30 p.m. - 3:30 p.m.
Administrative Review: A View
from the Federal Bench

3:45 p.m. - 4:45 p.m.
Mediation/Arbitration:
Combining Careers

5:00 p.m.
Chicago Architectural River Cruise
(Optional)

7:00 p.m.
Dinner at Quartino's Ristorante &
Wine Bar (Optional)

Wednesday, September 18, 2013

8:30 a.m. - 9:30 a.m.
Brain Trials: The Impact of
Neuroscience

9:30 a.m. - 10:30 a.m.
Cisco Technology Educational
Presentation

10:45 a.m. - 1:00 a.m.
Lunch on Your Own

1:00 p.m. - 2:00 p.m.
Immigration Law and the
Administrative Process

2:00 p.m. - 3:00 p.m.
Technology/Electronic Hearing

3:00 p.m. - 4:00 p.m.
NAALJ Meeting and Elections

5:00 p.m. - 7:00 p.m.
*NAALJ Silent Auction, Closing
Reception and Banquet

Thursday, September 19, 2013

9:00 a.m. - 12:00 p.m.
NAALJ Board Meeting

Early Bird Registration Options:

All-Inclusive:
All Programming and * Items
\$425.00 Members
\$475.00 Non-Members

A-La-Carte:
Each Programming Day
\$135.00 Members
\$195.00 Non-Members

Deadline: *July 31, 2013*



Early Bird Registration Form

National Association of Administrative Law Judiciary • 39th Annual Conference
 Sunday, September 15 - Wednesday, September 18, 2013 • Embassy Suites, Chicago, IL

Early Bird Registration Options

Choose either Option 1 or Option 2 and then proceed to page 2 to pick from our exciting excursions.

Option 1 All-Inclusive: The all-inclusive option includes all educational programming, the Sunday *Welcome Reception with Blues Band*, breakfast and lunch on select days and the Wednesday *Silent Auction, Closing Reception and Banquet*.

Members \$425.00
 Non-Members \$475.00

\$ _____

Option 2 A-La-Carte:

Sunday, September 15, 2013					
<i>Welcome Reception with Blues Band</i>	\$50.00	<input type="checkbox"/>		\$50.00 x no. of tickets =	\$ _____

	9/16/2013	9/17/2013	9/18/2013	
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Attendee Breakfast \$15.00 @ day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
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Guest Breakfast \$15.00 @ day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
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Educational Programming Members \$135.00 @ day Non-Members \$195.00 @ day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____
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Attendee Lunch Included \$0.00 Except for 9/18/2013	<input type="checkbox"/>	<input type="checkbox"/>		\$0.00
			Lunch on your Own	

Wednesday, September 18, 2013 <i>Silent Auction, Closing Reception and Banquet</i> \$100.00	<input type="checkbox"/>			\$100.00 x no. of tickets = \$ _____
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NAALJ Excursions:

Sunday, September 15, 2013

*Tea Time at the Palm Court
in the Drake Hotel* \$38.00

\$38.00 x no. of tickets = \$ _____

Sunday, September 15, 2013

Untouchables Tour \$30.00

\$30.00 x no. of tickets = \$ _____

Monday, September 16, 2013

Kiki's Bistro *\$37.00

Number attending _____

Monday, September 16, 2013

Second City \$16.00

\$16.00 x no. of tickets = \$ _____

Tuesday, September 17, 2013

Architectural River Cruise \$31.75

\$31.75 x no. of tickets = \$ _____

Tuesday, September 17, 2013

Quartino's Restaurant *\$52.00

Number attending _____

**Excludes tax, gratuity and liquor at the restaurant.*

TOTAL PAGE 1 AND PAGE 2: \$ _____

Please print or type clearly. Name badges will be prepared from this information.

Name _____ Title _____

Guest/Spouse Name (if applicable) _____

Employer _____

Your Mailing Address _____

E-Mail: _____

Method of Payment

Full payment (in U.S. currency only) must accompany registration form. Make checks payable to NAALJ.

VISA MasterCard American Express Discover Check

Card # _____

Expiration Date: _____ CVV: _____

Name on Card _____

Billing Address (if different from above) _____

Mail form and payment to:

NAALJ - Chicago Registration
1400 Village Square Blvd. Ste 3-148
Tallahassee, Florida 32312

Signature _____

NAALJ Foundation Auction Needs Your Help!

By Li Nelson

The NAALJ Conference is almost here, and we are hoping to see all of you there. The annual Silent Auction preceding the Banquet on Wednesday evening is one of the social highlights of the Conference. Beginning in Seattle in 2006 and continuing through the conference last fall, conference attendees have had the opportunity to bid on and win some unique items, while at the same time benefitting the NALJ Foundation. Whether it is wine from all parts of the country, inspired gift baskets, dining certificates, books, jewelry, hand-made quilts, artwork, sports memorabilia, a special trip, or other special treats, there is literally something for everyone at the auction!



You, NAALJ members, can help make that happen! Everyone who participates by donating, bidding, or both, plays a major role in assuring that the good work that our Foundation does each year can continue. In addition to donations from our state affiliates, we ask that Conference attendees each consider donating an item for the auction. We are hoping to see contributions from each state represented at the Conference.



Something unique from your state, city or area of the country can help make this year's auction a special event! Suggested items are the use of vacation homes, gift certificates, business services, jewelry, paintings, wine and gift baskets. This is a great chance to highlight your state, alma mater or your own particular skill set. Donating an item or service is also an opportunity for a tax deduction.

If you would like to personally donate an item, or know a business that would be interested in donating an item, please contact NAALJ Auction Chairman, Judge Li Nelson, by e-mail at li.nelson@doah.state.fl.us or by calling 850/488-9675, extension 232. You may also use the donation form included in this newsletter to notify us in advance what you plan to donate.

*Thank you in advance for your support.
Donations help to fund the NALJF
scholarship fund.*

CHICAGO SILENT AUCTION FORM

2013 NAALJ SILENT AUCTION TO BENEFIT THE NALJ FOUNDATION

Donor Name: _____

Address: _____

City: _____ *State:* _____ *Zip Code:* _____

Phone Number: _____

Please indicate whether you will be shipping your donation or hand-carrying it to the conference:

____ *Item will be sent to the Embassy Suites, 600 North State Street, Chicago, Illinois 60654, the week prior to the conference. (If you are using this method of delivery, the mailing address and labels will be e-mailed to you prior to September 1, 2012.)*

____ *Item will be hand-carried to the NAALJ conference registration table at the Embassy Suites, Chicago, on Sunday, September 15, 2013, or Monday, September 16, 2013.*

Item Description:

Approximate Value: _____

Please fax or email completed form to:

Li Nelson

Li.nelson@doah.state.fl.us

Phone: 850/488-9675 extension 232 Fax: 850/921-0864

Thank you for your Donation!

NALJF FELLOWSHIP AWARDED TO JOANNE L. GRISINGER

By Julian Mann

One of the major purposes of the National Administrative Law Judiciary Foundation (NALJF) is to encourage research and scholarship for improving administrative justice. In furtherance of that purpose, NALJF annually awards a fellowship to an administrative law scholar. The NALJF Fellowship Committee awarded this year's fellowship to Professor Joanne L. Grisinger, an esteemed administrative law historian. Her topic is entitled, "The Administrative Procedure Act and the Hearing Examiners." Her article will be published in next year's Journal of the National Association of the Administrative Law Judiciary (NAALJ). Professor Grisinger had this to say about her topic: "I propose to discuss the efforts to reform administrative law in the post-New Deal years, and the ways in which hearing examiners loomed large in these discussions. Hearing examiners were distrusted by many who were already skeptical of the administrative process. These 'juvenile jurists' (so described in a 1940 article in the *Saturday Evening Post*) wielded significant discretion even as they seemed to evade oversight."

In addition to the publication of her article in the Journal, Professor Grisinger has been invited to speak at the NAALJ Annual Conference luncheon on Tuesday, September 17th. She will summarize her fellowship topic in a thirty minute presentation. This presentation should hold captive the interest of all in the administrative law judiciary who yearn to know more of this historical perspective.

Professor Grisinger is currently the Senior Continuing Lecturer and Director of the Undergraduate Legal Studies Program at Northwestern University. She earned her Ph.D. and law degrees from the University of Chicago and her B.A. in History from Columbia University. In 2012 Professor Grisinger published her book, *The Unwieldy American State: Administrative Politics since the New Deal* (Cambridge University Press, 2012), which offered a political history of administrative law from the 1930s through the 1960s.

Interested in becoming more active in NAALJ?

The Nominating Committee is now considering Nominations for the following positions:

President-Elect

Treasurer

Secretary

and four Board member positions.

Pursuant to the By-Laws, the slate recommended by the Nominating Committee must be announced to the membership no later than 30 days prior to the annual membership meeting in Chicago. Please send a letter describing your interest, along with your resume, via email to Nominating Committee Chair John G. Farrell at jfarrell.nysalja@yahoo.com no later than **July 24, 2013**.

2013 MID-YEAR CONFERENCE REPORT - WILLIAMSBURG

By Richard A. Boulanger

The 2013 Mid-Year Meeting held in Williamsburg, Virginia from April 14-16, didn't have an advertised theme. A quick study of the program showed why; it simply didn't need one. Over the course of the two-days program, attendees had the opportunity to sample a variety of topics typically covered at a NAALJ conference.

This wasn't NAALJ's first visit to Williamsburg; the 1995 Annual Meeting was held there. It was, however, a meeting that almost wasn't. Robert O'Neal, a NAALJ Board member and prime mover for this conference, became seriously ill last fall and had to retire from the board and his ALJ position with the Virginia Alcohol Beverage Commission. Needless to say, he also had to bow out of the conference planning picture. This left the project in crisis, because some of the presenters he'd initially lined up made other plans when confirmation didn't arrive and consequently were no longer available. In December, NAALJ President Jim Murray and President-Elect June McKinney stepped in and finalized the program. I doubt that this conference would have come off as well as it did without their efforts.

The conference site and hotel, the Williamsburg Hospitality House, was fine; rooms were typical. The staff stood out, however, and helped make this event memorable. Just before the conference convened we learned that the property was purchased by the campus across the street, the College of William and Mary, for conversion, I was told, into dormitory space. We arrived just after the staff received notice that the hotel would close in two weeks, putting them out of a job. Believe me, their diligence and professionalism in the face of this catastrophe touched every attendee.

There were some noteworthy presentations on Monday. After opening remarks from Davison M. Douglas, Dean and Hanson Professor of Law at William and Mary, we had a lively judicial writing presentation by Steve Wise – and when was the last time you attended a NAALJ conference presentation on this topic delivered by a practicing ALJ? The morning breakout sessions provided attendees with a choice between a special education panel and an energetic presentation by Florida ALJ Lisa Nelson. After Melissa Jones's presentation showed us again how to avoid becoming potted plants, we moved on to lunch, where the entertainment consisted of an address by Williamsburg mayor Clyde Haulman and marks on ethics and professionalism from Florida Supreme Court Justice Peggy A. Quince.

Later that afternoon we adjourned to the William and Mary Law School for the rest of the day's program. This consisted of a demonstration of their Courtroom 21 technology project with remarks by Martin Gruen, Deputy Director for Technology, and a school sponsored reception where law students past and present got to mingle. The evening ended with a conference event, dinner at Chownings Tavern, unless you opted for an after dinner nightcaps at the hospitality room back at the hotel.

Tuesday's program began with a familiar face, Phyllis Carter, educating us to the pitfalls of constitutional privilege in administrative hearings. Later we received good advice about other problems of concern to ALJs such as wireless devices, personal threat management, and courtroom interpretation from subject matter experts Nora Sydow, Nick Proffitt, and Charlene Watkins, respectively. Listening to the honorable J. Bernard McClellan's mediation presentation made me realize it's been a while since anybody's presented a mediation related topic at one of these conferences, and that there ought to be more of them. Your afternoon breakout session choices consisted of Pennsylvania Special Education Hearing Officers Cathy Skidmore and Jake McElligott addressing the ins and outs of explaining due process to *pro se* parents or an analysis of recent changes in Virginia public benefits law presented by Public Benefits Attorney LaTonya Reed. Closing remarks were made by another familiar face, NAALJ President Jim Murray.

MEET THE NAALJ NEW EXECUTIVE DIRECTOR



Although I've only been Executive Director of NAALJ since May, I already feel a huge sense of accomplishment! I quickly became indoctrinated by helping to develop and administer a transition plan, involving some real teamwork with our officers to tackle distance banking issues, new contact information, and required website changes. I look forward to continuing this work as we obtain new systems and administrative procedures to make running NAALJ easier and more user friendly.

Rarely does one find a destination in which to apply experience that seems to fit like a glove. However, my 27 years of progressively responsible work in helping legal, accounting, financial and non-profit organizations, along with my current work as Executive Director of the Florida Association for Women Lawyers, has made me feel extremely fortunate to find the opportunity to handle the administrative needs of a legally based non-profit like NAALJ. This, along with serving as a Board Member with the Legal Studies Advisory Board at the University of West Florida, gives me the expertise to recognize and meet the needs of our Board.

I may be one of those rare individuals who actually ENJOYS some of the more intricate details of administration like by-law amendments and fundraising. Focusing on and seeing the results are what really matters, but to me it's also the process. I plan to utilize my administrative, organizational development, event planning, management, budgetary skills and knowledge of the Member Clicks system to ease the workload of our busy Board members and volunteers. From my educational background you can tell that I have been yearning for a position like this for a long time. I have a B.A. in Legal Administration, Cum Laude, from the University of West Florida, as well as paralegal and advanced paralegal certificates.

Personally, I am a recent empty nester, which gives me more time to enjoy reading, traveling, collecting vintage clothes, spending time with my college-age daughter, Christine, and playing "Mom" to my West Highland Terrier, Sweet Pea.

Please say hello to me in Chicago, where I will be joining you to meet the NAALJ Board in person, help with registration, and to report on the transition from Secretariat to Executive Director. I am eager to work with you to accomplish many things!

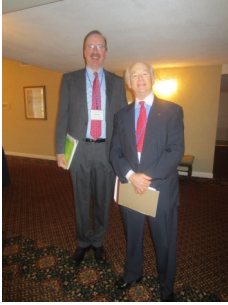
Dawn E. Howe

2013 MID-YEAR CONFERENCE REPORT - WILLIAMSBURG (CONTINUED)

The conference organizers built in opportunities for attendees to walk around town and take in the atmosphere. Sunday afternoon we were treated to a walking tour of Colonial Williamsburg by U.S. DOL ALJ and Williamsburg Guide Kenneth Krantz. If you missed that event, attendees could walk through the area over to the William and Mary Law School and Courtroom 21, later to Chownings Tavern for dinner and back to the hotel. During my travels I got to chat with an actor dressed as Patrick Henry!

This conference was, all in all, a pleasant experience. In other words, attendees enjoyed interesting topics presented by knowledgeable speakers in a nice location. Just think; no ice or snow. Makes me almost consider leaving the hills. On to Chicago.

2013 MID-YEAR CONFERENCE - WILLIAMSBURG



2013 MID-YEAR CONFERENCE - WILLIAMSBURG



2013 MID-YEAR CONFERENCE SPEAKERS



Judge Li Nelson



Deputy Director Martin Gruen
Center for Legal & Court Technology



Judge Melissa Jones



Councilwoman Judith Knutson



Justice Peggy Quince



Judge Jim Murphy



Judge Steve Wise

President's Message



By Jim Murray

Greetings everyone! How time flies. It is hard for me to believe that it is already time for another newsletter and that Annual Conference time is at hand. The NAALJ officers and Board have been quite busy since last October attending to all of the administrative tasks necessary to keep an organization such as NAALJ on top of things. While keeping up with the administrative details is a largely unseen and unappreciated task, it is nonetheless important to maintaining organizational viability and relevance.

That's where you come in. Nominations for the NAALJ Board and Officer positions will soon be solicited and we need you to pitch in and help. The work is important to NAALJ but the task is not onerous; we just need smart people with good ideas who are willing to give up a little time to help make NAALJ a better organization. Please consider throwing your hat into the ring for a NAALJ Board opening. For your work you'll get defrayed expenses for NAALJ conferences, which will give you the opportunity to meet your peers, learn about NAALJ in detail and to get interesting and informative training for a bargain price. We need new people who will bring a fresh eye and new ideas to NAALJ leadership. We hope to see your name on the slate for the 2014 NAALJ election.



Speaking of help in running NAALJ, in May, after much debate and angst, we cut ties with our former secretariat and took the bold step of hiring an Executive Director, Karen Howe, to help guide us into the future. Although not an ALJ like our first Executive Director, the late John Hardwicke, the new Executive Director is a hands-on professional who has already demonstrated her considerable capabilities. For instance, NAALJ now has its own vanity phone number (855/75NAALJ) and a new address: 1400 Village Square Boulevard, Suite 3-148, Tallahassee, FL 32312. I think you will notice more changes in the future. You can read more about our new Executive Director in this issue.

Also in this issue, we have revived a feature that used to be a regular part of the newsletter, a profile of members of the NAALJ leadership. In this issue we focus on me and June McKinney, NAALJ President-Elect.

Although keeping NAALJ on track as an organization is necessary, my main job as NAALJ President, at least as I see it, is to ensure that NAALJ fulfills its mission. To paraphrase from the Preamble to the NAALJ By-Laws, NAALJ members have joined together with one another in order to maintain the highest professional standards and to advocate improvements in the field of administrative law. In other words, NAALJ was formed to improve the quality of administrative justice. To that end there is the NAALJ Journal, the National Administrative Law Foundation Fellowship, and the Challenge Grant. However, the main vehicle for these improvement efforts, of course, is the NAALJ conferences. NAALJ conferences have been going on since the beginning of NAALJ at cities great (New York) and small (Asheville).

Williamsburg, Virginia, site of the NAALJ 2013 Mid-Year Conference, was one of our smallest venues but, by all accounts, a well-spent two days. Getting the conference off on the right foot presented quite a few unexpected challenges but, with the driving force of President-Elect McKinney (with help from Lynn Quimby-Pennock and the Virginia affiliate), it came off practically without a hitch. The 2013 NAALJ mid-year was probably the last conference at the Williamsburg Hospitality House, which was purchased by William & Mary College for student housing. Nevertheless, service was great, the program was diverse, interesting and informative, and trekking through Colonial Williamsburg imbued us with the Zeitgeist of the colonial period.

Of course, conferences are much more than just the programming and the venue. I find that just as much learning, if not more, takes place in the hallways, break areas, and during dinner as at the formal programs. Where else can you discover that administrative adjudicators in another state or even another country do the same thing as you, except not exactly the same?

There is simply no other place where you can learn about hearings involving everything from architect licenses to zyzyva beetle damage and what those hearings involve. Not only that, but in the world of conferences and training, the cost is low.

There is simply no other place where you can learn about hearings involving everything from architect licenses to zyzyva beetle damage and what those hearings involve. Not only that, but in the world of conferences and training, the cost is low.

This is always important because all things being equal, the more people you reach, the more knowledge gets out there. It is especially important in these times with furloughs, layoffs, budget sequestration, and lack of adequate funding generally. In short, NAALJ conferences are the best place, dollar for dollar, to keep up with best practices in administrative adjudication and trends in administrative law. The more knowledge that gets out there, the easier it is to make improvements in the field of administrative law.

What's my point? My point to this whole column is that NAALJ needs you to help us fulfill our mission. When I took office one of my goals was to get venues for future conferences lined up well in advance. So far we have Chicago for our annual this year, Indianapolis for the 2014 mid-year and Baltimore/Annapolis confirmed for the 2015 Annual Conference. We have some tentative ideas for the 2014 Annual Conference, but we need help from you. We need you to step up and be a part of the NAALJ mission by being a host city for a NAALJ conference in order to facilitate long-range NAALJ planning, make conference planning less hectic, and allow NAALJ members plenty of notice to be able to avoid schedule conflicts and plan for conference attendance. It will also do the same for our all-important sponsors.

The three main ingredients for getting people to a conference are the cost, the venue, and the program. Relative to other quality training that is out there, NAALJ keeps costs low for everyone. For a host city or area, besides the benefits of a conference mentioned above, it means very inexpensive training for administrative adjudicators in your area and an opportunity for you to have a say in what is presented. You also get to sell your area to the rest of the country and beyond. All of the benefits to hosting a NAALJ conference are too numerous to detail here. If you would like to know more, please corral me at a conference or send me an email at james.murray@nad.usda.gov and I'll be happy to fill you in.

If you simply cannot help in any other way, try to attend a conference. At least that way, besides helping NAALJ, you will be helping yourself as well. I am looking forward to seeing many of you in Chicago this September and next spring in Indianapolis. Just as importantly, I am looking forward to meeting you in your hometown at a NAALJ conference sometime in the near future.

MEET THE BOARD - THE NAALJ PRESIDENT

In September 2012 in Santa Fe, after a stint on the NAALJ Board, Jim Murray was elected President-Elect of NAALJ. Last October in New Orleans, he became the NAALJ President. Jim joined NAALJ in 1996 and has been quite active on the local level for many years. He was a founding member of the first NAALJ Maryland affiliate and a founding member of the Maryland/Washington, DC NAALJ affiliate formed after DC became a central panel jurisdiction. He was the MD/DC affiliate president from 2007-2009. He was a founding member of the Maryland Association of Administrative Law Judiciary, a new Maryland affiliate formed after DC and Maryland decided to go their separate ways, and was President from 2009-2010. Only in the last several years has Jim been very active in NAALJ on a national level.

Jim's administrative adjudication experience is long and varied. He was born and raised in Baltimore, Maryland and entered the Army after high school and served with the 101st Airborne Division. After getting out of the Army, Jim had a variety of life experiences including construction worker, truck driver, warehouse foreman, service station manager, and courier. Eventually he earned a Bachelor's degree in Criminal Justice and joined the Federal Protective Service. After graduating from the Federal Law Enforcement Training Center as a Distinguished Graduate, he worked at the National Security Agency. Finding that boring, he left that position to work for the Maryland Division of Correction (DOC) as a Counselor.

Jim's first involvement with administrative hearings was sitting as part of a panel deciding inmate discipline cases at the Maryland State Penitentiary in 1978. While working at the prison, he earned a Master of Public Administration degree and a Juris Doctor degree from the University of Baltimore, located just a few blocks from the penitentiary. After getting his law degree, Jim continued to work for DOC hearing inmate cases as a hearing officer. The panel was changed to a single hearing officer and Jim was eventually named Chief Hearing Officer of a ten hearing officer unit. In 1988 Jim left DOC to become a hearing officer with the State Department of Personnel. After being admitted to the bar, Jim also practiced law part-time until January 1990 when he was appointed as an Administrative Law Judge (ALJ) with the then newly formed Maryland Office of Administrative Hearings (OAH). While at the OAH Jim wore many hats. He was a line ALJ, a team leader, Deputy Director of Operations, and Director of Operations. After 21 years, Jim retired from the OAH but not from administrative adjudication. Since July 2011 he has been Deputy Director of the National Appeals Division of the United States Department of Agriculture, where he makes final decisions for the Secretary of Agriculture.

Besides hearing cases and helping to manage a hearing agency, Jim is a certified mediator and has participated in administrative law related programs through courses at the Maryland Institute for Continuing Professional Education for Lawyers, the National Judicial College, the University of Baltimore, University of Maryland, and the Johns Hopkins University. He has consulted with several states on administrative procedures and was a consultant to DC Public schools in 1999-2000 regarding special education due process hearings and how to manage a special education due process hearing program. As an ALJ, Jim has participated in numerous training programs and conferences over the years on a wide variety of topics.

Besides administrative law, Jim's other passions are riding his motorcycle and gardening. He is a University of Maryland Extension Master Gardener.

MEET THE BOARD - THE NAALJ PRESIDENT-ELECT



Judge June C. McKinney currently serves as an Administrative Law Judge with the Florida Division of Administrative Hearings (DOAH). Prior to becoming a member of the judiciary, June practiced administrative law for over twelve years and last served as a Senior Assistant Attorney General where she represented numerous statewide administrative boards and commissions. As an AV-rated Martindale Hubbell attorney, she enjoyed a stellar career in public service, while serving as Chief Attorney for the Florida Department of Business & Professional Regulations, Division of Alcoholic Beverages and Tobacco; Attorney for the Florida Public Service Commission and Misdemeanor Chief for the Public Defender of the Second Judicial Circuit. June is also a Florida Supreme Court Certified Mediator and has served on the Mediation Qualifications Board for the State of Florida since 1997.

June's public service and volunteer work for the past 20+ years has focused on promoting the status of women, advocating for gender equality, and mentoring young women and girls. June was the first and only person ever elected to serve two consecutive terms (2001-02 and 2002-03) as president of Tallahassee Women Lawyers. In 2005, she was elected the 54th president of the statewide women lawyers' organization, Florida Association for Women Lawyers, and promoted gender equality through the theme "Balancing the Scales." In 2008, she created a program "Sister Talk" that mentors law students and she expanded it to undergraduate students in 2011. She is also active in The Tallahassee Barristers Association, William H. Stafford American Inn of Court, and the NBA Judicial Council.

In 2007, soon after her appointment to the bench, June became actively involved in the Florida Association of Administrative Law Adjudicators and has served as Secretary since 2009. June has been an active member of NAALJ for a number of years. She has served on the Membership Committee, as Treasurer and Co-Chaired the 2012 Mid-Year meeting in Williamsburg which received outstanding reviews. June was elected as President-Elect at the 2012 Annual Meeting in New Orleans. She will be sworn in as President in September 2013.

June was born in Heidelberg, Germany where her father, who served in the U.S. Army, was stationed at the time. June's family lived in numerous states but she graduated from high school in Tallahassee, Florida. She attended college at Howard University in Washington, DC and law school at the University of Florida, College of Law. After graduating law school and serving as Assistant Public Defender, June had the opportunity to serve as a hearing officer handling unemployment appeals cases for the Department of Labor. It is from that position that she discovered her passion for administrative law. Her appointment as an Administrative Law Judge at DOAH was a fulfillment of a long-time career goal.

In addition to adjudicating administrative cases and community service work, June enjoys traveling with her husband, daughter, and close friends. She is also a dedicated and loyal alumna of Howard University and has faithfully attended homecoming activities for the past 25 years.

June has received many honors and awards including the 2013 Trailblazer & Pioneer Award, 2012 *25 Women You Need to Know*, 2011 Florida Association for Women Lawyers Rosemary Barkett Outstanding Achievement Award, 2010 Henry Latimer Diversity Award, 2008 Richard W. Ervin Equal Justice Award and most recently the Virgil Hawkins Florida Chapter National Bar Association 2013 Virgil Hawkins President's Award. She was also recognized as a 2008 Honoree for Tallahassee Community College's Women's History Month.

CHANGES IN STORE FOR THE NAALJ SPECIAL EDUCATION SECTION

Several years ago the NAALJ membership voted to allow “sections” that would include NAALJ members hearing cases in discrete areas such as motor vehicles, public benefits, special education, and the like. Thus far, the only group of NAALJ members to organize a section are independent hearing officers and ALJs who conduct Special Education due process hearings.

The Special Education Section was established to meet the unique needs of special education independent hearing officers, whose role, responsibilities and authority are defined by the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.*, but whose services are secured by contract with state education agencies. The Section provides a forum to assist members in meeting the qualifications established by IDEA.

The purpose of the Section is to provide a forum for study and discussion of issues related to conducting hearings under IDEA; to contribute to the continuing education of hearing officers and ALJs who conduct these hearings; to disseminate information regarding recent decisions related to these hearings; to encourage publication of legal writings related to these hearings; and to establish a liaison with the NAALJ. Membership is open to any NAALJ member in good standing who is or has been qualified as an IDEA hearing officer pursuant to applicable law. Currently, there are no section dues.

The Section was organized due largely to the efforts of Jim Rosenfeld, Distinguished Scholar in Residence at Seattle University and Director of the IDEA ALJ/HO Academy at Seattle University School of Law. Well before the Section was formally established and since, Professor Rosenfeld has been the primary force behind the Section. To date, he has been the Section’s only Chair. Unfortunately, Jim has decided to move on and resign from NAALJ. This leaves the Section Chair position vacant. As it happens, the Section’s Secretary-Treasurer, Clara Slifkin, also resigned recently upon becoming a Federal ALJ. Following discussions with Mary Schwartz, the Section Vice-Chair, it was concluded that it would be best for the Section to hold new elections for all positions. Fortunately, Jim agreed, with Mary’s concurrence, to shepherd the election process through to conclusion.

Accordingly, the Special Education Section has opened the nomination process for all positions. As the Section has essentially operated “on-line” since its establishment, it will continue to do so at least until the new officers assume their responsibilities. Following is the schedule the Section will follow to conclude the election process in advance of the next annual NAALJ conference:

- June 12 – July 12: Open nominations
- July 15 – August 15: Elections
- August 20: Report to NAALJ of new officers

If you are interested in joining the Section, serving, and/or nominating someone as Chair, Vice-Chair or Secretary-Treasurer of the Section, please email Jim Rosenfeld (rosenfeld@seattleu.edu) of your interest/nomination along with a **brief** biography. He will circulate the final list, along with the bio information, on or after July 15. A copy of the Section bylaws is available on the NAALJ website under the “About NAALJ” heading. Throughout this process, the Section’s Board of Advisors will remain the same: Hon. Lyn Beekman (MI); Hon. Julian Mann, III (NC); Hon. Michael Malihi (GA); and Hon. Larry Craddock (retired) (TX).

Organize, Agitate and Educate

By Melissa Lin Jones

For Susan B. Anthony, these words formed a war cry. Members of the DCAALJ heard that cry loud and clear during the November 6, 2012 tour of “Struggle for Justice” at the National Portrait Gallery.

As the docent said, “The whole museum should be the Struggle for Justice,” and before long, it was easy to understand why; the present has much to learn from the past.

The tour started with an 1844 portrait of Frederick Douglass; we learned this was a painting not of a slave but of a gentleman who consistently demonstrated eloquence in the face of persistent forces trying to relegate him to inferiority.



Administrative law judges often lack the independence necessary to say or do exactly what needs to be said or done. The next time you face this challenge, remember Frederick Douglass’s struggle and vow to rise above inferiority to the position of a judge with a firm commitment to justice.

Portraits of Harriett Beecher Stowe, Elizabeth Cady Stanton, and Belva Lockwood took on special meaning. These modern women examined the laws effecting women and knew that (in the words of Frederick Douglass at the women’s rights convention at Seneca Falls), “Without the right to vote, you are nothing.” This message was particularly powerful given that our tour took place on Election Day.



As explained by the docent, Gilbert Stewart's portrait of George Washington may be best described as a job description of what a president should be. In this painting, you do not find any symbols of royalty, religion, or militaria. Instead, you find a strong, civilian in a black suit with his hand outstretched in welcome.



Is there any better job description for judge than a civilian in a black robe with a hand outstretched in welcome to the judicial system?

Nearing the end of our tour, the lesson about the portrait of Earl Warren reminded us that people can change. Justice Warren was once a conservative, Republican prosecutor, but as Chief Justice of the U.S. Supreme Court, he grew into his role as a great, liberal justice and author of *Brown v. Board of Education*. In this particular role, Justice Warren wanted not only a unanimous opinion but an opinion that could be read and understood by any man or woman touched by its ruling. Administrative adjudicators strive for this goal in every decision.



Digital Commons

By Gregory Ogden

Digital Commons is an institutional repository platform. Digital Commons is also a hosted suite of services. Bepress manages the platform for its customers. *See:* <http://network.bepress.com/>. Bepress was started in 1999 by University of California - Berkeley faculty to publish scholarly journals. Bepress publishes numerous scholarly journals today. In 2002 Bepress and the University of California System (CDL) developed a central repository for published UC scholarly articles. This became the foundation for Digital Commons. Digital Commons is growing rapidly. “Bepress is pleased to announce a new milestone in the movement toward open-access legal scholarship: Over 100 law reviews and journals are now archiving and publishing through Digital Commons, Bepress’s hosted institutional repository platform. This includes many of the leading U.S. law reviews—such as the California Law Review and the Duke Law Journal—who make their current issues and complete archives freely available online through their law schools’ Digital Commons repositories.” [press release: <http://www.bepress.com/press/46/>].

Advantages of Digital Commons include the following features: 1) Full text indexing: All content in Digital Commons is full text indexed in Google and Google Scholar. When someone goes into Google and types in a keyword search it searches the entire document not just the meta data; 2) Search engine optimization (SEO) Digital Commons web pages are optimized to facilitate crawling and indexing by Google and other search engines; 3) All content in Digital Commons is RSS enabled. This means people who use RSS can sign up for feeds of all your content; and 4) People who don’t use RSS can sign up for simple email notifications for your content as well. On top of signing up for notification of new content, users can join your mailing list, which you can manage. You can use it to publicize events or new issues being published, etc. Digital Commons promotes the discovery and use of journal content.

For finding law related articles on Google or Google Scholar, ranking is important, as is access to a PDF. If a full PDF of an article is directly accessible, Google will provide a link to that article. Searchers are three times more likely to click on a PDF than on another format. When a searcher clicks on the PDF, it takes them directly to the article. Material archived in the Digital Commons repository gets to a wider audience than articles posted on SSRN. Archiving and/or publishing in the IR enables the law review to extend and broaden its audience, creating a higher likelihood for citations, and opportunities for cross-collaboration. Preservation and access are part of the law review’s online future. Digital Commons provides preservation and secure management of your content.

Pepperdine University has a Digital Commons website. This is an electronic version of a University Press. Digital Commons functions as an electronic publishing house and a fully indexed digital archive for all kinds of media (not just documents and publications). It also provides a number of behind the scenes publishing tools for journal editors, staff, and authors. All four of the Pepperdine law review articles are now accessible on the Digital Commons website.

The Digital Commons website at Pepperdine for the NAALJ Journal is now complete, and has the NAALJ Logo prominently featured. The website has posted PDF copies of all NAALJ journal published articles except for the latest issue Volume 32, Number 2, the articles from which will be posted this summer. Each new issue’s articles will be posted six months after print publication to minimize the impact of print subscribers of the journal. You should be able to find the PDF posting of any of our published articles at <http://digitalcommons.pepperdine.edu/naalj/>. PDF postings will make these articles fully searchable and freely available to members of the public who have access to the internet. These articles will also show up in internet searches on Google Scholar. A major achievement is that the full library of NAALJ journal articles (Volumes 1 through 32) are now available in a modern electronic format that is not connected to a proprietary database. While all articles are now available electronically, we plan on continuing to publish print copies of each issue of the journal. Any change in that plan would have to be approved by the journal board of advisors and the NAALJ Board of Governors.

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