

# THE NAALJ NEWS



## 2013 NAALJ Chicago Annual Conference

By Michael Gonzale

### INSIDE THIS ISSUE

2014 Indianapolis Midyear Conference	2
Indianapolis Midyear Schedule Pricing, Deadlines and Hotel Info	3
Celebrating 40 Years & NAALJ Trivia	4
Congrats to Challenge Grant Winners	5
Bar Status of Sitting Federal Administrative Law Judges	6
40th Anniversary Membership Challenge	7
NAALJ Annual Meeting in Memphis, TN	8
NALJF Support, SPED Membership Increase and Women in Pre-Law Society Project	9
Charter Mentors List	10
NALJF Fellowship Competition	11
NAALJ Members Memoriam	12
District of Columbia Affiliate News	13
Indiana and Louisiana Affiliate News	14
New York Affiliate News	15
2013 Chicago Conference Pictures	15-17
Officers and Board of Directors	18



Photo above: Chicago Architectural Cruise

From September 15-18, 2013, NAALJ descended upon Chicago for our annual meeting and conference. The conference was a great success drawing participants from all over the country. The conference was filled with informative continuing legal education programs, relevant to the profession. Topics included ethics, evidence, federal practice, decision writing, immigration, technology, special education, hearing security and

professionalism. Many other events were offered over the four days that abounded in networking opportunities.

Following early registration, the conference kicked-off with a formal tea service at the Palm Court, an intimate lobby nestled in the heart of the Drake Hotel, one of the true iconic hotels of the city. The tea was a nice primer for the events that followed that evening. For those not in attendance at the NAALJ board meeting there was the Untouchable's Tour of Chicago, featuring the roaring 20's mobster lore of Chicago. Those fortunate enough to participate in the tour were treated to sites such as the St. Valentine's Day massacre, the Biograph Theater, (where John Dillinger was killed after being betrayed by the lady in red) and Dion O'Bannion's flower shop.

By far one of the highlights of the conference was the Welcome Reception that featured Blue Willie T. and Da'Midnight Lovers, a popular Blues Band. The band rocked the house playing old favorites and original compositions. Organizers transformed the ballroom into a traditional speakeasy and decorated the tables with gingham linens and mason jars full of daisies. It had the feel of an old Chicago joint known best for its good music. The band was engaging. Participants danced and sang the night away. The victuals were awesome and definitely not your typical light appetizer fair. We feasted on cole slaw salad, corn bread, potato salad, barbecued chicken, ribs, macaroni and cheese casserole, baked beans, and to top it off some of Chicago's own Eli's Cheesecake. The party continued at Blue Chicago for some who did not want the night to end.

## Chicago

Continued from page 1

The Honorable Ruben Castillo, Chief Judge, United States District Court, Northern District of Illinois delivered the keynote address, “*What All Judges Can Learn from President Lincoln*.” James Grogan, Deputy Administrator and the Chief Counsel Illinois Attorney Registration and Disciplinary Commission Harold Krent, Dean Chicago Kent School of Law, Paul C. Lillios, Associate Chief Administrative Law Judge, Social Security Administration, and a panel of Appellate Court Justices also gave notable presentations. Participants also enjoyed break-out sessions on special education and professionalism, and Patricia Jackowiak, Director/Chief Administrative Law Judge, City of Chicago Department of Administrative Hearings provided a great tour of one of the nation’s premier technological agencies. It is always interesting to see how other jurisdictions operate. Often such exposure to other jurisdictions can lead to innovation back at home. Later that night, participants were treated to an elegant dinner at Kiki’s Bistro, a fantastic French Bistro with great fare. It was a treat to eat at this highly touted restaurant for such a great price. After dinner, the night continued with a trip to Second City, Chicago’s world-famous comedy club, which is home to one of the best improv troops in the world. Some of America’s greatest comedy legends such as Robert Klein, John Belushi, Dan Aykroyd, Chris Farley, Gilda Radner, Stephen Colbert, and Tina Fey got their start there.

The second day of the conference showcased more notable speakers, highlighted by small group workshops on Judicial Writing, led by professors from John Marshall Law School. The Challenge Grant Luncheon followed. Challenge Grant Recipient Joanna Grisinger, Professor, Northwestern University Law School, delivered the address, “*The Administrative Procedure Act and The Hearing Examiners*.” The event was well attended and the meal exceptional, which was a common thread of this conference. The Chicago Architectural River Cruise was the afternoon excursion, although a little cold, it was still a treat for the senses. Even the locals consider that the Chicago Architectural River Cruise is a way to get another perspective of this great city. Capping the evening, participants dined at Quartino’s Ristorante & Wine Bar which served world class, classic Italian cuisine.

The third and final day of the conference focused on the ever increasing role of technology in all of our courts. We also had presentations on Immigration and the Impact of Neuroscience and the Law. The conference concluded with the traditional reception and banquet, which also included a Silent Auction. Proceeds of the Silent Auction are used to fund NAALJ’s Foundation. President James Murray of Maryland passed the gavel to President-Elect June C. McKinney of Florida. President McKinney spoke of her initiatives for the upcoming year to commemorate the 40<sup>th</sup> anniversary of the organization. It was a chance for everyone to get dressed up and cement relationships made during the conference.

The success of this conference is clearly the byproduct of the tireless work of the affiliate chapter, the Illinois Association of Administrative Law Judges, its President Camela Gardner and the rest of the board and officers. The conference was also sponsored by NAALJ partners- Cisco Systems, Inc, Evans Caseload, ForTheRecord, AppearByPhone, Clear2There, Lexum.com, HKM Employment Attorneys, PLLC, Silpada Exhibitor, and Judge Cathy Bennett. A great deal of gratitude is owed to all who contributed in organizing such a wonderful conference as NAALJ once again delivered an event that provided stellar continuing legal education and a fun time at a world class destination.

## Registration is Open Join Us for the 2014 Midyear Conference Administrative Law in the Heartland

By Catherine Gibbs

The newly formed Indiana Association of Administrative Law Judges (InAALJ) is honored to host the Midyear Conference, April 6-8, 2014. The Conference will be held in the Hilton Indianapolis, 120 West Market Street, Indianapolis. The Hilton is in downtown Indianapolis and many attractions are an easy walk, including Circle Center Mall, the Indianapolis Zoo and White River Gardens, the NCAA Hall of Champions, the Indiana State Museum, IMAX Theater and the Eiteljorg Museum of American Indians and Western Art. For those of you willing to venture out from downtown, the Indianapolis Museum of Art and, of course, the Indianapolis Motor Speedway are close. The excursion for the Midyear is a trip to Banker’s Life Fieldhouse to see the Indiana Pacers take on the Atlanta Hawks. The Pacers are playing very well this year so this should be an exciting game! Keeping with the basketball theme, we will be hosting a hospitality suite where we hope everyone will gather to watch the NCAA championship game, which will be played Monday night.

We are very excited about the line-up of speakers. Indiana Supreme Court Justice Steven David will speak on Professionalism and Civility: the Role of the ALJ. Appellate Court Judge Edward Najam will talk on drafting effective findings of Fact and Conclusions of Law. Kenneth Falk, head of the Indiana Civil Liberties Union will address civil rights issues in the administrative law arena. Attorney General Gregg Zoeller will discuss evidence issues. We have two professors from the Indiana University Robert H. McKinney School of Law speaking: Professor Francis Watson will present on Daubert and Professor Frank Sullivan will discuss recent developments in administrative law. There will be presentations on special education and ethics. To register go to <http://www.NAALJ.org/conferences>.

## SUNDAY, APRIL 6

- 9:00 - 5:00 pm**  
NAALJ Board Meeting
- 1:00 - 5:00 pm**  
Registration
- 6:00 - 9:00 pm**  
Indiana Pacers v. Atlanta  
Hawks Basketball Game at Banker's  
Life Fieldhouse
- 6:00 - 10:00 pm**  
Hospitality Suite

## MONDAY, APRIL 7

- 8:00 - 8:45 am**  
Continental Breakfast & Registration
- 8:45 - 8:55 am**  
Opening Remarks  
Governor Mike Pence &  
Mayor Greg Ballard Invited
- 8:55 - 9:55 am**  
Professionalism and Civility: The Role of ALJ  
*Indiana Supreme Court Justice Steven David*
- 10:00 - 11:00am**  
No Comment, Get That Camera Outta Here and Other Dilemmas Judges Face  
in Working With the Press  
Kathryn Dolan, Public Information Officer of the Indiana Supreme Court
- 11:00 - 11:10 am**  
Break
- 11:10 - 12:10 am**  
Mediation  
John Krauss, Director of the Indiana University
- 12:10 - 1:00 pm**  
Lunch
- 1:00 - 2:00 pm**  
Findings of Fact/Conclusions of Law Appellate Perspective  
Judge Edward Najam, Indiana Court of Appeals
- 2:00 - 2:15 pm**  
Break
- 2:15 - 3:15 pm**  
Breakout Sessions
  - (1) Kenneth Falk, Esq – Civil Rights in the Administrative Process
  - (2) Kevin McDowell, Esq – Adjudicating Special Education Disputes: What  
Could Possibly Go Wrong?
- 3:15 – 3:30pm**  
Break
- 3:30 - 4:30 pm**  
Breakout Sessions
  - (1) Amy Romig, Esq – Due Process in the Electronic Age
  - (2) Judge Steve Lucas – Dealing with Ex Parte Communications
- 6:00 - 11:00 pm**  
Slam Dunk Party

## NAALJ 2014 Midyear Indianapolis, IN Tentative Conference Schedule

## TUESDAY, APRIL 8

- 8:00 - 9:00 am**  
Continental Breakfast
- 9:00 - 10:00 am**  
The Nature of the Judicial Process  
Steve Wise, Iowa Workforce Development
- 10:00 - 11:10 am**  
What You Need to Know About Time Management  
Nicholas Cobbs, DC Office of Administrative Hearings
- 11:00 - 11:10am**  
Break
- 11:10 - 12:10pm**  
Proof Galore: Evidence  
Indiana Attorney General, Greg Zoeller
- 12:10 - 1:10pm**  
Lunch
- 1:10 - 2:10pm**  
Judicial Independence (or the lack thereof)  
Donald Lundberg, Esq. /Jeffery Gill, Esq.
- 2:10 – 2:20pm**  
Break
- 2:20 – 3:20p**  
The Daubert Test  
Prof. Frances Watson, Robert H. McKinney School of Law
- 3:20 – 4:20pm**  
Administrative Law Update  
Prof. Frank Sullivan, Former Sitting Indiana Supreme Court Justice
- 4:20 - 4:30pm**  
Closing Remarks/Adjourn
- 6:00-Until**  
Evening Networking (Hospitality Suite)

### DATES & FEES

### HOTEL INFO

#### NAALJ Member

Early Registration **\$350**  
02/03/14 - 03/03/14

Regular Registration **\$400**  
After 03/03/14

The Host Hotel  
Indianapolis Hilton  
120 West Market Street  
Indianapolis, IN 46204  
Phone (317) 972-0600

#### Non-Member

Early Registration **\$375**  
02/03/14 - 03/03/14

Regular Registration **\$425**  
After 03/03/14

Group Code: NAALJ  
Rate: \$129 plus tax and  
fees  
Room Block Deadline:  
03/13/14

## NAALJ Celebrates 40 Years

By President June C. McKinney

2014 marks the 40<sup>th</sup> Anniversary of the National Association of Administrative Law Judiciary (NAALJ). For the anniversary, NAALJ will celebrate its accomplishments while commemorating its history.

This year's Annual Meeting will be held in Memphis, Tennessee, September 14-17 at the Original Peabody Hotel. We are excited to honor our Past Presidents at the celebration. Without each of their hard work and dedication to promote administrative justice, NAALJ would not have had the caliber of superb educational programming, invaluable networking, professional development, and exchange of ideas available to its members. Moreover, the vision of our five founders allows us to enjoy a strong membership of 803 members internationally. NAALJ's last living founder, Judge Robert V. Steinhilber, is so proud of where NAALJ is today. He had this to say, "NAALJ is meeting the goals of what we hoped it would do. We couldn't have envisioned what 40 years would be, but in that short time, we have accomplished a lot."

No one should miss the celebration in Memphis. Tell all your colleagues and friends to mark their calendars to join us at the River City, as we celebrate our illustrious history and commemorate the importance of administrative law.



Photo above from left to right are Past Presidents Robert Cohen, Stanley Cygan, Larry Craddock, Cathy Bennett, Julian Mann, Steve Wise and John Farrell.

## NAALJ Anniversary Trivia Challenge

History is a cornerstone to growth. It is important to know from whence we have come in order to continue to grow as an organization. How much do you know about NAALJ? Who knows the most? We'll soon know!

Look for our trivia questions under the caption "Trivia," and email your answers to [naalj@naalj.org](mailto:naalj@naalj.org). NAALJ will be keeping score of who answers questions correctly, and the winner will be announced at the Annual Meeting in Memphis.



1. Where was the first annual NAALJ meeting held?
2. What was NAALJ's former name?
3. What year did NAALJ's name change?
4. Who created the NAALJ logo?
5. Why is the eagle depicted in flight on the logo?

## Cheers to the 2013 Challenge Grant Winners

By Lynne A. Quimby-Pennock

In 2003 the National Administrative Law Judiciary Foundation (NALJF) created a Challenge Grant Program in an effort to provide monetary support to affiliate members and non-affiliate members who might not be able to afford to attend an annual conference.

NALJF awarded Challenge Grants in 2013 for the fifth consecutive year to affiliate chapter members and non-affiliate members. The Challenge Grant Program track record for helping conference attendees to participate in NAALJ is nothing less than stellar! Over 45 affiliate chapter members and non-affiliate members have been able to share in over \$24,000 in monetary support. What a fabulous program!

Cheers to the 2013 winners listed below. We welcome you and your continued active participation with and support of your local affiliate chapters. It is our hope that you will become the future officers and leaders of our organization.



*The Honorable Cindy Estes, Arkansas*  
*The Honorable Elizabeth Figueroa, DC*  
*The Honorable Lisa Shearer Nelson, Florida*  
*The Honorable Stephanie Caraway, Indiana*  
*The Honorable Susan Green, Kentucky*  
*The Honorable Parris Taylor, Louisiana*  
*The Honorable Helaine Balsam, New York*  
*The Honorable Kimberly Farrell, Maryland*  
*The Honorable Michael Lewis, Minnesota*  
*(Non-Affiliate Challenge Grant)*

The 2013 grant recipients received reimbursement of the annual conference registration fee and were presented with a \$500 grant check at the luncheon ceremony during our September Conference in the Windy City, Chicago! Each recipient was encouraged to expand their horizons and get more involved with NAALJ, their own affiliate chapter (or start one) and NALJF.

The Challenge Grant Program is made possible, in part, by generous donations made by Charter Life Mentors and Charter Mentors to the NALJF. Charter 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. Charter Mentors are persons or other legal entities that make an annual contribution of not less than \$100 to NALJF. Also, the proceeds from our annual Silent Auction, held just before each Annual Banquet, are used to fund the Grant Program.

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

[See Mentor List on page 10](#)

## Challenge Grant Recipient's Thank You to DCAALJ and NAALJ

By Elizabeth Figueroa

NAALJ's 39<sup>th</sup> Annual Conference, held in Chicago in September 2013, was one of the best conferences that I have ever attended. The conference was well organized, full of substantive offerings, and located in a convenient and fun location.

I attended as many of the sessions as able to do so and enjoyed meeting judges and others from Chicago, as well as other affiliates.

The substantive offerings included Motions Practice, Judicial Writing and Writing Workshops, Evidence in Administrative Hearings, Mediation/Arbitration, and the Impact of Neuroscience and the Law.

One of the most interesting and informative sessions I attended was the tour of the City of Chicago Department of Administrative Hearings. The tour included a presentation by Chief Administrative Law Judge Patricia Jackowiak. It was exciting to see first-hand and behind-the-scenes, through the eyes of a judge, an administrative court similar to the Office of Administrative Hearings (OAH), where I preside. The experience offered me both new ideas and insights. The brochures published for the public, the Frequently Asked Questions publication, the courtrooms themselves and the security measures in Chicago all gave me ideas and new insights to take back to OAH.

Thank you to DCAALJ and NAALJ for the opportunity to attend the Annual Conference.

Submitted by,  
 Elizabeth Figueroa  
 Administrative Law Judge  
 District of Columbia  
 Office of Administrative Hearings

## Bar Status of Sitting Federal Administrative Law Judges: Latest Development

By Judge David J. Agatstein

The Regulation promulgated by the U.S. Office of Personnel Management (“OPM”) to regulate the bar status of sitting Administrative Law Judges has now been finally rescinded. There are, I think, two principal reasons why OPM took this action, both of which are discussed in my article, David J. Agatstein, *Active Bar Membership* October 15, 2007 *Federal Administrative Law Judges: A Critique of the "Active" Bar Membership Regulation*, 27 *J. Nat'l Ass'n Admin. L. Judiciary* 496. (2007) (“Agatstein”).

First, OPM may well have concluded, as noted by a number of commentators and urged in the AALJ’s lawsuit, *AALJ v. OPM*, Dist.Ct. D.C. Case No. 07-0711 (RMC), that it simply lacks jurisdiction to regulate the bar status of sitting judges. Secondly, because the states differ widely in their licensing requirements, and because Federal ALJs often work in states other than the state in which they are licensed, it is impractical for OPM to attempt regulation. Accordingly, for these and other reasons discussed in my article, and bowing to the pressure of litigation, OPM may have simply decided that the wisest course was to bow out, and make no attempt to regulate the status of sitting ALJs.

What then should a sitting Federal ALJ do now? Allow me to make six points.

**Point One:** There is no Federal requirement -- by OPM, SSA, or any other Federal authority – that *sitting* ALJs have any particular bar status. As OPM now recognizes, the proper agency for determining the bar status of judges is the disciplinary authority of the state in which the ALJ is licensed.

**Point Two:** In some states, *all* judges are required to be members of the bar; in some states, it is *unethical* for a sitting judge to be an active bar member; and there are many variations in between. In other words, there are differences among the states, not only in the rules themselves, but in the *conceptual framework of the rules*: i.e., require vs. prohibit. The Appendix to my article (Agatstein, *supra*, p. 525) cites and summarizes the rules of each state as they stood in 2007.

**Point Three:** Some judges are hostile to Point One, perhaps because they are unaware of the conceptual differences mentioned in Point Two (“In my state, all judges are active bar members; I am very proud of being a member of the bar; therefore I think that all judges everywhere should be required by OPM to be active members of the bar.”). Perhaps, as a political gesture, with these judges in mind, the AALJ President “recommend[s] that you maintain bar membership unless you cannot comply with CLE or other hardships are present.” (AALJ Newsletter and President’s Report, December 9, 2013) However, in the Newsletter, the President gives no reason whatever for his recommendation, with which I disagree, for the following reason.

**Point Four:** It is a serious error for a sitting judge to maintain an *inappropriate* bar status. If a licensing authority (e.g.) *permits* an ALJ judicial status, it is demeaning for the judge to elect (e.g.) active status, even if the state permits the ALJ to do so, because that election diminishes the *social* status of all ALJs in the eyes of the bar. An inappropriate status can also be expensive (bar dues), inconvenient (irrelevant CLE requirements), and can expose the judge to unconstitutional discipline, as I explained in my discussion of *Dr. Bonham’s Case*, 77 Eng. Rep. 638 (1610), Agatstein, *supra*, at p. 512.

**Point Five:** To union activists such as myself, OPM’s motivation in 2007 for imposing the previously non-existent active bar membership requirement appears to have included a desire to give the employing agencies one more instrument with which to punish overly independent judges. (SSA referred one judge to a state bar for disciplinary action while simultaneously prohibiting ALJs from referring unethical attorneys for bar discipline.) That instrument was abused and its availability has now been returned to the *status quo ante*.

**Point Six:** It should be unnecessary to add that, with or without a threat of discipline, the ALJ community will continue to uphold the highest standards of professional conduct.

# A MEMBERSHIP CHALLENGE TO ALL AFFILIATE CHAPTERS

By Lynne A. Quimby-Pennock

NAALJ is celebrating its 40th anniversary in 2014. In an effort to grow our membership, the NAALJ Board of Directors has implemented a challenge to the Affiliate Chapters.

## The Challenge: TO INCREASE MEMBERSHIP!

We know how many NAALJ members are in each affiliate chapter by the dues that have been paid in full for the 2013-2014 fiscal year. The chapter that increases its membership the most, (with the base line minimum of 10% over the current membership) will win the first place prize. The chapter that increases its membership next, (with the base line minimum of 10% over the current membership) will win the second place prize. The deadline for our affiliate chapters to reach their new membership numbers will be July 1, 2014. This will enable us to calculate which chapters have won!

And the prizes are intriguing! To the first place prize winners, your chapter affiliate will receive three upgraded rooms at the Memphis 40th Anniversary Annual Conference and one free registration to the 2015 midyear conference. To the second place prize winners, your chapter will receive two upgraded rooms at the Memphis 40th Anniversary Annual Conference. Example:

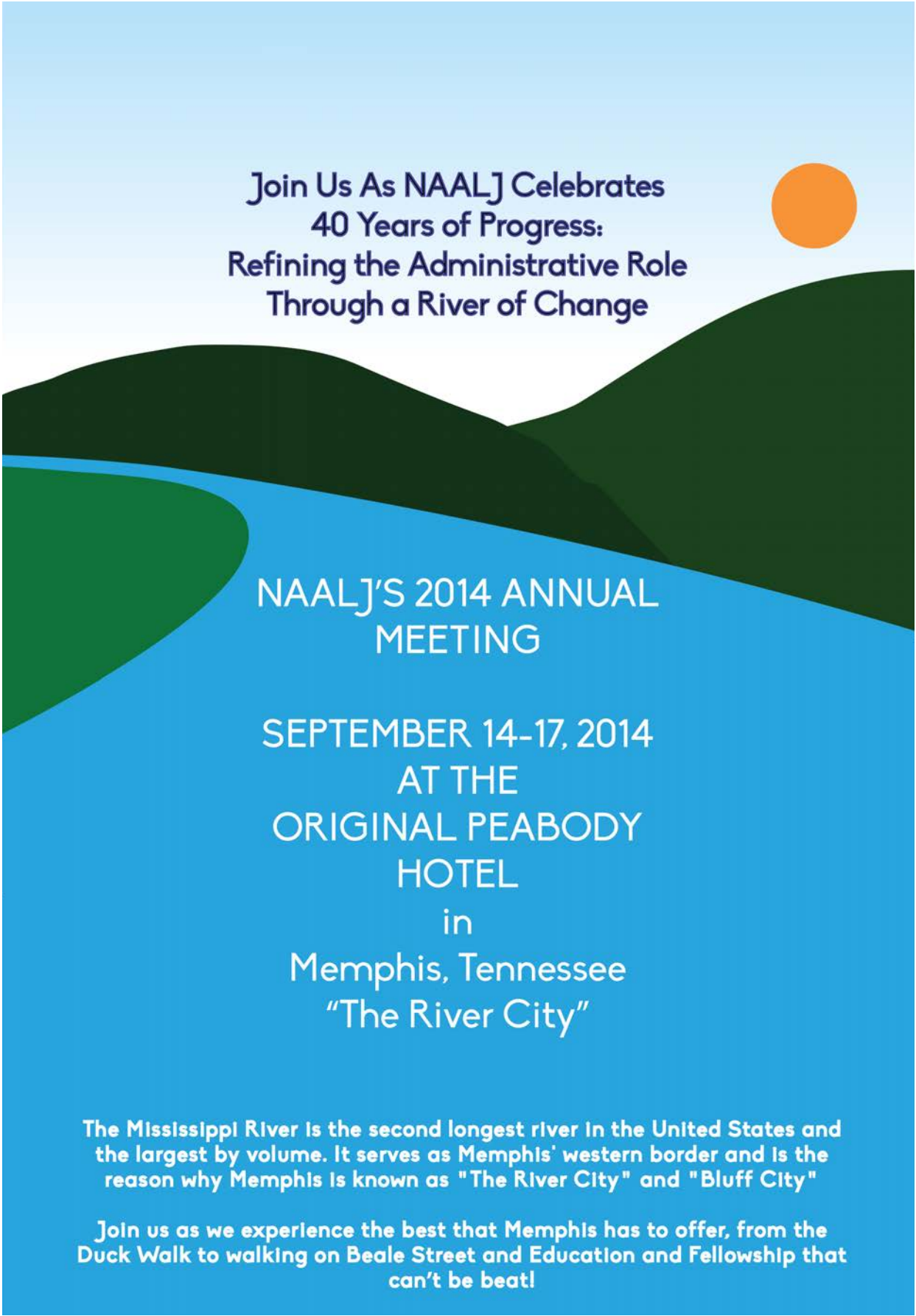
Chapter X has 20 members whose dues are paid in full. Chapter X recruits five new members who pay their dues to NAALJ, so that the chapter membership now is 20. Ten percent of the 20 original members equals 2. Chapter X has met the 10% minimum base and has added a total of five new members.

Chapter Y has 20 members whose dues are paid in full. Chapter Y recruits two new members who pay their dues to NAALJ, so that the chapter membership now is 22. Ten percent of the 20 original members equals 2. Chapter Y has met the 10% minimum base and has added a total of two new members.

Chapter Z has 20 members whose dues are paid in full. Chapter Z recruits three new members who pay their dues to NAALJ, so that the chapter membership now is 23. Ten percent of the 20 original members equals 2. Chapter Z has met the 10% minimum base and has added a total of three new members.

In this instance Chapter X will be the first place winner and Chapter Z will come in second!

**Let recruitment begin!  
Good luck to all!**



Join Us As NAALJ Celebrates  
40 Years of Progress:  
Refining the Administrative Role  
Through a River of Change

NAALJ'S 2014 ANNUAL  
MEETING

SEPTEMBER 14-17, 2014  
AT THE  
ORIGINAL PEABODY  
HOTEL  
in  
Memphis, Tennessee  
"The River City"

The Mississippi River is the second longest river in the United States and the largest by volume. It serves as Memphis' western border and is the reason why Memphis is known as "The River City" and "Bluff City"

Join us as we experience the best that Memphis has to offer, from the Duck Walk to walking on Beale Street and Education and Fellowship that can't be beat!



## Your Support: A Commitment To The Future

By Michelle Finnegan

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 disseminate this knowledge to the administrative judiciary and to the public. To further this goal, a Fellowship was endowed to encourage research and scholarship for improving administrative justice.

NALJF accomplishes its mission in several ways. One is through its Fellowship Competition. Applications for the fellowship are submitted and the Fellowship Committee selects the Fellowship winner. The Fellow will prepare an original article for publication in the Journal of the National Association of Administrative Law Judiciary, and will present it at our next NAALJ Annual Conference in Memphis, Tennessee, September 14-17, 2014.

Another project of NALJF is to provide challenge grants for affiliates to send a member to attend the annual meeting and conference. Challenge grant recipients receive a waiver of conference fees and \$500 to help defray expenses.

These worthy endeavors cannot be offered without the generous support of foundation members and their contributions. As you plan your annual charitable giving, please keep the NALJF in the forefront. If you have been the recipient of a challenge grant, please donate so that others will be offered the same opportunity to attend meetings and gain knowledge and fellowship in the future.

With Very Best Wishes,

*Hon. Michelle Finnegan  
Foundation Support Chair*

## Special Education Section Seeks to Add New Members

By J. Bernard McClellan

The Special Education (SPED) Section of NAALJ is seeking to increase its membership. The SPED Section was established several years ago in order to provide NAALJ members who have an interest in Special Education Law with a separate Section in which they could meet and network with fellow Special Education independent hearing officers (IHO). The only requirements for membership in the SPED Section are membership in NAALJ and being a special education IHO. The objectives of the SPED Section are to provide a forum for the sharing of ideas and experiences and for contributing our member's unique viewpoints with the goal of improving the special education dispute resolution process.

While the SPED Section currently has more than 30 members, there are many more NAALJ members who both qualify for membership and who would greatly benefit from active participation in the Section. Plans are currently underway for a SPED Section meeting at the 2014 NAALJ Annual Conference in Memphis, Tennessee in September. Efforts are being made to ensure that all members have the ability to participate in the Section meeting, either in person or by teleconference.

To join the SPED Section and discuss how you can participate in our efforts, please contact either the Section Chair, Jim Rosenfeld ([rosenfeld@seattleu.edu](mailto:rosenfeld@seattleu.edu)) or the NAALJ Special Education Section Liaison, Bernie McClellan ([bernard.mcclellan@maryland.gov](mailto:bernard.mcclellan@maryland.gov)).

## Women in Pre-Law Society: Membership Project

By Angella Sanon



Florida State University's Women in Pre-Law Society (WIPS) made their premiere project for the 2013-2014 year helping NAALJ identify adjudicators nationally. A committee of the following 9 members: Amber Johnson, Precious Johnson, Alexandra Matos, Marigny Nevitt, Sarah Parrow, Adriane Sanchez, Daveta Williams, Briana Wilson, chaired by Angella Sanon, divided up the U.S. and its territories where NAALJ has traditionally had members. Each committee member was assigned approximately 5-6 states.

To date, the committee has identified 818 non-member adjudicators. Some new adjudicatory agencies found include: Tribunal Administrative du Quebec, Canada; Office of Disability Adjudication and Review, Mississippi; Power Review Board, Nebraska; Human Services Board, Vermont; and Fair Hearings Bureau, New Mexico.

WIPS research project is ongoing; the committee's goal is to have their research complete by May 2014 so that NAALJ can invite the newly identified adjudicators to celebrate the 40 year Anniversary at the annual meeting in Memphis.

# MENTOR LIST

Continued from page 5

## CHARTER MENTORS

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

## CHARTER LIFE MENTORS

Mary-Margaret Anderson	CA
Abigail Bernhardt	NY
David Brunke	TX
Tyrone Butler	DC
Bob Cohen	FL
John Hardwicke	MD
Ana-Beatriz Kennedy	GA
E. Savannah Little	VA
Barbara Lundin	KS
Bryan McDaniel	DC
R. Bruce McKibben	FL
June C. McKinney	FL
Julian Mann	NC
Beverly Sherman Nash	DC
Janet and Jerry Raider	KY
Edward Schoenbaum	IL
Steven and Debra Wise	IA
Marc Zylberberg	NY

## MENTORS

Louis Burnett	DC
Joan Davenport	DC
Lionel Foster	IA
Mark Handley	AK
Allen and Mary Hoberg	ND
Marvin Kittrell	SC

## LIFE MENTORS

IA Affiliate	IA
KY Affiliate	KY
MD Affiliate	MD
NY Affiliate	NY
Cathy Bennett	NY

# 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.

---

## 2014 FELLOWSHIP COMPETITION

---

NALJF is currently requesting applications for the 2014 Fellowship. The topic for 2014 is:

1. An international overview of administrative justice;
2. Cultural competence and adjudication;
3. Developing a role for the public in creating and maintaining administrative adjudication procedures: the use of consumer feedback surveys in agency hearings; or
4. As an alternative to the above topics, *a topic of the applicant's choosing.*

To be considered, each submission should propose, for approval by the Fellowship Committee, a scholarly review of the topic selected.

**ONLY ONE fellowship proposal will be chosen for the Fellowship.**

All applications for the 2014 Fellowship must be in electronic format (*Microsoft 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, 2014.**

The Fellowship Committee will review the submissions and select the Fellowship winner by May 31, 2014.

***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 of up to fifty (50) minutes (subject to a shorter time allotment in the discretion of the annual meeting planners) at the 2014 NAALJ Annual Meeting and Educational Conference in Memphis, Tennessee, held on September 14–17, 2014. The fellow will also prepare a summary or outline of oral remarks to be included in the annual meeting materials for CLE credit. The final draft of the paper will be due January 1, 2015. The Fellow will receive a \$2000.00 cash stipend, as well as transportation, accommodations, and meals, at the 2014 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 cc to Hon. Julian Mann, Fellowship Committee Chair, at [julian.mann@oah.nc.gov](mailto:julian.mann@oah.nc.gov).



# IN MEMORIAM

## Goodbye to Our Fellow NAALJ Members

By Caryn Hines



In January 2014, NAALJ lost a devoted jurist, mentor, and friend in Judge Phyllis Carter. Judge Carter was the Acting Executive Director of the West Virginia Human Rights Commission. Prior to that, Judge Carter served as the Chief Administrative Law Judge for the Commission for more than a decade. In her capacity as Chief Administrative Law Judge, she heard cases involving allegations of employment and public accommodation discrimination as well as violations of the West Virginia Fair Housing Act. Previously, Judge Carter served as a managing attorney with the Tidewater Legal Aid Society, Norfolk, Virginia; an Assistant City

Attorney, Little Rock, Arkansas; and an Assistant Attorney General for West Virginia. In addition, she served as House Counsel to the West Virginia Legislature.

Judge Carter's commitment to the legal community and her civic participation was extensive. Judge Carter was a charter mentor of NAALJ and past NAALJ board member. She was the recipient of numerous awards, one of which is the Distinguished West Virginian in 1991. Judge Carter served on the Board of Directors of the YWCA, was an active member in the Links, Inc., and the Delta Sigma Theta Sorority, Inc. Judge Carter also worked closely with her husband, Dr. Hazo W. Carter, Jr., during his Presidency of West Virginia State University by serving on the University's History and Culture Committee. Judge Carter was instrumental in the establishment of the Booker T. Washington Institute and the creation of the WVSU National Center for Human Relations. She also represented the University nationally by serving as the minority liaison for 1890 Historically Black Land-Grant Institutions, Hispanic Serving Institutions, and Tribal Colleges to the Consumer Agriculture Research Extension and Teaching Organization of the National Association of State Universities and Land-Grant Colleges.

Judge Carter was educated at Saint Augustine College in Raleigh, North Carolina; Sorbonne and at L'Alliance Francaise in Paris, France and obtained her Juris Doctor Degree from the College of William and Mary, Marshall-Wythe School of Law, Williamsburg, Virginia. Additionally, Judge Carter earned a Certificate in Administrative Law Adjudication and a Certificate in Dispute Resolution from the National Judicial College whose faculty she joined in 2007. In honor of Judge Carter's legacy of service to the State of West Virginia, flags were flown at half-staff at the Capitol grounds on January 25, 2014, the day of her memorial service.

Photo to the left:  
From left to right are  
Judge Arien Cannon  
Judge Janet Bell  
Judge Phyllis Carter  
Judge Caryn Hines,  
Judge Patricia Miles and  
Judge Roman Dixon.



By Jim Murray



Last summer, NAALJ lost one of its Board members, Gary E. Payne. Gary passed away unexpectedly and peacefully in his home on August 27, 2013 at the age of 69. Gary was born in Texas but grew up in Madill, Oklahoma and spent his life serving the citizens of Oklahoma. He attended Oklahoma State University where he met his wife, Susie. They were married for 47 years and resided in Oklahoma City. Gary is survived by his wife and three sons.

The path to Gary's long and distinguished career in law began while Gary was serving in the National Guard. During that time Gary earned a law degree from the University of Oklahoma. This was the beginning of his law career in Oklahoma. In 1968 he was elected to the Oklahoma House of Representatives and was the youngest member of the House during his first term. Gary served four terms in the Oklahoma House. He was a charter member and enthusiastic supporter of the Jim Thorpe Association, a civic and charitable organization based in Oklahoma City named in memory of Olympian and multi-sport legend Jim Thorpe. He served on the Edmond School Board from 1991 to 1996 and was Chief Administrative Law Judge for the Oklahoma State Department of Health. His other public service included an appointment to two terms (1979-1989) on the Oklahoma Employment Security Commission Board of Review by the governor of Oklahoma and serving as a municipal judge for the City of Oklahoma City. Most recently, he was looking to get back into the world of administrative adjudication. Gary was a long-time member of NAALJ and was elected to the Board of Governors in 2011. He was elected to a second term in 2013.

To those of us who knew him, Gary was more than just a NAALJ Board member; we knew him to be an ardent supporter of the administrative judiciary, a friend, a mentor, and a colleague. Although the realities and technicalities of governance required that Gary's position on the NAALJ Board be filled, Gary will never be replaced. Gary was passionate about many things including studying, writing, and teaching law. Because he was passionate about administrative law and had a deep understanding of it and its processes, he was able to offer great insight to issues that came before the NAALJ Board. Nevertheless, Gary was never pushy or self-serving. The consummate gentleman, he was always humble, understanding, willing to listen, and willing to consider others' ideas. Because Gary epitomized the values of NAALJ, we will be dedicating many events, particularly since it is NAALJ's important 40th year, in Gary's name.

## DCAALJ Chapter News

By DCAALJ President, Judge Claudia Barber

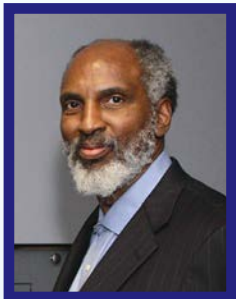
### DCAALJ Judicial Holiday Reception

The District of Columbia Association of Administrative Law Judiciary (DCAALJ) hosted a judicial holiday reception and forum on December 5, 2013. Professors John Powell and Rachel Godsil provided an insightful presentation on, "Understanding Implicit Bias" when judges render decisions. These professors completed a project, "Strategies to Reduce the Influence of Implicit Bias" that was funded by the Open Society Institute, State Justice Institute and the National Center for State Courts.

Many courts can address implicit bias by providing training on implicit bias and by seeking to identify and consciously acknowledge real group and individual differences (excerpts from "Strategies to Reduce the Influence of Implicit Bias"). The question and answer period provided a useful discussion on how we use intuition in daily circumstances, even if we guess wrong.

DCAALJ members received holiday gifts 2014 wall calendars of their choice. Three DCAALJ members were also winners of three gifts (two Godiva chocolate gift baskets, and one \$30 Amazon gift card) from a drawing held during the event.

Judge Wanda Tucker won the Amazon gift card. Judges James Harmon and John Dean won the Godiva gift baskets. Several members from the Federal Administrative Law Judges Conference also attended the event.



*Photo on the left is Professor John Powell*

*Photo on the right is Professor Rachel Godsil*

### DCAALJ Member Steven Wellner elevated to the District of Columbia Superior Court

On November 21, 2013, President Barack Obama nominated DCAALJ member Judge Steven Michael Wellner to serve on the Superior Court of the District of Columbia. Judge Wellner is a Principal Administrative Law Judge for Unemployment Insurance Appeals for the District of Columbia Office of Administrative Hearings. Prior to his appointment in May 2006, Judge Wellner was a partner at Kirkland & Ellis LLP, where he focused on environmental counseling for corporations, trade associations, and clients involved in corporate transactions. In addition, he managed the pro bono legal services program for Kirkland & Ellis's Washington office and received the John Carroll Society Pro Bono Legal Service Award in 2004. Judge Wellner received his J.D. from the University of Michigan and his B.A. with high distinction from the University of Virginia.



### DCAALJ Annual Meeting

DCAALJ hosted Seena Foster, a Senior Attorney for the United States Department of Labor's Office of Administrative Law Judges was the guest speaker at their annual meeting. In her presentation, "Origins of

Administrative Law," Ms. Foster traced the origins of modern administrative law to 1787. Ms. Foster discussed when the executive branch of the federal government separated into specialized departments. Ms. Foster also pointed out that in the last century, the federal Administrative Procedure Act was formulated with the express purpose of restoring public confidence in the executive branch, using the guiding principles of consistency, qualified and independent administrative law judges, and transparency of process.

### Former DCAALJ President, Judge Paul Handy Presents Play on Belva Lockwood

It is no secret that former DCAALJ President Judge Paul Handy is an accomplished playwright. He has authored such plays, as "Full Truth" about the life of the U.S. Supreme Court Justice Thurgood Marshall; "Let Freedom Ring" about the Montgomery Bus Boycott; "Merryman about President Lincoln's suspension of habeas corpus in the Civil War;" and now, *Belva the Lady Lawyer*. The latter work is a one-act play about the life of Attorney Belva Lockwood. The play was presented at the Cosmos Club on September 25, 2013, in celebration of the appointment of Chief Judge Mary Ellen Barbera as the first female chief judge of the Maryland Court of Appeals sponsored by District 4 of the National Association of Women Judges. DCALJ members Arabella Teal and Nicholas Cobbs were featured in the play.



*Photo above from left to right are Judge Arabella Teal, Judge Paul Handy, and Judge Nicholas Cobbs*

## InAALJ Chapter News

By Catherine Gibbs



The Indiana Association of Administrative Law Judges (InAALJ) had a successful 2013! We held our second Continuing Legal Education (CLE) seminar that focused on administrative law for practitioners and judges in Indiana. Our speakers were excellent again this year, including Professor Frank Sullivan, former Indiana Supreme Court justice and current professor of practice at the Indiana University Robert H. McKinney School of Law. Attendance almost doubled from the previous year. We also enrolled seven new members. To top off the year of success, NAALJ selected InAALJ to host the 2014 Midyear Conference!

InAALJ awarded scholarships to members so they could attend the Midyear and Annual Conference. Catherine Gibbs attended the Midyear Conference in Williamsburg. Noell Allen and Stephanie Caraway attended the annual conference in Chicago. Noell was the Challenge Grant winner.

Elections were held, and Noell Allen is the new chapter President. Dawn Wilson is the new Vice President; Aaron Raff is Secretary; and Catherine Gibbs is the Treasurer.

## LAALJ Chapter News

By Michelle Finnegan



It has been a busy year for the Louisiana Association of Administrative Law Judges (LAALJ). The LAALJ board worked very hard to expand our CLE opportunity this year. The Winter meeting included 5 hours of CLE credits and was very interesting. It was held at the Baton Rouge Hilton Hotel overlooking the Mississippi River. Not only is it a beautiful facility, but it is also of great local historical significance. Our attendance was great and we are glad to continue to be a source of camaraderie and education for our members.



# NYSALJA Chapter

By Ruth Kraft



The New York State Administrative Law Judges Association (NYSALJA) chapter was strongly represented at the annual meeting in Chicago. We were delighted that our past president, Hon. Peter Loomis was honored with the Rosskopf Award. Our chapter has grown in membership this year despite the economic exigencies faced by ALJs. We attribute this to a highly engaged executive board and the strength of our programming. Recently, we have enabled streaming video to appear on our website as we move toward online CLE programming and certification as a provider of continuing legal education. We continue to sponsor innovative programs in conjunction with the NYC Office of Administrative Trials and Hearings. Our next program will address the challenges of translation in the courtroom, whether via a live interpreter or through a teletranslating service. Organizationally, we have actively embraced the use of technology and continue to explore new ways to be relevant to the challenges faced by our members in their lives on the bench.

## CONGRATULATIONS!



William "Bill" Dressel has retired after 13 years as President of the National Judicial College.



Luke Bierman has been named the new dean of the Elon University School of Law.

On February 7, 2014, the National Conference of the Administrative Law Judiciary installed the Honorable Stanley J. Cygan as a Fellow at the American Bar Association Mid-year Meeting in Chicago.



Photo above from left to right are Ann Breen-Greco, Camela A. Gardner, Stanley J. Cygan, Bruce T. Cooper and John Allen

## CHICAGO | 2013 CONFERENCE

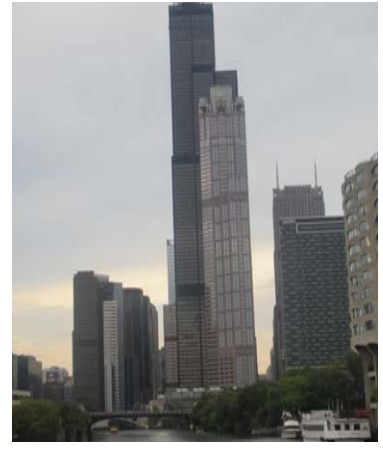
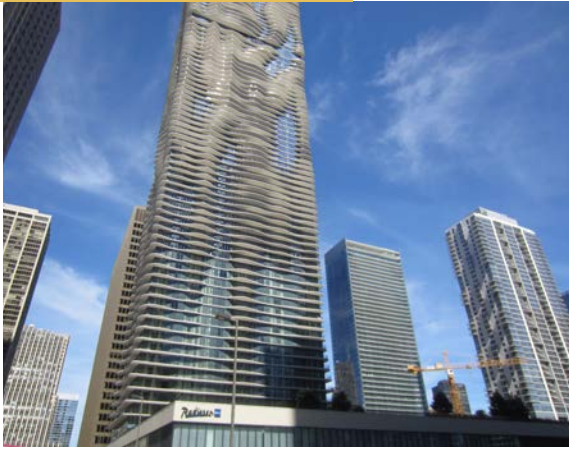
### NAALJ OFFICERS BEING SWORN



Photo above: from left to right Michelle Finnegan, Peter Loomis, Nicholas Cobbs, Richard Boulanger, J. Bernard McClellan, Camela Gardner, Selina Brooks, Richard Goodwin, Robert Layton, Lynette Donner and June C. McKinney (Not pictured Lynne Quimby-Pennock)

Chicago pictures continued on page 16 and 17

# Chicago Pictures



Chicago Architectural River Cruise, the Blues Reception and the Annual Banquet





# Chicago Pictures



The Auction , Blues Reception and Educational Classes.



*Above*  
Hon. June C. McKinney presents Past President Hon. James Murray his presidency plaque for his service and dedication.



*Above* | The John Marshall Law School student volunteers working registration at the conference.  
*Right* | Joanna Grisinger speaking on "The Administrative Procedure Act and The Hearing Examiners"



**OFFICERS**

June C. McKinney  
President  
junemesq@gmail.com

Lynette Donner  
President-Elect  
drladonner@mchsi.com

Robert Layton  
Treasurer  
robert.layton@ky.gov

Selina Brooks  
Secretary  
selina.brooks@oah.nc.gov

James Murray  
Past President  
james.murray@nad.usda.gov

**BOARD OF GOVERNORS**

Richard Boulanger  
richard.boulanger@state.vt.us

Nicholas Cobbs  
nicholas.cobbs@dc.gov

Michelle Finnegan  
michelle.finnegan@la.gov

Camela Gardner  
camela.gardner@illinois.gov

Richard Goodwin  
jagret@gmail.com

Peter Loomis  
psloomisesq@gmail.com

J. Bernard McClellan  
jmcclellan@oah.state.md.us

Lynne Quimby-Pennock  
lynne.quimbypennock@doah.state.fl.us

**NAALJ COMMITTEES & CHAIRS**

**2014 MIDYEAR CO-CHAIRS**  
Noell Allen  
nallen1@icrc.in.gov

Catherine Gibbs  
cgibbs@oea.in.gov

Sarah Fuhrman  
sfuhrman@alumni.nd.edu

**40TH ANNIVERSARY CELEBRATION CO-CHAIRS**  
Selina Brooks  
selina.brooks@oah.nc.gov

Lisa Nelson  
li\_nelson@doah.state.fl.us

**BOARD TRAVEL EVALUATION CHAIR**  
Nicholas Cobbs  
nicholas.cobbs@dc.gov

**AUDIT; LIAISON TO CENTRAL PANEL CHAIR**  
Bob Cohen  
bob.cohen@doah.state.fl.us

**FELLOWSHIP CO-CHAIR**  
Larry Craddock  
larryjcraddock@gmail.com

**NEIL ALEXANDER SCHOLARSHIP CHAIR**  
Joan Davenport  
joan.davenport@dc.gov

**FUTURE CONFERENCE SITES CHAIR**  
Lynette Donner  
drladonner@mchsi.com

**BOARD OF ADVISORS**  
William Dorsey  
dorsey.william@dol.gov

**FOUNDATION CHAIR**  
Michelle Finnegan  
michelle.finnegan@la.gov

**PUBLICATION CHAIR**  
Caryn Hines  
caryn.hines@dc.gov

**FELLOWSHIP CO-CHAIR;  
ACHIEVEMENT AWARD CHAIR**  
Julian Mann  
julian.mann@oah.nc.gov

**SPECIAL EDUCATION LIAISON**  
J. Bernard McClellan  
jmcclellan@oah.state.md.us

**NOMINATING CHAIR**  
James Murray  
james.murray@nad.usda.gov

**BOARD OF ADVISORS**  
Greg Ogden  
gregory.ogden@pepperdine.edu

**MEMBERSHIP CHAIR**  
Lynne Quimby-Pennock  
lynne.quimbypennock@doah.state.fl.us

**SPECIAL EDUCATION CHAIR**  
Jim Rosenfeld  
rosenfeld@seattleu.edu

**WEBSITE CHAIR**  
Steve Wise  
steve.wise@mchsi.com



The Newsletter of the National  
Association of Administrative Law Judiciary

**CONTACT US**

NAALJ  
1400 Village Square Blvd.  
Suite 3-148  
Tallahassee, FL 32312

Phone: 855-756-2255  
Fax: 850-921-6847  
E-mail: [naalj@naalj.org](mailto:naalj@naalj.org)  
[www.naalj.org](http://www.naalj.org)

Designed by Aisha Bute