



NAHO NEWS

*...benefitting hearing officials
and the individuals they serve...*

NATIONAL ASSOCIATION OF HEARING OFFICIALS

NOVEMBER 2022

CHICAGO: OUR KIND OF TOWN

Toni Boone (OR)

No two NAHO conferences are alike and they're all good. There are always new classes offered, great local presenters to listen to, and some local activities to appreciate. This year's conference, our first conference in Chicago, was truly exceptional.

There were 114 attendees at the conference. There were new NAHO members attending from the Commonwealth of the Northern Mariana Islands in the Pacific, returning NAHO members from the U.S. Virgin Islands in the Atlantic, and attendees from dozens of states in between. Everyone seemed enthusiastic to see their colleagues again and to resume in-person professional development classes.

The off-site activities at NAHO Conference 2022 were well-attended and enjoyed immensely. Light showers threatened both events but magically diminished to virtually nothing when the events began.

There were 89 persons who purchased tickets to attend the Chicago Cubs game at Wrigley Field. Traveling to the ballpark as a group, including taking Chicago's famous "L" (elevated railway) to Wrigley Field, was almost as much

fun as the game itself. (You should have seen our NAHO group singing and dancing along to Y-M-C-A when it was played during the seventh inning stretch.) The Cubs, obviously buoyed by NAHO's attendance at the ballpark, even won the game.



Toni Boone (OR)

There were over 100 tickets sold for the Architectural Cruise on the Chicago River. Although seating was available both indoors and out, most attendees opted to sit "up top" to experience the best views and the mild weather. Many attendees said it was the best cruise ever provided at a NAHO conference.

As to the curriculum, there were 38 different instructional sessions, all aimed at improving the knowledge and skills of administrative adjudicators or their supervisors. There were twelve instructors who were teaching at a NAHO conference

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FROM THE EDITOR AND ASSOCIATE EDITOR

FOND FAREWELL FROM THE EDITOR AND ASSOCIATE EDITOR

Bonny Fetch (ND), Janice Deshais (CT)

Bonny:

Years ago, before I retired from the ND Office of Administrative Hearings, and while I was still heavily involved in professional, volunteer, and appointed endeavors, a close friend of mine would often ask, “when are you going to drag it up Bon?” It seems I have always been reluctant to give up what I enjoy doing, and so, I tend to keep taking on more and more until life becomes pretty crowded.

For the past several years, one of the things I have enjoyed doing is editing the NAHO Newsletter. NAHO has been a significant part of my professional life for a long time. I served on the Board for 13 years, and met some wonderful colleagues and formed some lasting friendships. I am proud of what NAHO accomplished during my Presidency and will always be humbled and grateful for the opportunity to serve such a fine organization of hearing officials. I endeavored to use my Editor’s column to inform, teach, entertain with a little humor, and maybe even preach a little. I hope you have enjoyed it. But now it is time for me to step away and pass on the reins to someone else.

I could not have done the job nearly as well without the assistance of my very capable and talented Associate Editor, Jan Deshais. A very sincere thank you to Jan, and to all of you who have contributed articles over the years.

I am not saying good-bye to NAHO. You just might see me popping up from time to time. For now, my best to all of you!

Jan:

I have had a wonderful time working with Bonny for the past few years to produce this newsletter. She has become a dear friend, and I have appreciated the experience and skills she has shared with me to produce NAHO News. We have always been proud of the product we have published and hope NAHO members and others have been satisfied with our efforts.

I too am not leaving NAHO behind. I am still a member of the Board as Past President, and I enjoy helping to shape what NAHO can be for its members and others who are involved with administrative hearings. I enjoy coming to annual conferences to see old friends and meet new ones, and to sometimes teach so I can share my “words to the wise” with others. I am still a part time hearing officer conducting environmental appeals, so the “war stories” will continue, I am sure.

I know the way in which news is shared is changing, and this newsletter might become a new format that posts more immediate information – maybe even through an “app” that will enable NAHO to create and share its news in a more efficient and effective way. For someone who still remembers spinning the handle on a mimeograph to produce a newsletter in college, it is time to turn over whatever the new “NAHO News” will be to others, who I am sure will do a fantastic job at running a new kind of mimeo machine.



Bonny M. Fetch (ND)



Janice Deshais (CT)



MEMBERSHIP CORNER

NAHO MEMBERSHIP: PROFESSIONAL AND PERSONAL ENRICHMENT

Marilyn Slifman (CA)
Chair NAHO Membership Committee

NAHO strives to meet member needs. NAHO recognized in 2020 that member needs changed with distanced workplaces and colleagues, plus emerging technology, and implemented new formats to continue to offer member benefits to meet those needs.

Since 2020 when the in person conference could not be held, NAHO commenced online live webinars free for members. The library of videos was greatly enhanced and became an easily accessible On-Demand format. In April 2021, NAHO held a two day Virtual Professional Development Conference (only \$65 for members) and five free live webinars during 2021. In late October, the Annual Professional Development Conference resumed in Philadelphia to a smaller but welcoming crowd in attendance.

To date for 2022, NAHO held a Spring three hour Virtual Mini-Conference (only \$35 for members) and four free live webinars and a Fall 3-hour Virtual Mini-Conference is planned and further free live webinars. The highlight of 2022 was the 4-day Annual Professional Development Conference in Chicago in August where members had the opportunity in person to learn, network, and meet or reconnect with distanced members. The record showed attendance from 29 states, US Commonwealths and Territories.

For 2023, Reno, NV is the site for the Conference on September 10-13. Plus, there will be more live webinars and new "Section" meetings during the year.

It will soon be time to renew. Here are some quick links you can click or paste into your browser:



Marilyn Slifman (CA)

How to Join NAHO: Please go online and apply at www.naho.org to the "Join NAHO" tab at <https://www.naho.org/page-18112>. The application process will guide you through setting up a password, completing the application, and paying the application fee online.

Members: To Renew or Update your Email or Password: Log into your profile at <https://www.naho.org/Sys/Profile>.

Don't know your password? Reset it here. <https://www.naho.org/Sys/Reset-PasswordRequest>

Groups: If your agency has five or more members that are joining or renewing AT THE SAME TIME, have the group administrator or managing member email me for a group invoice at marilyn.slifman@naho.org and to add new members or with any questions.

Happy Thanksgiving! 🍂

WHAT'S NEW ON-DEMAND

Mary Long (PA)

NAHO has added a "bumper crop" of new titles to the On-Demand Library this year. If you have unused library credits or Library Bundle



Mary Long (PA)

consider borrowing one of the following titles:

- 2022-01 Ease Stress and Foster Wellness (E)(Fetch)
- 2022-02 My Hearing is Over - Written Adjudication (M)(Long)
- 2022-03 Ethics: Application and Accountability (M)(Boone & Gillette)
- 2022-04 Evidence Challenges: Privileges (M)(Boone & Gillette)
- 2022-05 History and Development of Administrative Law (M)(Gillette)
- 2022-06 How to Hire the Best People (E)(Boone)
- 2022-07 Constructing a Comprehensive Administrative Hearing Record (M)(Boone & Gillette)
- 2022-08 Implicit Bias and its Impact on ALJ Decision-making (M) (Boone & Gillette)
- 2022-09 Advanced Mediation Issues: Understanding the Causes of Impasse (E)(Murrell)

Notice: If you have 2022 Library Credits or unused titles in your On-Demand Bundle, please use them no later than March 31, 2023. 🍂

MEMBER SPOTLIGHT: JACQUELINE NICOLAS

Director and Chief Administrative Hearing Officer,
CNMI Department of Labor and Administrative
Hearing Officer for the CNMI Civil Service Commission.

Marilyn Slifman (CA)

Can you describe your job, the agencies you work for, and the type of hearings you conduct.

I work for the CNMI Department of Labor. I am the Director and Chief Administrative Hearing Officer for the Administrative Hearing Office in the Department of Labor. The Administrative Hearing Office receives, mediates, and adjudicates labor violations, enforcement cases, and denial appeals. I also preside over appeals for unemployment benefits under the federal Pandemic Unemployment Assistance and Disaster Unemployment Assistance programs.

I am responsible for all matters related to this office's supervision, operations, and reporting. Specifically, in the past two years, I have updated forms, instituted controls for case management, drafted standard operating procedures, conducted professional development trainings, modernized operations, prepared responses to Open Government Act requests, oversee publications in the Commonwealth Register, review requests for certificates of good standing, and assist/advise the Secretary (as well as other employees) on various Department issues or programs.

I am also the designated Administrative Hearing Officer for the CNMI Civil Service Commission. The Civil Service Commission is an impartial tribunal that hears appeals and grievances within the personnel service system.

What are the territorial boundaries or jurisdictions for which you hear cases? Do you travel to those locations?

Part of the Mariana Islands Archipelago, the CNMI is a chain of 14 islands in the western Pacific Ocean, just north of Guam and about 3,200 miles west of Hawaii. The CNMI is divided into four municipalities: Saipan, Tinian, Rota, and the Northern Islands. Based on the 2020 Census, the CNMI's population is approximately 47,000 with the majority of people residing in Saipan, Tinian and Rota. The other islands are sparsely inhabited.

The Administrative Hearing Office is charged with the responsibility of resolving applicable labor law violations for the entire CNMI—but most cases arise in Saipan. The need for inter-island travel arises for training and hearings. More often, the Administrative Hearing Office will conduct online or telephonic hearings to service the other islands.

Are there unique challenges associated with your job?

The CNMI labor laws and regulations need to be updated and precedent or guidance from other jurisdictions is sparse. This makes the job both interesting and challenging.

Many labor issues are related to immigration (USCIS), discrimination (EEOC), and the federal laws (e.g., minimum wage, human trafficking). However, the Administrative Hearing Office does not have jurisdiction over said claims and it becomes challeng-

ing when the public we serve does not have a local avenue to file these claims and often include it in their complaints.

The islands are very small and the community is very close. This often makes it challenging to maintain the appearance of lack of bias or impartiality due to potential conflicts of interest. It is not uncommon to see or know parties or witnesses in a case.

Due to the remote location, access to resources is limited. Assuming funding allows, professionals must travel thousands of miles over approximately 1-2 days to attend trainings. Trainings conducted online are for a different time zone so it is not uncommon to attend training anywhere from 1- 5 am.

How did you hear about NAHO?

I found NAHO online, after looking for Hearing Officer training and resources. Everyone at NAHO has been wonderful and so helpful.

And, Jacqueline, can you share any background information about yourself with our members?

I am the proud child of immigrant parents, raised in California for most of my life.



Jacqueline Nicolas

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ANNUAL MEMBERSHIP MEETING

Colleen Ulrich (GA)

NAHO held its Annual Membership Meeting on Tuesday, August 9, 2022 at 2:45 pm CT in Chicago. A plethora of information was shared with all participating members by President Toni Boone.

Would you like to join a committee or run for a position on the Board? President Boone started the meeting by reviewing the structure of the Board of Directors and current term limits, as well as the various types of committees that are available. As always, NAHO invites all members to get involved at a high level! Bring your strengths and share your expertise with colleagues across the globe!

Additionally, President Boone shared the efforts of NAHO to connect and reach out to our constituents via our website, social media presence, and our quarterly newsletter. As of the conference, NAHO reported 353 active members, 55 new members in 2022, 11 individuals who earned their NAHO certification in 2022, and 114 registered participants at our conference.

Did you know that NAHO provides an Annual Professional Development Conference in addition to monthly webinars and virtual mini-conferences? President Boone shared that NAHO prides itself on the high level of professional development and instruction offered both in-person and virtually. Additionally, NAHO continues to add webinar recordings to the On Demand Library for those needing additional avenues to obtain credit hours toward certification.

The Treasurer Reports were highlighted at the Annual Membership Meeting, outlining the income and expenses incurred by NAHO as a non-profit organization. It was

noted that NAHO had moved away from PayPal and signed on to AffiniPay as the provider for invoices and credit card payments through Wild Apricot.

New business included the following:

A motion was made to amend Article VI regarding the Board of Directors to add the Chair of Certification Committee to the Board. The motion was approved.

A motion was made to amend Article III, Section 3 Membership to include American Samoa and Northern Mariana Islands in the Western Region and make minor grammatical changes. The motion was approved.

A motion was made to suspend the election bylaw for one term to delay the NAHO election from August 2023 to no later than December 2023. This was recommended to the Board to possibly add an additional member due to the expansion of all the virtual courses being offered. This will require a bylaw change. The motion was approved.

The Annual Membership Meeting was adjourned at 4:19 PM CT. 🏠



WORKING WITHOUT THE WATER COOLER

Janice Deshais (CT)

So, we're back at work. While some are back to in-person hearings and work in an office that is pretty much full most days, others, like myself, will be working from home most of the time, conducting remote online proceedings and conferences, and only working in our agency office a day or two each week.

I am not challenging the idea that we can be, and perhaps are, more productive working remotely. Also, I do not doubt that hearings can be fair, effective and comply with all of the requirements of due process.

No, I do not question whether we can do our jobs. My concern is that in the zeal to adopt a new way of working, we are doing our work in relative isolation and losing those aspects of working together in person that helped us perhaps be better at our jobs, and, probably, be happier at our jobs.

We've lost the water cooler. More than a place to get a drink, it was an opportunity to take a break and talk to your co-workers. It was a chance to get to know the people who do what we do every day, to ask others about an issue you might be facing and get their insights and ideas, to feel part of a team, to welcome new members of the team and share your experiences with them. I fear that we have lost this important aspect of our work. Sending an email, text, or even talking via Zoom or Teams is not the same thing as walking into the office next to ours or down the hall to chat.

So, what can take its place? Can something take its place? The annual NAHO conference is my water cooler for now - let it be yours. 🏠

WHEN THE OUTCOME YOU MUST REACH SEEMS UNJUST: A PLENARY DISCUSSION

Mary Long, (PA)

The 2022 Professional Development Conference included a new class format to discuss an issue faced by hearing officials:

A statute, regulation or agency interpretation changes. The adjudicator must conduct a hearing under the change. The evidence is clear, but the legally-correct conclusion may seem unjust. What can a principled adjudicator do?

The topic was introduced by the Honorable Michael “Mick” Gillette, who began by introducing the notion of an “unjust outcome” in the setting of an administrative hearing. Unjust outcomes may result from an unforeseen consequence that the legislature did not intend when it passed the law; may occur when the legal result is one where the petitioner suffers a loss that just seems wrong; or may be an unconscionable outcome which seems wrong for moral reasons. Other unjust situations may be those where an agency’s action on a case-by-case basis is legally defensible but the collective outcome is catastrophic, or the outcome ignores the real reason for the complaint, i.e. the agency seems complicit with the regulated entity.

After the general discussion of the topic, the class was broken into five discussion groups which considered the following questions: Describe an unresolved situation from your hearing experience that results in an unjust outcome. Is there anything (legal) that you can do now to ameliorate the effects of this unjust outcome? If you had the authority to rectify such situations, what would you do in the long term to see that the unjust circumstance does not arise again?

The discussion groups then reconvened and a spokesperson from each of the five groups made a short presentation about what the groups discussed.

Examples of unjust scenarios included:

- SNAP EBT fraud, specifically the cases involving criminal skimming EBT cards – current regulations do not permit replacement of stolen EBT cards.
- Benefits for medically needy children where treatments were either exorbitantly expensive or considered experimental – regulations frequently do not keep up with what is medically necessary. One situation in particular, involved a \$2million drug that had to be administered within a very short window of time in order to be effective.
- Mandated punishment in the student and teacher discipline setting is disproportionate to the infraction or circumstances or did not permit the adjudicator to engage in a broader consideration of the circumstances.
- Rules enforced by the agency disproportionately or applied as a pretext to prosecute other regulatory violations.

The discussion groups also generated solutions that an adjudicator might consider when faced with an outcome that you don’t like because it seems unjust or unreasonable.

In a situation where an agency interpretation of a statute or regulation seems unreasonable, write a legally correct decision offering an alternative interpretation even though you know you may be reversed. Where an agency interpretation is inconsistent with the language of the regulation or statute, explain the inconsistency and decline to follow the agency interpretation. A well-reasoned decision supported by a complete record may provide an appellate court with the tools to evaluate and rectify the circumstances. (However, an adjudicator should never openly criticize the agency.)

- Expedite or fast-track hearings where the window to provide relief is short. Alternatively, staying or remanding proceedings to permit the parties with an opportunity to settle or resolve a dispute with creative solutions that are not available to you as the adjudicator.
- Look for a solution in the specific language of the statute or regulation, especially if it includes words like “reasonable.” Find a “loophole” in the law or a legal way to sidestep an application of the law that results in an unjust outcome.
- Communicate with supervisors and agency legislative liaisons to educate them regarding unintended consequences of statutes, regulations, and policy guidance.
- Finally, the session closed with personal “survival” tips for adjudicators. Rendering decisions that you don’t like because they seem unfair can be stressful, but it comes with the job.
- Have a “buddy judge” who understands the situation and to whom you can vent.
- Keep a healthy work-life balance: Work isn’t your life. It’s what you do in order to have a life.
- Maintain a social life and spend time with supportive friends or relatives.

MY PERSPECTIVE

This session was one of the more interesting of the conference and useful to my practice as an ALJ. As adjudicators we can often feel isolated and discouraged when our agency seems like it is going “in the wrong direction” or is not serving the public in the way we think it should. Sharing stories with other adjudicators made me feel like I was not alone in experiencing this challenge. Discussing solutions and hearing how others have coped energized me to do my job better and more creatively. Sharing war stories and collective problem-solving epitomize the value of NAHO Annual Professional Development Conferences. 🙌

HAVING FUN AT THE CONFERENCE

Bobbie Marshall (TX)

NAHO CRUISES THE CHICAGO RIVER

After opening the Conference on Sunday, most conference attendees met up on the Chicago River Architectural Cruise, which highlighted iconic architecture while cruising down the Chicago River. This was one of two optional activities organized by NAHO for its attendees and members to attend during the conference.

The Chicago River Architectural Cruise highlighted Chicago's famous skyline, landmarks, and history. We cruised by more than 40 famous buildings, including the Willis Tower (formerly the Sears Tower).

During the tour, we learned of the various styles of architecture, including art deco, which features streamlined surfaces, linear and geometric shapes, symmetry, and a little glamour. A good example of this style was our host hotel, Pendry, housed in the beautiful Carbide & Carbon Building.

NAHO conference attendees were able to meet colleagues, network, and learn about Chicago—all while cruising! We were grateful the rain let up (for the most part), and it was a great learning experience.

NAHO Called Up to the Majors

It doesn't get much better than taking in a baseball game with friends after a long day of learning, and that's just what we did after NAHO's first full conference day. Although it was raining most of the day, we hopped on the L and braved our way to Wrigley Field to see the Chicago Cubs take on the Washington Nationals.



Bobbie Marshall (TX)

Luckily, the rain stopped and what we feared would be a miserable day, turned into a beautiful evening to watch some baseball and snack on ballpark hotdogs and Cracker Jacks. Let me tell you, it does not matter if you are a Cubs fan or not - seeing Wrigley Field in person is a bucket list item - there's over 100 years of history in this legendary ballpark, built in 1914.

The Chicago Cubs beat the Washington Nationals 6-3, and the famous white flag with blue "W" flew over the stadium, boasting the team's win. I am pretty sure the Cubs were more confident and played well since we were there cheering them on!

NAHO did a phenomenal job planning the Chicago River Architectural Cruise and trip to see the Cubs baseball game. These two events were not only priced at great rates but were memorable and so much fun for all who attended. I think we can all agree, Chicago was a great host for our conference! 🏆

THE ANNUAL CONFERENCE IS BACK – LIVE AND IN-PERSON!

We are thrilled to report that NAHO is back to holding a live Annual Professional Development Conference! After a year's delay, due to "that-which-will-not-be-named", the in-person 2021 Conference was held at the Element Hotel in Philadelphia October 31 to November 3. In addition to offering over 50 hours of MCLE instruction for hearing officials and others involved in the administrative hearing process, the Conference was a long-awaited opportunity to re-connect or meet others from across the nation to exchange ideas and experiences in both formal and informal settings.

Courses included an exploration of the sanctioning authority of hearing officials, lessons on how to avoid being sued (e.g., stick to what you're supposed to do), essential techniques for hearings involving self-represented litigants (do not call them pro bono, please), and a panel discussion on qualifying expert witnesses. Other courses are described in this newsletter and give a sense of the diverse and wonderful curriculum. Almost as important as the training, attendees at the Conference told us that they were thrilled to be out and about and appreciated the opportunity to have live training and to "see friends and associates and share life again."

This edition of NAHO News not only celebrates the Conference, but also reports on NAHO business, including the abundant online opportunities for education and training NAHO has provided for its members during the challenges of 2021 and those that it will provide in the year ahead. Read on for new information – we hope you will be informed and entertained! 🏆

COMMENTS FROM CONFERENCE ATTENDEES

Aiesha Hudson and Arnette Dorsey received scholarships to attend this year's conference. This was Arnette's second NAHO conference. Aiesha Hudson and Diane Womack were first-time NAHO conference attendees. Here is how they responded to questions from Toni Boone about their attendance at this year's conference.

Aiesha Hudson



Aiesha Hudson

1. What did you enjoy most about attending your first NAHO conference?

I particularly enjoyed the small group round-table discussion that was held on the first day of the conference on Sunday. I

found the discussion of "Maintaining and Regaining Control of Unruly Hearings" engaging and particularly helpful. Further, because the participants in each small group were randomly assigned, the discussion offered multiple perspectives on the topic from hearing officers, ALJs and tribunal administrators in different types of tribunals in various jurisdictions. I gained valuable insight that I shared with my colleagues at home.

2. Is there anything about the NAHO conference that was unexpected to you?

During the NAHO conference, it was unexpected to learn that the organization was operated entirely by members, and that NAHO does not employ permanent staff. It is inspiring that a large organization such as NAHO runs on the dedication of those who volunteer their time to lead.

3. If a hearing officer were to ask you, "Why should I join NAHO?" what would your response be?

I would encourage a hearing officer to join NAHO for the professional development opportunities, including the annual professional development conference, spring and fall mini-conferences, webinars and extensive on demand video library.

Arnette Dorsey

1. What did you enjoy most about attending your first NAHO conference?

I enjoyed meeting hearing officials from across the country and learning more about the practice areas and mutual challenges we face.

2. Is there anything about the NAHO conference that was unexpected to you?

I did not expect to gain feedback from attendees about helpful comments in class and to expand my network such that colleagues would call to ask for advice or simply check in on your wellbeing. I can truly say that I met some new long-term friends that I would have never encountered.



Arnette Dorsey

3. If a hearing officer were to ask you, "Why should I join NAHO?" what would your response be?

Join NAHO to meet Marilyn Slifman! She is truly a jewel and will make your transition to membership quite welcoming. Additionally, there is great value in the plethora of training and refreshers you can obtain for low cost. It's not very often you can attend one conference and earn all the CLEs you



Diane Womack

would ever need without breaking the bank. If you observe and listen well, you will leave understanding the need for diversity and inclusion; and will further feel empowered that you can do your job and do it

well! See you soon!

Diane Womack

1. What did you enjoy most about attending your first NAHO conference?

My initial reaction was extremely positive! It was indeed a pleasure to meet so many professionals from different walks of the Hearing Officials spectrum. I actually did not know the variance of positions affiliated with this kind of work exist. I learned of the NAHO conference after searching the web for extra professional development opportunities. Attending this conference was one of the greatest experiences in my career as an administrative educator of 45 years in a school

district. My greatest experience was the continuing dialogue (REAL TALK) shared amongst colleagues, when going in and out of each session. Nothing replaces human interaction when it is compiled with knowledge, wisdom, and great experience. The NAHO conference fulfills that human interaction overwhelmingly!

2. Is there anything about the NAHO conference that was unexpected to you?

I did not expect my newly found professional family of Administrative Law Judges at NAHO to provide a straightforward and laser focused philosophy toward providing professional development, i.e., pertinent to making decisions that are fair, equitable, and impartial. I left Chicago with an indebted appreciation for the quantity and quality of literature provided and the impactful dialogue among presenters. Everyone was kind, professional, and eager to assist you with EVERYTHING! To have so many geniuses at one conference just blew my mind! YES! I must give KUDOS to the committee because of lots of reasons! I would be amiss if I didn't tell you how good the hospitality, lunch meals, hotel accommodations, boat cruise, and the opportunity to purchase NAHO T-shirts, lapel pin, and notepad were. I did not expect Chicago to be so clean, and the people to be so friendly. CHICAGO, I will be BACK!

3. If a hearing officer were to ask you, "Why should you join NAHO?" What would your response be?

WOW! I would say, "Colleagues, don't you dare let this opportunity pass you by! To become a part of a GRREAT organization that's super affordable (Membership is less than \$75), and committed to your acquiring ongoing impeccable access to world class professional development is gratifying beyond words! Join NAHO today!

Joining NAHO provides you with a first-hand opportunity to be exposed to an organization that's committed to membership growth and professional development processes in my world, as a hearing officer in the school system. I am back to work for the new school year, I am still mesmerized by the momentous best practices acquired, validated, and authenticated at NAHO! My summer of 2022 will be treasured forever. NOW... since you have the 411 from a NAHO newbie, join NAHO today and meet me at NAHO 2022-2023 in Reno! You will be HAPPY that you did!" 📌

THOUGHTS ABOUT A GREAT CONFERENCE

Caroline Stephens-Ryker (IN)

Between August 7th and August 10th, administrative adjudicators from around the country gathered to grow as professionals at the National Association of Hearing Officials 2022 Annual Professional Development Conference in Chicago, Illinois. The conference covered a wide range of topics from bench skills to tips on developing training for adjudicators. As always, the conference presenters focused on practical skills that adjudicators could immediately put into action, whatever their background or area of expertise.

The conference opened with a plenary session focused on maintaining and regaining control when hearing participants become unruly. Conference attendees broke into groups to discuss their experiences and best practice tips, which included laying out the procedure and expectations for the parties early, modeling civility for the participants, deescalating tensions by keeping participants focused on the specific issue raised in the hearing, and reminding attorneys of their ethical obligations. As a facilitator, I was struck by the wealth of experience and knowledge that we possess as a group of

professionals, which makes opportunities like the NAHO conference particularly valuable as a chance to share what we know with each other. Even more, I was impressed with the fact that, even in our differences, our work is, at its heart, the same. Regardless of area of practice, location, or job title, administrative adjudicators are united in a passion for our work, which centers on the same themes: 1) deciding a case, 2) ensuring procedural fairness, and 3) cultivating respect for the system of administrative adjudication.

During the first full day of the conference, Judge Gillette, in his course “The Mind of a Judge: What Experienced Judges Know” picked up on the theme of commonalities in the work done by administrative adjudicators when he opened with the following guiding principal, if you do adjudicative work, think of yourself as a judge because you are one! Administrative adjudicators come in many different packages: attorneys, non-attorneys, Administrative Law Judges, Hearing Officers, contractors, full-time employees, and so much more. As his course description explains,

a judge’s work includes holding hearings, receiving evidence, finding facts, applying laws or rules, and announcing results that may include a penalty. In his presentation, Judge Gillette emphasized the importance of knowing what you are—a judge—so that you can do justice to the case, the parties, and the role of decision maker. To assist conference attendees in their judicial work, Judge Gillette shared a few important tips focused on listening courteously, answering wisely, and considering matters impartially.

Specifically, Judge Gillette shared a few “must know” skills. For example, he encouraged conference attendees to be self-aware, to acknowledge that they are limited by their own lens, and to be willing to seek growth opportunities, from developing bench skills to deepening empathy. Similarly, the course included tips focused on communication, including that a decision loses meaning unless it is accessible to the readers and that an adjudicator is responsible for setting boundaries during the hearing. Likewise, the course covered that an adjudicator should strive to appear (and be) fair, impartial, and unbiased, and that focusing on the first job of an adjudicator—to listen—can help adjudicators meet this important goal. Finally, the course emphasized that an adjudicator should keep in mind what makes the administrative process unique—its flexibility and informality—and maximize it to the benefit of the parties while developing a complete record that will serve the parties and the interests of justice.

Many of the sessions throughout the conference, from tips for supervisors to tips on handling the stress of hearsay objections, emphasized that as a community of professionals, administrative adjudicators have more commonalities than differences. When working through what can often be an adversarial process, it is nice to know that NAHO provides an inclusive and collaborative space for

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THOUGHTS ABOUT A GREAT CONFERENCE *From page 9.*

administrative adjudicators to learn together and support each other in our important work.

Between August 7th and August 10th, administrative adjudicators from around the country gathered to grow as professionals at the National Association of Hearing Officials 2022 Annual Professional Development Conference in Chicago, Illinois. The conference covered a wide range of topics from bench skills to tips on developing training for adjudicators. As always, the conference presenters focused on practical skills that adjudicators could immediately put into action, whatever their background or area of expertise.

The conference opened with a plenary session focused on maintaining and regaining control when hearing participants become unruly. Conference attendees broke into groups to discuss their experiences and best practice tips, which included laying out the procedure and expectations for the parties early, modeling civility for the participants, deescalating tensions by keeping participants focused on the specific issue raised in the hearing, and reminding attorneys of their ethical obligations. As a facilitator, I was struck by the wealth of experience and knowledge that we possess as a group of professionals, which makes opportunities like the NAHO conference particularly valuable as a chance to share what we know with each other. Even more, I was impressed with the fact that, even in our differences, our work is, at its heart, the same. Regardless of area of practice, location, or job title, administrative adjudicators are united in a passion for our work, which centers on the same themes: 1) deciding a case, 2) ensuring procedural fairness, and 3) cultivating respect for the system of administrative adjudication.

During the first full day of the conference, Judge Gillette, in his course “The Mind of a Judge: What Experienced Judges Know” picked up on the theme of commonalities in the work done by administrative adjudicators when



he opened with the following guiding principal, if you do adjudicative work, think of yourself as a judge because you are one! Administrative adjudicators come in many different packages: attorneys, non-attorneys, Administrative Law Judges, Hearing Officers, contractors, full-time employees, and so much more. As his course description explains, a judge’s work includes holding hearings, receiving evidence, finding facts, applying laws or rules, and announcing results that may include a penalty. In his presentation, Judge Gillette emphasized the importance of knowing what you are—a judge—so that you can do justice to the case, the parties, and the role of decision maker. To assist conference attendees in their judicial work, Judge Gillette shared a few important tips focused on listening courteously, answering wisely, and considering matters impartially.

Specifically, Judge Gillette shared a few “must know” skills. For example, he encouraged conference attendees to be self-aware, to acknowledge that they are limited by their own lens, and to be willing to seek growth opportunities, from developing bench skills to deepening empathy. Similarly, the course included tips focused on communication, including that a decision loses meaning unless

it is accessible to the readers and that an adjudicator is responsible for setting boundaries during the hearing. Likewise, the course covered that an adjudicator should strive to appear (and be) fair, impartial, and unbiased, and that focusing on the first job of an adjudicator—to listen—can help adjudicators meet this important goal. Finally, the course emphasized that an adjudicator should keep in mind what makes the administrative process unique—its flexibility and informality—and maximize it to the benefit of the parties while developing a complete record that will serve the parties and the interests of justice.

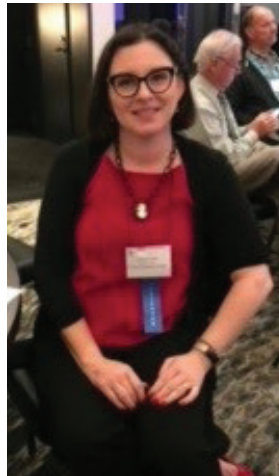
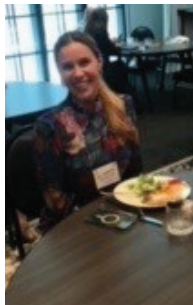
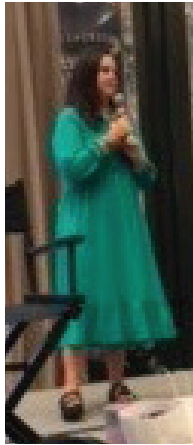
Many of the sessions throughout the conference, from tips for supervisors to tips on handling the stress of hearsay objections, emphasized that as a community of professionals, administrative adjudicators have more commonalities than differences. When working through what can often be an adversarial process, it is nice to know that NAHO provides an inclusive and collaborative space for administrative adjudicators to learn together and support each other in our important work. 🙌

CHICAGO: OUR KIND OF TOWN *From page 1.*

for the first time. Many told me that they were favorably impressed with the interest and enthusiasm of the attendees. Most of them volunteered to provide online instruction at future webinars or mini-conferences.

The two sessions from which we received the most positive feedback were the two sessions that began as plenary sessions but progressed to discussions in small groups of twelve or less. The groups were intentionally mixed to provide a greater diversity of regions and jurisdictions and to afford everyone the opportunity to interact. Many attendees said those classes were their favorites because they learned more about the many different types of hearings held by NAHO members and gained insight from their experiences.

Of course, my opinion is hardly objective. I think NAHO members are the best administrative adjudicators on this or any other planet and that NAHO Annual Professional Development Conferences are always delightful and rewarding. But you don't have to take my word for how the conference went. We solicited the opinions of some other NAHO conference attendees. 🏹



MEMBER SPOTLIGHT: JACQUELINE NICOLAS

From page 4.

I have a BA in Political Science and Law & Society from the University of California, Riverside.

I went to Thomas Jefferson School of Law in San Diego, California.

A judge from the CNMI recruited from my law school and offered me a clerkship.

I moved to the CNMI in May of 2015.

Since moving here, I've had such unique opportunities to grow professionally. Also, because of the small community, the impact of the work I do is very tangible and gratifying.

I clerked for the Honorable Teresa K. Kim Tenorio from 2015-2017. A highlight of my clerkship was drafting proposed/enacted legislation, court rules, and standard operating procedures establishing the first local drug court program.

In 2018, I worked as an Assistant Attorney General for the CNMI Attorney General's Office – representing government agencies such as the Department of Labor, Department of Finance, and the Marianas Visitors Authority. During this time, I advised on all in house legal matters, including contract review, government procurement, employment actions, administrative hearings, and litigation.

I became the CNMI Department of Labor's Administrative Hearing Officer in 2019.

Additionally, I love living in the CNMI.

The CNMI is home to beautiful beaches and the friendliest people. Despite the small size, the island is hopping with local festivals, fishing derbies, sports events and other entertainment.

Note: Jacqueline Nicolas became our first NAHO member from the Northern Mariana Islands in 2021. She and 4 other colleagues attended the Chicago conference. The interview was conducted by Marilyn Slifman, Membership Chair & Western Regional Representative. 🏹

2022 FALL VIRTUAL PROFESSIONAL DEVELOPMENT MINI-CONFERENCE

This year's Fall Mini-Conference was held on Thursday, November 17.

The Mini-Conference consisted of three one-hour classes on the topics of:

- Combating Implicit and Explicit Biases
- Ruling on Evidentiary Objections
- Ethical Obligations of Hearing Officials: Independence and Neutrality

Instructors for these classes were Mary Long, Administrative Law Judge with the Pennsylvania Public Utility Commission, Peter Halbach, Chief Hearing Officer with the North Dakota Department of Transportation, and Christine Chambers Goodman, Professor of Law with the Caruso School of Law (Pepperdine). Watch for announcements for future Mini-Conferences on the NAHO website and news on Facebook, Instagram and Twitter. 🏹