

National Association of Hearing Officials 2013 ANNUAL PROFESSIONAL DEVELOPMENT CONFERENCE

Twin Tracks in the Twin Cities: Basic and Advanced Training for Hearing Officials

September 15-18, 2013 | Crowne Plaza St. Paul - Riverfront | St. Paul, MN



FEATURING:

- Training sessions and panel presentations open to all attendees to interest and educate new and experienced hearing officials and others involved with the administrative hearings process;
- Course offerings covering general areas of administrative hearings practice;
- Courses on specialized subjects, including Minnesota law and administrative practices;
- Keynote presentations by speakers who will inform, entertain and provoke with their insights on interesting topics;
- Interaction with NAHO members, hearing officials, instructors and others from across the country;
- Social events and free time to enjoy St. Paul and many area attractions, including Minnesota Twins baseball, the Cathedral of St. Paul, the Science Museum of Minnesota, historic Fort Snelling, and the Mall of America!

WHO SHOULD ATTEND?

- Hearing Officers
- Administrative Law Judges
- Attorneys
- Paralegals
- Mediators/Arbitrators
- Hearings Representatives/
Advocates
- Hearing Program Managers

2013 CONFERENCE SPECIAL EVENTS

Sunday, September 15

TAKE ME OUT TO THE BALL GAME – OR LET’S GO SHOPPING!!

Sunday, September 15 will feature an afternoon opportunity for some fun for baseball and sports fans or a chance to visit a shopping mecca that attracts world-wide visitors to an outsized shopping and entertainment experience.



At noon, a handicapped accessible chartered bus will whisk 50 ticket holders

off to Target field, home of the Minnesota Twins, to see a 1:10 pm baseball game against the Tampa Bay Rays. The Twins are an exciting American League team and are sure to be in the race for the Central Division title in September. In any event, it is fun to watch a live baseball game! Target Field, home of the Twins, was named "The Sports Facility of the Year" by the Sports Business Journal and "The Best Sports Stadium in North America" by ESPN Magazine, in a ranking that included over 120 different stadiums, ballparks and arenas from around North America. Come enjoy a game in this wonderful place with fellow fans of the game! **See the Registration Form to get your tickets! Only 50 will be available!!**



A special shuttle will travel to the famous Mall of America for an afternoon

of shopping, dining and even rides in an indoor amusement park! The Mall is the nation's largest shopping and entertainment destination featuring over 520 stores, 50 restaurants and the largest indoor Nickelodeon theme park. SEA LIFE Aquarium, LEGO Imagination Center, American Girl Store, Theatres at Mall of America and Moose Mountain Adventure Golf are also fun-filled attractions. There is also no sales tax on clothing or shoes! **See the Registration Form to sign-up for this event and get your ticket for the shuttle.**

Invitation

FROM THE PRESIDENT

It is my great pleasure to invite all of you to NAHO's annual conference for professional development in Minneapolis/St. Paul, Minnesota from Sunday, September 15 to Wednesday, September 18, 2013 at the Crowne Plaza in the capital city of St. Paul. The temperature in September is pleasantly in the 70's during the day and the colorful fall foliage begins to peak at that time.



The Twin Cities, as they are called, straddle both sides of the upper Mississippi River. The Crowne Plaza Hotel offers great views of the river and is near Union Depot, the Science Museum of Minnesota, the Capitol Building, the Ordway Performing Arts Center, the River Center, Park Square Theatre, dozens of bars and restaurants, historical sites, sports venues, Como Park Zoo and so much more. Across the river and close to the airport is the famous multi-tiered Mall of America, the largest mall in the USA. Just 15 minutes from the hotel, the Mall includes 520 shops, over 50 restaurants, an aquarium with a glass tunnel you walk through and the 7-acre Nickelodeon Universe Amusement Park complete with log chute, roller coaster, Ferris wheel and dozens of other rides!

Our program this year begins with a welcome reception Sunday evening on the top floor of the hotel with a spectacular view of the city on all sides following an optional afternoon baseball game at Target Stadium between the Minnesota Twins and the Tampa Bay Rays or a shuttle to the Mall. On Monday morning, Attorney General Lori Swanson will deliver the opening keynote address and Minnesota Supreme Court Chief Justice Lorie Gildea will speak as the guest of honor at the midday luncheon. We once again offer a great variety of substantive educational sessions over three days from an exceptional faculty including a session on the new federal health care insurance exchanges presented by Commissioner Lucinda Jessen of the Minnesota Department of Human Services. Tuesday evening begins with a social reception followed by the annual awards banquet. On Wednesday morning Minnesota District Court Judge Kevin Burke will close the conference with an address on time management for hearing officials. All sessions qualify for CLE credits.

The National Association of Hearing Officials thanks the Minnesota Department of Human Services and the Office of Administrative Hearings for their tremendous assistance in planning the conference and we all look forward for welcoming you to St. Paul in September.

Norman J. Patenaude, CALJ
President

MAKING YOUR HOTEL RESERVATIONS

The deadline to receive the conference rate for your hotel room is **August 23, 2013**. All conference participants must contact the Crowne Plaza St. Paul Riverfront either by on-line reservation located at www.cpstpaul.com and entering H2X as the group code. You may also contact the hotel by telephone at (651) 292-1900 or toll free at (877) 859-5095 to reserve your room; you may identify yourself as part of the NAHO group or use the group code.

You will need to provide a credit card number to guarantee your room. The hotel cancellation policy for all reservations is 24 hours prior to arrival or the room will be billed to your credit card number. Please reference the group code to receive the federal per diem rate of \$121.00, plus local and state taxes for Minnesota. This rate will be available from September 12, 2013 to September 21, 2013. The NAHO room block at this rate is limited, so please make your reservations early!

NAHO MEMBERSHIP

If you are interested in joining NAHO for the first time or have been away for awhile, now is the time to join! Go to www.naho.org to submit a membership application and pay your membership dues. For those who prefer, membership applications may also be mailed, with appropriate fees included, to:

NAHO Membership
847 South Dorset Place
Eagle, ID 83616

NAHO by-laws provide that NAHO membership is open to all current and former administrative hearing officials. The Membership Committee considers all applications for regular membership; associate members are approved by the Board of Directors at its next regularly scheduled meeting. Therefore, please allow time for processing and consideration in order to qualify for NAHO member registration rate.

NAHO membership runs from January to December. Dues are \$45 per year or \$105 for three years for new members or members whose membership has lapsed. If five or more join from the same organization and pay at the same time, the fee is \$40 per year per person.

Questions may be directed to Eric Moody, Membership Committee Chair at nahomembership@gmail.com. The membership application is located at www.naho.org/join-naho/membership-in-naho.

CERTIFICATION

The National Association of Hearing Officials is a professional nonprofit organization formed in 1986 and is the only national professional organization for administrative hearing officials which offers a certification program for hearing officers and administrative law judges.

The NAHO certification program is dedicated to developing uniform standards of excellence and professionalism for hearing officials and administrative law judges across the country. Course requirements for certification ensure that individuals have a sound background in administrative law and hearing procedures. Certification provides concrete evidence of your personal commitment to your own professional development and to the hearing process. Courses attended at this year's conference may be considered towards meeting certification requirements for 2013. Core requirements can be met at annual NAHO conferences or other recognized programs addressing the hearing process.

For complete information on certification, visit www.naho.org. Individuals seeking certification or recertification at the 2013 conference should submit complete applications postmarked by **July 31, 2013** to:

NAHO Certification Committee
C/O Linda Snow, CHO
5032 Indian Valley Drive
Fort Worth, TX 76123

CONFERENCE HOTEL & EVENTS



CROWNE PLAZA ST. PAUL RIVERFRONT

11 East Kellogg Boulevard
St. Paul, Minnesota 55101
Telephone: (651) 292-1900
Toll Free: (877) 859-5095
Fax: (651) 605-0189
www.crowneplaza.com/StPaul



WELCOME RECEPTION

Windows on the River, 22nd floor
Sunday, September 15
6:00 pm – 8:00 pm



LUNCHEON

Capitol Ballroom
Monday, September 16
11:30 am – 12:45 pm



BANQUET

Great River Ballroom
Tuesday, September 17
Reception 5:00 pm
Dinner 6:00 pm

COURSE DESCRIPTIONS

KEYNOTE SPEAKERS

Attorney General Lori Swanson

Opening Keynote Address,
Monday, 9:00-9:45am



Lori Swanson is Minnesota's 29th Attorney General and the first female ever to serve in this important role. Prior to her election in 2006, Attorney General Swanson served as Minnesota's Solicitor General, Deputy Attorney

General and an attorney in private practice. Attorney General Swanson received a Juris Doctor, magna cum laude, from the William Mitchell College of Law and a Bachelors of Arts, with distinction, from the University of Wisconsin-Madison.

Chief Justice Lorie Skjerven Gildea

Luncheon Keynote Address,
Monday, 11:30am-12:45pm



Lorie Skjerven Gildea is the Chief Justice of the Minnesota Supreme Court. Prior to her appointment as Chief Justice in 2010, Justice Gildea earlier served as an Associate Justice of the Court, District Judge in the

Fourth Judicial District and Associate General Counsel of the University of Minnesota. She received a Juris Doctor, magna cum laude, from the Georgetown University Law Center and Bachelor of Arts, with distinction, from the University of Minnesota – Morris.

Judge Kevin S. Burke

Closing Keynote Address, Time
Management for Judges, 10:15-11:30 a.m.



Kevin S. Burke serves as a state District Court Judge in the Fourth Judicial District of Minnesota. Judge Burke served four terms as the Chief Judge of the Fourth Judicial District, managing

Minnesota's largest and busiest tribunal. He was named by Governing Magazine as one of its Public Officials of the Year. The Minnesota Star Tribune has praised his court for its efficiency. Judge Burke received his BA, summa cum laude, from the University of Minnesota and Juris Doctor from the University of Minnesota Law School.

Please note: Every attempt will be made to adhere to the list of short course descriptions below. Should any last minute changes become necessary, your consideration will be appreciated. Designations after the workshop title refer to classification of courses accepted by NAHO for certification of hearing officers and administrative law judges. For complete information on required and elective course credits for certification, see the certification application on the NAHO website, www.naho.org.

A complete listing of speakers and biographies is also available on the website.

Key Code (M) Mandatory- (E) Elective - (S) Substantive

SUNDAY, SEPTEMBER 15, 2013

9:15 am - Conference Opening

Norman J. Patenaude, NAHO President and Janice B. Deshais, NAHO Vice-President

9:30 – 11:00 am – SESSION 1

(1) ADVICE FOR THE NEW HEARING OFFICIAL (E) Track 1

**Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles
Justice W. Michael (Mick) Gillette, Oregon Supreme Court (retired)**

The instructors for this class will lend their collective 61 years of experience in this “nuts and bolts” class on best hearing practices. New hearing officials often feel they were thrown into the deep end of the pool without a life preserver. Via real hearing scenarios and film clips from actual hearings, which are sometimes amusing, attendees will receive practical suggestions on prehearing procedures, best practices for opening and closing hearings, handling sometimes unreasonable requests for postponements, continuances and subpoenas, keeping the hearing focused on the relevant, handling of voluminous and/or extraneous exhibits, and related topics. Whether you're new to the job or a seasoned professional, bring your worst hearing nightmares to this class and leave with usable tips for making a favorable impression on every hearing participant you face.

(2) EXPERIENCE SPEAKS: ADVICE FOR VETERAN HEARING OFFICIALS (E) Track 2

**Bonny M. Fetch, Administrative Law Judge, North Dakota Office of Administrative Hearings
James Gerl, Attorney and Special Education Hearing Officer, Scotti & Gerl, Lewisburg, West Virginia
Janice B. Deshais, Director and Hearing Officer, Office of Adjudications, CT Department of Energy and Environmental Protection**

This is your opportunity to hear from three very experienced hearing officials from diverse backgrounds who will give you their viewpoint on issues that arise in hearings and issues that face hearing officials who have served long-term. This will not be your usual panel discussion or question and answer format. The panelists will each address the following issues: how they handle their biases; how they keep up with technology and resist the temptation to just keep going in the same routine; tips to handle contentious attorneys and disruptive pro se parties; tools they use to address complex evidentiary issues which arise in the hearing; how active they are in creating the record; professional burnout and tips on how to stay interested and keep from getting jaded. This promises to be a lively session with a lot of information imparted in a short time.

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MONDAY, SEPTEMBER 16, 2013

8:30 – 9:00 am - Opening Remarks/Local Welcome

Norman J. Patenaude and Eric Satre, *Visitsaintpaul.com*

9:00 - 9:45 am – SESSION 2

OPENING ADDRESS – Minnesota Attorney General Lori Swanson

Attorney General Swanson will describe how a number of different trends are converging to change the face of public law and what judges, hearing officials and practitioners can expect to see in this area in the years ahead.

10:00 – 11:30 am – SESSION 3

(1) WHAT APPELLATE JUDGES LOOK FOR IN A HEARING RECORD(E) Track 1 *Justice W. Michael (Mick) Gillette, Oregon Supreme Court (retired)*

Do you wince when you hear that one of your decisions has been appealed? Worry no more. Learn how appellate courts review administrative agency decisions from someone with 33 years of experience as an appellate judge on the Oregon Supreme Court and Oregon Court of Appeals. Discover the circumstances under which an appellate reviewing body is likely to reverse or remand your decision and how to avoid general pitfalls, pratfalls and goofs from an instructor who is also an adjunct professor at Willamette University School of Law. Justice Gillette will also instruct attendees regarding what to leave out of a hearing record or written decision (which is often as important as what goes into the record or decision) using actual administrative cases. If you've ever been anxious about one of your cases surviving appellate judicial scrutiny, this class is for you.

(2) PROVIDING DUE PROCESS (M) Track 1 *James Gerl, Attorney, Scotti & Gerl, Lewisburg, West Virginia*

What exactly does 'due process of law' mean in terms of the work of a hearing official? This will not be an academic or law school style review of court precedent. Instead, we will examine what due process is and what it should look like in our hearings.

(3) THE HISTORY AND EVOLUTION OF ADMINISTRATIVE LAW (M) Track 1 *Gregory Ogden, Professor, Pepperdine University School of Law*

This session will discuss the nature, history and progress of American administrative law. Topics will include the history of administrative law in the United States, starting with the early federal agencies and the New Deal expansion of federal agencies, the adoption of the federal Administrative Procedure Act (APA), and the later expansion of federal agencies in the 1960s and 1970s. The evolution of state administrative law will be presented, including the rise of workers' compensation agencies and state pension laws, the adoption of the Model State APA and the development of state agencies in social welfare fields as a response to federal laws and funding.

11:30 – 12:45 pm – LUNCHEON – Lorie S. Gildea, Chief Justice, Minnesota Supreme Court

The Chief Justice will discuss the special partnership between the state courts and tribunals in the Executive Branch in guaranteeing due process and the effective administration of justice.

1:00 – 2:30 pm – SESSION 4

(1) BEING AN EFFECTIVE SETTLEMENT JUDGE (E) Track 2 *Eric Lipman, Asst Chief Administrative Law Judge, Minnesota Office of Administrative Hearings*

Eric L. Lipman was a State Representative, Counsel to the Governor and trial lawyer before his appointment to the bench. He brings a wealth of complex litigation and negotiation experience to the topic of "getting to yes" in your next case. Judge Lipman will detail key best practices as described in the mediation literature and provide helpful tips for the busy settlement judge.

(2) 10 STRATEGIES FOR IMPROVING INTERCULTURAL COMPETENCE (M) Track 1 *Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles*

More than a lecture, this class involves active, experiential training in intercultural competence via role play scenarios. When we observe a person we perceive as "other," there's an inherent, and often unrecognized, chain reaction that begins within us. Yet, the traits, beliefs, and characteristics we share with persons we perceive as different often outweigh our dissimilarities. This class identifies

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obstacles to intercultural competence, the role that context plays, and how to improve intercultural interaction in the workplace. This class will enhance your acceptance of, appreciation for, and communication with those you perceive as “other,” whether from another culture or your own.

- (3) ARE YOU TALKING TO ME? DEVELOPING EFFECTIVE LISTENING SKILLS (E) Track 1**
Laurence H. Geller, Retired Presiding Administrative Law Judge, CA Department of Social Services
Peter Hemenway, Retired Administrative Law Judge, CA Department of Social Services

An in-depth examination of how listening skills or their absence can affect the hearing process. As it has been said “To listen is an effort and just to hear has no merit”. Are we just hearing or are we really listening? Let’s find out!

2:45 - 4:15 pm – SESSION 5

- (1) ETHICS AND THE ALLURE OF SOCIAL MEDIA (M) Track 1**
Bonny M. Fetch, Administrative Law Judge, North Dakota Office of Administrative Hearings
Gregory Ogden, Professor, Pepperdine University School of Law

Twitter, Facebook, Blogs, LinkedIn, etc., are some of the new tools in our online lives. On the positive side, social media offers opportunities for networking, research, marketing, and information exchange. On the negative side, it presents new opportunities for the unwary to engage in professional misconduct. Through a number of comedic skits we will explore the ethical challenges (e.g., *ex parte* communications, confidentiality, misrepresentation, appearances, and influences on the decision-making authority) that present themselves in the context of social media “friending” relationships. We will also discuss whether existing ethics laws are clear enough to address the blurring line between our personal lives and our professional lives. Finally, we will consider what effect social media is having on the core values of professionalism and what forces cause good people to fall into unethical conduct.

- (2) BENCH SKILLS: HOW TO CONDUCT AND CONTROL A HEARING (M) Track 1**
James Gerl, Attorney, Scotti & Gerl, Lewisburg, West Virginia

This session goes to the very heart of what a hearing official does. There will be discussion on the following: making a complete record; controlling the proceeding; dealing with witnesses, objections, and related topics. The presenter’s “Eight Rules for Conducting a Hearing” will be revealed.

- (3) MANAGING COMPLEX CASES (E) Track 2**
Commissioner Beverly Jones Heydinger, Chair, Minnesota Public Utilities Commission

Prior to her appointment to lead the MPUC, Commissioner Heydinger served with distinction as an Administrative Law Judge with the Minnesota Office of Administrative Hearings. From 1991 through 1999, she was Deputy Attorney General of the Public and Human Resources Section, supervising several divisions, overseeing state and federal court litigation, and serving on the agency’s Executive Committee. In her presentation, Commissioner Heydinger will draw upon her experience in managing some of Minnesota’s largest rate-making, contested case and rulemaking proceedings to demonstrate how you can effectively organize the large cases that are presented to you for a decision.

- (4) WRITING SKILLS 101: WRITING CLEAR AND CONCISE DECISIONS (M) Track 1**
Paul Keeper, Administrative Law Judge, Texas State Office of Administrative Hearings

The course will provide practical suggestions about organizing, producing, and editing a decision, whether simple or complex. Participants will learn how to sharpen their writing skills. Each participant will receive a notebook of exercises and principles about the basics of legal writing for decision-makers.

TUESDAY, SEPTEMBER 17, 2013

8:30 am – 10:00 am – SESSION 6

- (1) SHOULD I RECUSE MYSELF? CASE STUDIES IN DISQUALIFICATION (M) Track 1**
Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles

Have you ever been asked to recuse yourself from hearing a case? Have you ever wondered if you should have recused after a hearing was held? Do you know what case law says about the circumstances under which a hearing official should recuse? Using administrative case law from across the nation, this class tackles the sometimes problematic issues related to disqualification including disclosure, proper handling of recusal requests, bias or the appearance of bias, identifying ethical concerns, and the circumstances under which failure to recuse would be a due process violation. If the issues surrounding recusal seem challenging or awkward to you, this class will provide positive, practical methods for the handling of disqualification in the context of an administrative hearing.

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(2) EFFECTIVELY READING MEDICAL RECORDS (S) Track 2

Patricia J. Milun, Chief Judge, Minnesota Workers' Compensation Court of Appeals

Chief Judge Milun has a broad and deep background as to the proper resolution of claims from injured workers. Prior to her appointment as Chief Judge, Judge Milun served as a workers' compensation judge at both the Minnesota Department of Labor and Industry and the Office of Administrative Hearings, Deputy Commissioner of the Department of Labor and Industry, and a trial lawyer in private practice. Knowing that many contested cases turn upon the contents of medical records and testimony, Chief Judge Milun will describe how judges without formal medical training can best approach and interpret these materials.

(3) USES AND LIMITS OF LAY OPINIONS (M) Track 2

Edward Toussaint, Jr., Associate Dean, Multicultural Affairs and Distinguished Professor of Law, William Mitchell College of Law

Prior to joining the faculty of the law school, Dean Toussaint served as the Chief Judge of the Minnesota Court of Appeals – a position he held for 15 years. Earlier, Dean Toussaint served as a Hennepin County District Court judge, a Workers' Compensation Court of Appeals judge, and a claim counsel for American Family Insurance. In his presentation, Dean Toussaint will review the boundaries between expert opinions and opinion testimony from lay witnesses under the Rules of Evidence. He will provide a refresher on the proper limits of lay opinion under the evidence rules and describe the extra steps that the tribunal may wish to undertake when presented with a "skilled witness" who has "specialized knowledge."

(4) DEMEANOR EVIDENCE AND CREDIBILITY (M) Track 1

Gregory Ogden, Professor, Pepperdine University School of Law

This class will review the nature, history and use of demeanor evidence to determine the credibility of witnesses in fact finding. Discussion of other credibility factors recognized in evidence law, including such things as consistency or inconsistency of statements and psychological research related to truth-telling and deception and how that research may apply to credibility determinations. The course will also include analysis of written decisions that include credibility determinations and use of demeanor evidence as part of fact-finding to provide hypothetical examples for class discussion. Extensive materials prepared in advance will be given to enrollees as part of packet of course materials.

10:30 am – 12:00 pm – SESSION 7

(1) JUST HOW DO WE REALLY DECIDE CASES? (E) Track 1

Laurence H. Geller, Retired Presiding Administrative Law Judge, CA Department of Social Services
Peter Hemenway, Retired Administrative Law Judge, CA Department of Social Services

After we have heard our cases, we write decisions. But on what basis do we make our factual findings, how do we find and apply the law we will cite, and how likely would it be that another hearing officer would arrive at the same decision that we did? Let's figure out how much of the final decision is based on our own biases, predilections, fears and work ethic, and how much is based on an objective determination of the facts and law.

(2) FEDERAL HEALTH CARE EXCHANGES AND ADMINISTRATIVE APPEALS (S) Track 2

Lucinda E. Jessen, Commissioner, Minnesota Department of Human Services
Heather Howard, Director, State Health Reform Assistance Network

On October 1, 2013 people throughout the country can begin applying for health care through exchanges which were established under the Affordable Health Care Act (ACA). Citizens living in states which have not opted to create a state based health care exchange will be able to apply to the federal health care exchange. Nationally recognized experts Commissioner Lucinda Jessen and Heather Howard, Director of a Robert Wood Johnson Foundation initiative providing technical assistance to states implementing the ACA, will provide an overview of the federal health care exchange and how it will work.

(3) BEST PRACTICES IN INTERVIEWING THE ABUSED CHILD (S) Track 2

Warren Maas, MA, JD, L.P., Executive Director, Project Pathfinder

Warren Maas is both an experienced lawyer-litigator and mental health professional. Mr. Maas serves as the Executive Director of Project Pathfinder, one of Minnesota's largest outpatient sex offender treatment programs. Prior to his return to a mental health practice, as the Clinical Director of Project Pathfinder's Adult Program, Mr. Maas was the coordinator of the Hennepin County Commitment Defense Project, representing respondents in sexually dangerous person and sexual psychopathic personality commitment proceedings. As a lawyer and mental health clinician, he has special insight into the use of testimony from child witnesses in civil and criminal proceedings. In his presentation, he will outline items that careful judges should employ when assessing a child's testimony or a clinician's impressions from an interview with a child.

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(4) UNDERSTANDING ATTENTION DEFICIT DISORDERS (S) Track 2

Sheldon Braaten, Ph.D., Founder and Executive Director, Behavioral Institute for Children and Adolescents

Dr. Sheldon Braaten is the founder and Executive Director of the Behavioral Institute for Children and Adolescents and the former Meeks Distinguished Professor of Special Education at Ball State University. He is the author of numerous publications on program design, assessment, intervention planning, and policy development in special education. Dr. Braaten began his career as a therapist at a mental health center, and then served as a special education teacher followed by 18 years as the administrator of a special school for adolescents. In his presentation, Dr. Braaten will describe the wide range of ways that Attention Deficit Disorder can manifest itself with children, in both the classroom and in the wider community, and what judges should understand about this disorder.

1:30 pm – 3:00 pm – SESSION 8

(1) RULING ON OBJECTIONS (E) Track 1

James Gerl, Attorney, Scotti & Gerl, Lewisburg, West Virginia

"I object." We've all heard it a thousand times. This interactive session discusses objections and how we rule on them during an administrative hearing. Participants will also be encouraged to practice ruling on hypothetical objections during the session.

(2) STATE HEALTH CARE EXCHANGES AND ADMINISTRATIVE APPEALS (S) Track 2

Lucinda E. Jessen, Commissioner, Minnesota Department of Human Services

Panel: Liz Doyle, Associate Director, TakeAction Minnesota
Ralonda Mason, Supervising Attorney, Mid-Minnesota Legal Aid
Daniel Schmidt, Vice President, Great River Office Products
Michael Turpin, General Counsel, MNSure
Ghita Worcester, Senior Vice President, Public Affairs and Marketing, UCare

On October 1, 2013 people throughout the country can begin applying for health care through state based health care exchanges established pursuant to the Affordable Health Care Act (ACA). Commissioner Jessen will provide an overview of the choices and decisions Minnesota faced in establishing Minnesota's health care exchange and how it will work and **chair a panel discussion** about the future of the exchange from the points of view of panel members representing the exchange, small business, the health insurance industry, legal aid, and individuals.

(3) QUALIFICATIONS AND ASSESSMENT OF EXPERT OPINIONS (M) Track 2

Judge John B. Van De North, Second Judicial District of Minnesota

In addition to his service as a District Court Judge in the Second Judicial District, Judge Van De North is Chair of the Second District's Civil Division. Following his distinguished service as counsel to the Department of Revenue, Minnesota Pollution Control Agency and Public Utilities Commission as a Special Assistant Attorney General, and a prominent career with two of the state's leading law firms, Governor Arne Carlson appointed Judge Van De North to the District Court bench. In his presentation, Judge Van De North will outline some key evidentiary issues when judges receive and assess expert opinions.

(4) WRITING SKILLS 201: EDITING FOR WRITERS AND MANAGERS (E) Track 2

Paul Keeper, Administrative Law Judge, Texas State Office of Administrative Hearings

This interactive course will focus on editing your work and the work of writers whom you manage. The number of participants will be limited to the first twenty registrants. Each participant will receive a notebook of exercises and principles about the editing of administrative decisions and will submit writing samples, which will be the focus of our course work. In addition, we will address the often difficult issue of how to set and reach goals for improving the writing quality of your staff. Persons taking this class should have taken Writing Skills 101, either at this year's NAHO seminar or at last year's conference. *If your registration confirmation includes this course, you are one of the lucky 20! Please submit three writing samples (from any source) on or before August 23, 2013 to Paul Keeper at pdk1108@gmail.com.*

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WEDNESDAY, SEPTEMBER 18, 2013

8:30 am - 10:00 am – SESSION 9

(1) BUILDING AN ADMINISTRATIVE RECORD (M) Track 1

Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles

Virtually every case has the potential of being appealed. If appeal occurs, the last thing a hearing official wants is for the case to be remanded back to them. An appellate reviewing body can't speculate about what transpired or rely on parties' or counsels' unsubstantiated accounts of what occurred. The reviewing entity relies on the record created at the hearing. Often, the best way to avoid a remand is to provide a good hearing record. The hearing official, more than any other participant in the hearing, constructs the record. Yet, hearing participants often try to wield control of the hearing from the hearing officer, which can result in an unfair record that doesn't reflect what actually transpired. Using video clips from an actual administrative hearing, attendees will learn techniques for building a record that is comprehensive, comprehensible and a fair chronicle of events. If you hate remands, you may want to attend.

(2) IMPROVE YOUR HEARINGS BY BECOMING A MORE EFFECTIVE COMMUNICATOR (E) Track 1

***Laurence H. Geller, Retired Presiding Administrative Law Judge, CA Department of Social Services*
*Bonny M. Fetch, Administrative Law Judge, North Dakota Office of Administrative Hearings***

We will take an in-depth look at all the ways hearing officers communicate, with words and without words, covering the spectrum, which includes presiding at hearings, interacting one-on-one, participating as a member in a group, and speaking in front of a group. We will target key elements that you as a hearing official need to know to enhance your skills, confidence, and effectiveness as a communicator. Some relevant public speaking skills will also be considered.

(3) BUILDING ACCEPTANCE FOR ELECTRONIC FILING OF DOCUMENTS (E) Track 2

Judge Robert A. Awsumb, Second Judicial District of Minnesota

Prior to his appointment to the bench, Judge Awsumb had a distinguished career as a civil litigator and mediator. He has been a project leader in the development and implementation of the Minnesota state court's electronic filing and eCourt initiatives; including imaging, eFiling and eService, eSignatures and paperless case management. In his remarks, Judge Awsumb will describe how his tribunal built acceptance among court employees, the bench, and the organized Bar for electronic filing of court documents and electronic case management. He will describe the planning, strategies and tactics that a large and busy trial bench used to successfully transition its processes into the digital age.

(4) BEST PRACTICES FOR MANAGING THE HIGH PROFILE CASE (E) Track 2

Judge Kathleen R. Gearin, Second Judicial District of Minnesota.

Judge Gearin has presided over some of Minnesota's highest profile cases. In 2008, Judge Gearin served as part of the Canvassing Board that resolved disputed ballots in the U.S. Senate race between Al Franken and Norm Coleman. In 2009, Judge Gearin ruled that then-Governor Tim Pawlenty's decision to zero out certain appropriations, known as "unallotment," violated the separation-of-powers. In 2011, she presided over litigation to determine what, if any, services would continue during a state government shutdown. In a set of not-to-miss remarks, she will draw upon these hotly-contested cases to advise you on what to do when the eyes of the media and the public at large are focused on a case that is before you.

10:15 am - 11:30 am – SESSION 10

CLOSING KEYNOTE – *Judge Kevin S. Burke, Fourth Judicial District, Minnesota*

During his tenure on the bench, Judge Burke implemented training and time-management systems that reduced the time for disposition of cases to within six months of filing, with 90 percent of all civil cases resolved within a year. In this capstone address of this year's conference, Judge Burke will share with you the time-management strategies that he used to transform his court into what the *Minneapolis Star-Tribune* called a "ludicrously efficient, incredibly well-run and highly admired court system."

11:30 am - Conference Closing - *Norman J. Patenaude, NAHO President and Janice B. Deshais, NAHO Vice-President*

Certificates of attendance will be available at registration table

SCHOLARSHIPS AVAILABLE FOR CONFERENCE

The NAHO Board of Directors has authorized a limited number of scholarships to NAHO members to attend the 2013 Conference. These NAHO scholarships cover the total conference registration fee and all meals that are a part of the conference. NAHO scholarships do not cover travel and lodging expenses. Applicants for the NAHO scholarships must be members in good standing of NAHO.

The National Judicial College is also offering two scholarships to attend NAHO's upcoming conference. The NJC scholarships will cover one half of the conference registration fee and all meals that are a part of the conference. NJC scholarships do not cover travel and lodging expenses. In order to apply for an NJC-sponsored scholarship to attend NAHO's upcoming conference, you must be an alumnus of the National Judicial College in addition to being a member in good standing of NAHO.

To apply for either or both scholarships, submit a letter to the NAHO Scholarship Committee with the following information:

- You must verify that you are a member in good standing of NAHO or have applied to become a NAHO member. Your status may be verified by listing your NAHO membership number or by providing the date of your membership application.
- Employment information (employer, job title, length of time you have been a hearing official).
- Indicate whether you will be receiving any funding from your state or employer to attend the conference. If you will *not* be receiving any funding, please provide a letter from your supervisor/employer stating that you will not be receiving any funding.
- Indicate whether you are working on obtaining NAHO certification or recertification.
- Indicate whether you have previously received a scholarship, from either NAHO or NJC, to attend a NAHO professional development conference.
- If you are applying for an NJC scholarship, please indicate the title of the last NJC course you completed, the location of the course and the year of completion.

Letters of application must be received by **July 31, 2013**, to be considered. Only application letters which provide all of the above information will be considered. Send your letter of application and any supporting information by regular mail or by e-mail to:

Toni Boone, Administrative Law Judge
Office of Administrative Hearings
Department of Motor Vehicles
2701 E. Sahara Avenue
Las Vegas NV 89104
tboone@dmv.nv.gov

HOW TO REGISTER

To register for the conference on-line, visit the NAHO conference website at www.naho.org. To register via US mail, please print the form from the website and mail the form and accompanying payment to 2013 NAHO Conference, c/o YesEvents, P.O. Box 32862, Baltimore, MD 21282. Registrations by facsimile may be sent to (410) 559-2217. For registration assistance, call (800) 937-8728. For all other conference-related questions, call (701) 934-5436.

FULL CONFERENCE REGISTRATION FEES

\$460 Full conference registration for non-member
\$420 Full conference registration for NAHO member
\$435 Full conference registration for non-member from Minnesota
\$390 Full conference registration for NAHO member from Minnesota
\$400 Full conference registration fee if 5 or more from one employer are registered & paid at the same time. *Groups registered and paying at the same time must be entered together on-line. (This discount cannot be used for State of Minnesota registrants as they already receive a discounted fee.)*

Full conference registration fee includes the welcome reception on Sunday, September 15, 2013; a breakfast buffet and the luncheon on Monday, September 16, 2013; a breakfast buffet and the banquet on Tuesday, September 17, 2013; and a breakfast buffet on Wednesday, September 18, 2013. Guests are invited to attend at the rates noted below.

PARTIAL CONFERENCE REGISTRATION RATES

\$100 Partial registration – one session
\$200 Partial registration – one day

Partial conference registration fee does not include the reception, breakfasts, luncheon, or banquet. Partial registrants are invited to join any event at guest rate in addition to the partial registration fee.

GUEST MEAL FEES

\$25 Reception – Sunday, September 15, 2013
\$30 Luncheon – Monday, September 16, 2013
\$45 Banquet – Tuesday, September 17, 2013
\$12 Each Breakfast – Mon., Tues. and Wed., September 16-18, 2013

Payment may be made by purchase order or payment voucher. However, prompt payment is expected. NAHO will assess a \$25 monthly late charge on the first of every month for payments 60 days overdue from the date of billing and every 30 days thereafter. At the time of registration, NAHO must be informed of any information or materials needed by an agency or state to process payment.

REGISTRATION ENDS SEPTEMBER 3, 2013!

CANCELLATION POLICY

To receive a full refund, a request must be received on or before 5 p.m. CT, September 3, 2013, and sent by email to NAHOinfo@yesevents.com. A cancellation fee of \$75 will be deducted from your refund for cancellations made between September 4 and 10, 2013. NO REFUNDS WILL BE GIVEN AFTER September 11, 2013. Registration fees are transferable, one time only. (The fee may be transferred to another registrant to attend the 2013 conference, or the fee may be applied to the cost of the registration fee to attend the 2014 conference. In no case may a registration fee be transferred beyond one year.)