

National Association of Hearing Officials
2015 ANNUAL
PROFESSIONAL DEVELOPMENT
CONFERENCE

Southwestern Skies

Professional Development in the
"West's Most Western Town"

October 25-28, 2015 | Chaparral Suites | Scottsdale, AZ

FEATURING:

- Training sessions to interest and educate new and experienced hearing officials and others involved with the administrative hearing process;
- Course offerings covering general and specialized areas of administrative hearings practice such as decision writing, HIPPA confidentiality, ruling on objections and witness credibility;
- Keynote presentations by speakers who will inform, entertain and provoke with their insights on interesting topics;
- Interaction with NAHO members, hearing officials, faculty and others from across the country;
- Social events and free time to enjoy Scottsdale and the Phoenix area!

WHO SHOULD ATTEND?

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

Have Fun IN SCOTTSDALE



Relax by the Pool



Enjoy Tennis or a Round of Golf



Great Places to Shop



Fun Places to Eat



Great Scenery to Enjoy

Invitation FROM THE PRESIDENT

Dear Colleagues:

I have the pleasure of inviting you to the 2015 professional development conference that will be held in Scottsdale, AZ from Sunday, October 25 to Wednesday, October 28. This annual convocation of hearing officials and faculty promotes the advancement of knowledge in our world of adjudicatory hearings, provides training on a variety of subjects and allows for the exchange of ideas and experiences with peers. The temperature there in October is pleasantly in the 70's and 80's during the day with cooler evenings and the sun shines over 300 days a year. The city is located in the beautiful Sonoran desert and is bordered by Phoenix to the west and the McDowell Mountains to the east. It is a renowned tourist and wintering destination that draws over six million visitors a year.



The conference will take place at Chaparral Suites with its Spanish colonial architecture, lush greenery, two pools, fitness center, lounge, restaurant, and conference center. The hotel honors the discounted federal government lodging rate and provides a free cook-to-order breakfast every morning as well as a free hospitality hour every afternoon from 5 to 7 p.m. in the clubhouse. The hotel is located about 20 minutes from Phoenix International Airport and provides free shuttle service to its guests from 6:00 a.m. to 9:00 p.m. The hotel is also located about a mile from historic Old Town Scottsdale, upscale Fashion Square Mall and the trendy Fifth Avenue district with its 220 eclectic shops and boutiques, lounges, 70 restaurants, museums and 50 art galleries. It's an easy walk or you can ride the roving golf buggies for just the price of a tip. Scottsdale offers many recreational venues including dozens of golf courses that host famous tournaments. The Phoenix metropolitan area is the sixth largest in the country with lots to see and do in downtown Phoenix where the Super Bowl festivities took place earlier this year.

The conference planning committee under the leadership of the vice-president has once again put together an impressive program of training and special events. The conference officially begins with roundtable sessions on Sunday morning and a welcome reception on Sunday evening. The following three days of academic programming will feature an opening keynote address by the Chief Justice of the Arizona Supreme Court as well sessions on decision writing, dealing with ethical issues, evidence fundamentals, handling difficult lawyers and other hearing participants, preserving the record, the history of administrative law, ruling on objections, assessing witness credibility and many more timely subjects. Our program qualifies for continuing legal education credits in most jurisdictions.

In addition to the stimulating educational programs, there will be many opportunities to get to know your colleagues from across the country. The registration fee includes the Sunday evening reception, the daily complimentary breakfast and hospitality hour, the complimentary airport shuttle service, all training classes, the Monday luncheon with the Attorney General, refreshment breaks and the Tuesday evening awards banquet. Please look at our training program and make your plans to join us in October.

I look forward to welcoming you to "the west's most western town" as the city's slogan states.

Norman J. Patenaude, CALJ
President

October 25-28, 2015 | Chaparral Suites | Scottsdale, AZ

MAKING YOUR HOTEL RESERVATIONS

The deadline to receive the conference rate for your hotel room is October 2nd, 2015. All conference participants must contact the Chaparral Suites Scottsdale by on-line reservation located at www.chaparralsuites.com. The group code for on-line reservations is 12994. You may also contact the hotel by telephone toll free at (800) 528-1456 to reserve your room. You must mention "National Association of Hearing Officials" when making telephone reservations.

You will need to provide a credit card number to guarantee your room. All reservations are subject to the hotel's 48 hour cancellation policy. If a guest cancels their room within 48 hours prior to arrival they will be charged one night's room plus tax. The guaranteed room block is limited, so please make your reservations early!

GETTING TO AND FROM THE HOTEL

Complimentary Airport Shuttle Transportation – When you arrive and after picking up your luggage, call the Chaparral Suites operator on the courtesy phones provided at the airport or direct at (480) 949-1414. Please inform the hotel operator you need a shuttle and let them know your airline. They will inform you where to meet the shuttle driver and the approximate time of his arrival.

Returning to the airport – The hotel shuttle runs every hour on the hour from 6 a.m. to 9 p.m. by appointment. Be sure to sign up for the shuttle at check-in to secure a seat.

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! You can now join NAHO online! 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 to NAHO Membership, 847 South Dorset Place, Eagle, Idaho 83616. If you are using PayPal to pay for your membership, please include a copy of your PayPal receipt with your application form.

NAHO membership is open to all current and former administrative hearing officials. The Membership Committee considers all applications for regular membership; associate membership is available for those whose status does not meet the definition of administrative hearing officials. Associate memberships are considered by the NAHO Board at its next regularly scheduled meeting. Please allow time for processing and consideration in order to qualify for a particular NAHO member or associate member registration rate.

NAHO membership runs from January to December. Annual dues are as follows.

Individuals:

Renewal \$35 (\$90 for 3 years); New or lapsed membership \$45 (\$105 for 3 years)

Groups of 5-24 (from same agency, paying at same time):

Renewals \$30 per person; New or lapsed membership \$40 per person

Groups of 25 + (from same agency, paying at same time):

Renewals \$25 per person; New or lapsed membership \$35 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 that 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 officers 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. NAHO membership is required for certification. Courses attended at this year's conference may be considered towards meeting certification requirements for 2015. Core requirements can be met by attending annual NAHO conferences, viewing DVDs from the NAHO library, and by participating in other recognized programs addressing the hearing process.

For complete information on certification, visit www.naho.org. Individuals seeking certification or recertification at the 2015 conference should submit complete applications postmarked by September 10, 2015 to: NAHO Certification Committee, C/O Michael Blain, Chairman, 2253 Monaghan Drive, Tallahassee, Florida 32309

CONFERENCE HOTEL & EVENTS



CHAPARRAL SUITES SCOTTSDALE

5001 N Scottsdale Road
Scottsdale, AZ 85250
Telephone: (480) 949-1414
Toll free: (800) 528-1456
Fax: (480) 947-2675
www.chaparralsuites.com



WELCOME RECEPTION

Paloma Garden
Sunday, October 25
6:00 pm – 8:00 pm



LUNCHEON

Hacienda Room
Monday, October 26
11:45 am – 1:00 pm



BANQUET

Tuesday, October 27
Outdoor Reception 6:00 pm
Paloma Garden
Dinner 7:00 pm Hacienda Room

KEYNOTE SPEAKERS

Chief Justice W. Scott Bales, Arizona Supreme Court

Opening Address, Monday, 9:00am



Appointed in 2005 by Governor Janet Napolitano, Justice Bales was retained for a six-year term in 2008. He was elected by his fellow justices as Chief Justice of the Arizona

Supreme Court, effective June 27, 2014. Justice Bales received a B.A. cum laude, in 1978 from Michigan State University. He graduated from Harvard University with an M.A. in Economics in 1980 and earned his J.D., magna cum laude, from Harvard Law School in 1983. While at Harvard Law School, he was a member of the Board of Editors of the Harvard Law Review. Following law school, Bales clerked for the Office of the Solicitor General, the U.S. Court of Appeals and, for Supreme Court Associate Justice Sandra Day O'Connor. Following his clerkships, Justice Bales went into private practice in Phoenix from 1985 to 1994. He was an Assistant U.S. Attorney for the District of Arizona from 1995 to 1999, including service from 1998 to 1999 as Deputy Assistant Attorney General in the U.S. Department of Justice's Office of Policy Development. Justice Bales served as Arizona Solicitor General from 1999 to 2001. He was a partner at Lewis and Roca from 2001 until his appointment to the Supreme Court.

Mark Brnovich , Arizona Attorney General

Luncheon Address, Monday, noon



The Attorney General was sworn into office on January 5, 2015. Originally from Detroit, he grew up in Phoenix and graduated from Arizona State University. He graduated from

law school at the University of San Diego, but returned to Arizona after graduation. A prosecutor for the Maricopa County Attorney's Office in the Gang/Repeat Offender Unit, Brnovich went on to work at the Arizona Attorney General's Office and represented the Arizona Department of Gaming, where he developed an expertise in gambling law. Brnovich previously served as the Director of the Goldwater Institute's Center for Constitutional Government, and authored numerous studies, articles, and briefs advocating for free markets and individual liberty. He also briefly served as a Senior Director for the Corrections Corporation of America before returning to being a prosecutor. Brnovich served as an Assistant U.S. Attorney where he prosecuted public integrity crimes as well as crimes occurring in Indian Country. He left the U.S. Attorney's Office to serve as the Director of the Arizona Department of Gaming, an agency that investigates illegal gambling activity and works with tribal regulators to ensure the integrity of tribal gaming.

Derek Bambauer, Professor of Law, University of Arizona, James E. Rogers College of Law

Closing Address, Wednesday, 10:30am



Derek Bambauer teaches Internet law and intellectual property. His research treats Internet censorship, cybersecurity, and intellectual property. He has also written technical articles on data recovery and fault tolerance, and on deployment of software upgrades. A former principal systems engineer at Lotus Development Corp. (part of IBM), Professor Bambauer spent two years as a Research Fellow at the Berkman Center for Internet & Society at Harvard Law School. At the Berkman Center, he was a member of the OpenNet Initiative, an academic consortium that tested and studied Internet censorship in countries such as China, Iran, and Vietnam. At the University of Arizona, Bambauer is the founder and director of the IP & Entrepreneurship Clinic, which offers legal services to start-ups. He is one of the authors of Info/Law, a popular blog that addresses Internet law, intellectual property, and information law. He received his law degree from Harvard Law School, magna cum laude, and holds an A.B. from Harvard College, summa cum laude.

At the University of Arizona, Bambauer is the founder and director of the IP & Entrepreneurship Clinic, which offers legal services to start-ups. He is one of the authors of Info/Law, a popular blog that addresses Internet law, intellectual property, and information law. He received his law degree from Harvard Law School, magna cum laude, and holds an A.B. from Harvard College, summa cum laude.



SCHEDULE & COURSE DESCRIPTIONS

SUNDAY, OCTOBER 25, 2014

Registration – 8:00 AM to NOON - West Foyer

9:00 am – CONFERENCE OPENING – Norman J. Patenaude, NAHO President
Janice Deshais, NAHO Vice-President

9:30 am to 11:00 am – SESSION 1

ROUNDTABLES

1. ADVICE FOR THE NEW HEARING OFFICIAL

Facilitators - Toni Boone, ALJ, NV Department of Motor Vehicles (retired)

W. Michael (Mick) Gillette, Justice, OR Supreme Court (retired)

This roundtable, while designated for hearing officials who've been on the job five years or less, will provide tips and techniques beneficial to any hearing official. This session will be wholly participant-driven, meaning that the attendees will select the subject matter for discussion. You can bring your job concerns to this roundtable, discuss them in a relaxed environment with like-minded folks, and leave with some concrete suggestions from veteran hearing officials that will make your work-life better.

2. CHALLENGES FOR EXPERIENCED HEARING OFFICIALS

Facilitators - Andrea Lee, Deputy Commissioner, VA Workers Compensation Commission

Peter Halbach, Chief Hearing Officer, ND Department of Transportation

This roundtable will explore current issues facing the experienced hearing official such as Pro Se litigants, how to handle difficult litigants, telephonic/video hearings, use of technology in hearings, high volume cases, time management, interpreters, security in the hearing room, etc. We will brainstorm "hot topics" and assist one another by offering possible solutions and meaningful approaches to the challenges we face.

3. MANAGERS OF HEARING OFFICIALS: PROMOTING EFFECTIVE MANAGEMENT

Facilitators - Bonny M. Fetch, ALJ, ND Office of Administrative Hearings (retired)

Hugo Franco, Chairman, AZ DES Appeals Board (retired)

Discussion will focus on management challenges such as staff supervision and discipline, and developing more effective communication and leadership skills. There will also be an opportunity to discuss any other management issues participants wish to address.

AFTERNOON

Free Time – Relax by one of the hotel pools or play tennis on the hotel court. See the hotel concierge to arrange a round of golf on one of many local courses. Explore Old Town Scottsdale, the Fashion Square Mall or the Fifth Avenue District with eclectic shops and sights. Eat at one of the area's great restaurants or visit a museum or an art gallery. You can walk to many attractions or ride a "golf buggy" for just the price of a tip.

WELCOME RECEPTION - Paloma Garden, Chaparral Suites, 6:00 – 8:00 PM

MONDAY, OCTOBER 26, 2015

Registration – 8:00 AM to 4:00 PM, West Foyer

8:30 am – 9:00 am – Opening Remarks – Norman J. Patenaude, NAHO President
Local Welcome Speaker, Scottsdale Convention and Visitors Bureau

9:00 am - 9:45 am – OPENING ADDRESS –
The Hon. W. Scott Bales, Chief Justice, Arizona Supreme Court

10:00 am to 11:30 am – SESSION 2

1. "DEALING WITH YOUR PEEPS:" MANAGING DIFFICULT LAWYERS AND PRO SE HEARING PARTICIPANTS (E)

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

What tools can a hearing officer use to deal with difficult lawyers and disruptive parties? In this highly interactive session, seasoned hearing officer and frequent NAHO lecturer Jim Gerl will discuss the need for proper decorum and will provide techniques for dealing with contumacious counsel and out-of-control pro se parties.

SCHEDULE & COURSE DESCRIPTIONS

2. HOW FACTS ARE PROVEN: WEIGHING THE EVIDENCE (M)

W. Michael (Mick) Gillette, Justice, OR Supreme Court (retired)

You are the Trier-of-Fact. As such, you must ascertain the facts from the evidence presented. But fact-finding in administrative hearings involves more than determining the admissibility of evidence. We must evaluate the *sufficiency* of the evidence—we must determine how much *weight* will be given to each piece of evidence. If you've ever been unsure as to which side had the greater weight of evidence, you'll find this session to be valuable.

3. HISTORY AND DEVELOPMENT OF ADMINISTRATIVE LAW (M)

Gregory Ogden, Professor, Pepperdine University School of Law

Discussion of the nature, history, and evolution of American administrative law. Topics will include the history of administrative law in the United States, starting with the early federal agencies (ICC, FTC), the New Deal expansion of federal agencies, the adoption of the federal APA, the later expansion of federal agencies in the 1960's and 1970's, and the evolution of state administrative law, including the rise of worker's compensation agencies, and state pension laws, the adoption of the MSAPA, and the development of state agencies in social welfare fields as a response to federal laws, and money. Other topics include types of agencies and administrative agencies functions in the executive branch, development of administrative adjudication and rulemaking, and the important roles played by the courts in developing the law governing administrative agencies.

11:45 am – 1:00 pm – LUNCHEON – Hacienda Room
The Hon. Mark Brnovich, Arizona Attorney General

1:15 pm – 2:45 pm – SESSION 3

1. DECISION WRITING 101: WRITING CLEAR DECISIONS UNDER A DEADLINE (M)

Paul Keeper, ALJ, TX State Office of Administrative Hearings (retired)

As hearing officials, we constantly balance the need to write effectively against the duty to meet our deadlines. This course, taught by a former master-level ALJ, will review techniques to produce decisions that satisfy both requirements. Judge Keeper will address the challenges of preparing single-issue decisions, as well as the unique problems of multi-day cases with complex cases involving multiple parties. Examples from recent cases will be used. Time will be reserved for questions.

2. HOW TO HANDLE HIGH VOLUME HEARINGS WITHOUT LOSING YOUR MIND (E)

Toni Boone, ALJ, NV Department of Motor Vehicles (retired)

Does it seem like there aren't enough work hours in your workday? Is your caseload such that you worry about meeting statutory deadlines? Do you have to take work home or work longer hours to keep from falling behind? If this describes your situation, come to this session and get some practical, common-sense case management and time management advice to make your work-life less stressful.

3. HIPPA: CONFIDENTIALITY AND PRIVACY ISSUES (S)

Gregory Ogden, Professor, Pepperdine University School of Law

Discussion of the nature, types and scope of health care information protected by the HIPPA law; covered entities; non covered entities; the HIPPA privacy rule; balancing privacy against the need to use information to provide high quality health care and protect the public health; how health care information is protected under HIPPA; the duty to protect medical records under HIPPA; electronic health records and HIPPA; remedies for disclosure of protected information subpoenas and court orders that require disclosure of information protected by HIPPA; and related medical records privacy protections under Freedom of Information Act(FOIA) and state public records act provisions.

3:00 pm - 4:30 pm – SESSION 4

1. IMPROVING THE COMMUNICATION OF ADMINISTRATIVE HEARINGS: INTEGRATING COMMUNICATION THEORY AND CO-CURRICULAR ACTIVITY STRATEGIES INTO ADMINISTRATIVE HEARING DISCOURSE (E)

Kevin Walling, Professor, Grand Canyon University

Barry Regan, Professor, Grand Canyon University

Administrative hearings are fruitful forums to analyze legal and interpersonal discourse, but little scholarship exists on proven communication strategies in these settings. This course seeks to apply a wide range of communication theories to administrative hearings to improve the quality of discourse between hearing officer and appellant. The presenters will also draw upon strategies taught in co-curricular activities such as intercollegiate speech and debate and mock trial to create concrete guidelines to apply in an administrative hearing setting. Through the integration of academic theories and practical applications, the course hopes to change the discussion and direction of administrative hearings.

2. RULING ON OBJECTIONS: WHAT TO DO WHEN SOMEONE OBJECTS AND YOU HAVE TO DO SOMETHING (E)

Peter Halbach, Chief Hearing Officer, ND Department of Transportation

Ruling on objections need not be anxiety causing. While the rules of evidence vary somewhat from one jurisdiction to another, the objections we hear are pretty much the same. This session will encourage you to embrace the rules of evidence so you can confidently respond to the most common objections. Knowing what to do and, perhaps as importantly, what the objecting party must do and when, will help you hold fair hearings for all parties while producing a better record for any subsequent review.

SCHEDULE & COURSE DESCRIPTIONS

3. FACT FINDING OR GUESSING: YOU DON'T GET TO CHOOSE! (E)

Laurence H. Geller, Presiding ALJ, CA Department of Social Services (retired)

Peter Hemenway, ALJ, CA Department of Social Services (retired)

We will discuss what techniques we use to obtain the information which leads us to make certain determinations rather than others. Do we ask questions, and if so when and why? What standard of proof do we require, what assumptions and inferences do we make, and how do we decide what findings are necessary to resolve the case?

TUESDAY, OCTOBER 27, 2015

8:30 am – 9:00 am – GENERAL SESSION

NAHO ANNUAL MEMBERSHIP MEETING

9:15 am - 10:45 am – SESSION 5

1. ETHICS: A DYNAMIC APPROACH TO HANDLING ETHICAL PROBLEMS (M)

Bonny M. Fetch, ALJ, ND Office of Administrative Hearings (retired)

Gregory Ogden, Professor, Pepperdine University School of Law

Paul Keeper, ALJ, TX State Office of Administrative Hearings (retired)

Bonny Fetch and Paul Keeper are very experienced hearing officials. Greg Ogden is a distinguished law professor. They have a broad range of expertise with various types of hearings and with ethical issues involved in the hearing process. Taking actual cases they have faced, Bonny, Paul and Greg will discuss real cases and issues and offer practical advice to help you avoid foreseeable ethical dilemmas and handle those that may arise. Some of the topics to be discussed include outside evidence, multiple ALJs, contact with party representatives, expert witnesses and falsified documents. Other topics include outside research, competence of counsel, mediated settlements, retiring colleagues, and gifts from attorneys.

2. DUE PROCESS OF LAW AND HOW IT IMPACTS OUR HEARINGS (M)

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

On this 800th anniversary of the Magna Carta, the precursor to due process, long time hearing officer and popular NAHO lecturer Jim Gerl will ask you to consider exactly what “due process of law” means in terms of the work that a hearing officer does. 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. ARE THEIR PANTS ON FIRE? ASSESSING CREDIBILITY AND ARTICULATING CREDIBILITY FINDINGS IN YOUR DECISIONS (M)

Toni Boone, ALJ, NV Department of Motor Vehicles (retired)

W. Michael (Mick) Gillette, Justice, OR Supreme Court (retired)

We often have to decide the outcome of a hearing by determining which witness testified most believably. But how, exactly, do you tell who is telling the truth and who is lying? Once you've settled on which witness you believe, it's not enough to say the other witness wasn't credible. You have a duty to explain why he or she wasn't credible, which is often difficult to do. If you've experienced these sorts of dilemmas, this session will provide you with straightforward, usable recommendations for resolving conflicts in testimony and explaining why you found certain testimony implausible.

11:00 am – 12:30 pm – SESSION 6

1. INTRODUCTION TO ETHICS FOR ALJs (M)

Inta Sellars, Supervising ALJ, Appeals Division, MN Department of Human Services

Louis Thayer, Supervising ALJ, Appeals Division, MN Department of Human Services

This session will explore the ethical issues administrative law judges face, using lecture and hypothetical situations resolved in small groups. Participants will become familiarized with the Model Code of Judicial Conduct. Participants will be encouraged to explore their individual state codes for comparison with the model code.

2. PROBATE IN TRIBAL COMMUNITIES: WHERE THE LAW AND CULTURE CAN COLLIDE INTO CONFUSION (S)

Charlene D. Jackson, Attorney, Jackson Law Firm, Queen Creek, Arizona

When an individual passes, his or her estate is normally handled in the probate court. However, in many tribal communities, an estate can become fractionated with cases in different jurisdictions, subject to different law, including tribal law which may conflict directly with tribal custom. This session is offered to provide insight into the issues tribal judges face when faced with probate cases in tribal court.

SCHEDULE & COURSE DESCRIPTIONS

3. DEALING WITH DIVERSITY ETHICALLY: SAFEGUARDING FAIRNESS FOR PERSONS OF OTHER CULTURES (M)

Toni Boone, ALJ, NV Department of Motor Vehicles (retired)

Our world is shrinking. The likelihood that you will be required to preside over a hearing involving a person from a culture unfamiliar to you has never been greater. The languages, symbols, values and norms of persons of other cultures are often not the same as our own, which can lead to miscommunication and misunderstandings. We have an ethical obligation to provide access to justice for people of all cultures. This session will explain how to avoid offending people of other cultures, how to facilitate better intercultural communication and how to foster the intercultural understanding necessary to meet our ethical obligation to provide a fair hearing process for all.

2:00 pm – 3:30 pm – SESSION 7

1. WHAT AM I GOING TO DO? PREPARING AND PRESERVING THE HEARING RECORD (E)

Linda Snow, Special Projects Program Manager, TX Health and Human Services Commission

The hearing record contains the documents and testimony the hearing officer or judge used to make the decision. The decision is based solely on the review of the documents and admissible testimony contained in the hearing record. The hearing officer or judge holds the responsibility for creating an administrative record that allows for a clear and supportable decision. This session discusses how hearing officers and administrative law judges develop an administrative record, demonstrates the path followed in making a decision, and includes the documents and testimony considered by the decision maker.

2. HANDLING HIGH PROFILE CASES: HOW TO KEEP YOUR COOL, CALM THE MEDIA, AND CONTROL THE HEARING (E)

Janice B. Deshais, Director/Hearing Officer, CT Department of Energy & Environmental Protection

Bonny M. Fetch, ALJ, ND Office of Administrative Hearings (retired)

"High profile" cases are often controversial, very contentious, or involve a subject or parties which incite a significant amount of public interest and attention. Conducting these cases, which is usually done in the spotlight of an overly inquisitive press that wants a story on deadline, is often difficult and stressful. Parties may not want to discover the truth or make progress in addressing the issues that are the subject of the hearing. Parties may be well-known or even notorious public figures. These hearings tend to draw large audiences and involve multiple attorneys and witnesses. Hearings often progress over several days or even weeks. And you, as the hearing official, must find a way to keep cool, calm the media and control the hearing. This session is taught by two hearing officers with over twenty years of experience with these types of hearings. They will help you learn how to more effectively conduct yourself so that you maintain a high degree of professionalism, handle the press, and control the process.

3. TECHNOLOGICAL COMMUNICATIONS AND PUBLIC PERCEPTIONS OF FAIR HEARINGS (E)

Kevin Walling, Professor, Grand Canyon University

Barry Regan, Professor, Grand Canyon University

Many courts and administrative agencies have adopted technological communication methods such as video-conferencing in the fair hearing process. In many cases, these practices have cost saving benefits. This course seeks to examine whether the public is satisfied with these types of communications, and whether members of the public feel they have had an adequate opportunity to be heard. This course will also consider best practices of technological communications and fair hearings.

3:45 pm – 4:45 pm – SESSION 8

1. CONDUCTING SPECIAL EDUCATION HEARINGS: EVERYTHING YOU WANT TO KNOW (S)

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

The interactive course will be presented by NAHO faculty member Jim Gerl who has been conducting special education hearings for over 25 years. This substantive session will be audience-driven as it will address issues of interest to attendees. Please come with your questions and topics! Whether you are a newbie to special education hearings or an experienced veteran, Jim will share his advice and assistance.

2. EFFECTIVE EDITING: IMPROVING YOUR DECISION (or SOMEONE ELSE'S) (E)

Paul Keeper, ALJ, TX State Office of Administrative Hearings (retired)

The most difficult part of writing is often editing a draft into final form. Whether the task is editing your own work or someone else's, the challenges can be daunting. This course will provide practical suggestions, including: distinguishing the roles of writer and editor, editing for substance and form, how to organize a peer-review editing process, and choosing a style manual. This course will not duplicate issues addressed in *Decision Writing 101*, so feel free to attend each. Time will be reserved for questions.

3. FINALLY OVERCOMING YOUR FEAR OF PUBLIC SPEAKING (E)

Laurence H. Geller, Presiding ALJ, CA Department of Social Services (retired)

Many people, including perhaps some Hearing Officials, may be uncomfortable or even terrified about speaking in public. This class will explore one's fears and offer positive steps to overcome them permanently. Yes You Can!

SCHEDULE & COURSE DESCRIPTIONS

TUESDAY, OCTOBER 27, 2015

ANNUAL AWARDS BANQUET

6:00 pm Reception – Paloma Garden

7:00 pm Dinner – Hacienda Room

WEDNESDAY, OCTOBER 28, 2015

8:30 am - 10:00 am – SESSION 9

1. THE BIAS WITHIN US: CONFRONTING THE CHALLENGE WE FACE (E)

Laurence H. Geller, Presiding ALJ, CA Department of Social Services (retired)

Peter Hemenway, ALJ, CA Department of Social Services (retired)

This class focuses on the many unrecognized biases that may intrude into the hearing and decision-making process. The class will challenge participants to examine their own impartiality. We will discuss how we react when people appearing before us have an "attitude," or are obese or very short or very tall, people who smell of cigarettes or alcohol, or who talk too long or too loudly. And how, if these things affect us, they can impact the kind of hearing we conduct and the kind of decision we write.

2. CHILD MALTREATMENT APPEALS (S)

Inta Sellars, Supervising ALJ, Appeals Division, MN Department of Human Services

This class, which will focus on the skills needed to hear appeals in child maltreatment cases, will be taught by an experienced hearing official who oversees appeals of child maltreatment determinations and is also knowledgeable in many aspects of child welfare. Participants will learn how to identify child maltreatment, analyze children's testimony and forensic interviews, and make child witnesses more comfortable in the hearing room.

3. COMPLICATED CASE MANAGEMENT IN TRIBAL COURT: NOT JUST THE CLERK'S RESPONSIBILITY (S)

Charlene D. Jackson, Attorney, Jackson Law Firm, Queen Creek, Arizona

Cases can become complicated for many reasons. Perhaps the dispute involves a large family, is emotionally charged, relates to cultural beliefs, includes complicated facts or involves a pro se litigant, difficult attorney or advocate, it is important for tribal judges to effectively manage the case, not only for the litigants but for the case and case precedent. This session is presented to provide hearing officials with insights and tips on managing cases in tribal court.

10:30 am - 11:30 am – SESSION 10

CLOSING ADDRESS –

CYBERSECURITY AND PRIVACY IN THE INTERNET OF THINGS

Derek E. Bambauer, Professor of Law, University of Arizona James E. Rogers College of Law

The advent of the Internet of Things raises challenging privacy and cybersecurity questions. Devices from cars to home appliances to medical devices share data over the Net, often without human interaction. As the Internet itself becomes increasingly invisible, we will have to resolve issues around uses of information (particularly personally identifiable information), appropriate security precautions, and surveillance by both public and private actors. While existing statutory and constitutional regimes provide some useful guidance, they are not adequate to the task of regulating the Internet of Things, and new approaches are needed.

11:30 am - Conference Closing - Norman Patenaude and Janice Deshais

SCHOLARSHIPS AVAILABLE FOR 2015 PROFESSIONAL DEVELOPMENT CONFERENCE

The NAHO Board of Directors has authorized a limited number of scholarships to NAHO members to attend the 2015 Professional Development Conference. These NAHO scholarships cover the total conference registration fee and all group meals that are a part of the conference. NAHO scholarships do not cover travel expenses, lodging expenses or meals that are not provided as a part of the conference. Applicants for the NAHO scholarships must be members in good standing of NAHO.

The National Judicial College is also offering a scholarship to attend NAHO's conference. The NJC scholarships will cover the entire conference registration fee and all group meals that are a part of the conference. NJC scholarships do not cover travel expenses, lodging expenses or meals that are not provided as a part of the conference. 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.

Those interested in applying for either or both scholarships must 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 to attend a NAHO professional development conference and the year you received the scholarship.
- 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 September 1, 2015 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 email to inotenoob@comcast.net or regular mail to:

Toni Boone, CALJ
NAHO Western Region Representative
7102 SW Iron Horse Street
Wilsonville, OR 97070-8879

HOW TO REGISTER REGISTRATION JULY 10 – OCTOBER 8, 2015

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 2015 NAHO Conference, c/o YesEvents, 1700 Reisterstown Rd., Suite 236, Pikesville, MD 21208. Registrations by facsimile may be sent to (410) 559-2217. For registration assistance, call (800) 937-8728. For all other conference-related questions, call (612) 760-2787.

FULL CONFERENCE REGISTRATION FEES:

- \$465.00** Full conference registration for non-member
- \$425.00** Full conference registration for NAHO member
- \$440.00** Full conference registration for non-member from Arizona
- \$400.00** Full conference registration for NAHO member from Arizona

Full conference registration fee includes the welcome reception on Sunday, October 25, 2015; the luncheon on Monday, October 26, 2015; the banquet on Tuesday, October 27, 2015; coffee and any other refreshments served at break times are also included. Guests are welcome at the rates noted below.

PARTIAL CONFERENCE REGISTRATION RATES:

- NAHO members -- \$100/day, one day only**
- Non-members -- \$150/day, one day only**
- Students -- \$50/day, one day only (with valid student ID)**

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

GUEST FEES:

- \$25.00** Reception – Sunday, October 25, 2015
- \$30.00** Luncheon – Monday, October 26, 2015
- \$45.00** Banquet – Tuesday, October 27, 2015

PAYMENT POLICY:

Pre-payment for full or partial registration may be made only by purchase order, payment voucher, or credit card. Prompt payment is expected. NAHO will assess a \$75 monthly late charge per registrant 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 that will be needed by an agency or state to process payment. **Walk-in registrations** are welcome, however **all walk-in registration fees may only be paid by credit or debit card**. No purchase orders or payment vouchers will be accepted for walk-in registrations.

CANCELLATION POLICY:

To receive a full refund, a request must be received on or before 5 p.m. EST, October 9, 2015, and sent by email to NAHOinfo@yesevents.com. A cancellation fee of \$75 will be deducted from your refund for cancellations made between October 10 and 17, 2015. NO REFUNDS WILL BE GIVEN for cancellations received on October 18, 2015 or later. Registration fees are transferable, one time only. (The fee may be transferred to another registrant to attend the 2015 conference, or the fee may be applied to the cost of the registration fee to attend the 2016 conference. In no case may a registration fee be transferred beyond one year.)