



NATIONAL ASSOCIATION OF HEARING OFFICIALS



2021 ANNUAL PROFESSIONAL DEVELOPMENT CONFERENCE

PHILADELPHIA

OCTOBER 31 - NOVEMBER 3
ELEMENT HOTEL



NATIONAL ASSOCIATION OF HEARING OFFICIALS

2021 ANNUAL PROFESSIONAL DEVELOPMENT CONFERENCE

ELEMENT HOTEL , PHILADELPHIA
OCTOBER 31 – NOVEMBER 3

FEATURING:

- Over 50 hours of MCLE instruction from which to choose to interest and educate administrative hearing officials, practitioners, and others involved in the administrative hearing process;
- Course offerings covering general areas of administrative hearings practice such as credibility assessment, due process, ethics, implicit bias, conducting legal research, decision writing, evidence (basic and advanced), diversity, equity and inclusion, appellate judicial review, hearsay, qualifying expert witnesses, and many more topics, taught by law professors, appellate judges or knowledgeable, experienced administrative adjudicators who are also skilled presenters;
- Presentations on hearing management including hearings involving persons who are self-represented, have mental health issues, or have “high conflict” behavioral disorders.
- Sessions covering specific areas of administrative law, such as SNAP (Nutrition Assistance) Intentional Program Violation Hearings, Medicaid Disability hearings, Title IX hearings, Special Education/IDEA hearings, and Student Discipline hearings;
- Mock hearings and facilitated discussions on emerging topics in administrative law; and
- Opportunities for the exchange of ideas and experiences, in both formal and informal settings, with administrative adjudicators, faculty and others from across the nation.

WHO SHOULD ATTEND?

- Administrative Adjudicators:
 - ALJs
 - Hearings Examiners
 - AJs
 - Hearing Officers
 - Board and Commission Members
- Attorneys
- Managers of Agency Adjudicators
- Agency Hearings Representatives/Advocates

Message FROM THE PRESIDENT

PLEASE JOIN US IN PHILADELPHIA!

Dear Colleagues:

You are invited to the NAHO 2021 Professional Development Conference in Philadelphia, Pennsylvania.

The Conference will be held at the Element Hotel in Center City, Philadelphia, near the historic Philadelphia City Hall, Love Park, Independence Hall and the Liberty Bell, the Philadelphia Art Museum, and the Kimmel Center for the Performing Arts. This pet-friendly hotel is new and features rooms with fully-equipped kitchens, a fitness center, and complimentary breakfasts.



Under the direction of Vice President Peter Halbach (ND), the curriculum for the Conference is impressive. As you read through the program outlined in the next few pages, you will see that the Conference is structured to deliver a wide array of educational courses on general administrative law topics and specialized subjects for particular areas of practice.

NAHO strives to provide quality faculty. Conference instructors include professors who are recognized experts in administrative law, appellate judges, knowledgeable attorneys, and experienced administrative adjudicators. Watch for the faculty bios on our website soon!

In addition to the great educational programs, there will be many opportunities to get to know your colleagues from across the country. In addition to all training classes, the registration fee includes the Sunday evening welcome reception, the Monday guest-speaker luncheon, and the annual Appreciation Luncheon on Wednesday.

Please look at this extraordinary program and make your plans to come to attend NAHO's 2021 Professional Development Conference, October 31 through November 3.

I look forward to greeting you in Philadelphia!

Toni Boone

**Toni Boone (OR) CALJ
President**

EXPLORE PHILADELPHIA



Construction began on Philadelphia's beautiful City Hall in 1871, but it took more than 30 years to complete. It is the largest municipal building in the U.S. Guided tours provide an opportunity to see the lavish rooms of this architectural treasure and to view the city from its 548-foot tower. City Hall is a 4-minute walk from our host hotel.



Also, a 4-minute walk from our host hotel Love Park, with its iconic Love Statute and fountain.



A 12-minute walk from the host hotel will get you to Independence Hall, home of the Liberty Bell, and the building in which both the Declaration of Independence and the U.S. Constitution were debated and adopted. If you don't care to walk, the hotel has bikes to borrow or you can take SEPTA, Philadelphia's award winning public transit system.

HOTEL & SPECIAL EVENTS



ELEMENT BY WESTIN HOTEL IN CENTER CITY PHILADELPHIA

1441 Chestnut Street
Philadelphia, Pennsylvania 19102

Telephone: (215) 709-9000

Toll free: 1-888-236-2427

<https://www.marriott.com/event-reservations/reservation-link.mi?id=1624381096834&key=GRP&app=resvlink>

WELCOME RECEPTION

Sunday, October 31

5:00 pm – 7:00 pm

3rd Floor Foyer

KEYNOTE LUNCHEON

Monday, November 1 at Noon

Keynote address begins at 12:30 p.m.

Great Room 1

HONORS LUNCHEON

Wednesday, November 3 at Noon

Great Room 1

MAKING YOUR HOTEL RESERVATIONS

The Element by Westin Hotel in Center City Philadelphia is offering NAHO conference attendees rooms at a discounted rate based on the prevailing per diem rate per night as set by GSA (currently \$166.00 but new rates are announced by the GSA each October 1). This rate is subject to applicable state and city tax, (currently 15.5%), and tourism assessment tax (currently .75%). Located in Center City in Philadelphia, this new hotel offers modern, spacious rooms with kitchenettes.

The deadline to receive this conference rate for your hotel room is Friday, October 8th, 2021. After October 8th, guestrooms may or may not be available and if available, will be at the hotel's usual prevailing rate.

To make a room reservations at the host hotel at NAHO's special rate, please click on the link below or copy and paste it into your web browser.

<https://www.marriott.com/event-reservations/reservation-link.mi?id=1624381096834&key=GRP&app=resvlink>

Reservations may also be made by calling toll free: 1-888-236-2427. When making reservations by telephone, please refer to the National Association of Hearing Officials Annual Professional Development Conference, October 30 through November 4th.

Reservations can be made for lodging up to three days pre and post conference depending on availability. There is a 72 hour cancellation policy. To confirm a sleeping room within the NAHO Room Block, reservations must be secured with a valid credit card. You may cancel your room up to 72 hours in advance of the scheduled arrival date. Cancellations made less than 72 hours before arrival will be charged the cost of one night's lodging plus taxes.

NAHO's guaranteed room block for the conference is limited, so please make your reservations early!

GETTING TO AND FROM THE HOTEL

The Element by Westin Philadelphia is located at 1441 Chestnut Street, Philadelphia, Pennsylvania, 19102. The hotel is 18 minutes (12.5 miles) from the Philadelphia Airport (PHL).

The most economical way to reach the hotel from the PHL airport is the city's transit system known as SEPTA. The Airport Line departs from various terminals and can be taken to Suburban Station, leaving a 5-10 min walk to the hotel upon arrival. The trip takes approx. 30 minutes and costs \$7. The train schedule can vary so check it in advance.

<http://www4.septa.org/schedules/rail/pdf/air.pdf>

Airport shuttles are available at a cost of \$40 to \$60, with a 5% discount for booking your reservation online in advance. Taxis are also available and a typical fare from the airport to Center City is \$40 to \$55. Both Uber and Lyft are also available in Philadelphia.

NAHO MEMBERSHIP

If you are interested in joining NAHO for the first time or have been away for a while, now is the time to join! Go to www.naho.org to submit a membership application and pay your membership dues!

NAHO membership is open to all current and former administrative hearing officials. Associate membership is available for those who are not hearing officials, but who provide support for hearing officials or make a contribution to the administrative hearing process through their work, their scholarship, or their efforts on behalf of NAHO. The Membership Committee considers all applications for individual and associate membership. 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 1 to December 31. Annual dues are as follows:

Individual Hearing Official Membership

New or lapsed membership:	\$60 for one year or \$135 for three years
Membership Renewal:	\$50 for one year or \$115 for three years

Group Hearing Official Membership

Groups of 5 or more (from same agency, paying at same time)	
New or lapsed membership:	\$50 per person for one year or \$120 for three years
Membership Renewal:	\$40 per person

Associate Membership

New or lapsed membership:	\$45 for one year or \$120 for three years
Membership Renewal:	\$35 for one year or \$100 for three years

Questions regarding membership may be directed to Marilyn Slifman, Membership Committee Chair, at marilyn.slifman@naho.org

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 stands as tangible evidence of your personal commitment to your own professional development and to a fair hearing process. NAHO membership is required for certification. Courses attended at this year's conference may be considered towards meeting certification requirements for 2021. Core requirements can be met by attending NAHO webinars, virtual and in-person NAHO conferences, viewing instructional videos of past webinars and conference classes via the NAHO Library, through courses completed at the National Judicial College, and by participating in other recognized programs addressing the administrative hearing process.

For complete information on certification, visit www.naho.org. Individuals seeking to receive certification or recertification at the 2021 conference should submit complete applications postmarked by October 1, 2021 to:

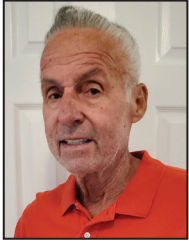
NAHO Certification Committee
C/O Jimmy C. Stokes
328 E. Washington Street
Madison, GA 30650.

CLE ACCREDITATION

The 2021 NAHO Professional Development Conference will provide 51 hours of instruction which includes four hours of Ethics and three hours on Reducing Bias. The format of the conference is such that three classes are scheduled simultaneously. As conference attendees may only take one of the three offered simultaneous sessions, attendees completing the entire conference can expect to accrue 17 total CLE hours. In order to ensure that you are properly credited for the CLE sessions you complete, furnish your state bar's CLE commission office with: (1) a copy of your conference registration providing the sessions for which you were registered; (2) a copy of this brochure which provides descriptions of each session; (3) your certificate of completion for the conference; and (4) the conference faculty brochure with biographical information for each instructor.

OPENING LUNCHEON

Since 1989, NAHO has been privileged to have Laurence H. Geller and Peter Hemenway teaching at its conferences. Both began their careers in administrative adjudication in the early 70s with the California Department of Social Services (CDSS). Together they reviewed CDSS hearings and decisions and trained hearing officials in Washington, Minnesota, and Tennessee, as well as California. They co-authored a book together called *Last Chance for Justice: The Juror's Lonely Quest*. For decades, they have taught NAHO conference attendees to communicate effectively, recognize their inherent biases, base their findings on solid evidence, maintain independence from administrative agency influence, exhibit the appropriate judicial demeanor and temperament, and provide the full extent of due process required by law in every administrative hearing.



Larry Geller received his bachelor's degree from Colgate University. He taught elementary school in Chinatown, New York, before attending University of Buffalo Law School. The year he graduated law school, he went to work for CDSS and worked there until his retirement in 2003. During his tenure with CDSS he was a Referee, Chief Referee, Hearing Officer, Assistant Chief Hearing Officer, Administrative Law Judge, Assistant Chief Administrative Law Judge for the CDSS Training Bureau, Assistant

Chief Administrative Law Judge, and Presiding Administrative Law Judge. He provided detailed nationwide training throughout the United States on the Food Stamp Administrative Disqualification Program, which had been erroneously administered by many states.

After his retirement in 2003, through 2019, Larry worked at Camp Fiver, a summer camp in upstate New York. Camp Fiver is an integral part of Fiver Children's Foundation, a comprehensive youth development organization for youth from underserved communities throughout New York City and central New York. Through his work at Camp Fiver, Larry has taught public speaking and interviewing skills to thousands of college bound youngsters. Larry has also taught Public Speaking in the community in which he lives.

Those who have known Larry have been inspired by his passion for creating a fair and accessible system of justice via the administrative hearing process, his fervid desire to improve the lives of others, and his enthusiasm for living life to the fullest. He was invited, once again, to encourage and motivate us with his wisdom, wit, and humor. Due to health concerns, he was unable to travel to Philadelphia. Instead, Larry will be honored, in absentia, for the incalculable contributions that he made to NAHO over the years.



Peter Hemenway received his BA *cum laude* from Amherst and his JD from UC Berkeley Law. He was in private practice as a sole practitioner for four years. From 1972 to 2003 and from 2009 to 2014, he was a Hearing Officer and Administrative Law Judge for CDSS. In addition to hearing and deciding thousands of cases, he wrote Paraphrased Regulations, which were eventually made available department-wide, for CDSS ALJs to use in their decisions. He served in the Training Bureau, taught new and experienced ALJs in

small groups, and taught at many statewide and local conferences. He provided training for legal aid and welfare rights groups, state and county appeals workers, district attorneys, fraud investigators, and public defenders. Nationally, he taught at thirty NAHO and four National Association of Administrative Law Judiciary conferences and at two federal Food Stamp trainings. He was a guest lecturer at Stanford, USC, USF, and New College law schools on multiple occasions. Since retirement, Peter has had a limited private practice. Peter now spends most of his time with family, friends, and traveling. The topic of Peter's address is "Gladly Would I Learn, and Gladly Teach: My NAHO Experience."

Scholarships Available for 2021 Professional Development Conference

The NAHO Board of Directors has authorized a limited number of partial and full scholarships to NAHO members to attend the 2021 Professional Development Conference. Full NAHO scholarships cover the total cost of registration to attend the entire conference and all group meals that are a part of the conference. Partial NAHO scholarships cover a portion of the registration fee to attend the entire conference and all group meals that are a part of the conference. NAHO scholarships do not cover travel/transportation expenses, lodging expenses or meals that are not provided as a part of the conference. All scholarship applicants must be members in good standing of NAHO or must have applied to be members of NAHO at the time the scholarship application is submitted.

Each year, NAHO offers one or more additional scholarships to alumni of The National Judicial College in appreciation of NJC's enduring commitment to the education of administrative adjudicators and in acknowledgment of their longstanding partnership with NAHO (NAHO was officially formed in 1987 at a conference that was co-sponsored by the National Judicial College). Full conference scholarship(s) for NJC alumni cover the total cost of registration to attend the entire conference and all group meals that are a part of the conference. Partial conference scholarships for NJC alumni cover a portion of the registration fee to attend the entire conference and all group meals that are a part of the conference. Scholarships for NJC alumni do not cover travel/transportation expenses, lodging expenses or meals that are not provided as a part of the conference. All applicants for NJC alumni scholarships to attend this year's NAHO conference must be an alumnus of the National Judicial College in addition to being a member in good standing of NAHO or an applicant for membership in 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 providing the date you became a member or 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 financial assistance from your agency or employer to attend the conference. If you will not be receiving any financial aid, please include a letter from your supervisor/employer (stating you will not be receiving any funding) with your application.
- 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 Alumni scholarship, please indicate the title of the last NJC course you completed, the location of the course and the year of completion.

Scholarship application letters must be received by **September 15, 2021**, to be considered. Only application letters providing all the required information will be considered. Send letters of application and supporting information by email to all members of the Scholarship Committee:

Dwain.Fagerlund@NAHO.org
Wendy.Johnson@NAHO.org
Jimmy.Stokes@GAEL.org
Richard.Murrell@NAHO.org
Janice.Deshais@NAHO.org

PRE-CONFERENCE EVENTS

SUNDAY, OCTOBER 31, 2021

NAHO ANNUAL BOARD OF DIRECTORS MEETING – 9:00 a.m. in Session 5

In addition to monthly Board meetings, conducted via Zoom, the NAHO Board has a day-long meeting on the day before the Professional Development Conference begins. **Only NAHO Board members are required to attend this meeting.** However, any *current NAHO member* who is interested in observing the meeting is welcome to attend.

REGISTRATION – 2:00 p.m. to 5:00 p.m. at the Third Floor Foyer

WELCOME RECEPTION - 5:00 p.m. to 7:00 p.m. in Session 2/3

This reception is a great opportunity to network with colleagues, conference faculty, and friends. Heavy hors d'oeuvres will be provided and a “No Host” (cash) bar will be available.

CONFERENCE SCHEDULE & CLASS DESCRIPTIONS

Following each class title is one of the following designations: (M), (E) or (S). For those applying to NAHO to become a Certified Administrative Law Judge or Certified Hearing Officer, this indicates whether the class satisfies a Mandatory requirement for certification, counts toward Elective certification hours, or is a Specialized class offering instruction unique to one type of administrative hearing.

All class segments are one-hour in length; however, there are several classes that include two hours of instruction in consecutive class segments divided by a 15-minute break. These two-hour classes are clearly indicated. Conference attendees are not required to register for or attend both hours of a two-hour course but in most cases it is recommended. Separate attendance sheets will be circulated for each half of all two-hour sessions.

MONDAY, NOVEMBER 1, 2021

8:00 a.m. to 4:00 p.m. – REGISTRATION –

8:15 a.m. – CONFERENCE OPENING AND WELCOME – Toni Boone, NAHO President Peter Halbach, NAHO Vice-President

Attending the opening will optimize your conference experience. We'll discuss the procedure for obtaining certification and MCLE credits, the contents of the registration packet (and how to make the most of it), and provide an overview of some of the highlights of the conference schedule.

Class 1 – 8:30 a.m. to 9:30 a.m.

1A *What You Should Know About Administrative Law. Part 1* (M) Peter Halbach

In this two-part class held over two-hours, in addition to a brief history of the development of administrative law, administrative hearings will be compared and contrasted to court trials. It will also examine the advantages of administrative adjudication over more formal, court proceedings. With full acknowledgment of the vast range and variety of administrative hearings, as well as the varying participants and interests involved, elements and concerns common to all administrative hearings will be identified and explored.

1B *Demeanor Evidence and Credibility, Part 1* (M) Gregory Ogden

This session will review the nature, history and use of demeanor evidence to determine the credibility of witnesses in fact finding. Other credibility factors recognized in evidence law, including consistency or inconsistency of statements and psychological research related to truth-telling and deception and how that research may apply to credibility determinations, will be discussed. Also included are analyses of written credibility determinations, and use of demeanor evidence as part of fact-findings to provide hypothetical examples for class discussion. Extensive materials prepared in advance will be available online.

SCHEDULE & CLASS DESCRIPTIONS

1C *How Personality (Yours and Theirs) Impacts Judicatory Decision-Making, Part 1* (M) Toni Boone

Are you introverted or extroverted, idealistic or pragmatic, empathetic or analytical? One's personality impacts their communications style and their perceptions of others. Personality-type influences the way we reason and reach conclusions, affecting decision making. Understanding personality types, including your own, can improve your interactions with and understanding of others. Participation in this interactive, two-part class (which includes a self-scoring personality inventory) can result in improved communication and more objective, well-reasoned decisions.

Class 2 – 9:45 a.m. to 10:45 a.m.

2A *What You Should Know About Administrative Law, Part 2* (continuation of 1A, see above for description)

2B *Demeanor Evidence and Credibility, Part 2* (continuation of 1B, see above for description)

2C *How Personality (Yours and Theirs) Impacts Judicatory Decision-Making, Part 2* (1C above, is prerequisite)

Part 2 will not be very meaningful or valuable to you unless you attended part 1.

Class 3 – 11:00 a.m. to 12:00 p.m.

3A *Qualifying Expert Witnesses & Weighing Their Testimony* (M) C. Clark, J. Deshais, & R. Murrell

Scientific, medical, or other technical testimony is often used in complex administrative cases to support a party's position. This session looks at the general admissibility of expert testimony, with particular emphasis on qualifying and questioning experts. This session will include a mock voir dire (questioning) of a purported expert witness to ascertain if they are truly qualified in their claimed field of expertise.

3B *Legal Terminology for Non-Attorneys* (M) Mary Long

Have you ever read a court decision and felt like it was written in a foreign language? This course will demystify some of the specialized vocabulary used by judges and lawyers. After this class, you may not impress your friends at a cocktail party with your new command of legalese, but knowledge of these terms will help you to understand your next legal brief, read statutes and regulations, and write your decisions with a new level of confidence. **This class is mandatory for NAHO certification for non-attorneys.**

3C *Oops! I Shouldn't Have... How to Avoid Improper Use of Social Media* (E) Sarah Huber, Bobbie Marshall

Since becoming a "thing," social media has generated many headlines regarding the questionable use or misuse of social media venues. It can be tempting to believe that social media stops outside our venues and, thus, is not something to be overly concerned with. This session will address the ethical rules related to the use of different social media platforms by the administrative judiciary, the use of social media in generating evidence which may be presented in court or administrative hearings, and tricks of using or when not to use social media as an administrative hearing officer.

12:00 p.m. LUNCHEON IS SERVED

Longtime NAHO presenter Peter Hemenway will speak on the topic of "Gladly Would I Learn, and Gladly Teach: My NAHO Experience"—his "swan song," as he retires from teaching at NAHO conferences.

SCHEDULE & CLASS DESCRIPTIONS

Class 4 – 1:30 p.m. to 2:30 p.m.

4A *Conducting Legal Research* (M) Aaron Smith

This class will look at resources available to conduct legal research and how to get the most out of them. While most legal research is focused on Westlaw and LexisNexis, this class will serve as an introductory overview of alternative databases that you can use to conduct free or low costs legal research; and how to use Natural Language and Boolean Logic to achieve better results in your online search results. **This class is mandatory for NAHO certification for non-attorneys.**

4B *For the Record: Guiding the Participants in the Administrative Hearing Process, Part 1* (M) Boone & Gillette

Hearing officials have an affirmative duty to manage the hearing in a way that creates a full, clear, hearing record. Self-represented litigants, unprepared counsel, reticent witnesses, and inept agency investigators and case workers can make that much harder. Each participant has a particular role to play and the hearing officer is their director. How should each fulfill their role? This class will be beneficial to hearing officials, counsel, agency investigators and representatives, those who testify in administrative hearings, and the people who train them. It also will cover order of presentation, organization of evidentiary reports, and hearing efficiency.

4C *Women in the Hearing Officer Workplace* (M) Colleen Clark

This session is a social science, evidence-oriented, data-driven presentation on being a woman adjudicator. This class will cover statistical findings, social trends, and practical information for women presiding in administrative settings. This class should qualify for Diversity, Equity, and Inclusion MCLE credits in most, if not all, states.

Class 5 – 2:45 p.m. to 3:45 p.m.

5A *A “Nuts and Bolts” Look at Due Process, Part 1* (M) Jim Gerl

What exactly does “due process of law” mean 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 entails and what it should look like in our hearings.

5B *For the Record: Guiding the Participants in the Administrative Hearing Process, Part 2* (continuation of 4B, above)

5C *Judicial Ethics for Hearing Officials, Part 1* (M) Gregory Ogden

Discussion will include core ethical principles such as impartiality and neutrality in decision-making; typical ethical issues common to all adjudicators – conflicting financial interests, honesty and integrity, pro se litigants, reasonable doubts about impartiality, bias and prejudice, and courtroom behavior; judicial ethics specific to hearing officials, including separation of functions, ex parte communications, and influence in the decisional process. Each subject is discussed with hypotheticals from real world situations. Course includes extensive materials prepared in advance, and provided to participants as part of the course materials.

Class 6 – 4:00 p.m. to 5:00 p.m.

6A *A “Nuts and Bolts” Look at Due Process, Part 2* (continuation of 5A, see above for description)

6B *Cross Examination Tips: A Mock Administrative Hearing* (M) Dwain Fagerlund, Sarah Huber, Mary Long

This session covers how to test witness credibility during an administrative hearing and teaches the basic objectives of cross-examination. A live examination of witnesses in a mock hearing will be presented with the following objectives: identify inconsistencies that indicate evasion and deception, search for weakness of recollection, test how a witness came to know the facts to which the witness testified, explore possible interest in the outcome of the hearing, expose any bias or prejudice a witness may have, give the witness the opportunity to be frank or evasive, and judge whether the testimony was reasonable or unreasonable.

6C *Judicial Ethics for Hearing officials, Part 2* (continuation of 5C, see above for description)

SCHEDULE & CLASS DESCRIPTIONS

TUESDAY, NOVEMBER 2, 2021

8:30 a.m. to 9:30 a.m. – NAHO ANNUAL GENERAL MEMBERSHIP MEETING

This meeting is open to all current NAHO members. Members may vote on any matter that is brought to the floor. In addition, we'll recap what NAHO has done in the last year, state our plans for the coming year, and take questions, comments, and suggestions from members. Want input? Come to this meeting.

Class 7 – 9:45 a.m. to 10:45 a.m.

7A *Conduct and Control of the Administrative Hearing, Part 1 (M) Jim Gerl*

This session goes to the very heart of what a hearing officer does. There will be discussion on the following: making a complete record; controlling the proceeding; dealing with witnesses, exhibits, objections and related topics. The presenter will reveal his Eight Rules for conducting a hearing.

7B *Sanctioning Authority of Administrative Hearing Officials, Part 1 (E) Gregory Ogden*

This course addresses whether hearing officials have sanctioning authority related to parties, attorneys, or other hearing representatives. Topics include grounds for sanctions, such as frivolous claims, obstructive behavior, and refusal to comply with hearing rules or orders. Other topics include types of sanctions, including money penalties, dismissal of claims, and injunctions against obstructive behavior. Final topics include authority for sanctions in statutes and rules.

7C *The “Why” of Decision Writing: Wording Credibility Findings & Discussing Weight of Evidence (M) Boone & Gillette*

You've conducted the hearing and, based on the evidence presented, you know the case outcome. If the basis for your decision hinged on finding one witness more credible than another, you have a duty to explain why. It is also sometimes necessary to explain why you felt the greater weight of the evidence favored one party over another. If you've ever struggled to word your credibility determinations or explain why you believe the evidence supported a particular outcome, this class is for you. Numerous examples of ways in which to word credibility findings will be provided.

Class 8 – 11:00 a.m. to 12:00 p.m.

8A *Conduct and Control of the Administrative Hearing, Part 2 (continuation of 7A, see above for description)*

8B *Sanctioning Authority of Administrative Hearing Officials, Part 2 (continuation of 7B, see above for description)*

8C *Improving Diversity and Inclusivity at Your Workplace, Part 1 (M) Nefertiri Sickout*

As acknowledged by the ABA's Standing Committee on Diversity in the Judiciary, a diverse and inclusive judiciary, including the administrative judiciary, enhances the public's trust and confidence in decision-makers. The makeup of administrative agencies should reflect our country's diversity, and include those that have been traditionally marginalized. Underpinning diverse and inclusive agencies and administrative tribunals requires core foundational principles and strategies. This session will provide foundational concepts, specific strategies, and advice on promoting a more diverse and inclusive workplace, to further support the legitimacy of, and confidence in, the quasi-judicial system of the Executive Branch of government. This class will qualify for Diversity, Equity and Inclusions MCLE credits.

12:00 p.m. to 1:30 p.m. LUNCH ON YOUR OWN

SCHEDULE & CLASS DESCRIPTIONS

Class 9 – 1:30 p.m. to 2:30 p.m.

9A Medicaid Disability Adjudication: Same Substance, Different Procedures, Part 1 (S) Colleen Clark

Federal regulations provide the same substantive requirements for Medicaid disability adjudication in all states. However, each state has its own procedures governing how this is done—from the agency’s initial disability determination to conducting your hearing. This class will cover both the substantive and procedural parts of Medicaid disability adjudication and how they intertwine.

9B Federal Administrative Law in the Spotlight (M) Jill E. Family

This program will address issues at the forefront of federal administrative law, including separation of powers issues. The US Supreme Court’s latest administrative law opinions will be discussed, including cases on judicial review and the appointment and removal of agency officials. The discussion will integrate the phenomenon of administrative law in the spotlight, analyzing how administrative law currently is very prominent in law and policy.

9C Improving Diversity and Inclusivity at Your Workplace, Part 2 (continuation of 8C, see above for description)

This class will qualify for Diversity, Equity and Inclusions MCLE credits.

Class 10 – 2:45 p.m. to 3:45 p.m.

10A Medicaid Disability Adjudication: Same Substance, Different Procedures, Part 2 (continuation of 9A, see above)

10B Handling Encounters With “High Conflict” Persons in Administrative Hearings People, Part 1 (M) Murrell

What is at issue in the hearing or mediation may not be the cause of the disruptive behavior a party exhibits. Some people have untreated behavioral disorders causing a pattern of “high-conflict” behavior regardless of the setting. Unless you know how to identify a high-conflict personality and the special techniques for managing them, the way in which you typically conduct a hearing may increase the conflict rather than resolve it. In Part 1, you’ll learn to identify high-conflict persons, understand the feelings underlying their behavior, and implement techniques to de-escalate the encounter.

10C “I’ll sue!”—Where Agency Immunity Ends and Liability Begins (E) Mick Gillette

Hearing officials do have “qualified immunity” from individual liability when making discretionary decisions unless their conduct clearly violates certain established parameters. But since the Supreme Court ruling in *North Carolina Board of Dental Examiners v. Federal Trade Commission* in 2015, agencies, and in particular professional licensing boards and commissions, have been more concerned that some civil suit filed under 42 USC § 1983 of the Civil Rights Act might prevail. This class will explain where a hearing official’s “qualified immunity” ends and liability begins.

Class 11 – 4:00 p.m. to 5:00 p.m.

11A Essential Techniques for Hearings Involving Self-Represented Litigants (E) Aaron Smith

Self-represented parties often present significant challenges to new and experienced hearing officials alike. How do you maintain impartiality and control of the hearing while ensuring that the self-represented party is able to actively participate. This class will look at techniques to improve the hearing flow, working with self-represented parties in benefit hearings, and techniques to provide some explanation and education in the process of remaining impartial.

11B Handling Encounters With “High Conflict” Persons in Administrative Hearings People, Part 2 (M) R. Murrell

Part 2 of this session will involve methods for maintaining a professional demeanor in the face of conflict during both mediations and administrative hearings, as well as techniques for handling conflicts related to hearing officials being perceived as having a bias against the high-conflict person. The session will conclude with suggestions for maintaining the safety of mediators and hearing officials during periods of conflict and advice on preserving personal security.

SCHEDULE & CLASS DESCRIPTIONS

11C *Recognizing & Responding to Mental Health Crises in Hearings and Elsewhere* (E) Toni Boone, Mick Gillette

132 Americans die by suicide every day; 90% of them have a diagnosable mental health condition at the time of death. 51 million adults in the U.S. suffer with mental illness. A personal crisis of some kind often triggers the need for an administrative hearing. A hearing can push a petitioner to the breaking point. Do you know the signs of a mental health crisis? Would you know when a colleague is on the verge of such a crisis? Serious mental health problems can come to any workplace. Can you identify them? Do you know how to respond? It could save a life.

WEDNESDAY, NOVEMBER 3, 2021

Class 12 – 8:30 a.m. to 9:30 a.m.

12A *Say It in Plain English: Clear and Concise Writing* (M) Stokes and Murrell

Good writing involves more than creating the proper structure for the document and sentence construction. Style and word choice can drastically improve the power and persuasiveness of your writing. This interactive program will provide useful strategies to help you create clearer, more concise, cohesive, and convincing writings. Topics to be covered include plain English grammar and punctuation, word choice and writing style, as well as proofreading and editing. Expect lively discussions and helpful writing tips.

12B *Hearsay, Part 1: The Basics of Determining Hearsay Admissibility* (M) Peter Halbach

It is not unusual for attorneys to raise objections on hearsay grounds every time a witness utters an out-of-court statement. However, not all out-of-court statements are hearsay. This class will describe what types of statements are hearsay, will provide examples of hearsay and non-hearsay statements, and will explain why many out-of-court statements are admissible. Even if your jurisdiction generally allows admission of hearsay in your hearings, it's still important for you to understand why. The class will provide a deeper understanding of what hearsay is, what hearsay isn't, and why it matters.

12C *The Science Behind Implicit Bias: How Emotion & Memory Form Our Inherent Biases* (M) Toni Boone

Ever wonder why or how we obtain implicit bias? Emotion influences cognitive processes in humans: perception, attention, learning, memory, reasoning, and all forms of problem solving, including decision making. Emotional influence begins as soon as our brains begin encoding what we perceive into memory—at birth. This class explains the science underlying implicit bias, how emotion affects learning and memory, how brain regions interact in emotional processing, and how these processes impact cognitive decision-making. This class emphasizes deliberative decision-making methods to minimize the effects of the implicit biases we all have. This class should qualify for Diversity, Equity, and Inclusion MCLE credits in most jurisdictions.

Class 13 – 9:45 a.m. to 10:45 a.m.

13A *What Decision-Makers Need to Know About Title IX Hearings* (S) Jeffrey Nolan

This session, designed for administrative adjudicators who conduct formal hearings under Title IX regulations, will include, but is not limited to: discovery, the difference between relevant evidence and “directly related” evidence, admissibility of evidence that is protected under a legally-recognized privilege, the role of an “advisor” in the hearing, cross-examination, and the essential elements of a written determination based on a Title IX hearing.

13B *Hearsay, Part 2: Reviewing Hearsay Exceptions* (M) Peter Halbach

Although most of us are not bound by either state or federal rules of evidence, it's helpful to review them to remind ourselves that the Rules of Evidence contains dozens of “exceptions” that allow hearsay to be admitted even in court proceedings. If these exceptions allow hearsay to be admitted in court, they'll certainly allow hearsay to be admitted in our hearings. This class will cover many of these exceptions that are common to administrative hearings. If you want to increase your competence to rule on hearsay objections, this class is for you.

SCHEDULE & CLASS DESCRIPTIONS

13C *Decision Making: Purposeful Deliberation v. Going With Your Gut* (E) Toni Boone

Hearing officials are tasked with making objective, dispassionate decisions. Although we hide them, we can't help but experience emotional reactions during hearings—anger, sorrow, scorn, sympathy, etc. We dismiss our reactions to prevent their emergence into our hearings and decision making. Does simply ignoring our emotions really work? How does repeatedly denying and shelving our emotions affect our mental health? Research of the last ten years provides answers to these questions, as well as concrete tools to prepare us realistically for emotional situations we'll necessarily encounter and to ensure that our emotions don't color our decision making.

Class 14 – 11:00 a.m. to 12:00 p.m.

14A *Title IX Updates, Guidance, and Forecast for 2021 and Beyond* (S) Jeffrey Nolan

In June, the U.S. Department of Education Office for Civil Rights (OCR) issued a Notice of Interpretation relating to Title IX protections against discrimination occurring in any education program or activity receiving federal financial assistance. The notice clarified the current scope of Title IX, OCR's enforcement of Title IX, and prohibited discrimination based on sexual orientation or gender identity. Simultaneously, they issued a fact sheet providing examples of the kinds of incidents the OCR intends to investigate. This session will cover the notice, the fact sheet, and provide a general forecast for Title IX issues going forward.

14B *Avoiding Remand, Rehearing, and Reversal 1: Learning from the Mistakes of Others* (E) Mick Gillette

In hearings, we examine the action of the agency to see if it's legally justified. Agencies are often given deference in interpreting their own regulations and have quasi-judicial authority to conduct hearings, yet the legality and constitutionality of their actions are still subject to review by the Judicial Branch of government. (There is no such thing as an "unreviewable" case.) How do agencies go awry? When do they overstep legislatively-granted authority? This class uses real-life situations to illustrate agency mistakes appellate judges have seen so you can identify similar errors when you see them in hearings.

14C *Bench Skills – A Primer* (M) Mary Long

What are bench skills and why do you need them? This is the course that shows you how due process touches every step of the administrative process and the role the administrative adjudicator plays to ensure impartiality and prompt resolution of administrative matters. In this course you will learn essential habits to manage your case assignments and identify potential due process problems before they happen; develop effective practices to conduct your hearings fairly and to ensure that you have a full and complete record; and offer tips for preparing your written decision.

12:00 p.m. to 1:15 p.m. – NAHO HONORS LUNCHEON

NAHO is a small 501(c)(3) non-profit with no employees and no paid instructors. The work of NAHO is performed by unpaid volunteers—Board members and others who give their time because they believe the services NAHO provides are beneficial and worthwhile. This "Honors Luncheon" is NAHO's opportunity to publicly thank those who do the day-to-day work of NAHO, without which it could not function. In addition, we'll honor those who have demonstrated their commitment to professionalism by achieving NAHO certification or recertification, either as a Certified Hearing Officer or a Certified Administrative Law Judge. Join us as we honor these NAHO members.

Class 15 – 1:30 p.m. to 2:30 p.m.

15A *Introduction to Special Education Law* (S) Brian Ford and Cathy Skidmore

In this session, we will review the substantive federal laws governing the education of children with disabilities. Our primary focus will be the Individuals with Disabilities Education Act (IDEA). Our goals are to provide a basic understanding of the laws and preview issues frequently presented in special education due process hearings. Please note that this is an introduction, and may be cursory for seasoned special education adjudicators.

SCHEDULE & CLASS DESCRIPTIONS

15B *Avoiding Remand, Rehearing, & Reversal 2: Making Evidentiary Rulings* Mick Gillette

Parties in administrative hearings make motions or arguments upon which they want a ruling. They also make objections, formally protesting questions asked of witnesses or the admission of certain evidence. Cases come before an appellate court because a party alleges the administrative hearing official erred in ruling, which resulted in an incorrect outcome. This class describes the process appellate judges use in reviewing the rulings the adjudicator made during the hearing and will help you understand why many errors you're alleged to have made either weren't errors or were harmless ones.

15C *Decision Writing: View From the Appellate Bench (M)* Judge Mary Hannah Leavitt

This one-hour course will address effective decision drafting by an administrative law judge (ALJ). It will cover matters of substance that will be important to the court that reviews the ALJ's findings of fact and conclusions of law. It will also cover style pointers that will make your substantive work product easier to read and, thus, more effective.

Class 16 – 2:45 p.m. to 3:45 p.m.

16A *The Particular Challenges of Special Education Hearings (S)* Brian Ford and Cathy Skidmore

Special education due process hearings are unlike the vast majority of administrative hearings. In this interactive session, we will walk through the nuts and bolts of special education hearings. From docket management through decision writing, we will share our practices and encourage you to share yours. Whether you are about to hear your first special education case or have just written your hundredth special education decision, you will leave the sessions with a sense of what worked, what didn't, and what to try next.

16B *Hearing Room to Zoom: Meeting the Challenges of Virtual Hearings (E)* Deshais, Huber, Long, Murrell

Virtual hearings can create problems from the uncomfortable to the unconstitutional. In this interactive session led by experienced hearing officials, participants will learn strategies to deal with these and other issues presented by moving hearings online and how/why they need to be met. In addition to technology frustrations, the panel will cover the effectiveness of online versus in-person testimony, assessing witness and expert credibility, and how to manage the cases of non-English speaking or disabled participants. The panelists will share how they have handled these issues and will note successful strategies. The moderator will welcome the experience of attendees.

16C *It Didn't Begin with Notorious RGB: History of American Women in the Law, Part 1 (M)* Toni Boone

In 1869, a woman was admitted to the bar in Iowa. In 1873, the U.S. Supreme Court ruled women had no right to practice law. 108 years later, the first woman was named to the U.S. Supreme Court. What were the obstacles women faced in those intervening years? What were the stories of those trailblazers? The history of women in the law in the U.S. is interesting, somewhat surprising, and ultimately inspiring. Because this class focuses on gender discrimination, it should qualify for Diversity, Equity, and Inclusion MCLE credits in most jurisdictions.

Class 17 – 4:00 p.m. to 5:00 p.m.

17A *Recent Court Decisions in Educational Discipline (S)* Antrim, Buckley, Stokes, & Ulrich

Court cases significantly change the way school discipline is conducted across the nation. These decisions have a substantial impact on school law. This experienced panel will present a discussion of recent case law developments in student disciplinary hearings, highlighting new challenges in this continually developing area of administrative law.

17B *SNAP (Nutrition Assistance) Intentional Program Violation Hearings (S)* Aaron Smith

A finding of an Intentional Program Violation has a substantial impact on the recipient and can lead to lifetime disqualifications from benefits. This lecture examines the due process requirements and the mechanics of the IPV-Administrative Disqualification Hearing. What is required to ensure due process is met? What elements are required to establish that a program violation has occurred? What has to be established to determine that the violation was intentional? How does recent guidance from the U.S. Department of Agriculture's Food and Nutrition Services impact these hearings?

17C *It Didn't Begin with Notorious RGB: History of American Women in the Law, Part 2 (see 16C above)*

HOW TO REGISTER

To register for the conference online, visit the NAHO conference website at www.naho.org and click on this link: www.yesevents.com/naho To register via US mail, please print the form from the website and mail the form and accompanying payment to 2021 NAHO Conference, c/o YesEvents, PO Box 3024, Westminster, Maryland 21158. 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

Early Bird Member Registration Fee through October 10, 2021	\$529
Member Registration Fee on or after October 11, 2021	\$579
Early Bird Non-Member Registration Fee through October 10, 2021	\$599
Non-Member Registration Fee on or after October 11, 2021	\$649

Full conference registration fee includes the welcome reception on Sunday evening, October 31, 2021, and the luncheons on Monday, November 1, 2021 and Wednesday, November 3, 2021. Coffee and any other beverages that may be served at break times are also included.

Guests for the Reception, Keynote Luncheon and Honors Luncheon are welcome at the following costs:

- \$40.00 Reception – Sunday, October 31, 2021
- \$50.00 Luncheon and Keynote Address – Monday, November 1, 2021
- \$75.00 Awards and Honors Luncheon – Wednesday, November 3, 2021

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

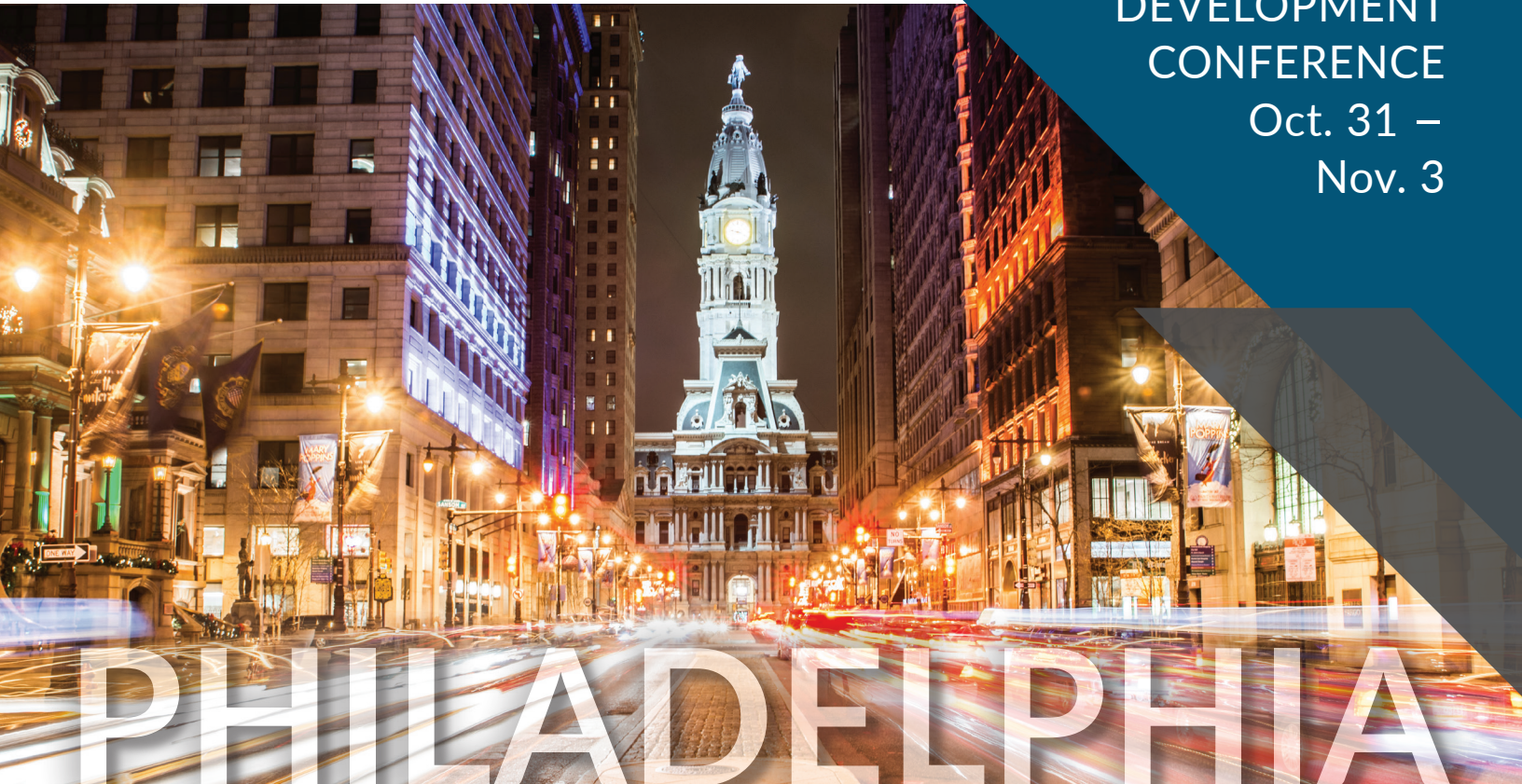
To receive a full refund, a request must be received on or before 5 p.m. EST, October 10, 2021, and sent by email to NAHOinfo@yesevents.com. A cancellation fee of \$75 will be deducted from your refund for cancellations made after 5 p.m. EST on October 10 through October 31, 2021. NO REFUNDS WILL BE GIVEN for cancellations received on or after November 1, 2021. Registration fees may be transferred but may only be transferred once. (The fee may be transferred to another registrant to attend the 2021 conference or the fee may be applied to the cost of the registration fee to attend the 2022 conference. In no case may a registration fee be transferred beyond one year.)



NATIONAL ASSOCIATION OF HEARING OFFICIALS

2021 ANNUAL PROFESSIONAL DEVELOPMENT CONFERENCE

Oct. 31 –
Nov. 3



National Association of Hearing Officials 2021 Professional Development Conference **COVID-19 Health and Safety Protocol**

While participating in events held or sponsored by the National Association of Hearing Officials (NAHO), all conference attendees must abide by any and all health and safety protocols for the prevention of COVID-19 that are mandated or recommended by the Philadelphia Element and/or W Hotels, the City and County of Philadelphia, and the Commonwealth of Pennsylvania. These protocols may include:

- Social distancing;
- Face coverings;
- Frequent washing of hands or use of hand sanitizer;
- Covering coughs and sneezes; and
- Self-quarantining if experiencing fever, cough, shortness of breath, or other COVID-19 symptoms.

Because NAHO recognizes that COVID-19 is extremely contagious and is spread primarily from person-to-person contact, NAHO will adhere to all preventative measures to reduce the spread of COVID-19 that have been mandated or recommended for the conference site at the time the conference is held. However, NAHO cannot guarantee that its participants, volunteers, employees, vendors, partners, presenters, agents, or guests in attendance will not become infected with COVID-19.

Attendance of and participation in the 2021 NAHO Professional Development Conference is entirely voluntary. By attending, observing, or participating in the conference, you acknowledge that you assume all risks associated with participation and attendance related to COVID-19 or any other infectious illness.