



# NAHO News

July 2012

## Message from the President

Dear Colleagues/Queridos colegas:

I have the pleasure of inviting you to attend the 2012 training conference to be held in beautiful San Antonio, TX in October. This important gathering of hearing officials and faculty promotes the advancement of knowledge in the world of adjudicatory hearings, offers training on a variety of related subjects and allows for the exchange of ideas and experiences.

San Antonio is one of the most exciting cities in the USA and was founded by Spanish colonial conquistadores and Catholic clerics who founded the Mission of Saint Anthony. Known as the Lone Star state, Texas had colorful history first as a Mexican state, then as an independent republic and finally as a state that joined the USA – all of which explains its rich cultural diversity reflected in the food, languages, music and hospitality!

We selected the conference venue with special care because of its location on the famed Riverwalk and its proximity to so many tourist attractions. The conference planning committee, under the leadership of the vice-president, has put together an impressive program of training and special events.

The conference officially begins with a taco bar reception on Sunday evening and the ensuing three days of academic programming will feature opening and closing keynote addresses that anchor workshops on decision writing, impartiality, alternative dispute resolution, the assessment of credibility, the management of unrepresented appellants, evidence, appellate review and many more subjects. This is also an opportunity for you to earn credits toward certification as a hearing officer or administrative law judge.

In addition to stimulating and educative programming, there will be many opportunities to relax and get to know your colleagues from far and wide.

The registration fee includes the Sunday night reception, all classes, continental breakfasts, planned lunches, morning and afternoon snacks and beverages and the Tuesday night banquet.

By way of preview please make your calendars for September 15-18, 2013 – we recently contracted with the Crowne Plaza Hotel in Minneapolis/St. Paul, MN to hold our next conference there.

The knowledge that you will acquire at the conference will be interesting and helpful to your professional growth. Visit our website for the conference brochure listing the program of classes and events as well as how to register online and reserve your accommodations.

I look forward to greeting you in San Antonio!

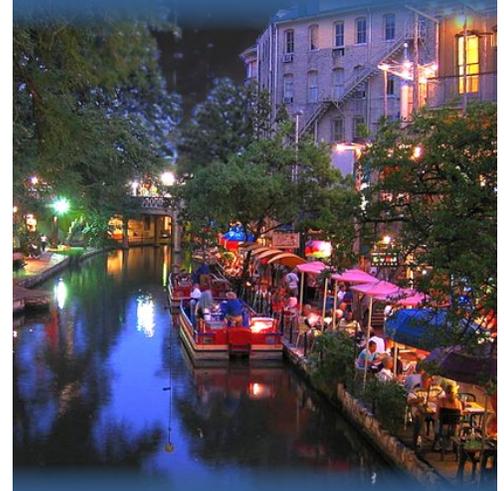
**Norman J. Patenaude, CALJ**  
*El Presidente!*



*Norman Patenaude (NH)*

National Association of  
Hearing Officials

2012 ANNUAL  
PROFESSIONAL  
DEVELOPMENT  
CONFERENCE



*Roundup  
on the  
Riverwalk*

Oct. 14-17, 2012

Holiday Inn  
Riverwalk

San Antonio, TX

## CURRICULUM FOR 2012 CONFERENCE: The Basics and Beyond

Janice Deshais (CT)

This year's Conference will offer attendees an exciting range of courses, from the basics every hearing official needs to know to courses that explore new aspects of the administrative hearing process. Conference faculty includes several returning favorites and new instructors who offer new subjects to explore through their knowledge, experience and insights.

### Sunday, October 14, 2012

The Conference will begin with two roundtables on Sunday afternoon, both of which will provide an opportunity for interactive instruction for all participants. Justice W. Michael (Mick) Gillette, a pro tempore senior appellate judge on the Oregon Court of Appeals and involved in the mediation and arbitration practice of a Washington state law firm of which he is a member, will facilitate **"Alternative Methods of Dispute Resolution: Mediation and More."** Justice Gillette, a member of the faculty of the National Judicial College, will lead a discussion of various forms of alternative dispute resolution and their advantages and disadvantages and will led the group in an examination of formal and informal means of reaching settlement, a review of methods for overcoming resistance to the mediation process, and an exploration of the interpersonal dynamics of mediation.

A second Roundtable, **"Providing Due Process for Pro Se Litigants"** will be led by Administrative Law Judge Toni Boone. Judge Boone, who has nearly 30 years of varied experience in the administrative process and is also on the faculty of the National Judicial College, will lead the group in an exploration of the expectations of the *pro se* litigant and compare and contrast those expectations with the elements of due process in an administrative hearing. This Roundtable will discuss the problems associated with ensuring that *pro se* litigants understand their due process rights, including common misconceptions held by *pro se* parties. The group will also examine the line between appropriate assistance and advocacy - the difference between providing the help necessary to ensure due process and becoming an advocate for a party.

### Monday October 15, 2012

Paul Leche, Special Counsel for Appeals, Texas Health and Human Services Commission, will open the Conference with a keynote address that he promises is "not your father's ethics class." The day will continue with the following courses: **A Brief History of the Fourth Branch of Government,** Gregory Ogden, Professor, Pepperdine University School of Law; **"Evidence Basics: What Every Hearing Officer Should Know,"** Kevin Raymond, Counsel, Texas Health and Human Services Commission; **"Writing Skills 101: Writing Clear and Concise Decisions,"** Paul Keeper, ALJ, Texas State Office of Administrative Hearings; **"Ethical Challenges for Hearing Officials: What You Don't Know Can Hurt You,"** Professor Ogden; and **"Dealing with Difficult Lawyers, Parties and the Public: Keeping Order in the Court"** Attorney Jim Gerl, a hearing officer for the West Virginia Division of Rehabilitation and a partner in the law firm of Scotti & Gerl.

Monday will also include the return of two popular instructors. Lawrence Geller and Peter Hemenway, retired ALJs from the California Department of Social Services, will present **"Are You Talking to Me? Developing Effective Listening Skills,"** an in-depth examination of how listening skills or their absence can affect the hearing process. Judge Toni Boone will share her expertise on the use and applicability of the opinions of appellate reviewing bodies by administrative hearing officials in **"I Wonder What They Meant By That: Analyzing Appellate Opinions and Understanding Precedent."** The day will finish with two offerings to help hearing officials in their practices, **"Hearings in the Digital Age: Using Electronic Media"** presented by a panel from the Texas Office of Administrative Hearings and **"Including Everyone: Using Interpreters to Assure All are Heard"** by a panel experienced in this practice: Hugo Franco, Chairman of the Arizona Department of Economic Security Appeals Board, Judge Toni Boone and Justice W. Michael Gillette.

### Tuesday October 16, 2012

The curriculum on the second day of the Conference will include another offering of

**"Writing Skills 101"** for those who missed it the first day and a continuation of evidence instruction: **"Advanced Evidence: Challenges for Experienced Hearing Officials."** Geller and Hemenway will teach **"Staying Above the Fray: Maintaining Your Independence, Impartiality and Integrity,"** a class for anyone interested in learning how personal biases and pressures placed on hearing officials affect our work and how those biases and pressures can be minimized. Professor Ogden will offer a course that is essential for hearing officials who must decide whether they can or should believe a witness, **"I Can See it in Your Eyes: Determining Witness Credibility."** Also featured on Tuesday will be **"Alternative Methods for Dispute Resolution,"** by Don Philbin, an experienced attorney-mediator.

Several skills-oriented classes will also be on the agenda. Lawrence Hornsby of the Texas Department of Aging and Disability Services will help hearing officials take the all-important steps before they begin a hearing with **"Getting Your Ducks in Order: How to Prepare and Preserve a Solid Record of Your Administrative Proceeding."** Jim Gerl, an experienced trainer of hearing officers and mediators, will conduct a session on **"Bench Skills for Hearing Officials: How to Conduct and Control an Administrative Hearing,"** which goes to the very heart of what a hearing official does. Judge Boone will review the essential elements for effective case-flow management and will provide useful management strategies in **"Managing a High-Volume Caseload: Assuring Quality While Managing Quantity."** To complement his bench skills offering, Jim Gerl will present a class that will consider "due process" in terms of the work of a hearing officer, **"Providing Due Process: The Essentials."**

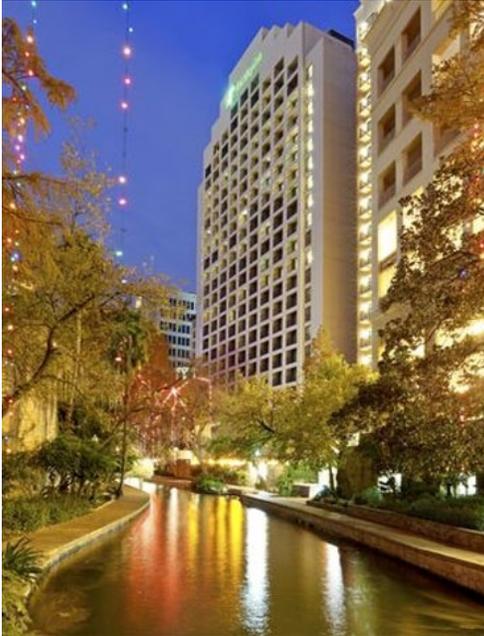
### Wednesday, October 17, 2012

The last morning of the Conference will offer two sessions to follow-up the Sunday Roundtables. **"Alternative Methods for Dispute Resolution: Mediation and More"** will be led by Justice W. Michael Gillette, who will be joined by others experienced in mediation, Bonny Fetch, Commissioner of the North Dakota Public Service Commission,

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## NAHO CONFERENCE HOTEL

Andrea Boardman (CT)



The site for the 2012 National Association of Hearing Officials Professional Development Conference is the Holiday Inn San Antonio-Riverwalk. This hotel consists of 23 stories and is located on the San Antonio River. The location is within walking distance to all major downtown attractions including the Alamo. The hotel restaurant and lounge have Riverwalk views.

The deadline to receive the conference rate for your hotel room is September 11, 2012. A special web page has been set up for conference attendees at [www.holidayinn.com/sat-riverwalk](http://www.holidayinn.com/sat-riverwalk) and please enter NHO as the group code. The direct hotel phone number is (210) 224-2500, or toll free at (888) 615-0726 to reserve a room. When you call remember to reference the conference group code of NHO to receive the federal per diem rate. A credit card number will be needed to guarantee your room. The guaranteed room block is limited, so make your reservation early.

The hotel is extending the 2012 federal per diem rate to attendees of the 2012 NAHO Professional Development Conference. The approved federal lodging per diem rate is currently \$106.00 plus local and state taxes for Texas. This amount is subject to change by the General Services Administration, in which case the hotel lodging rate will change. The cancellation policy requires notification by 6:00 p.m. on the date of arrival, or the room will be billed to your credit card.

## From Your New NAHO Newsletter Editor

Andrea Boardman (CT)

I'd like to introduce and share a little bit about myself. I am an alumnus of the University of Connecticut. I graduated with a Bachelor of Science degree in Human Development. I will be celebrating 34 years with the State of Connecticut Department of Social Services in August of this year; the last 18 have been as a Hearing Officer. Prior to being a Hearing Officer, I served as an Intake Supervisor. I enjoy spending precious time with my 93 and 94 year-old parents. I am happily married to my husband Bob, who I met at UCONN and we will celebrate our 30th wedding anniversary this summer. My wedding anniversary and my anniversary with the State of Connecticut fall on the exact same day! We enjoy traveling and have traveled extensively in the United States. We have recently made several trips to Europe and especially like Zermatt, Switzerland, Italy's Lake Region and Paris. I also like to cook, walk, garden and read. At this time of year in Connecticut, I especially like to cook a great meal that could be enjoyed outdoors with my husband, family and friends.



Andrea Boardman (CT)

I'd like to thank Janice Deshais for her service as the former NAHO Newsletter Editor. Janice did a great job producing several special editions. When Janice asked me to take on the task as the current Newsletter Editor, my first thought was that I had big shoes to fill. My second thought was "yikes, how am I going to do this?" I arrived at some ideas for this Newsletter and met with Janice. Janice shared her technical organizational skills, agreed with my ideas for articles and gave me a few great ideas as well. I thank Jan for her assistance and thank all who contributed articles to this newsletter. I hope that you enjoy my first attempt as the NAHO Newsletter Editor.

I also serve as the current NAHO Recording Secretary and I am on the Publicity Committee. Although I was a NAHO member prior to 2008, I attended my first NAHO Conference in Orlando and was immediately struck by the positive energy, informative workshops and the nicest people associated with this special organization. Please join me at the 2012 NAHO Professional Development Conference in San Antonio, Texas and experience a great event!

## Cocktail Cruise Along the Riverwalk

This year's Conference includes a "Cocktail Cruise" on the San Antonio River at 6:00 pm on Monday night. The hour-long cruise, on one of the famous Riverwalk "barges," leaves from the hotel and travels down and back along the Riverwalk. Enjoy a margarita or a beer while you relax and take in the sights! **The cruise is included in your registration fee, but a "reservation" is required -- be sure to check the box on the registration form!** \$5.00 drink tickets will be sold at the registration table on Sunday and Monday.



## SAN ANTONIO - A Great Choice for the 2012 Conference

Bonny M. Fetch (ND)

San Antonio, the very sound of the name evokes images of a rough and tumble old Southwest frontier town. The city certainly has had a tumultuous and colorful history. Native Americans living in the river valley area were the original inhabitants, until a group of Spanish explorers and missionaries came upon the area on the feast day of St. Anthony of Padua in 1691 and named the place “San Antonio” in his honor. The city went through periods of growth and upheaval during those early days of colonization and Spanish settlement, to the battle of the Alamo which took place from February 23 to March 6, 1836, and the Mexican-American War which resulted from the annexation of Texas as a state in 1845. The Mexican-American War devastated San Antonio and reduced its population by almost two-thirds, to only 800 inhabitants. But by the start of the Civil War in 1860, San Antonio had grown to a city of 15,000 people.

Today, modern San Antonio is the seventh largest city in the US, and has a population of 1.3 million people. San Antonio is famous for the Alamo, Spanish missions, the River Walk, the Tower of the Americas, and is host to SeaWorld and Six Flags Fiesta Texas theme parks, as well as NBA champion San Antonio Spurs and several military bases.

I had occasion to be in San Antonio the first week in May, and though my free time was limited, I enjoyed a barge tour of the Riverwalk and experienced some of the wonderful restaurants which inhabit the downtown area and the Riverwalk. I found some very tasty Southwestern dishes, and I discovered a new favorite drink, a prickly pear margarita in Boudro’s, a small but very popular restaurant on the Riverwalk. A completely different type of restaurant which I enjoyed very much was Fogo de Chao, a Brazilian steak house, delicious but you had better be hungry if you go there. There are so many inviting restaurants just on the Riverwalk alone, but when I go back this fall, I am going to try some of the restaurants in the historic hotels as well.

The afternoon I visited the Alamo was truly memorable. I am a history buff so the place drew me like a magnet. The building itself



is very small, hard to believe that 200 men fought and died within those walls. The 13-day battle of the Alamo ended on March 6, 1836, and the death of the Alamo Defenders,

as they are known, has come to symbolize courage and sacrifice for the cause of liberty. As often happens in such a place, I felt that speech should be minimal and then, if necessary, spoken in hushed tones out of reverence for the men who gave their lives there. When you come to the Conference in October, I most highly recommend you take time to visit. It will be convenient as the Alamo is in close proximity to the conference hotel.

And speaking of the hotel, the conference site this year is the Holiday Inn San Antonio- Riverwalk. The hotel is located

in the historic downtown area, within walking distance of the Alamo, Rivercenter Mall, Alamodome and the Market Square (El Mercado). The hotel is located on the banks of the famous Riverwalk, which means that there is plenty to do and see directly outside the hotel doors. For those who are interested in culture, the San Antonio Museum of Art and the Witte Museum are just two miles from the hotel. Other attractions downtown include the Buckhorn Saloon and Texas Rangers Museum, the Spanish Governor’s Palace, and historic Menger Hotel. Among other interesting facts, the bar in the Menger Hotel was used by Teddy Roosevelt in 1898 to recruit the Rough Riders who fought in Cuba in the Spanish-American War. I am going to at least visit the bar in the Menger Hotel this fall, and perhaps the restaurant too. After all, Teddy Roosevelt spent so much time in North Dakota I feel he is one of us, so I want to experience the site of his Rough Rider recruiting endeavors.



Like a brightly colored woven blanket, the city is a colorful blend of diverse cultures offering so many different things to do, varied kinds of foods to sample, interesting places to visit, and unique art, architecture and music - something for everyone. I hope to see you in San Antonio for another great NAHO Conference in October.

–Bonny M. Fetch, Immediate Past-President

### Newsletter Credits:

Editor: Andrea Boardman (CT)

Layout & Design: Wendy Moen, Design Dimension  
www.DesignAZ.net • www.facebook.com/DesignDimension

## Spotlight on A NAHO Board Member

*Karla L. Forsythe*

I'm excited to have been elected as the alternate Western Region representative on the NAHO Board!

I serve as Chief Administrative Law Judge for the Office of Administrative Hearings in Oregon. OAH ALJs make decisions that are independent from referring agencies, and we work out of five office locations which are physically separate from these agencies.

In FY 2011, we received 47,177 hearing requests. The Employment Department referred 68% of these requests, and 13% came from DMV for implied consent hearings. Eight percent of our caseload came from DHS (public benefits including medical and food assistance). These are high volume cases, and the majority of hearings are held over the telephone with citizens representing themselves.

Our ALJs also establish and modify child support orders, which account for 9% of our work.

While only 2% of our referrals came from other agencies, boards and commissions, they typically stem from enforcement and regulatory action. These hearings raise complex issues and involve multiple parties, representation by attorneys and many hours of in-person hearing time. These referrals come from over 70 agencies, boards and commissions, including Water Resources, Secretary of State, PERS, DEQ, the Board of Nursing, the Department of Education for cases under the Individuals



*Karla L. Forsythe*

with Disabilities Education Act, and the City of Portland Fire and Police Disability and Retirement Fund, among others.

The Oregon Attorney General writes the rules of procedure for our cases. We are housed in the Oregon Employment Department for administrative support. My position is primarily administrative; my primary statutory duties are to organize and manage the office, to establish a training and standards program, and to take all actions necessary to protect and ensure the independence of each ALJ assigned from the office. I am currently serving a four year term, and will be seeking reappointment by the Governor when my term expires in 2014.

Prior to my appointment as CALJ, I worked as the Chapter 13 Bankruptcy Trustee for Southwest Washington. In my jurisdiction, meetings of creditors had many characteristics in common with contested case hearings. I am a poster child for using a law degree to pursue many options, having also worked as a legal services attorney, a municipal ombudsperson, General Counsel to the Alaska Court System, director of Alaska's financial disclosure commission, a staffer to Portland's regional government, and director of a large suburban Chamber of Commerce. My current position circles back to my days as a legal services attorney when *Goldberg v. Kelly* was still relatively new.

I'm a graduate of Yale University and Northeastern University School of Law. I live in Portland with my husband Jim Crane, who is a business litigator, and Annie, our black lab. We have two grown children, neither of whom wants to become a lawyer. My interests include walking, gardening, movies, singing in a community chorus, and spending time with my still-active 92 year old mother.

I joined the Board in order to help promote high quality skills and substantive education for my staff and other hearings professionals. I also believe that our offices play a vital role in today's political environment by giving citizens a voice in responding to decisions public agencies make about their lives, and that the Board can help promote this important work.

## Immediate Past President Appointed To Public Service Commission

*Andrea Boardman (CT)*

On June 20, 2012, Governor Jack Dalrymple appointed Bonny M. Fetch to the North Dakota Public Service Commission (PSC). Judge Fetch will fill an unexpired term of a former Commissioner, who has accepted an appointment on the Federal Energy Regulatory Commission. The PSC takes an active role in protecting consumers by ensuring utilities follow rules, working with consumers to resolve disputes with utilities, and establishing fair rates and regulations. The PSC is a constitutional agency with varying degrees of statutory authority over abandoned mine lands, coal mine reclamation, electric and gas utilities, telecommunications companies, energy conversion facility siting, to only name a few.

Judge Fetch will take a leave of absence from the

North Dakota Office of Administrative Hearings where she has served as an Administrative Law Judge since 1991. Her term on the PSC expires on December 31, 2012. Governor Dalrymple said, "Bonny's experience will be a tremendous asset to the Commission's mission of providing sound regulatory oversight of the state's utilities, telecommunications and other industries." Bonny's duties at the Office of Administrative Hearings include presiding over hearings for the (PSC). Bonny conducted formal hearings related to the oversight of mining, railroad transportation, electrical cooperatives and pipelines.

Bonny served as President of the National Association of Hearing Officials for two terms, from 2008 - 2011. She has been a Certified Administrative Law Judge through NAHO since 2003. Judge Fetch served NAHO as a Board

member in other positions as well. At NAHO, Bonny is revered for her fairness and leadership skills. She

has the rare ability to relate to individuals with different interests, personalities and backgrounds. Several changes in by-laws and policy were initiated by Bonny for the good of the membership during her service as NAHO President. It's always a pleasure to have a conversation with Bonny. Please join the NAHO Board in offering our congratulations and good wishes to Bonny in this new and exciting endeavor.



*Bonny M. Fetch (ND)*

## Scholarships To The NAHO 2012 Conference

*Hugo M. Franco, (AZ)*

The NAHO Board of Directors has authorized a limited number of scholarships to NAHO members to attend the 2012 Annual Professional Development Conference in San Antonio, Texas, October 14-17, 2012. Applicants **MUST** be NAHO members in good standing. Scholarships cover the total conference registration fee, including conference meals. Scholarships Do Not cover travel and lodging expenses.

Applicants must submit a letter to the NAHO Scholarship Committee with the following information:

- Indicate whether you are a NAHO member in good standing, or that you have applied to become a NAHO member. Verify your status by listing your membership number or by providing the date of your membership application.
- State your employment information (employer, job title, how long 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.
- Indicate whether you have previously received a NAHO scholarship.

Applications **MUST BE RECEIVED BY August 24, 2012** to be considered. Only complete applications will be considered. Send your letter of application and supporting information by regular mail or by e-mail to:

Hugo M. Franco, Chairman  
DES Appeals Board  
1951 W. Camelback Rd., Suite 465  
Phoenix, AZ 85015  
hfranco@azdes.gov

## Judge Paul Keeper to Teach Decision-Writing Class at 2012 Conference

*Toni Boone (NV)*

NAHO is happy to announce that Judge Paul Keeper, of the Texas State Office of Administrative Hearings, will be presenting “Writing Skills 101: Writing Clear and Concise Decisions” at NAHO’s upcoming conference.

Prior to his nine years as an administrative law judge with the Texas State Office of Administrative Hearings, Judge Keeper was in private practice. His practice was primarily in the field of administrative law, with the bulk of his practice involving health and insurance licensing and disciplinary actions. However, he is a teacher at heart.

Judge Keeper has been a frequent guest lecturer on administrative law at the University of Houston College of Law, the University of Texas College of Law and at Rice University. He has particularly enjoyed serving as a guest lecturer/adjunct faculty for Pepperdine University College of Law and Monterey College of Law.

Judge Keeper is often asked to provide continuing legal/judicial education on various subjects but his most popular and/or most highly regarded training classes may be his “decision-writing” classes. Judge Keeper deems decision writing one of the most important aspects of administrative adjudication because hearing officials are

often judged on the quality of their writing. His class will provide practical suggestions on organizing, producing, and editing a decision, whether simple or complex. In this interactive class, attendees will have an opportunity to practice and sharpen their writing skills. In addition, a notebook of exercises and decision-writing principles will be given to each person who attends the class.

Writing skills are essential and can always be improved upon. NAHO is pleased to have Judge Paul Keeper to assist in this endeavor.

## NAHO'S Certification Program

*Andrea Boardman (CT)*

It was my pleasure to reach out to the 2011 newly Certified Hearing Officers and have them to share their thoughts and experiences with the NAHO Certification process for the 2012 Pre-Conference Newsletter.

All of the Certified Hearing Officials responding to my informal questionnaire, felt a sense of pride and accomplishment in attaining this status. The process was also described as “challenging and rewarding.” One newly Certified Hearing Officer shared that this has been a “personal goal of her professional development.” She took pride in pointing out that I notice in her signature block, “she is able to use the title Certified Hearing Official after her name.” All of the respondents found the courses taken for Certification extremely valuable in preparing for and conducting hearings. Yet another Certified Hearing Official pointed out that, “the position of Hearing Officer is an ongoing learning experience and having

good foundational knowledge on topics emphasized in the NAHO Certification program to be beneficial.” The DVD rentals were found to be convenient and are appreciated. The process “fills the gaps where one may feel weak or had insufficient exposure to a topic.”

Another respondent pointed out that the process is more “challenging for non-lawyers.” Achieving the status of a Certified Hearing Officer eliminates the question that he gets from attorneys, “What qualifies you for this position?”

One respondent works as one of a cadre of six Pennsylvania Special Education Hearing Officers. “Three of his colleagues had already obtained the Certified Hearing Official distinction. Another is close to obtaining it, and the sixth is in the midst of obtaining it. This group of colleagues values the Certified Hearing Official distinction and is a group that

enjoys uniform certification.” This individual added that, “the most helpful aspect, to him, is attendance at the Conferences, where presentations and informal meetings with other Hearing Officers allow for sharing views and ideas.”

After reviewing all of the responses to my request, there is no question that the NAHO Certification Program is meeting its mission of developing uniform standards of excellence and professionalism for hearing officials and administrative law judges across the country. The Certification Committee consists of Lead Co-Chair Linda Snow (TX), Co-Chair Ramona Collingsworth and Barbara Ann Macdonald (TX) and Cynthia Staggs (OH).

The 2011 Certified Hearing Officers and Administrative Law Judges:

**Medgar Austin, MS**  
**William Culleton, PA**  
**Susan Dixon, FL**  
**Peter Halbach, ND**  
**Patricia Juneau, LA**  
**Jake McElligott, PA**  
**Margaret Poplin, FL**  
**Cathy Skidmore, PA**  
**Jimmy Stokes, GA**  
**Mary Ellen Varvel, ND**  
**Melanie Wakeland, MS**

Please refer to [www.naho.org](http://www.naho.org) for information regarding NAHO's Certification Program.

### Distinguished Scholar to Close 2012 Conference

NAHO is pleased to announce that Professor Gerald S. Reamey from the Law School of St. Mary's University in San Antonio will be the closing keynote speaker at the 2012 Conference. Professor Reamey holds both a J.D., cum laude, and an LL.M. from Southern Methodist University in Dallas. He teaches criminal law and procedure, and has also taught constitutional law, international human rights law and jurisprudence. Professor Reamey has also served the law school as Associate Dean of Academic and Student Affairs and as Director of St. Mary's Center for International Legal Studies. He has authored textbooks and numerous law review articles and has been the recipient of St. Mary's Distinguished Faculty Award.



*Professor Gerald S. Reamey*

Professor Reamey will speak on “Means of Adjudication: The Quest for Universality in Process.” He will discuss the approaches taken by the world's legal systems in adjudicating primarily criminal matters, provide examples of reform movements in China and Italy, and consider the hybrid procedural systems being used by international tribunals. In his address, Professor Reamey will analyze the advantages and disadvantages of adversarial systems and explain the movement toward and away from the American version of adjudicative procedure.

NAHO is fortunate to have Professor Reamey as its closing keynote speaker. His address promises to be an interesting and thought-provoking way to end our 2012 Conference.

*To register for the*  
**2012 ANNUAL**  
**PROFESSIONAL**  
**DEVELOPMENT**  
**CONFERENCE**  
*visit the*  
**NAHO website at**  
**[www.naho.org](http://www.naho.org)**

## Official NAHO Products Available at 2012 Conference

Toni Boone (NV)

NAHO now offers a variety of items for purchase, at nominal prices, branded with NAHO's logo. As it would be impossible to carry the inventory necessary for NAHO's members from conference to conference, NAHO members will be able to place an order to obtain apparel and other items branded with NAHO's logo in San Antonio. Among the apparel items that will be available are polo shirts, sweatshirts and fleece vests and jackets. A variety of colors and sizes will be available.

NAHO will also be offering a sturdy woven computer case with a zipper closure. Both the apparel and the computer case will have the NAHO logo embroidered on them and embroidered personalization will be available for an additional charge.

We plan to have a custom-designed T-shirt commemorating our 2012 San Antonio conference available for immediate purchase. The T-shirt would make a wonderful souvenir of your trip to San Antonio.

Pins with NAHO's logo, suitable for your collar or lapel, will also be available for immediate purchase at the conference.

You will see members of the NAHO Board of Directors wearing NAHO apparel, carrying a NAHO computer case, or wearing a NAHO pin at the upcoming conference. We hope you stop by the merchandise booth to see the items that are available and to place your order.

## Mediation Attorney Philbin to Speak at Conference

Toni Boone (NV)

NAHO is very pleased to have Don Philbin (J.D., M.B.A., LL.M.) presenting a 90-minute session on alternative dispute resolution at the upcoming conference.

Mr. Philbin is an AV-rated<sup>1</sup> attorney-mediator with over twenty years of experience in mediating both individual and class matters. He holds a Masters of Law degree from Pepperdine's top-ranked Straus Institution for Dispute Resolution, where he is now an adjunct professor. He was trained by and has published through Harvard's Program on Negotiation and was one of the first U.S. mediators certified under the international standards established by the International Mediation Institute. He currently serves as Co-Chair of the ABA Dispute Resolution Section's Negotiation Committee. He was recognized as the 2011 Outstanding Lawyer in Mediation by the San Antonio Business Journal.

In addition to being an outstanding mediator, Mr. Philbin is an outstanding educator and presenter. His interactive instructional approach, using engaging visual aids, is both informative and entertaining. A recent attendee of his training recently stated that his class was "one of the best lectures using humor and factual information I've ever attended."

NAHO is honored to have Mr. Philbin as a speaker-presenter at the upcoming conference.

<sup>1</sup> This rating means that Mr. Philbin has achieved an "A," the highest rating achievable for competence and a "V," is the highest rating achievable for integrity, from his peers.

## CONFERENCE CURRICULUM *{continued from page 2}*

and Janice Deshais, Director of the Office of Adjudications for the Connecticut Department of Energy and Environmental Protection. This session will further explore the topic and discuss the best practices for overcoming resistance to settlement and for managing the ADR process when parties are particularly contentious. "**Due Process and Pro Se Litigants**" will feature a panel of hearing officials who have practical experience in this area. Judge Toni Boone will be joined by Linda Snow, a Lead Hearing Officer for the Texas Health and Human Services Commission and Hugo Franco, Chairman of the Appeals Board of the Arizona Department of Economic Security. The panel will compare and contrast the expectations of the pro se litigant with the elements of

both substantive and procedural due process and review strategies to ensure that pro se litigants understand their due process rights and understand the scope of administrative hearings.

Wednesday will also offer something for those hearing officials who feel pressure and stress in their lives. In a third session, Larry Geller will present "**Taking Time for You: Down Time is Not Wasted Time**" to help harried hearing officials learn the benefits of doing something for yourself – take a break!

The Conference will close with a plenary session on Wednesday morning featuring Professor Gerald S. Reamey of St. Mary's University School of Law in San Antonio.

In his closing keynote address, "**Means of Adjudication: The Quest for Universality in Process**," Professor Reamey will discuss the various methods of adjudication utilized by the world's legal systems, provide examples of reform movements in China and Italy and consider the hybrid systems being used by international tribunals. (*For more on Professor Reamey and the closing keynote, see Distinguished Scholar to Close 2012 Conference on page 7 of this newsletter.*)

For more information on the curriculum for this year's Conference and this curriculum, including NAHO certification information and CLE credits, see your registration brochure or go to the NAHO website at [www.naho.org](http://www.naho.org).

## NAHO Certification Committee

*Linda Snow (TX)*

The Certification Committee consists of Lead Co-Chair Linda Snow (TX), Co-Chair Ramona Collingsworth (TX), Barbara Ann Macdonald (TX), and Cynthia Staggs (OH). So far this year, the committee prepared and mailed 21 notices for certifications that expire December 31, 2012, received and reviewed four applications for initial certification, and received and reviewed four applications for recertification. The committee responded to telephone and e-mail inquiries from judges across the United States and its protectorates. The committee assigned classifications for the courses in the upcoming NAHO Annual Professional Development Conference in San Antonio.

Since 1995 when NAHO began the certification process, numerous members have become certified as administrative law judges and

administrative hearing officials. The certification process provides a standardized manner for member's education, experience, training, and continuing legal education upholding the NAHO mission to promote professionalism concerning administrative hearings.

The Certification Committee urges individuals wishing to apply for initial certification or completing the recertification process to take advantage of DVDs of prior NAHO courses that are available through the NAHO library.

The current application deadline is December 31, 2012, for those members who did not submit their applications by the July 31st deadline for conference recognition, but still want to receive their certification or recertification for the calendar year 2012.

## NAHO Recertification Program

*Andrea Boardman (CT)*

The NAHO Recertification program continues to strengthen the administrative hearing process, and provides concrete evidence of continuing commitment to the hearing process. Recertification allows one to keep current with the latest in administrative law. The individuals who were recertified in 2011 are:

David Bauman (ID)  
 Toni Boone (NV)  
 Thomas Burkizer (SC)  
 Thomas Cheffins (PA)  
 Linda Garton (FL)  
 Jim Gerl (WV)  
 Susan Kirkvold (VA)  
 LindaJo Nicholson (FL)  
 Iris Olulenu (SC)  
 Norman Patenaude (NH)  
 Paul Porter (OK)  
 Phillip Snow (NC)  
 Marcelo Vincent (WY)

Attending the annual Conference is a wonderful opportunity to improve your skills and knowledge of administrative practice or learn new "tricks of the trade" while meeting other hearing officials from throughout the country.

Watch your mail and [www.nago.org](http://www.nago.org) for more information soon!

National Association of Hearing Officials

2012

ANNUAL PROFESSIONAL DEVELOPMENT CONFERENCE

*Roundup on the Riverwalk*

October 14-17, 2012 | Holiday Inn Riverwalk | San Antonio, TX

**WHO SHOULD ATTEND?**

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

**FEATURING:**

- Training sessions, roundtable discussions and panel presentations to interest and educate new and experienced hearing officials and others involved with the administrative hearing process;
- Keynote presentations by speakers who will inform, entertain and inspire with their insights on fascinating topics;
- Interaction with NAHO members and hearing officials from across the country;
- Social events and free time to enjoy San Antonio and the Riverwalk!