



NAHO News

January 2012

New Mexico History Museum Site of Sunday Reception

Janice Deshais (CT), Editor

The 2011 Professional Development Conference kicked off with an evening reception on Sunday, November 13 at the New Mexico History Museum. Located on the celebrated Santa Fe Plaza, this museum includes permanent and temporary exhibitions that span the early history of indigenous people, Spanish colonization, the Mexican period and travel and commerce on the legendary Santa Fe Trail. The Museum serves as the anchor of a campus that includes the Palace of the Governors, site of the Native American Artisans Program (see NAHO NEWS, July 2011).

Attendees were treated to a generous buffet of appetizers and other treats (catered by Whole Foods) while they visited with other hearing officials from all over the country. In addition to socializing and getting to know other NAHO members and guests, attendees were able to view one of the museum's exhibits. This access to this wonderful museum, a beautifully cool evening, good food and interesting conversation made the Opening Reception a memorable event.



NAHO Revises Evaluations to Gain Better Information to Serve Members

Andrea Boardman, (CT)

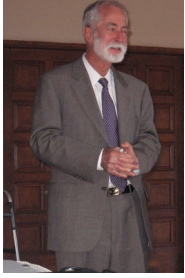
The 2011 NAHO Conference Evaluations and the Course Evaluation forms were revised to extract more meaningful suggestions for future



planning in an effort spearheaded by Janice Deshais with assistance from Andrea Boardman. Each evaluation form is currently being reviewed and any trends and comments will be presented to the NAHO Board for discussion and future planning. The hope is that positive changes can be made to improve course subject, format and content. In addition, suggestions for locations for future conferences will be considered and passed on to the planning committee. The new Conference Evaluation Form allows attendees to list instructors, including themselves, who they would like invited to future conferences. Individuals can also indicate whether they would like to sponsor a future NAHO Conference. Individuals are asked how they learned of the NAHO Conference in an effort to attract additional attendees for future conferences, keeping the organization well rounded and remaining relevant and meaningful. These forms may continue to be revised based upon your feedback in a continuing effort for improvement.

Thank you to all who completed either of these evaluation forms. Your feedback is important to us in responding to your needs for future conferences.

Chief Justice Entertains and Informs at Luncheon



Every NAHO Conference typically includes a luncheon, often held at the site of the Conference. Luncheons, as is their nature, normally feature a guest speaker. At NAHO, we have been fortunate over the years to have distinguished luncheon speakers who have shared their insight and experience with Conference attendees.

This year was no different; however, the luncheon at this Conference was particularly special. First, our venue was the La Terraza, the restaurant on the top floor of La Fonda with a beautiful terrace offering gorgeous views. Second, and most significantly, our speaker was the esteemed New Mexico Supreme Court Chief Justice Charles Daniels.

A semiprofessional race car driver and a country-rock bass guitar player and songwriter, Justice Daniels also has a keen interest in early New Mexico jurisprudence. Daniels entertained the room of attentive listeners with a fascinating presentation of the early history of the New Mexico courts, particularly the courts around Santa Fe. Using photographs and other archival materials, Justice Daniels provided a glimpse of the system of justice in the “Southwestern” Old West.



The terrace on La Terraza



President Fetch thanks Justice Daniels



Another lovely spot on the terrace

Message from the President

Norman Patenaude (NH)

Dear Members:

It is with great pleasure and enthusiasm that I author my first message to you as president. I have been a member of NAHO since 1999, a certified ALJ since 2002, and vice-president for the past four years.

Under the leadership of my predecessors NAHO has made great strides over the past few years. Its finances are secure, its membership is growing and its technology continues to meet the needs of the 21st century. Our conferences have won rave reviews for their locations as well as for the content of the curriculum. We have become a nationally recognized organization that attracts chief justices, attorneys-general, sitting judges, distinguished professors and experienced ALJ's as faculty members. Our certification program is second to none.

I wish to take this first opportunity as president to thank all those who have served on the Board, on committees and as volunteer coordinators. Most recently this includes Ramona Collingsworth and Diana Ragsdale of Texas, Linda Jo Nicholson of Florida, Ellen Anderson of Washington State, Sharon Kulp of Kentucky and Frances Zuther of North Dakota. Their contributions made an enormous difference. I also welcome the continued involvement of Hugo Franco of Arizona, Andrea Lee of Virginia and Eric Moody of Idaho. I recently appointed them to serve as at-large members of the Board. Let me also introduce to you the new Board members for the next biennium. They are ALJ Melissa Jones of Washington, DC, ALJ Roberto Albertorio of New Mexico, Hearing Officer Georgiana Newburg of Texas, and ALJ Karla Forsythe of Oregon and Hearing Officer Peter Halbach of North Dakota.

The Board has begun to plan for the 2012 conference that will be held on San Antonio, TX October 13-16, 2012. We have booked the Holiday Inn on the beautiful downtown Riverwalk. The rooms have been renovated and offer WIFI as well as balconies not to mention an outdoor heated pool and fitness room. The hotel is located within walking distance of all major attractions including the historic Alamo, the Rivercenter Mall, El Mercado at Market Square, Six Flags Fiesta, Splashdown and Sea World. Now is the time to request a budget allowance from your employer or to raise the funds on your own but don't miss this exciting conference destination and program. Mark your calendars!

Happy New Year to all and I look forward to seeing you in San Antonio, TX in October.

Norman J. Patenaude, CALJ, President

2011 NAHO Special Service Awards

Andrea Boardman, (CT)

The presentation of Special Service Awards is always an inspiring and heartwarming part of the NAHO Annual Professional Development Conference. After a delicious dinner at the "Terrace Banquet Room" on the rooftop of the "La Fonda On the Plaza", on a crisp moonlight night, the presentation of the 2011 Special Service Awards was particularly enjoyable. It was with great pleasure that President Fetch presented four awards to recognize outstanding contributions at the 2011 Santa Fe Conference.

The Truett R. DeMoisey Professionalism Award was awarded to Julian Mann. This award is named for one of NAHO's early presidents. Truett was a true friend and mentor to NAHO, remembered for his leadership and gentlemanly manner. The President chooses the recipient of this award which recognizes an individual who demonstrates ethical behavior and the highest ideals of professionalism. President Fetch was pleased to present the award this year to Julian Mann, Chief Administrative Law Judge and Director of North Carolina's Office of Administrative Hearings. Judge Mann has experienced a long and distinguished career in the practice of law and in administrative adjudication, earning many awards and notable accomplishments, some of which include being named the 2006 National Conference of Administrative Law Judge Fellow, the 2007 NCALJ Fellow for his article, "Due Process, a Detached Judge, and Enemy Combatants", the 2008 NAALJ Roskopf Award for Judicial Professionalism and Ethics, a 2009 NAALJ Life Fellow, and a 2010 ABA Foundation Fellow.

Judge Mann has been a friend to NAHO, lending his personal support and his agency's support to the 2005 Conference in Durham, NC, and he was one of the keynote speakers last year at our 2010 Conference in Nashville. President Fetch has known Judge Mann for many years, and states that his unwavering dedication to enhancing the professionalism of administrative adjudication is commendable and striking. President Fetch



Norm Patenaude, new NAHO President, presents Past President Award to Bonnie Fetch.

recalled a conversation with him in which he said the reason organizations like NAHO and NAALJ exist is to promote professionalism. President Fetch agrees and believes it takes professionals like Judge Mann to accomplish that. President Fetch holds Judge Mann in the highest regard and it was her honor to recognize him with this award, which he so richly deserves.



President Fetch awarding Secretary Andrea Lee for her service to NAHO.

The Outstanding Service Award was presented to Andrea Lee. Andrea is the Deputy Commissioner of the Virginia Workers' Compensation Commission. Andrea has been a member of NAHO since 1995 and is familiar face to many of us. She attended NAHO conferences in Williamsburg, VA, Louisville, KY, Minneapolis, MN; Norfolk, VA; Durham, NC; Bismarck, ND; Santa Fe, NM, Orlando FL, Boise ID, Nashville, TN and Santa Fe New Mexico in 2011. Andrea served on the Curriculum Committee at the 2005 Conference in Durham, and that same year joined the Board as the Southeast Regional Alternate. She was appointed Secretary of the Board in the fall of 2005 and served in that position since that time. President Fetch appointed a taskforce consisting of Andrea and LindaJo Nicholson, another Board member, to draft a General Policy Manual and a Procedures Manual, a time-consuming task which the taskforce completed and which will be a lasting contribution to the administration of NAHO. Andrea received the President's Award in 2006 and in 2008 she was the recipient of the Truett R. DeMoisey Professionalism Award.

Andrea has been a faithful and dedicated Board member, rarely missing a meeting and always available to contribute her time, ideas and support. President Fetch has been able to count on her help and considers her an extremely valuable asset to NAHO. President Fetch also noted that outstanding is a word which hardly describes all Andrea has done in the fulfillment of her role as Secretary and Board member. Andrea is also one of the warmest, nicest people you will ever meet, attributes that are her gifts to NAHO.

The Bill Kane Board of Directors' Award was awarded to LindaJo Nicholson. This award is also named for one of NAHO's past presidents. The Board of Directors chooses the recipient of this award which recognizes unique and invaluable contributions to NAHO. LindaJo has been a member of NAHO since 1992. She became a Certified Hearing Officer in 2002 and is an Administrative Hearing Officer with the State of Florida Office of Appeal Hearings. LindaJo has served two terms as Southeast Regional Alternate and two terms as Southeast Regional Representative. Her service to NAHO includes Assistant Conference Registrar in 2002, Registrar in 2003 and 2004, and Co-Registrar in 2005. She served as Co-Conference Coordinator for the 2005 Conference in Durham. LindaJo served on and chaired many NAHO committees, including the By-laws Committee and the Future Planning Committee. Along with Andrea Lee, LindaJo wrote the General Policy Manual and Procedures Manual, a time-consuming task and a lasting contribution to the administration of NAHO.

President Fetch stated that LindaJo has been a very dedicated Board member. One of the first to volunteer for a project, LindaJo is always there to assist wherever or whenever needed. Unfortunately, the 2011 Conference is the first that Linda Jo was not able to attend and she was deeply missed.

The 2011 Special Assistance Award was presented to Frances Zuther. Frances has been an essential part of NAHO for any years. The Office Manager for the North Dakota Office of Administrative Hearings, Frances has served in many capacities and contributed a vast number of hours to NAHO since first becoming involved in 2006, when the Conference took place in Bismarck. Frances served as Conference Registrar and designed and maintained the website for years until a new one was launched in December 2011. Frances designed and produced the conference brochures each year since 2006 and maintained the database and mailing lists. Frances has always been ready and willing to lend her assistance on a number of other tasks as requested and her help has been invaluable. President Fetch told the audience that she cannot adequately express her gratitude for the many talents, and untold amount of time that Frances has so generously donated to NAHO.

Annual Membership Meeting

Janice Deshais, (CT)

The annual meeting of the membership of NAHO was held at the Conference, as provided by the NAHO Bylaws. The following is based on the minutes of that meeting prepared by Andrea White Lee, VA, outgoing NAHO Secretary.

President Bonny Fetch announced that NAHO is maintaining a core membership base and is in good financial condition. She also reported that 104 people registered for the Conference and that the 2012 Conference will be held in San Antonio, Texas, October 14-17, 2012. As of October 21, 2011, NAHO has 237 regular members and one associate member.

COMMITTEE REPORTS

The Certification Committee has received eight applications for initial certification; these were approved by the Board. Nine applications for recertification were received by the Committee and approved by the Board.

Sixty-two DVDs were loaned out by the NAHO Library between September 1, 2010 and September 30, 2011. NAHO has 50 sessions available for loan (some are 2 parts). There are a total of 58 DVDs in the library. Three sessions at the 2011 Conference were videotaped and will be added to the library's collection.

As authorized by the Board, the Scholarship Committee awarded two scholarships to attend the 2011 Conference. The Committee awarded scholarships to Elizabeth Sul-Celine, an ALJ with the Pennsylvania Department of Public Welfare and first-time attendee, and Ann Miley, an Administrative Hearing Examiner with the City of Berkeley, California who also attended the 2007 Conference.

The Communications Committee published two issues of the NAHO News in 2010, a post-2010 Conference issue in March and a pre-2011 Conference issue in July. A post-2011 Conference issue of NAHO News is planned for late 2011 or early 2012. The new NAHO website will be launched before the end of the year. A new feature includes a "Members Only" section.

The NAHO Merchandise Committee reported that some NAHO merchandise would be available for purchase at the Conference and could also be ordered. Samples of merchandise were displayed at the Conference and will be on the new website.

BY-LAWS

After recommendation by NAHO's accountant and discussion, the Board has decided to restructure. In September 2011, the Board voted to 1) reduce the size of the Board from 22 to 12 members and 2) eliminate the on-site Mid-Year Board meeting. In October 2011, the Board voted to limit the term of a newly-combined Secretary/Treasurer to two consecutive terms. The Board also voted to add a new By-Law provision to indemnify past and present officers and members of the Board.



NAHO 2010-2011 Board

On October 11, 2011, several proposed By-Laws changes to implement these changes were sent via e-mail to the membership for comments. No comments were received. President Fetch outlined and explained the various changes to the By-laws. These proposed By-Law amendments were presented to the membership and passed.

NOMINATIONS AND ELECTION

The election results for the term 2012-2013 are as follows:

President – Norman Patenaude (NH)
 Vice President – Janice Deshais (CT)
 Secretary – Andrea Boardman (CT)
 Treasurer – Michael Trammel (IN)
 Northeast Representative – Melissa Jones (DC)
 Northeast Alternate – Zandra Petersen (VI)
 Southeast Representative – Philip Snow (NC)
 Southeast Alternate – Jo Murphy (TN)
 Central Representative – Sherry Coomes (IN)
 Central Alternate – Joseph Rubenstein (MN)
 Mountain Representative – vacant
 Mountain Alternate – Peter Halbach (ND)
 Southwest Representative – Roberto Albertorio (NM)
 Southwest Alternate – Georgiana Newburg (TX)
 Western Representative – Toni Boone (NV)
 Western Alternate – Karla Forsythe (OR)

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Newsletter Credits:

Editor: Janice Deshais

Production: Bonny M. Fetch, Andrea Boardman and Janice Deshais

Layout & Design: Wendy Moen, Design Dimension
www.DesignAZ.net

Membership Meeting *{continued from page 4}*

INSTRUCTIONAL TASK FORCE

The Instructional Task Force, chaired by Toni Boone, NV, was formed because of the recognition that NAHO members need training more than once a year at the conference and should have other alternatives for training if they cannot attend the conference. The Task Force is developing “on line” training via NAHO’s website and is working towards establishing a NAHO Speakers’ Bureau in which NAHO members who are experienced and knowledgeable will be available to provide on-site training to NAHO members. Toni passed out the Instructional Needs Survey to the membership. The results of this survey will assist the Task Force as it progresses in its planning.

ANNOUNCEMENTS/SCHOLARSHIP DRAWINGS

Following announcements regarding the Banquet logistics by Bonny Fetch, the following winners of the drawings for scholarships were selected.

National Judicial College Scholarships (tuition assistance)
Donna Michaels, Jimmy Stokes

NAHO Scholarship (Registration fee for 2012 Conference)
Ted Hunter

Scholarship to Attend a Conference in the Virgin Islands
Stephen Long

DOOR PRIZE DRAWINGS

To close this gathering, door prizes from various regions were awarded to attendees.

New Editor Needed!

Janice Deshais, (CT)

This is my last edition as editor of NAHO News. I have been elected Vice-President of NAHO and now must take on new and expanded duties that will keep me very busy. I ask each of you to think about taking on this interesting task. You do not have to be a Board member or even someone who, to this point, has been actively involved with NAHO. As editor, you will be expected to attend the Conferences and should be able to delegate writing assignments and edit and organize. You should enjoy interacting with NAHO members, presenters and others who make our organization all that it is. Please feel free to contact me at janice.deshais@ct.gov. I will be glad to answer any questions.



Spotlight on NAHO Members

Janice Deshais, (CT)

NAHO News is pleased to present another chapter in its continuing feature highlighting the work, backgrounds and other information about the diverse group of men and women from all over the country who comprise the membership of NAHO. The featured members presented here are the Northeast Alternate Representative, Zandra Peterson of the beautiful Virgin Islands and Gary Payne, a citizen of the great state of Oklahoma.

Zandra Peterson



In 2000, Zandra was appointed to the Virgin Islands Public Employees Relations Board (PERB) to serve as a Board member with managerial experience, and served in this capacity for eight years. She has been the Executive Director to the PERB since 2002 where her responsibilities include overall management of the PERB, hearing officer, trainer and mediator. Zandra has been in various management positions within the Virgin Islands Government for over 28 years, including accounting manager, director of administrative services, human resources and director of personnel for the VI government.

Zandra earned a B.A. in Accounting from the University of the Virgin Islands, and an M.S. in Human Resource Development from Florida International University. Zandra has earned certifications in various disciplines, including hearing official, mediation, human resource management and Equal Employment Opportunity Commission (EEOC) Investigator. She has also been trained as an arbitrator and has attended multiple programs conducted by the Labor Law/Labor Arbitration Institute. Zandra received a certificate in Administrative Law Adjudication Skills from the National Judicial College. She is listed on the PERB list of Hearing Officers and Mediators and has also met the requirements as a Neutral with the State of Georgia.

A member of NAHO since 2002, Zandra has served on the Board as an Alternate for the North East Region since January 2006 and has served in this capacity for two consecutive terms. In December 2010, she received a special appointment as Member-at-Large by then-NAHO President Bonny Fetch. As a Board member, she has assisted in various capacities in the preparation and overall success with the NAHO annual conferences. She has also recruited many individuals to join NAHO and obtain their certifications in the organization. Zandra has worked to generate awareness of NAHO within the Virgin Islands, Puerto Rico, and the Caribbean region.

Zandra says her NAHO experience has been rewarding and that her interaction and fellowship with the NAHO Board has been a personal and professional achievement. By attending NAHO annual conferences, she has enjoyed networking with NAHO members

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Member Spotlight *{continued from page 5}*

and instructors and, has also been fortunate to further her skills as a Certified Hearing Official. As the NE Alternate, Zandra promises to continue to generate positive awareness about NAHO, its annual conferences, and the ample benefits NAHO provides to members.

Gary E. Payne

Gary is currently the Chief ALJ for the Oklahoma State Department of Health, a position he has held for five years. Prior to his appointment, he practiced law for thirty-nine years, primarily in the areas of corporate, commercial, real estate and insurance law. His past public service has included eight years in the Oklahoma House of Representatives, ten years' service as an appellate ALJ on the Board of Review for the Oklahoma Employment Security Commission and work as a part-time municipal judge for three different cities. In addition to his present duties, Gary also serves as an Appeal Officer for Education Disability Due Process cases in Oklahoma and is an adjunct professor for Oklahoma State University. Gary has been an adjunct professor at three other colleges and is a frequent lecturer at legal seminars on topics such as opinion writing, administrative law, disaster relief, docket management and other similar topics.



Gary is the author of Desk Manual for Oklahoma Administrative Law Judges and Hearing Officers. (2nd Addition Nov.1, 2009) and is a regular contributor to the "Briefcase," a publication of the

Oklahoma County Bar Association. He has also written numerous articles for professional journals and local newspapers and has won numerous awards for his writing. He currently publishes a weekly blog called The Eclectic Judge: Religious & Legal Ramblings of an Oklahoma Judge: (<http://oklahomajudge.blogspot.com/>)

Gary is President of the Oklahoma Council of Administrative Law Officers and is Chairperson-Elect of the Government and Administrative Law Practice Section of the OBA. He serves on several state and local bar association committees, including the OBA Committee on Uniform State Laws. He is also on the Board of Directors of the Jim Thorpe Association and is a member of Rotary. A resident of Oklahoma City, Gary serves by mayoral appointment on the City's Game and Fish Commission. He previously served on the Edmond, Oklahoma School Board and has been involved in numerous other religious and civic activities.

Gary received a B.S. in Political Science from Oklahoma State University and a J.D. from the University of Oklahoma. He is married to a retired physical therapist and has three grown sons. His hobbies include fishing, blogging, travel, reading and martial arts. Becoming a member of NAHO four years ago at the recommendation of another lawyer, Gary has attended four annual conferences. Gary believes NAHO provides an opportunity to obtain excellent training, but adds most valuable to him is the chance to meet, share with, and learn from fellow hearing officers from throughout the country.

Judge Castillo Provides Uplifting Closing Keynote

Andrea Boardman, (CT)



Celia Foy Castillo, Chief Judge of the New Mexico Court of Appeals, gave a valuable, uplifting and refreshing closing keynote presentation at the Annual Conference on November 16,

2011. Judge Foy Castillo praised attendees for the work that we do. She stated that we are all part of a wonderful process called justice and what we do is essential to democracy. Judge Foy Castillo stated that the

people before us want to be heard and need to leave the hearing room feeling like they had their day in court. As the Thanksgiving holiday was approaching, she suggested that we think about gratitude. We are lucky to be in the positions that we are in, and she hopes that the people we serve are thankful for us.

Judge Foy Castillo also asked how Conference attendees are coping. She asked if we are listening to our hearts and keeping our hearts healthy. She believes we must keep our body and soul fortified. She stated that no one is immune to having decisions overturned and reversals should not be taken personally. Judge Foy Castillo gave a noteworthy example of how she copes when things become challenging. She explained that she separates three portions of life: work; family and fun. When one element becomes difficult, she

shifts gears to the next. Judge Foy Castillo asked the audience what refreshes and fulfills us and urged us to make time doing it as this will keep us fresh. She stated that we need professional nourishment and this is where NAHO comes in. NAHO provides the opportunity to share with our colleagues and to become professionally nourished. She closed by dismissing attendees early and encouraging us to talk to our colleagues, take a walk around beautiful Santa Fe and find our balance. Judge Foy Castillo's remarks were particularly poignant and timely with the busy lives that we lead. Attendees left the Conference refreshed, uplifted and ready to face our tasks again. Thank you Judge Castillo.

NAHO Certification Information Session

Linda Snow, (TX)

The certification program initiated by NAHO in 1995 is dedicated to developing uniform standards of excellence and professionalism for hearing officials. Attaining certification is evidence of a personal commitment to the hearing process. For those NAHO members working towards certification or in the process of preparing to renew their certification, a certification information session was presented by the Certification Committee co-chair Linda Snow. This session included a brief overview of certification essentials including an explanation of the necessary education and experience requirements applicants must meet.



Ms. Snow provided advice to potential applicants regarding the requirements for each mandatory, elective and substantive subject area. Ms. Snow suggested the applicant list more than countable maximum hours for each subject area on the application. By placing additional hours on the application, the Certification Committee will have more material to review. Should the Committee conclude a particular item is not countable towards certification, the additional hours listed could limit the chances of the Certification Committee requesting supplemental information from the applicant.

The presentation allowed for an open forum to ask questions about certification requirements, and referred participants to the certification section of the NAHO website for additional information.

That All Shall Be Heard: The Why, What and How of Working with Interpreters

Andrea Boardman, (CT)

Isabel Guerra McSpadden, PhD, Pamela Sanchez and Lisa Dignan provided a truly enlightening experience for all who attended “That All Shall Be Heard: The Why What and How of Working with Interpreters. Even those of us who work with Interpreters on a regular basis, realized that we had much to learn about this topic. The session opened with an interactive exercise that shadowed simultaneous interpreting. All attendees participated, and the main lesson learned is that interpreting is not an easy task to accomplish, even without the typical background noise in a court room and even with words that are familiar to us.



The session illustrated the difference between interpreting, which is a verbal activity and translating, which is a written activity. Translating can be done at home on a PC, while Interpreters need to think on their feet. Interpreting and translating are different disciplines that require different skills from the practitioner.

The session pointed out that to be a skilled interpreter, being bi-lingual is not enough; one has to be bi-cultural and bi-literate. Continuing education is a must for interpreters as terminology changes. The importance of court and legal interpreter certification programs was stressed, where the interpreter has passed tests designed to measure proficiency in court interpreting skills.

Interpreters need to handle different situations. Lisa Dignan, who is the Director of Communication Access and Development with the New Mexico Commission for Deaf and Hard of Hearing, once interpreted on horseback, at an arena for a college level equine course.

Attendees were reminded to be good to our Interpreters and our hearings will run smoothly, Interpreters will be happy to come back to our hearing room and justice will be better served. Participants appreciated the truly fascinating look at Interpreters and Translators.

¹Isabel Guerra McSpadden, PhD., is a native of Madrid, Spain, and has lived in the US since 1983. She holds a Master of Arts in English from Universidad Complutense in Madrid, Spain, and a Ph.D. in Spanish from Texas Tech University in Lubbock, Texas. She is a federally certified court Interpreter, currently working as a freelance Interpreter and Translator with the State and Federal Courts in New Mexico. She has taught and developed a senior level translation course for Spanish majors and a seminar in court interpreting. She has also taught undergraduate Spanish courses at Texas Tech University. Additionally, she is certified by the American Translators Association in translation from English into Spanish.

²Pamela Sanchez began work with the New Mexico Administrative Office of the Courts in May of 2008. With a Masters Degree in Social Work, Ms. Sanchez has over 30 years experience on public service in county, State and Tribal government and as a non-profit Executive Director. Since joining AOC, Ms. Sanchez has provided leadership in the creation of the New Mexico Center for Language Access, which is administered by the University of New Mexico-Los Alamos, and the New Mexico Justice System Interpreter Resource Partnership. She serves on the Professional Issues and Technical Committees of the Consortium for Language Access in the Courts, National Center for State Courts.

³Lisa Dignan is the Director of Communication Access and Development with the New Mexico Commission for Deaf and Hard of Hearing. She directs the New Mexico Mentoring program for signed language interpreters and administers a variety of contracts and programs to improve access to effective communication for deaf and hard of hearing citizens of New Mexico. Ms. Dignan relocated to Albuquerque in 2007, after serving as Coordinator of Disability Services at Laramie County Community College in Cheyenne, Wyoming for 13 years. Ms. Dignan is a nationally certified interpreter with over 20 years of interpreting experience in a broad range of community, post-secondary, video relay, and coordinating capacities, and has a lengthy history in the independent living movement. She currently serves on the New Mexico Court Interpreter Advisory Committee and the New Mexico RID Professional Development Committee, and she served as the President of Wyoming RID for four years. She holds a Master of Arts in adult education from the University of Wyoming.

Important Note For New Or Renewing NAHO Members

Janice Deshais, (CT)

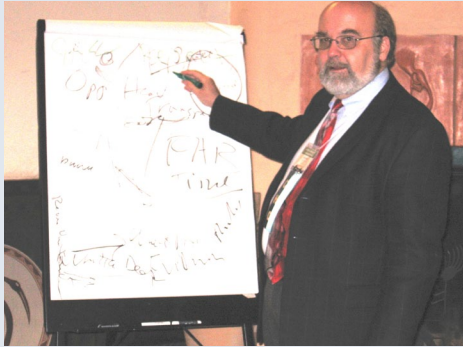
Eric Moody, Chairman of the Membership Committee, reminds all renewing and new members to review your applications carefully and return them with the appropriate fee as indicated on that application. If paying by PayPal, please include a copy of your payment receipt with your application.



A Returning Favorite to NAHO

Andrea Boardman, (CT)

Enthusiastic participation prevailed at Jim Gerl's session, A NUTS AND BOLTS LOOK AT DUE PROCESS at the 2011 Conference.



Due Process is at the heart of what we do as hearing officials. The presentation was extremely valuable to new Hearing Officers, and seasoned Hearing Officers appreciated and benefited from the review as well. Gerl has vast knowledge and experience as a Hearing Officer, Mediator, Consultant and an Attorney and as a result the session garnered lively, active participation. The energetic group and sharing of experiences was an extremely important part of the well attended session. Gerl closed with his two rules to follow to ensure that due process of law has been followed. Rule # 1, Be fair. Rule #2 Appear to be fair. This Hearing Officer always comes away from any of Judge Gerl's sessions with some new tip to bring back to the workplace and often a new way of thinking about the particular course topic.

Judge Gerl has been a special education due process Hearing Officer and Mediator for the West Virginia Department of Education since 1989. He also does special education hearings and mediations for Washington, DC, Utah and a small part of Pennsylvania. He is a Hearing Officer for the West Virginia Division of Rehabilitation, and the West Virginia Public Employee's Retirement Board, and is engaged in the practice of law as a partner in the law firm of Scotti & Gerl. Jim has previously served as a contract hearing examiner for the West Virginia Human Rights Commission. From 1980 to 1984, he was a full time Administrative Law Judge for the Illinois Human Rights Commission. Prior to that, he worked as a Hearing Officer for the Medicaid fraud program of the Illinois Department of Public Aid. Judge Gerl has been a presenter at numerous national, state and regional conferences, and he contracts as a trainer, and consultant with a number of state education departments. Gerl has served as a faculty advisor for the Administrative Law – Fair Hearing program offered at the National Judicial College, has taught four college-level law courses, and is the recipient of numerous awards in recognition of distinguished public service. Judge Gerl is proud to hold certification as a Certified Hearing Officer from NAHO. NAHO is grateful for Jim's generous contribution of his time, knowledge and experience throughout the years.

Professor Ogden Outlines Judicial Ethics

Janice Deshais, (CT)



This venerable expert so often called on by NAHO was once again featured at the 2011 Conference, teaching a course on Judicial Ethics for Hearing Officials. Professor Gregory Ogden outlined ethics standards for hearing officers and administrative law judges. To illustrate these standards in practice, Professor Ogden used hypothetical situations featuring certain types of judges, such as the "humorist judge," the "activist judge," the "inattentive judge," and the "social judge." Ogden then led the class through an examination of the behaviors typical of such judges, asking the class to assess whether that conduct violated the ethics standard, whether it raised reasonable doubts regarding the impartiality of that judge, and, finally, whether a behavior was unwise, even if not technically unethical. (Note: Professor Ogden's presentation is presented on the CD of the Conference, which all attendees received as part of their registration materials.)

The theme of the 2011 Conference was "Keeping Focused in Challenging Times." Many government officials, including hearing officers and ALJs, are performing their duties at a time of unprecedented scrutiny of their actions and ethics. Professor Ogden's presentation provided useful tools for hearing officials to use to successfully address this challenge.

The Handling and Admissibility of Scientific, Technical and Electronic Evidence

Toni Boone, (NV)



Judge Anthony J. Baratta is Associate Chief Administrative Judge for the Atomic Safety and Licensing Board Panel in Washington, DC. Judge Baratta previously served as a professor and chair of the Nuclear Engineering Program for Penn State University and is currently a faculty member at the National Judicial College in Reno, NV.

Judge Baratta explained the unique characteristics and challenges presented by this particular category of evidence and examined admissibility standards under Daubert and Frye. Particular emphasis was placed on handling expert testimony involving complex computer calculations using proprietary software and methods. The class also included a discussion of when motions to compel might be appropriate as well as approaches to be used when examining scientific evidence.

This class provided excellent information for hearing officials who must deal with this increasingly prevalent type of evidence in their proceedings. Hearing officials who have not yet faced the challenges associated with this type of evidence gained a valuable preview of the world of scientific, technical and electronic evidence. (Note: Judge Baratta's presentation is included on the CD of the Conference, which was included with the registration packet given to Conference attendees.)

The Challenges of the Digital Age

Janice Deshais, (CT), Toni Boone, (NV),
and Joseph Rubenstein, (MN)

Roundtable Discussions: Examining the Digital Age Issues of Administrative Hearing Officials

On Sunday November 13, the 2011 Conference opened with consideration of an issue that is central to the challenges faced by hearing officials trying to stay focused in these difficult times: dealing with the issues presented by the digital age. Roundtable discussions for managers of hearing officials, human service hearing officials and other hearing officials were facilitated by NAHO members Janice Deshais, Joseph Rubenstein and Toni Boone. Participants identified and assessed the use of digital media, including social media, by hearing officials; discussed to the practical and ethical considerations related the use of digital and/or social media; and proposed strategies to reduce risk and prevent loss of confidential or private data and professional reputations. The facilitators compiled the results of their respective roundtables and incorporated the input of all three roundtables for the panel discussion presented on the final day of the Conference.

While advances in technology have made it



possible to do more with less and to work smarter rather than harder, they also present their own unique challenges. Newer software may or may not be compatible with existing software. Keying errors can result in the unauthorized or unintended disclosure of nonpublic or confidential data. Electronic drafts still require proof-reading because programs to check spelling and grammar do not always catch everything and mistakes or errors in an earlier draft can carry through to later drafts undetected. Agencies are also often quick to provide new hardware and new software but not to train their employees how to use them. There is an unspoken assumption, often not true, that new technology or more technology will allow a judge or hearing officer to hear and decide more cases in a shorter period of time and to increase their case load accordingly and without considering how the increase may affect their morale or the quality of their decision making.

Panel Presentation: What Were You Thinking? Use and Abuse of Social and Other Digital Media by Hearing Officials"

This panel presentation was facilitated by NAHO President Bonny Fetch and featured

Janice Deshais, Joe Rubenstein, and Toni Boone. Following opening remarks by the President, the panel presented the results of the roundtables and elaborated on some of the information presented and discussed at those sessions. Janice Deshais reviewed the objectives of the roundtables and the panel presentation and discussed some of the advantages and disadvantages of recent technological changes. Judge Rubenstein outlined the ethical concerns triggered by the use of social media that were raised in the roundtables and presented recommendations for preserving security and confidentiality, such as the establishment of clear standards with respect to the use of social media and insuring that electronic safeguards (e.g., firewalls) are in place and continually updated. Toni Boone presented an overview of recently issued opinions and decisions regarding the use of social media, highlighting the canons of ethics and recent case law regarding judicial review of legal ethics violations involving the use of social media. Judge Boone also discussed appellate rulings involving the use of social media related to hearing officials, including the use of social networking as evidence in an administrative hearing.

Most importantly, the panel and the conference attendees examined and discussed the means by which administrative adjudicators can prevent difficulties from arising by using social media and other advances of the digital age prudently.

Thank You And Reflections From The 2008-2011 President

Bonny M. Fetch (ND)



I love Patrick Swayze. From the first moment I saw him portraying the Confederate soldier brother in "North and South," through a myriad of memorable movies including "Roadhouse," "Red Dawn," "Point Break," and "Ghost," to name a few, to my absolute favorite

"Dirty Dancing," I have admired his excellence in acting (pick any role, they're all good), his sense of decency and character (totally devoted to his wife and loved animals), his professionalism and endurance (his work was important, he filmed a new series while terminally ill with pancreatic cancer), his courage (supporting others and not giving up hope as he battled the cancer), and, oh



yeah, his heart-stopping handsomeness. I have seen "Dirty Dancing" well over a hundred times, and I still watch it often. One of the things I admire, but rarely get to witness, is perfection. The last scene in the movie, the dance with "Baby," the character portrayed by Jennifer Grey, is absolute perfection. The music, the facial expressions, Johnny Castle's (Patrick's character) gesture to Baby beckoning her to him with a motion of his finger, and the dance steps which combine elements of ballroom and tango with athletic moves, all merge into a flawless performance.

But I digress. You are probably wondering what this has to do with what I wish to say upon leaving office after four years as NAHO's 13th President? Well, by now you probably know, if you have read my previous articles, that I draw inspiration from people, books, movies, stories, music, even natural disasters, and the like. So I will get to the point. I set high goals for the organization to achieve when I came into office in 2008, and I thought about recounting all I have managed to

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2011 CONFERENCE CONCLUDES SUCCESSFULLY

"Administrative Adjudication: Keeping Focused in Challenging Times"

By *Bonny Fetch (ND)*,
NAHO Immediate Past President

It was my pleasure to preside over the 2011 Annual Professional Development Conference which was held on November 13-16



in Santa Fe, New Mexico. The weather was brisk but sunny, made to order for that time of year. There were 104 attendees from various states and the Virgin Islands.



White Sands, NM

Santa Fe is a unique location which does not disappoint. It is known as *The City Different*, a name which certainly fits this extraordinary city. It is situated at 7,000 feet in the foothills of the southern Rocky

Mountains. The city itself is a beautiful blend of earth colored adobe buildings and modern structures, but no skyscrapers to mar the natural beauty of its surroundings or block the view of the spectacular Sangre de Cristo mountains.

The La Fonda Hotel, which is centrally located on the historic Plaza in downtown Santa Fe, was the site of the conference. The hotel is richly decorated with art and pottery, and the building itself is a work of art, the walls, doors, windows and room furnishings decorated with colorful southwestern painting. Just outside the hotel doors, conference participants enjoyed the innumerable galleries, museums, boutiques and restaurants on the Plaza, and many went home with Native American art and jewelry found in the shops or among the treasures displayed by artisans on blankets outside on the portal of the Palace of the Governors. Some ventured outside the city to visit one or more of the Eight Northern Indian Pueblos near Santa Fe.

In light of NAHO's mission to promote professionalism and provide continuing education, training, a national forum for discussion of issues and leadership concerning administrative adjudication, the annual conference is the focus of who we are and what we do. The conference program is structured to provide an array of educational courses on topics of general administrative law and specialized training.

The 2011 conference theme, "Administrative Adjudication: Keeping Focused in Challenging Times" was selected to direct attention to the many challenges we face in our jobs today due to budget cuts, layoffs, increased workloads, higher expectations, deadlines, internal and external criticism, and new and constantly changing technology, and to recognize the importance of keeping perspective and balance by evaluating our professional tools and skills and brushing up on ones we already have or becoming educated on those we might be lacking. Recognizing the explosive impact of the digital age on our jobs, new sessions were designed to explore the effective and appropriate use of electronic media and the issues related to use of digital media that can become problematic for hearing officials. As digital media becomes more and more prevalent, it will be imperative for hearing officials to exercise heightened prudence in the conduct of their duties. The sessions were popular and you can expect to see more on this topic in future conferences.

The conference was a full agenda of interesting and useful educational presentations by an excellent array of speakers. New Mexico Attorney General Gary King delivered the opening keynote address Monday morning. Among other things, he gave some sage advice that we

sometimes forget in the heat of trying to write a difficult decision. His advice was to cut short the time we spend agonizing over a decision and get it out timely so that litigants can move on. Our decision is not the last stop, and any mistakes can be corrected in review. It was a good reminder. Chief Justice Charles Daniels of the New Mexico Supreme Court was our luncheon speaker on Monday. He educated us on the history of New Mexico adjudication with his presentation on "Conflicts of interest and conflicts with pistols: An illustrated history of the New Mexico Territorial Courts." He is an excellent speaker and it was most entertaining. Hard to believe what happened in those rough and tumble early days of statehood justice, but Justice Daniels' comprehensive history lesson was just what we needed to relax and a great accompaniment to the delicious southwestern luncheon buffet.

Celia Foy Castillo, Chief Judge of the New Mexico Court of Appeals, delivered a riveting closing keynote address on Wednesday with her presentation, "Hearing Officers - On the Front Line." I cannot do her speech justice here, but just to recap a bit, she referred to hearing officials as "foot soldiers", that is, on the front lines and in the trenches fighting the battles in administrative adjudication on a daily basis. She also recognized that as fact-finders, we must act much as referees, taking the information in and making an immediate call, unlike appellate judges who have the luxury of "instant replay." Like Gary King, she cautioned us not to overly agonize about our decisions. She gave a quote from Supreme Court Justice Cardozo, which I like very much.

"I sometimes think that we worry ourselves overmuch about the enduring consequences of our errors. They may work a little confusion for a time. In the end, they will be modified or corrected or their teachings ignored. The future takes care of such things. In the endless process of testing and retesting, there is a constant rejection of the dross, and a constant retention of whatever is pure and sound and fine."

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Billy the Kid and Bonny, which one is the real outlaw?

Conference Concludes {continued from page 10}

Judge Castillo then went on to say, "You work in the endless process of testing, we do the retesting, and the result is pure and sound and fine. We are all part of this wonderful process called justice." A few other wise words of advice from Judge Castillo were that whether a case is appealed or not, our duty is to listen, explain, and make sure everyone participating is professional; do our job faithfully even though we often go unrecognized and unappreciated; do not take reversals on appeal personally or dwell on them, it's all part of the process and it's not healthy; take care of our health and nourish our soul; when work gets us down, switch gears.

Judge Castillo was so engaging and her presentation so inspiring that you could literally hear a pin drop in the room. No one was fidgeting or getting up to move around, we were all transfixed by what she had to say. While there was so much more to Judge Castillo's presentation, I want to iterate a couple of more things she had to say. In a philosophical vein, she pondered that life is often characterized as a search for meaning and the knowledge that life and work have meaning is reassuring and can bring peace of mind, emphasizing that the work we do certainly has meaning to those who appear in front of us. And finally, she closed by reminding us that "you each have a well of pride inside you that inspires you to do your duty,

day in and day out. You know your job and you do it well. That job is bigger than you and me. It's truly a service to

the society we've created and continue to shape and nurture." And finally, "Our job description can be analogized to another famous phrase of President Lincoln: What we do is *of the people, by the people, for the people*. We're constantly reminded of that whenever a new workday begins and a new set of faces appears before us." I would characterize that as a great and humbling responsibility and an honor.

Conference events included a reception on Sunday evening at the beautiful New Mexico History Museum, which is located just off the Plaza directly behind the Palace of the Governors. Attendees enjoyed a buffet of delicious food catered by Whole Foods while socializing with colleagues and having the opportunity to tour the main floor museum gallery. On Tuesday evening we enjoyed a



*Bonny and new friends
at the UFO Museum*

banquet on the La Terraza level of the La Fonda Hotel, which overlooks the city and the picturesque St. Francis Cathedral, while listening to the delightful music of a Mariachi band which got our blood flowing.

The mountain air was refreshing and the beauty of the landscape was good for the mind and soul. I went to Santa Fe a few days early to take a break from the daily routine and pressures. I have visited nearly all the pueblos in New Mexico, so this time I did some different things. I went with friends to see White Sands, the UFO International Museum in Roswell (yes, I will admit I am an X-File), and visited Lincoln County, home of Billy the Kid. Loved every bit of it.

The conference was a great success in every respect. I hope all of you who attended took some time to relax and find some new ways to balance your life in order to return home and face the challenges which surround all of us with renewed energy and enhanced skills.

And, looking ahead, I encourage you start planning now to join your fellow hearing officials for **NAHO's 2012 conference in San Antonio, Texas, on October 14-17.**

President Reflections {continued from page 9}

accomplish. But instead of listing what I feel I have contributed to NAHO, I decided to rather thank NAHO and all of you for what you have given me, the opportunity to serve in a leadership role and to hopefully accomplish some of what I pointed out in Patrick Swayze. I hope I have achieved excellence in the tasks I have undertaken in NAHO's behalf. I hope I have acted with decency and character as NAHO's President. I truly hope I have enhanced NAHO's professionalism, as it has been the cornerstone of my personal goal for the organization. I know I have met the challenges of the office with courage, as I was tested more than a few times. As for the looks, I'm not

even in the running. And as for perfection, it's something I can always aspire to.

I was privileged to have the support and assistance of some outstanding members of the Board and a fantastic assistant, Frances Zuther. I could not have done what I did without them. And you members, you are the organization. I have enjoyed hearing from and meeting so many of you over these past four years. I received a plaque at the Santa Fe Conference. The inscription says, "In recognition of your untiring and devoted service as president." When it was presented to me, I received a standing ovation. I cannot tell you how much

that meant to me, but it made all the work worth it. From the bottom of my heart, thank you. It has been my honor and my privilege to serve NAHO. The song from the final scene of *Dirty Dancing* says it for me, "I had the time of my life . . . and I owe it all to you."

As I turn over the office to the new president, Norm Patenaude, I can assure you that I will continue to actively work with Norm and for NAHO in the office of Immediate Past-President. And . . . oh wait, I think I hear the opening strains of "Be My Baby" on TV. That means "Dirty Dancing" is coming on, and well, you know, I have to go and watch.