



# NAHO News

November 2013

## Message from the PRESIDENT

### 2013 CONFERENCE IN ST. PAUL WAS A HUGE SUCCESS!

The NAHO annual professional development conference was held in mid-September in St. Paul, Minnesota. Thanks to the assistance of our MN members and supporters at the Department of Human Services and the Office of Administrative Hearings and under the leadership of the conference committee chair, our Vice-President Janice Deshais, the conference was once again a huge success with high attendance, a stellar faculty roster and a great selection of substantive courses.

At the annual membership meeting on Tuesday afternoon, we introduced the new Board members for the 2014-2015 term. At the banquet on Tuesday evening, the Florida Department of Highway Safety and Motor Vehicles – Bureau

of Administrative Hearings received the 2013 DeMoisey Award for Professionalism in recognition of the fact that 30 of its hearing officers attained certification in the preceding year! ALJ Toni Boone from the Nevada Department of Motor Vehicles and a member of the board from the Western Region will conduct training at the agency in Tallahassee, FL next February and will present the certificates in person to the recipients. On behalf of the Board of Directors and all the NAHO members across the country, I congratulate the Florida hearing officers on their achievement!

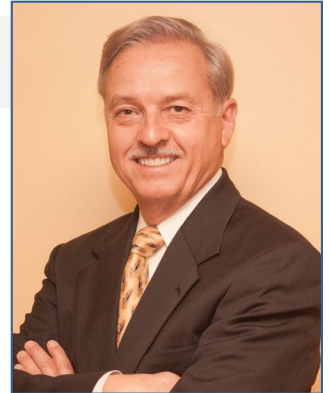
Over the next few weeks the Board members will begin to work with our members in South Carolina and neighboring states on the 2014 conference to be held in the historic city of Charleston, SC November 16-19. Now is the time for all agencies to include funds in next year's budget so

its hearing officers can attend the conference and earn many credits toward certification. The requirements and annual deadlines are provided at

[www.naho.org](http://www.naho.org) and remember that our DVD library is another resource available to earn credits in selected subjects. Feel free to contact a member of the certification committee for assistance.

Thank you for your vote of confidence for another term and I look forward to seeing you in Charleston, SC next year.

**Norman J. Patenaude, President**



*Norman Patenaude (NH)*

## Conference Features Two Timely Presentations

Just days before individuals across the United States began applying for health care through exchanges established under the Affordable Care Act, Conference attendees received a history and overview of the Health Care Exchanges and how the new system will operate. This topic was not only interesting, but relevant to many attendees who will be involved in administrative appeals concerning the health care exchanges.

Lucinda E. Jesson, Commissioner of the Minnesota Department of Human Services, and Heather Howard, Director, State Health Reform Assistance Network, presented a session addressing the Federal Health Care Exchanges and Administrative Appeals. Individuals residing in states that have not opted to create a state based health care exchange will be able to apply to the federal health care exchange.

In a separate but related session, Commis-

sioner Jesson led a panel discussion regarding State Health Exchanges and Minnesota's experience in establishing Minnesota Health Care Exchanges and how it will work. A lively discussion also involving the future of the exchange ensued. The panel consisted of:

- Liz Doyle, Associate Director, TakeAction Minnesota
- Ralonda Mason, Supervising Attorney, Mid-Minnesota Legal Aide
- Michael Turpin, General Counsel, MNsure,
- Ghita Worchester, Senior Vice-President of Public Affairs and Marketing, UCare
- Thompson Aderinkomi, MN Health Insurance Exchange Board of Directors



*Minnesota Health Exchanges Panel*

There are very few other topics on the top of newscasts and in discussions across the nation. Both sessions garnered high interest, many questions and meaningful discussion that will impact the future of the nation.

## OPENING KEYNOTE ADDRESS: TRENDS AND RESPONSIBILITIES

*Andrea Boardman (CT)*

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

After speaking about the State of Minnesota and pointing out that the state actually has 11,842 lakes, (not just 10,000) Attorney General Swanson spoke about different legal trends that are converging. She reminded Administrative Law Judges that we are in a unique position to make a difference in people's lives and make better lives for people through the work that we do. She said we are the check in checks and balances.

The Attorney General pointed out that there are more pro se litigants coming before hearing officials. The median household income is

\$52,000 and is 6% less than in 2007. This, coupled with an increase in attorney's fees, results in more pro se litigants. Attorney General Swanson pointed out that it is our responsibility for those who cannot obtain an attorney to have a "fair shake." We must play a more active role in our questioning and help them tell their story and that is part of their getting due process. The Attorney General added that even if an individual can afford an attorney, some attorneys do not have expertise in administrative law. Civil lawsuits are more complex and are spilling over into administrative law. We should make sure that individuals have access to justice that is streamlined and efficient.

Swanson reminded us that justice can be delayed and denied and then individuals are deprived of due process. If we ensure due process in our hearings, we ensure quality of life. Government agencies today are making more "hard calls." We must ensure that justice

has been done by making timely decisions.

The Attorney General stated that we can encourage mediation in the proper format. A settlement can ensure timely access to justice and sometimes negotiation can get the best results. Attorney General Swanson closed by reminding conference attendees that the United States has the greatest legal system and ultimately we should make sure that people can afford to access this great system that we have.

NAHO thanks Attorney General Swanson for the inspirational address to launch the 2013 Conference.



*Attorney General Lori Swanson*

## NAHO-Branded Products Popular at 2013 Conference

*Toni Boone (NV)*

At this year's conference, NAHO once again offered items for purchase, at nominal prices, embroidered with NAHO's logo. Conference attendees ordered a variety of items ranging from fleece jackets to computer cases.



The t-shirt commemorating last year's conference in San Antonio was white with a colorful, screen-printed depiction of the Riverwalk. It quickly sold out. Attendees at the 2012 conference asked that future conference t-shirts be offered in color. Consequently, the 2013 conference t-shirts were offered in blue and yellow and held a screen-printed stylized replica of the twin-cities skyline. The 2013 conference t-shirt was, once again, the most popular NAHO item sold at the conference.

NAHO is expanding its selection of merchandise to include a fashionable V-necked t-shirt in women's sizes. The shirt will be available in several colors with the NAHO logo embroidered on the left of the v-neckline. Other NAHO apparel items available for order include polo shirts, button-collar shirts, sweatshirts and fleece vests.

Keep an eye on NAHO's website, [www.naho.org](http://www.naho.org), where we hope NAHO-branded merchandise will soon be available for purchase.

## VERMONT LEGISLATURE

*Andrea Boardman (CT)*

President Norman Patenaude, Jim Gerl, a well-received NAHO Speaker along with Emily Bergquist, NAHO member, testified by teleconference before the State of Vermont General Assembly on October 7, 2013. The testimony was for the "Administrative Hearing Officers Study Committee" and was about Administrative Hearing Systems. The Vermont State Legislature is considering adoption of various systems. Gerl spoke about "Current Issues for Organization and Practice of Hearing Officers." President Patenaude addressed "Hearing Officers Nationwide: A Variety of Models." Attorney Bergquist was part of the Hearing Officers Panel. The testimony began at 10:00 AM and adjourned at 3:30 PM. Each participant or panel was allowed 30 minutes to testify. The Committee appreciated the trio's time and input. Participation in such an activity displays the dedication that individuals involved with NAHO have regarding the importance of administrative law. NAHO is fortunate to have such individuals as officers, presenters and members.



## EXPERIENCE SPEAKS: ADVICE FOR VETERAN HEARING OFFICIALS

Andrea Boardman (CT)

Where else but at a NAHO Professional Development Conference, can one learn and share with three knowledgeable and skilled Hearing Officials, with a total of 86 years of experience. The diverse panel consisted of:

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

Each panelist took 3 - 4 minutes to address six topics and give their thoughts and tips on each issue. The fact that the three panelists did not confer with one another in advance led to a spontaneous, lively session which naturally geared itself towards the attendees' interests. The fact that the session's attendees were also experienced resulted in great interaction and sharing of ideas.



The topics ranged from how the panelists handle their biases, to how they keep up with technology to tips to handle contentious attorneys and disruptive pro se parties. The panel also addressed tools used to address complex evidentiary issues which arise at a hearing, how active they are at creating the record, professional burnout and how they stay interested and keep from getting jaded. The unique perspective allowed for addressing a few additional topics such as hearing security issues. Jan Deshais shared a unique tip involving her office, which keeps a record of research and rulings on unique and complex issues. Newer staff and even more experienced hearing officers go back and review this information from time to time.

The only down-side was that the session could not continue beyond the allotted time, although

lines formed as attendees approached, thanked, questioned and continued to share with the panelists at that point.

Subsequent to the session, the panelists shared their one tip or message that they would like attendees to garner from their presentation:

- **Bonny M. Fetch:** *"Never compromise your integrity or lower your professional standards, and no matter how stressful a hearing may be, keep your cool and do your job to the best of your ability."*
- **Janice B. Deshais:** *"You are never too experienced to experience something new. If you believe you've seen it all, you'll miss something new."*
- **James Gerl:** *"Deal carefully and appropriately with contumacious counsel and disruptive pro se parties."*

Thank you to the three panelists for sharing your expertise and advice and for the unique format which received rave reviews and requests for this type of a format at future NAHO Conferences.

## Instructional Taskforce Committee Announces Additional Training Opportunities

Toni Boone (NV)

The NAHO Speakers' Bureau are NAHO members who have been identified as experienced and knowledgeable hearing officials who would be willing and available to travel to provide agency-specific and/or subject-specific training on an as-needed basis. Many members of the Speakers Bureau are faculty-persons who have provided instruction at prior NAHO conferences.

In mid-November, the Speakers Bureau will be providing instruction for the hearing officers of the Nevada Division of Welfare and Supportive Services (DWSS). The Chief of DWSS Program Review and Evaluation, Laura King, attended the 2013 Professional Development Conference in St. Paul. On returning from the conference, she contacted the NAHO Speakers' Bureau and arranged for the bureau to provide training

for all DWSS hearing officers. Although the specific curriculum for the class is still under development, the Bureau will be providing 16 hours of training on administrative adjudication over a period of two consecutive days. Chief King advised that she will be encouraging all DWSS hearing officers to work toward certification.

NAHO charges nothing for the instruction provided by the NAHO Speakers' Bureau. Speakers' Bureau instructors volunteer their time to provide the training. However, there are two prerequisites to receive the training (1) Every person attending training provided by the Speakers' Bureau must be a member in good standing of NAHO; and (2) The agency for which the training is provided must reimburse the instructor for expenses the instructor garnered in teaching the class.

NAHO members attending Speakers' Bureau classes receive a certificate of completion from

NAHO. Any instruction provided by a member of the Speakers' Bureau does count toward NAHO certification.

NAHO will be using CourseSites by Blackboard to provide online instruction in the very near future. CourseSites is rolling out a new operating system on November 14. After the new operating system is in place, members of the Instructional Taskforce Committee will be loading instructional materials from the 2013 conference onto the website. NAHO members in good standing can be provided with a password to access these materials. Members who wish to use the online instruction toward NAHO certification are required to make a passing score on the online examination associated with the materials in question and must pay a small fee similar to the fees required for renting DVDs of past NAHO conference classes.

## CHIEF JUSTICE LORIE SKJUVEN GILDEA

### Luncheon Keynote Address

Lorie Skjerven Gildea is the Chief Justice of the Minnesota Supreme Court. Prior to her appointment as Chief Justice in 2010, Justice Gildea earlier served as an Associate Justice of the Court, District Judge in the Fourth Judicial District and Associate General Counsel of the University of Minnesota. She received a Juris Doctor, magna cum laude, from the Georgetown University Law Center and Bachelor of Arts, with distinction, from the University of Minnesota – Morris.

Chief Justice Lorie Skjerven Gildea's informative and inspiring written remarks follow:

*Thank you for that kind introduction, the good fellowship, and the opportunity to speak with you today.*

*It is my privilege to welcome you to my home state. I tend toward boosterism and have what Garrison Keillor described as a "fierce and unreasonable pride in my Minnesota heritage." And so I completely agree with your decision to hold your annual conference here.*

*I am also someone who believes strongly that we should always remember from where we come. I come from Plummer, Minnesota—a small town in the northwestern corner of our state. 292 people including my mom and dad live in Plummer. Even though I grew up in a small place, I was surrounded and guided by many great people. In Plummer, I learned that it is not the size of the room that matters; but what matters is who is in it, and I am honored to be in this room—a room that is filled with leaders from all over America.*

*I congratulate you for bringing your conference here, to my home state—to this exceptional place.*

*Now, many of us in Minnesota, including me, are of Scandinavian heritage and as I am sure you all know, it is quite un-Scandinavian to boast. So, it is with apologies to my ancestors, that I will now proceed to brag to all of you about what a wonderful place you have chosen to hold your conference. You see, Minnesota is indeed an exceptional place. It is*

*exceptional because of our profound respect for the concept of justice.*

*Minnesota's first Chief Justice, Lafayette Emmett, wrote about our deep commitment to the pursuit of justice in a case our Supreme Court decided in 1862. The case is called Davis v. Pierse, and it is remarkable in many ways.*

*The case involved a state statute that our Legislature passed against the backdrop of the civil war. The statute purported to prohibit people who were viewed as assisting in the rebellion against the Union from having access to Minnesota's courts for redress. The case involved specifically a resident of Mississippi, and he was seeking redress in Minnesota courts in connection with some property that was located here.*

*Under the plain terms of the statute, his case had to be dismissed; he was after all a resident of Mississippi, and therefore he was presumed to be assisting the rebellion. The trial court dismissed his case. Our court however struck the statute down as unconstitutional. And, in that case, Chief Justice Emmett wrote these words: "all must regard as a matter of pride and gratulation, that in this State no one, not even the worst felon, can be denied the right to simple justice." Here in Minnesota, no one can be denied the right to simple justice.*

*That right to simple justice, it seems to me, provides an important back drop for the work that you will be doing here in Minnesota at this conference.*

*Here in Minnesota, as part of our commitment to afford each person the right to simple justice, administrative hearing officers have a vital role.*

*They guide parties who may previously have had no experience in our legal system through the often maze-like path to justice.*

*They ensure that the parties have the opportunity to present their case in a neutral forum before independent judges. They apply their knowledge of the law and administrative procedures to the task of resolving disputes between citizens and their government in a fair and impartial manner.*



Lorie Skjerven Gildea, Chief Justice of the Minnesota Supreme Court

*And they take the time needed – sometimes quite a bit of time—to draw out all the relevant information in each case, producing as a result an accurate and comprehensive record that can be used in further review. All of these tasks are essential to ensuring that every citizen receives a fair hearing and access to simple justice.*

*I'm struck by the title for your conference this year: "Twin Tracks in the Twin Cities," and by how similar what you are studying here is to what Judicial Branch judges need to know to do their work. I saw, on your agenda, presentations about ruling on objections, ensuring due process, strategies for successful mediation, and tips for keeping the proceeding focused on topics relevant to the case.*

*Very fitting title for your work here in Minnesota. In our shared pursuit of justice, judges in the Minnesota Judicial Branch and judges in our Executive Branch are partners in the pursuit of justice, and we travel on parallel tracks.*

*The partnership between Minnesota's state court system and the administrative tribunals in our Executive Branch is based*

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# CHIEF JUSTICE LORIE SKJUETVEN GILDEA

## Luncheon Keynote Address {continued from page 4}

on what the Minnesota Supreme Court once characterized as “the interdependence of the government’s branches.” It is defined by the values of expertise and efficiency, and ensures that every citizen is afforded due process. Our partnership also facilitates the administration of justice.

When Minnesota’s Office of Administrative hearings was first established in 1975, it was one of the first central panel hearing offices in the country. In establishing the OAH, the Minnesota Legislature specified that hearing officers were to “have demonstrated knowledge of administrative procedures,” “function . . . in a fair and objective manner,” and be “learned in the law” of the cases they heard.<sup>2</sup>

The Legislature also charged hearing officers with ensuring that all hearings were conducted with proper notice and “in a fair and impartial manner.”<sup>3</sup> For the last 38 years, OAH judges have been applying their expertise in the procedural and substantive components of administrative law to the disputes brought before them.

As that experience and expertise grew, so did the range of disputes that ALJs were asked to resolve. Initially, OAH’s jurisdiction was limited to a small number of cases arising in a few areas of state law. Since 1975, however, jurisdiction has been expanded to include hearing, conference, and mediation services for more than 100 state agencies and municipalities across the state.

In recent years, the Legislature has greatly expanded the ranks of Unemployment Law Judges at the Department of Employment and Economic Development, and Human Services Judges at the Department of Human Services. The Legislature recognized that in times of genuine economic crisis—when someone is suddenly without a job, food, shelter or medical care—our citizens often turn to a judge to solve problems, and the Legislature wanted those solutions to come in a timely manner.

Minnesota administrative hearing officers demonstrate their expertise every day in cases involving areas of administrative law as diverse as workers’ compensation benefits, municipal boundary adjustments,

government data practices, fair campaign practices, and special education services.

When our Workers’ Compensation judges adjudicate a claim, they help an injured worker receive due compensation for their injury and maintain their livelihood. When ALJs resolve a data practices dispute they ensure that our government remains open and accountable to the people. When they conduct evidentiary hearings in special education cases they help fulfill the state’s promise that every child should have access to a good education. And, when they enforce our campaign practices laws, they help ensure the fairness of elections which is so essential to our democracy.

In our state, the Minnesota Supreme Court, where I have served for the past seven years, hears direct appeals from two administrative tribunals, the Minnesota Tax Court and the Minnesota Workers’ Compensation Court of Appeals. I am grateful for the skill and dedication of the judges on these courts and for their conscientious development of the record and timely resolution of these often complex cases.

In addition to the Tax Court and the Workers’ Compensation Court of Appeals, the Judicial Branch partners with many other hearing officers and agencies in the exercise of appellate judicial review. I can tell you that throughout the appellate courts, the decisions of our administrative law judges are respected and granted appropriate deference in recognition of the judges’ expertise.

In reviewing the decisions of administrative agencies, appellate courts apply a presumption of correctness to agency decisions and defer to the “agencies’ expertise and their special knowledge in the field of their technical training, education, and experience.”<sup>4</sup>

This respect extends to the expertise and experience of the administrative hearing officers, modifying their decisions only for errors of law and lack of evidentiary support.<sup>5</sup>

Hearing officers play a key role in ensuring that disputes are settled in a timely manner, a critical factor in maintaining the public’s trust and confidence in our justice system. As a notable Minnesotan, Chief Justice Warren Burger, said in a speech to the American Bar

Association, “inefficiency and delay will drain even a just judgment of its value,” thereby destroying the confidence of citizens in their courts.<sup>6</sup>

Without administrative tribunals, cases would instead be brought into district courts across Minnesota, adding to an already heavy caseload. This would compel our district courts to spend hundreds of hours working through administrative procedures and building administrative records. The result would be inevitable delay in the resolution of cases and risk, as Chief Justice Burger warned, draining these judgments of their value. My friends, we must not let that happen on our watch.

So let us in this place, renew our commitment to the valued partnership between judges in the judicial branch and hearing officers and administrative law judges from the executive branch.

I have no doubt that the work done and the lessons learned, here in this exceptional place will help enhance the work that all of us do. And it is my hope that the time we spend together here in Minnesota will also help us all as we work to ensure that all of our citizens receive the right to simple justice.

Thanks for listening and thank you for coming to Minnesota. I wish you a successful conference and all the best in your pursuit of professional excellence.

<sup>1</sup> Holmberg v. Holmberg, 588 N.W.2d 720, 724 (Minn. 1999)

<sup>2</sup> Act of June 4, 1975, ch. 380, § 16, 1975 Minn. Laws 1285, 1293-94.

<sup>3</sup> Id.

<sup>4</sup> Reserve Min. Co. v. Herbst, 256 N.W.2d 808, 824 (Minn. 1977).

<sup>5</sup> Minn. Stat. § 14.69 (2012).

<sup>6</sup> Warren E. Burger, “What’s Wrong With the Courts: The Chief Justice Speaks Out,” U.S. News & World Report (Vol. 69, No. 8, Aug. 24, 1970) 68, 71 (address to American Bar Association meeting, Aug. 10, 1970) (available at [http://en.wikipedia.org/wiki/Justice\\_delayed\\_is\\_justice\\_denied](http://en.wikipedia.org/wiki/Justice_delayed_is_justice_denied) (last visited Jan. 10, 2012)).



## CERTIFICATION COMMITTEE

### *Linda Snow (TX)*

The Certification Committee consists of Kayla Adams (TX), Barbara Ann Macdonald (TX), and Eric Moody (ID); Co-chair Ramona Collingsworth, (TX) Lead Co-chair Linda Snow (TX). Effective January 1, 2014, Katherine “Kay” Flores (WY) becomes the Certification Committee Chairperson, and will choose individuals willing to assist in the certification process to help her.

Since the beginning of the year, the Committee received thirty-two (32) applications for initial certification. Of those 32 applications, twenty-nine (29) applications were submitted by the Florida Department of Highway Safety and Motor Vehicles Bureau of Administrative Review hearing officers. The Committee recommended to the NAHO Board that all 32 applications met the requirements for certification. At the 2013 NAHO conference in St. Paul, Minnesota, NAHO President Norman Patenaude recognized the following individuals for their initial certifications as either Certified Hearing Officers or Certified Administrative Law Judges:

- Christine J. Anderson, FL
- Melissa H. Anderson, FL
- Debrah Armstrong, FL
- Karsona Atkinson, FL
- Darea Bradeen, FL
- Carolyn G. Brett, FL
- Carla Carneiro, FL
- James Connery, FL
- Geralean Davis, FL
- Leslie D. Geoffroy, FL
- Donna George, FL
- Frank Gonzalez, FL
- Bonnie Griffis, FL
- Barbara Hill, MS

- Vernon L. Howell III, FL
- Miriam Jade, FL
- Linda L. Labbe, FL
- David G. Laliberte, FL
- Rodney Moorehead, VI
- Richard Murrell, TN
- Gregory L. Ozment, FL
- Donna Petty, FL
- Gregg A. Raughton, FL
- Kenneth J. Russell, FL
- Ronald D. Ryan, FL
- John Tavares, FL
- Mireya Valdes, FL
- Cynthia M. VanDunk, FL
- Mary J. Varnador, FL
- Stephen J. Walter, FL
- Christopher Wright, FL

In addition, NAHO President Norman Patenaude recognized the following individuals for meeting the requirements to attain recertification as either Certified Hearing Officers or Certified Administrative Law Judges:

- Kayla Adams, TX
- Kenneth K. Ayouby, MI
- Pamela W. Boyd, TN
- Katherine D. Flores, WY
- Leticia D. Guerra, TX
- Pilar Vaile, NM
- Linda Snow, TX

Throughout the year, the Certification Committee responded to numerous questions and inquiries regarding initial certification. Detailed information about certification program requirements, application forms, fees, and Committee contacts are also available in the Certification section on the NAHO website at [www.NAHO.org](http://www.NAHO.org).



(L to R): Zandra Petersen, Norm Patenaude, Rodney Moorehead and Aubrey Lee



Rodney Moorehead's certification



Linda Snow's certification



Katherine Flores's certification



Barbara Hill's certification



Gregory L. Ozment's certification

## NAHO Conference 2014 Charleston, South Carolina: “Where History Lives”

Jo Murphy (TN)

Wow! Do we have a great location for a conference! After visiting the city, I am pleased to tell everyone that Charleston, South Carolina is quite a selection. The 2014 annual professional development conference will be held in downtown Charleston from November 16th through November 19th. Known for its rich history, well-preserved architecture, celebrated restaurants, mannerly people, and coastal location, Charleston was named the #1 U.S. city by Conde' Nast Traveler Reader's Choice awards in 2013 for the third consecutive year. This southern colonial seaport town is an absolutely beautiful walking city full of gardens, courtyards, cobblestone streets and lots of shopping.

The Conference will be held at the lovely DoubleTree by Hilton Hotel & Suites Charleston – Historic District. The hotel is conveniently located in the heart of the Historic District across the street from the newly renovated Charleston City Market and a couple of blocks from the Charleston Harbor. Every guest will

enjoy a large two room suite and the hotel has excellent amenities and comfortable meeting facilities. Famed restaurants, King Street Boutiques, antebellum mansions, “Rainbow Row”, Waterfront Park, Charleston's High Battery, museums, carriage rides, and boat tours are just a few of the attractions that are steps away. You could also explore plantations, beaches and rivers a short drive away from downtown.

Plans for the conference are already under way. Members of the NAHO Board of Directors are gearing up for a fantastic curriculum. They promise you the 2014 conference will give attendees an excellent opportunity for learning that is full of informative seminars and speeches. Selections will include important and relevant sessions whose goal is to make you an even better hearing official. You will have ample opportunity for networking, sight-seeing and having fun with other hearing officials or on



Photos courtesy of: [www.explorecharleston.com](http://www.explorecharleston.com).

your own. November is a wonderful time to visit Charleston. Temperatures are mild with averages in the 60's or 70's. It's a great time for exploring outdoors.

So mark your calendars and plan to join your colleagues and friends in Charleston, South Carolina for the 2014 NAHO Conference November 16-19. More details will be posted on the NAHO website at [www.naho.org](http://www.naho.org). You may also want to check out the website of the Charleston Area Convention & Visitors Bureau at [www.charlestoncvb.com](http://www.charlestoncvb.com) and our photo source, [www.explorecharleston.com](http://www.explorecharleston.com).

*Hope to see you there.*

## JUDGE KEVIN S. BURKE: “TIME MANAGEMENT FOR JUDGES”

Zandra Petersen (VI)

I was honored and privileged to have the opportunity to speak with the Honorable Judge Kevin S. Burke, state District Court Judge in the Fourth Judicial District of Minnesota.

Judge Burke served four terms as the Chief Judge of the Fourth Judicial District, managing Minnesota's largest and busiest tribunal. For his work in improving the administration of justice, in 2004, Judge Burke was named by Governing Magazine as one of its Public Officials of the year. During his tenure on the bench, Judge Burke implemented training and time-management systems that reduced the time for disposition of cases to within six months of filing, with 90 percent of all civil cases resolved within a year. In this capstone address of the 2013 NAHO Conference, Judge Burke shared the time-management strategies that he used to transform his court into what the Minneapolis Star-Tribune called a “ludicrously efficient, incredibly well-run and highly admired court system.”

I asked the following questions of Judge Burke:

**NAHO:** *To our NAHO members, friends and advocates, who might not have had the opportunity to attend the 2013 Conference, in a nutshell, what are the three time-management tips that you would like to share?*

**Judge Burke:** 1. “Give more attention to fairness” and to the process that will drive people to conclude that they were treated fairly.

2. “Achieve excellence as a Judge.”

3. Get a better understanding about the decision making process that we all use on a daily basis.

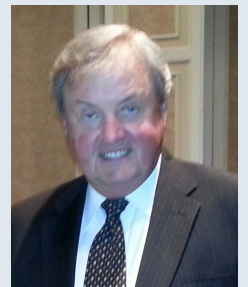
**NAHO:** *How valuable are ALJs and Administrative Hearing Officers to the Court system?*

**Judge Burke:** There is “no question they are important, in that they deal with a lot of volume”

and “from the public standpoint, they don't see the difference between us” (Judges). The point is “they went and saw a Judge. They don't know whether it's you, a hearing officer or me a District Court Judge.” “So, we Judges, Hearing Officers and ALJs need to have a bond between us to get the message to the American public that the system is FAIR.”

**NAHO:** *How did you first learn about NAHO and its annual conferences and what is your opinion of NAHO?*

**Judge Burke:** I just learned about NAHO from Eric Lipman, Chief Hearing Officer in Minnesota. This is my first conference. I think it's a “very good conference!” I enjoyed meeting the people.



Judge Burke



## 2013 NAHO Award Banquet Honors Minnesotans

NAHO members and guests celebrated the conclusion of a well-done professional development conference at an awards banquet on the last night of the conference. The venue for the banquet was the St. Paul Crowne Plaza's beautiful Great River Ballroom overlooking the Mississippi River. Banquet attendees gathered just as the last rays of sunset were reflected on the River.

The night of the awards banquet is always a very special night—a night for honoring our colleagues in the field of administrative law who have provided outstanding service or have demonstrated exceptional professionalism.

After an excellent meal with several delectable desserts, the awards banquet began with the installation of those persons elected as officers or members of NAHO's Board of Directors. The officers elected for the 2014-2015 term were: Norman Patenaude, President; Janice Deshais, Vice-President; and Andrea Boardman, Secretary-Treasurer. Regional Representatives on the Board for this term are: Joseph Rubenstein, Central Region; Vanessa Hall, Northeast Region; Jo Murphy, Southeast Region; Linda Snow, Southwest Region; Toni Boone, Western Region; and Peter Halbach, Mountain Region.

The presentation of Special Service Awards is always an inspiring and heartwarming part of the NAHO Annual Professional Development Conference. It was with great pleasure that President Patenaude presented a number of awards to recognize the outstanding contributions of certain NAHO members.

The Truett R. DeMoisey Professionalism 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 a person or persons who demonstrate ethical behavior and the highest ideals of professionalism. President Patenaude was pleased to present the 2013 award to the Bureau of Administrative Reviews (BAR) of the Florida Department of Highway Safety and Motor Vehicles (DHSMV). Since last year's awards banquet, the following hearing officers of the DHSMV's BAR have achieved certification: Michael Blaine, Lorinna Metro, Wendy Stone, Karsona Atkinson, Darea Bradeen, Carolyn Brett, Carla Carneiro, James Connery, Leslie Geoffroy, Donna George, Geralean Davis, Frank Gonzalez, Bonnie Griffis, Vernon



Howell, Miriam Jade, Linda Labbe, David Laliberte, Gregory Ozment, Donna Petty, Gregg Raughton, Kenneth Russell, Ronald Ryan, John Tavares, Francisco Urquiola, Mierya Valdes, Cynthia VanDunk, Mary Varnador, Stephen Walter and Christopher Wright. Although most of these hearing officers have been unable to attend a NAHO Professional Development Conference, they have nonetheless applied themselves and have achieved certification in record numbers through a combination of formal education, experience as hearing officials, and continuing education/training in administrative adjudication. Gregory Ozment with the Bureau of Administrative Reviews of the Florida Department of Highway Safety and Motor Vehicles accepted this award on behalf of

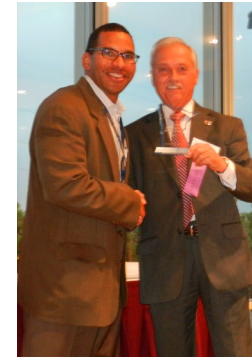


*Gregory Ozment accepts the Truett R. DeMoisey Professionalism Award for the Florida Agency.*

his agency.

Achieving certification through NAHO is no small feat. To achieve certification, the applicant must establish that he or she has the requisite education, hearing official experience, and in-service training to warrant certification. Applicants are required to provide proof of satisfactory completion of 52 hours of continuing education/training from a law school, a NAHO conference, the National Judicial College, a conference of the National Association of Administrative Law Judiciary, at a state-bar-approved continuing legal education class or

through substantive legal training provided by the applicant's agency. The Certification Committee reviews the applications and supporting documents and makes a recommendation to NAHO's Board of Directors who then votes on whether to grant certification. NAHO certification is a process which typically takes years to complete. Never before have thirty-three hearing officers from the same agency achieved simultaneous certification. The fact that all thirty-three have been certified within the same year makes the achievement doubly impressive and validates the issuance of the Truett R. DeMoisey Professionalism Award to the Florida DHSMV's Bureau of Administrative



*Louis Thayer accepts the Bill Kane Board of Directors Award*

Review.

The Bill Kane Board of Directors' Award was awarded to Eric Lipman of the Minnesota Office of Administrative Hearings and Louis Thayer of the Minnesota Department of Human Services Appeals and Regulations Division.

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. The 2013 NAHO Professional Development Conference was one of the most successful conferences ever held by NAHO. It offered more classes and a far wider variety of classes to conference attendees. The variety of classes offered and the large participant enrollment for the conference were due, in large part, to the efforts of Lipman and Thayer who procured many speakers. Others from the Department of Human Services providing valuable assistance with planning and logistics at the conference included: Board representative Joseph Rubenstein, who brought the idea of a St. Paul conference to the Board, Kelly Vargo, who coordinated class monitors, and Emily Waymire, who provided essential onsite logistical support.

Three Outstanding Service Awards were presented by President Patenaude. The awards were given to, Jo Murphy, Linda Snow and Toni Boone. Jo Murphy serves as the Southeast Region Alternate representative. Jo chairs the Publicity Committee and received this award for her work

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## 2013 NAHO Award Banquet Honors Minnesotans

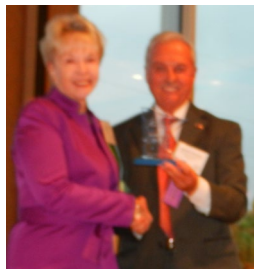
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*Jo Murphy*



*Linda Snow*



*Toni Boone*

in conference site selection and working with the hotels in food and beverage offerings, negotiating rates and planning conference activities. Jo Murphy also finds vendors, which helps defray the cost of the conference. Linda Snow is the Southeast Region representative to the board and has served as NAHO's interim treasurer since the resignation of the former treasurer. Linda single-handedly revised NAHO's accounting practices, implementing computer based, rather than ledger-driven, bookkeeping. She also worked with PayPal in arranging for credit card payments for NAHO merchandise. Her efforts as NAHO's interim treasurer will make the job of future treasurers easier and will ensure accurate accounting for all NAHO's financial transactions. In addition, Linda served as chairperson of the Certification Committee during a year in which there were more certifications issued than in any previous year. Linda also serves as chair of the Records Retention Committee and serves on the Membership and Merchandise Committees. Toni Boone is the Western Region representative to the board and is chairperson for the Scholarship Committee, the Merchandise Committee and the Instructional Taskforce Committee. She also serves on the Conference Planning Committee. Toni's efforts have brought about the inauguration of NAHO-logoed merchandise and conference-themed t-shirts. She is also involved in initiating on-line instruction for NAHO members via the NAHO website and the NAHO Speakers Bureau, which will be providing NAHO's first extension training class in December of 2013. She has also worked in fostering an active working relationship with a law school which should see implementation in early 2014.

President Patenaude presented Certificates of Appreciation to NAHO Board members who will be leaving the board at the end of the year. President Patenaude thanked these individuals for their service to NAHO over the years.



*Janice Deshais*

The 2013 Special Assistance Award, which is also known as "The President's Award," was presented to Janice Deshais. Janice is completing her first term as Vice President and will begin her second term in 2014. NAHO's mission is to improve the administrative hearing process, primarily by providing training and continuing education for the hearing officials it serves. The chief means of fulfilling this mission is the Professional Development Conference. The person coordinating all aspects of the conference planning, and doing the lion's share of the work involved in conference planning, is the chair of the Conference Planning committee, which is the Vice-President.

Conference planning is a monumental task. The planning for the 2014 conference began before the 2013 conference was concluded. Among the numerous duties involved in conference planning are site selection, negotiations with hotels for conference rooms, lodging, meals, etc., review of the evaluations of previous conferences to assist with curriculum planning, selection of the courses to be presented, arranging the schedule for the courses and other conference activities, selection of the faculty for the conference, publicizing the conference and overseeing registration for the conference. Janice Deshais was in charge of all these activities and many more. It is inevitable that problems will arise during conference planning and throughout the conference itself. Janice deftly handled every crisis that arose, making astute command divisions every step of the way. By all accounts, the 2013 NAHO Professional Development Conference was a rousing success. There is no person more responsible for the success of the conference than Janice Deshais; thus, it is most fitting that she was awarded the Special Assistance or "President's Award."

## Florida Governor Lauds NAHO Certification

*Toni Boone (NV)*

On October 11, 2013, Florida Governor Rick Scott, in his weekly state-agency newsletter, commended the hearing officers of the Bureau of Administrative Reviews of the Department of Highway Safety and Motor Vehicles regarding their receipt of the Truett R. DeMoisey Award for Professionalism at the 2013 Professional Development Conference. Governor Scott highlighted the basis for the award—achieving the highest ideals of ethical behavior and professionalism—noting that the hearing officers had received the award for having more NAHO-certified hearing officers than any other state agency in the nation. Thanks for the attention, Governor Scott! Keep it up and we might make you an honorary member of NAHO.



*Bonny Fetch presenting the gavel to NAHO President Norm Patenaude.*

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