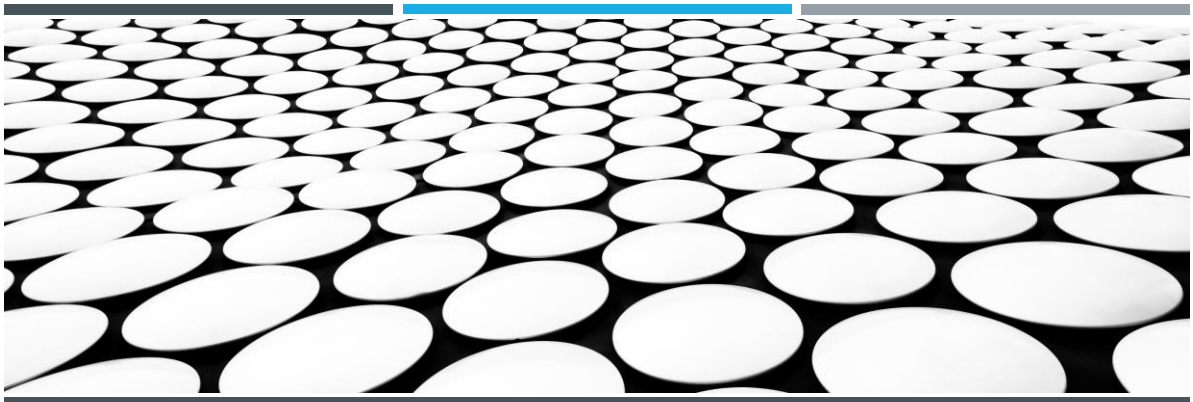


WOMEN IN THE HEARING OFFICER WORKPLACE

DATA AND BEHAVIORS: WHAT YOU CAN DO IN YOUR HEARINGS AND YOUR CAREER

1

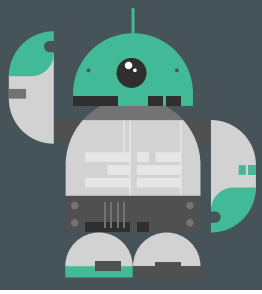
HEARING OFFICERS: WHAT'S IN A TITLE?

PREFACE AND DEFINITIONS

2

A FEW DEFINITIONS

Will all the Executive Branch Administrative Adjudicators please stand up?



- Titles vary for the role of administrative adjudicators
  - *Hearing officer, administrative referee, administrative law judge*
- Research used focuses on administrative adjudicators in *Hearing Officer* function where applicable, regardless of official title

3

- Some are lawyers, some are not
- Some are agency employees, some are not
  - For those situated within an agency particularly: staff feel entitled to Hearing Officer support, appellants are distrustful
- Role theory & role conflict: humans want a defined role, but "hearing officer" inherently defies the idea of an integrated role
  - Role conflict is high in jobs that require abstract thinking and decision-making
- Every study reviewed indicated hearing officers want more training for themselves and agency staff
- Even from the start: *it's not you, it's the job!*

HEARING OFFICERS: MIXED ROLES AT THE OUTSET

4

AND THEN ADD WOMEN

SOME NUMBERS AND DATA

5

THE NUMBERS

Some background

- The first admin adjudicators began in 1935 with the Social Security Act
- By the 1980s, the feds found women were vastly underrepresented in the federal ALJ system
- Today, roughly half of administrative adjudicators / hearing officers at all levels are women

6

WHAT HEARING OFFICERS & PARTIES *THINK* ABOUT HEARING OFFICER GENDER DIFFERENCES

- Male and female hearing officers believe that Hearing Officer gender does not affect outcome or decision-making
- Male and female hearing officers believe that Hearing Officer gender does affect parties' behavior
- Minority / female petitioners believe they are more likely to receive *fairness* from a female hearing officer than male
- Male petitioners expressed no difference in belief of fairness by Hearing Officer gender
- Male and female respondent agency staff were likely to believe the female hearing officers were "too sympathetic" to petitioners
  - These responses were also part of negative attitudes toward hearing officers in general (e.g., slide 4)

7

OUTCOMES

Regardless of Hearing Officer gender, most *substantive* public benefit appeals result in reversals

- Reasoning tends to differ
- Male hearing officers emphasize consistency and current rules application
- Female hearing officers emphasize procedural fairness and underlying authority / law (because policy changes frequently)

Education Hearing Officer had more issues with the subject *student's* gender

Other types of cases varied without pattern

8

SO WHAT DO WE DO WITH THIS?

- Review typical behavioral pitfalls for women hearing officers and adjudicators
- Focus on what **you can control** in your career and in your hearing room

9

QUALITATIVE STUDIES

PROS AND CONS

10

WHAT DO WE DO WITH IT?

- Data reveals that respondent staff does not like hearing officers generally
- Data reveals that case outcomes do not vary much by gender
- Data reveals increasing number of women are hearing officers
- What do we do to leverage general strengths of gender roles in a field that appears already at a disadvantage (hearing officer itself)?

11

WHAT WE DO WITH IT

Studies and behaviors

- Professional women--particularly in legal fields—tend to engage in “self-sabotaging behaviors” that counterbalance with “domains of power”
- So how many, and what kind?

12

SELF SABOTAGING BEHAVIORS

- Thinking too small
- Fear and worrying
- Misunderstanding of self
- Dishonesty
- Holding back
- Lack of self reflection
- Isolating
- Disempowering other women
- Infusing gender role confusion in workplace

COUNTERING BEHAVIORS

- Recognizing unique strengths
- Constructive preparation
- Owning all of oneself
- Honest self-expression
- Acting with confidence
- Cultivating self-intimacy
- Building a power web
- Inspiring other women
- Embracing one's gender

13

LISTEN ALL Y'ALL, IT'S A SABOTAGE

THINKING TOO SMALL

- Minimizing your value and intelligence
- Avoiding rejection
- Fear of propagating stereotypes
- Perfectionism

The two most-reported behaviors in a survey of women judges were minimizing your own value and perfectionism

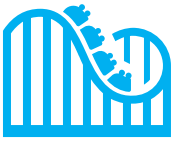
RECOGNIZING UNIQUE STRENGTHS

- Know your potential & your skill set
- Value your own talent
- Consider the *individual* impact you have
- Do NOT fear the stereotype

Battle minimizing your value with an honest, positive review of your skill set

14

EMBRACE THE ROLLERCOASTER



FEAR AND WORRYING

- Imposter syndrome
- Professional paralysis—change is bad
- Socialized to not be competitive, so fear it
- Anxiety leading to a negative feedback loop on prior failures

Imposter syndrome is rampant among most professional women and especially those in the legal field

CONSTRUCTIVE PREPARATION

- Acknowledging and accepting there will be discomfort
- Stay focused on the here and now, not the potential catastrophe
- Reframe discomfort into that time you overcame the fear

Rollercoasters are fun because they are scary.

15

ROSIE THE RIVETER TAKES COMPLIMENTS

MISUNDERSTANDING ONESELF

"I do not deserve praise for my accomplishment over there because I have another flaw over here."

Leads to avoiding feedback and becoming defensive

One survey of women judges reported "not accepting compliments / being uncomfortable with praise" as the #1 behavior they felt held impeded their professional development

OWNING ALL OF ONESELF

Weaknesses are ok and you do not have to desperately hide them → Take the feedback (but not the flack) → Accept the credit

16

DON'T LIE TO YOU OR ANYONE ELSE.

DISHONESTY

The "disease to please"

"Yes I can do that" when you are at capacity

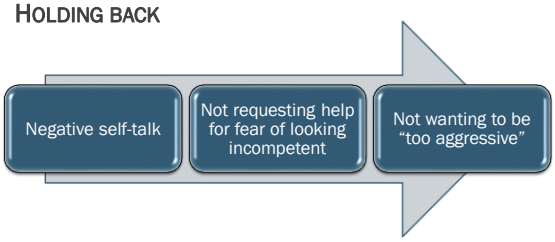
"Women routinely say yes to tasks that will monopolize their time but bring them little benefit"

HONEST SELF-EXPRESSION

17

I THINK YOU'RE HOLDING BACK

HOLDING BACK



One survey had 100% of female judges report "talking down to oneself"

ACTING WITH CONFIDENCE

"Confidence is nurtured when one accepts things they cannot control and chooses to act courageously to overcome crises and personal failures."

Find the lessons, even in failures

18

MIRROR, MIRROR

Lack of self reflection

- Overworking to "prove yourself"
- Thinking that presenteeism is a stand-in for competence
- Not taking vacation

Similar to "dishonesty," this trait was more prevalent with in-agency hearing officers than traditional judges

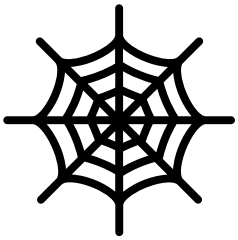
Cultivating self-intimacy

- Basically same as "honest self-expression" but when doing so with yourself
- Make time for it. It's not "selfish," it's part of being good at your job
- Work-life balance is a scam, do not let it get you

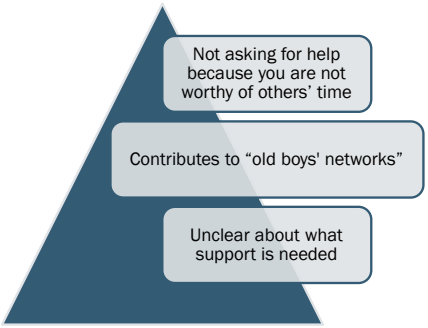
It will be there when you get back.

19

SPIDERMAN SAYS



Isolating



Building a Power Web

"Building a network of people who are committed to one's personal growth and professional achievement."

Organize your network

20

MADELEINE ALBRIGHT HAD IT RIGHT

DISEMPOWERING OTHER WOMEN

Feeling that there are a finite number of "women" slots

Statistically, women are more likely than men are to undermine and sabotage women.

Mid-career female professionals, generally, will embrace a sort of hazing mentality toward subsequent hires; "I did it without any help."

INSPIRING OTHER WOMEN

Later-stage career women expressed regret at having had the hazing mentality

21

KEEP GOING…

INFUSING GENDER ROLE CONFUSION IN WORKPLACE

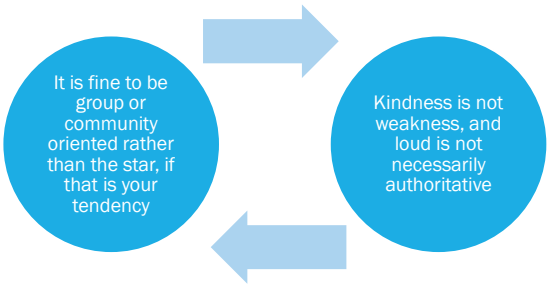
Acting deferential or dumb because women are supposed to.

Acting "manly" to distinguish yourself from other women

Cleaning up, taking the notes, getting the food because women are supposed to

Many early-career adjudicators reported they felt they had to act "manly" to be respected; turned out they did not

EMBRACE YOUR GENDER



22

WRAP UP

TALK AMONGST OURSELVES

23

TAKEAWAYS?

NOT EVERY SINGLE ITEM WILL APPLY TO YOU OR YOUR SITUATION!

TAKE WHAT YOU LIKE AND LEAVE THE REST.

24