



# National Association of Hearing Officials

## 2022 Professional Development Conference on Administrative Adjudication - Complete Schedule

### SATURDAY, AUGUST 6, 2022

#### **8:30 a.m. to 3:00 p.m. - NAHO Annual Board of Directors Meeting – Gallery 1**

In addition to monthly virtual meetings, the NAHO Board has a day-long meeting at each Professional Development Conference. **Only NAHO Board members are required to attend.** However, any *current NAHO member* may observe the meeting.

### SUNDAY, AUGUST 7, 2022

#### **8:00 a.m. to 1:00 p.m. – CONFERENCE REGISTRATION – Grand Ballroom Foyer**

Come to the registration desk to receive registration confirmation, name tags, meal and event tickets, and a Chicago City Guide.

#### **9:15 a.m. – CONFERENCE WELCOME and ORIENTATION – Grand Ballroom**

*Toni Boone, NAHO President*      *Peter Halbach, NAHO Vice-President*

#### **9:30 a.m. – 11:00 a.m. – SESSION 1 – Grand Ballroom**

#### **MAINTAINING & REGAINING CONTROL WHEN HEARINGS BECOME UNRULY (M) Facilitated Group Discussions**

Most ALJs have presided over a hearing where a party, witness, or counsel becomes... Cranky? Belligerent? Argumentative? Disagreeable? These problems can arise in any hearing—in person, virtual, and telephonic. Despite our best efforts, we've all had hearings that have "gone off the rails." Join your colleagues in breakout groups to get acquainted and discuss preventing hearings from descending into chaos. Receive tips on hearing control, managing rowdy hearing participants, and restoring civility.

#### **1:30 p.m. to 3:30 p.m. CHICAGO RIVER ARCHITECTURAL CRUISE (Optional - \$25 advance purchase required)**

Ranked as a "top 5" Chicago cruise, this 90-minute architectural tour reveals Chicago's skyline. Professionally trained experts guide you through three branches of the Chicago River to view Chicago's landmarks. With climate-controlled seating, beverages, and snacks, travelers love the tour, which is ADA accessible. Advance ticket purchase required. Tickets are limited and may sell out. Be prepared to board *as a group* by 1:30 p.m. Late arrivals won't be allowed to board and their tickets won't be refunded.

#### **5:00 p.m. to 7:00 p.m. NAHO WELCOME RECEPTION – Grand Ballroom 1**

Convene with conference faculty, connect with NAHO members, network with colleagues, and get acquainted with attendees. Heavy hors d'oeuvres will be provided. A "No Host" (cash) bar will also be available for those who'd like beer or a glass of wine.

### MONDAY, AUGUST 8, 2022

#### **8:00 a.m. to 4:00 p.m. – REGISTRATION - Grand Ballroom Foyer**

#### **8:15 a.m. OPENING, WELCOME, & ORIENTATION – Toni Boone, NAHO President, Peter Halbach, NAHO Vice-President**

#### **8:30 a.m. to 9:30 a.m. – SESSION 2**

#### **2A Due Process and Beyond: Procedural Fairness (M)**

**ALJ Toni Boone (OR) Justice W. M. Gillette (OR)**

We're to provide justice but do hearing participants perceive they've been justly treated? This session reviews elements of due process we must all provide but, beyond that, reviews the simple practices of procedural fairness to ensure that parties *feel* they were fairly treated. Procedural fairness goes beyond the purely legal hearing context to ensure fair treatment.

#### **2B Demeanor Evidence & Fact-Finding (M)**

**Professor Gregory Ogden (CA)**

This session discusses the nature, history, and use of demeanor evidence to determine witness credibility in fact-finding by administrative adjudicators, analyzes credibility determinations involving demeanor evidence in the written decisions of adjudicators, and examines the use of demeanor evidence using hypotheticals drawn from administrative hearings.

**2C Hearsay Admissibility Under the Rules of Evidence (M)****Chief H.O. Peter Halbach (ND)**

ALJs in hearings governed by Rules of Evidence regularly face objections to the admissibility of hearsay whenever an out-of-court statement is offered. But not all out-of-court statements are hearsay. This class describes the types of statements that are hearsay, provides examples of hearsay and non-hearsay statements, and explains why many out-of-court statements are admissible. Definitions, rules, and exceptions will be reviewed. Examine what hearsay is, what it isn't, and why it matters.

**9:45 a.m. to 10:45 a.m. – SESSION 3****3A Putting on Your Judge Hat: Conducting Fair Hearings for the New Hearing Official (M) ALJ Mary Long (PA)**

The job of the administrative adjudicator is to ensure impartiality and prompt resolution of administrative matters. Fairness in administrative hearings is essential and touches every step of the administrative process. In this course you'll learn essential habits to manage your case assignments, identify potential due process problems before they happen, develop effective practices to conduct your hearings, create a full, complete record and receive tips for preparing your written decision.

**3B Ethics: Social Media Use, Recusal, & Taking Judicial Notice (M) Prof. Gregory Ogden (CA)**

In addition to the Codes of Judicial Conduct, statutory laws also govern aspects of ethical conduct for administrative officials in some jurisdictions. This session reviews those laws as they pertain to disqualification or recusal from presiding over a given hearing. Inappropriate social media postings and what is and is not judicially cognizable will be reviewed.

**3C School Discipline Hearings: Perspectives on Best Practices (S) Professor Miranda Johnson, Loyola Law (IL)**

This presentation addresses strategies to provide a full, fair disciplinary hearing process. A central focus will be on ways that hearing officers can help ensure that students and their parents or guardians have a meaningful opportunity to be heard. Attention will be paid to trauma-informed approaches and mitigation of the impact of implicit bias on decision making.

**11:00 a.m. to 12:00 p.m. – SESSION 4****4A Basic Evidence: Laying Foundation & Determining Reliability (M) ALJs M. Long (PA) & R. Murrell (TN)**

The rules of evidence for administrative hearings are more relaxed but not nonexistent. Unless evidence is self-authenticating, offered evidence must have foundation to demonstrate authenticity and that it's as purported. ALJs must decide whether the evidence has sufficient foundation and the requisite liability for admission. Over time, even the best of ALJs can become careless and admit evidence lacking foundation or reliability. This class is a refresher for these important factors.

**4B Special Education Hearings: Perspectives on Best Practices (S) Professor Kathleen Hirsman (IL)**

This presentation addresses the role of the hearing officer in conducting fair and orderly special education hearings through all stages: initial contact with the parties, pre-hearing proceedings and communications, and the hearing itself. Central focus will be on ways hearing officers can ensure both parties understand and are prepared to effectively present their respective positions. Particular attention will be paid to best practices to ensure fair hearings for unrepresented parents.

**4C Handling High Profile Cases: Remaining Calm and In Control (E) ALJ Toni Boone (OR), Justice Mick Gillette (OR)**

"High profile" cases are controversial, contentious, and involve an inquisitive press. Handling these cases can be difficult, especially when well-known parties want their situations concealed. Hearing complexities (multiple attorneys and witnesses) add to the stress. This class will prepare you to control the process, handle the press, and maintain your professionalism.

**12:00 p.m. LUNCHEON AND KEYNOTE ADDRESS** *Honorable Anne Marie Burke, Chief Justice, Illinois Supreme Court*  
Chief Justice Burke will share a spirited presentation on the interesting History of the Illinois Supreme Court.

**1:30 p.m. to 2:30 p.m. – SESSION 5****5A The Mind of a Judge: What Experienced Judges Know (E) Justice W. Michael Gillette (OR)**

If you preside over hearings, receive evidence, find facts, apply laws or rules, and announce results which may include a penalty, you're doing judge work. What important lessons might an experienced judge convey to us? You'll find out in this class which will be most beneficial for adjudicators with less than 5 years of experience. Experienced judges will enjoy this refresher and identify with the problems and solutions summarized. There will be ample time for interaction and discussion.

**5B Ethics: Ex Parte Communications & Maintaining Neutrality (M) Prof. Gregory Ogden (CA)**

The ethical standards imposed upon administrative hearing officials (Executive Branch judges) may be comparable to those that govern Judicial Branch judges, depending on the jurisdiction. This session will deal with two of the most challenging aspects of ethical standards for administrative adjudicators—avoiding impermissible *ex parte* communication and maintaining neutrality despite tacit or explicit agency pressure. Review of the ABA's Model Code of Judicial Conduct is included.

**5C Threat Assessment: Situational Awareness & Recognizing Pre-Attack Behaviors (E) Chief Deputy Clerk Darren Ganir (IL)**  
Situational awareness is essential in identifying and preventing harm from an attacker. Few attacks are preceded by a direct threat. Attack prevention requires recognizing subtle indicators, not just spotting a direct threat. Threat assessment doesn't determine if someone will *make* a threat but whether they *pose* a threat—determining the dangerousness of a person using early warning signs. Learn the situational awareness techniques to protect yourself by coming to this informative class.

**2:45 p.m. to 3:45 p.m. – SESSION 6**

**6A Lead Us Not Into Temptation: Insulating Adjudicators from Agencies (M) Hearing Officer Thomas Grippando (IL)**  
*Haas v. County of San Bernardino* held that the county's practice of hiring temporary hearing officials on an *ad hoc* basis and paying them for the duration/amount of work performed violated due process because the hearing officer has a direct financial interest in keeping the good will of the county to obtain future work. *Haas* also held that there can be no presumption of judge impartiality where the adjudicator has a pecuniary interest in the outcome. In this session, learn how independent contractor adjudicators could be insulated from agency influence to assure true independence *and* adjudicator compensation and tenure.

**6B Reacting to the Unthinkable: What to Do in An Active Shooter Situation (E) Chief Deputy Clerk Darren Ganir (IL)**  
Active shooter situations evolve very quickly—so quickly that they're often over within minutes and before law enforcement arrives at the scene. Individuals who are mentally and physically prepared to deal with the situation have the best chance of survival. Do you know the most reasonable steps to protect your life and the lives of those around you in such surroundings? Learn the best practices for coping in active shooter situations in this potentially life-saving class.

**6C Emerging Issues in Commercial Driver's License Disqualification Hearings (S) ALJ T. Boone, CHO P. Halbach**  
We'll review 49 CFR § 383.51 (Disqualification for Major Disqualifying Offenses and Serious Violations), 49 CFR 383.52 (emergency disqualification), and 22 U.S.C. 7102(11) (lifetime disqualification for involvement in human trafficking. We'll also discuss the ever-increasing commercial driver shortage which has resulted in drivers continuing to drive who no longer meet required physical qualifications and has contributed to the prevalence of driving a commercial motor vehicle while drug-impaired. We'll also discuss CMV crashes due to distracted driving or caused by fatigued or sleep-deprived CMV drivers.

**6D Vendor Workshop: A Whole New World: Managing Exhibits and Evidence Electronically**  
**Presenters from Thomson Reuters: Jason Enders (MN), Reena Gopalji (CA), and Mickey Sulkin (IL)**  
Administrative adjudicators face challenges in managing electronic exhibits and evidence effectively. Covid-19 required video conferencing for remote hearings, making traditional methods of presenting, sharing, and reviewing exhibits and other evidence ineffective. Using email, shared drives, and flash drives for evidence created security concerns. This session explores common problems hearing officers face involving digital evidence and outlines approaches to overcome them, including a demonstration of Thomson Reuters *Case Center*—digital evidence software proven to expedite case resolution.

**5:15 p.m. OPTIONAL reserved seats at Chicago Cubs Game at Wrigley Field - \$30 advance purchase required**

Want to watch the Chicago Cubs play the Washington Nationals in reserved seats in NAHO's own section with an unobstructed view for less than the ticket normally costs at the Cubs box office? Here's your opportunity:

5:15 – Gather in the hotel lobby

5:30 – Depart hotel to travel 0.3 miles – 6 minute walk)

5:45 – Obtain ticket and board the Red Line Train at State & Lake (board on the side toward Howard) and enjoy sightseeing Chicago on the famous “L” for the next seven stops

6:15 – Disembark from the train at Addison & walk 300 feet arriving at Wrigley Field

6:25 – Meet Cubs Representative Dan Lynch for our reserved seat tickets and make our way through security.

6:30 – Find a drink, a snack, and your reserved, unobstructed-view group seats before first pitch occurs at 7:00 p.m.

**Tickets in the NAHO section are limited and are unlikely to be available for purchase on the night of the game.**

**TUESDAY, AUGUST 9**

**8:30 a.m. to 9:30 a.m. – SESSION 7**

**7A Hearsay in Hearings Not Bound by Strict Evidence Rules (M) Chief H.O. Peter Halbach (ND)**  
Even if your jurisdiction allows admission of hearsay, whether under an Administrative Procedure Act or an agency's organic statute or rules, it's still important for you to understand the hearsay concepts of reliability and probative weight. Admitting hearsay is just the first step—an opportunity to evaluate the hearsay's probative value and trustworthiness. This class discusses how we need to examine hearsay evidence, even when our less formal rules already allow for its admission.

**7B Determining Credibility in Administrative Hearings (M)****Prof. Gregory Ogden (CA)**

This session discusses all factors that adjudicators may use for assessing credibility that are recognized in evidence law (separate from and in addition to demeanor evidence), analyzes factors to assess credibility such as consistency or inconsistency of statements, examines psychological research related to truth-telling and deception, and how that research may apply to credibility determinations made by administrative adjudicators.

**7C Title IX: Investigating Complaints of Title IX Sexual Harassment (S)****Director Tim Love (IL)**

Title IX requires all federally funded schools to impartially investigate complaints alleging Title IX sexual harassment. The investigative process involves conducting interviews with parties and witnesses, collecting and reviewing evidence, analyzing the credibility of interviewees, and writing an investigative report. Since they're inherently sensitive, Title IX investigations must be conducted discreetly and compassionately, balancing thoroughness with timeliness. Learn about these investigations from a current Title IX Coordinator with significant experience facilitating these investigations in higher education.

**9:45 a.m. to 12:00 p.m. – SESSION 8 – PLENARY SESSION with BREAKOUT DISCUSSIONS****WHEN THE OUTCOME YOU MUST REACH SEEMS UNJUST (M)****Justice W. M. Gillette (moderator)**

It has happened to most hearing officials. A statute, regulation, or agency interpretation changes. The adjudicator now must conduct the hearing under the change. The outcome seems obvious, based on the evidence in the record and the change in authority. Yet, the only legally-correct conclusion seems unjust. The change may have been well-intended, but consequences will result from the change that may not have been expected. You're not a court of equity. You don't have the discretion to ignore what the law requires to reach an outcome that seems more just. What can you do? What is your course of action, if any? If you're ever felt like "going rogue," come for facilitated discussions in breakout groups followed by a panel discussion.

Discussion facilitators will include: Denis Guest, Administrative Law Judge, Cook County Dept. of Admin. Hearings  
Deputy Director Anthony Rizzo Jr., Chicago Dept. of Administrative Hearings  
Deputy Director Katy Straub, Illinois Bureau of Administrative Hearings  
Chief Hearing Officer Audrey Wade, Chicago Housing Authority  
Colleen Clark, Esq., South Carolina Department of Veterans' Affairs

**12:00 p.m. to 1:15 p.m. LUNCH ON YOUR OWN**

Have lunch at the Pendry's own Venteux Brasserie for French cuisine and Chicago-inspired dishes, walk across the street to Sweetwater Tavern and Grille, or walk to any one of dozens of eateries within easy walking distance of the host hotel.

**1:30 p.m. to 2:30 p.m. – SESSION 9****9A Burden of Proof (M)****Colleen Clark, Esq. (SC)**

Conducting hearings, taking evidence, and writing decisions are more mechanistic aspects of administrative adjudication. To many, determining whether a burden of proof is met is a "gray area" in the law. It leaves to the discretion of the adjudicator the amount of weight assigned to each piece of evidence. In a very real sense, it is pure "judge-work"—the very essence of judicial reasoning. Join an experienced lecturer and adjudicator as she reviews burden of proof, including recent Illinois appellate decisions such as *Chaudary v. Department of Human Services*, 184 N.E.3d 451 (IL App. 2<sup>nd</sup>, 2021) and *Cooke v. Illinois State Board of Elections*, 451 Ill Dec. 70 (2021).

**9B Best Practices for Conducting Telephonic Hearings (E)****Hearings Manager Bobbie Marshall (TX)**

In high-volume administrative hearings (unemployment, human services, driver's licenses) conducting hearings telephonically is standard operating procedure. Without telephonic hearings, due process would be delayed, petitioners would be inconvenienced, and statutory deadlines would be missed. But to be procedurally fair, telephonic hearings must be conducted in a particular way. Maintaining order in these hearings can be more difficult. Visual demeanor can play no role in credibility assessment. Telephonic hearings are a useful tool if you know what the best practices are. Learn from an experienced adjudicator who has conducted thousands of these hearings and knows all the dos and don'ts.

**9C Leadership for Chief Judges & Directors: What We've Learned (S)****J. Deshais, S. Shackelford, & K. Straub**

Not all supervisors or managers are leaders. Leading requires viewing operations from a systemwide perspective rather than case-by-case. Leaders realize their workplaces are embedded in a social, political, economic, and technological context that is constantly changing. Leaders use organizational knowhow to set and reach goals, communicate a sense of purpose and positivity, model the behavior they want to see in their employees, and inspire, support, and encourage their teams. These three leaders will share their knowledge of good leadership and make helpful recommendations based on their experiences.

**2:45 p.m. to 3:45 p.m.**

**NAHO Membership Meeting:** This is NAHO's annual report to the membership: NAHO's accomplishments since last year's conference, the state of NAHO's budget, and what NAHO will offer its membership in 2023. The meeting is open to conference attendees, but only current NAHO members may vote on matters brought to the floor. Please attend and participate.

**OR**

**A Whole New World: Managing Exhibits and Evidence Electronically** A presentation on Thomson Reuters' digital evidence software, *Case Center*, by Jason Enders, Reena Gopalji, and Mickey Sulkin, who will explore the common problems hearing officers face today regarding cyber-security concerns and digital exhibits and evidence. They will also provide a live demonstration of how *Case Center* software can enhance cyber-security, expedite case resolution, and reduce the length of administrative hearings.

**WEDNESDAY, WEDNESDAY, AUGUST 10**

**8:30 a.m. – 9:30 a.m. – SESSION 10**

**10A Illinois Administrative Law Update (S)**

**Hearing Officer Thomas Grippando (IL)**

This class reviews and discusses recent decisions of the Illinois Supreme Court and Court of Appeals related to administrative hearings and the regulatory authority of agencies and tribunals. Cases to be discussed include *Western Illinois University v. Illinois Educational Labor Relations Board*, *Grimes v. Cook County Health & Hospitals System-Cermak Health Services*, and *Horn v. Northeast Illinois Regional Commuter Railway Corporation*, and many others. Please join this discussion.

**10B Creating Instructional Presentations for Adult Learners (E)**

**ALJ Toni Boone (OR)**

Creating presentations to educate and interest adult learners is challenging, especially if they're adjudicators. Learn methods to assess learner needs, draft pertinent, realistic learning objectives, prepare course structure and content, create optimal PowerPoint presentations, and make classes more interactive. Receive useful teaching suggestions from this presenter, a recent winner of the National Judicial College's Payant Award for Excellence in Teaching.

**10C Providing a Meaningful Hearing for Pro Se Litigants (M)**

**Colleen Clark, Esq. (SC)**

SCOTUS, in *Armstrong v. Manzo*, declared the opportunity for a hearing must be granted in a "meaningful manner." For *pro se* litigants, the greatest obstacle to receiving a meaningful hearing is the legal context of the hearing—the specialized language, the intimidating atmosphere, and their anxiety over losing what they have at stake. Yet the *pro se* litigant is entitled to understand the process to the extent necessary to present their case. How can adjudicators assist without crossing the line into advocacy? Review best practices in providing a meaningful hearing for *pro se* litigants in this valuable class.

**9:45 a.m. – 10:45 a.m. – SESSION 11**

**11A Caseload Management & Decision Writing for High-Volume Adjudicators (M)**

**Chief ALJ Rich Madison (IL)**

ALJs managing high-volume dockets have many stressful concerns such as continually increasing caseloads, post-Covid personnel shortages, and imminent statutory deadlines. A knowledgeable, experienced supervisor of high-volume ALJs will share time-saving techniques, case management recommendations, decision-writing tips, and other helpful advice.

**11B Writing Concise, Coherent Decisions in Complex Cases (M)**

**ALJ Mary Long, PA**

This class is for those who write adjudications in cases that include findings of fact, conclusions of law, and an analysis of the facts and law raised in the dispute. We will talk about integrating principles of procedural fairness into your decision, organizing your writing process, and will go over best practices for each element of an adjudication.

**11C If, When, How, and Why to Use Performance Metrics in Managing Judicial Personnel (E) ALJ T. Boone, CHO P. Halbach**

Government employees, including administrative adjudicators, must submit to performance review. To what extent can ALJs be held accountable for caseload management, hearing control, and their hearing demeanor? Can their performance be evaluated without diminishing their judicial independence? How can their performance be evaluated fairly? Various types of performance metrics will be discussed, as well as what research revealed about using performance metrics on judicial officers.

**11:00 a.m. – 12:00 p.m. – SESSION 12**

**12A Implicit Bias and the Decision Maker (M)**

**Chief ALJ Audrey Wade (IL)**

Judges, when making decisions, may try to take a rational approach and weigh evidence objectively. Others go with their gut—the "judicial hunch." Research shows that regardless of your method for deciding cases, implicit bias can lead you to certain conclusions without your conscious awareness. Perhaps most disturbing, we all hold unconscious biases that are at odds with our conscious values. Research confirms that implicit bias affects judges just as it does everyone else. Recognizing that implicit biases exist within us is the first step. Find out what can be done to rise above them in this class.

**12B Practicum: Qualifying Expert Witnesses (M)** ALJ T. Boone, C. Clark, Esq., Justice M. Gillette, AJ R. Murrell,  
If you want a review of *Frye*, *Daubert*, and *Kumho Tire*, this isn't it (although we provide an outline of those standards in conference instructional materials). This is a practical class for adjudicators whose hearings rarely involve expert witnesses to explain when they are and aren't needed, compare and contrast consulting experts with testifying experts and review how to determine witness expertise. Hearing re-enactments will demonstrate *voir dire* and why an adjudicator may need to do it.

**12C Reasonable Accommodations: Best Practices for ALJs (E)** ALJ Caroline Stephens Ryker (IN)  
Has a prospective hearing attendee made a "reasonable accommodation" request to facilitate their participation in a hearing? Could whether "reasonable accommodation" was afforded by an agency be an issue in an impending hearing? Regardless of how "reasonable accommodation" enters your life, you should know what it is, what the ADA requires, methods for assessing "reasonable accommodation," and how to respond to accommodation requests. This class will answer these questions.

**12:00 p.m. – 1:30 p.m. NAHO APPRECIATION LUNCHEON** Join NAHO to honor those who do NAHO's day-to-day work, recognize those who've demonstrated proficiency by achieving NAHO certification, and to salute high ideals of professionalism.

**1:30 p.m. – 2:30 p.m. – SESSION 13**

**13A Editing Decisions: Improving Word Choice and Clarity (M)** ALJ Toni Boone & Justice Mick Gillette  
Revision requires you to play the role of reader rather than writer. Editing orders and decisions involves more than making sure they're "correct." It involves structure, determining focus, and persuasively supporting an opinion. Sentence construction, style and word choice can drastically affect a writer's authority and believability. This session provides useful strategies to help you better examine your writing (or someone else's) to create a clear, cohesive, and convincing document.

**13B Are Internet Facts Judicially Cognizable? – Admissibility Factors & Ethical Concerns (M)** AJ Richard Murrell (TN)  
Over one-third of all SCOTUS opinions cite an internet source. Comment 6 of Rule 2.9(C) of the Model Code of Judicial Conduct says: "[t]he prohibition against a judge investigating the facts of the matter extends to information available in all mediums, including electronic." How can SCOTUS cite the Internet? What types of Internet facts are judicially cognizable? Which sources are reliable, which should be avoided, and how do we apply FRE 201? This class will answer those questions.

**13C Avoiding Landmines & Pitfalls of School Discipline Hearings (S)** ALJs M. St. John, P. Smith, L. Wilson (MI)  
Student discipline hearings are often conducted by non-attorneys, but those presiding are still required to provide due process. This session will focus on disabled and non-disabled students' rights in school disciplinary hearings to help those adjudicating these hearings to avoid the many possible landmines and pitfalls that accompany hearings of this type. In this session, we'll discuss schools' obligations under child find, best practices for manifestation determinations, and share our best practices.

**2:45 p.m. – 3:45 p.m. – SESSION 14**

**14A Finding the Law: Legal Research for Non-Lawyers (M)** ALJ Mary Long (PA)  
This course is designed for those of you without formal legal training who need some pointers on how to find answers to the legal issues that arise in your hearings. In this class you will learn how to identify the law you need and to develop a strategy to find it. This is NOT a course on using LEXIS or WESTLAW but will include a discussion of free or low-cost electronic resources for your legal research. **This class is mandatory for all non-attorneys pursuing eventual NAHO certification.**

**14B Professional Responsibility Issues in Administrative Hearings (M)** Judge Richard Murrell (TN)  
Civility in both courts and administrative hearings has declined. In courts, judges have contempt authority. ALJs don't. It's unquestionable that attorneys regularly violate the Code of Professional Responsibility in administrative hearings. Do these violations occur *because* ALJs lack disciplinary authority? What should an ALJ do when these violations occur? When might the behavior of an administrative adjudicator be in violation of the Code? Join this lively discussion.

**14C Review of Best Practices for Conducting a Meaningful Virtual Hearing (M)** Deputy Director Katy Straub  
For good or ill, virtual hearings have become the "new normal." This review will cover the most important details and essential techniques for conducting remote hearings using video-conferencing platforms, including prehearing prep to make virtual hearings easier, making a favorable impression via video, adjusting your opening script for virtual hearings, identification issues, administering oaths and affirmations, handling document exhibits, testimony and cross-examination, credibility assessment, and due process/procedural fairness concerns.

**3:45 p.m. – 4:00 p.m. CLOSING REMARKS AND 2023 CONFERENCE PREVIEW**