ANNUAL PROFESSIONAL DEVELOPMENT CONFERENCE
Roundup on the Riverwalk

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

WHO SHOULD ATTEND?
• Hearing Officers
• Administrative Law Judges
• Attorneys
• Paralegals
• Mediators/Arbitrators
• Hearing Representatives/Advocates
• Hearing Program Managers

FEATURING:
• Training sessions, roundtable discussions and panel presentations to interest and educate new and experienced hearing officials and others involved with the administrative hearing process;
• Keynote presentations by speakers who will inform, entertain and inspire with their insights on fascinating topics;
• Interaction with NAHO members and hearing officials from across the country;
• Social events and free time to enjoy San Antonio and the Riverwalk!
It is my great pleasure to invite all of you to NAHO’s annual conference for professional development in San Antonio, Texas from Sunday, October 14 to Wednesday, October 17, 2012. The planning committee selected the Holiday Inn on the famous Riverwalk. San Antonio is America’s 7th largest city where the temperature in October is pleasantly in the 70’s with lots of sunshine.

San Antonio offers a rich and deep culture with art galleries, museums, a blend of old Mexico with the Spanish Governor’s Palace, Germany with the King William neighborhood settled by immigrants in the late 1800’s, and the Old West. There are 40 golf courses in the metro area for you aficionados. The city is known as the home of Tex-Mex cuisine as well as Gourmet Magazine’s 6th best restaurant in the nation!

When it comes to attractions San Antonio is a visitor’s paradise. Our hotel is within walking distance of the Gonzalez Convention Center, the Deco District with all its boutiques and restaurants, El Mercado/Market Square, the Alamo Mission, La Villita/The Village, Hemisphere Park with its Tower of the Americas, and night life on the Riverwalk with its wine bars, dance halls and piano sing-along lounges. In the metro area you can enjoy the world’s largest marine life park at Sea World San Antonio as well as Six Flags Fiesta Texas, the Botanical Gardens, the Children’s Museum, the Zoo and Aquarium and, of course, the Rivercenter Mall. Did I forget to mention that we take attendance so you can receive your credits?

Our program this year begins with a welcome reception Sunday evening. On Monday morning Special Counsel for Appeals at Texas HHSC will deliver the opening keynote address, followed by a luncheon with a presentation by Justice W. Michael Gillette of the Oregon appellate courts on judicial review. We offer a great variety of substantive training sessions for three days presented by an exceptional faculty. The awards banquet takes place on Tuesday evening with entertainment and we bid you adios at noon on Wednesday after we hear from our closing keynote speaker, Professor Gerald S. Reamey of the Law School of St. Mary’s University in San Antonio.

San Antonio welcomes you with its multicultural splendor, rich history and genuine hospitality. I will see you there!

La ciudad de San Antonio los invita a todos y les ofrece su esplendidez multicultiva, rica historia y genuina hospitalidad! Nos vemos allá!

Norman J. Patenaude, CALJ
President
MAKING YOUR HOTEL RESERVATIONS

The deadline to receive the conference rate for your hotel room is **September 11, 2012**. All conference participants must contact the Holiday Inn either by on-line reservation located at www.holidayinn.com/sat-riverwalk and entering NHO as the group code. You may also contact the hotel by telephone at (210) 224-2500 or toll free at (888) 615-0726 to reserve your room. Please reference the conference group code of NHO to receive the federal per diem rate. You will need to provide a credit card number to guarantee your room. The guaranteed room block is limited, so make your reservations early.

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

NAHO MEMBERSHIP

If you are interested in joining NAHO for the first time or have been away for awhile, now is the time to join! You can now join NAHO online! Go to www.naho.org to submit a membership application and pay membership dues. For those who prefer, membership applications may also be mailed, with appropriate fees included, to NAHO Membership, 847 South Dorset Place, Eagle, Idaho 83616.

NAHO by-laws provide that NAHO membership is open to all current and former administrative hearing officials. The Membership Committee considers all applications for regular membership; associate members are approved by the Board of Directors at its next regularly scheduled meeting. Therefore, please allow time for processing and consideration in order to qualify for NAHO member registration rate.

NAHO membership runs from January to December. Dues are $45 per year or $105 for three years for new members or members whose membership has lapsed. If five or more join from the same organization and pay at the same time, the fee is $40 per year per person.

Questions may be directed to Eric Moody, Membership Committee Chair at nahomembership@gmail.com. The membership application is located at www.naho.org/join-naho/membership-in-naho.

CERTIFICATION

The National Association of Hearing Officials is a professional nonprofit organization formed in 1986 and is the only national professional organization for administrative hearing officials which offers a certification program for hearing officers and administrative law judges.

The NAHO certification program is dedicated to developing uniform standards of excellence and professionalism for hearing officials and administrative law judges across the country. Course requirements for certification ensure that individuals have a sound background in administrative law and hearing procedures. Certification provides concrete evidence of your personal commitment to your own professional development and to the hearing process. Courses attended at this year’s conference may be considered towards meeting certification requirements for 2012. Core requirements can be met at annual NAHO conferences or other recognized programs addressing the hearing process.

For complete information on certification, visit www.naho.org. Individuals seeking certification or recertification at the 2012 conference should submit complete applications **postmarked by July 31, 2012** to:

Linda Snow, CHO  
NAHO Certification Committee  
Lead Co-Chairperson  
C/O Texas Health and Human Services Commission  
1501 Circle Drive, Ste. 290  
Fort Worth, TX 76119
Please note: Every attempt will be made to adhere to the list of short course descriptions below. Should any last minute changes become necessary, your consideration will be appreciated. Designations after the workshop title refer to classification of courses accepted by NAHO for certification of hearing officers and administrative law judges. For complete information on required and elective course credits for certification, see the certification application on the NAHO website, www.naho.org.

A complete listing of speakers and biographies is also available on the website.

Key Code (M) Mandatory ∙ (E) Elective ∙ (S) Substantive

**VENERDAY, OCTOBER 14, 2012**

**2:30 to 3:30 pm - Conference Opening** – Norman J. Patenaude, NAHO President, and Janice Deshai, NAHO Vice-President

**3:30 to 5:00 pm – SESSION 1**

**Round Table 1 –**

**ALTERNATIVE METHODS OF DISPUTE RESOLUTION: MEDIATION AND MORE**

*Justice W. Michael Gillette, facilitator*

This roundtable discussion will address the various forms of alternative dispute resolution (ADR), discuss the advantages and disadvantages of ADR, examine both formal and informal means of reaching settlement, review methods for overcoming resistance to the mediation process, and explore the interpersonal dynamics of mediation.

**Round Table 2 –**

**PROVIDING DUE PROCESS TO PRO SE LITIGANTS**

*Judge Toni Boone, facilitator*

This roundtable discussion will explore the expectations of the pro se litigant and compare and contrast those expectations with the elements of due process in an administrative hearing. It will review the problems associated with ensuring that pro se litigants understand their due process rights including common misconceptions held by pro se parties. The discussion will also examine the line between appropriate assistance and advocacy—the difference between providing the help necessary to ensure due process and becoming an advocate for a party.
MONDAY, OCTOBER 15, 2012

8:30 – 9:00 am - Opening Remarks – Norman J. Patenaude, NAHO President, and local welcome speaker

9:00 - 9:45 am – SESSION 2

OPENING ADDRESS - Paul Leche, Esq., Special Counsel for Appeals, Texas Health and Human Services Commission, will present “Not Your Father’s Ethics Class” to the conference assembly.

10:00 – 11:30 am – SESSION 3

(1) ADMINISTRATIVE LAW: A BRIEF HISTORY OF THE FOURTH BRANCH OF GOVERNMENT (M)
   Gregory Ogden, Professor, Pepperdine University School of Law
   Discussion of the nature, history, and evolution of American administrative law. Topics will include the history of administrative law in the United States, starting with the early federal agencies (ICC, FTC), the new deal expansion of federal agencies, the adoption of the federal APA, the later expansion of federal agencies in the 1960’s and 1970’s, and the evolution of state administrative law, including the rise of worker’s compensation agencies and state pension laws, the adoption of the MSAPA and the development of state agencies in social welfare fields as a response to federal laws and money. Other topics include types of agencies and administrative agencies functions in the executive branch, development of administrative adjudication and rulemaking, and the important roles played by the courts in developing the law governing administrative agencies.

(2) WRITING SKILLS 101: WRITING CLEAR AND CONCISE DECISIONS (M)
   Paul Keeper, Administrative Law Judge, Texas State Office of Administrative Hearings
   A judge is often judged on the quality of his or her writing. The course will provide practical suggestions about organizing, producing, and editing a decision, whether simple or complex. In the class, attendees will practice and sharpen their writing skills. A notebook of exercises and principles will be given to each person who attends.

(3) ARE YOU TALKING TO ME? DEVELOPING EFFECTIVE LISTENING SKILLS (E)
   Laurence H. Geller, Retired Presiding Administrative Law Judge, CA Dept of Social Services
   Peter Hemenway, Retired Administrative Law Judge, CA Dept of Social Services
   An in-depth examination of how listening skills or their absence can affect the hearing process. As it has been said, “To listen is an effort and just to hear has no merit.” Are we just hearing or are we really listening? Let’s find out!


1:00 – 2:30 pm – SESSION 4

(1) EVIDENCE BASICS: WHAT EVERY HEARING OFFICIAL SHOULD KNOW (M)
   Kevin Raymond, Assistant General Counsel, Texas Health and Human Services Commission
   Basic principles of evidence for hearing officials will be discussed, such as: admissibility of evidence, hearsay, exceptions, privileges, burdens of proof, a prima facie case, presumptions and reliability, foundation, authentication, judicial notice, impeachment and standards for judicial review. This is an essential course for new hearing officials and a great opportunity for review for more experienced practitioners.

(2) I WONDER WHAT THEY MEANT BY THAT: ANALYZING APPELLATE OPINIONS AND UNDERSTANDING PRECEDENT (E)
   Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles
   This class will cover the use and applicability of the opinions of appellate reviewing bodies by administrative hearing officials. The class will clarify and elaborate on the difference between a binding precedent and a persuasive precedent and will explain when cases are (or are not) analogous, instructive, and distinguishable. The class will also include reading an opinion to evaluate whether it is “on point,” what it “stands for,” and will differentiate between a “holding” and discussion or “dictum.”

(3) HEARINGS IN THE DIGITAL AGE: USING ELECTRONIC MEDIA (E)
   Panel: Jacquelyn McClenny, Hector Hernandez, Jr., Leslie Van Horn, Patricia Koetting and James Lee, Texas Health and Human Services Commission
   Telephonic hearings are an effective and efficient way for an administrative agency to do business as such hearings can eliminate the need for in-person hearings and the need for a hearing official to travel to conduct in-person proceedings. This panel of hearing officials will discuss this use of electronic media by the Texas Health and Human Services Commission. Their presentation will include the advantages and disadvantages of this practice and a discussion of the impact of electronic proceedings on issues such as testimony and witness credibility.
2:45 - 4:15 pm – SESSION 5

(1) ETHICAL CHALLENGES FOR HEARING OFFICIALS: WHAT YOU DON’T KNOW CAN HURT YOU (M)
Gregory Ogden, Professor, Pepperdine University School of Law
This class discussion will include core ethical principles such as impartiality and neutrality in decision making; typical ethical issues common to all adjudicators – conflicting financial interests, honesty and integrity, pro se litigants, reasonable doubts about impartiality, bias and prejudice, and courtroom behavior; judicial ethics specific to hearing officials, including separation of functions, ex parte communications, and influence in the decisional process. Each subject is discussed with hypotheticals from real world situations. Course includes extensive materials prepared in advance and provided to participants as part of the course materials.

(2) DEALING WITH DIFFICULT LAWYERS, PARTIES AND THE PUBLIC: KEEPING ORDER IN THE COURT (E)
Jim Gerl, Attorney, Scotti & Gerl, Lewisburg, West Virginia
What tools can a hearing officer use to deal with difficult lawyers and disruptive parties? This session will discuss the need for proper decorum and will provide techniques for dealing with contemptuous counsel and out-of-control pro se parties.

(3) INCLUDING EVERYONE: USING INTERPRETERS TO ASSURE ALL ARE HEARD (E)
Panel: Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles; Hugo Franco, Chairman, Appeals Board, Arizona Dept of Economic Security; Justice W. Michael Gillette, Oregon Supreme Court and Court of Appeals
This panel discussion will review a party’s constitutional and statutory rights to an interpreter and will cover assessing the need for an interpreter and issuing interpreters’ oaths. The class will examine the interpreter’s role and ethical obligations, the different modes of interpretation (e.g. direct speech interpretation versus summary interpretation) and the issues related to interpreting via telephone. The class will also provide tips for working with interpreters effectively to ensure rights are preserved and that a full, fair and complete hearing record is made.

TUESDAY, OCTOBER 16, 2012

8:30 am – 10:00 am – SESSION 6

(1) STAYING ABOVE THE FRAY: MAINTAINING YOUR INDEPENDENCE, IMPARTIALITY AND INTEGRITY (E)
Laurence H. Geller, Retired Presiding Administrative Law Judge, CA Dept of Social Services
Peter Hemenway, Retired Administrative Law Judge, CA Dept of Social Services
Whether employed by the agency for which you hear cases or working for a central agency or other employer, your performance in the conduct of hearings and the decisions you reach is being constantly reviewed by that employer. Other participants at the hearing are always evaluating you. We will examine how our personal biases affect the work we do as hearing officials and how we can minimize those biases as well as deal with the pressures placed on us by our employer so that we can maintain our independence, impartiality and integrity as we hear cases and write decisions.

(2) I CAN SEE IT IN YOUR EYES: DETERMINING WITNESS CREDIBILITY (M)
Gregory Ogden, Professor, Pepperdine University School of Law
This class will review the nature, history, and use of demeanor evidence to determine credibility of witnesses in fact finding by administrative law judges and other hearing officials. Discussion of other credibility factors recognized in evidence law, including such things as consistency or inconsistency of statements; discussion of psychological research related to truth telling and deception and how that research may apply to credibility determinations by hearing officials; and analysis of written decisions by ALJs who have made credibility determinations and used demeanor evidence as part of fact finding in specific cases. These decisions provide hypothetical examples for course discussion. Course includes extensive materials prepared in advance and given to enrollees as part of a packet of course materials.

(3) ALTERNATIVE METHODS FOR DISPUTE RESOLUTION (E)
Don Philbin, Attorney/Mediator
This class will cover the techniques for recognizing which cases are appropriate for alternative dispute resolution and will address how ADR professionals evaluate cases and decide which method of dispute resolution is appropriate for each individual case. The class will explain the standards of conduct and the ethical considerations of ADR. It will provide tips to improve your negotiation skills and will include instruction on how to avoid problems and prevent the classic errors that often block reaching agreement.

10:30 am – 12:00 pm – SESSION 7

(1) GETTING YOUR DUCKS IN ORDER: HOW TO PREPARE AND PRESERVE A SOLID RECORD OF YOUR ADMINISTRATIVE PROCEEDING (E)
Lawrence Hornsby, Managing Attorney, Enforcement, Texas Department of Aging and Disability Services
The administrative record memorializes the manner in which the agency made its decision and the basis of that decision is based exclusively upon a review of the documents contained in the administrative record for a contested decision. The creation of the administrative record is the responsibility of the hearing officer or judge. This session will discuss how hearing officers and administrative law judges can develop an administrative record that demonstrates the path that was followed in making a decision and include all of the documents that were directly and indirectly considered by the decision maker.
COURSE DESCRIPTIONS

Key Code (M) Mandatory · (E) Elective · (S) Substantive

(2) WRITING SKILLS 101: WRITING CLEAR AND CONCISE DECISIONS (M)
Paul Keeper, Administrative Law Judge, Texas State Office of Administrative Hearings
A judge is often judged on the quality of his or her writing. The course will provide practical suggestions about organizing, producing, and editing a decision, whether simple or complex. In the class, attendees will practice and sharpen their writing skills. A notebook of exercises and principles will be given to each person who attends. (Second offering of session.)

(3) BENCH SKILLS FOR HEARING OFFICIALS: HOW TO CONDUCT AND CONTROL AN ADMINISTRATIVE HEARING (M)
Jim Gerl, Attorney, Scotti & Gerl, Lewisberg, West Virginia
This session goes to the very heart of what a hearing officer does. There will be discussion on the following: making a complete record; controlling the proceeding; dealing with witnesses, exhibits, objections, and related topics. The presenter will reveal his Eight Rules for conducting a hearing.

1:30 pm – 3:00 pm – SESSION 8

(1) ADVANCED EVIDENCE: CHALLENGES FOR EXPERIENCED HEARING OFFICIALS (E)
Kevin Raymond, Assistant General Counsel, Texas Health and Human Services Commission
This session will focus on some of the more challenging evidentiary problems confronted by hearing officials. Participants will add to their basic knowledge of evidentiary principles by learning how to address some of the complex evidentiary issues they face as hearing officials.

(2) MANAGING A HIGH-VOLUME CASELOAD: ASSURING QUALITY WHILE MANAGING QUANTITY (E)
Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles
The class will review the essential elements for effective case-flow management and will provide strategies useful to the management of a high-volume docket. It will examine techniques for docket reduction, getting a hearing rolling again when it seems to be bogging down, keeping witnesses from wandering away from the relevant and discouraging postponements and continuances. The class will also provide practical tips for better time management—getting more work completed in less time.

(3) PROVIDING DUE PROCESS: THE ESSENTIALS (M)
Jim Gerl, Attorney, Scotti & Gerl, Lewisberg, West Virginia
What exactly does “due process of law” mean in terms of the work that a hearing officer does? This will not be an academic or law school style review of court precedent. Instead we will examine what due process is and what it should look like in our hearings.

WEDNESDAY, OCTOBER 17, 2012

8:30 am - 10:00 am – SESSION 9

(1) ROUNDTABLE ROUNDP - ALTERNATIVE METHODS OF DISPUTE RESOLUTION (E)
Panel: Justice W. Michael Gillette, Oregon Supreme Court and Court of Appeals; Bonny Fetch, Commissioner, North Dakota Public Service Commission; Janice Deshais, Director, Office of Adjudications, Connecticut Dept of Energy and Environmental Protection
This follow-up to the prior roundtable discussion on alternative dispute resolution (ADR) will further explore the various forms of ADR, discuss the advantages and disadvantages of ADR, and examine both formal and informal means of reaching settlement. It will also review the best practices for overcoming resistance to settlement and for managing the ADR process when parties are particularly contentious.

(2) ROUNDTABLE ROUNDP - DUE PROCESS AND PRO SE LITIGANTS (M)
Panel: Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles; Linda Snow, Lead Hearing Officer, Texas Health and Human Services Commission; Hugo Franco, Chairman, Appeals Board, Arizona Dept of Economic Security
This follow-up to the prior roundtable discussion will compare and contrast the expectations of the pro se litigant with the elements of both substantive and procedural due process. It will review strategies to ensure that pro se litigants understand their due process rights, understand the scope of the administrative hearing and know is meant by “burden of proof” and “relevant evidence.” The discussion will also address the ethical obligations of hearing officials to provide the assistance necessary to ensure the pro se party’s rights without becoming an advocate for the party and will provide guidelines and suggestions to distinguish between appropriate assistance and advocacy.

(3) TAKING TIME FOR YOU: DOWN TIME IS NOT WASTED TIME (E)
Laurence H. Geller, Retired Presiding Administrative Law Judge, CA Dept of Social Services
Feel too much pressure and stress in your life? Don’t have time to do the things you would like to do? If your life is not what you want it to be, take a 90 minute break and start a new life! Yes I Can!

10:15 am - 11:30 am – SESSION 10

CLOSING ADDRESS -- Professor Gerald Reamey of the Law School of St. Mary’s University in San Antonio will present “Means of Adjudication: The Quest for Universality in Process.”

11:30 am - Conference Closing - Norman J. Patenaude, NAHO President, and Janice Deshais, NAHO Vice President

Certificates of attendance will be available at registration table
HOW TO REGISTER

To register for the conference on-line, visit the NAHO conference website at www.naho.org. To register via US mail, please print the form from the website and mail the form and accompanying payment to 2012 NAHO Conference, c/o YesEvents, PO. Box 32862, Baltimore, MD 21282. Registrations by facsimile may be sent to (410) 559-2217. For registration assistance, call (800) 937-8728. For all other conference-related questions, call (701) 934-5436.

FULL CONFERENCE REGISTRATION FEES
$410.00 Full conference registration for NAHO member
$450.00 Full conference registration of non-member
$385.00 Full conference registration for NAHO member from Texas
$425.00 Full conference registration for non-member attendee from Texas
$385.00 Group of 5 or more from one employer if registered and paid at the same time.

Groups of (5) or more registering and paying at the same time must be entered on-line.

Full conference registration fee includes the welcome reception on Sunday, October 14, 2012; a breakfast buffet and the luncheon on Monday, October 15, 2012; a cocktail hour on the Riverwalk on Monday, October 15, 2012; and the banquet on Tuesday, October 16, 2012. You may also bring a guest at the rates noted below.

PARTIAL CONFERENCE REGISTRATION RATES
$100.00 Partial registration – one session
$200.00 Partial registration – one day

Partial conference registration fee does not include the reception, luncheon, or banquet. You and your guest(s) are invited to join us at the guest rate of any of the events (in addition to the registration fee).

GUEST MEAL FEES
$40.00 Reception – Sunday, October 14, 2012
$25.00 Luncheon – Monday, October 15, 2012
$45.00 Banquet – Tuesday, October 16, 2012

CANCELLATION POLICY
To receive a full refund, a request must be received on or before 5 p.m. CT, September 28, 2012, and sent by email to NAHOinfo@yesevents.com. A cancellation fee of $75 will be deducted from your refund for cancellations made between September 29 and October 5, 2012. NO REFUNDS WILL BE GIVEN AFTER October 5, 2012. Registration fees are transferable, one time only. The fee may be transferred to another registrant to attend the 2012 conference, or the fee may be applied to the cost of the registration fee to attend the 2013 conference. In no case may a registration fee be transferred beyond one year.

Payment may be made by purchase order or payment voucher. However, prompt payment is expected. NAHO will assess a $25 monthly late charge on the first of every month for payments 60 days overdue from the date of billing and every 30 days thereafter. NAHO must be informed at the time of registration of any information or materials needed by an agency or state to process payment.