

# National Association of Hearing Officials 2014 ANNUAL PROFESSIONAL DEVELOPMENT CONFERENCE

## *The Charm of Charleston* *"Where History Lives"*

Administrative Hearings from Beginning to End

November 16 – 19, 2014 | Doubletree Hotel - Historic District  
Charleston, South Carolina



### *Featuring:*

- Training sessions to interest and educate new and experienced hearing officials and others involved with the administrative hearing process;
- Course offerings covering general areas of administrative hearings practice;
- Courses on specialized subjects, including decision writing, combating bias, avoiding ethical dilemmas, and learning to be an effective communicator;
- Keynote presentations by speakers who will inform, entertain and provoke with their insights on interesting topics;
- Interaction with NAHO members, hearing officials, instructors and others from across the country;
- Social events and free time to enjoy the beauty and delights of Charleston!

### **WHO SHOULD ATTEND?**

- Hearing Officers
- Administrative Law Judges
- Attorneys
- Paralegals
- Mediators/Arbitrators
- Hearings Representatives/  
Advocates
- Hearing Program Managers

# FUN THINGS TO DO IN CHARLESTON!

## HISTORIC DISTRICT CARRIAGE RIDE



## CHARLESTON CITY MARKET



## ENJOY FINE DINING



## WALK ALONG THE PENINSULA



# Invitation

## FROM THE PRESIDENT

Dear Colleagues:

I have the pleasure of inviting you to attend the 2014 professional development conference in historic Charleston, SC November 16 - 19. This annual convocation of hearing officials and faculty promotes the advancement of knowledge in our world of adjudicatory hearings, offers training on a variety of related subjects and allows for the exchange of ideas and experiences.



According to its promotional sites, Charleston, SC is one of America's most beautifully preserved cities with its cobblestone streets, antebellum homes and harbor front – it is described as a step back in time and the cultural capital of the South! For three years in a row *Conde'Nast* Traveler Readers' Choice Awards named Charleston, SC as the top city in America! The city is known for its rich history, well-preserved architecture, celebrated restaurants and mannerly people. Local attractions include old plantations, Fort Sumter where the War Between the States began, the aircraft carrier Yorktown, beaches, golf courses, art galleries, fashion boutiques, antique shops, museums and a new outlet center.

The board selected the conference venue at the Doubletree Hotel with special care because of its location in the historic district and its proximity to shops, bars, restaurants, City Market, King Street, Rainbow Row, Waterfront Park and High Battery and because you can travel in the district by horse-drawn carriage. The conference planning committee, under the leadership of the vice-president, has put together an impressive program of training and special events.

The conference starts Sunday morning with a special presentation on hearing room security and officially "kicks off" with a welcome reception on Sunday evening. The following three days of academic programming will feature opening and closing keynote addresses that anchor workshops on pre-hearing conferences, decision writing, management of high volume hearings, basics of evidence and rulings, building an administrative record, ethical considerations, judicial review and many more selections. **The conference also provides an opportunity for members to earn several credits toward certification as a hearing officer or administrative law judge and the chance to earn CLE credits in their respective states.**

In addition to stimulating and educational programs, there will be many opportunities to relax and get to know your colleagues from across the country.

The registration fee includes the Sunday evening reception, all classes, the Monday luncheon, morning and afternoon breaks, and the Tuesday evening awards banquet.

The knowledge that you will acquire at the conference will be interesting and helpful to your professional growth. I look forward to greeting y'all in Charleston!

**Norman J. Patenaude, CALJ**  
**President**

# MAKING YOUR HOTEL RESERVATIONS

The deadline to receive the conference rate for your hotel room is **October 15, 2014**. All conference participants must contact the DoubleTree Charleston-Historic District by on-line reservation located at [www.charlestdoubletree.com](http://www.charlestdoubletree.com) and provide the three letter group code ("AHO"). You may also contact the hotel by telephone at (843) 577-2644 or toll free at (877) 408-8733 to reserve your room. The three letter group code ("AHO") must also be mentioned when making telephone reservations.

Please reference the conference group code of ("AHO") to receive the federal per diem rate of \$137.00, plus local and state taxes for South Carolina. This amount is subject to change by the General Services Administration, in which case the hotel lodging rate will change. This rate will be available from November 14 to 19, 2014; this rate from November 11-13 and 20-22 is based on availability.

You will need to provide a credit card number to guarantee your room. All reservations are subject to the hotel's 48 hour cancellation policy. If a guest cancels their room within 48 hours prior to arrival they will be charged one night's room plus tax. The guaranteed room block is limited, so please make your reservations early!

## GETTING TO THE HOTEL

If you are arriving at the Charleston International Airport, taxi and shuttle services are available for transportation to the hotel. These services are located in front of the terminal building, outside the baggage claim area. The shuttle rate for downtown Charleston is \$14 per passenger each way with departures every 15 minutes. Taxi rates average around \$30.

## 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](http://www.naho.org) to submit a membership application and pay your membership dues! For those who prefer, membership applications may also be mailed to: NAHO Membership, 847 South Dorset Place, Eagle, ID 83616. If you are using PayPal to pay for your membership, please include a copy of your PayPal receipt with your application form.

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](mailto:nahomembership@gmail.com). The membership application is located at: [www.naho.org/join-naho/membership-in-naho](http://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 officers 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. NAHO membership is required for certification. Courses attended at this year's conference may be considered towards meeting certification requirements for 2014. Core requirements can be met by attending annual NAHO conferences, viewing DVDs from the NAHO library, and by participation in other recognized programs addressing the hearing process.

For complete information on certification, visit [www.naho.org](http://www.naho.org). Individuals seeking certification or recertification at the 2014 conference should submit complete applications postmarked by September 15, 2014 to: NAHO Certification Committee, C/O Katherine Flores NAHO, Appeals, PO Box 2760 Casper WY 82602.

# 2014 CONFERENCE HOTEL & EVENTS



## DOUBLETREE BY HILTON HOTEL & SUITES CHARLESTON-HISTORIC DISTRICT

181 Church Street  
Charleston, South Carolina 29401  
Telephone: (843) 577-2644  
Toll Free: (877) 408-8733  
Fax: (843) 577-2697  
[www.charlestdoubletree.com](http://www.charlestdoubletree.com)



## WELCOME RECEPTION

Under the Tent/Palmetto Courtyard  
Sunday, November 16  
6:00 - 8:00 pm



## LUNCHEON

Palmetto Courtyard  
Monday, November 17  
11:45 am - 12:45 pm



## BANQUET

Tuesday November 18  
Outdoor Reception:  
6:00 pm/Palmetto Courtyard  
Dinner:  
7:00 pm/Charleston Ballroom

# COURSE DESCRIPTIONS AND CONFERENCE SCHEDULE

## KEYNOTE SPEAKERS

### OPENING SESSION

Sunday, 9:30 - 11:00 am

**The Honorable Paul M. Burch**

**Chief Administrative Judge, South Carolina Circuit Court, Fourth Judicial Circuit**



Judge Burch received his Associate, Bachelor, Master and Juris Doctorate degrees from the University of South Carolina. A ninth generation South Carolinian, he was a member of the Pageland South Carolina Police Department from 1970 to 1976 serving as Lieutenant-Assistant to the Chief for two years. He was a Regional Vice Chairman of the South Carolina Law Enforcement Officers Association for two years. He was the first graduate in Criminal Justice at the University of South Carolina at Lancaster and was a criminal justice instructor for the University for over twelve years. Judge Burch practiced law from 1980 to 1991, and was a partner in the law firm of Henderson, Spencer and Burch. He was elected to the South Carolina House of Representatives in 1988, where he served until he was elected to the bench in 1991.

He was a Regional Vice Chairman of the South Carolina Law Enforcement Officers Association for two years. He was the first graduate in Criminal Justice at the University of South Carolina at Lancaster and was a criminal justice instructor for the University for over twelve years. Judge Burch practiced law from 1980 to 1991, and was a partner in the law firm of Henderson, Spencer and Burch. He was elected to the South Carolina House of Representatives in 1988, where he served until he was elected to the bench in 1991.

### OPENING ADDRESS

Monday, 9:00 - 9:45 am

**Bonny M. Fetch**

**Certified Administrative Law Judge, North Dakota Office of Administrative Hearings**



Bonny Fetch is an Administrative Law Judge with the North Dakota Office of Administrative Hearings, a position she has held since the office was created in July, 1991.

She was appointed to the North Dakota Public Service Commission by the Governor to fill an unexpired term from July 1 through December 31, 2012. Judge Fetch has been a member of NAHO for 23 years and has been serving on the Board for the past 12 years. She was President of NAHO from 2008 - 2011, and currently serves as Immediate Past-President. Before that she served as Mountain Region Representative and Vice-President. She has been a Certified Administrative Law Judge through NAHO since 2003. Her extensive experience as a presenter and trainer and lengthy experience in NAHO makes Judge Fetch uniquely qualified to speak on NAHO's history, the topic of this year's opening address.

### CLOSING ADDRESS

Wednesday, 10:30 - 11:30 am

**Adam Fisher, Jr., Esquire**

**Faculty, National Judicial College**



Adam Fisher, Jr., received a Bachelor of Science in Chemical Engineering from Purdue University. He has served as a United States Naval Officer from 1962 through 1966. He received his Juris Doctorate from the

University of South Carolina and has been licensed to practice law in South Carolina since 1969. Fisher is a frequent speaker on legal topics at the South Carolina Criminal Justice Academy and has lectured at the undergraduate level at Clemson University. An alumnus of the National Judicial College, he joined the National Judicial College faculty in 1992 where he currently teaches Civil Law and Trials, Legal Research and Stress Management. In 2012, the National Judicial College honored him with the Payant Award for Teaching Excellence.

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 course credits for certification, go to the NAHO website, [www.naho.org](http://www.naho.org).

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

**Key Code (M) Mandatory- (E) Elective - (S) Substantive**

### **SUNDAY, NOVEMBER 16, 2014**

**REGISTRATION - 8:00 am - 12:00 pm**

Hayne Street Gallery

**9:00 am - Conference Opening**

Norman J. Patenaude, NAHO President and Janice B. Deshais, NAHO Vice-President

**9:30 - 11:00 am - SESSION 1**

#### **PREVENTION AND PREPARATION FOR HEARING ROOM VIOLENCE**

**The Hon. Paul M. Burch, Judge, South Carolina Circuit Court, Fourth Judicial Circuit**

Concerned about your own safety and the safety of others in your hearing room? This session is a must for you. Judge Burch, a former police officer and speaker on hearing room security, will describe actual incidents of courthouse violence around the country, the lessons that can be learned from these incidents, and steps we can take to prevent and/or mitigate such incidents.

### **AFTERNOON**

#### **Enjoy Charleston**

Take advantage of an afternoon of free time to explore Charleston! Our hotel is located in the heart of the historic district and there is plenty to do and see. After enjoying lunch at any one of many local restaurants, visit the famous Charleston City Market right across the street from the hotel or take a horse-drawn carriage ride through the oak-lined streets of pastel-hued homes - you might even catch a glimpse of a pristine private garden! Walk to The Battery, a landmark promenade with a view of Fort Sumter. Coupon books, area guides, walking maps and other information will be available at the NAHO registration table.

# COURSE DESCRIPTIONS AND CONFERENCE SCHEDULE

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

## EVENING

**WELCOME RECEPTION - 6:00 - 8:00 pm**  
*Palmetto Courtyard/Stono Ballroom*

## **MONDAY, NOVEMBER 17, 2014**

**REGISTRATION - 8:00 am - 4:00 pm**  
*Hayne Street Gallery*

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

### **9:00 - 9:45 am – SESSION 2**

**OPENING ADDRESS – NAHO: FROM THE BEGINNING**  
*Bonny M. Fetch, Administrative Law Judge, North Dakota Office of Administrative Hearings*  
*NAHO Immediate Past President*

You already know NAHO is a well-respected national organization, but have you ever wondered about NAHO's origins? The seedling of NAHO's beginnings goes back as far as 1986, when hearing officials at a social welfare conference in Bedford, New Hampshire, informally discussed the need to establish an organization for the purpose of gathering and sharing information and providing for the continuing education of hearing officials. NAHO was officially formed in 1987, and NAHO's first conference was held in 1988, hosted by the National Judicial College in Reno, Nevada. Bonny Fetch has been a member of NAHO since 1991 and has served on the Board the past 12 years. This will not be a boring history lesson. Bonny will tell you NAHO's story, covering its historical highlights and the people who have been integral to NAHO's advancement over the years.

### **BREAK - 9:45 - 10:00 am**

### **10:00 - 11:30 am – SESSION 3**

#### **(1) SETTING THE STAGE: OPENING THE HEARING AND OTHER ESSENTIAL FIRST STEPS (E)** *Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles*

Many of the problems that can arise during the course of an administrative hearing can be prevented simply by using some tried and true techniques immediately prior to the hearing and at the beginning of the hearing. If you think of the hearing in the context of a play or a performance, it may seem that the hearing officer has the starring role. The hearing officer is not only the star, but is also the set designer and the director. Learn how setting the stage and starting on just the right foot can result in less contentious hearings and a better hearing record.

#### **(2) BECOMING A MORE EFFECTIVE COMMUNICATOR (PART 1) (E)** *Bonny M. Fetch, Administrative Law Judge, North Dakota Office of Administrative Hearings* *Laurence H. Geller, Retired Presiding Administrative Law Judge, California Dept. of Social Services*

We may not think about it, but one's communication skills permeate all aspects of our hearings. The course, conduct and quality of the hearing are influenced by the hearing official's skills in this area. Explore your communication skills and empower yourself to be an even better hearing official.

#### **(3) EVIDENCE FUNDAMENTALS (M)** *Justice W. Michael (Mick) Gillette, Oregon Supreme Court (retired)*

You are the Trier-of-fact. As such, you must ascertain the facts from the evidence presented. If you could benefit from a refresher course on evidence admissibility, you'll find this class helpful. But the fundamentals of evidence in administrative hearings involve more than the mere admissibility of evidence. In administrative hearings, where the rules of evidence are relaxed and relevance is all-important, we must determine the *weight* that evidence is to be given. Come to class and let's talk about evaluating the sufficiency of evidence *and* determining the weight to be assigned to evidence.

**11:45 – 12:45 pm – LUNCHEON**  
*Palmetto Courtyard*

# COURSE DESCRIPTIONS AND CONFERENCE SCHEDULE

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

## 1:00 – 2:30 pm – SESSION 4

- (1) **TIME MANAGEMENT TIPS FOR MANAGING HIGH VOLUME CASELOADS (E)**  
*Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles*

What do you do when there's too much to do? How do you make every second of your work time count? This class goes beyond the usual suggestions regarding calendar/docket management and provides a broad range of tactics to help you maximize your time – whether at work or at home – to the fullest extent possible. Learn to set priorities, create useful schedules, overcome procrastination, boost your energy level and increase your overall productivity.

- (2) **DUE PROCESS PRIMER: WHAT EVERY HEARING OFFICER NEEDS TO KNOW (M)**  
*James Gerl, Attorney, Scotti & Gerl, Lewisburg, 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.

- (3) **HISTORY AND DEVELOPMENT OF ADMINISTRATIVE LAW (M)**  
*Gregory Ogden, Professor, Pepperdine University School of Law*

Topics to be discussed include the history of administrative law in the United States, starting with the early federal agencies, the new deal expansion of federal agencies, the adoption of the federal Administrative Procedure Act, the later expansion of federal agencies in the 1960s and 1970s, and the evolution of state administrative law, including the rise of worker's compensation agencies, and state pension laws, the adoption of the Model States APA, 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.

## BREAK - 2:30 - 2:45 pm

## 2:45 - 4:15 pm – SESSION 5

- (1) **THE MEDIATION OF ADMINISTRATIVE DISPUTES (E)**  
*Paul Keeper, Administrative Law Judge, Texas State Office of Administrative Hearings*  
*Mary Thompson, President, Corder/Thompson & Associates, Austin, Texas*

Mediation—some agencies use it successfully as an adjunct to administrative litigation, and some agencies view mediation as beyond the limits of their jurisdiction. In this course, an ALJ and a mediator-trainer will team-teach an interactive program that will avoid the blather of the usual courses on mediation. Among the topics will be:

- “How could I use mediation even if my agency doesn't provide mediation services?”
- “If my agency wanted to start a pilot mediation program, how would we begin?”
- “What are the ethical issues for an ALJ to serve as a mediator?”
- “Where could I get (or sharpen) my mediation skills?”

Join us for a program that will provide you with answers to practical questions about the use of mediation in administrative proceedings. You will bring new skills and ideas to your agency when you return.

- (2) **THE HUMAN FACTOR: DEALING WITH EMOTIONAL HEARING PARTICIPANTS (E)**  
*Moderator: Don Eelsey, Ed.D., Clinical Director, The Dee Norton Lowcountry Children's Center*  
*Panel: Kayla Adams, Hearings Manager, Texas Health and Human Services Commission*  
*Peter Hemenway, Retired ALJ, California Department of Social Services*

Hearing officials often preside at hearings that impact people's lives; emotions are therefore a part of the proceeding. This session will explore how hearing officials can manage this “human factor” in hearings and handle the stress that comes with being the hearing officer in these situations. A panel of hearing officials with experience in these situations will discuss situations they have handled and provide advice to the audience on how to make sure the emotional factor does not impact the hearing process and decision-making.

# COURSE DESCRIPTIONS AND CONFERENCE SCHEDULE

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## (3) A HEARING OFFICIAL'S HOW-TO ON CREATING OR IMPROVING YOUR IN-HOUSE LEGAL RESEARCH DATABASE (E)

**Panelists:** *Toni Boone, Administrative Law Judge, Nevada Dept of Motor Vehicles*  
*Janice Deshais, Hearing Officer, Connecticut Dept of Energy and Environmental Protection*  
*Eric Moody, Hearing Officer, Idaho Dept of Transportation*  
*Joseph Rubenstein, Administrative Law Judge, Minnesota Dept of Human Services*

Hearing officials from agencies that have in-house legal research will explain their systems and how they were developed and provide advice on how to develop or improve your own databases. This session will cover two kinds of databases: 1) an in-house compendium of rulings and decisions of agency hearing officers and ALJs that others in the agency can access and use for research; and 2) a database that stores appellate court case law from your states that is pertinent to the work of your agency. Don't despair if you are not a "techie." This is a low-tech do-it-yourself approach to creating or improving these resources.

## TUESDAY, NOVEMBER 18, 2014

### 8:30 – 10:00 am – SESSION 6

#### (1) EFFECTIVE LISTENING (E)

**Laurence H. Geller, Retired Presiding ALJ, California Department of Social Services**  
**Peter Hemenway, Retired ALJ, California Department 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!

#### (2) ETHICS: A PROACTIVE APPROACH TO HANDLING ETHICAL PROBLEMS (M)

**Moderator: Bonny M. Fetch, Administrative Law Judge, North Dakota Office of Administrative Hearings**  
**Panel: Gregory Ogden, Professor, Pepperdine University School of Law**  
**Paul Keiper, Administrative Law Judge, Texas State Office of Administrative Hearings**

This is your opportunity to hear from three very experienced administrative law professionals, two hearing officials and a law professor, who will discuss actual ethical issues they have faced and how they handled them. This will not be your usual panel discussion or lecture using hypotheticals or theories. The panelists will speak of real cases and offer practical advice to help you avoid foreseeable ethical dilemmas and handle those that may arise.

#### (3) TWISTS AND TURNS ON THE PATH TO HEARING: A TALE OF A PRE-HEARING CONFERENCE (E)

**Janice Deshais, Hearing Officer, Connecticut Dept of Energy and Environmental Protection**  
**James Gerl, Attorney, Scotti & Gerl, Lewisburg, West Virginia**  
**Justice W. Michael (Mick) Gillette, Oregon Supreme Court (retired)**  
**Linda Snow, Service Improvement Programs Coordinator, Texas Health and Human Services Commission**

Ever want to watch someone else deal with a nightmare pre-hearing conference? Are they as crazy as yours can be? What does a seen-it-all hearing official do when confronted with a complicated situation made worse by a know-it-all lawyer, a perplexed pro se, an overworked and sleepy staff person, or an angry intervenor? This role play will feature experienced hearing officials who will use their considerable acting talents to illustrate what this scenario might look like and provide an entertaining and interactive exercise in how to handle the pre-hearing conference from hell.

### BREAK - 10:00 - 10:30 am

### 10:30 am – 12:00 pm – SESSION 7

#### (1) BENCH SKILLS: HOW TO CONDUCT AND CONTROL YOUR HEARING (M)

**James Gerl, Attorney, Scotti & Gerl, Lewisburg, 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.

#### (2) RULING ON OBJECTIONS (E)

**Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles**

An element of hearing management that seems to cause great anxiety is ruling on objections. This class provides a practical approach to ruling on objections confidently and correctly by utilizing video clips from some of your favorite movies. This session will review the basic rules that parties must follow in raising objections (timeliness of objections, providing grounds for the objection, etc.) and will discuss techniques for addressing objections to the admission of evidence and objections to the form of a question. If ruling on objections causes you anxiety, come to this class and receive a remedy.

# COURSE DESCRIPTIONS AND CONFERENCE SCHEDULE

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**(3) PRIVILEGED COMMUNICATION AND CONFIDENTIALITY (E)**  
*Gregory Ogden, Professor, Pepperdine University School of Law*

This session will discuss the nature and types of privileged communication and the characteristics of privileged communications, including: the required steps to assert privileges; the waiver of privileges; the different types of privileges and confidentiality and protective orders that shield confidential data and proprietary information from disclosure; the Freedom of Information Act (FOIA) and state public records act provisions regarding privileges; and the duty to protect medical records required by Health Insurance Portability Act (HIPA) requirements.

**LUNCH (On Your Own) 12:00 - 1:30 pm**

**1:30 – 3:00 pm – SESSION 8**

**(1) THAT'S NOT WHAT I SAID! WRITING YOUR DECISION TO SURVIVE APPELLATE REVIEW (M)**  
*Paul Keeper, Administrative Law Judge, Texas State Office of Administrative Hearings*

This 90-minute program will focus on the details of administrative decision-writing, particularly from the perspective of surviving judicial review. We will discuss the triggers of judicial frustration about reading administrative decisions -- and how to avoid causing that frustration. Topics will include:

- The ABCs of instilling meaning in your work
- The art of the introduction
- The science of editing
- The dangers inherent in relying on the substantial evidence standard of review

You work hard to produce a polished product. Learn how to make the judiciary welcome the chance to read your writing.

**(2) UNDERSTANDING APPELLATE REVIEW AND JUDICIAL PRECEDENT (E)**  
*Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles*  
*Justice W. Michael (Mick) Gillette, Oregon Supreme Court (retired)*

Administrative hearing officials are at the bottom rung of the judicial ladder. Due process guarantees that the parties to our hearings receive appellate review and there are no hearings that are reviewed at more levels than are our administrative hearings. Regardless of whether it's the administrative agency, a general jurisdiction court, an appellate court or the state supreme court that reviews our decisions, it's important to know exactly what appellate review entails in order to avoid remand and reversal. And those appellate courts then issue opinions that we're required to follow! If you ever read an opinion from a reviewing court regarding a case you heard and wondered how on earth they could have reached that conclusion, this class is for you.

**(3) WHO ARE WE? AN ANALYSIS OF HEARING OFFICIALS AND OUR PERCEPTIONS OF OUR ROLES (S)**  
*Karen R. Brown, Hearing Officer, Connecticut Department of Social Services*  
*Peter Hemenway, Retired ALJ, California Department of Social Services*

This workshop will provide some preliminary findings from a dissertation study conducted by Ms. Brown, a social work doctoral candidate from the University of Connecticut, School of Social Work about hearing officers who conduct welfare hearings and their perceptions of their roles. She has gathered information by conducting interviews with NAHO members who conduct welfare hearings and hopes to enlighten individuals about welfare hearing officers and the critical role that they play in public assistance administration. Come hear about this study concerning the work of hearing officials in this field. Peter Hemenway will introduce this presentation and will lead an interactive response session. Come share your insights and experiences.

**BREAK – 3:00 - 3:15 pm**

**GENERAL SESSION – 3:15 - 4:00 pm**

**NAHO ANNUAL MEMBERSHIP MEETING**

**BANQUET – 6:00 pm Reception - Palmetto Courtyard**  
7:00 pm Dinner - Charleston Ballroom

# COURSE DESCRIPTIONS AND CONFERENCE SCHEDULE

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## WEDNESDAY, NOVEMBER 19, 2014

### 8:30 – 10:00 am – SESSION 9

#### **(1) COMBATING BIAS VIA CROSS CULTURAL UNDERSTANDING (M)**

*Toni Boone, Administrative Law Judge, Nevada Department of Motor Vehicles*

It is human nature to feel some discomfort when one comes in contact with a stranger of another culture. That discomfort can lead to misunderstanding. A key component of most diversity training is emphasis on obtaining knowledge of other cultures. Yet there are so many other cultures that it is an impossibility to acquaint oneself with the values, communication processes, social boundaries and customs of every other cultural group with whom we might interface. This session presents practical methods for meeting and communicating appropriately with a person of another culture, even without knowledge of that culture. If you dislike being lectured about diversity, you'll enjoy this class involving experiential learning activities that are amusing and/or poignant.

#### **(2) THE AFFORDABLE CARE ACT: POLICY AND THE FAIR HEARING PROCESS (S)**

*Kayla Adams, Hearings Manager, Texas Health and Human Services Commission*

*Linda Snow, Service Improvement Programs Coordinator, Texas Health and Human Services Commission*

The instructors of this course bring combined experience from Medicaid program eligibility determination, health and human service training delivery, and fair hearing processes. The Affordable Care Act (ACA) significantly changed the way Medicaid eligibility is determined. This course will provide an overview of Medicaid policy changes brought about by the Affordable Care Act. In addition, the course will provide statistical data regarding Medicaid appeals, trends seen during the first several months of hearings, and real hearing scenarios. Bring your ACA questions, and be prepared share your experiences with your peers.

#### **(3) BECOMING A MORE EFFECTIVE COMMUNICATOR (Part II) (E)**

*Bonny M. Fetch, Administrative Law Judge, North Dakota Office of Administrative Hearings*

*Laurence H. Geller, Retired Presiding Administrative Law Judge, California Dept. of Social Services*

Building on the communication skills covered in Part I, we will take an even more in-depth look at the ways hearing officials communicate, targeting key elements that you need to know to enhance your confidence and effectiveness as a communicator. (You do not need to take Part I to benefit from this course.)

### **BREAK - 10:00 - 10:30 am**

### 10:30 – 11:30 am – SESSION 10

#### **CLOSING ADDRESS – STRESS MANAGEMENT FOR HARRIED HEARING OFFICIALS (E)**

*Adam Fisher, Jr., Esq.*

Adam Fisher has lectured on Stress Management for the last thirteen years throughout the United States to over 5,500 people. After this presentation, attendees will understand the fundamentals of Stress Management and will leave with over 100 suggestions for reducing stress.

#### **11:30 am – CONFERENCE CLOSING**

*Norman J. Patenaude and Janice Deshais*

# SCHOLARSHIPS AVAILABLE FOR CONFERENCE

The NAHO Board of Directors has authorized a limited number of scholarships to NAHO members to attend the 2014 Professional Development Conference. These NAHO scholarships cover the total conference registration fee and all group meals that are a part of the conference. NAHO scholarships do not cover travel expenses, lodging expenses or meals that are not provided as a part of the conference. Applicants for the NAHO scholarships must be members in good standing of NAHO.

The National Judicial College is also offering two scholarships. The NJC scholarships will cover the entire conference registration fee and all group meals that are a part of the conference. NJC scholarships do not cover travel expenses, lodging expenses or meals that are not provided as a part of the conference. In order to apply for an NJC-sponsored scholarship to attend NAHO's upcoming conference, you must be an alumnus of the National Judicial College in addition to being a member in good standing of NAHO.

Those interested in applying for either or both scholarships must submit a letter to the NAHO Scholarship Committee with the following information:

- You must verify that you are a member in good standing of NAHO or have applied to become a NAHO member. Your status may be verified by listing your NAHO membership number or by providing the date of your membership application.
- Employment information (employer, job title, length of time you have been a hearing official).
- Indicate whether you will be receiving any funding from your state or employer to attend the conference. If you will *not* be receiving any funding, please provide a letter from your supervisor/employer stating that you will not be receiving any funding.
- Indicate whether you are working on obtaining NAHO certification or recertification.
- Indicate whether you have previously received a scholarship, from either NAHO or NJC, to attend a NAHO professional development conference.
- If you are applying for an NJC scholarship, please indicate the title of the last NJC course you completed, the location of the course and the year of completion.

Letters of application must be received by **October 1, 2014**, to be considered. Only application letters which provide all of the above information will be considered. Send your letter of application and any supporting information by regular mail or by e-mail to:

Toni Boone, Administrative Law Judge  
Office of Administrative Hearings  
Department of Motor Vehicles  
2701 E. Sahara Avenue  
Las Vegas NV 89104  
tboone@dmv.nv.gov

## HOW TO REGISTER

**REGISTRATION: AUGUST 7 TO NOVEMBER 7, 2014**

To register for the conference on-line, visit the NAHO conference website at [www.naho.org](http://www.naho.org). To register via US mail, please print the form from the website and mail the form and accompanying payment to 2014 NAHO Conference, c/o YesEvents, 1700 Reisterstown Rd., Ste. 236, Pikesville, MD 21208. 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

**\$460** Full conference registration for non-member

**\$420** Full conference registration for NAHO member

**\$435** Full conference registration for non-member from S. Carolina

**\$395** Full conference registration for NAHO member from S. Carolina

Full conference registration fee includes the welcome reception on Sunday, November 16, 2014; the luncheon on Monday, November 17, 2014; the banquet on Tuesday, November 18, 2014; and coffee, tea, and bagels, pastries or muffins Monday through Wednesday. Guests are welcome at the rates noted below.

### PARTIAL CONFERENCE REGISTRATION RATES

**\$100** Partial registration – one session

**\$200** Partial registration – one day

Partial conference registration fee does not include the reception, luncheon, or banquet. Partial registrants are invited to join any event at the guest rate in addition to the partial registration fee.

### GUEST FEES

**\$25** Reception – Sunday, November 16, 2014

**\$30** Luncheon – Monday, November 17, 2014

**\$45** Banquet – Tuesday, November 18, 2014

**\$10** Each Coffee, tea, bagels/pastries/muffins - Monday, Tuesday and Wednesday, November 17 - 19, 2014

*Payment for full or partial registration may be made only by purchase order, payment voucher, or credit card. Prompt payment is expected. NAHO will assess a \$25 monthly late charge per registrant on the first of every month for payments 60 days overdue from the date of billing and every 30 days thereafter. At the time of registration, NAHO must be informed of any information or materials that will be needed by an agency or state to process payment.*

### CANCELLATION POLICY

*To receive a full refund, a request must be received on or before 5 p.m. EST, October 31, 2014, and sent by email to [NAHOinfo@yesevents.com](mailto:NAHOinfo@yesevents.com). A cancellation fee of \$75 will be deducted from your refund for cancellations made between November 1 and 9, 2014. NO REFUNDS WILL BE GIVEN for cancellations received on November 10, 2014 or later. Registration fees are transferable, one time only. (The fee may be transferred to another registrant to attend the 2014 conference, or the fee may be applied to the cost of the registration fee to attend the 2015 conference. In no case may a registration fee be transferred beyond one year.)*