



National Association of Hearing Officials

2023 Professional Development Conference on Administrative Adjudication - Complete Schedule

SATURDAY, SEPTEMBER 9, 2023

9:00 a.m. to 3:00 p.m. - NAHO Annual Board of Directors Meeting – Whitney Peak Hotel

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, SEPTEMBER 10, 2023

11:00 a.m. to 5:00 p.m. – CONFERENCE REGISTRATION – Whitney Peak Hotel

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

1:15 p.m. – CONFERENCE WELCOME and ORIENTATION – Whitney Peak Hotel

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

1:30 p.m. – 3:30 p.m. – SESSION 1 – PLENARY SESSION with BREAKOUT DISCUSSIONS – Whitney Peak Hotel

Remember What You Are: Sustaining Control & Maintaining Demeanor (M)

Hearing officials have the duty to preside—to oversee each hearing, including managing the behavior of those in attendance. Presiding officials also have the duty to maintain proper demeanor—a form of judicial demeanor—that sets the example for other hearing participants. We must remain calm, unruffled, and dignified, despite what we are feeling and regardless of the behavior of others. That is easier said than done. We’ve all faced hearings with emotional or disruptive parties and most of us have developed techniques for handling such circumstances. After gathering in plenary to briefly discuss the problem, we’ll break into discussion groups to get acquainted and engage in facilitated discussions on how to handle these common but difficult situations. We will then reconvene to discuss the suggestions and recommendations of our colleagues and review our collective solution to this all-too-familiar dilemma. Discussion facilitators include:

- Cindy Antrim, Hearing Officer, Office of Student Discipline, Gwinnett County Public Schools (GA)
- Toni Boone, Administrative Law Judge (retired), Nevada Department of Motor Vehicles (OR)
- Janice Deshais, Director of Adjudications (retired), Dept. of Energy and Environmental Protection (CT)
- Dwain Fagerlund, Hearing Officer, Department of Transportation (ND)
- W. Michael Gillette, Associate Justice (retired), Oregon Supreme Court (OR)
- Peter Halbach, Chief Hearing Officer, Department of Transportation (ND)
- Mary Long, ALJ, Pennsylvania Public Utility Commission (PA)
- Bobbie Marshall, Assistant Director of Fraud and Fair Hearings, Human Services Commission (TX)
- Richard Murrell, Administrative Law Judge, Administrative Procedures Division of Sec. of State (TN)
- Marilyn Slifman, Administrative Hearing Officer, Orange County (CA)
- Jimmy Stokes, Policy Analyst, Georgia Association of Educational Leaders (GA)
- Colleen Ulrich, Asst. Director, Office of Student Discipline, Gwinnett County Schools (GA)

5:00 p.m. to 7:00 p.m. NAHO WELCOME RECEPTION – Whitney Peak Hotel

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, SEPTEMBER 11, 2023

7:30 a.m. to 2:30 p.m. – REGISTRATION – National Judicial College, outside Room 103

7:30 a.m. to 8:15 a.m. BREAKFAST – National Judicial College Dining Hall

8:15 a.m. OPENING, WELCOME, & ORIENTATION – National Judicial College, Room 103

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

8:30 a.m. to 9:30 a.m. – SESSION 2

2A Writing Decisions for Complex Hearings (M)

Chief ALJ Jennifer Gee (CA)

The basic format for writing a decision may be the same for most hearings, but multipart, compound regulations, numerous parties, many witnesses, voluminous exhibits, and multiple issues can lead to a decision that is longer and more involved. This class will provide recommendations on how to approach this daunting task and offer techniques for organizing your decision, putting in the proper format, conveying the intended meaning with clarity, and editing. Suggestions on making your decisions more concise will be provided, along with best practices and examples.

2B Credibility Assessment Factors in Administrative Hearings (M)

Prof. Gregory Ogden (CA)

This session discusses all factors that administrative hearing officials may use to assess credibility in administrative hearings that are recognized in evidence law, in addition to and separate from demeanor evidence. The various credibility factors, such as consistency or inconsistency of statements, the inherent improbability of testimony, or the interests of the witness, will be examined and analyzed. This class will also review the psychological research related to truth-telling and deception, and how that research may apply to credibility determinations made by administrative hearing officials.

2C Steps in Conducting a Fair & Equitable Disciplinary Hearing (S)

Hearing Officers C. Antrim, C. Ulrich, J. Stokes (GA)

What processes and procedures should hearing officers implement to ensure that all parties receive a fair and equitable disciplinary hearing? The role of the hearing officer is to conduct the hearing according to the policies and procedures outlined by the governing board, weigh the evidence offered by all the parties, determine whether any rules may have been violated, and establish the applicable consequences, if needed. This session will provide participants with the appropriate steps to follow from prehearing conference to issuing the results of the hearing.

9:45 a.m. to 10:45 a.m. – SESSION 3

3A Pride and Pronouns: Practical Tools to Address Gender Identity and Expression in the Hearing Room and Beyond (M)

Prof. Todd Brower, Judicial Education Director, The Williams Institute, UCLA School of Law (CA)

This session will provide practical tools and information to help administrative adjudicators understand and address issues related to gender identity and expression that may arise in administrative hearings. We will discuss the current understanding of gender identities and pronouns, explain why it's important to use appropriate pronouns, and provide tips on best practices related to gender identity issues. The session will explore concrete methods to increase access to people in these communities, including whether and how hearing officials should invite people to identify their pronouns, how to address individuals whose gender identity is unknown, what to do if an individual deliberately misgenders someone, and more.

3B Evidence: Presumptions, Inferences, and Shifting Burdens of Proof (M)

Chief Hearing Officer Peter Halbach (ND)

In administrative hearings, the burden of proof is generally on the party who brings the action. Under some regulatory schemes, the burden of production may shift, such that one party has the burden of going forward with a *prima facie* case and the opposite party must respond by presenting evidence to rebut the *prima facie* case. This class will address burden shifts, as well as comparing and contrasting rebuttable and conclusive presumptions. The process of deducing “facts that may logically and reasonably be drawn from another fact or group of facts found,” known as drawing an inference, will be examined, also.

3C Nursing Facility Discharge Hearings (S)

Asst. Director Bobbie Marshall (TX)

Hearings regarding a nursing facility's desire to discharge a patient who does not wish to be discharged can be demanding. There is a high turnover among nursing facility administrators, and they rarely understand the hearing process. An important factor in these hearings is whether the Notice to Discharge was legally and factually adequate. These hearings can, understandably, become heated at times. Keeping the hearing participants focused on relevant matters (rather than discussing facility neglect or abuse, which is a licensing matter) is crucial.

These issues, and more, will be covered by an instructor with significant experience managing hearings of this type.

11:00 a.m. to 12:00 p.m. – SESSION 4

4A Preserving Your Mental Health: Stress Management and Wellness (E) Prof. Melissa Piasecki, MD (NV)

The Centers for Disease Control reports that as much as 90% of all illness and disease is related to stress. Every job has its stresses, but adjudicators are immersed in it because our work concerns disputes between disgruntled members of the public and the government. We're caught in the middle between warring combatants. Should we be concerned about work stress? Definitely. It can negatively influence our attitudes and feelings and deplete our personal energy resources. There *are* things you can do to feel better. This session will give you the tools to better manage and/or reduce stress and minimize its impact on your health, your relationships, and your enjoyment of leisure time.

4B Ethics: Maintaining Neutrality When the Circumstance Generates Feeling of Bias (M) Judge K. MacDonald (CA)

Supreme Court Justice Robert Jackson once wrote that truly "dispassionate judges" are "mythical beings" like "Santa Claus or Uncle Sam or Easter bunnies." Our ethical codes acknowledge that we are emotional beings by requiring us to recuse from presiding over a hearing involving friends or relatives. When we're presiding over hearings involving evidence of elder abuse, animal cruelty, and extreme maltreatment or neglect of children, we have to regulate our emotions to maintain the neutrality necessary to reach an objective decision. Justice Sotomayor would remind us that "[I]t's not the heart that compels conclusions in cases, it's the law." But we can't help feeling what we feel. This session examines our duty to remain impartial and how that can best be accomplished in difficult circumstances

4C What Student Discipline Hearing Officials Should Know About Special Education (S) Prof. Keith Hyatt

It is not unusual for student discipline hearings to involve students who are on the autism spectrum, have intellectual or learning disabilities, or are emotionally disturbed. It is helpful to those presiding over student discipline hearings to better understand these disabilities. This class will provide a brief overview of the 13 classifications of disabilities covered under IDEA and what indicators of these disabilities might be evident in a school setting. In addition, this class will describe what constitutes a fair and public education and will explain what the least restrictive learning environment might look like using real-life examples. There will also be a discussion of how to determine when a disability manifests.

12:00 p.m. to 1:00 p.m. LUNCH – National Judicial College Dining Hall: "Little Italy"

1:00 p.m. to 2:00 p.m. – SESSION 5

5A Mock Administrative Hearings: Facing Uncommon But Challenging Issues (M) NJC's Model Courtroom

NAHO conference attendees love classes specific to the type of hearing they conduct but there is so much to be learned from seeing how others handle matters that are different from your own daily docket. You can learn new techniques for dealing with difficult parties and witnesses, new ways to address evidentiary challenges, and see how others maintain hearing control when difficult issues arise. After each presentation, attendees will participate in interactive discussions with the moderator and role-players about the issues just portrayed and the solutions to resolve the dilemmas. Each mock hearing session will feature different hearing scenarios. Neither mock hearing session is a continuation of the other. It's not necessary to attend both sessions to gain the benefits from observing these true-to-life hearing situations. Role-players include:

Cindy Antrim, Hearing Officer, Office of Student Discipline, Gwinnett County Public Schools (GA)

Janice Deshais, Director of Adjudications (retired), Dept. of Energy and Environmental Protection (CT)

Dwain Fagerlund, Hearing Officer, Department of Transportation (ND)

Mary Long, ALJ, Pennsylvania Public Utility Commission (PA)

Jimmy Stokes, Policy Analyst, Georgia Association of Educational Leaders (GA)

Colleen Ulrich, Asst. Director, Office of Student Discipline, Gwinnett County Schools (GA)

5B Handling Video Evidence (M)**Chief Hearing Officer Peter Halbach (ND)**

Video evidence can be very compelling. Potential video evidence is abundant with smartphones and surveillance cameras everywhere. To admit video evidence, basic requirements must be met —relevance, authenticity, and reliability. Authenticity assures video evidence hasn't been manufactured or altered. Video evidence requires foundation, which involves its origin, chain of custody, and assurances of secure retention without possibility of tampering. Parties may wish to use video to refresh a witness's present memory, as a witness's "past recollection recorded," or to impeach witness testimony. This session addresses these matters and analysis of video evidence.

2:15 p.m. to 3:15 p.m. – SESSION 6**6A Security Precautions Every Hearing Official Should Know (E) U.S. Marshal (retired) John Muffler (PA)**

Headlines reporting attacks on Article III judges are common. While we aren't as visible a target as they are, we don't have the security they do, either. We don't preside from a raised bench with a panic button, nor do we have bailiffs. But we, like trial judges, have a "loser" in every hearing. We deal with parties who feel they have a lot at stake, are highly emotional, and may have problems with addiction or an undiagnosed mental illness. Most adjudicators admit they've felt vulnerable and fearful in at least one past hearing. We should have a plan of action in the event of a threatening incident. We should take precautions for our safety. This class will provide practical advice on doing just that.

6B Presiding Pointers for Non-Attorney Adjudicators (M)**ALJ (retired) Toni Boone (OR)**

Trained lay persons serve as hearing officials for all states and the federal government. Any Chief Judge will tell you that some of their best adjudicators do not have "Esquire" following their names. Because any party to a hearing may be represented by counsel, non-attorney hearing officials must preside over hearings involving attorneys. Some attorneys try to intimidate non-attorney hearing officials, take control of the hearing or, worse yet, try to bully the other hearing participants, including the hearing officer. What tools can the non-attorney hearing official use to keep contentious attorneys under control? What are the best practices for non-attorney hearing official to preside competently, efficiently, and professionally over hearings involving one or more attorneys? This class will provide the knowledge and the techniques to preside over hearings of this type with confidence and poise.

6C Prehearing Matters: Prehearing Motions & Discovery (E) ALJ Mary Long (PA) & ALJ Richard Murrell (TN)

Effectively managing prehearing procedure is an important skill to ensure that your hearing is efficient. A motion is an application to the court made by a litigant, requesting that the court decide a certain issue before the trial begins. The motion can affect the trial, venue, parties, evidence, or testimony. Discovery enables the parties to know before the trial begins what evidence may be presented. It is designed to prevent "trial by ambush," where one side doesn't learn of the other side's evidence or witnesses until the hearing. This class will examine the most common motions and discovery tools and the principles that should guide your determinations.

TUESDAY, SEPTEMBER 12, 2023**7:30 a.m. to 8:30 a.m. BREAKFAST – National Judicial College Dining Hall****8:30 a.m. to 9:30 a.m. – NAHO ANNUAL MEMBERSHIP MEETING – Plenary Session – Room 103**

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 2024. The meeting is open to conference attendees, but only current NAHO members may vote on matters brought to the floor. NAHO members, please attend and participate.

9:45 a.m. to 12:00 p.m. – SESSION 7 – PLENARY SESSION with BREAKOUT DISCUSSIONS – Room 103***Boundaries of Adjudication: The Ethics of "Staying in Your Lane" (M)***

Due process entitles the parties in our hearings to a neutral adjudicator. Our Codes of Ethics require us to conduct hearings impartially. But there are influences within us and surrounding us which can lead us to an outcome that neither the evidence nor the law would support. What are those influences? How do we recognize them? What can we do to assure the parties in our hearings that they will not interfere with their right to a fair hearing? This class will begin with a brief examination of the dilemma. The class will then divide into small groups for facilitated discussions of the problem as it relates to individual hearing officials. We'll then rejoin to share and discuss the conclusions reached in the individual discussion groups. Discussion facilitators include:

Cindy Antrim, Hearing Officer, Office of Student Discipline, Gwinnett County Public Schools (GA)
Janice Deshais, Director of Adjudications (retired), Dept. of Energy and Environmental Protection (CT)
Dwain Fagerlund, Hearing Officer, Department of Transportation (ND)
Peter Halbach, Chief Hearing Officer, Department of Transportation (ND)
Mary Long, ALJ, Pennsylvania Public Utility Commission (PA)
Bobbie Marshall, Assistant Director of Fraud and Fair Hearings, Human Services Commission (TX)
Richard Murrell, Administrative Law Judge, Administrative Procedures Division of Sec. of State (TN)
Marilyn Slifman, Administrative Hearing Officer, Orange County (CA)
Jimmy Stokes, Policy Analyst, Georgia Association of Educational Leaders (GA)
Colleen Ulrich, Asst. Director, Office of Student Discipline, Gwinnett County Schools (GA)

12:00 p.m. to 1:00 p.m. LUNCH – National Judicial College Dining Hall: “Taco House”

1:00 p.m. to 2:00 p.m. – SESSION 8

8A *De-Escalation Techniques for Administrative Hearings* (M) ALJ Katherine MacDonald (CA), Marshal John Muffler (PA)

Unlike judges in traditional courts, hearing officials typically don't preside from elevated benches, they don't have bailiffs, and they don't have panic buttons to summon emergency help. That's why it is essential that they know how to create and maintain a calm atmosphere for all hearing participants. In this class, a retired specialist in courtroom safety for the U.S. Marshal Service and an experienced administrative law judge will share practical tips for starting your hearing off on the right foot, and for bringing down the level of emotion when the situation becomes heated.

8B *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.

8C *Best Practices for Handling Remands* (E) Justice W. Michael Gillette (OR)

A remand is merely a case that is returned for correction, but it feels like the worst kind of criticism of your work. However, the instructor for this class says receiving remands just goes with the job. After all, even federal circuit court judges receive remands—and probably more often than you do. How you address the remand depends on the type of remand you receive and who/what entity returned the case to you. What is the appropriate format for a remand? What did you do wrong and how can you make it right? This class, taught by an appellate judge, will answer those questions, and explain why remands are valuable learning opportunities.

2:15 p.m. to 3:15 p.m. – SESSION 9

9A *Evidence Basics for Hearing Officials* (M) ALJ Mary Long (PA) and ALJ Richard Murrell (TN)

The rules regarding evidence admissibility in administrative hearings are relaxed, but the evidence admitted must always be relevant and reliable. This class will involve an in-depth discussion of those requirements with special attention given to *how* to determine whether offered evidence is reliable. The adjudicator's responsibility to see that a foundation is laid for evidence will be reviewed, including neutral questions to ask self-represented parties so that they may lay the foundation for the evidence they offer, including the testimony of their witnesses. Special attention will be given to what is meant by the *weight* of evidence, the process of weighing evidence, and the evidentiary thresholds that must be met for a party to satisfy their burden of proof.

9B *Taking the First Door Out: Identifying Dispositive Issues* (E) Justice W. Michael Gillette (OR)

Finding a dispositive issue in a case can shorten—sometimes vastly shorten—the time you must devote to it. Frequently, the dispositive circumstance is a rule of law or a procedural rule. At other times, the conclusion to the contested case comes in the form of a single dispositive fact—a fact that, if proven, resolves the dispute on its own. The first step in the process is thorough prehearing review of the case, but you must be able to identify the dispositive issue when you see it.

9C What ALJs Should Know About Providing a Meaningful Education to Disabled Students (S) Prof. Keith Hyatt
Prof. Hyatt literally “wrote the book” on Special Education—that is, he wrote the textbook *Developing IEPs: The Complete Guide to Educationally Meaningful Individualized Education Programs for Students With Disabilities*. At issue in an IDEA/Special Education hearing is whether the district’s IEP provides the student with a free, appropriate public education (FAPE) that benefits the student. This class will cover the elements essential to an IEP, how to determine whether FAPE is being delivered, and how to determine the least restrictive learning environment for a given student. The class will include many real-life examples as illustrations and there will be ample time for questions and discussion.

ANNUAL HONORS AND APPRECIATION BANQUET – Whitney Peak Hotel

Please join us as we honor our conference faculty, our members who have been newly certified or re-certified, and acknowledge the volunteers who work tirelessly, year-round, to provide NAHO members with assistance and services.

6:00 p.m. Social Hour

7:00 p.m. Dinner

WEDNESDAY, SEPTEMBER 13, 2023

7:30 a.m. to 8:15 a.m. BREAKFAST – National Judicial College Dining Hall

8:30 a.m. – 9:30 a.m. – SESSION 10

10A Best Practices for Hearings Involving Self-Represented Litigants (M) Judge Katherine MacDonald (CA)

Agencies conduct millions of hearings each year—decisions that can establish, maintain, or eliminate important benefits or licenses. Many of these hearings involve self-represented parties which can create challenges for both the parties seeking benefits or licenses and for the administrative adjudicators presiding over these hearings. These cases must be processed consistently and efficiently, while providing the self-represented parties with a fair and meaningful hearing. This class will review the methods for helping self-represented parties navigate the often complex hearing procedures without the crossing the line into advocacy and techniques for facilitating a smooth hearing process.

10B Managing Complex Administrative Hearings (M) Chief ALJ (retired) Jennifer Gee (CA)

Have ever asked yourself, “Was that a hearing I just held or was it a three-ring circus?” This may be just the class you’ve been waiting for. Complex cases typically involve multiple parties and/or large numbers of witnesses, documents, and extensive discovery. This class will cover the basic principles for reaching a fair and efficient resolution of complex cases including exercising early and effective supervision, encouraging counsel to be cooperative and professional, and actively managing the case from the prehearing phase to disposition.

10C Issues & Dilemmas in School Disciplinary Hearings (S) Hearing Officers C. Antrim, C. Ulrich & J. Stokes (GA)

Have you ever presided over a hearing with an irate parent, a hostile witness, or an unprepared administrator? Do you have parties that attempt to present “evidence” that may be inappropriate or irrelevant to the incident that occurred? This session will highlight examples of difficult situations, challenges with parents and administrators that have not been highly educated in the nuances of school law, and other unusual situations that could be encountered during a hearing.

9:45 a.m. – 10:45 a.m. – SESSION 11

11A Finding the Answers: Legal Research for Non-Lawyers (M) ALJ Mary Long (PA)

This course is designed for those 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, how to develop a strategy to find it, and how to use what you find in your orders and decisions. This is NOT a course on using LEXIS NEXUS or WESTLAW but will include a discussion of free or low-cost electronic resources for your legal research. Materials for this class include a glossary of common legal terms. **This class is mandatory for all non-attorneys pursuing eventual NAHO certification.**

11B Ethics: Social Media Use, Recusal & Taking Judicial Notice (M)**Prof. Gregory Ogden (CA)**

In addition to the ABA's Model Code of Judicial Conduct for Hearing Officials, statutory laws also govern aspects of ethical conduct for administrative officials in some jurisdictions. This session reviews both standards as they pertain to disqualification or recusal from presiding over a given hearing, and the circumstances under which recusal or disqualification would be desirable, if not necessary. This class will also review the legal opinions from the various states regarding social media postings by judges. In addition, this class will cover the circumstances under which an administrative hearing official may and may not take judicial notice.

11C SNAP Benefit Hearings (S)**Asst. Director Bobbie Marshall (TX)**

Over 42 million people receive benefits from the Supplemental Nutrition Assistance Program and far more make application. When a state agency denies, reduces, or suspends SNAP benefits, the applicant or recipient is entitled to a fair hearing. Eligibility requirements, including income limits, work requirements, and countable resources are just the beginning of the issues involved in these hearings. This session, taught by an Assistant Director over hearings of this type, will provide best practices for these hearings and an opportunity to have all your SNAP questions answered.

11:00 a.m. – 12:00 p.m. – SESSION 12**12A Reacting to the Unthinkable: What to Do in An Active Shooter Situation (E) U.S. Marshal John Muffler (PA)**

Active shooter situations evolve quickly—so quickly 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 circumstances? Learn the best practices for coping in active shooter situations in this potentially life-saving class.

12B Admit or Exclude? Evidence Challenges in Administrative Hearings (M)**Justice Mick Gillette (OR)**

A motion or objection is raised in your hearing to exclude relevant evidence because the evidence was obtained illegally. Illegally seized evidence cannot be admitted in criminal trials, but what about administrative hearings? A succession of appellate opinions have held that illegally seized evidence *may* be admitted in administrative hearings, but under what circumstances? Whether and how 4th (and 14th) Amendment exclusions apply depends upon the private interest affected, how the evidence was obtained, and who obtained it. This must be considered on a case-by-case basis. This class will also cover motions to exclude evidence or postpone hearings on 5th or 6th Amendment grounds.

12C Opinion Evidence: Lay and Expert Testimony (M)**Chief ALJ (retired) Jennifer Gee (CA)**

A hearing may involve many different types of testimony, including opinion testimony; however, opinion testimony is disfavored and, as a result, is given special treatment. Still, opinion testimony may be necessary, admissible, and helpful to the trier of fact. There are strict limitations on lay witness testimony. Experts are given more latitude in expressing opinions but must meet certain preliminary requirements. This class will review the rules for admitting both lay and expert opinions how these two types of opinions are treated in the context of an administrative hearing.

12:00 p.m. to 1:00 p.m. LUNCH – National Judicial College Dining Hall: “Taste of the South”**1:00 p.m. – 2:00 p.m. – SESSION 13****13A Mock Administrative Appeal: A Gambler Wants to Win (M)****NJC's Model Courtroom**

A big winner was told a casino could not pay him his winnings because he was on the state's exclusion list and because he owed a debt to the state that the casino was required to pay before any of his winnings could be distributed to him. This session will follow the steps of the administrative appeal taken by this winner to claim his prize, from prehearing through the appeal itself, highlighting procedural issues and questions, as well as consideration of evidence at the hearing. This interactive session will be open to the comments and observations of attendees. Role-players include:

Cindy Antrim, Hearing Officer, Office of Student Discipline, Gwinnett County Public Schools (GA)

Janice Deshais, Director of Adjudications (retired), Dept. of Energy and Environmental Protection (CT)

Dwain Fagerlund, Hearing Officer, Department of Transportation (ND)

Mary Long, ALJ, Pennsylvania Public Utility Commission (PA)

Jimmy Stokes, Policy Analyst, Georgia Association of Educational Leaders (GA)

Colleen Ulrich, Asst. Director, Office of Student Discipline, Gwinnett County Schools (GA)

13B Administrative Law Hits the Big Time: Case Updates (E) ALJ Toni Boone & Justice Mick Gillette (OR)

This year and last have been landmark years in administrative law. Deference, delegation doctrine, appointments clause challenges, no less than seven cases from SCOTUS and federal district courts that affect agency adjudication, major questions doctrine, *Perez v. Sturgis Public Schools*, *Santos-Zacaria v. Garland*—there are so many recent opinions that have instituted changes to the way we look at the issues before us. Matters as basic to administrative law as standing and the exhaustion of administrative remedies have been reviewed by the courts and found lacking. How do you tell the difference between a guidance document and a legislative rule and why does it matter? This session will review and examine many of these newly minted doctrines, theories, recommendations, and directives from recent opinions.

2:15 p.m. – 3:15 p.m. – SESSION 14

14A The Adjudicator's Writing Desk (M)

ALJ Mary Long (PA)

In your career as an adjudicator, you will write more pages of prose than most novelists. Yet few of us consider ourselves professional writers. Whether your decisions are short or long, this course will help you to improve the quality of your written work, including best practices in developing your writing process; over-coming “writer’s block;” what to look for when you review and edit your work; and tips for streamlining the decision-writing process.

14B Beating the Clock: Time Management for Adjudicators

ALJ Toni Boone (OR)

Regardless of whether you work from a designated office or work from home, distractions arise that interfere with your productivity. Overloaded dockets, needless meetings, demanding emails, and those workplace distractions all take time from our primary duties of conducting hearings and writing orders and decisions. There are definitely things that you can do to eliminate distractions and decrease the time spent on meetings and emails. If you’re feeling a bit stressed by the obligation to keep up with all the demands on your work time, this class will provide practical tips and proven suggestions to make your work life better.

14C Emoticons & Emojis as Evidence: Interpreting Digital Wordless Communication (E) Asst. Dir. Bobbie Marshall (TX)

Wordless communication (emoticons, emojis, memes, GIFs, JPEGs, and other pictures) has grown exponentially as a result of texting and social networking. It was inevitable that these wordless messages would one day end up in legal proceedings. You may think their meaning is obvious, but the meaning intended by the sender may be different from the way the recipient interprets it. The facts and circumstances, the context surrounding the wordless message, must be examined for meaning. While some appellate courts have issued rulings regarding the meaning of wordless communication, a consensus among the courts is lacking. This class looks at common forms of wordless communication that may be offered as evidence in administrative hearings, and what hearing officials should consider when this occurs.

3:15 p.m. – 3:30 p.m. CLOSING REMARKS AND 2024 CONFERENCE PREVIEW

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