

2008 NAALJ Conference
DETAILED SCHEDULE (revised 9/15/08)

Saturday October 11

- 2:00 – 5:00 pm NAALJ Board of Governors Meeting (Third Floor – Empire Room)
- 9:30 – 11:00 pm Informal Gathering for Early Arrivals at 85 West (Marriott Hotel Lounge)
or Hospitality Suite (Room TBA)

Sunday, October 12

- 10:00 to 5:00 pm Registration (Third Floor outside Grand Ballroom)
- 10:00 -11:45 am Chinatown Dim Sum Brunch – Golden Unicorn Restaurant (optional)
Direction/maps at Conference Registration Table.

ALL SUNDAY SESSIONS ARE IN GRAND BALLROOM (third floor)

- 12:30 – 12:50 pm **Welcome Addresses**
Hon. John G. Farrell and Hon. Catherine M. Bennett Conference Co-Chairs.
Bari Chase, CLE Director, NYCLA
Hon. L. David Brunke, NAALJ President
(Other Speakers TBA)
- 12:50 - to 4:00 pm **Access to Justice**
(with 20 min break at 2:10 pm)
Moderator: Chief Judge Roberto Velez
Speakers: Richard Zorza, Esq.; Heather MacNaughton, Chair of BC Human Rights Tribunal;
Commissioner Ellen Hoffman; Professor Susan Bryant; Joanna Weiss, Chief of Staff; Hon.
Sherry Cohen; Hon. Joel Ziev, Ed.D. Professor Mary Marsha Zulack; Professor Paris Baldacci;
Senior ALJ Ilene Shifrin
A comprehensive three-hour session addressing transparency, pro se litigants, plain language, cross-cultural competence, access for people with disabilities, the use of technology and best practices for Judges and Agencies.
- 4:00 – 4:10 pm Break
- 4:10 to 5:00 pm **Judges are People Too**
Moderator: Hon. Catherine M. Bennett
Speaker: Dr. Mark Hillman, PHD
In this high energy, fun, and insightful session, you will learn how to focus on what is really important in your personal, family and work lives. Dr. Hillman will share his passion, knowledge and insights as they relate to peak performance.
- 6:30 – 8:00 pm Welcoming Reception with contributing sponsor National Association of Women Judges
Location: Surrogate's Court Building, 31 Chambers Street (Centre St.)
Directions and Map at registration table.
Presentation of NAWJ Law Student Scholarship

Monday, October 13

- 7:30 – 8:30 AM Breakfast buffet (Third floor outside Grand Ballroom)
- 8:00 – 4:00 pm Registration (Third Floor outside Grand Ballroom)

ALL AM PLENARY SESSIONS ARE IN GRAND BALLROOM

- 8:30 – 8:40 am Welcome Greeting and Announcements (Grand Ballroom)

- 8:40 – 10:20 am **The Battle against Bias:
What is our Role as Judges? What is our Responsibility as Humans?**
Speakers: Hon. Catherine M. Bennett, Professor Sarah E. Burns, Chief ALJ Phyllis Carter, Hon. Gregory Holiday
In this session the panelists will introduce issues and provoke discussion concerning diversity of all types: gender, race, sexual orientation, religion, disabilities and age, and share with you from both a cognitive as well as emotional viewpoint, their experiences, in addition to the powerful message of a diversity experience known as “Blue Eyed.”
- 10:20 – 10:30 am Break with Refreshments
- 10:30 – 12:10 **Blinking on the Bench: How Judges Judge**
Speakers: Professor Jeffrey Rachlinski, Hon. Andrew Wistrich, Professor Chris Guthrie
An interactive session focused on how judges make decisions and the differences between intuitive decision-making and deliberative decision-making on the bench – which produces the most accurate outcomes and/or the most just results?
- 12:10 to 1:40 Luncheon (Details pending)
- 1:40 – 2:30 pm **Salon A**
Special Education I: Autism Spectrum Disorders
Moderator: Mindy G. Wolman, Impartial Hearing Officer
Speakers: Prof. Shirley Cohen of Hunter College’s Center on Autism, and Kristin V. Christodulu, Director, Center for Autism and Related Disabilities, SUNY Albany
Research-Based Methodologies and Developing Appropriate Remedies.
- Salon B**
Administrative Law in the 21st Century: The Supreme Court and the Administrative State
Speakers: Professor Claire R. Kelly, Professor Gregory L. Ogden
A review of leading cases from the Roberts Court, including those highlighting globalization, national security issues and global warming.
- Salon C**
Supervision and Independence of Administrative Law Judges
Moderator: David Goldin, NYC Administrative Justice Coordinator
Speakers: Bureau Director Steven Connolly, Professor James Moliterno, Hon. Elizabeth H. Liebschutz
A panel discussion focused on just how independent administrative law judges really are or should be, both within their tribunals and in relation to the agencies whose policies or rules they must enforce. The discussion will look at the balance between the desire for decision-making independence by ALJs in the first instance, the need for supervisory review to ensure that decisions are accurate, follow precedent and state clear rationales, and the interests of agencies in making policy and ensuring that it is carried out.
- 2:40 – 3:30 pm **Salon A**
Special Education II: Pro Se Parents
Moderator - Prof. S. James Rosenfeld,
Speakers: IHO Robert Briglio, IHO, Deputy Director and ALJ Jeff S. Masin, Special Education IHO Sharon M. Ramage
Hearing Management Issues, Developing the Record, and the Role/Responsibility of the Adjudicator
- Salon B**
A Model of Adjudication: Revising Adjudication in the Model State APA
Professor John L. Gedid, Vice Dean and Director, Law & Government Institute Widener University School of Law
The 1946, 1961, and 1981 Model State Administrative Procedure Acts formed the basis for administrative adjudication in more than forty states. A committee of The Uniform Law Commission is drafting a revision of the 1981 Model State Administrative Procedure Act for publication in summer 2009. At least three state legislatures have expressed interest in the adjudication revisions. A former reporter and

present member of the drafting committee will preview the proposed changes to the adjudication article of the Model Act. There will be an opportunity for input and suggestions from the audience.

Salon C

Hearing Room Security Issues

Hon. Tyrone T. Butler, Chief Administrative Law Judge, Washington, DC

Hon. David B. Torrey, Workers' Compensation Judge - PA Workers' Compensation Board

Hon. Mary-Margaret Anderson, California Office of Administrative Hearings

A discussion of security issues that arise in the context of administrative adjudication, including Agency/Tribunal policies, as well as best practices in the hearing room.

3:30 – (?) FREE TIME (Optional social activities and walking tours)

4:00 – 5:00 *Meeting of NAALJ Journal Board of Advisors (Third Floor – Empire Room)*

Tuesday, October 14

8:00 to 5:00 pm Registration (Third Floor outside Grand Ballroom)

8:00 – 9:00 am Breakfast buffet (Third floor outside Grand Ballroom)

9:00 – 9:50 am

Salon A

Complex Litigation

Speakers: Hon. John Spooner, Hon. Anne Murphy, Hon. James F. Horan,
Chief ALJ James McClymonds

An exploration of cases that continue for multiple hearing days. How to set the tone, the use of pre-hearing conferences and settlement conferences to limit or simplify issues, to schedule the hearing and the use of pre-hearing motions and orders.

Salon B

The DUI Dilemma

Speakers: Neal Schoen, Deputy Commissioner and Counsel NYS DMV,
Hon. James T. Murray (Md)

Description: A film and discussion regarding DUI issues.

Salon C

Use of Mediation and ADR in Administrative Law Tribunals

Moderator: Arthur Matthews, Esq.; Chief ALJ Kenneth Chu; Hon. Beverly Nash; Professor
Beryl Blaustone, CUNY Law School

A focus on the value and challenges of using mediation and other ADR efforts as they relate to administrative law tribunals.

10:00 – 10:50 am

Salon A

Administrative Appeals

Moderator Hon. James F. Horan

Speakers: Hon. Ruth Bogatyrow Kraft, Hon. Glenn Newman

A discussion of the standards for reviewing ALJ decisions and insights about the process that could aid ALJs in preparing decisions.

Salon B

High Volume Hearings

Hon. David Lenihan, Hon. Joan Davenport, Chief Judge Lois F. Oakley,

Best Practices including preparation, time allocation, judicial demeanor, and potential stressors.

Salon C

New Tools and Common Traps in Online Legal Research

Professor Michelle M. Wu, Roy Turner, Esq. (LexisNexis), Professor Vern R. Walker

New technologies, tools, and techniques for online legal research, including the reliability of online research and the stability and authentication of online documents. A discussion of common research shortcuts that can adversely affect the quality of the research work product. A discussion on the

deficiencies in the research skills of practicing attorneys and new law school graduates, and how these deficiencies can be addressed.

10:50 – 11:10 am Break with Refreshments

ALL PLENARY SESSIONS BEGINNING 11:10 ARE IN GRAND BALLROOM

- 11:10 – 12:00 **Plenary: NALJ Foundation Fellowship Winner**
Central Panel v. Agency Based Adjudication: What's the Deference?
2008 Fellowship Winner: Hon. A. Michael Nolan, Administrative Law Judge (retired)
An examination of deference granted to administrative agencies by state and federal courts, including an analysis of historic and recent court rulings involving Agency-Based Jurisdictions and Central Panel Jurisdictions, as well as future trends.
- 12:00 to 1:30 pm Lunch (on your own)
NYALJA Membership Meeting luncheon at OATH - 40 Rector Street, 14th Floor
Combined with Affiliate Informational meeting.
- 1:30 to 2:20 pm **Plenary: Opinion Writing for Administrative Law Judges**
SPEAKER: Hon. Gerald Lebovits
An exploration of the central components of an administrative law judge's opinion, from writing about the facts, applicable law, and legal issues in the case, to organizing the opinion and ethics.
- 2:20 – 3:10 pm **Plenary: Demystifying Scientific Evidence: Categorization and Prediction**
Professor Vern R. Walker, Hon. Deborah M. Miron, Professor Sarah E. Burns
A discussion of the use of expert testimony and reports in fact-finding. Focus will be on the use of such evidence regarding an individual's present condition (categorization), as well as future conditions and behaviors (prediction). Examples will include diagnoses of medical conditions and psychiatric disorders. The session will describe a useful, commonsense method for understanding such evidence, questioning its soundness and completeness, and making findings based on it.
- 3:10 – 3:20 pm - Break with refreshments
- 3:20 - 4:10 pm **Plenary: International Perspective: Administrative Law Developments in China**
Jamie Horsley, Deputy Director, Yale China Law Center - Yale Law School
(with possible visiting scholar from China)
An overview of administrative law developments in China, including the role of administrative adjudications.
- 4:10 – 4:20 pm Closing Remarks
- 4:30 – 5:30 PM NAALJ Membership Meeting and Elections
- 6:30 - 7:30 PM Pre-Banquet Reception
- 7:30 – 9:30 PM **Annual Banquet and Awards Ceremony**
-Keynote Speaker:
Hon. George Bundy Smith, Associate Judge of the NYS Court of Appeals (retired)
-Induction of new NAALJ Officers and Board of Governors
-Presentation of NAALJ Rosskopf Award

Wednesday, October 13

10:00 AM -12:00 noon NAALJ Board Meeting (Third Floor – Empire Room)

Optional Social Activities