A Message from the President

Dear fellow NAALJ members,

One of the first actions the Board of Governors has taken is to establish for itself a high standard of professional conduct as the board of a national organization. The Board adopted, and each Member has signed, a Statement of Confidentiality and Professionalism, affirming our commitment to conduct the affairs of NAALJ in a confidential and professional manner. In a national environment where uncivil discourse seems to be the norm and poor personal behavior is accepted, we have declared that even when we disagree with each other we will not be disagreeable, and we will enjoy and respect the variety of opinions and experiences of each other and our membership.

The professionalism and hard work of our New York Affiliate members under the leadership of Cathy Bennett and Ray Kramer created a great annual conference in New York City. The theme of the conference, “Hearing All Voices”, challenged us to be mindful of different ways that we, as adjudicators, should be aware of and take action against prejudices and biases in our tribunals.

The high standard of the New York conference is being challenged by Florida who will host the 2018 Annual Conference in St. Petersburg and by California for the 2019 Annual Conference in San Francisco. President-elect Mary Li Creasy and Chief Judge Bob Cohen are Co-Chairs for Florida and Board Member Karen Clopton is Chair for California. Both Conference Committees encourage members to volunteer and share ideas for speakers, topics, sessions, venues, recreational activities and more.

Assisting and supporting our Affiliates is an important function of the Board and different Board Members have volunteered to fill the role of liaison between the Board and the Affiliates: Ana Kennedy (Arkansas, District of Columbia and Louisiana), Peter Loomis (New York), Mary Shock (Maryland), Brian Stewart (Michigan), Steve Wise (Iowa). These new national and state connections should strengthen our communication and interaction, enhancing the professional activities of both.
A free Mid-Year Webinar will be held again this year under the planning and direction of Board Member Steve Wise. Steve has worked tirelessly to coordinate this event with the National Judicial College and plan a program of impressive speakers on the timely topics such as NCALJ’s recently revised Model Code of Judicial Conduct for State Administrative Law Judges.

Another free benefit to Members continues with the monthly eblast, “This Month in Administrative Law,” conceived and organized by Board Member Mary Shock. The most recent articles covered such pertinent topics as the recent SCOTUS decision concerning jurisdictional issues related to appeal-filing deadlines by Member John Leidig and the deference due to an ALJ’s credibility assessment by our Treasurer, Jim Murray.

As we move further into the 21st century, how we communicate and make information to our membership will be critical. The Journal will continue to be available on-line, making this valuable publication accessible anywhere in the world that the internet reaches as well as being available in print. NAALJ changed to a new email software product in January 2018 which we hope will provide better service as email is increasingly the preferred way to communicate.

Behind all of the activities and benefits for NAALJ members is the goal of maintaining the highest professional standards and advocating for improvements in the field of administrative law. Every member is encouraged to take advantage of NAALJ benefits and to become involved in our association.

Hon. Selina Malherbe
President

Join NAALJ in St. Petersburg, Florida
For the 2018 Annual Conference
October 14 - 17, 2018
Hilton St. Petersburg Bayfront Hotel • St. Petersburg, Florida
It is with sorrow that I inform you of the death of former NAALJ President Lynette Ann Donner. She passed away peacefully on Monday, January 29, 2018. She joined NAALJ in 2004 and served as President from 2014-2015. Lynette and her husband, Dan, were active members of NAALJ and attendees at conferences, always surrounded by many friends. Lynette’s gentle smile and kindness will be missed by many. Our condolences are extended to Dan and the rest of her family.

Lynette Ann Donner, daughter of Orval Daniel Friedrich (deceased) and Arlene June Friedrich (Grimm) was born June 24, 1959 in Fergus Falls, MN. She married Daniel Donner on August 2, 1980. Lynette lost her two and a half year battle with Cholangiocarcinoma Jan 29, 2018. She is survived by her husband and two sons Jesse Robert Donner (Katie) and Jordan Ryan Donner (Liz), her mother, as well as two sisters and a brother, Brenda Friedrich (Frank Kissel), Karen Barshinger and Daniel (Vicky) Friedrich. She was grandmother (Memaw) to her loving Jessica Donner. She loved nothing more than her time with Jessica.

A graduate of Iowa State University and later Drake Law school, Lynette subsequently passed the bar. She was a 30 year plus State of Iowa employee. She served in the Legislative Service Bureau drafting bills, as an attorney for the Iowa Attorney General's office, legal counsel for the Campaign and Ethics office, legal counsel for Iowa Secretary of State, and served as an Administrative Law Judge for IWD for over a decade. She worked tirelessly to see that government processes fairly treated all who crossed her path. She retired after a successful career in August 2015.

She served proudly as President of the Iowa Organization of Women Attorneys (IOWA). She also proudly served as President of NAALJ - the National Association of Administrative Law Judges. Lynette was equally focused on her sons’ development getting them involved in baseball, football, soccer, golf, chess club, band, choir, Tae Kwon Do, language arts, and anything else that fit their schedules. She not only supported them with her attendance at these functions but was also part of the behind the scenes support staff. She encouraged and helped both Jesse and Jordan to achieve BSA Eagle Scout rank. She even chaperoned Language students on a multi-country European trip.

Travelling was one of Lynette’s greatest pleasures, which she and Dan did as much as possible during their marriage and especially in the years following her diagnosis. She travelled to all but two US states and countless National Parks as her earring collection proves. She loved to go to Donner family events and visit with Marie, her mother-in-law, and Dan’s seven brothers and sisters. She enjoyed card games, art festivals, beer and brat days as well. In her early career days, she played volleyball, and softball on a variety of teams and has her trophies and game debrief stories as mementos.

She will be truly missed.
The 2017 Annual Conference • Fordham University Law School
New York, New York
photos courtesy Marc P. Zylberberg
2018 NAALJ Midyear Webinar: Addressing Issues at the Forefront of Administrative Law
May 11, 2018

(Times below are all Pacific Time. Webinar runs 1 pm to 4:30 pm Eastern Time)

Friday, May 11, 2018
10:00 am – 11:40am NCALJ Model Code of Judicial Conduct for State Administrative Law Judges: Evolution and Application


11:50 am - 12:35 pm Current Developments in Administrative Law

Matthew Wiener, Executive Director of the Administrative Conference of the United States and Co-Chair of the Adjudication Committee of the American Bar Association’s Section of Administrative Law and Regulatory Practice.

12:45 pm - 1:30 pm Credibility and Demeanor Evidence

Gregory Ogden, Professor of Law, Pepperdine University School of Law. Faculty editor of the NAALJ Journal and Reporter for the revised Model State Administrative Procedure Act (MSAPA) project

Register at the link below for the webinar.

Once you are approved by the host, you will receive a confirmation email and instructions for joining the webinar.


Continuing Legal Education (CLE) Credit

Participants are responsible for filing a Certificate of Attendance form provided at the conclusion of the webcast with their state’s Continuing Legal Education commissions, boards or state bars where required. While NAALJ’s educational programs have been regularly approved by CLE commission, Boards or State Bars, participants must follow their states’ specific filing rules to have CLE credits considered for approval.
Judge Tyrone T. Butler was the 2017 recipient of the Victor J. Rosskopf Award. Judge Butler was the first director and chief ALJ for the District of Columbia Office of Administrative Hearings, serving in that capacity from the inception of the office in 2003 through 2009. Prior to his service as chief ALJ of the DC Central Panel, Judge Butler served as the Chief Administrative Law Judge and Director of the Bureau of Adjudication, Division of Legal Affairs, New York State Department of Health from 1991 - 2003. He previously held appointments as an Administrative Law Judge in the New York State Department of Health, as an Assistant District Attorney in Duchess County, New York, as State General Counsel to the Connecticut Inspector General's Office, as the Inspector General, of the New York City Corrections Department and as a Lieutenant in the Internal Affairs Section of the New York City Police Department. He began his service with the NYPD as a uniformed traffic officer and worked his way through the ranks.

In recent years, Judge Butler has been less active due to health problems but serves as the head of his homeowners’ association. During the course of his career, Judge Butler served as president of both NAALJ and the New York Association of ALJs and as chair of the National Conference of the Administrative Law Judiciary, Judicial Division, American Bar Association. He also served on the Board of Trustees of the National Judicial College and was a highly sought after speaker and panelist at judicial conferences and CLE events.

In accepting the Rosskopf award Judge Butler reminded us, “The role of the Administrative Adjudicator is at the front line in maintaining the legitimacy of the entire judicial system. More citizens are subject to the administrative courts than ever become participants in the civil or criminal systems. Therefore, to them, we owe a duty as we become the prime representative of the US Courts system. We should not forget or become lax in our responsibilities to the people who appear before us and continue to do our part to foster the rule of law, fairness and the right to be heard.”
The Victor J. Rosskopf Achievement Award

Established in 2000, the Vic Rosskopf award honors judges who embody the highest qualities of judicial professionalism and ethics. The award honors the memory of the late Judge Vic Rosskopf, a longtime member of the NAALJ Board and its Treasurer. The award is bestowed no more than once annually; there was no award given in 2006, 2010, or 2013.

Past Winners of the Rosskopf Award

2001 Judge Arthur A. Gladstone
2002 Judge Sammie Chess
2003 Judge John Hardwicke
2004 Judge Stanley J. Cygan
2005 Judge Janet C. Raider
2007 Judge Edward Schoenbaum
2008 Judge Julian Mann, III

2009 Judge Larry J. Craddock
2011 Judge Duane Harves
2012 Judge Peter Loomis
2014 Judge Shelia Bailey Taylor
2015 Judge Margaret Giovanniello
2016 Judge Steve Wise
2017 Judge Tyrone Butler

Sponsors Make All the Difference
NAALJ Acknowledges the Tremendous Support of the 2017 Annual Conference
From the NAALJ Office

I was asked to tell the membership about the NAALJ headquarters office. We are in Placitas, New Mexico, a suburb of Albuquerque located about half way between Albuquerque and Santa Fe. The office is housed in an adobe office building featuring high speed internet, state of the art media and electronic equipment and telephone system. NAALJ is managed by Schott Management Group, LLC (SMG), an association management company with more than 25 years’ experience with non-profits and made the move when SMG relocated from Northern Virginia in 2016.

New Mexico is on Mountain Time. Our time changes with daylight savings time.

NAALJ operates just one telephone line coming into the office, which means if we are on the phone, or have stepped away from the phones, the call will be forwarded to voicemail. Voicemail is then sent directly to the NAALJ email address as a reminder that someone called. Always feel free to follow up your phone call with an email if you don’t receive an immediate call back. I frequently check email after hours and on weekends to stay caught up. Staff support is provided by Sue Rivera in the office, bookkeeping services by Mary Beth Alford and conference management by Alex Beard.

What do we do here? All NAALJ materials are kept in the office, stored safely behind locked doors and a security monitoring system for after-hours safety. Our work is to implement the directives set forth by the Board of Governors and to assist committees with their work, including but not limited to conference administration, publication production, financial reporting, dues billing, maintenance of the website and operation of other day-to-day activities that make NAALJ the thriving national association that it is. SMG is charged with safeguarding the archives, museum documents created for the 50th Anniversary, Journal copies, operational subject files and accounting records.

Tina M. Schott
Executive Director
NAALJ

Tina is President of Schott Management Group, LLC, which offers a broad range of both general and individualized management services, in the areas of association management services and continuing education processes. She joined NAALJ as Administrator in May 2014 and was promoted to Executive Director in 2017. Tina has worked in the non-profit sector for 25 years, raising funds and managing non-profit associations. She has served as Executive Director for a number of non-profit 501(c)6 and (c)3 organizations. She completed the Association Management program at the Institute for Organization Management, University of Delaware, Newark, Delaware. Tina was raised in the Washington, DC area where she called home until two years ago when she relocated to the Albuquerque, New Mexico area.
On the Agenda

By Hon. Selina Malherbe
NAALJ President

Ever wonder what is capturing the attention and energies of your Board of Governors? On the Agenda… is a new column that will appear in each of the newsletters as one way the Board will keep you informed about some of the issues or topics that are capturing the Board’s attention. Not every agenda item will be mentioned—just a few to give you an idea about some of what is in the works for NAALJ. A few items that are on the agenda right now:

- Planning for upcoming Conferences
  - 2018 Mid-Year Webinar
  - 2018 Annual Conference in St. Petersburg, Florida
  - 2019 Annual Conference in San Francisco, California

- Journal of Administrative Law
  - Fall 2017 issue, now online
  - Printed copies will be available upon request and for a $20 fee
  - Published on-line on Digital Commons and available to the public for free

- Internal organizational review and efficiency measures
  - Developing a Master Calendar of Deadlines, eg, Notice of Annual Meeting
  - Committee Description forms

JOIN NAALJ!

NAALJ membership is open to federal, state and local attorney and non-attorney hearing officers, administrative law judges, administrative judges, referees, trial examiners, agency chairs and commissioners, as well as higher level appellate authorities.

Member benefits include subscriptions to the NAALJ Journal and newsletter, discounts on NAALJ educational conference registration fees, as well as networking and volunteer opportunities.

Annual dues are $85, or $100 for sustaining membership.

To join or learn more about NAALJ, visit our website at www.naalj.org, or email us at naalj@naalj.org
The 2017-2018 NAALJ Board of Governors (L-R): Steven Wise, Nicholas Cobbs, Ana Kennedy, Selina Malherbe, Mary Li Creasy, Karen Clopton, Elizabeth Figueroa, James Murray, Brian Stewart and Anne Murphy. Not pictured: Christopher Hanifin, Peter Loomis and Mary Shock.

OFFICERS

Hon. Selina Malherbe
President
Charlotte, NC
Selina.malherbe@oah.nc.gov

Hon. Mary Li Creasy
President Elect
Tallahassee, FL
Maryli.creasy@doah.state.fl.us

Nicholas Cobbs
Treasurer
Washington, DC
Nicholas.cobbs@dc.gov

Hon. James Murray
Secretary
Baltimore, MD
James.murray@maryland.gov

Hon. Peter S. Loomis
Immediate Past President
Albany, NY
psloomis@gmail.com

BOARD OF GOVERNORS

Hon. Karen Clopton
San Francisco, CA
karendlopton@comcast.net

Hon. Elizabeth Figueroa
Washington, DC
Elizabeth.figueroa@dc.gov

Hon. Christopher Hanifin
Delmar, NY
Christopher.hanifin@nad.usda.gov

Hon. Ana Kennedy
Delmar, NY
akennedy@osah.oa.gov

Hon. Anne Murphy
New York, NY
anne.murphy@taxtribunal.nyc.gov

Hon. Mary Shock
Hunt Valley, MD
Mary.shock@maryland.gov

Hon. Brian Stewart
Salt Lake City, UT
brstewart@utah.gov

Hon. Steven Wise
Helena, MT
aljwise@gmail.com

The Newsletter of the National Association of Administrative Law Judiciary

Newsletter Editors
Hon. John Leidig & Hon. Tara Lehner
John.leidig@maryland.gov  tara.lehner@maryland.gov

CONTACT US
Tina M. Schott, Executive Director
NAALJ
1 Ridge Court • Placitas, NM 87043
Phone: (855)756-2255
Fax: (855)787-2225
E-mail: naalj@naalj.org
Website: www.naalj.org