



National Association of Hearing Officials
2006 Annual Professional Development Conference

BISMARCK RENDEZVOUS: Discovering Solutions That Work

September 10-13, 2006

Professional Development for Hearing Officials and Administrative Law Judges



UNITED TRIBES INTERNATIONAL POWWOW



LEWIS & CLARK RIVERBOAT



BLOCK HOUSE AT FORT ABRAHAM LINCOLN



HAWKTREE GOLF COURSE

(Photos courtesy of Bismarck-Mandan Convention & Visitors Bureau)

Radisson Hotel • Bismarck, North Dakota

On-line Registration
Available at www.naho.org

A word from NAHO ...

LETTER FROM THE PRESIDENT



During my term as president, I have been surprised how often I have heard comments like this: "North Dakota - that's one place I've always wanted to visit!" If you're one of those people, or if you've known and loved Dakota country for a long time, I hope you will make plans now to attend the NAHO Annual Professional Development Conference this fall.

The Board of Directors' meeting in Bismarck in April opened our eyes to the beauty of the Missouri River's course through the Great Plains. We expect wonderful summer-like weather in early September for sightseeing and outdoor activities. We are anxious to welcome you to this very friendly part of the USA, to a most accommodating hotel, and, of course, for a conference program we know you will enjoy. As always, NAHO takes its education and certification mission very seriously and we are pleased to present the 2006 program developed just for you, with the high quality our attendees have come to expect.

The 2006 conference will be a rewarding memorable experience. Don't miss it!

- Ellen G. Anderson
NAHO President

ABOUT NAHO, INC.

Effective January 1, 1999, the nonprofit professional corporation of NAHO, Inc., officially started operations, following an amiable dissolution of its prior affiliation with the American Public Human Services Association. Independence was chosen by the NAHO membership in recognition of its changed purpose, mission, and composition to include hearings of administrative adjudicators of all agencies. The NAHO Board of Directors and members are committed to promoting the integrity of administrative hearings conducted in any forum.

NAHO MEMBERSHIP

Membership dues are \$30 a year or \$75 for a three year membership. The fee is lowered to \$25 per year per person if ten or more join at the same time. If you have membership questions, contact Sherrie Teasley at (409) 951-3229, by fax at (409) 951-3253, or by

email at sherrie.teasley@hhsc.state.tx.us. Membership dues should be mailed to NAHO - Attn: Membership, PO Box 4999, Midlothian, VA 23112. If you are joining with registration, your dues may be sent to the Conference Registrar. **Join now and save on your 2006 conference registration fee!**

NAHO CERTIFICATION PROGRAM

In 1995 NAHO initiated a certification program for hearing officials. This program is dedicated to developing uniform standards of excellence and professionalism for hearing officials and administrative law judges across the country.

Applications for certification or recertification must be postmarked no later than June 30, 2006, if you wish to receive the certification at the conference in September. Courses attended at this year's conference may be considered towards meeting certification requirements for 2006. Check the NAHO website (www.naho.org) for a list of where this year's courses fit certification requirements. Core requirements can be met at annual NAHO conferences or other recognized programs addressing the hearing process including those sponsored by the National Judicial College, the National Association of Administrative Law Judges, state agencies, state bar-approved continuing legal education, accredited colleges, paralegal programs, or law schools.

For complete information on certification, access the NAHO website or you may also contact one of the Certification Committee co-chairs: Barbara Ann MacDonald at (972) 647-9219 or by email at txlonghorn339@comcast.net, or Ramona Collingsworth at (817) 462-3878 or by email at ramona.collingsworth@hhsc.state.tx.us.

Persons with special dietary needs or persons with disabilities who may need auxiliary aids, services, or other accommodations are requested to contact:

| | |
|--|--|
| Elizabeth Patterson | Louise Wetzel |
| (701) 328-3296 | (701) 328-3260 |
| epatterson@nd.gov | lmwetzel@nd.gov |

MARK YOUR CALENDARS!
Hotel Registration Deadline: August 6, 2006
Conference Registration Deadline: August 18, 2006

Please note that we will make every attempt to adhere to this list of short course descriptions and presenters. Should any last minute changes become necessary, your consideration will be appreciated. Designations after the workshop title refer to classification of courses accepted by NAHO for certification of hearing officers and administrative law judges. For complete information on required and elective course credit for certification, see the certification application on the NAHO website, www.naho.org.

A Nuts and Bolts Look at Due Process

Mandatory

Jim Gerl, J.D., 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 Supreme Court precedent. Instead we will examine what due process is and what it should look like in our hearings.

Controlling Disruptions (by Lawyers and Pro Se Parties) in the Hearing

Elective

Jim Gerl, J.D., Attorney, Scotti & Gerl, Lewisburg, West Virginia

How should a hearing officer handle situations where an unrepresented party disrupts the hearing? What are the best ways to control attorneys who cross the line with contemptuous conduct? This popular course looks at the techniques that a hearing officer might employ in these situations.

Decision Writing, Parts I & II

Mandatory

Donald L. Burnett, Jr., Dean and Foundation Professor of Law, University of Idaho College of Law

Dean Burnett will examine the processes of finding facts, applying law, and exercising sound discretion; the importance of truth-seeking, procedural fairness, and civility as foundations of valid and well-accepted decisions; the roles of lawyers, judges, and hearing officials as professional writers (whether they view themselves that way or not); techniques for enhancing the logic and persuasive power of written decisions; and the development of individual checklists for effective written communication.

Demeanor Evidence and Credibility Determinations for Hearing Officials

Mandatory

Gregory Ogden, Professor, Pepperdine University School of Law

Professor Ogden will discuss the nature, history, and use of demeanor evidence to determine credibility of witnesses in fact finding. Other credibility factors will be discussed including consistency or inconsistency of statements, discussion of psychological research related to truth telling and deception, and how that research may apply to credibility determinations. An analysis of written decisions by ALJs who have used demeanor evidence in making credibility determinations will provide hypotheticals for course discussion. The course includes extensive materials prepared in advance, and given to participants as part of the course materials.

DMV/High Volume Hearings

Substantive

Mark E. Richmond, Administrative Hearing Examiner, Idaho Department of Transportation

The DMV course will cover matters of case load management, Chinese walls between agency and hearing officer, telephone hearings, and time management.

Does Bias Intrude Into Your Hearing? Parts I & II

Mandatory

Laurence H. Geller and Peter Hemenway, Retired Adm. Law Judges, California Dept. of Social Services

There is no justice unless there is an impartial hearing official. While most of us think we are impartial, is that really the case? In this class we will discuss those factors which may cause us to be or to become biased, and how we can overcome those biases.

Enhance Decision-Making Through the Front Door, Parts I & II

Elective

Chris Cassetta, J.D., Conflict Management Consultant, University of North Dakota Conflict Resolution Center

Use important communication tools from the mediation process to enhance your ability to make sound decisions. Improve your ability to listen clearly, articulate important questions, and present opinions and concerns effectively to ensure that everyone is heard and understood.



Evidence Basics for Hearing Officials

Mandatory

Gregory Ogden, Professor, Pepperdine University School of Law

Basic principles of evidence for hearing officials will be discussed including the following topics: Admissibility of evidence; hearsay rule, exceptions, and legal residuum rule; privileges, including self-incrimination, and attorney-client privilege; burdens of proof, prima facie case, presumptions, and reliability; foundation, authentication, and judicial notice; impeachment, prior inconsistent statements, and character for truthfulness; making a record, fact finding and standards for judicial review.

FBA/MD/BIP - A Briefing for Special Education Hearing Officers

Substantive

Eric P. Hartwig, Ph.D., Administrator, Pupil Services for Marathon County Children with Disabilities Education Board

Hearing officers are trained in the law, but are not in the school and do not see or deal with student behavior. But hearing officers must hear evidence about behavior and determine if the school acted properly in regards to: doing or failing to do a functional behavioral assessment, manifestation determination, or behavior intervention plan. Dr. Hartwig will explain and explore the legal and practical requirements for addressing behavior problems and discipline of students with disabilities.

Hearing Security: A Secure Rendezvous in a Secure Facility

Elective

Allen C. Hoberg, J.D., Director, ND Office of Administrative Hearings; Dixie Knoebel, District Court Administrator for the Northwest District Court in North Dakota

Ms. Knoebel will outline recent events that have led to improved court security measures nationally, as well as provide specific examples from within North Dakota. Mr. Hoberg will focus on security issues faced by hearing officers in North Dakota, and efforts to deal with those issues, and he will explore issues faced by hearing officers nationally.

Judicial Ethics for Hearing Officials

Mandatory

Gregory Ogden, Professor, Pepperdine University School of Law

Discussion will include core ethical principles such as impartiality and neutrality in decision making; typical ethical issues common to all adjudicators - conflicting financial interests, honesty and integrity, pro se litigants, reasonable doubts about impartiality, bias and prejudice, and courtroom behavior; judicial ethics specific to administrative law judges, including separation of functions, ex parte communications, and influence in the decisional process. Each subject is discussed with hypotheticals from real world situations. Course includes extensive materials prepared in advance, and given to participants as part the course materials.

Making You #1 Now!

Elective

Laurence H. Geller, Retired Administrative Law Judge, California Department of Social Services

Is life passing you by? Are you too busy to find time to take care of your needs? Do you have 90 minutes to think about you for a change? Explore the "life choices" you are making every day and find out how you can take your life back!

New Developments in Medicaid Law: The Deficit Reduction Act of 2005 (DRA)

Substantive

Melissa A. Hauer, J.D., Director, Legal Advisory Unit, ND Department of Human Services; Blaine L. Nordwall, J.D., Director, Economic Assistance Policy, ND Department of Human Services

The DRA is estimated to reduce federal spending by about \$39 billion over the next five years - a significant portion of that will come from changes in the Medicaid program. The panel will discuss these changes, including the extension of the look-back period for uncompensated asset transfers, the penalty period date change, waiver of penalties due to hardship, annuities as countable assets, clarification of spousal impoverishment laws, expansion of the state long-term care partnership program, disqualification for long-term care assistance for individuals with substantial home equity, and transfers to purchase life estates.

Prehearing Process

Elective

Jim Gerl, J.D., Attorney, Scotti & Gerl, Lewisburg, West Virginia

This course will examine what a hearing officer should do prior to the hearing. Prehearing preparation will be discussed. The uses and benefits of a prehearing conference will be explored.



Undaunted Justice - Exploring Outsider Narratives

Elective

Margaret Moore Jackson, J.D., Assistant Professor, University of North Dakota School of Law

What obstacles inhibit our ability to listen to the stories and perspectives of others? Can stretching to listen and hear the stories of "outsiders" improve the quality of decision-making? Is there a value to letting parties know that their stories have been heard, regardless of whether their claims are ultimately successful? Can storytelling by parties and their lawyers impact the development of the law? This session will explore these and other issues concerning the impact of storytelling in legal proceedings.

Use of Interpreters in Hearings

Elective

Katrin Johnson, J.D., Coordinator, Minnesota Court Interpreter Program

As many agencies face growing immigrant populations, our legal community must continuously respond to the new and diverse needs and the obstacles in protecting due process rights when a common language is not spoken. This lively and interactive presentation will give participants a better understanding of how difficult interpreting is, and how to effectively communicate through interpreters.

What Kind of Hearing Official Are You?

Elective

Laurence H. Geller and Peter Hemerway, Retired Adm. Law Judges, California Dept. of Social Services

What kind of hearing official are you? Are you active in questioning the parties and witnesses, or do you sit back and observe and control? Are you consistent in what you do? We will discuss these matters, to see if you are doing the job you are expected to do, and the job you want to be doing.

When Cultures Collide: Implications of Societal Diversity for Hearings and Their Examiners

Mandatory

Kenneth K. Ayouby, D.Ed., CALJ, Student Services Liaison/Hearing Officer, Department of Special Programs & Student Services, Dearborn Public Schools

Session participants will review contemporary American diversity to refresh awareness, and to explore the many things "culture" means, discussing applicability of culture in the hearing process, and the implications of cultural variety to hearing participants.

*Each course is 1.5 hours.
Courses with Parts I & II are 3 hours.*

CLE Credits for ND attorneys have been applied for.

LUNCHEON ADDRESS

How to Build and Maintain Harmonious Relationships

Eric P. Hartwig, Ph.D., Administrator, Pupil Services for Marathon County Children with Disabilities Education Board

Sometimes we just don't know the best way to approach dilemmas created in our lives by all the challenges and demands that can strain relationships - new laws, new regulations, dwindling resources, staff and leadership changes, and more. We need to realize that hidden in these very complex moments are the events and emotions that give meaning to what we do. In this provocative and inspiring luncheon address, Dr. Hartwig emphasizes positive and principled personal skills that focus on interests, not positions. His presentation will help you think differently about establishing and maintaining harmonious relationships with a sense of self-reflection, introspection, humor, and a bit of sanity.

KEYNOTE - GENERAL SESSION

The Justices' Perspective on Appeals from Administrative Decisions - Our Problems and Yours

Chief Justice Gerald W. VandeWalle, North Dakota Supreme Court; Justice Dale V. Sandstrom, North Dakota Supreme Court



Registration and Hotel Information

REGISTRATION INFORMATION

As space is limited, registrations will be accepted on a first-come, first-served basis. You may register either on-line via the registration link at www.naho.org or submit by mail to NAHO, c/o ND Office of Administrative Hearings, 1707 North 9th Street, Bismarck, ND 58501.

Registration, guest fees, and membership fees may be paid by agency check, personal check, or agency voucher payable/purchase order submitted to the address above. We also offer the ability to pay your fees by credit card when you register on-line. Our credit card payments are processed through PayPal.

Registration is not complete until arrangements are made for processing registration fees. Please refer to the registration form for our cancellation policy. For questions regarding the on-line registration, contact Frances Zuther at conference@naho.org or (701) 328-3268.

FEES

- \$395 - Regular
- \$355 - NAHO member
- \$ 50 - Partial registration (per session)
- \$ 55 - Guests (reception and banquet only)
- \$ 15 - Luncheon (guests)
- \$ 30 - NAHO membership
- \$ 25 - Late fee

Registration begins at 8:30 a.m. on Sunday, September 10, 2006, at the Radisson Hotel, Bismarck.

SCHOLARSHIPS

For information, contact Hugo Franco at hfranco@azdes.gov. Applications must be mailed and postmarked by July 14, 2006.

SPECIAL EVENTS

- *RECEPTION ON SUNDAY*
- *CONFERENCE LUNCHEON ON MONDAY*
- *BANQUET TUESDAY EVENING*
(PITCHFORK FONDUE AT FT. LINCOLN
STATE PARK) (casual dress)

HOTEL

The conference site hotel is the **RADISSON HOTEL**, 605 East Broadway, Bismarck, ND 58501, (701) 255-6000.

Rates are \$70 single or double, plus applicable taxes (currently 10%). **Hotel reservation deadline is August 6, 2006.** Reservations may be made by calling the Radisson at (701) 255-6000 and asking for a room under the National Association of Hearing Officials block. Complimentary parking is available at the hotel. Be sure to make your hotel reservations early as there is a large competing event that weekend and the rooms in the Bismarck-Mandan area will go fast.

GETTING THERE

Bismarck is located along Interstate 94 and is easily accessible by automobile. If traveling by air, complimentary shuttle service is available through the hotel. You may contact the hotel by a courtesy phone located in the baggage claim area at the airport. Taxi service is also available at the Bismarck airport. Three major car rental companies are located at the airport.

WHAT TO DO WHILE HERE

For information on area attractions/events, contact the Bismarck-Mandan Convention and Visitors Bureau at www.bismarckmandancvb.com or 1-800-767-3555. Visit our Visitors Center at 1600 Burnt Boat Drive in Bismarck to get the information you need to make the most of your time here. Our travel counselors will be happy to assist you in putting together itineraries for day trips and sightseeing.

Visitors Center hours are 7:30am-7:00pm M-F; 8:00am - 6:00pm Sat; 10:00am-5:00pm Sun.

CONFERENCE INFORMATION

For further information regarding the conference, check the NAHO web page at www.naho.org or contact the conference coordinators:

- Sharon Kulp (shkulp@hotmail.com)
- Bonny Fetch (bfetch@nd.gov)



Registrant's Last Name, First Name MI

INSTRUCTIONS FOR COURSE SELECTION

If registering on-line, please complete the course selection on-line. If registering by hard copy, you will need to download the registration form at www.naho.org. You may use this form for your course selection. Return the registration form and this course selection form, along with your payment, to the address indicated. Please make your first and second choices of courses by designating "1" or "2" in the boxes provided for each session. Make your selections carefully because on-site changes will be limited. Every effort will be made to honor your first preference; however, enrollment may be limited in certain classes and we cannot guarantee seating in your first choice. Early registrations will be given priority. Late registrations are subject to availability of workshops. KEEP A COPY OF YOUR COURSE SELECTIONS FOR YOUR RECORDS.

SUNDAY, September 10

- 8:30 am - 4:00 pm Registration
- 9:00 am - 9:30 am Conference Opening
- 9:30 am - 11:30 am SESSION 1 - Roundtables (Select One)
- ___ 1a. Managers of Hearing Officers
- ___ 1b. Human Services Hearing Officers
- ___ 1c. Other Hearing Officers
- 11:30 am - 6:00 pm Open to Enjoy the Day!
- 6:00 pm - 8:00 pm Welcome Reception

MONDAY, September 11

- 8:30 am - 9:00 am Opening & Welcoming Session
- Opening remarks - Ellen Anderson, NAHO President
Welcome Speaker - ND Governor John Hoeven (invited)
- 9:00 am - 10:00 am SESSION 2 - General Session
- The Justices' Perspective on Appeals from Administrative Decisions - Our Problems and Yours*
Chief Justice Gerald W. Vandewalle, ND Supreme Court
Justice Dale V. Sandstrom, ND Supreme Court
- 10:15 am - 11:45 am SESSION 3 (Select 1st & 2nd Choice)
- ___ 3a. (M) Evidence Basics for Hearing Officials
- ___ 3b. (E) Prehearing Process
- ___ 3c. (E) What Kind of Hearing Official Are You?
- 11:45 am - 1:15 pm LUNCHEON - Speaker: Dr. Eric Hartwig
- 1:30 pm - 3:00 pm SESSION 4 (Select 1st & 2nd Choice)
- ___ 4a. (S) FBA/MD/BIP - A Briefing for Special Education Hearing Officers
- ___ 4b. (E) Use of Interpreters in Hearings
- ___ 4c. (E) Enhance Decision-Making Through the Front Door (Part I)
- 3:30 pm - 5:00 pm SESSION 5 (Select 1st & 2nd Choice)
- ___ 5a. (E) Controlling Disruptions (by Lawyers and Pro Se Parties) In the Hearing
- ___ 5b. (E) Enhance Decision-Making Through the Front Door (Part II)
- ___ 5c. (E) Use of Interpreters in Hearings (REPEAT)

TUESDAY, September 12

- 8:30 am - 10:00 am SESSION 6 (Select 1st & 2nd Choice)
- ___ 6a. (M) Does Bias Intrude Into Your Hearing? (Part I)
- ___ 6b. (M) Decision Writing (Part I)
- ___ 6c. (M) Demeanor Evidence and Credibility Determinations for Hearing Officials
- 10:30 am - 12:00 pm SESSION 7 (Select 1st & 2nd Choice)
- ___ 7a. (S) DMV/High Volume Hearings
- ___ 7b. (M) Does Bias Intrude Into Your Hearing? (Part II)
- ___ 7c. (M) Decision Writing (Part II)
- 1:30 pm - 3:00 pm SESSION 8 (Select 1st & 2nd Choice)
- ___ 8a. (M) A Nuts & Bolts Look at Due Process
- ___ 8b. (S) New Developments in Medicaid Law: The Deficit Reduction Act of 2005
- ___ 8c. (M) Judicial Ethics for Hearing Officials
- ___ 8d. (M) Undaunted Justice - Exploring Outsider Narratives
- 3:30 pm - 4:30 pm NAHO Membership Meeting (to include drawings for 2 half-scholarships to National Judicial College)
- 6:00 pm BANQUET (Pitchfork fondue at Fort Lincoln State Park)
Check here if you would rather have a vegetarian meal.

WEDNESDAY, September 13

- 9:00 am - 10:30 am SESSION 9 (Select 1st & 2nd Choice)
- ___ 9a. (M) When Cultures Collide: Implications of Societal Diversity for Hearings and Their Examiners
- ___ 9b. (E) Hearing Security: A Secure Rendezvous in a Secure Facility
- ___ 9c. (E) Making You #1 Now!
- 10:45 am - 11:15 am CLOSING SESSION
- Closing - Ellen Anderson, NAHO President
- Bonny Fetch, NAHO Vice President
- Certificates of Attendance Presented



Welcome to Bismarck, North Dakota



As vice-president and 2006 conference coordinator, it is my honor and pleasure to welcome NAHO to North Dakota and our beautiful capital city, Bismarck. Rich with American legends and history, Bismarck and its neighboring city, Mandan, sit on the edge of the Old West. Familiar historical figures are Lewis & Clark, Sacagawea, Sitting Bull, General George A. Custer and the 7th Cavalry. Here you will find an uncluttered landscape, rich with Indian village historic sites, Fort Mandan, and Fort Lincoln. The Heritage Center, the state's history museum, is located on the grounds of the State Capitol. It houses one of the largest collections of Plains Indian artifacts in the nation. North Dakota's Capitol building is unique. The original Capitol burned down in the 1930s, and the new building that emerged was a bold and beautiful art-deco style prairie skyscraper.

There are seven golf courses in Bismarck-Mandan, including the highly-rated Hawktree Golf Course. The Lewis and Clark Riverboat cruises the Missouri River. Fort Mandan and the Lewis and Clark Interpretive Center are less than an hour from Bismarck. They present the richest sources of Lewis and Clark history in the world. Fort Lincoln, which is now a state park across the river from Bismarck, was the home of General Custer and his wife Libbie. It was the last command post of General Custer and the 7th Cavalry.

The conference banquet will be held at the Fort Lincoln Commissary. You will have a chance to enjoy the beautiful scenery of the state park, take an optional tour of the Custer House and On-a-Slant Mandan Indian village, and experience a "pitchfork fondue," a delicious dining experience unique to this area. You will also get to enjoy entertainment by a very talented local singer-songwriter, Chuck Suchy. Chuck was born, raised, and is a working farmer in the blue hills along the Missouri River. He has recorded five CDs, the latest being "Evening in Paris."

This year we planned the conference to coincide with a spectacular event, the United Tribes International Pow-wow, which takes place September 7-10. Dancers come from all over the United States, Canada, and as far away as Mexico, South America, and the Northwest Territories. The pageantry of the grand entry and dancing is colorful, awe-inspiring, powerful, and humbling. The rhythm of the drums and singers is hypnotic. Vendors sell food, jewelry, Native American arts and crafts, beads, bones, furs, feathers, and more. Come early and enjoy the pow-wow. And be sure to make reservations *early* to assure that you get a hotel room, as the pow-wow is a great attraction.

The Radisson Hotel is located in downtown Bismarck, within walking distance of a variety of superb restaurants, several of which are locally owned. There are downtown shops and a large shopping mall three blocks from the hotel.

We have put together a stellar curriculum and faculty. And this year, the National Judicial College will be drawing for two half-scholarships to attend training at the National Judicial College in Reno. An outstanding conference in an interesting setting, what more could you want? See you this fall in Bismarck!! -- Bonny M. Fetch, NAHO Vice-president

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

**CONFERENCE
REGISTRATION DEADLINE:
AUGUST 18, 2006**

NAHO
PO Box 4999
Midlothian, VA 23112

NON PROFIT ORG
U.S. POSTAGE
PAID
Pierre, SD
Permit No. 123