

National Association of Hearing Officials 2009 Annual Professional Development Conference Conference Faculty

The National Association of Hearing Officials is proud to present the slate of faculty for the 2009 Annual Professional Development Conference.



ELLEN G. ANDERSON: Ellen Anderson is immediate past president of the National Association of Hearing Officials and has been a state-level hearing official for 19 years. Since 2002 she has held hearings exclusively for the Washington State Department of Retirement Systems, a consolidated agency that administers seven statewide retirement systems for approximately a half-million public service employees-members and retirees.



TONI T. BOONE: Judge Boone has been an administrative law judge for the Administrative Hearings Division of the Nevada Department of Motor Vehicles since 2003. Her prior professional experience consists of eight years as an administrative hearing referee for the Arkansas Department of Finance and Administration and ten years as a hearing officer for the Arkansas Department of Revenue. She also served as a police officer for ten years including seven years with the highway patrol division of the Arkansas State Police. Judge Boone is an alumna of the University of Arkansas where she was a Truman Scholar. Her undergraduate degrees were in Criminal Justice and Social Work. Since 1995 Judge Boone has taught criminal and administrative law classes at the University of Arkansas, Northwest Arkansas Community College, Northwest Arkansas Criminal Justice Institute, and the Arkansas Law Enforcement Training Academy. She has conducted continuing legal and judicial education courses for county bar associations, state judicial conferences, and for the traffic court section of the American Bar Association's Judicial Division.

Judge Boone was asked to join the faculty of the National Judicial College (NJC) in 2000. She has served NJC as an instructor in over forty courses including "Administrative Law: Fair Hearing" and numerous extension courses. She has also served as faculty in a variety of courses sponsored at NJC by the National Highway Traffic Safety Administration and Federal Motor Carrier Safety Administration. She co-created and has taught NJC's web-based course "Evidence Challenges for Administrative Law Judges." Judge Boone is an alumna of The National Judicial College and has attained Certificates of Judicial Development from NJC in both Administrative Law Adjudication Skills and Dispute Resolution Skills. She has also achieved certification through the National Association of Hearing Officials as a Certified Administrative Law Judge.



LEEANNE BRUCE BOONE: Lee Anne Bruce Boone graduated from the University of Tennessee College of Law in 1996. After graduation, she clerked for the Honorable Thomas Woodall on the Tennessee Court of Criminal Appeals, Middle District. In 1999, she joined as an associate at London & Amburn in Knoxville, Tennessee. While there, she performed both medical malpractice litigation and transactional work in the health care industry. In 2000, she moved back to Nashville and began working with the Department of Human Services as the Deputy General Counsel. As Deputy, LeeAnne served as legal counsel for the state agency responsible for Adult and Family Services, Vocational Rehabilitation Services, and Child Support Services. She also worked as a Legislative Liaison to the Tennessee General Assembly of Governor Phil Bredesen.

In 2004, she was appointed by Governor Phil Bredesen to create a new Division within the Department to handle both Human Services appeals and TennCare eligibility appeals. As assistant commissioner over the Appeals and Hearings Division, she supervises over 250 employees. The Division is responsible for administrative due process hearings for Adult and Family Services programs, Vocational Rehabilitation programs, the Child Support program, as well as all other programs administered by the Department.

National Association of Hearing Officials

2009 Annual Professional Development Conference

Conference Faculty



DONALD L. BURNETT, JR.: Donald L. Burnett, Jr. brings to legal education the broad professional background of an appellate judge, practicing lawyer, state bar president, law teacher, and dean of two law schools. A native of Pocatello, Idaho, he received his baccalaureate degree magna cum laude in economics from Harvard, his J.D. degree from the University of Chicago, and an LL.M. degree from the University of Virginia. He also graduated on the "Commandant's List" from the Command & General Staff College of the United States Army.

Dean Burnett's scholarly and teaching interests include professional responsibility, criminal procedure, law and economic analysis, and judicial decision-making. He is the national chairperson of the Professionalism Committee, ABA Section of Legal Education and Admissions to the Bar; an elected Fellow of the American Bar Foundation; and a member of the American Judicature Society's National Advisory Council, as well as the AJS Task Force on Judicial Independence and Accountability. Dean Burnett's career has included service as a law clerk to the Chief Justice of the Idaho Supreme Court and as an assistant attorney general for the state of Idaho. He entered private practice in Pocatello; became president of the Idaho State Bar; chaired the Bar's professional conduct standards committee; served by contract as a judge of the Shoshone-Bannock Tribal Court; and served as executive director of the Idaho Judicial Council. In 1982, he was appointed to the Idaho Court of Appeals and was retained in office by statewide election (unopposed) in 1986.

In 1990, Dean Burnett accepted the University of Louisville's appointment as dean of the law school now named for its historic and visionary benefactor: Justice Louis D. Brandeis. Dean Burnett served twelve years on the Brandeis faculty, including ten years in the deanship. He chaired the Ethics Committee of the Kentucky Bar Association as well as the State Judiciary Policy Council of the Kentucky Center for Public Issues. As a reserve officer in the Army Judge Advocate General's Corps, he received the U.S. Armed Forces Legion of Merit award for career achievements when he retired with the rank of Colonel in 2001. In 2002, Dean Burnett accepted the University of Idaho's invitation to return to his native state. In addition to administrative duties as dean of the law faculty, he teaches the Professional Responsibility course and has taught the Indian Natural Resources Law seminar as well as an undergraduate Honors Program seminar on Law, Literature, and Cinema. He recently chaired the University's steering committee on diversity and human rights.

[PHOTO NOT AVAILABLE]

DAVID CASE. David Case is a violations hearing officer with the Idaho Commission on Pardons and Parole.



DANIEL T. EISMANN: Chief Justice of the Idaho Supreme Court. Chief Justice Eismann was raised in Owyhee County and graduated in 1965 from Vallivue High School near Caldwell, Idaho. He enrolled at the University of Idaho, and in 1967 he left the University to enlist in the United States Army. He served two consecutive tours of duty in Vietnam where, as a crew chief/door gunner on a Huey gunship, he was awarded two purple hearts for being wounded in combat and three medals for heroism.

After being honorably discharged from the military, he returned to the University of Idaho where he received his undergraduate degree and then graduated cum laude from law school in 1976. After practicing law for ten years, he was appointed as the Magistrate Judge in Owyhee County. As a magistrate judge, he was a member of the Region III Council for Children and Youth; he helped create Children's Voices, Inc., an organization to recruit, train and oversee guardians ad litem to represent the interests of neglected and abused children in court proceedings; he organized and served upon a community diversion board to handle outside the judicial system first-time juvenile offenders who committed minor crimes; and he chaired the Canyon County Juvenile Justice Task Force.

In 1995, Governor Batt appointed Chief Justice Eismann as a district judge in Ada County. Convinced that there must be a more effective way to deal with the burgeoning drug problem, he began working to set up a drug court in Ada County. In 1998 Ada County was awarded a federal grant, and in February 1999 the drug court began receiving participants. He presided over that drug court until just prior to taking office as Justice of the Idaho Supreme Court. The Ada County Drug Court is proving effective in getting addicts off drugs so that they can restore their lives, rebuild their family relationships, and become productive members of the community. In 1998, the other district judges elected Chief Justice Eismann as the Administrative District Judge for the Fourth

National Association of Hearing Officials 2009 Annual Professional Development Conference Conference Faculty

Judicial District, consisting of Ada, Boise, Elmore, and Valley Counties. While a district judge, he also served on the Ada County Domestic Violence Task Force.

In 2000, the people of Idaho elected Chief Justice Eismann to the Idaho Supreme Court, where he began serving on January 2, 2001. He also serves as chair of the Civil Rules Committee, the Criminal Jury Instructions Committee, and the statewide Drug Court and Mental Health Court Coordinating Committee. He is a member and past-president of the Boise Chapter of the Inns of Court and currently serves on the boards of the Idaho State Bar Lawyers Assistance Program, which provides assistance to lawyers with substance abuse problems, and of the Idaho Law Foundation. He also serves on the Criminal Justice Commission created by Governor Kempthorne in 2005 and the Interagency Committee on Substance Abuse and Treatment. On August 1, 2007, he began serving as the Chief Justice of the Idaho Supreme Court.



BONNY M. FETCH: Bonny Fetch has been an administrative law judge with the North Dakota Office of Administrative Hearings since July 1991. Prior employment included working as a personnel specialist and hearing officer for the state's Central Personnel Division for 11 years and working as a therapist in a regional mental health center for nearly 8 years. Bonny was the first woman officer in the North Dakota Army National Guard. She has developed and conducted many training sessions on a wide variety of topics which she has presented to state, county, and federal employees, private sector entities, and military personnel. She is also an administrative law consultant for special projects such as hearing officer peer reviews.

Bonny is NAHO's president for the 2008-2009 term. She was vice-president in 2006-2007, and before that she served on the Board as Mountain Region representative and Mountain Region alternate. Bonny has been a certified administrative law judge (CALJ) since 2003.



LAURENCE H. GELLER: Laurence H. Geller was a presiding administrative law judge with the California Department of Social Services. In 1967 he graduated from Colgate University and received his J.D. from the University of Buffalo School of Law in 1972. Judge Geller was the California Department of Social Services Chief Referee from 1979 to 1983, administering the state's hearing system for welfare applicants and recipients. Judge Geller retired in 2004 from state service. Judge Geller has provided training at national conferences for the National Association of Hearing Officials and the National Association of Administrative Law Judges, as well as provided numerous workshops to ALJs, counties, authorized representative groups, fraud investigators, and to attorneys and those doing pro bono work. He has provided training and presentations to ALJs and investigators in Washington, Minnesota, and in Tennessee in 2007, the District Attorneys of Mississippi, the California Jury Commissioners, and U.S.D.A. conferences. Judge Geller has been a faculty member of the National Judicial College since April 2000. He is the co author of "Last Chance for Justice: The Juror's Lonely Quest" with Peter Hemenway.



JIM GERL: Jim Gerl is a special education law consultant, a trainer of hearing officers and mediators, a hearing officer, a mediator, and a lawyer, and he is a frequent speaker on special education law topics. He has been a due process hearing officer and mediator for the West Virginia Department of Education since 1989. Jim serves as a consultant to a number of state education agencies, and he has trained hearing officers from 40 states. He is also a hearing officer for the West Virginia Division of Rehabilitation, and he is engaged in the practice of law as a partner in the Lewisburg law firm of Scotti & Gerl. Jim has previously served as a hearing examiner for the West Virginia Human Rights Commission. From 1980 to 1984, he was a full time administrative law judge for the Illinois Human Rights Commission. Before that, he worked as a hearing officer for the Medicaid fraud program of the Illinois Department of Public Aid. Jim has presented at the hearing officer trainings at the LRP National Institute on Legal Issues of Educating Individuals with Disabilities, at the American Council on Rural Special Education, at the Utah Institute on Special Education Law, and at the National Association of Hearing Officials. Jim has served as a faculty advisor for the administrative law-fair hearing program offered at the National Judicial College, he has taught four college-level law courses, and he is the recipient of numerous awards in recognition of distinguished public service. Jim has a law degree from the University of San Francisco, a Masters degree in public policy analysis from the University of Illinois-Chicago, and a B.A. from the University of Illinois at Urbana-Champaign.

National Association of Hearing Officials 2009 Annual Professional Development Conference Conference Faculty



W. MICHAEL GILLETTE: Justice Gillette is the senior Associate Justice on the Oregon Supreme Court, having served on that body since 1986. He served on the Oregon Court of Appeals from 1977 to 1986 and was the presiding judge on that court from 1980 to 1986. He served as Solicitor General of Oregon from 1973 to 1977 and as Chief Trial Counsel of Oregon in 1973. He organized the first Consumer Protection Division in the Oregon Department of Justice and served as its first Chief Counsel. He was Assistant Attorney General in American Samoa from 1969 to 1971. He served as Deputy District Attorney in Multnomah County, Oregon from 1967 to 1969.

Justice Gillette holds a J.D. degree from Harvard Law School and a B.A. cum laude in Political Science and German from Whitman College in Walla Walla, Washington. He has been a teacher of administrative law, constitutional law, and consumer law at the National Judicial College since 1980. Justice Gillette currently serves as an adjunct Professor of Law at Willamette University Law School in Salem, Oregon. He has also taught administrative law, constitutional law, and criminal law at Willamette University and Portland State University.

Justice Gillette served as a member of the Advisory Committee of Scholars for the Constitutional Project, a television project that produced two nationally broadcast programs on the origins of the Constitution of the United States. He has been a frequent lecturer at judicial conferences including those conducted by the ABA's Administrative Law Section and for the National Association of Administrative Law Judiciary. Justice Gillette has been named as one of the "500 Leading Judges in America" by the legal publication Lawdragon and has been the recipient of the Robert V. Payant Award for Excellence in Teaching from the National Judicial College.



JOHN J. HASKO:

Education:

B.A. History, Siena College, 1965
M.A. Modern European History, Fordham University, 1967
M.A. Russian Studies, Fordham University, 1970
J.D. St. Mary's University, 1980
M.L.I.S. University of Illinois, Urbana-Champaign, 1981

Bar Membership;

Member, State Bar of Texas (1980)

Job History:

Reference Librarian, University of Southern California Gould School of Law, 1981-1983
Senior Reference Librarian, University of Southern California Gould School of Law, 1983-1985
Associate Law Librarian, Cornell Law School, 1985-1997
Director, University of Idaho College of Law Library, 1997-present



PETER HEMENWAY: Peter Hemenway was an administrative law judge specialist with the California Department of Social Services from 1972 until his retirement in 2003. He graduated cum laude from Amherst College in 1963, graduated from the University of Florence in 1964, and received his J.D. in 1967 from the University of California Berkeley Law School. Before becoming an ALJ, he was in private practice for four years. Since 2004 he has been general counsel for MicrobeTech, an environmental corporation. Judge Hemenway has provided training at national conferences for the National Association of Hearing Officials and the National Association of Administrative Law Judges, as well as written articles for both organizations. He has provided training for attorneys, ALJs, and laypersons in California, Washington, Minnesota, and in Tennessee in 2007. In 2000, he became a member of the National Judicial College and has been a guest lecturer at Stanford, University of Southern California, University of San Francisco, and New College Law Schools. He co-authored "Last Chance for Justice: The Juror's Lonely Quest" with Larry Geller.

National Association of Hearing Officials

2009 Annual Professional Development Conference

Conference Faculty

[PHOTO NOT AVAILABLE]

SUSAN J. KIRKVOLD: Susan Kirkvold has been an administrative law judge with South Dakota Department of Social Services' Office of Administrative Hearings since 1999. She has been a speaker at state bar association CLEs and at agency training on administrative hearing procedures, and wrote the office's Guide to Administrative Hearings, which is geared toward self-represented litigants.

Susan is also an administrative law consultant for projects such as hearing officer peer reviews. In 2008, she completed the National Judicial College's Certificate of Judicial Development Dispute Resolution Skills and Administrative Law Adjudication Skills programs at the University of Nevada-Reno. Prior to joining the Office of Administrative Hearings, she was in private practice in Sioux Falls, South Dakota, after graduating from the University of South Dakota School of Law in 1996. Before law school, she worked for 13 years as a journalist. Susan was NAHO's Mountain Region representative for the 2006-2007 term, the Mountain Region alternate in 2004-2005, Librarian in 2006-2007, and worked in conference publicity. She currently serves as an at-large appointee on the Board. Susan has been a NAHO-certified administrative law judge since 2002.



MAUREEN LAFLIN: Maureen E. Laflin, the director of clinical programs at the University of Idaho College of Law, has been a member of the faculty since 1991. She received her B.S. in Spanish and Social Work from the University of Dayton in 1977 and her J.D. from St. Louis University in 1982.

Professor Laflin's teaching and research focuses primarily on skills building. She directs the school's Trial Advocacy program and teaches the Appellate Clinic. She has directed the Northwest Institute for Dispute Resolution since its inception in 1997. Professor Laflin, a certified professional mediator with the Idaho Mediation Association, teaches ADR courses both at UI and at the Strauss Institute for Dispute Resolution at Pepperdine Law School. Professor Laflin has been instrumental in working with the state and federal courts and the bar to promote ADR both in the civil, domestic, and criminal arenas. She serves on the ABA Dispute Resolution's Mediator Ethical Guidance Committee. She also directs the College's Trial Advocacy program and recently started a Mediation Clinic with Professor Costello. Laflin served on the Evidence Rules Sub-Committee responsible to drafting the Uniform Mediation Act in Idaho and has published on the UMA, Criminal Mediation, and Mediation Ethics.



JERROLD A. LONG: Jerrold A. Long is an associate professor of law at the University of Idaho College of Law, and an adjunct professor of water resources in the University's new interdisciplinary Waters of the West graduate program. He received his J.D. from the University of Colorado—Boulder in 2000, and earned a Ph.D. in Environment and Resources from the University of Wisconsin—Madison in 2008. After graduating from law school, Professor Long practiced Natural Resources law at the Cheyenne, Wyoming office of Holland & Hart LLP. At the University of Idaho, Professor Long teaches courses in Property Law, Environmental Law and Land-Use Law.

[PHOTO NOT AVAILABLE]

ERIC G. MOODY: Eric G. Moody is an administrative hearing officer with the Idaho Department of Transportation. He graduated from Boise State University in 1978 with a B. A. in Criminal Justice Administration. He was hired by the Idaho Transportation Department in 1982 and subsequently was promoted in 1999 as an administrative hearing officer.

In 2003, he received a Judicial Development Administrative Law Adjudication Skills certification through the National Judicial College, Reno, Nevada.

Eric has been a member of NAHO since 1999. He obtained certification as a certified hearing official in 2003, recertified in 2006, and will again be recertified in September 2009. Is currently appointed to the NAHO board as an at-large member.

National Association of Hearing Officials 2009 Annual Professional Development Conference Conference Faculty



ROBERT NALL: Robert Nall was admitted in 1977 to the State Bar of Arizona, federal district court, and US Tax Court. Since becoming an administrative law judge in 1987, he has heard and decided welfare (TANF and Food Stamps), vocational rehabilitation, medical assistance eligibility, foster care and child care license revocations and denials, and unemployment insurance cases. The caseload of about 2000 cases per year involved swearing in about 50 witnesses each week. Since 2001, he has been involved in higher review of up to 50 different human services programs. Appeals from these decisions would go to the judicial Court of Appeals. He is a NAHO board member, has led conference seminars, and has authored articles for the NAHO newsletter.



GREGORY L. OGDEN: Gregory L. Ogden is a professor of law at Pepperdine University where he has taught since 1978. He teaches administrative law, civil procedure, professional responsibility, and remedies. He is a graduate of UCLA (B.A., cum laude), UC Davis School of Law (J.D., Law Review Editor), and he has two LL.M.s, one from Temple University in legal education, and one from Columbia University in administrative law. He has been an administrative law consultant to the Administrative Conference of the United States, and to the California Law Revision Commission. He has taught administrative law for over 25 years, and was the principal author of California Public Agency Practice (three volumes, Matthew, Bender & Co., Inc. 1989), and California Public Administrative Law (two volumes, Matthew Bender & Co., Inc. 1997), the leading treatise on California administrative law. He prepares treatise updates five times per year and the treatise is available both in print version and online on Lexis-Nexis. In the fall of 2005, he completed a major revision of a State Administrative Law in California chapter (200 pages) for a multi-volume treatise on California Environmental Law and Land Use Planning (Manaster & Selmi, Matthew Bender & Co.). He has authored several articles in the administrative law field, including most recently the following article in the Journal of the NAALJ: Ogden, Gregory L., "The Role of Demeanor Evidence in Determining Credibility of Witnesses in Fact Finding: The Views of ALJs," 20 Journal of NAALJ 1 (2000). Professor Ogden was the 1999 NAALJ Fellowship recipient, and he presented his fellowship paper on demeanor evidence at the 1999 NAALJ Conference in Asheville, North Carolina.

Professor Ogden has been the faculty editor of the Journal of the NAALJ since the 2000-2001 academic year, when the Journal editorial responsibilities were taken over by Pepperdine University School of Law. He was on the planning committee for the Evidence for ALJs program hosted at Pepperdine Law School in May 2001. Since 2000, Professor Ogden has spoken at numerous continuing judicial education conferences on current developments in administrative law, evidence basics for administrative law judges, demeanor evidence and credibility determinations, and judicial ethics for ALJs. His topics have been presented at programs sponsored by the California Office of Administrative Hearings (OAH), the National Association of Hearing Officials (NAHO), the Association for Administrative Law Judges (AALJ), the National Association of Administrative Law Judiciary (NAALJ), and the Arkansas, Iowa, and South Carolina NAALJ affiliate organizations. He has also presented programs on legal ethics for government attorneys for the SEC and for the state administrative law section of the Arkansas State Bar Association. Ogden has been retained as a consultant to several law firms needing administrative law expertise. In 2006, Ogden was appointed reporter for the Drafting Committee of the Model State Administrative Procedure Act revision project sponsored by the National Conference of Commissioners for Uniform State Laws (NCCUSL). Ogden will continue to serve in that capacity until the model act project is completed in 2008 or 2009.



GARY E. PAYNE: Gary E. Payne is the chief administrative law judge for the Oklahoma State Department of Health. He is also a review officer for education due process disability hearings. Judge Payne is a graduate of Oklahoma State University and the University of Oklahoma School of Law. He is a former member of the Oklahoma House of Representatives and served for many years as a part time administrative law judge and municipal judge. Payne is a frequent author and lecturer for the Oklahoma Bar Association and other legal organizations. The primary topics of his works are administrative law and due process, decision writing, protecting senior adults, and disaster preparedness for attorneys. Payne has been an adjunct professor of government and business law for several universities and was in the private practice of law for almost 40 years before assuming his present position. His hobbies include travel and martial arts.

National Association of Hearing Officials 2009 Annual Professional Development Conference Conference Faculty



RICHARD H. SEAMON: Richard H. Seamon is a professor of law and Associate Dean for Administration and Students at the University of Idaho College of Law. He has both taught and written on subjects of U.S. constitutional law. Before entering academia, Professor Seamon practiced law in Washington, D.C., as an associate in the law firm of Covington and Burling and as an Assistant to the Solicitor General of the United States.



LAWRENCE WASDEN: Lawrence Wasden is Idaho's 32nd Attorney General, elected in 2002 and re-elected in 2006.

Attorney General Wasden is the immediate past president of the National Association of Attorneys General (NAAG), Past Chair of the Conference of Western Attorneys General (CWAG), and the Treasurer and Chair of the Investment Committee for the NAAG Mission Foundation. On November 1, 2007, he was selected by the Aspen Institute for a two-year fellowship program honoring public leaders as "true rising stars" of American politics. He was also honored by Idaho State University's Political Science Honor Society, Pi Alpha Sigma, as "Statesman of the Year" in April 2008.

Before running for office, he worked in the Attorney General's Office for 14 years, serving as chief of staff, deputy chief of staff, and deputy attorney general representing the Idaho State Tax Commission. He was also a deputy prosecuting attorney in Canyon County and prosecuting attorney for Owyhee County.

Attorney General Wasden obtained his law degree from the University of Idaho and his B.A. degree in political science from Brigham Young University.