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THE PRESIDENT'S MESSAGE

Hon. Paul Wyler

It has been stated, not without truth, that administrative law is the "wave of the future." Despite federal and state attempts to reverse the growth of government, the growth of bureaus and regulations continues. As matters in the purely judicial sphere become more expensive, time-consuming and complex, the judicial system, clogged with cases, involving litigation which require legal services too expensive for the poor and the middle-class, is subjected to ever greater criticism. More and more areas of the purely judicial system are turned over to the quasi-judicial system in the hope that the latter, being less expensive(?), may ameliorate the problems. Examples of the latter are traffic cases, domestic relations, landlord-tenant, neighborhood justice centers, probation, and criminal diversions.

Like it or not, administrative agencies are proliferating. In the federal sphere, some halt may be seen; even this may be temporary. Sunset legislation and de-regulation is causing a temporary halt in growth of administrative agencies. But almost every new statute sets up a regulatory scheme. In California, for example, in the past several years, an Agricultural Labor Relations Act has resulted in an Agricultural Labor Relations Board, a collective bargaining law for public employees (actually several laws) has set up a Public Employees Relations Board, and a number of licensing statutes have added to licensing matters.

Many, if not most, of the new bodies set up, either through court diversions of former court actions into administrative bodies, or through newly set up administrative forums require the employment of hearing officers, on a full-time or part-time basis. The number of hearing officers is growing statewide and nationwide even though currently there are reductions in force of federal administrative law judges. The administrative law judge and administrative hearing officer is truly the "wave of the future." Considering budgetary problems, this is likely to continue. Taxpayers are more likely to be willing to fund administrative judiciary at a lower cost than expensive courtroom machinery, bailiffs, court deputies and clerks, etc.

The NATIONAL ASSOCIATION OF ADMINISTRATIVE LAW JUDGES was organized to meet the needs of this growing population. Besides federal and state administrative law judges and hearing officers, there are countless county, city, and other local hearing officers, sometimes employed full-time and sometimes part-time. They all have interests in common.

These interests are;

1. Establishing minimum levels of competence and qualifications.
2. Establishing minimum or uniform standards applicable in general for administrative justice.
 - a. powers and duties of presiding officers
 - b. uniform procedures
 - c. hearing standards

- d. decision standards
 - e. methods of review
3. Lobbying for improvements in administrative justice and for law reform in the field.
 4. Acquiring greater knowledge of administrative law and procedure applicable to their duties through continuing education.
 5. Acquiring greater knowledge of the particular substantive law and procedures of the agency to which assigned, if necessary.
 6. Discussion of the role and functions of hearing officer and of improvements in aid role and function such as the "corps" concept, interchange of hearing officers between agencies, an administrative court, etc.
 7. Acquainting the bar, the law schools, the colleges, labor, management, consumers, potential litigants and classes of litigants and the public on the role and function of the hearing officer, of administrative law and procedure, and and the problems confronting all hearing officers.
 8. Sponsoring forums, seminars and meetings for the purpose of increasing education of the bar, lay representatives, litigants and the like on the conduct of administrative hearings, how to prepare and try administrative matters (and, if applicable relating to the substantive law of the agency involved).
 9. Improving remuneration for hearing officers in return for increasing competence and higher qualifications. (Quid Pro Quo)
 10. Interchange of opinions among hearing officers regarding any and all of the above and relating to any matter of genuine professional interest. The interchange of opinions of hearing officers from different states, from the federal arena, from cities, counties and localities, from differing agencies overseeing different bodies of law, meeting different litigants, and publics, facing counsel or unrepresented litigants, attached to one agency or hearing a variety of cases, can only result in fresh opinions and improved conceptions of the role and function of hearing officer.

There is a National Conference of Administrative Law Judges in the American Bar Association. Essentially, its goals are the same as ours. We should cooperate in every conceivable way and coordinate our activities. But that organization is limited to members of the American Bar Association. Not all hearing officers are lawyers although it may be a minimum standard of the future that all, or nearly all, should be. We, of THE NATIONAL ASSOCIATION OF

ADMINISTRATIVE LAW JUDGES, welcome non-lawyer hearing officers. Our goal is to improve the standards and competence and qualifications of each and every hearing officer.

Many lawyers are not members of the American Bar Association for one reason or other. Many of the lawyer hearing officers are not. While I, a member of the Conference of ALJs of the ABA would personally wish that more lawyers joined the ABA, others do not want to do so. These non-ABA lawyer hearing officers are welcome to join us. So are any members of the Conference.

What the Association needs most, after a substantial membership, is the establishment of a part-time, or even better, full-time executive office, with an executive director employed full-time (or part-time) to conduct the affairs of the Association. The officers are employed full-time as hearing officers and must devote only spare time, weekends or evenings to their duties. A staff director with office assistance can be of immense help to the Association. This must be an immediate priority concern of the Association.

Due to recent political developments federally and in many states, budget-cutting has been established as a way of life. While billions for defense may be appropriated, administrative agencies' budgets are generally being pared to the bone. The result has been disastrous to the administrative hearing process. Case loads have been increased, and quality of work has suffered. The budget-cutters' axe has extended as far as "South Succotash." In California, for example, the unemployment insurance appeals process has been gravely damaged by an administrative attack on the court reporters who report unemployment insurance hearings. The presence of these court reporters has been one indispensable factor in the high esteem in which the California Unemployment Insurance Appeals process has been nationally held. By Administrative fiat, it was decided that over 50% of the court reporters would be terminated from their positions, their job should be "replaced" by inferior electronic reporting equipment. While a political storm was aroused by said proposed termination, and it has been suspended indefinitely because of a state hiring freeze, it looms like a "sword of Damocles" over the heads of the reporters and of the hearing process. Morale in the appeals office has been savagely destroyed and many individuals are embittered.

Similar stories of the human suffering and unnecessary damage to the quality of the administrative hearing process has been heard in many other agencies in California, and I am sure the story is similar in other states and localities. If budget-cutting remains a way of life, the Association must seek ways to find common sense alternatives or to ameliorate the damage caused by reductions in budget or pressure to increase work load or reduce staff.

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