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## 1980 Convention Highlights

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## 1980 CONVENTION HIGHLIGHTS

The magnificent new Grand Hyatt New York Hotel was the center of activities for the 1980 Annual Meeting and Seminar. More than one hundred members were present for the five day convention, which ran from October 12 to 17, while twenty private attorneys, hearing representatives and others attended the concurrent program in Unemployment Insurance Adjudication. Thirty-five panelists from public and academic life presented a broad spectrum of views geared to the convention theme "The Future of Administrative Adjudication." Some of the participants expressed the opinion that the convention was one of the best meetings of its kind they had attended. Upon completion of the final accounting Judge Lawrence R. La Polla, Chairperson of the convention committee, reported that the project returned a net profit to the Association.



### Seminars

Educational seminars constituted the heart of the convention. At the opening session on Monday, October 13, principal addresses were delivered by Barbara Blum, Commissioner of the New York State Department of Social Services, which administers the Welfare and Medicaid programs in New York; Louis B. Sitkin, Chairman of the New York State Unemployment Insurance Appeals Board, and Irving Trow, Chief Administrative Law Judge for the Unemployment Insurance Division. The speakers discussed law and policy in the area of administrative adjudication and emphasized the value of pooling knowledge in professional meetings and training conferences.



At lunch on Monday, the Hon. Lester Wolff, a member of the New York Congressional delegation and former radio commentator, discussed the role of administrative adjudication from the standpoint of national legislative policy. The afternoon session was devoted to mock video-taped administrative hearings under the direction of then President-Elect David J. Agatstein. Volunteers from the audience participated in proceedings designed to illustrate various problems which frequently arise while presiding over administrative

hearings. Upon replaying the tapes, the audience analyzed the way in which the hearings had been conducted and suggested alternative approaches to the problems. C. Lamor Till of Alabama and Burton Jacobson of New York acquitted themselves with great skill as the presiding Administrative Law Judges.



Four speakers addressed the Tuesday morning session on "The Structure of Administrative Adjudication". Judge Marvin H. Morse, Director of the Office of Administrative Law Judges of the United States Office of Personnel Management and Chairman of the American Bar Association's Conference of Administrative Law Judges covered a wide variety of topics of interest to organized judges, including a detailed discussion of the requirements for becoming a federal Administrative Law Judge. Judge Howard H. Kestin, Director of the Office of Administrative Law of the State of New Jersey, described the Corps Concept of Administrative Adjudication, as successfully implemented in his state. At a business meeting later in the week, Judge Nathan Siegel of New York was appointed Chairman of a special committee to study the feasibility of establishing a corps or court of administrative law judges in other states.



M. Brent Oldham, Chairman of the Board of Appeals and Review of the Government of the District of Columbia, and an officer of NAALJ, was the third speaker Tuesday morning. Brent described the corps concept adopted in the capitol district, pursuant to which the actions of various diverse agencies are consolidated for hearing and review under the jurisdiction of his office. Finally, Jordan Rossen, Esq., Associate General Counsel for the International United Automobile Workers and an authority on Unemployment Adjudication, discussed due process of law as affecting administrative hearings.



At lunch on Tuesday, the Hon. Arthur Markewich, Associate Justice of the Appellate Division of the New York State Supreme Court, responding to a specific request from the Convention Committee, delivered brilliant prepared remarks on how appellate courts analyze the records of administrative hearings and the criteria for judicial review. A portion of his remarks, on the elements of due process of law, will be printed in a future issue of the Journal.

On Tuesday afternoon, Past-president Ross A. Williams, Jr., with the cooperation of the New York Telephone Company, and Professor Jerome R. Corsi of the University of Denver (who addressed the convention via telephone hook up) described the great extent to which telephone hearings had been implemented in a number of jurisdictions. Ross reported that, in Iowa, almost 90% of all unemployment compensation hearings, both intrastate and interstate, were conducted by telephone. While noting the tremendous advantage of such hearings, where parties are scattered over great distances, Ross emphasized that extensive experience conducting telephone hearings revealed a number of serious problems associated with the use of telephones, where parties can be easily assembled for face-to-face confrontation. Ross observed that further, cautious study was needed before telephone hearings are endorsed for areas of high population.



From left: Robert Steinhilber, Ross Williams, David Agatstem

On Wednesday, October 15, the Convention featured a one day seminar of the principles of evidence particularly or peculiarly applicable to administrative hearings. The session, which was open to registrants at the Unemployment Insurance program as well as to convention participants, was led by Professor Edith L. Fisch, author of the standard treatise, *Fisch on New York Evidence*, Judge Karla Moskowitz, Administrative Law Judge for the New York State Department of Health, and Judge Renee A. White of the New York City

Office of Administrative Trials and Hearings. The intensive session focused on a broad range of subjects, with particular emphasis on those exclusionary rules which must be applied even at informal hearings. While Professor Fisch reminded the lawyer participants of the evidentiary subtleties often forgotten in the daily flow of routine hearings, Judges Moskowitz and White instructed the non-lawyers on such basics as the nature of competent evidence, the rules of privilege, and the methods of introducing and contravening evidence. The success of the program may be gauged by the high praise expressed by all segments of the highly diverse audience.



At lunch on Wednesday, the Hon. Ernst J. Watts, Dean of the National Judicial College, Reno, Nevada, gave an address which can only be characterized as a model of outstanding public speaking. Dean Watts discoursed on the broad philosophical issues faced by those who administer justice, and culminated his remarks by inviting the Association to hold its next convention at the National Judicial College. At the general membership meeting on Friday, Dean Watt's invitation was accepted.



On Thursday, October 16 the convention participants were led on a tour of Legal New York by Convention Committee Chairman Lawrence R. La Polla. The group visited the World Trade Center, where many state agencies and hearing facilities are located, and the New York State Supreme Court, where the members were addressed by Justice Manuel Gomez. The architectural heritage of New York's legal past was explained by a guide from New York's Municipal Arts Society.



While the convention registrants were visiting New York, President Robert V. Steinhilber conducted a seminar in Unemployment Insurance Adjudication for hearing representatives, employers, and legal aid attorneys. Bob was favored with the assistance of Chief Administrative Law Judge Irving Trow of New York, and Samuel Taub, Chief of the Adjudication Service Office of the New York Department of Labor, both of whom answered questions about unemployment insurance law and procedure in New York. Bob provided a detailed printed syllabus of the program to the participants.



## **Business Meetings**

The general membership meeting began on Monday morning, October 13 and concluded on Friday afternoon, October 17. The following summary of the proceedings was prepared by association secretary Stanley Cygan:



David Agatstein, President Elect called the meeting to order. Robert Steinhilber was unable to attend.



David Agatstein gave the report of the President Elect, citing that in 1981 we should attempt to; increase communications through the newsletter, seek grants for the National Administrative Law Judge Foundation so that we could carry on educational and research activities, enroll new members, acquire adequate compensation for hearing officers, bring exposure to law students concerning our association and establish an annual essay contest to encourage literary contributions in the field of administrative law.



Lawrence R. La Polla gave a report of the convention committee, stating that after all was completed, he believed that the convention would be running in the black.



Mr. Cygan gave the proxy and credential committee report, stating that Paul W'ylar of California possessed 90 proxies; Stan Cygan of Illinois possessed 29 proxies; Hazel Strauss of New York possessed 2 proxies; Alan Mendelson of New York possessed 22 proxies and Ross Williams of Iowa possessed 1 proxy.



Stan Cygan moved and Ross Williams seconded that Robert Steinhilber, the President of the association, who resigned recently as a hearing officer, in recognition of his dedication to the advancement of administrative justice and the concerns of the administrative hearing officer, be made an associate member of the association. The resolution passed unanimously.

It was moved by Mr. Agatstein and seconded by Mr. McClannahan and Mr. Wyler that the 1981 convention site be at the National Judicial College in Reno, Nevada. Mr. Wyler withdrew the name of California as a possible convention site.



Ms. Strauss raised the concerns of the association's record of being opposed to holding the convention in a state that had not ratified the Equal Rights Amendment. Nevada was identified as not having passed the ERA. Mr. Cygan summarized the minutes of past conventions and noted that in Florida, 1978, the association passed a resolution that the association will not hold conventions in states which had not passed the amendment.



Mr. Seigel and Ms. Strauss moved to refer the matter of the selection of a convention site to a select committee to discuss a site in relation to the association's stance on the ERA.



There was a discussion that the convention site be selected as Reno, Nevada and that such a selection of the convention site shall not constitute a change of the prior position of NAAHO concerning passage of the ERA. Further, that the president be directed to contact the President of the Nevada Legislature and inform them of NAAHO's position. However, after the discussion and vote this was ruled not consistent with NAAHO's constitution and bylaws. After more discussion and vote, the National Judicial College at Reno, Nevada was selected as the 1981 convention site by majority vote.



Ross Williams moved and J. Seigel seconded that Des Moines, Iowa, Marriott Hotel be selected as the 1982 convention site. Ross Williams announced the convention would be scheduled October 17-23, 1982 and that the room rates would run from \$40-\$50 for single, \$50-\$60 for double. The motion carried.



Mr. Cygan then gave a second reading of the reported constitutional amendments, a copy of which is attached hereto.



Mr. Wyler then moved and it was endorsed that the amendment concerning the duties of the secretary be amended to include sending a copy of the minutes to a representative of the association of each state. The proposal passed and the language was incorporated in the body of the amendment.



P Wyler,  
M Giovaniello  
C Launno  
A Fink, J. Brellon, P Rubin

The technical amendments as proposed were adopted.

The next amendment was the proposal to change the name of the association to the National Administrative Association of Law Judges. After discussion, it was pointed out that it might not be appropriate to adopt that name since some states still do not require their officers to be attorneys. The vote to change the name was approved overwhelmingly.

Mr. Cygan then gave the report of the nominating committee. Nominations were then opened to the floor. It was then moved and seconded that the nominations be closed. This was approved and the officers other than Vice Presidents were declared elected by acclamation.

After a secret ballot the following officers were declared by Mr. Cygan as having been elected: (see inside rear cover)

The 1981 convention of NAAHO was then adjourned.



# CONSTITUTIONAL AMENDMENTS AS APPROVED

## ARTICLE VIII OFFICERS

### Section 1. General.

- (b) The officers shall be elected by the active membership at large by a majority vote. The Vice Presidents shall be designated First, Second, Third, etc. in order of votes received. In the event of tie votes, the outgoing Board of Governors shall designate the order.

### Section 6. *Duties of the Secretary.*

- (c) The Secretary shall prepare the minutes of each meeting of the Board of Governors and within twenty days after each Board meeting shall prepare and serve a copy of said minutes upon each member of the Board of Governors and to a representative of each state. Each state may select such a representative and if not so selected the President shall select such representative. A summary of the substance of actions taken or declined to be taken shall be printed in the next edition of the Association's Newsletter. Copies of the minutes of any Association meeting shall be available to members upon request.

## ARTICLE V GENERAL MEMBERSHIP

### Section 2. *Membership Meetings.*

- (a) The annual membership convention shall be held at a time and place determined by the board of Governors. At least one-third of the members must be present, in person or by proxy, to constitute a quorum.

The Board of Governors met twice during the convention. Among other matters considered by the Board it was resolved, on motion of Judge Wyler, that the business address of the association be changed to Two World Trade Center, New York.

### **Social Events**

Among the social events arranged for the convention participants by a sub-committee chaired by Judge Sue Novick Wasko of New York were an Italian feast, a Chinese banquet, an evening at a Greenwich village jazz restaurant, pre-theatre dining at a mid-town French restaurant, reserved seats for the Broadway musical Sugar Babies, and a spouses program. The New York State Administrative Law Judges Association, as host chapter, sponsored a cocktail reception.