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Legal Experience

Commencing September 1994: Administrative Hearing Examiner for the State of Ohio

Exclusive practice as an administrative hearing examiner for the Ohio Department of Job and Family Services, the Ohio Department of Alcohol and Drug Addiction Services, the Ohio Department of Transportation, the State Board of Registration for Professional Engineers and Surveyors, Ohio Department of Public Safety B Bureau of Motor Vehicles, Ohio State Highway Patrol B Office of Licensing and Commercial Standards, the Division of Emergency Medical Services, the Ohio State Medical Board, the Ohio Board of Nursing, the Ohio State Dental Board, the Ohio Chemical Dependency Professionals Board, and the Public Employees Retirement System.

Commencing August, 1995: Legal Research and Writing Faculty, Capital University Law School; Commencing August, 1999: Adjunct Faculty, Administrative Law.

Commencing December, 2000: Faculty member for the National Judicial College, Reno Nevada; program developer for advanced evidence and hearing procedures for administrative law judges, under grant from the National Highway Traffic Safety Administration (2002-2003); Distance Learning program developer for Administrative Law Judges course development (2002-2006).

Subject matter specialist in writing for administrative law judges: Training program developer for administrative hearing officers as a subject-matter specialist for the United States Department of Agriculture, commencing 1998; for the Michigan Department of Consumer and Industry Services in September, 2001, and as a mentor and training developer for the adjudicative writing program of the Ohio Department of Job and Family Services, commencing 1999.

1988 to 1994: Assistant Ohio Attorney General, Business and Government Regulation Section. Lead Counsel and Supervising Attorney for the Bureau of Motor Vehicles.

Clients included the State Certificate of Need Review Board, State Public Employees Retirement System, the Ohio Public Employees Deferred Compensation Program, and the Department of Public Safety, Bureau of Motor Vehicles. Service as Board Counsel to the Board of Registration for Professional Engineers and Surveyors, the Department of Commerce, Divisions of Licensing and Consumer Finance, the Board of Embalmers and Funeral Directors. Provided labor and personnel litigation services to the Department of Rehabilitation and Correction, The Ohio State University, the Department of Human Services, the Department of Administrative Services, the Department of Aging and the Department Mental Retardation and Developmental Disabilities.

Significant legal activity in the fields of administrative law, public personnel law, legislation and regulatory drafting, public access to governmental records, and public pension and deferred compensation benefits law. Litigation activity involving administrative hearings and appellate practice. Professional analysis of the Ohio Administrative Procedure Act for the *Ohio Administrative Law Guide and Directory* (West), and research into the trial court=s role in the use of novel scientific evidence, for the *Akron Law Review*, in *A The Trial Judge as Gatekeeper for Scientific Evidence@ 27 Akron L. Rev. 89 (Fall 1993)*. Provided training and liaison services for open government issues (open meetings and public records law) to assistant attorneys general and clients served by the Business and Government Regulation Section B Ohio Attorney General.

1985 to 1988: Child Support Enforcement Division, State of Kansas Department of Social and Rehabilitation Services, staff attorney from 1985 to 1986; Lead Counsel (Attorney II) from 1986 to 1988. Activity in the field of Non-IV (D) paternity establishment and enforcement of child support obligations, as well as managerial responsibility from 1986 to 1988.

1983 to 1985: Private Practice - Kansas City, Kansas General Civil and Criminal Representation

1981 to 1983: Deputy Public Defender, 8th Judicial District of Kansas

General representation of indigent persons accused of felony crimes. Substantial criminal practice with trial and appellate responsibilities.

Education:

Doctorate of Judicial Studies, Candidate B University of Nevada B Reno (anticipated: 2008)

Master of Judicial Studies conferred by the University of Nevada B Reno, 2004

Juris Doctorate conferred by the University of Kansas, 1981

Bachelors of General Studies conferred by the University of Kansas, 1978

Associates Degree, Los Angeles City College, 1976

Professional Honors and Activities:

2006: Awarded National Science Foundation Doctoral Dissertation Grant (#0550758): "Structural Independence of Administrative Adjudicators and Justice System Stakeholders' View of Procedural Justice"

2005: Nominated to become a Fellow of the American Bar Foundation; Life Fellow (2006)

2005: Elected to the Board of Governors, National Association of Administrative Law Judges

2004: Association of Legal Writing Directors Scholarship Research and Writing Grant.

2002-2007: Panel Member on the National Hardcore Drunk Driver Project Advisory Panel, sponsored by The Century Council in association with the National Association of State Judicial Educators.

2001-2003: Awarded 2001 National Highway Traffic Safety Administration Administrative Law Judge Fellowship

2000: Inducted as a faculty member, National Judicial College, Reno, Nevada

2000-2001: Inducted as 2000 Ohio State Bar Foundation Fellow; Life Fellow in 2002

1999-2000, 2003-05: Member, Board of Advisors, Journal of the National Association of Administrative Law Judges

1998-99 Chair, Courts and Community Committee, American Bar Association, Judicial Division, National Conference of Administrative Law Judges

1998-99 Vice Chair, Education Committee, National Conference of Administrative Law Judges

1997-99 Vice Chair, Educational Standards Committee, National Association of Administrative Law Judges

1997 National Fellowship in Administrative Law, National Association of Administrative Law Judges

1996-1998 Chair, Administrative Law Committee, Ohio State Bar Association, vice chairman, 1995-1996

1995 Inducted as Master Lawyer, Robert M. Duncan Chapter, American Inns of Court, Columbus, Ohio.

Lecturer, Instructor, Expert Witness, and Program Author

Professor of Legal Research and Writing, Capital University Law School, 1995 - present.

Legal reasoning, research and writing for first year law students, emphasis on plain English for lawyers; advanced legal research for second and third year law students, emphasis on integrating traditional stacks research with on-line (LEXIS and WESTLAW) research and state of the art Internet-based research; basic and advanced legal research; and legal research for students in the Capital University Paralegal Studies program (1998-99); Administrative Law (1999 to present)

Faculty Instructor: National Judicial College Reno, Nevada

A Traffic Adjudication for Administrative Law Judges,@ (Distance Learning Program), May B June 2005 and August – September 2006 (program co-developer and faculty member).

A Traffic Issues for the 21st Century: Interstate Compacts,@ June 6, 2005.

Δ*Traffic Adjudication for Administrative Law Judges*,@ February 28 Β March 3, 2004 (program developer and lead faculty member).

Δ*Advanced Issues for Georgia Administrative Law Judges: Administrative License Suspensions*,@ Atlanta, Georgia, July 30, 2003 (program developer and lead faculty member).

Legal Writing and Analysis Lecturer, The Ohio State University Moritz College of Law, Spring 2007.

Business Law Adjunct Lecturer, The Ohio State University, 1997 and 1998.

Subject Matter Specialist, United States Department of Agriculture, National Appeals Division commencing Fall 1999. Training and distance learning subject matter specialist in the area of administrative adjudicative hearings in appeals from agencies under the U.S. Department of Agriculture

Adjudication Writing Lecturer - Michigan Department of Consumer and Industry Services, Δ*Opinion Writing by Administrative Law Judges*,@ Augusta, Michigan, September 5-6, 2001.

Adjudication Writing Trainer - Ohio Department of Human Services, development of non-lawyer hearing officer decision-writing training, program developer and training facilitator: Δ*Advanced Opinion Writing: Evidence and the Burdens of Proof and Persuasion*,@ June 16-17, 2003, Δ*Advanced Opinion Writing by State Administrative Hearing Officers: Credibility Determinations and Proof of Policies*,@ March 25, 2002; Δ*Advanced Legal Writing for Agency Hearing Officers*,@ March 22-23, 2001; Δ*Training for State Administrative Hearing Examiners*,@ June 6, 2001.

Training Presenter:

New York Department of Motor Vehicle ALJ/Hearing Officer Training, Δ*Managing a Hearing and Developing a Record*,@ Δ*Balancing Judicial Independence and Agency Oversight*,@ Δ*High Volume Hearings at the Traffic Violations Board*,@ August 30, 2004.

Training Presenter:

Δ*Understanding the Role of the ALJ in Highway Safety*,@ presented to the National Highway Traffic Safety Administration, December 11, 2001, Washington, D.C.

Training Presenter:

Δ*Professionalism in Legal Writing*,@ presented as part of the seminar, Δ*Advanced Applied Legal Writing for the Defense Logistics Agency*,@ Columbus, Ohio, July 27, 2000, and August 4, 2000

Training Presenter:

Δ*Controlling the Admission of Evidence and Making Rulings that Withstand Judicial Review*,@ Wisconsin Bar Association/NCALJ/NAALJ, Madison, Wisconsin, May 18, 2000

Training Presenter: Δ*Using Computers to Work More Efficiently and Effectively*,@ Wisconsin Bar Association/NCALJ/NAALJ, Madison, Wisconsin, May 18, 2000.

Training Presenter: Δ*Writing Findings of Fact that Will Withstand Judicial Review*@ Wisconsin Bar Association/NCALJ/NAALJ, Madison, Wisconsin, May 18, 2000.

Training Presenter: United States Department of Agriculture National Appeals Division, FY 2000 National Conference Panelist, Δ*Findings of Fact and Application of Law and Regulations*,@ San Diego, California, April 26, 2000

Training Development and Presentation: Hearing Officer Training for the Ohio Department of Human Services, Report Format Development and Writing Training, Columbus, Ohio, April 23-24, 2000.

Conference Program Developer and Presenter - Δ*Improving Public Trust and Confidence in Administrative Adjudications*,@ Annual Meeting of the National Association of Administrative Law Judges, Asheville, North Carolina, September 10, 1999

Training Presenter: Ohio Department of Public Safety, Bureau of Motor Vehicles: Training of BMV Hearing Examiners, July 1, 1999

Training Presenter: CLE Producer and Keynote Speaker: United States Department of Agriculture, Judicial Appeals Division: The Administrative Hearing Officer and the National Appeals Division: A Brief History, A Contemporary Perspective, and Some Thoughts for the Future, April and May, 1999, Alexandria, Virginia

CLE Producer and Presenter: Research, Technology, and the Administrative Law Judge, (October, 1998) Portland, Oregon c National Association of Administrative Law Judges Annual Meeting

Expert Witness and Commentary:

AK Steel Corporation v. Christopher Jones, Director Ohio EPA, ERAC 095026 (August 2002) (presented as an expert on the meaning of the term "adjudication" under the Ohio Administrative Procedure Act)

Columbus Dispatch, July 30, 2006, "Blackwell Delegates Job Duties to Deputies," (quoted as an expert on the propriety of delegating decision-making authority under state administrative law)

Cincinnati Bar Ass'n v. Bailey, 110 Ohio St. 3d 223 (2006) (qualified as expert on Ohio administrative process in cases before the Bureau of Motor Vehicles)

Speaker and Panelist:

Speaker: "Evidence for Washington Agency Adjudicators," Network of Agency Adjudicators Conference, Lacey, Washington, September 12, 2007.

Speaker: "Bridges Between ALJs and Management: "Management" Versus Infringement on ALJ Independence," The National Association of Administrative Law Judges, 32nd Annual Meeting and Educational Conference, Seattle, Washington, September 8, 2006.

Speaker: "Evidence for Administrative Law Judges: Making Credibility Determinations," Kentucky Association of Administrative Adjudicators, Inc., Frankfort, Kentucky, May 12, 2006.

Panelist: "Preparing for the Hearing," National Association of Administrative Law Judges, Chicago, Illinois, October 31, 2005.

Panelist: "An Agency Adjudicator's Perspective on the Differences Between Writing for the Agency and Writing for the Judicial Bench," National Association of Administrative Law Judges, Chicago, Illinois, November 1, 2005.

Panelist: "A Hearing Examiner's Perspective on Evidentiary Benchmarks for the ALJ – The Role of Rules; The Gatekeeper Functions under Daubert and Frye; and Expressing Evidentiary Rulings in Our Reports" National Association of Administrative Law Judges, Chicago, Illinois, November 2, 2005.

Panelist: "Adjudication and Licensing in Interstate Compact Agencies – What's Different, What's Not," American Bar Association Section of Administrative Law and Regulatory Practice, Washington, D.C. (October 21, 2004).

Panelist: "Other States' Experiences with Creation and Maintenance of an Office of Administrative Hearings: Harms to be Avoided and Benefits Garnered?" Indiana University School of Law, Program on Law and State Government Fellowship Symposium: "Maximizing Judicial Fairness & Efficiency: Should Indiana Consider Creating an Office of Administrative Hearings?," Indianapolis, Indiana (October 1, 2004).

Speaker: "Managing the Hearing and Developing a Record," "Balancing Judicial Independence and Agency Oversight," and "High Volume Hearings at the Traffic Violations Board," Albany Law School – Institute of Legal Studies, Albany, New York (August 30-31, 2004).

Speaker: Law Enforcement Program "Expediency v. Justice, Justice v. Mercy," National Council of Examiners for Engineering and Surveying, Cleveland, Ohio (August 14, 2004).

Speaker: "Administrative Hearings for the Non-Governmental Lawyer," Ohio State Bar Association, Cleveland, Ohio (May 30, 2003); Columbus, Ohio (June 13, 2003).

Speaker: "Administrative Hearings from the Hearing Officer's Perspective," Public Practice Seminar, October 23, 2001, Columbus, Ohio.

Speaker, Annual Meeting Workshops: "Disqualified Drivers: Why Don't They Reinstate Their Licenses? Reinstatement from the ALJ's Perspective." National Association of Governors' Highway Safety Representatives – Annual Meeting, October 17, 2001, Long Beach, California.

Panelist: "Ethics for Administrative Law Judges: Distinguishing the Ethical Standards Applicable to the ALJ from the Standards Applicable to the Judicial Branch Judge" National Conference of Administrative Law Judges - National Association of Administrative Law Judges, Evidence for Administrative Law Judges Seminar, May 20, 2001, Pepperdine University, Malibu, California.

Speaker: "Preserving a Complete Record For Judicial Review," National Conference of Administrative Law Judges - National Association of Administrative Law Judges, Evidence for Administrative Law Judges Seminar, May 23, 2001, Pepperdine University, Malibu, California.

Speaker: "Computer Basics for the ALJ: Research, Communication, and Writing," 2000 NAALJ Annual Meeting and Conference Administrative Law in the New Millennium, Albany, New York October 16, 2000

Speaker: "Security Issues for Administrative Law Judges," 2000 NAALJ Annual Meeting and Conference Administrative Law in the New Millennium, Albany, New York October 16, 2000

Panelist, "Improving Trust and Confidence in Administrative Adjudications," Judicial Division of the American Bar Association Annual Meeting, New York, July 9, 2000

- “**Timelines and Extensions for Hearings,**” IHO/SLRO Training, Ohio Department of Education, February 24, 2000
- **Speaker: “Using the Internet for Legal Research,**@ (September, October, and December 1998) Columbus Bar Association
 - **Speaker: “On-Line Legal Research and the Judiciary,**@ (August, 1998), Toronto, Ontario, Annual Meeting, American Bar Association, Judicial Division
 - **Speaker: “Executive and Judicial Branch Judges,**@ (May 1998) National Association of Administrative Law Judges, Kentucky Affiliate, Frankfort, Kentucky
 - **Fellowship Lecturer: A Similarities and Differences Between Judges in the Judicial Branch and the Executive Branch: The Further Evolution of Executive Adjudications Under the Administrative Central Panel,**@ (September 1997) National Association of Administrative Law Judges, Denver, Colorado
 - **Panelist: “The Future of Administrative Law,”** (September, 1997) National Association of Administrative Law Judges, Denver, Colorado
 - **Panelist: “Practicing Before State Agencies: The Ohio Bureau of Motor Vehicles,**@ (June, 1997) Ohio State Bar Association, Annual Meeting, Columbus, Ohio
 - **Moderator: “The Nuts and Bolts of Administrative Hearings,**@ (May 1996) Ohio State Bar Association, Annual Meeting, Cincinnati, Ohio
 - **Panelist: “Expert Testimony Under Ohio Evidence Rule 702,”** (April 16, 1996) Robert M. Duncan Chapter, American Inns of Court
 - **Speaker: “Administrative Appeals Before the Ohio Bureau of Motor Vehicles,**@ (March 1996) Ohio State Bar Association, 10th Circuit 1996 Annual Conference, Elyria, Ohio
 - **Speaker: “Legal Issues in Management: Hiring, Firing and Harassment Management Techniques”** (April 1995), Ashland University MBA Seminar, Ashland, Ohio
 - **Speaker: “Employment Liability Issues: The Non-Profit Board and Non-Handicapped Staff**@ (April 1995), Ohio Association of Adult Services, OAAS Spring Conference, Mansfield, Ohio
 - **Speaker: “Understanding the Legal Risks and Benefits of County Deferred Compensation Programs**@ (December 1994), Ohio Prosecuting Attorneys Association Annual Conference, Columbus, Ohio
 - **Speaker: A Bankruptcy Issues and the Section 457 Plan Administrator”** (October 1994), The National Association of Government Deferred Compensation Administrators, Lexington, Kentucky
 - **Speaker: “Review of Sec. 415 Limits and Other Federal Regulations on Public Employee Deferred Compensation Programs**@ (October 1994), The National Association of Government Deferred Compensation Administrators, Lexington, Kentucky
 - **Speaker: "Ethical Duties of Retirement Board Members,"** delivered to the Ohio Police and Firemen's Disability and Pension Fund (February 1994); Ohio Public Employees Retirement System (April 1994); and the Ohio State Highway Patrol Retirement System (June 1994)
 - **Speaker: "The Law and the Ohio Professional Surveyor"** delivered February 1993, Annual Conference of The Professional Land Surveyors of Ohio, Cleveland, Ohio
 - **Speaker: "The Law and the Ohio Professional Engineer"** delivered November, 1992, University of Toledo, College of Engineering, School of Civil Engineering, Toledo, Ohio
 - **Adjunct Instructor:** The Ohio State University, College of Business: Business-Finance 510, "The Legal Environment of Business"@ Autumn, 1988; Winter, 1989.

Author

Books:

- NJC DESKBOOK ON EVIDENCE FOR ADMINISTRATIVE LAW JUDGES** (NJC 2006) (General Editor).
- PREVENTING AND RESPONDING TO WORKPLACE SEXUAL HARASSMENT 2ND ED.** (LRP 2000).
- OHIO ADMINISTRATIVE LAW GUIDE AND DIRECTORY** (Banks-Baldwin 1994-1995, The West Group, 1996-2007), contributing author for Chapters One and Five.
- KANSAS STATUTES OF LIMITATION AND TIME STANDARDS** (KBA Press, Topeka, Kansas 1988).

Articles:

- “*Applying the Restorative Justice Model to Medical Malpractice,*” 12 Restorative Directions J. 2B (2007)
- “*Shifts in Policy and Power: Calculating the Consequences of Increased Prosecutorial Power and Reduced Judicial Authority in Post 9/11 America,*” 15 Widener L.J. 109 (2006).

- "The Marginal Utility of Consolidated Agency Hearings in Ohio: A Due Process Analysis from an Economic Perspective,"* 32 Ohio N.U.L. Rev. 127 (2006).
- Δ*Executive Branch Adjudications in Public Safety Laws: Assessing the Costs and Identifying the Benefits of ALJ Utilization in Public Safety Legislation,"* 38 Indiana Law Review 435 (2005).
- Δ*Critical Factors of Adjudication: Language and the Adjudication Process in Executive and Judicial Branch Decisions,"* 23 J. Nat=l Ass=n Admin. L. Judges 411 (2003).
- Δ*The Model Act Creating a State Central Hearing Agency: Promises, Practical Problems, and a Proposal for Change,"* 53 Admin. L. Rev. 475 (2001).
- Δ*The Administrative Hearing Officer and the National Appeals Division of the United States Department of Agriculture: A Brief History, a Contemporary Perspective, and Some Thoughts for the Future,* 19 J. Nat. Ass=n Admin. L. Judges 75 (Fall 1999).
- Δ*Similarities and Differences Between Judges in the Judicial Branch and the Executive Branch: The Further Evolution of Executive Adjudications Under the Administrative Central Panel,"* 1997 Fellowship Article, 18 J. Nat. Ass=n Admin. L. Judges 1 (Spring 1998).
- Δ*Due Process and the Ohio Administrative Procedure Act: The Central Panel Proposal,"* 23 Ohio N.U.L. Rev. 783 (1997).
- Δ*Changing the Face of Leave Policies Under the ADA and the FLMA,"* March-April 1995, The Ohio Lawyer, Ohio State Bar Association.
- Δ*The Trial Judge as Gatekeeper for Scientific Evidence: Will Ohio Rule of Evidence 102 Frustrate the Ohio Courts' Role Under Daubert v. Merrell Dow?,"* 27 Akron L. Rev. 2 (1993), with Michael Lepp.
- Δ*The Admissibility of Child Victim Hearsay in Kansas: A Defense Perspective,"* 23 Washburn L.J. 265 (1984).

Notes and Comments

- "The Role of Forms in Legal Writing,"* 16 Columbus Bar Lawyers Quarterly (Fall 2007)
- "Re-Thinking the Approach to Writing an Office Memo,"* 14 Columbus Bar Lawyers Quarterly (Summer 2007)
- "Agency Adjudications in Ohio – The Central Panel Proposal,"* 32 Columbus Bar Lawyers Quarterly (Spring 2007).
- "Interstate Compacts and the Gaming Industry: An Ohio Application,"* Cincinnati Bar Association Reports, December 2005; also published in: 9 Gaming Law Review No. 5 p. 449 (2005).
- "The Older Driver: Law Enforcement Challenges,"* with Robert Ticer, 16 Experience – Senior Lawyers Division No. 1, American Bar Association, Fall 2005.
- Δ*Standardized Field Sobriety Tests: Examining the Role of the ALJ and the Trial Court in Applying NHTSA Standards in Trial and on Appeal,"* Judicial Division Record, Fall 2001.
- Δ*B&T Express v. PUCO: Court Examines Administrative Rule Adoption,"* Ohio Lawyers Weekly, October 15, 2001.

Admitted to practice:

United States Supreme Court (admitted 1991)
 Sixth Circuit Court of Appeals (1991)
 Third Circuit Court of Appeals (1994)
 U.S. District Court, Ohio, Northern
 and Southern Districts (1991)
 U.S. District Court, Kansas (1981)
 Ohio Supreme Court (1989)
 Kansas Supreme Court (1981)

Current to November 8, 2007