

THE FEDERAL ADMINISTRATIVE LAW JUDGES CONFERENCE

P.O. Box 1772 • Washington, DC 20013 • www.faljc.org



ANNUAL MEETING MINUTES

Wednesday, September 28, 2016. The Scottsdale Resort at McCormick Ranch, Scottsdale, Arizona

Officers Present: President Bill Farley, 1st Vice President M. Lisa Buschmann, Second Vice President Michael Devine, Treasurer Richard Goodwin, Secretary Paul Almanza.

Executive Committee Members Present or Participating by Phone: Christine Kirby (CFPB), John Mulrooney (DEA), Andrew Pearlstein (DOI), William Colwell (DOL), Carrie Bland (DOL), Dan Solomon (DOL alternate), Ronnie Yoder (DOT) (by phone), J.E. Sullivan (DOT alternate) (by phone), Susan Biro (EPA), Richard Sippel (FCC), David Coffman (FERC), Clay Guthridge (FMC), Immediate Past President Erin Wirth (FMC), Alan Paez (FMSHRC), Robert Lesnick (FMSHRC alternate), Kurt Gronau (HHS/OMHA), JJ Mahoney (HUD), T. Patrick Hannon (SSA), David Welch (SSA alternate), Walter Brudzinski (USCG), James Gilbert (USPS).

The Annual Meeting commenced at 4:29 p.m.

Call to Order: Judge Farley opened the meeting and thanked Judge Buschmann for her outstanding work in organizing the seminar. He also recognized the others who contributed to making the seminar a success, including thanking Thomson Reuters for their generous support of FALJC.

September 2015 Annual Meeting Minutes: There was a motion by Judge Almanza to waive the reading of the September 2015 Annual Meeting minutes, seconded by Judge Hannon and the motion passed. A motion was made by Judge Almanza to approve the 2015 Annual Meeting minutes, seconded by Judges Goodwin and Wirth. No one opposed the approval of the 2015 Annual Meeting minutes, and the motion passed.

Financial Report: Judge Goodwin presented the Treasurer's Report for the period May 31, 2015, to May 31, 2016. As of May 31, 2015, there was \$42,591.19 in the FALJC savings account; as of May 31, 2016, there was \$42,608.26 in that account. As of May 31, 2015, there was \$30,817.82 in

the FALJC checking account; as of May 31, 2016, there was \$14,565.74 in that account. Upon motion and without any opposition, the Treasurer's Report was approved.

Conference Committee – 2017 Conference Program Planning Update: Judge Devine reported that Philadelphia and Providence, RI, were considered for the 2017 conference and that the Conference Committee selected Providence as the better location. There were no comments or questions. The dates of the conference are Sunday, September 24, 2017, through Tuesday, September 26, 2017.

Legislative Committee: Judge Mahoney stated there was nothing to report.

Communications Committee: Judge Gilbert stated there was nothing to report.

Membership Committee: Judge Rosas stated there was nothing to report.

Presentation to Past President: Judge Farley presented Judge Wirth a plaque recognizing her for her outstanding leadership and tireless efforts on behalf of FALJC as past president.

Old Business:

1. FALJC letters on SSA proposed rules and OPM proposal for limited term ALJs: Judge Devine briefly explained the issues raised by the SSA proposed rules and OPM's proposal and the need for FALJC to have generated a quick response. He then recognized Judge Yoder and his team including Judges Lesnick and Rawald, who drafted a response. Judge Devine noted that the Executive Committee was very busy over the summer. Judge Gilbert provided additional details concerning the OPM's proposal for limited term ALJs and recognized Judges Biro and Lesnick for providing responses to the proposal on behalf of their respective agencies. Judge Almanza underscored the value of FALJC to act on behalf of all ALJs by advocating on these types of issues and encouraged attendees to seek out new members.
2. Proposed name change to "United States Administrative Law Judges Association." Judge Mahoney stated he submitted this proposal to the Executive Committee and the reasons for the proposal were in the materials available on Dropbox. Judge Devine stated that Judge Yoder's response to the proposal was also in the materials available on Dropbox. Judge Tracy Daly (DOL) stated that "conference" in the name diminishes the organization and should be changed to a synonym for "association;" he also stated that "federal" should remain in the name. Judge Yoder stated that anyone interested in this issue should read the materials submitted on it. He stated that FALJC is a great organization, he has been a part of it for 40 years, and that we have a great name and people know who we are. Judge

Yoder said we should not change the name without a very good reason, and that the Executive Committee has not endorsed the name change proposal and hopes it will not do so. Judge Coffman added on to what Judge Yoder said, pointing out that FALJC has a good name and a good reputation and there is no reason to change the name. Judge Devine then stated that members with opinions on this issue should communicate their views to their Executive Committee representative.

New Business:

1. Letter/Brief to the President-Elect regarding OPM structure and ALJ pay cap: Judge Devine reported on the efforts of a committee comprised of himself and Judges Mahoney, Guthridge, and McCarthy in preparing a report to the President-Elect on these two issues. He stated that OPM needs to be more responsive to the needs of agencies with ALJs, such as hiring ALJs more quickly when agencies need them. He asked members to read the proposed report to the President-Elect on this issue. Judge Parlen McKenna (USCG) then briefed the issue of the ALJ pay cap. Judge Gilbert stated that we should want to be independent of OPM. Judge Lesnick stated he agreed with Judge Devine's approach. Judge Wirth discussed the potential for a proposal to move responsibility for ALJs to the Administrative Conference of the United States (ACUS). It is unclear what would happen if the ALJ Program were to leave OPM. Judge Dean Metry (USCG) stated that preparing a benchbook for the President some years ago was a waste of time. He also stated that we should be careful for what we wish for because we may not like what happens if we get out from under the radar. Judge Farley stated that ACUS in the 1990s had a history of proposals that were not favorable for ALJs. Judge Solomon stated that besides pushing for performance evaluations for ALJs, ACUS also wanted to eliminate veterans' preference and that negative views of the current status of Federal ALJ are still there at ACUS. Judge Devine stated the draft letter to the President-Elect does not include any proposed statutory change, but we should want FALJC to be recognized as an entity that should be consulted. He stated there is a good chance that change will happen and we need to have a position, because without a position we will not be able to have any impact.

Upon motion by Judge Wirth, seconded by several judges, the Annual Meeting adjourned at 5:08 p.m.