



TITLE: Expecting the Unexpected: Managing Obstacles Involving Self Represented Litigants

SESSION DATE: October 8, 2021

SESSION TIME: 3:15 PM – 4:30 PM

SESSION DESCRIPTION:

Many judges frequently encounter self-represented litigants in their tribunals. Whether the proceeding occurs in person in a courtroom, virtually via video, or by telephone, judges must remember our essential duty to provide due process to all, no matter what. Judges must find a way to maintain order, treat all participants with respect, develop a complete record of the proceeding, and allow all parties to present their case in a fair and impartial manner. In some administrative proceedings, judges have a specific duty to “make the parties feel at ease.” This requirement serves as a good reminder to all of us to manage the myriad obstacles presented by self-represented parties with patience and grace. Anticipating the possible obstacles and complications and planning appropriately make these proceedings run much better, ensuring due process for all involved. A panel of administrative law judges with extensive experience with self-represented parties will provide practical ways to successfully expect the unexpected and manage the obstacles presented in these hearings.

PANELISTS:



***Hon. Emily Chafa – Co-Chair, NAWJ Administrative Judiciary Committee;
Retired ALJ, State of Iowa***

Emily Gould Chafa spent most of her legal career in government practice. She was involved in the administrative hearing process on a day-to-day basis for nine years. Emily served as an Administrative Law Judge (ALJ) or in the capacity as Chief ALJ for the State of Iowa from September 2010 to July 2019. Emily was the Iowa Workforce Development (IWD) UI (Unemployment Insurance) Appeals Bureau Manager (aka Chief ALJ) for four years, from July 2015 to July 2019. She was an ALJ with IWD from April 2015-July 2015. From September 2010 to April 2015, she was an ALJ with Iowa's central panel in the Department of Inspection and Appeals Administrative Hearing Division. She previously worked as the attorney for the Misclassification Unit of Iowa Workforce Development from August 2009-September 2010; as Deputy Director of Litigation for Iowa Legal Aid from January 2007-August 2009; as an Assistant City Attorney for the City of Des Moines from February 1990-January 2007; as a prosecutor for the Cook County State's Attorney's Office from May 1988-February 1990; and as an associate attorney at the Hinshaw & Culbertson law firm in Chicago, Illinois from June 1987-May 1988.

Emily attended Wartburg College for one year, and then received her B.A. degree from Drake University in 1982. She received her J.D. degree from Loyola School of Law in Chicago in 1987. She is licensed to practice law in Iowa and Illinois.

Emily is actively involved in a number of professional associations at the national, state and local level. She served on the Iowa State Bar Association (ISBA) Board of Governors for several years. She currently serves as Chair of the ISBA Diversity & Inclusiveness Committee. She served on the ISBA Administrative Law Section Council and continues to serve on the ISBA Government Practice Section Council. Emily currently serves in leadership roles for NCALJ (National Conference of the Administrative Law Judiciary) for the ABA's Judicial Division. Emily served on the board of NAWJ (National Association of Women Judges) and currently serves as Co-Chair of the NAWJ Administrative Judiciary Committee. She served on the board for NAUIAP (National Association of Unemployment Insurance Appeals Professionals). She is a long-time member of the Iowa Supreme Court's Interpreter Advisory Committee. Emily is a long-time active member of the Infinity Project, a multi-state group advocating for gender equity on the bench throughout the 8th Circuit.

Emily served as President of the Polk County Bar Association in 2014-2015 and on the PCBA Board for many years. Emily continues to serve as an active member of the PCBA Law Day Committee and the PCBA Bench Bar Committee. She currently serves on the PCBA VLP Board. Emily served a two-year term as President of the Blackstone Inn of Court from 2017-2019. She's served on the I.O.W.A. (Iowa Organization of Women Attorneys) board in various roles over the years. She planned I.O.W.A.'s celebration of the 150th Anniversary of the first woman admitted to practice law in the U.S.: Arabella Babb Mansfield, in Mt. Pleasant, Iowa, on June 15, 1869. The 150th Anniversary celebration took place in the very room where Arabella Mansfield was sworn in as a member of the Iowa bar.

Emily frequently presents CLE programs on a variety of topics, focusing on diversity, equity and inclusion; the importance of preserving the rule of law; voting rights history; language access; judicial ethics on and off the bench; and administrative hearing processes.



Hon. Jennifer Gee – Retired Chief ALJ, U.S. Department of Labor

Jennifer Gee was the District Chief Judge for the U.S. Department of Labor Office of Administrative Law Judges' office in San Francisco from 2007 to 2019 when she retired. She practiced law with the U.S. Equal Employment Opportunity Commission for 8 years as a trial attorney, specializing in employment discrimination before becoming a judge. She has been a judge since 1982 spending 11 years with the U.S. Merit Systems Protection Board hearing personnel-related cases involving Federal employees, 6 years with the California State Bar Court hearing attorney discipline cases, 2 years with the California Department of Insurance hearing insurance regulation cases, and 1 year with the Office of Hearings and Appeals for the Social Security Administration hearing Social Security disability benefits cases. She joined the Department of Labor in 2002 and became the District Chief Judge in 2007. At the Department of Labor, she presided over formal hearings under 80 diverse, labor-related statutes and regulations, including the Longshore & Harbor Workers Compensation Act, the whistleblower protection provisions of over 14 different statutes such as the Clean Air Act, Energy Reorganization Act, Toxic Substances Control Act, and Sarbanes-Oxley Act of 2002, and other statutes relating to alien certification, child labor laws, civil rights, and minimum wage disputes.

She obtained her B.A. degree in computer science from the University of California at Berkeley and earned her J.D. from the University of California Berkeley School of Law. She has taught numerous continuing legal education courses in ethics, employment discrimination, and MSPB law and has been a speaker at conferences for the American Bar Association, the California State Bar, the National Association of Women Judges, the National Association of Administrative Law Judges, and the Federal Administrative Law Judge Conference. She served on the board of directors of the National Association of Women Judges from 1997-1999. In 2011 she was awarded the NAWJ Mattie Belle Davis Award which is given to a member who has gone above and beyond her role as a member and volunteer to help make a difference in NAWJ.

She has been on the faculty of the National Judicial College since 1994, teaching classes for administrative law judges about decision writing, bias, self-represented litigants, ethics, and hearing techniques. In 2018, she was awarded the National Judicial College's Robert Payant Award for teaching excellence. She served on the Faculty Council of the National Judicial College from 2014 through 2019 and served as its secretary for part of her term.

Hon. Theresa Timlin – ALJ, U.S. Department of Labor

Judge Timlin is the District Chief administrative law judge for the Cherry Hill, NJ District Office of the Office of Administrative Law Judges (OALJ) at the US Dept. of Labor. Judge Timlin received her undergraduate degree from Bryn Mawr College, her Master's Degree in education from the University of

Pennsylvania, and her law degree from Northeastern University School of Law. She started her legal career as a staff attorney with the U.S. Court of Appeals for the Third Circuit concentrating on cases involving appellate jurisdiction, constitutional law, civil and criminal procedure, habeas corpus, and civil rights. She next worked for the Office of the Regional Solicitor, US Dept. of Labor, where she litigated cases on behalf of OSHA, MSHA, and OWCP before OALJ and in federal district courts. Judge Timlin then transferred to the Office of Federal Contract Compliance Programs, where she served as Director of Planning and subsequently as Director for Regional Operations before her selection as an ALJ with the Social Security Administration. Judge Timlin joined OALJ in 2009 and has been the DCALJ for the Cherry Hill district office since March 2020.

INTRODUCER & FACILITATOR:

Hon. Emily Chafa

PRODUCERS:

Hon. Emily Chafa

Hon. Susan Formaker