

ABSTRACT

Hon. Bruce H. Johnson
*Strengthening Professionalism Within An Administrative
Hearing Office: The Minnesota Experience*

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Abstract by Peter J. Hack

By reviewing progress in the Minnesota Office of Hearings, this article seeks to provide suggestions for improving the professionalism of administrative law judges. The article begins with a history of administrative law in Minnesota. The introduction tracks the development of rulemaking reform through the 1960s and 1970s. Minnesota's version of a central panel was first established as the Office of Hearing Examiners in 1975. This early version took various steps to shield both the chief examiner and the other examiners from political influence. The office was divided into three units based on the subject matter backgrounds of the examiners. This division led to insular attitudes among the various units. Over the past twenty years, however, this division has broken down as the departments began to cross assign hearings. The author concludes that the break down in division has led to increased collegiality and cooperation in the office.

The author then begins to trace the development of the compensation structure within the office and its effects on the hearing officers. The complex nature of the compensation plan helped to shield hearing officers from professional accountability. A 1997 state act, however, raised the salaries of hearing officers and opened the debate on how to make the hearing officers more accountable. The author indicates that information concerning the hearing officers is now gathered from those appearing before the board. This information is then available to the judges and their mentors. Next the article traces the increasing access that judges have to continuing professional education programs.

The next section of the article discusses which ethical standards apply to the administrative judges. Although the office was originally not subject to any specific set of ethical standards there has been a slow movement to placing the administrative judges under the states ethical code applying to judges. In 2000 the state legislature did so. The final section of the article discusses the funding for the hearing system. In conclusion the author suggests that as administrative law judges become more like the regular judiciary they gain in public respect and professionalism.