INTRODUCTION

1 A Path to Impartiality
By Judge John C. Allen IV
As an integral part of the executive branch, the administrative law system must be able to act independently to remain impartial and free from corruption. Authors in this issue of The Judges’ Journal speak to the daily trials of their profession and also the philosophical underpinnings of adjudication, including the government that hires them.

FEATURES

WAYMAKER

4 An Interview with Judge Joan Lefkow
By Judge Willie J. Epps Jr.
Judge Joan Lefkow wanted to become a judge since law school and has gone on to serve as a judge in many capacities, most recently at the federal level. She was also instrumental in the passing of the Court Security Improvement Act after suffering a horrific crime against her family.

6 ALJ Independence Under the Federal Administrative Procedure Act in the Wake of the Supreme Court’s Decision in Lucia v. SEC
By Judge Michael Devine and Judge Erin Wirth
The appointment process for federal ALJs has changed significantly in the wake of the Lucia decision. The authors explain those changes and identify additional areas that may be impacted, including the power to remove ALJs.

10 Representational Accommodation in Washington’s Administrative Hearing Process
By Judge Johnette Sullivan and Judge Pamela Meotti
When a disabled self-represented party is unable to meaningfully participate, judges need a process that allows them to comport with the mandates of the Americans with Disabilities Act, respect a party’s privacy rights, and avoid ex parte communication. The State of Washington has taken a significant step forward to adopt such a process.

14 Professional and Occupational Licensing Reform—One Small Step at a Time: An Update from Louisiana
By Emalie A. Boyce
Louisiana's Division of Administrative Law, as a centralized state panel, is making strides in reforming professional and occupational licensing. The author explains the reasons that have prompted reform and Louisiana’s recent related legislation.

19 The Scope of the Removal Power Is Ripe for Reconsideration
By Richard J. Pierce Jr.
The U.S. Supreme Court should hold that the president must have the power to remove at will an officer who performs executive functions vested in the president by Article II. However, the Court should also hold that due process forbids the president from removing officers whose sole responsibilities are to preside in hearings to adjudicate disputes between private parties and the government.
24 Lead Us Not into Temptation: Should Attorneys Who Contract to Provide Administrative Adjudication Services Be Insulated from Those Who Compensate Them? 
By Thomas Grippando
Administrative law judges are often private attorneys acting as independent contractors who are not protected by civil service laws. Skepticism of the judge’s ability to adjudicate may arise, as the government agencies that hire them could have an interest in the outcome of the litigation.

32 Vicarious Trauma in the Courtroom: Judicial Perceptions of Juror Distress
By Dawn E. McQuiston, M. Dylan Hooper, and Abbey E. Brasington
Jury duty can be a stressful and traumatic experience, particularly when it involves a lengthy trial, being sequestered, or cases including disturbing testimony, gruesome details, or emotional evidence. In an exploratory study, 13 South Carolina circuit court judges were interviewed about the psychological health of jurors and susceptibility to symptoms of secondary traumatic stress.

40 Ethics and Judicial Independence in an Executive Branch Judiciary
By Marla N. Greenstein
Articles in this issue raise the many challenges to the independence of administrative law judges, but hopefully states’ adoption and application of Model Codes of Conduct will help these judges to remain free from outside influence.

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