In 1981, there were only seven central panel systems operating in the United States. Today, more than thirty states and municipalities have adopted the central panel approach to administrative adjudication. What led to the movement’s growth, how are central panels currently operating, and what are the pros and cons of the approach? We turn to the research of Malcolm C. Rich, J.D., and Alison C. Goldstein, MPH, for the answers.

In 1983, Mr. Rich and Wayne E. Brucar published *The Central Panel System for Administrative Law Judges: A Survey of Seven States*. In the current issue of *The Journal of the National Association of Administrative Law Judiciary*, Mr. Rich and Ms. Goldstein describe the findings of their new research. The authors’ goal is to document the growth of the central panel movement and to provide data-informed recommendations to states considering central panels or contemplating more final decision-making authority for their central panel ALJs. The work is also intended to inform the debate over whether the central panel approach is something the federal government should consider. *The Need for a Central Panel Approach to Administrative Adjudication: Pros, Cons, and Selected Practices*, 39 J. Nat’l Ass’n Admin. L. Judiciary 1 (2019).
Addressing the development of the central panel system, Mr. Rich and Ms. Goldstein describe the legislative battles fought to create the central panel agencies which often led to selected agencies being exempted in order to avoid potentially deadly political conflicts. Sometimes agencies opposed the central panel system, sometimes unions opposed, sometimes differing viewpoints between the executive and legislative branches led to a particular compromise. But a consistent tension was always whether an ALJ should be a specialist or a generalist. And always lurking in the background was the question of whether an ALJ should have final decision-making authority. However, no state that has adopted a central panel has returned to its previous practice. Once the political question of prior agency autonomy was resolved by legislative mandate, there was little challenge in the execution of that mandate.

As part of their research, Mr. Rich and Ms. Goldstein surveyed and interviewed central panel directors, ALJs, practitioners, and agency personnel nationwide. The article addresses such issues as fairness, due process, efficiency, and cost reduction with the central panel approach. For example, the article explains how central panels are currently funded: some through the agencies that refer cases, others through independent funding from the state’s general assembly. The authors also describe how directors are appointed and given administrative control and how ALJs are hired, trained, supervised, and evaluated. The report includes the results of the authors’ survey and a case study of Georgia’s law granting ALJs final decision-making authority in all contested cases.

Mr. Rich’s and Ms. Goldstein research is important, thorough, and fascinating. We encourage you to read the article and the other articles in this edition of The Journal, including Beauty Shouldn’t Cause Pain: A Makeover Proposal for the FDA’s Cosmetics Regulation, by Lauren Jacobs, and Puff Puff Pass the Legislation: A Comparison of E-Cigarette Regulations Across Borders, by Rachel E. Zarrabi.

Available at:  https://digitalcommons.pepperdine.edu/naalj/vol39/iss1/1Volume 39, Issue 9 (2019).

Call for Submissions:

To submit a case summary for publication or any questions about This Month in Administrative Law, please contact Hon. Mary Shock @ mary.shock@maryland.gov