

Chair's Message - Administrative & Regulatory Law News, Summer 2011

When a race car driver in the lead nears the finish line, he may be tempted to accelerate even more, to increase his lead and ensure victory. Yet even in the final turn, he must continue to balance passion with prudence. In this year's Indianapolis 500 race, the rookie driver leading the race in the final turn to the finish lost focus for a moment, hit the wall, and crossed the finish line -- in second place.

Happily, in 2011, our Section has continued to lead the pack with a variety of substantial accomplishments. With respect to House of Delegates resolutions, which are a critical means by which the Section shapes not only ABA policy but the development of sound administrative law and practice, we now have two significant resolutions slated for consideration at the Annual Meeting in Toronto. One resolution, stemming from our Federal Lobbying Laws Task Force report, recommends significant changes in the Lobbying Disclosure Act and other federal statutes. The other resolution recommends application of the Immigration and Nationality Act, so that persons outside the United States can pursue motions to reopen or to reconsider deportation proceedings on the same basis and subject to the same restrictions that apply to persons who file such petitions from within the United States. If both of these resolutions are adopted in August, our Section can rightly claim credit for three significant resolutions this year.

We also have had a sustained stream of outstanding Continuing Legal Education programs this year, including the March 2-3 Homeland Security Law Institute, which had more than 225 registrants and nearly 100 speakers; the April 8 Spring Meeting panels on ethics, wine law, and securities law; and the May 2-3 Spring Institute, which had more than 175 registrants. Looking ahead, we have five CLE programs scheduled for August 4-5 during the Annual Meeting, each including Canadian speakers and content appropriate for our Toronto venue. Last Retiring Chair Bill Luneburg will moderate a panel on regulation of lobbyists' political activities; former Section Chair Jim O'Reilly will moderate a panel on U.S. and Canadian alternatives to FOIA; Health and Human Services Chair Tim Aspinwall will moderate a panel on access and quality issues on health care reform; former Section Chair Janet Belkin will moderate a panel on the law and politics of health care reform; and Chair-Elect Jamie Conrad will moderate a panel on chemical regulation in Canada.

Section publications also continue to set high standards, due to the continuing diligence of Publications Committee Chair Bill Jordan and his Committee members. The Section's new book on the law of counterterrorism - for which Lynne Zusman deserves

special thanks for proposing the topic and shepherding it through the drafting process - is now going into production. Another new book, on the Federal Tort Claims Act, is well along in the drafting process. In addition, we recently received welcome news that two publishers, Hein and Westlaw, will offer electronic copies of past volumes of the annual Developments book. Finally, the Section can take pride in its growing online visibility. Our revamped Section webpages, our Section blog, *Notice and Comment*, and our Facebook page have substantially expanded the channels through which members and non-members can access Section content and news.

Because our CLE offerings and publications play such a vital role in improving the Section's non-dues revenue, I must note that the ABA's proposed project for controlling the volume of email has been and will remain a subject of substantial concern for us and for other Sections, Divisions, and Forums well beyond August. There is widespread recognition that the volume and duplicative nature of ABA-related emails cause substantial annoyance for some members. But the potential ramifications of the ABA project, which would include eliminating Sections' ability to access member email lists and market directly to ABA members, could dramatically affect our and other Sections' ability to market our programs and publications. I have been serving on the Oversight Team that was established to monitor the development of the email project, and will continue to ensure that the Section's voice is heard in various quarters on these issues.

While I have not yet reached the finish line as Section Chair, I want to offer special thanks to the Section's Officers and Council members, Committee Chairs and Vice-Chairs, and staff - most notably Section Director Anne Kiefer -- for their guidance and support throughout this year, and for their continuing dedication to the work of the Section and the betterment of administrative and regulatory law and practice. When I make my final turn into "Pit Row," I know that the Section, under the able leadership of Section Chair-Elect Michael Herz, will continue to be a cynosure within the ABA and a fount of expertise and guidance for regulatory practitioners and scholars everywhere.

Jonathan J. Rusch

Chair, Section of Administrative Law & Regulatory Practice

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