I am honored to serve this year as Chair of the Section on Administrative Law and Regulatory Practice. I will seek to build upon the stewardship of Chair Emeritus Renée Landers, who successfully led the Section through a challenging period of transition. Renée’s commitment to open discussion and comity among members helped guide the Section. Her leadership and tireless work is reflected in the Section’s many accomplishments this past year. Looking ahead, the challenges and opportunities continue.

Challenges Presented by Generational Transformation. The ABA, like many other traditional voluntary associations, has experienced a decline in membership driven by a generational transition. Baby Boomers are retiring and participating less in formal group activities. Fewer Millennials are joining centralized non-profit organizations, and are gravitating instead to different forms of internet-based communication and personal interactions. The confluence of these demographic trends has contributed to declining ABA membership. Each ABA section—including ours—will have to find ways to reduce its expenditures and to design initiatives, tailored to its unique strengths, to attract new members.

We hope to do that by doubling down on your talents. The Section’s greatest asset is the intellectual firepower of its members. No other association can match your collective experience with administrative law, regulatory issues, and related APA and constitutional litigation.

I believe that providing you, our members, with the chance to learn from seasoned professionals and to showcase your analytical and presentation skills before interested and discerning audiences is the best way to promote the long-term health of the Section. Potential members will give their time if it fits with their intellectual interests, builds their reputation among their peers, helps develop their practice, and provides opportunities to develop a cohort of supporters who can be of assistance to each other throughout their careers. The Section offers these value-added benefits; the challenge is to connect and reconnect with potential members so that they may experience it firsthand.

Opportunities Presented by Trump Administration Initiatives. The Section has long served as a meeting place for lawyers with diverse views about the appropriate operation of the administrative state and of government lawyers who have hands-on experience creating and implementing new policy. Their interactions, both formal and informal, have stimulated cutting-edge scholarship and policy recommendations for the operation of government, as well as important practical advice about how best to address obstacles that inevitably will be encountered and how to serve the public interest.

There will be ample opportunities for the Section to showcase the skills of its members over the next few years. The Trump Administration is pursuing initiatives in the administrative and regulatory fields that will have substantial impacts on the public operation of the Executive
Branch. Members of our Section, with their depth of experience in these areas, will have strong professional interests in these developments and a desire to express their ideas publicly to inform policy debates.

In the first year, many of the Trump Administration’s regulatory policies have pursued revisions or repeals of Obama Administration decisions. To date, the agencies’ efforts have produced relatively few final agency actions that are ripe for review in court. In the interim, a round of preliminary litigation has erupted over agency attempts to: delay the effective dates of Obama-era rules; change statutory interpretations and enforcement policies; discontinue defense of Obama decisions in court and have rules remanded for agency reconsideration. The intensity of these initial skirmishes suggests that there will be a multi-year war of attrition on the regulatory litigation front as final decisions are issued and challenged. These issues will play into members’ depth of knowledge about litigating under the APA. The final agency decisions will in many instances—especially where extensive scientific analysis is involved—be based on administrative records compiled by the agencies under the Obama Administration. By the time this unique wave of litigation has ended, there will be a well-developed jurisprudence applying the Supreme Court’s 1983 *State Farm* decision concerning judicial review of deregulatory actions.

The Section needs to be prepared to take advantage of this flurry of cutting-edge activity to show administrative lawyers the benefits of joining and participating in its activities. The best way to do so will be for the Section to organize a series of forward-looking programs to provide members with opportunities to write and speak about these developments. Through its committee structure, the Section is well-positioned to develop educational programs and provide avenues for publication of articles to assess these developments and explain their likely effects on the public. For example, the Section will present a series of programs in 2017-18 to discuss the significance of Supreme Court decisions that will affect the operation of the administrative state. The leadership of the Section is committed to helping members find forums for presenting their views to the legal community.

The Section started the process of assessing developments under the Trump Administration in its annual Administrative Law Conference held in Washington, D.C. on October 19-20. The highlight of the Fall Conference, as always, was our signature Developments program, in which Section members presented a comprehensive analysis of significant actions taken by the Legislative, Executive, and Judicial Branches in the administrative and regulatory fields. The Conference paid particular attention to President Trump’s Two-for-One Executive Order, which requires agencies to modify or eliminate two existing rules for each new regulation they issue. The panels also discussed the Order’s requirement that the Office of Management and Budget establish a regulatory budget, which would, for the first time, establish an internal Executive Branch policy limit on the total costs that an individual agency may impose on the private sector across that agency’s entire portfolio of rules.

At the Conference, several Awards were presented to Section members for past and current contributions to the Section, including:

- The Senior Fellow Award to Sally Katzen for 40 years of dedicated work in developing a process for promoting informed regulatory decisions.
- Fellow Awards to Deputy Secretary of Transportation Jeff Rosen and ACUS General Counsel Shawne McGibbon.
- Volunteer of the Year Award to Andrew Emery for organizing a series of successful Fall Conferences.
- The Gelhorn-Sargentich Law Student Essay Award to Laura Dolbow.
- Section Awards for Scholarship in Administrative Law to Adrian Vermeule and Eloise Pasachoff.

I hope that the presentations at the Fall Conference generated momentum on which the Section and its Committees will build in the upcoming year. I look forward to working with our members to make the Section a vibrant source of ideas and a value-added experience.

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**The Editorial Board of ARLN Welcomes Submissions**

If you would like to contribute an article, please contact David Rubenstein at david.rubenstein@washburn.edu.