



*Section of Administrative Law & Regulatory Practice*

# SPRING CONFERENCE

## THE ADMINISTRATIVE AGENCY IN AN ELECTRONIC AGE



**Princeton University**  
**Princeton, NJ**  
**April 20, 2012**

*Co-Sponsors*



CENTER FOR  
INFORMATION TECHNOLOGY POLICY  
AT PRINCETON UNIVERSITY



PROGRAM IN  
**LAW**  
AND  
**PUBLIC**  
**AFFAIRS**



## SPRING CONFERENCE SCHEDULE AT A GLANCE

FRIDAY, APRIL 20, 2012		
TIME	SESSION	LOCATION
9:30 am – 10:15 am	Continental Breakfast & Registration	Friend Center Convocation Room, Princeton University
10:15 am – 10:30 am	Welcome and Introductions	Friend Center Convocation Room, Princeton University
10:30 am – 12:00 pm	Maximizing the Value of Agency Websites <b>(NON-CLE PANEL)</b>	Friend Center Convocation Room, Princeton University
12:00 pm – 1:30 pm	Lunch Keynote: Technological Transformations And Public Value: The Case of Open Government by Theresa A. Pardo <b>(NON-CLE PANEL)</b>	Friend Center Convocation Room, Princeton University
1:45 pm – 3:15 pm	Effective Public Engagement in eRulemaking and Beyond <b>(CLE PANEL)</b>	Friend Center Convocation Room, Princeton University
3:15 pm – 3:30 pm	Break	
3:30 pm – 5:00 pm	Ubiquitous Monitoring, Information Flows and Privacy <b>(CLE PANEL)</b>	Friend Center Convocation Room, Princeton University
5:00 pm – 5:45 pm	Reception	Friend Center Convocation Room, Princeton University
9:30 pm – 10:30 pm	Chair's Hospitality Suite	Laurie House Living Room, CHCC

SATURDAY, APRIL 21, 2012		
TIME	SESSION	LOCATION
8:00 am 8:30 am - 12:00 pm	Continental Breakfast Council Meeting	The Barn, CHCC
12:00 pm – 5:30 pm	Free Time to Explore Princeton	
6:30 pm – 9:30 pm	Reception and Dinner with Special Guest Jonathan Oberlander	Upper and Lower Brodsky (Reception) and Sundial Room (Dinner), CHCC
9:30 pm – 10:30 pm	Chair's Hospitality Suite	Laurie House Living Room, CHCC

SUNDAY, APRIL 22, 2012		
TIME	SESSION	LOCATION
8:00 am 8:30 am - 12:00 pm	Continental Breakfast Council Meeting	The Barn, CHCC

**\*CHCC = Chauncey Hotel & Conference Center**

## Program Faculty

### **Michael Herz, PROGRAM CHAIR**

Chair, ABA Section of Administrative Law and Regulatory Practice, Visiting Research Scholar, Program in Law and Public Affairs, Princeton University, Princeton, NJ, Arthur Kaplan Professor of Law, Cardozo School of Law, New York, NY

### **Cary Coglianese**

Edward B. Shils Professor of Law and Professor of Political Science; Director, Penn Program on Regulation, University of Pennsylvania Law School, Philadelphia, PA

### **Kathy P. Conrad**

Principal Deputy Associate Administrator, GSA Office of Citizen Services and Innovative Technologies, US General Services Administration, Washington, DC

### **Mariano-Florentino Cuéllar**

Professor of Law and Deane F. Johnson Faculty Scholar, Stanford Law School, Stanford, CA

### **Laura DeMartino**

Chief of Staff, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC

### **Neil R. Eisner**

Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, Washington, DC

### **Cynthia R. Farina**

William G. McRoberts Research Professor in Administration of the Law, Cornell Law School, Ithaca, NY

### **Edward W. Felten**

Director, Center for Information Technology Policy and Professor of, Computer Science and Public Affairs, Princeton University, Princeton, NJ

### **Gregg Macey**

Assistant Professor of Law, Brooklyn Law School, Brooklyn, NY

### **Theresa A. Pardo**

Director, Center for Technology in Government, and Associate Research Professor, Rockefeller College of Public Affairs and Policy, University at Albany, Albany, NY

### **Frank Pasquale**

Schering-Plough Professor in Health Care Regulation and Enforcement, Seton Hall University School of Law, Newark, NJ

### **Carol Ann Siciliano**

Associate General Counsel, U.S. Environmental Protection Agency, Washington, DC

### **Kevin Werbach**

Associate Professor of Legal Studies and Business Ethics, The Wharton School, University of Pennsylvania, Philadelphia, PA

### **Jeff Weiss**

Associate Administrator, Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, Washington, DC

## Meeting Registration

Register online or complete the registration form on the last page of this brochure. On-site registration will be available unless maximum capacity is reached. A credit card or check is required for on-site in-person registration.

Cancellations will be accepted without charge until April 13, 2012. No refunds are possible after that date - substitutions only. Email [antonia.martinez@americanbar.org](mailto:antonia.martinez@americanbar.org) or fax request to 202-662-1529.

Scholarships are available for meeting registration. Contact [anne.kiefer@americanbar.org](mailto:anne.kiefer@americanbar.org) or 202-662-1690 to request a scholarship. Decisions are based upon individual circumstances.

## Princeton University

All Friday programs will be held in the Friend Center Convocation Room (Room 113) at Princeton University. Visit Princeton's website for [driving directions](#) and a [map of the campus](#).

## Chauncey Hotel & Conference Center Hotel Block

Chauncey Hotel & Conference Center Address: 1 Chauncey Road, Princeton, NJ 08541. Phone: 609-921-3600. Fax: 609-683-4958  
The Chauncey Hotel has reserved a small block of rooms for the nights of Friday, April 20th and Saturday, April 21st at a rate of \$126.00 per night plus taxes. Reservations can be made by calling the hotel directly or online [here](#). Refer to the "ABA Section of Administrative Law and Regulatory Practice's 2012 Spring Conference" for the group rate. Reservations must be made no later than Friday, March 23, 2012 at 5:00 pm (EST). Cancellations must be made 72 hours in advance of arrival to avoid a one-night cancellation charge. Check-in is 3:00 pm and check-out is 12:00 pm. Contact the hotel directly for any special needs or accommodations during your stay.

Council meetings will be held at the Barn at the Chauncey hotel. Chair's hospitality gatherings will take place at the Laurie House.

## Section Dinner and Reception at the Chauncey

The Section Dinner and Reception will be on Saturday, April 21 from 6:30 pm to 9:30 pm at the Chauncey Hotel. The reception will be held in the Upper and Lower Brodsky and dinner will follow in the Sundial Room.

## Continuing Legal Education (CLE)

3 Hours of Professional Practice Credit have been requested, but cannot be guaranteed. Contact your state or local MCLE board to verify requirements. All CLE materials will be distributed on a flash drive at registration. Please contact [antonia.martinez@americanbar.org](mailto:antonia.martinez@americanbar.org) by April 6, 2012 if your local MCLE board/state requires a hard copy of materials.

## Special Needs?

Please contact Toni Martinez at 202-662-1582 or [antonia.martinez@americanbar.org](mailto:antonia.martinez@americanbar.org) to request accommodation for any special needs no later than April 6, 2012.

# Program Agenda

Friday • April 20, 2012

9:30 am – 10:15 am Continental Breakfast & Registration

10:15 am – 10:30 am Welcome & Introductions

10:30 am – 12:00 pm Maximizing the Value of Agency Websites

**Cary Coglianese, Kathy Conrad, Laura DeMartino, Jeff Weiss**



Federal agencies' primary point of contact with the general public and regulated entities is now the website. With the move online complete, this is an appropriate time to take stock, to review the value of agency websites for attorneys and their clients, and to chart future developments. This panel will do so, focusing on, among other things, current efforts at the Office of Management and Budget to revise its 2004 guidelines for agency websites and a recent recommendation for reform from the Administrative Conference of the United States.

12:00 pm – 1:30 pm Lunch



**Keynote Address: Technological Transformations And Public Value: The Case of Open Government**

**Theresa A. Pardo**

1:45 pm – 3:15 pm Effective Public Engagement in eRulemaking and Beyond

**Mariano-Florentino Cuéllar, Neil R. Eisner, Cynthia R. Farina, Carol Ann Siciliano**



The Internet allows direct public engagement with agency decisionmaking in a way never before possible. Electronic rulemaking is the dominant but not the only, and perhaps not the most important, locus for such engagement. Contrary to the expectations of many, the move online, which eliminates significant barriers to effective public participation, has not produced a significant increase in effective public participation. This panel will address what the remaining barriers are, how they might be overcome, and whether doing so is an important goal.

3:15 pm – 3:30 pm Break

3:30 pm – 5:00 pm Ubiquitous Monitoring, Information Flows, and Privacy

**Ed Felten, Gregg Macey, Frank Pasquale, Kevin Werbach**



Remote pollution sensors, cameras everywhere, GPS tracking devices, and similar advances enable monitoring that is ubiquitous, constant, exquisitely sensitive, and comprehensive, and the results of which can be widely and costlessly distributed. This panel will address the potentially profound consequences these developments have for regulatory activities. As monitoring becomes ever more complete and sensitive, what impacts does or should this have on substantive regulation? Do agencies regulate what they can monitor rather than monitoring what they regulate? Is it corrosive, or just effective, to crowdsource enforcement? Does the flood of monitoring information enable even greater use of information disclosure as a regulatory tool?

5:00 pm – 5:45 pm Reception



## 2012 Spring Conference CLE Programs & Section Dinner



April 20-21, 2012 | Princeton University & Chauncey Hotel | Princeton, NJ

<b>Registration:</b> Advance registration is required and space is limited. Programs are complimentary unless CLE credit is desired.
<b>Location:</b> Friday programs will be held at <b>Princeton University</b> , Princeton, NJ 08544. Saturday and Sunday programs will be held at <b>Chauncey Hotel &amp; Conference Center</b> , 1 Chauncey Road, Princeton, NJ 08541. Reception will be held in the Brodsky Art Gallery and dinner will follow in the Mallard Room.
<b>Cancellation:</b> Cancellations will be accepted without charge until April 13, 2012. No refunds are possible after that date - substitutions only. Email <a href="mailto:antonia.martinez@americanbar.org">antonia.martinez@americanbar.org</a> or fax request to 202-662-1529.
<b>Scholarships:</b> Contact Anne Kiefer <a href="mailto:anne.kiefer@americanbar.org">anne.kiefer@americanbar.org</a> or 202.662.1690 to request a registration Scholarship. Decisions are based upon individual circumstances.
<b>CLE:</b> 3 Hours of Professional Practice credit have been requested, but cannot be guaranteed. Contact your state or local MCLE board to verify requirements.
<b>Special Needs:</b> Please contact Toni Martinez at 202-662-1582 or <a href="mailto:antonia.martinez@americanbar.org">antonia.martinez@americanbar.org</a> to request accommodation for any special needs no later than April 6, 2012.

Name: \_\_\_\_\_

Administrative Law Section Member? Yes\_\_\_ No\_\_\_ ABA Member? Yes\_\_\_ No\_\_\_

ABA ID # \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Qty.	REGISTRATION TYPE	Total
	<b>Maximizing the Value of Agency Websites</b> Panel is complimentary; CLE is NOT offered for this panel.	<b>No Charge</b>
	<b>Box Lunch</b> Complimentary with Princeton ID; \$25 without Princeton ID.	
	<b>Effective Public Engagement in eRulemaking and Beyond</b> Panel is complimentary for those not requesting CLE Credit. With 1.5 hours CLE Credit: \$50 Section Members, \$75 Non-Section Members	
	<b>Ubiquitous Monitoring, Information Flows and Privacy</b> Panel is complimentary for those not requesting CLE Credit. With 1.5 hours CLE Credit: \$50 Section Members, \$75 Non-Section Members	
	<b>Section Dinner and Reception</b> \$90 per person. <i>If bringing a guest, please provide name here:</i> _____	
	<b>TOTAL REGISTRATION FEES</b>	<b>\$</b>

Payment by check or credit card is required at time of registration. Make checks payable to the American Bar Association. Return this form by EMAIL: [antonia.martinez@americanbar.org](mailto:antonia.martinez@americanbar.org) OR FAX: 202.662.1529 OR MAIL: Toni Martinez, ABA Section of Administrative Law, 740 15th Street NW, Washington, DC 20005.

### METHOD OF PAYMENT

Check (payable to "American Bar Association")       VISA       MasterCard       AMEX

Card Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Name on card: \_\_\_\_\_

**Would you like to be a Member of the Section of Administrative Law & Regulatory Practice?**  
Check here \_\_\_ to have the \$60 Annual Dues added to this invoice (must already be an ABA member).