

AD LAW NEWS EXPRESS

ABA SECTION OF ADMINISTRATIVE LAW & REGULATORY PRACTICE

Message from the Chair

The last few months have been busy ones for the Section, with programs dealing with representation of federal employees in EEOC proceedings, due process for veterans, the outlook for transportation legislation, hot topics for federal lobbyists, consumer product safety law and the resounding success of the Homeland Security Institute on March 3-4 (with well over 300 attendees). The next few months promise to be equally productive for the Section with various projects underway, including a study of agency compliance with the OMB's Good Guidance Practices Bulletin and preparation of comments on proposed FCC changes to their ex parte practice and other procedural rules, along with the Rulemaking Institute now scheduled for June 1 in Washington at the Capitol Hilton. Meanwhile, the Section's blue-ribbon Task Force on Lobbying Reform is focusing on a variety of possible changes to federal law, including new disclosure obligations, earmark reform, and possible restrictions on

lobbyist involvement in political fundraising.

The Section will hold its Spring Meeting at Nemaocolin Woodlands in Farmington, Pennsylvania. On Friday, May 14, there will be five programs offered: transparency and public accountability in health care policymaking in third world countries; global administrative law and the potential for Section initiatives in that area; opportunities for international missions involving administrative law for interested Section members; issues presented by the nuclear plant licensing process; and the constitutional challenge to the Sarbanes-Oxley Act of 2002 under the Appointments Clause and separation-of-powers principles (a decision by the Supreme Court in the case is expected by June). Business meetings of the Section will take place on the mornings of May 15 and 16, to include an ambitious agenda including presentation and Council consideration of a proposed three-year strategic plan for the Section. Saturday afternoon will be available for a multitude

of indoor and outdoor activities for all ages—indeed we hope that many attendees will be able to bring their families to Nemaocolin for a very enjoyable mini-vacation. A more detailed description of the programs and activities will be forthcoming in the next week or so.

Finally, planning is well underway for the Annual Meeting in San Francisco that will feature, among other things, a Saturday wine country tour capped by a multi-course/multi-wine meal at the famous Mondavi Winery. We hope that many Section members attending the Annual Meeting can join us for this wonderful event as well as the CLE programs (including one dealing with the *Citizens United* case on corporate political spending) and the Council Meeting.

Bill Luneburg
Chair



2010 Publications

- [The Realist's Guide to Redistricting: Avoiding Legal Pitfalls](#), J. Gerald Herbert, Paul M. Smith, Martina E. Vandenberg and Michael B. DeSanctis, Editors
- [Lawyers in Your Living Room! Law on Television](#), Michael Asimow, Editor
- [The Lobbying Manual, A Complete Guide to Federal Lobbying Law and Practice, 4th Edition](#), William V. Luneburg, Thomas M. Susman and Rebecca H. Gordon, Editors
- [Homeland Security, Legal and Policy Issues](#), Joe D. Whitley and Lynne K. Zusman, Editors
- [Developments in Administrative Law and Regulatory Practice 2007-2008](#), Jeffrey S. Lubbers, Editor
- [Administrative & Regulatory Law News](#), William S. Morrow, Jr., Editor
- [Administrative Law Review](#), Kevin Gauntt Barker, Editor

2010 Section Events are an Early Success

The Section of Administrative Law and Regulatory Practice has hit the ground running early in 2010 with seven CLE educational programs in nine weeks. We thank the committee chairs and program chairs responsible for these out-

standing programs and look forward to more excellent programming in the coming months.

Effective Representation of Federal Employees and Agencies at the Equal Employment Opportunity Commission

January 6, 2010

Produced by:

Government Operations and Personnel Committee

Chair: Joel Bennett

Highlights from this brown bag lunch include

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Staff News

Welcome Meghan Keivel! The Administrative Law Section welcomes Meghan Keivel as Program Assistant. Meghan comes to us from the University of Dayton. She may be reached at 202-662-1582 keivelm@staff.abanet.org

Event Recordings Available for Some Functions. Check the Section Calendar <http://www.abanet.org/adminlaw/calendar.html>

2010 Section Events are an Early Success

best practice tips from **Joel Kravetz**, Administrative Judge in the Equal Employment Opportunity Commission along with a panel discussion with Judge Kravetz and **Judge Kathryn Brown** moderated by **Joel Bennett**. The session was attended by 30 participants.

Due Process Issues in Veterans' Cases after *Cushman v. Shineski*

January 12, 2010

Produced by: **Veterans' Affairs Committee**

Chair: **Ron Smith**

Sponsor: **Finnegan, Henderson, Farabow, Garrett & Dunner LLP**

Sponsor Finnegan, Henderson, Farabow, Garrett & Dunner hosted over 60 in-person attendees along with 40 attendees in a webinar for a stimulating discussion of due process issues in veterans' cases.

Louis George, Esq. of the National Veterans Legal Services Program served as moderator of a panel discussion which included **James Barney, Esq.**, Finnegan Henderson, Farabow, Garrett & Dunner LLP, **Kevin Calia, Esq.**, Morrison & Foerster LLP, **Robert Chisholm, Esq.**, Chisholm, Chisholm and Kilpatrick, **Jamie Mueller**, Department of Veterans Affairs and **Professor Jeffrey Lubbers** of American University.

Section Council Meeting

January 23, 2010

Guest Speaker: **Cass Sunstein**

Cass Sunstein of the White House Office of Information and Regulatory Affairs addressed more than seventy section members attending the January Council Meeting at the Capitol Hilton. Reviewing the White House's agenda Sunstein welcomed the opportunity to talk with Section members about improvements in rulemaking and transparency issues. **Chair Bill Luneburg** was pleased with Section member participation and asked members to put the May 15-16th Council Meeting on their calendars now.

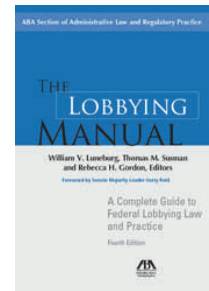
Lobbying Institute: Hot Topics for Lawyer-Lobbyists

February 17, 2010

Chair: **Bill Luneburg**

The First Annual Lobbying Institute earned rave reviews from the nearly fifty participants at this half day CLE program at ABA Headquarters. Program highlights included CLE programs on topics such as the Lobbying Disclosure Act, what you should know when hiring a lobbyist, professional responsibility issues for lawyer-lobbyists and congressional investigations. Presenters at this event were **William Luneburg** of the University of Pittsburgh, **Thomas Susman** from the American Bar Association, **Deborah Jeffery**, Zuckerman Spaeder LLP and **Stanley Brand** of the Brand Law Group. Program materials for this event included The Lobbying Manual by Section Chair William

Luneburg and Thomas Susman and Rebecca Gordon.



Consumer Product Safety Law Seminar

February 18th, 2010

Produced by: **Consumer Product Regulation Committee**

Chairs: **David Baker and Peter Winik**

This annual program held in conjunction with the International Consumer Product Health and Safety Organization drew several hundred participants who learned about fundamental consumer product safety law.

2010 Outlook for Transportation Legislation

February 18th, 2010

Produced by: **Transportation Committee**

Chair: **Jason Schlosberg**

This annual program drew thirty participants who heard representatives from the House and Senate review future and pending transportation legislation.

5th Annual Homeland Security Law Institute

5th Annual Homeland Security Law Institute

March 3-4, 2010

Produced by: **Homeland Security Law Institute Committee**

Chair: **Joe Whitley**
Vice-Chairs: **George Koenig**
and **Elizabeth Branch**

With the unprecedented participation of many of the significant key decision-makers responsible for this Nation's Homeland Security, both in the current Obama and the predecessor Republican Administration, the ABA Section of Administrative Law and Regulatory Practice carried out an extraordinarily successful 5th Annual Homeland Security Law Institute in Washington, D.C. on March 3-4, 2010. The Institute was led by Joe Whitley, first DHS General Counsel, and Chair, ABA Homeland Security Coordinating Committee. The program had 90 presenters and a distinct bi-partisan flavor.

Among the impressive list of participants were: former Speaker of the U.S. House of Representatives, Dennis Hastert, (stepping in for DHS Secretary Janet Napolitano at the last minute); Judge Michael Chertoff, former DHS Secretary; Craig Fugate, FEMA Administrator (and Cabinet Member); Ken Wainstein, former Asst to President Bush for Homeland Security and Counterterrorism; John Brennan, Asst. to President Obama for Homeland Security and Counterterrorism, and Deputy Director, National Security Counsel; Ivan Fong, current DHS General Counsel (as well as three of his predecessor DHS General Counsels); Valarie Caproni, FBI General Counsel; Rear Admiral Bill Baumgartner, Coast Guard Judge Advocate General; Admiral James Loy, former Coast Guard Commandant and DHS Acting Secretary and Deputy Secretary; John Bellinger, III,

former State Dept. Legal Advisor; Michael Fitzpatrick, Associate Administrator of OIRA (OMB); Stewart Baker, former DHS Asst. Secretary for Policy; Paul McHale, former Member of Congress and DOD Asst. Secretary; Ray Kelly, N.Y.C. Police Commissioner; David Trissell, current FEMA Chief Counsel; Ernie Abbott, former FEMA General Counsel; David Maxwell, President of the National Emergency Management Association; Neil Eisner, DOT Assistant General Counsel; Jim Turner, former Ranking Member on House Homeland Security and Armed Services Committees; and 29 other current or former high DHS officials, 6 law professors, and several members of Congressional staff serving House and Senate Government Operations, Intelligence, and Homeland Security committees.

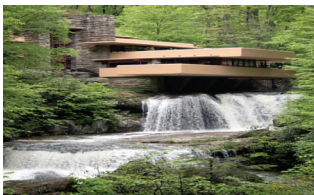
Contributed by: Otto Hetzel

Reflections on the 2010 Homeland Security Law Institute

"With the unprecedented participation of many of the significant key decision-makers responsible for this Nation's Homeland Security, both in the current Obama and the predecessor Republican Administration, the ABA Section of Administrative Law and Regulatory Practice carried out an extraordinarily successful 5th Annual Homeland Security Law Institute in Washington, D.C." **Otto Hetzel**

"Truly informative and cutting-edge presentations by an unprecedented number of current and prior Homeland Security decision-makers was the hallmark of the 5th Annual Homeland Security Law Institute." **Scott Rafferty, ESQ**

2010 Spring Conference is Quickly Approaching



While at Nemocolin Woodlands Resort, you can enjoy:

- Golf, spa visits, fly-fishing and Adventure Center
- Tours of Frank Lloyd Wright's *Fallingwater*
- Whitewater rafting
- Historical tours of the Fort Necessity National Battleground.

2010 Section of Administrative Law and Regulatory Practice Spring Conference

May 14-16, 2010

Nemocolin Woodlands Resort, Farmington, PA

[Click here to register](#)

"Nemocolin Woodlands Resort, located in the Laurel Highlands of Southwestern Pennsylvania, is one of only 21 hotels and resorts in the world to host AAA Five-Diamond lodging and dining."

Member News

Congratulations to **Hon. Jodi B. Levine**, Administrative Law and Regulatory Practice Section Benefit Committee Chair, for being awarded the 2010 Grassroots Advocacy Award. ABA President Carolyn B. Lamm will be presenting the award to Ms. Levine on April 21, 2010 at the Library of Congress James Madison Building.

Administrative Law “Rules” !!!

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Welcome to the Section of Administrative Law and Regulatory Practice! Section members are a unique mix of individuals from Congress, federal agencies, state and local governments, the judiciary, academia, and private and corporate practice. The mission of the section is to promote the sound development of local, state and federal administrative law, procedure and practice; and to promote regulatory reform. We hope that you will make the most of your membership investment by actively participating in section educational programs, serving on committees and task groups, and utilizing the resources of the Section. [Click here](#) for more information.



Section of Administrative Law & Regulatory Practice

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2010 Meeting/CLE Program Calendar

April 16, 2010

International Committee, Brown Bag Lunch, Chair: **Nancy Eyl**, ABA Headquarters, Washington, DC

May 14-16, 2010

[Spring Conference](#), Co-Chairs: Charles Demonaco & Margaret Krasik, Nemaocolin Woodlands Resort, Farmington, PA

May 15-16, 2010

Council Meeting and Publications Committee Meeting, Nemaocolin Woodlands Resort, Farmington, PA

June 1, 2010

[Sixth Annual Administrative Law and Regulatory Practice Institute](#), Chair: Michael Herz, Washington, D.C.

Aug 5-9, 2010

ABA Annual Meeting, Administrative Law Section Programs, Co-Chairs: Anne Joseph O'Connell & Tracy Genesen, San Francisco Marriott, San Francisco, CA

Aug 7-8, 2010

Council Meeting and Publications Committee Meeting, San Francisco Marriott, San Francisco, CA

Oct 21-22, 2010

Administrative Law Conference, Washington, DC

Oct 23, 2010

Council Meeting and Publications Committee Meeting Washington, DC

March 2-3, 2011

Sixth Annual Homeland Security Law Institute, Washington, DC

May 2011

Spring Conference, Charlottesville, NC

June 2011

7th Annual Administrative Law and Regulatory Practice Institute, Washington, DC

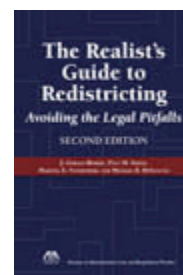
Aug 4-9, 2011

Annual Meeting, Administrative Law Section Programs, Toronto, Canada

Section Books

[The Realist's Guide to Redistricting: Avoiding Legal Pitfalls](#), 2nd Edition

By J. Gerard Hebert, Paul M. Smith, Martina E. Vandenberg and Michael B. De-Sanctis



[Homeland Security Legal and Policy Issues](#)

Editors: Joe D. Whitley and Lynne K. Zusman

