

# AD LAW NEWS EXPRESS

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ABA SECTION OF ADMINISTRATIVE LAW & REGULATORY PRACTICE

## A Message from the Chair



**By: Jonathan Rusch**

As a fan of Formula 1 auto racing, and new Section Chair, I am struck by the similarities between the skills required

of a Formula 1 driver and a Section Chair. A Formula 1 driver for Team Ferrari or Team Renault, for example, must plan the best line through hairpin turns and long straights, monitor changing track and weather conditions, and manage fuel consumption – all while working to secure the best possible finish for his team. Similarly, as exemplary Section Chairs like Bill Luneburg have shown, each new Chair must decide for Team ALRP the optimum course he would like to follow, adjust his plans to changing circumstances, and manage (with Budget Officer Ron Smith's able guidance) the expenditures of Section funds for new programs, events, and publications, in the hope of putting Team ALRP on the podium at the end of the race.

Before I discuss what lies ahead for the Section, a brief look in the rearview mirror is in order. During the past year, the Section has faced its share of challenges, but has had a series of noteworthy successes. Maintaining its tradition of outstanding CLE programs, the Section can take substantial pride in the 2009 Fall Conference, 2010 Homeland Security Law Institute, the Spring 2010 Rulemaking Institute, and most

recently the variety of programs the Section offered at the recent Annual Meeting in San Francisco. The Publications Committee, with Bill Jordan and Anna Shavers as Co-Chairs, continued its success in moving existing books to print and generating ideas for new titles.

To plot the Section's course for the coming year, we now have the advantage of the Strategic Plan that the Section adopted in San Francisco. That strategic plan sets out four goals: (1) to enhance the Section's role as the leading source of expertise in administrative law and regulatory practice; (2) to increase Section membership by a minimum of 800 new lawyers and 160 new law student members each year for the next three years; (3) to increase Section non-dues revenue by 25 percent over the next three years through increased publications; and (4) to actively develop new leaders to serve the Section in the future. Each of these goals is ambitious but achievable, with the active support of Section officers, Council members, and Committee Chairs.

Let me focus on two of those goals. While the Section enjoys widespread respect for its expertise on administrative and regulatory matters, collaboration with the reincarnated Administrative Conference of the United States (ACUS), and its Chair (and former Section Chair) Paul Verkuil, will be a vital task for the Section. We must also look for new opportunities to demonstrate the Section's expertise at national and international levels. Next year's Annual Meeting in Toronto will

provide the Section with a special opportunity to develop programs that bring together Canadian and U.S. regulatory experts and further demonstrate its expertise.

In addition, expanding Section membership will be a particular challenge for the Membership and Communication Committee, under the direction of its new Chair, Ken Hurwitz. To return to the Formula 1 metaphor, the Section cannot hope to regain lost ground by staying in second gear. We need to accelerate our efforts to reach out to various constituencies, including law students, young lawyers, public servants, and academicians. One approach – building on the success of former Section Chair Jim O'Reilly's recent Annual Meeting program on careers in administrative and regulatory practice – will be to have various Section leaders (including me) give similar presentations at law schools in multiple cities, typically around the times and places of our quarterly meetings.

Finally, although I have just left the starting position, I already know that my ambitious ideas would come to nothing without the outstanding staff behind Team ALRP: Section Director Anne Kiefer, Program Associate Rachel Rosen, and Program Assistant Meghan Keivel. Their tireless efforts keep the Team ALRP car in peak condition and make the driver's task look easy. I look forward to a enjoyable year behind the wheel.

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## Looking Back and Looking Forward

**By: William V. Luneburg**

I hope it is not imposing on your patience to ask you to read one last message from me, now the Last Retiring Chair. I would like briefly to focus on some of the more significant accomplishments of the Section over the last year and some of the issues that, to me, seem crucial for the future. Those accomplishments are indeed those of the Section, not mine, because at every point the efforts of many members were essential to the success we enjoyed. As always, throughout, Anne Kiefer and her staff, Meghan Keivel and Rachel Rosen, offered invaluable assistance and support.

The Section completed in August its strategic planning initiative for the next three years that focuses on 1) maintenance of the Section's preeminence as the source of expertise in administrative law; 2) increasing membership and revenue to support Section initiatives; and 3) nurturing the development of active members who can over time assume the mantle of Section leadership. In various respects, this agenda reflects some of the same goals being pursued by the ABA itself. Challenges will change as we go forward, requiring a continuing effort to update and adjust the Section's goals.

The Bylaws of the Section were amended in a variety of ways, some mere housekeeping, some more fundamental in terms of carrying out the strategic plan. For example, they now establish four standing committees of the Section: membership and communication; CLE and Skills programming; Publications; and Fundraising. Acting aggressively and creatively in each of these areas is crucial to the long-term success of the Section. Since these committees encompass fundamental Section functions, it seemed only appropriate that the Bylaws institutionalize their existence.

We have already made progress in several of the areas within the jurisdiction of these committees. The CLE speakers and panels at our quarterly meetings, at the Homeland Security Institute, the Rulemaking Institute, and the Lobbying Institute, along with freestanding programs, were both numerous and superb—an accomplishment that

belongs entirely to the organizers of all those events. And, overall, the attendance was very good, though that can be improved in the future through, for example, creative marketing efforts that can help us reach those most likely interested in the topics of our programs.

The Publications Committee has aggressively sought out new topics for Section books that will appeal both to Section members and non-members and, already, several new books are in the pipeline or close to that point. We must, however, find ways to reach beyond "the usual suspects" in marketing our publications; ABA membership cannot be the entire focus of our efforts since there are many that can use our books who are not ABA members, some of whom are not even lawyers (e.g. many lobbyists).

On the score of fundraising, which we often need to supplement attendance fees at events to cover costs, we raised over \$60,000 in donations (both money and in-kind contributions) that was essential to what turned out to be a budget surplus this year. We must do better in the future, hopefully securing commitments from private firms and other entities annually to contribute to those Section initiatives of greatest interest to them.

Finally, while the Section continued to experience some loss of members, a variety of initiatives are in place to reverse that trend in the future. What we have tried to do this year through the Ad Law Express and in other ways is to improve how we communicate with members so that they can see the value of Section membership. The redesign of the ABA webpage will hopefully allow committee chairs and co-chairs to keep their members abreast of developments in the areas of their specific interests and to solicit views of members on a variety of topics. Other initiatives are also underway to energize communication and news dissemination within the Section on a real-time basis; of particular importance is Chair Jon Rusch's experimental administrative law blog. Meanwhile, Jim O'Reilly has expended his considerable skills to encourage law student and young lawyer membership in the Section, including his book on CAREERS IN ADMINISTRATIVE LAW AND REGULATORY

PRACTICE along with various outreach efforts he has made to carry the message of that book to its intended audience. Finally, the institution this year of monthly leadership calls and the assignment of Council members as liaisons to report on committee activities will, hopefully, over time increase committee activity and, thereby, contribute significantly to members' sense that they are receiving significant benefits from their affiliation with the Section.

While the Section authored no recommendations that were put before the ABA's House of Delegates this year, we did issue a series of blanket authority letters, including ones dealing with the defunding of ACORN and its affiliates, the exclusion of lobbyists from federal advisory committees, and various issues arising from revision of the Model State Administrative Procedure Act (a process that was completed this summer). With all of the administrative activity at both the national and state levels involving health care, financial markets regulation, energy and other areas and with the reestablishment of the Administrative Conference of the United States, there will be a multitude of issues arising in the future where the Section's views and expertise can be brought to bear. But that will necessitate, in part, the alertness of committee leaders and their members to the possibilities for Section involvement as well as a commitment of their time to the development of the reports and other necessary material for Council action.

I hope you all found that last year was a successful one for the Section, if not in all, at least in some respects. There is, of course, always room for improvement. But the Section's future is a bright one. The benefits of membership will only increase as time goes by. As importantly, it remains a crucial source of expertise regarding the processes of governmental decision-making, an asset that can only increase in value in light of the challenges currently facing the Nation.

## 2010 Administrative Law Conference

2010 Administrative Law Conference



Capital Hilton, Washington, DC

2010 Administrative Law Conference

November 4-5, 2010

Capital Hilton, Washington, DC

Registration is now available for the 2010 Administrative Law Conference. This two-day premier

event features an exciting line up of CLE sessions by experts in administrative law. Highlights of this meeting include the annual "Developments in Administrative Law" program along with 20 CLE sessions on a broad range of administrative law issues.

This year's meeting will feature three interest area tracks on election law, immigration law and environmental law along with programs on administrative law and

other regulatory issues.

In addition the conference will feature several keynote addresses including White House Counsel **Bob Bauer**. Don't miss out on this unique opportunity!

Register today by calling Meghan Keivel at 202-662-1582 or [keivelm@staff.abanet.org](mailto:keivelm@staff.abanet.org).

[REGISTER NOW](#)

[VIEW PROGRAM BROCHURE](#)

## In Memoriam

On Sunday, August 8, 2010 the Council of the Section of Administrative Law and Regulatory Practice unanimously voted to support a resolution honoring Robin J. Arzt who passed away in June. Ms. Arzt was an active member of the Section serving as a Council member as well as co-chair of the Adjudication Committee.

### RESOLUTION IN MEMORY OF JUDGE ROBIN J. ARZT

WHEREAS our friend and colleague Robin J. Arzt, who passed away this past June 2010, well served the Section of Administrative Law and Regulatory Practice as a council

member and co-chair of the Adjudication Committee;

WHEREAS Robin, who was a Federal Administrative Law Judge in New York City, has long been active in advancing the knowledge of the general public and Congress about judging and administrative adjudication, and through her writing and actions has provided valuable insights and contributions on administrative adjudication and related issues;

WHEREAS Robin was known as a good and fair judge, a hard worker, and a good friend, who was an honor to her profession, her family and her colleagues; and

WHEREAS Robin will be much missed, including by her friends in the Section, the ABA, and the bar generally;

NOW BE IT RESOLVED that the Section expresses our deep sadness at Robin's passing and our condolences to her spouse, Isabella, and her family; and honors her memory for her numerous contributions to the American Bar Association, this Section, and the legal profession. We are honored to call her our friend and colleague.

August, 2010

## Section Announces New Officers and Council

### Section of Administrative Law and Regulatory Practice

2010-2011 Officers and Council

#### Officers

**Chair:** Jonathan J. Rusch\*  
**Chair-Elect:** Michael E. Herz\*  
**Vice Chair:** James W. Conrad, Jr.\*  
**Secretary:** Anna Williams Shavers\*  
**Budget Officer:** Ronald L. Smith\*  
**Section Delegates:**  
 Randolph J. May\*  
 Hon. John M. Vittone\*  
**Last Retiring Chair:**  
 William V. Luneburg.\*

\* Executive Committee Member

**ABA Board of Governors Liaison**  
 Peter A. Winograd

#### Council

##### Member 2011

Daniel Cohen  
 James P. Gerkis  
 Linda Ford  
 Steve Vieux

##### Member 2012

Cynthia R. Farina  
 Jeffrey B. Litwak  
 Fiona Agnes Philip  
 Jeffrey Rosen

##### Member 2013

Linda D. Jellum  
 Sudeen G. Kelly  
 Nina A. Mendelson  
 Jason Schlosberg

#### Ex-Officio

**State Administrative Law**  
 Edward J. Schoenbaum

**Executive Branch**  
 Michael A. Fitzpatrick

**Judiciary**  
 Brett M. Kavanaugh

**Legislative Branch**  
 James Park

**Administrative Judiciary**  
 Jodi B. Levine

**Law Student Division**  
 Richard Raiders

## Summary of Section Events at Annual Meeting

**By: Anne Joseph O'Connell**

The Section had a full schedule of CLE panels at the August annual meeting in San Francisco. The first panel addressed recent trends and developments in federal preemption.

**Tracy Genesen**, a partner at Kirkland & Ellis, moderated an interesting discussion of relevant issues, including the report from the ABA's preemption task force, between **Robert Gasaway**, also a partner at Kirkland & Ellis, and **Marc Melnick**, a Deputy Attorney General for the state of California. Gasaway, generally a proponent of preemption, argued that there should be no presumption against preemption. Melnick, generally an opponent of preemption, argued that there should be such a presumption and that states, including California, should be able to enact innovative regulations. The second panel, which discussed the role of the Federal Trade Commission in antitrust enforcement, was organized by **Lore Unt** and **Chong Park** from the Section's Antitrust and Trade Regulation Committee. After a thought provoking presentation about the FTC by **Commissioner J. Thomas Rosch**, Park questioned Rosch and **David Wales**, a partner at Jones Day with experience at the FTC and DOJ.

The third panel, on the appointments process and the constitutionality of the Public Company Accounting Oversight Board in the SEC, began early the second day. Gasaway moderated and provided some background on the Appointments

Clause. **Ken Starr**, now president of Baylor University (and past D.C. Circuit judge and Solicitor General), reflected on the recent decision in *Free Enterprise Fund v. Public Company Accounting Oversight Board* and on independent agencies more generally. I explained some of the considerable delays in the agency appointments process. And to tie the two topics together, **William B. Gould IV**, emeritus professor at Stanford Law School, detailed his fascinating experience running an independent agency, the National Labor Relations Board, in the Clinton administration as well as recounted his appointments process.



**Tony West**  
Photo by Jayms Ramirez

The fourth panel focused on the Civil Division at the Department of Justice. Moderated by Ninth Circuit Judge **Marsha Berzon**, Assistant Attorney General **Tony West** started off by detailing some of his division's priorities. **Robin Conrad**, a senior

executive from the U.S. Chamber of Commerce, and **Gregory Katsas**, a partner at Jones Day (and former AAG of the Civil Division in the preceding administration) then provided reactions to West's speech. The theme was largely one of continuity between the past and current administrations, at least in terms of national security concerns. The final panel, moderated by **Jeffrey Rosen**, a partner at Kirkland and Ellis (and former General Counsel of DOT and OMB), addressed whether the classic trio of cases—*Chevron*, *Vermont Yankee*, and *State Farm*—needed new thinking. **Lauren Baer**, an associate at Wilmer Hale, **William Eskridge**, a professor at Yale Law School, and **Connor Raso**, a doctoral and law student, made separate presentations about empirical work they have done on how the Supreme Court uses (or doesn't use) deference doctrines in agency interpretation cases. **Marc Kesselman**, a senior executive and General Counsel of Frito-Lay North American Division (and former General Counsel of USDA) then talked about how lower courts have applied (or not applied) deference doctrines in a range of cases.

In addition to the CLE panels, **James O'Reilly**, a professor at the University of Cincinnati School of Law and author of the 2010 ABA Press book, *Careers in Administrative Law and Regulatory Practice*, led a session for law students on how they can get jobs in state and federal agencies as well as in private organizations and firms that deal with administrative law.

## An Evening With The Section of Administrative Law

**By: Tracy Genesen**

This year's finale was the Section dinner held in the lush vineyards of the beautiful Robert Mondavi winery. Upon arrival, our hostess, **Genvieve Janseen**, took our 50 Section members on a fascinating behind the scenes tour of the Mondavi winery. Members spent time exploring the world famous Mondavi barrel room and learned about the art and science of wine making from cellar masters and wine makers. We were then ushered off to the Vineyard Room

terrace for hors d'oeuvres and special reserve wines. I am happy to report that the weather Gods were with us making the views all the more spectacular. As the sun set over Napa valley, we enjoyed a marvelous three course dinner with wine pairings in the intimacy of the Vineyard Room.

The highlight of this incredible evening was our dinner speaker, Ninth Circuit Court of Appeals **Judge William Fletcher**. Judge Fletcher gave an engaging and provocative speech

about the judicial confirmation process. Not surprisingly, his remarks provoked a very spirited discussion about needed reforms in this area. Finally, we bid a fond farewell to **Bill Luneburg** who did a fantastic job as our Section Chair this year. Bill was a tremendous leader and a good friend. He will be missed by all of us who were privileged to serve under him. Thank you to the **Mondavi Winery** for their generous sponsorship of the event.

## Law Student's Perspective on Section Membership and Participation

**By: Aaron von Flatern, 3L at Baylor Law School**

A few days ago, my wife's mentee, Jaquice, met the President of the United States during his stopover in Austin. Really it was just a touching of hands within a sea of hands, but the moment was captured in a photograph that was published in the *Austin American-Statesman*. The experience had a major effect on Jaquice.

"You should follow up with a thank-you letter," my wife later urged her on the phone. "Let him know that you want to meet him in Washington to discuss your ambitions."

Jaquice—a high school sophomore legitimately gunning for Columbia University—was enthralled with the idea. A chance meeting had raised her already high sights. She completed a rough draft of the letter within an hour.

Something like that happened to me at

the American Bar Association's annual meeting in San Francisco last week. I joined the Administrative Law & Regulatory Practice Section a few months ago thinking I would add it to my resume. I planned to do some volunteer work and maybe attend a few events in order to—perish the thought—network. In fact, I did volunteer. I did fly to San Francisco for the meeting. And I made some tremendous contacts. It was exactly the networking experience I had envisioned. What I did not expect, however, was to become a mentee myself, and to find inspiration I hadn't even realized I was missing.

A mere touching of hands, it turns out, can be all it takes to inspire. William Luneburg Jr., Anne Kiefer, Jonathan J. Rusch, Michael Herz, Michael Asimow, James T. O'Reilly, Kenneth Starr, Theodora Lee, Robert Gasaway, Robin Conrad, and many others whom I met—nationally prominent lawyers, authors, professors, judges, and gov-

ernment officials—all took the time to shake my hand and share their wisdom. They provided me insights into some of the most pressing issues in administrative law, and gave me concrete ideas for launching a meaningful career. Through their sincerity I came to see the critical importance of this field, as well as the colossal magnitude and urgency of the work still to be done.

Now, thanks to the Section, I look forward to my 3L year with renewed enthusiasm and great clarity of purpose. To law students considering Section membership or participation, I would say only: fifty percent of success in life is showing up. If you can't find a way to meet the President of the United States, show up here and meet the people who—if I may overstate it, and only slightly—are quietly running the world.

## Law Student Opportunities

**By: Rich Raiders, Law Student Division Liaison**

The Section of Administrative Law and Regulatory Practice is gearing up for another program year with a renewed emphasis on law student involvement. Section Chair Jonathan Rusch has identified several law student outreach activities that we will be implementing throughout the year.

First, section membership is free to all ABA student members. Just add the Admin Law section to your ABA membership on [www.abanet.org](http://www.abanet.org) and navigate to "My ABA." Section members get a variety of periodicals and discounts on ABA books, publications, and meeting registration fees.

Second, the Section is full of outstanding networking opportunities. The Section conducts the Administrative Law Conference in the Fall, the Homeland Security Conference and Lobbying Institute over the winter, the Spring Meeting in April as well as the ABA Annual Meeting in the summer.

Students are welcome to attend the meetings, network with the lawyer attendees, and learn about several areas of law. Practicing lawyers welcome students and take time to answer questions.

Third, students can learn about careers. Administrative Law reaches across the entire spectrum of legal career possibilities. The Section hosts job teleconferences, sells a book on government legal careers, and is planning a job fair at the Charlottesville, VA Spring Meeting. Watch for other employment related opportunities we're developing for later.

Fourth, students have the chance to work in emerging issues with member lawyers. The Section is regularly involved in cutting edge issues, including developing public comments on regulations proposed by some branch of the government or legislation being considered by Congress. We plan to invite students to work with Section Committees developing comments and legislative position papers.

Because these opportunities are time sensitive, we are also planning to extend social outreach like blogging to facilitate immediate communication with student members and students who hopefully become members after working with the Section.

In my time working with the Section, I've had several opportunities to write for very broad audiences, practice public speaking, show my organizational skills, and meet several lawyer mentors. The Section's attorneys are very willing to discuss career paths with students, offer suggestions for how students should position themselves for the best opportunities and give students a chance to show their emerging legal skills.

Students: please contact me at [r Raiders@temple.edu](mailto:r Raiders@temple.edu) with any questions. Committee chairs, please contact me when you begin an emerging project so we can seek student help for your projects. Thank you.

### Section Member Cited in Supreme Court Dissent

Justice John Paul Stevens in his dissent in *Monsato Co. v. Geerston Seed Farms* (No. 09-475) cited active Section member Ron Levin, Professor of Law at Washington University of Saint Louis. Stevens cites Levin's article "Vacation at Sea: Judicial Remedies and Equitable Discretion In Administrative Law" 53 Duke L. J. 291 (2003). The Section of Administrative Law and Regulatory Practice congratulates Ron for this professional achievement. To view complete text of the case, please visit <http://www.supremecourt.gov/opinions/09pdf/09-475.pdf>

## Family Winner of the 2010 NAALJ Foundation Fellowship



**Professor Jill Family**

The Section of Administrative Law and Regulatory Practice would like to extend our sincere congratulations to Immigration and Naturalization Committee Chair and active Section member, Jill Family for being named by the National Administrative Law Judiciary Foundation (NAALJ) as the 2010 Fellowship winner. Ms. Family is an Associate Professor of Law & Government at Widener University School of Law and is an expert on immigration law and policy having written many articles on the subject.

The NAALJ established the Fellowship to “encourage research

and scholarship for improving administrative justice”. As a winner of this prestigious award, Professor Family will have the opportunity to write an article entitled “The Lack of Transparency in Immigration Law and the Immigration Adjudication Crisis” which will examine the lack of transparency in immigration law and how it contributes to some of the problems plaguing the immigration and adjudication system. Ms. Family will deliver her findings at the 2010 NAALJ Annual Conference in Malibu, CA on October 10-14, 2010 at Pepperdine University.

## Section Names Award Winners at Annual Meeting

At the 2010 Annual Meeting Awards Dinner and Reception at the Mondavi Winery on August 7, 2010, the Section awarded both the 2009 and 2010 Chair’s Award for Outstanding Volunteer Service along with awards recognizing the service of four outgoing Section Council members.



**Joe D. Whitley**

Photo provided by Joe D Whitley

Section Chair William V. Luneburg selected **Joe D. Whitley** for the 2010 Volunteer of the Year Award in recognition of his outstanding work with the Administrative Law Section and in particular his work on the Homeland Security Law Institute, now

entering its 6th year, and the *Homeland Security Law and Policy Issues* book published by the ABA in 2009.

Joe is the former general counsel of the Department of Homeland Security and is a partner in the Atlanta and Washington, DC offices at Greenberg Traurig, LLP. The 6th Annual Homeland Security Law Institute will be held on March 2 and 3, 2011 at the Capitol Hilton in Washington, DC. [For more information please visit http://new.abanet.org/calendar/6th-annual-homeland-security-law-institute/Pages/default.aspx](http://new.abanet.org/calendar/6th-annual-homeland-security-law-institute/Pages/default.aspx)

The 2009 Volunteer of the Year Award was presented to **Jack Young** by Last Retiring Chair **Russell Frisby** on Sunday, August 8 during the Section’s Council Meeting. Jack has been a tireless advocate for the Section serving on the ABA Board of Governors and also serving as a Chair of the Section of Administrative Law and Regulatory Practice and as a leader of several ABA committees and initiatives including the Coordinating Committee on Veterans Benefits and Services. Jack is also the author of *International Election Principles* published by ABA Publishing. He is currently a partner at Sandler Reiff and Young and is a recognized expert in electoral recount law and dispute resolution.



**Jack Young**

Photo from sandlerreiff.com

Outgoing Council members **Cary Coglianesi**, **Richard Murphy**, **Paul Noe** and **Joe Whitley** also received plaques from Chair Luneburg recognizing their dedication to the Section as members of the Council.

Concluding the evening, Chair-Elect **Jonathan Rusch** honored outgoing Chair **Bill Luneburg**, presenting him with a plaque containing messages of gratitude from Section members recognizing his outstanding service to the Section.

The Section of Administrative Law extends its congratulates to all of this year’s award winners for their service and dedication to the Section.

## Section Upcoming Events!

### NEW! SEPT 8, 2010

Section Leadership Breakfast, Capital Hilton, Washington, DC

This is an organizational meeting for all Section Officers and Committee Leaders. Please contact Anne Kiefer at [kiefera@staff.abanet.org](mailto:kiefera@staff.abanet.org) or 202-662-1690 to indicate your attendance.

### NEW! OCT 13, 2010

Brown Bag Lunch Series on Regulatory Compliance, Data Quality Act, ABA Headquarters, Washington, DC. For more information contact Anne Kiefer, [kiefera@staff.abanet.org](mailto:kiefera@staff.abanet.org)

### NEW! OCT 19, 2010

Brown Bag Lunch Series on Regulatory Compliance,

Paperwork Reduction Act, ABA Headquarters, Washington, DC. For more information contact Rachel Rosen at 202-662-1528 or [rosenr@staff.abanet.org](mailto:rosenr@staff.abanet.org)

### OCT 30, 2010

Council Meeting, Publications Committee, Washington, DC

### Nov. 4-5, 2010

Administrative Law Conference, Capital Hilton, Washington, DC

Co-Chairs: Linda Ford and Elizabeth Getman

[VIEW PROGRAM BROCHURE](#)

### NEW! JAN 22, 2011

Mid-year Council Meeting, Washington, DC

### February 2011

Lobbying Institute Washington, DC

### March 2-3, 2011

6th Annual Homeland Security Law Institute, Washington, DC

[Click for more information](#)

### May 2011

2011 Spring Conference, Charlottesville, VA

### June 2011

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

### August 4-9, 2011

2011 Annual Meeting, Toronto, Canada, Council Meeting August 8-9, 2011

## Elena Kagan Confirmed as Next Supreme Court Justice



**Elena Kagan**, Solicitor General of the United States and former Section of Administrative Law Scholarship Award Winner was confirmed by the Senate on August 7, 2010 as the next Supreme Court Justice. Her article entitled "Presidential Administration," featured in the Harvard Law Review in 2001 was selected for the Section's prestigious Scholarship Award in 2002.

She joins Section members **Antonin Scalia** and **Stephen Breyer** on the highest court in the land. Congratulations Justice Kagan!

## Mock Hearing During IRR Meeting

Section member Jodi Levine will be sponsoring a Mock Hearing during the Individual Rights and Responsibilities Section Meeting in Memphis, TN on Thursday, October 20, 2010 from 10:00 am—12:00 pm at the Memphis School of Law, Moot Court Room. This event gives attendees the opportunity to observe what occurs during disability hearings, which

ordinarily are closed to the public due to privacy concerns. Volunteers play the roles of claimant, representative, medical expert, vocational expert, and judge to give the audience a sense of the format and issues addressed at actual hearings.

This is an excellent opportunity for law students

and young lawyers to gain exposure to the proceedings of real disability hearings. Issues set to be addressed during this session are mental health and HIV issues along with homelessness. To view complete information on the mock trial or the Individual Rights and Responsibilities Section Fall Meeting please visit, <http://www.abanet.org/irr/>.

## INTRODUCING FEDERAL REGISTER 2.0

Celebrating its 75th Anniversary, the Federal Register has launched Federal Register 2.0, a digital daily journal of the rules and regulations of our government. This new online resource contains a user friendly, easy to understand format which allows seasoned attorneys and the general public to

access the daily proceedings of the legislative and executive branches from their computers. It is divided into concise topic areas which allow users to easily access all information in the Federal Register. This new web format is in keeping with the Obama administration's initiative

for increased transparency in government.

The Office of the Federal Register has asked Section members to provide comments on the new format. Please review the site at <http://www.federalregister.gov/> and email comments to [Anne Kiefer at kiefera@staff.abanet.org](mailto:Anne.Kiefer@staff.abanet.org).





## Section of Administrative Law & Regulatory Practice

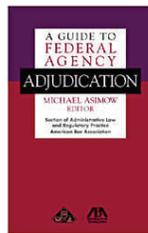
### Publications Spotlight

Until September 7, 2010 the Section of Administrative Law and Regulatory Practice is running special offers on some of its most popular publications. Don't miss out on these special offers. To order, contact Rachel Rosen at RosenR@staff.abanet.org or 202-662-1528.

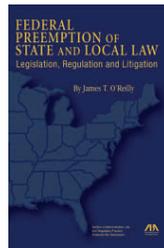
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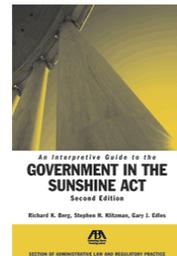
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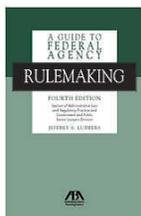


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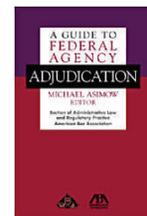
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