

# CHICAGO



**Annual Meeting  
Section of Administrative Law  
& Regulatory Practice  
July 30-August 2, 2009**

**Program Co-Chairs: Christine Franklin & Janet Belkin  
Section Chair: Hon. H. Russell Frisby  
Chair-Elect: William V. Luneburg**



**ABA**  
**Defending Liberty  
Pursuing Justice**

**Section of Administrative Law & Regulatory Practice**  
**2009 Annual Meeting CLE Programs, Section Events & Council Meetings**

**Thursday July 30, 2009**

**10:30 a.m. – 12:00 p.m.**

**ABA Presidential Showcase Program: Hot Topics and Recent Developments in Public Corruption Investigations & Government Ethics (CLE)**

*Sponsored by the Section of Administrative Law & Regulatory Practice and the Criminal Justice Section*

**REGENCY BALLROOM D, GOLD LEVEL, WEST TOWER, HYATT REGENCY CHICAGO**

This panel discussion - moderated by the Chair of the Illinois Reform Commission and featuring a highly regarded federal judge, DOJ Public Integrity prosecutor, noted defense counsel and ethics expert- will address issues that arise in high profile public corruption cases, including important ethical issues. Topics to be addressed include the corruption trial of former U.S. Senator Ted Stevens and issues arising in high-profile Illinois corruption cases involving George Ryan, Rod Blagojevich and Antoin "Tony" Rezko. *Co-Sponsored by the Government and Public Sector Lawyers Division.*

Moderator: Patrick M. Collins, Partner, Perkins Coie LLP, and chair of the governor-appointed Illinois Reform Commission

Panelists:

- Robert Cary, Partner, Williams & Connolly LLP, trial counsel for U.S. Senator Ted Stevens
- Hon. Paul L. Friedman, Judge, U.S. District Court for the District of Columbia
- Edward Genson, former attorney for impeached Illinois Governor Rod Blagojevich
- Hon. Abner J. Mikva, Chief Judge, U.S. Circuit Court of Appeals D.C. (Retired)

- Justin V. Shur, DOJ Criminal Division, Public Integrity Section, Washington, DC
- Hon. Amy St. Eve, Judge, U. S. District Court, Northern District of Illinois, who presided over the federal corruption trial of Antoin "Tony" Rezko

**2:00 p.m. – 3:30 p.m.**

**Energy Alternatives and Incentives for Clean Energy (CLE)**

*Co-sponsored by the ABA Standing Committee on Environmental Law, and the Section of Environment, Energy, and Resources*

**COLUMBUS HALL AB, GOLD LEVEL, EAST TOWER, HYATT REGENCY CHICAGO**

This session will focus on a group of practitioners who are dedicated to the development of the nation's alternative energy resources to meet America's domestic energy demands in an environmentally responsible manner while reducing the nation's dependence on imported energy sources and stimulating state and national economic development – all in a challenging and ever-shifting regulatory environment.

The Panel will share their thoughts on trends/developments in specific environmental regulatory programs that intersect with alternative energy projects, specifically recent trends in regulation for nuclear, wind, and solar permitting and site assessment. Further, there will be a discussion regarding tax incentive programs specifically geared towards alternative energy projects. Finally, the panel will round out with "real life" experience of the Illinois Power Agency ("IPA") and some of the issues that the IPA faces in meeting the mandatory "cost effective" renewable energy component of centralized energy purchases.

Moderator: Todd Maiden, Partner, Reed Smith, San Francisco

Panelists:

- Tamar J. Cerafici, Of Counsel, Ballard Spahr, Philadelphia
- Tom Donovan, P.E. Regional Vice President, Shaw Environmental & Infrastructure, Inc., Chicago
- Arnold E. Grant, Partner, Reed Smith, Chicago

**3:45 p.m. – 5:15 p.m.**

**Antarctica – What Does the Future Hold? (CLE)**

***COLUMBUS HALL AB, GOLD LEVEL, EAST TOWER, HYATT REGENCY CHICAGO***

Antarctica - a cold, forbidding place with no indigenous or permanent residents - is a continent without formal nation-state governance as we typically think of it. Yet seven countries assert claims, some overlapping, to parts of the continent. The Antarctic Treaty System (“ATS”), a series of treaties and other binding rules, is the only “regulatory” system in place attempting to deal with the governance of the continent and to prevent the misuse of Antarctica for strategic or resource purposes.

With the increasing global demand for a diminishing pool of resources, the question of the optimal governance system for Antarctica presents an interesting launch point for this engaging discussion of law, science, and diplomacy. Specifically, panelists will explore the viability of the ATS and discuss alternatives to provide better environmental protection for the continent.

Moderator: Janet Belkin, J.D. Ph.D.

Panelists:

- Evan T. Bloom, Deputy Director, Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental & Scientific Affairs, U.S. Department of State

- Robert Herskovitz, Deputy Regional Health Administrator, Region-V, U.S. Department of Health and Human Services
- Michele Perrault, International Vice President, Sierra Club

**9:30 p.m. – 10:30 p.m.**

**Hospitality Suite, Chairman's Suite, Westin Michigan Avenue**



Photo Courtesy of Westin Hotel

**Friday July 31, 2009**

**8:30 a.m. – 10:00 a.m.**

**Agencies of Change: Exploring Institutional Reform at the FCC and the FERC (CLE)**

***GOLD COAST, BRONZE LEVEL, WEST TOWER, HYATT REGENCY CHICAGO***

A look ahead to explore possible changes at the Federal Communications Commission and the Federal Energy Regulatory Commission under the new Administration. A panel of experts will discuss institutional reform at both agencies, including potential modifications to their organization, structure, and processes, and the impact of such changes on communications and energy regulation.

Moderator: Hon. H. Russell Frisby, Jr.

Chair, ABA Section of Administrative Law & Regulatory Practice, Partner, Stinson Morrison Hecker LLP

Panelists:

- Kathleen Q. Abernathy, Former Commissioner, Federal Communications Commission, Partner, Wilkinson Barker Knauer, LLP
- James J. Hoecker, Former Commissioner, Federal Energy Regulatory Commission, Senior Counsel, Husch Blackwell Sanders, Principal, Hoecker Energy Law & Policy, PLLC
- David Honig, Executive Director, Minority Media and Telecommunications Council
- Ken Hurwitz, Partner, Haynes and Boone, LLP
- Randolph J. May, President, The Free State Foundation
- David K. Owens, Executive Vice President, Business Operations, Edison Electric Institute

**3:45 p.m. – 5:15 p.m.**

**Lawyers in Your Living Room! Law on Television (CLE)**

***REGENCY BALLROOM B, GOLD LEVEL, WEST TOWER, HYATT REGENCY CHICAGO***

From *Perry Mason* and *The Defenders* in the 1960's to *L. A. Law* in the 80's, *The Practice* and *Ally McBeal* in the 90's, to *Boston Legal*, *Shark*, and *Law & Order* today, the television industry has generated an endless stream of dramatic series involving law and lawyers. As a result, most members of the public receive most of their information (and misinformation) about what lawyers do and how legal institutions function from absorbing pop culture representations about lawyers on television or in the movies. Daytime judge reality shows like *Judge Judy* are equally influential in spreading highly misleading information about what judges do. Lawyers need to know what messages all this television programming transmits to the public because public expectations about law and lawyers have a profound influence on law practice.

This program will celebrate the publication by the ABA Press of *Lawyers in Your Living Room! Law on Television* (2009). This definitive book features more than 30 chapters about legal television, both domestic and foreign. The Annual Meeting program will feature some of the authors of that

book who will discuss the cultural impact of law on television. The discussion will focus on lawyer shows of today as well as those of yesteryear. The program will discuss the *Judge Judy* phenomenon as well as shows that are not primarily about lawyers but feature important lawyer characters (such as *Seinfeld*, *The Simpsons*, or *The West Wing*). It also will discuss the production of dramatic shows, including writing and technical advising. Of course, there will be plenty of clips featuring familiar lawyer characters and a good time will be had by all! Copies of the book will be available for sale.

Moderator: Michael Asimow, Professor Emeritus, UCLA School of Law, editor of "Lawyers in Your Living Room! Law on Television"

Panelists:

- David Ginsburg, Director, Entertainment and Media Law Program, UCLA School of Law
- Jill Goldsmith, Television writer and producer
- Nancy Marder, Professor of Law, Chicago-Kent College of Law
- Philip N. Meyer, Professor of Law, Vermont Law School
- Nancy B. Rapoport, Professor of Law, William S. Boyd School of Law, University of Nevada, Las Vegas



Photo courtesy Chicago Convention and Tourism



Photo

*Courtesy Symphony Center*

**6:00 p.m. – 7:00 p.m. Section Reception**  
**Co-Sponsored by The University of Pittsburgh Law School**

**7:00 p.m. – 9:00 p.m. Dinner & Presentation by a Representative of the Chicago Mercantile Exchange**

***The Club at Symphony Center***  
**220 S Michigan Avenue, Chicago, IL 60604**

A representative of the CME Group will speak after dinner about the regulatory reform proposals for derivatives in the wake of the worldwide financial crisis and the Chicago Mercantile Exchange's plans to act as a clearing house for certain financial products.

We are fortunate to have access to The Club on the eighth and ninth floors of Symphony Center with its terrace view of Millennium Park, Renzo Piano's new Modern Wing of the Art Institute, and the surrounding cityscape. Take in the wonderful view from the terrace during the reception. Then enjoy a delicious sit-down dinner prepared by Blue Plate Catering, one of Chicago's finest.

***The Reception is complimentary. The Dinner is \$100 per person. Registration is required for both.***

**9:30 p.m. – 11:00 p.m.**

**Hospitality Suite, Chairman's Suite, Westin Michigan Avenue**

## **Saturday August 1, 2009**

**7:00 a.m. – 8:00 a.m. Section Breakfast**  
**WINDSOR, 2<sup>ND</sup> FLOOR, WESTIN MICHIGAN AVE.**  
Join your Fellow Section Members for breakfast. Register on the enclosed form. Committees wishing to reserve a table for informal meetings should notify Anne Kiefer  
[kiefera@staff.abanet.org](mailto:kiefera@staff.abanet.org)

**8:00 a.m. – 12:00 p.m. Section Council Meeting**  
**WELLINGTON BALLROOM 1, 2<sup>ND</sup> FLOOR, WESTIN MICHIGAN AVENUE**  
All Section members are welcome to attend the Council Meeting.

**12:00 p.m. – 1:30 p.m. Publications Committee**  
**CONSULATE 1, 2<sup>ND</sup> FLOOR, WESTIN MICHIGAN AVENUE**  
Lunch is provided.

**2:00 p.m. – 3:30 pm**  
**Enforcement Redux: FDA's New Vigor Under New Leadership (CLE)**

**ACAPULCO, GOLD LEVEL, WEST TOWER, HYATT REGENCY CHICAGO**

This panel will explore the prospects for expanded litigation and penalty enforcement actions under the Obama FDA, in light of prior trends and future congressional oversight.

Moderator: James T. O'Reilly, Professor, University of Cincinnati College of Law

Panelists:

- Edgar Asebey-Birkholm, Sandler Travis
- Deborah Autor, Director of Compliance, Center for Drug Evaluation & Research, Food & Drug Administration
- Steven Kowal, Partner, K&L Gates
- Suzanne OShea, Baker & Daniels

**3:45 p.m. – 5:15 p.m.**

**Government Litigators in the New Administration: How Far Must They Go to Seek Justice**

*Sponsored by the Criminal Justice Section*

*Co-Sponsors: Section of Administrative Law & Regulatory Practice, Section of Antitrust Law, Business Law Section, Center for Professional Responsibility, Government & Public Sector Lawyers Division, and Litigation Section*

Both criminal prosecutors and civil government litigators are said to have a duty to "seek justice." But the concept of "seeking justice" is ill-defined, and it is unclear whether, and to what extent, the amorphous duty includes obligations of candor and restraint that are not explicitly codified in rules of professional responsibility and other law.

Through an interactive discussion of hypothetical cases, the panel and the audience will explore how, ethically and professionally, the duty to "seek justice" sets government litigators apart from lawyers litigating on behalf of private clients and potentially establishes different professional expectations for government litigators.

Moderator: Joel Daly

Panelists:

- Michael Clark, Hamel Bowers & Clark LLP, Houston, TX
- Roxann E. Henry, Howrey LLP, Washington, DC
- Kathryn Kelly (invited), Assistant United States Attorney, Chicago, IL
- Professor Ben Kempinen, University of Wisconsin Law School, Madison, WI
- Honorable John R. Tunheim, U.S. District Judge, Minneapolis, MN



Photo Courtesy of Chicago Convention and Tourism

**Sunday August 2, 2009**

7:00 a.m. – 8:00 a.m.

Section Breakfast

8:00 a.m. – 12:00 p.m.

Section Council Meeting

**WELLINGTON BALLROOM 1, 2<sup>ND</sup> FLOOR, WESTIN MICHIGAN AVENUE**

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**Registration Information**

Participants must register with the ABA in order to attend the CLE programs. Visit the ABA web site at this link to register:

<http://new.abanet.org/annual/default.aspx>

To attend the July 31 Administrative Law Section Reception or Dinner at Symphony Center, or the Section Council or committee meetings, complete the registration form at the end of this brochure, or register online at the Section's web site

<http://new.abanet.org/calendar/2009-Annual-Meeting-Administrative-Law-Programs/Pages/default.aspx>

**CLE Information**

Accreditation will be requested for the indicated programs from every state with mandatory continuing legal education (MCLE) requirements for its lawyers. Please be aware that each state has its own rules and regulations, including its definition of "CLE". Check with your state agency for confirmation of this program's approval. Attorneys seeking to obtain MCLE credit in Pennsylvania are required to pay state accreditation fees directly to that state. Certificates of attendance will be available at the conclusion of the program. In order to receive CLE credit, all attorneys will be required to sign in on the sign in sheets and obtain a Uniform Certificate of Attendance. Registration fees must be paid in full before registrants can receive credit.

## Weekend Activities

Chicago's lakefront bustles with activity in Summer. You cannot go wrong with any of the well-known choices, such as the newly-opened Modern Wing of the Art Institute by Renzo Piano, nearby Millennium Park with its Anish Kapoor "Bean" and Frank Gehry band shell, the Field Museum or Shedd Aquarium to the South, or even a baseball game at Wrigley Field or Cellular Park. Here are some less well-known options for the weekend which are fun and relaxing.

### **Green City Market**

Chicago has wonderful farmers' markets. The Green City Market in Lincoln Park has become a renowned sustainable, organic market, and is a favorite of chefs and locals alike. The Market is open from 7 a.m. until 1 p.m. It is located in the southeast corner of Lincoln Park, just north of the parking lot at Clark Street. You can wander through the stalls of the Market and enjoy eating pastries, fruits, and other foods while listening to the festive music which fills the air. Fruit crepes are special breakfast favorites of many. There also is a weekly chef's demonstration.

The Green City Market is a walk of 1.3 miles from the Westin or a short cab or bus ride. If you choose to walk, you may enjoy stopping by the Division Street Market en route and checking out the fragrant lilies and delicious Summer fruits. The Division Street Market is located on Division between Clark and State Streets. It is open on Saturdays from 7 a.m. until 2 p.m.

### **Lincoln Park Zoo**

You can continue north from the Green City Market to nearby Lincoln Park Zoo, one of only a few free zoos in the country. Stop by to see the white-cheeked gibbons at the Brach Monkey House. They are special favorites of visitors and draw large crowds.

## **Chicago History Museum**

You may prefer to return from the Green City Market to visit the Chicago History Museum at 1601 North Clark (Clark and North Avenues). The Museum has special exhibits celebrating the Lincoln Bicentennial throughout the year, as well as other exhibits. It is open from 9:30 a.m. until 4:30 p.m. on Saturdays. Its website is [www.chicagohistory.org](http://www.chicagohistory.org).

## **Chicago Architecture Foundation River Cruise**

This recommendation actually is not limited to Saturday. If you are going to do one thing in Chicago, we recommend the Chicago Architecture Foundation River Cruise. It is the best way to see Chicago and its renowned architecture. Be forewarned that it is very popular. Advance reservations are recommended and can be made by going to the Chicago Architecture Foundation's website at [www.architecture.org](http://www.architecture.org). You also should be aware that there are other boat tours of Chicago's architecture which are alternatives if the Architecture Foundation is not available, but our first choice would be the "Archi Tour."

For other ideas, visit

<http://www.choosechicago.com/Pages/default.aspx>

Enjoy a beautiful summer day in Chicago!!!!

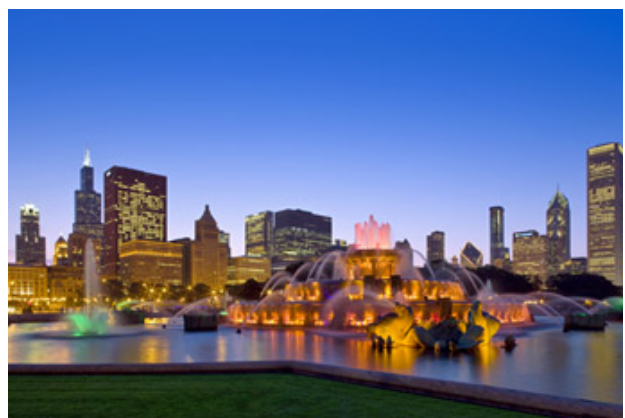


Photo Courtesy of Westin Hotel

**ABA Section of Administrative Law and Regulatory Practice  
Annual Meeting Events & Council Meeting  
July 30, 2009- August 4, 2009**

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

ABA Member I.D. \_\_\_\_\_ Admin. Law Section Member? Yes\_\_ No \_\_

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

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

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

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

Dietary Restrictions: \_\_\_\_\_

Special Needs: \_\_\_\_\_

✓	Program	Section Member	Non-Member
	<b>REGISTER FOR ALL CLE PROGRAMS THROUGH THE ABA</b> <a href="http://new.abanet.org/annual/default.aspx">http://new.abanet.org/annual/default.aspx</a>	Register on ABA website	Register on ABA website
	<b>Friday July 31, 2009, 5:30 – 7:00 pm Section Reception</b> <b>The Club at Symphony Center</b>	No Charge	No Charge
	<b>Friday July 31, 2009, 7:00 – 9:00 pm Section Dinner/Presentation</b> <b>The Club at Symphony Center</b>	\$100	\$100
	<b>Saturday August 1, 2009, 8:00 am – 12:00 pm Section Council Meeting with Continental Breakfast</b>	No Charge	No Charge
	<b>Saturday August 1, 2009, 12:00 – 1:30 pm Publications Committee Meeting with Lunch</b>	No Charge	No Charge
	<b>Sunday August 2, 2009, 8:00 am – 12:00 pm Section Council Meeting with Continental Breakfast</b>	No Charge	No Charge
	<b>Total</b>		

Refunds will be processed less a \$25 cancellation fee on or before July 15, 2009. No refunds will be issued after this date. Substitutions will be accepted - please notify us of any substitutions.

**METHOD OF PAYMENT (or [Click here to register Online](#) )**

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 this box to include the \$60 Annual Section Membership Dues (must already be an ABA member)

ABA, Administrative Law Section, 740 15<sup>th</sup> Street, NW, Washington D.C. 20005  
202-662-1690 Fax: 202-662-1529 E-mail: [kiefera@staff.abanet.org](mailto:kiefera@staff.abanet.org)