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Section of Administrative Law & Regulatory Practice

2009 ADMINISTRATIVE LAW CONFERENCE
October 22-23, 2009
Washington Convention Center
Washington, D.C.

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Conference Chairs: Warren Belmar and Linda Lasley-Ford
Section Chair: William V. Luneburg

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Greetings!

As chair this year of the Administrative Law and Regulatory Practice Section, I am delighted to invite you to our premier Section meeting of the year, our Fall Conference in Washington, D.C. on October 22 and 23 at the Washington Convention Center.

As you can see by glancing at the agenda, if your practice has anything to do with government, you can't afford to miss the Conference. Indeed, there is something for every type of practice. Topics focus on specific areas, including, but not limited to, "red flag" rules dealing with identity theft, the on-going regulatory reform efforts in the financial sector, Obama Administration restrictions as they apply to lobbying, regulating emerging transportation technologies, federal loan programs for energy projects, the use of adaptive management in various environmental programs, and climate change regulation. But programs also focus more generally on issues such as preemption, administrative appellate review, judicial review of agency policy reversals, and executive oversight of agency rulemaking. In addition, the Conference will include our always popular Annual Review of Major Developments in Administrative Law and the George Washington Law Review's Annual Scholar's Review of Administrative Law.

I want to thank our meeting co-chairs, Warren Belmar and Linda Lasley-Ford, for all of their work in putting this elaborate program together. And we are most grateful to all of our sponsors for their financial assistance which is always crucial to events such as this. Finally, I want to thank Anne Kiefer, the Section's Staff Director, without whose day-to-day guidance and detail work the Conference would not have been possible.

I hope to see you at the Fall Conference in October!

A handwritten signature in blue ink, appearing to read "William V. Luneburg".

**William V. Luneburg
Section Chair**

Photos: Destination DC



Thursday October 22, 2009

8:00 a.m. – 9:00 a.m. Registration

9:00 a.m. – 10:15 a.m.

T3 - How Well Does Existing Law Allow Adaptive Management? The Case of the Chesapeake Bay

Adaptive management has been highlighted like never before, in the case of the Chesapeake Bay. The President's recent executive order on protecting and restoring the Bay repeatedly instructs federal agencies to use adaptive management, as does pending federal legislation. How are EPA and its partner agencies planning to implement adaptive management in the context of the Chesapeake Bay Program, and what relevant lessons can we learn from other agencies' and courts' attempts to reconcile adaptive management with the existing framework of federal and state administrative and resource laws?

Presenters:

- Greg Allen, Partnering Goal Team Coordinator, EPA Chesapeake Bay Program Office, Environmental Protection Agency, Washington, D.C.
- Robert L. Fischman, Professor, Indiana University Maurer School of Law, Bloomington, IN
- Cathy Curran Myers, Special Assistant to the Secretary for Pennsylvania's Recovery, PA Dept of Environmental Protection, Harrisburg, PA

Moderator: James W. Conrad, Jr., Principal, Conrad Law and Policy Counsel, Washington, D.C.

9:00 a.m. – 10:15 a.m.

T1 - Scrutinizing Regulatory Reversals

This program will review three aspects of regulatory policy reversals by Federal agencies: (1) the legal standards applicable to policy changes in rules after the FCC v. Fox Television Stations case; (2) withdrawal and

revocation of rules at the start of the new Administration; and (3) some specific examples of significant regulatory policy reversals in 2009.

Presenters:

- Senior Judge A. Raymond Randolph, U.S. Court of Appeals for the D.C. Circuit, Washington, D.C.
- Helgi C. Walker, Partner, Wiley Rein LLP, Washington, D.C.
- David L. Bernhardt, Shareholder, Brownstein Hyatt Farber Schreck, LLP, Washington, D.C.

Moderator: Jeffrey A. Rosen, Partner, Kirkland & Ellis LLP, Washington, D.C.

9:00 a.m. – 10:15 a.m.

T5 - It's an Administrative World: Agency Environmental Mandates in the Obama Administration

Panelists from various agencies will discuss the current Administration's regulatory strategy on environmental issues as they relate to oil drilling and usage, climate change, and energy independence.

Presenters:

- Helen Serassio, Senior Attorney Advisor, Office of the General Counsel, U.S. Dept. of Transportation, Washington, D.C.
- Council on Environmental Quality (*invited*)
- Environmental Protection Agency (*invited*)
- Department of Energy (*invited*)

Moderator: Jason Schlosberg, Attorney, Federal Railroad Administration, Department of Transportation, Washington, D.C.



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10:30 a.m. – 12:00 p.m.

T4 - The George Washington Law Review's Annual Scholar's Review of Administrative Law

The George Washington Law Review publishes an Annual Review of Administrative Law featuring articles by prominent administrative law scholars and student notes on administrative law. This panel features the participants of the Volume 78 issue of the Annual Review.

Presenters:

- Jerry L. Mashaw, Professor, Yale Law School, New Haven, CT
- Wayne A. Logan, Associate Dean and Professor of Law, Florida State University, Tallahassee, FL

Moderator: Richard Pierce, Lyle T. Alverson Professor of Law, George Washington University Law School, Washington, D.C.

10:45 a.m. – 12:00 p.m.

T7 - Lobbying in the Obama Administration: What Practitioners Need to Know

The panel will examine the January 2009 Executive Order on Ethics Commitments by Executive Branch Personnel, the March 2009 Presidential Memorandum on lobbying on Recovery Act funding and revisions of that Memorandum, and will discuss the relationship between those regulations and the requirements of the Lobbying Disclosure Act. It will review the disclosure obligations of lobbyists, changes in lobbying practices resulting from the new rules, and how agencies are implementing the new provisions on lobbying for stimulus spending.

Presenters:

- Stuart Pierson, Troutman Sanders, Washington, D.C.
- Daniel Schuman, Sunlight Foundation
- Jim Christian, Partner, Patton Boggs LLP, Washington, D.C.

Moderator: Stuart Pierson, Troutman Sanders, Washington, D.C.

12:15 p.m. – 1:45 p.m.

Luncheon & Keynote Presentation by Norman Eisen, White House Special Counsel for Ethics and Government Reform

The luncheon is an additional charge ticketed event.

2:00 p.m. – 3:15 p.m.

T6 - Flagging Down Identity Theft: The "Red Flags" Rules

Since November 2007, regulations issued by the five federal bank supervisory agencies and the Federal Trade Commission have required each financial institution or creditor to develop and implement a written Identity Theft Prevention Program to detect, prevent, and mitigate identity theft in connection with the opening of certain accounts or certain existing accounts. Although compliance was required by November 1, 2008, the FTC has deferred enforcement for entities under its jurisdiction to give certain non-financial sectors, including the legal profession, time to examine their obligations under the regulations, while the American Bar Association has urged Congress and the FTC to exempt the legal profession from those regulations, and has sued on the rules. This panel, including representatives from federal regulators and the private sector, will explore the purposes behind the "red flags" rules and the scope and ramifications of their application in the financial and non-financial sectors.

Presenters:

- Naomi Lefkowitz, Federal Trade Commission, Washington D.C.
- Andrew Smith, Partner, Morrison & Foerster, Washington, D.C.
- Stephen Van Meter, Assistant Director, Community and Consumer Law Division, Office of the Comptroller of the Currency, Washington D.C.

Moderator: Jonathan J. Rusch, U.S. Department of Justice, Washington D.C.

[Click Here to Purchase Administrative Law Section Publications on Homeland Security, Law on TV, Lobbying, and Developments in Administrative Law](#)

2:00 p.m. – 3:15 p.m.

T8 - What is Next for Lobbying Regulation? Are the New Rules Working? Are Further Reforms the Wave of the Future? Are They Good Public Policy, or Constitutional?

This panel, offered in conjunction with the new Task Force on Lobbying Regulation, builds on the previous panel discussion on the many changes in lobbying regulation over the last several years. This session will review proposals for additional regulation of lobbying activity and lobbyists and further disclosure, and discuss whether those further good government and how they comport with the Constitutional guarantee of a right to petition the government

Presenters:

- Charles Fried, Professor, Harvard Law School, Cambridge, MA
- Melanie Sloan, Citizens for Ethics, Washington, D.C.
- Nick Allard, Esq., Patton & Boggs, Washington, D.C. (*invited*)

Moderator: Trevor Potter, Member, Caplin & Drysdale, Washington, D.C.

2:00 p.m. – 3:15 p.m.

T11 - Food Safety & Enforcement Issues in the New Administration

It's on your plate, and everyone's plate -- how do we improve the reliability of our food supply in a climate of budget restraint? The prior eight years of diminished FDA field staffing and reduced laboratory resources severely cut back our food safety assurance. This panel discusses the new administration's plans and what they mean for food importers, consumers, industry and the public health community. Speakers will include a senior FDA food official, an imports expert, an attorney in the FDA law field.

Presenters:

- Donald A. Kautter, Jr., Deputy Director, Office of Compliance, US Food and Drug Administration, Center for Food Safety and Applied Nutrition, Washington, D.C.

- William Kitchens, Arnall Golden & Gregory, Atlanta, GA
- Caroline Smith DeWall, Center for Science in the Public Interest, Washington, D.C. (*invited*)
- Edgar Asebey, Sandler Travis, Miami, FL

Moderator: James O'Reilly, Professor, University of Cincinnati, Cincinnati, OH

3:30 p.m. – 5:00 p.m.

T9 – Making the Web Work for Rulemaking and Public Engagement

The January 2009 Executive Order on Transparency and Open Government calls upon executive branch agencies to provide citizens greater access to information about what the government is doing. Not only are agencies supposed to provide greater access, but also the information has to be a form that the public can "readily find and use." The web will play a vital role in how the government makes information available to the public-- especially for rulemaking. This panel discussion will focus on what agencies are doing to improve access to regulatory information. In addition, panelists will discuss the newly re-designed regulations.gov and the Administration's next steps to carry out the directives of the Transparency and Open Government Executive Order particularly with respect to public engagement.

Presenters:

- Alex Hunt, Branch Chief, Information Policy Branch, Office of Management and Budget/Office of Information and Regulatory Affairs, Washington, D.C.
- Tracey Westfield, Environmental Protection Specialist, Regulatory Management Division, Environmental Protection Agency, Washington, D.C.
- John Moses, Director, Collection Strategies Division, Office of Information Collection, Washington, D.C.

Moderator: Neil Eisner, Assistant General Counsel, Office of Regulation and Enforcement, Department of Transportation, Washington, D.C.

3:30 p.m. – 5:00 p.m.

T10 - Arbitrariness Review in the Roberts Court

To determine whether an agency's discretionary action was arbitrary, a court checks whether the agency offered a reasonable explanation for that action after thinking about what it was supposed to think about—i.e., the "relevant factors." But what, exactly, is an agency supposed to think about when it makes policy? More specifically, under what circumstances may an agency base significant discretionary actions on policy concerns not designated by Congress? To what extent may an agency rely on its current political views to justify a change in regulatory course? Our panel examines such questions in light of the Roberts Courts' major discussions and applications of arbitrariness review, including, most notably, *FCC v. Fox Television Stations, Inc.* (2009), in which nine justices came up with six opinions that fairly bristle with administrative law.

Presenters:

- The Honorable Brett M. Kavanaugh, United States Court of Appeals for the District of Columbia Circuit, Washington, D.C.
- Richard Pierce, Lyle T. Alverson Professor of Law, George Washington University Law School, Washington, D.C.
- Kathryn Watts, Assistant Professor of Law, University of Washington School of Law, Seattle, WA
- Nina Mendelson, Professor, University of Michigan Law School, Ann Arbor, MI

Moderator: Linda Jellum, Associate Professor, Mercer University School of Law, Macon, GA

3:30 p.m. – 5:00 p.m.

T2 - Perspectives on Executive Branch Review of Administrative Decisions, Presented by the National Conference of the Administrative Law Judiciary, Judicial Division, ABA

A panel of administrative appellate judges (who adjudicate administrative appeals of decisions made by ALJs or other adjudicators), and other experts will discuss the widely differing approaches to internal administrative

review of such decisions. Topics covered will include jurisdiction, the scope and standard of review, deference to agency expertise, evidentiary issues, and suggestions for improving both the review process and appellate advocacy. Through this comparative discussion, advocates can become more effective in presenting cases by recognizing differences among various tribunals within the Executive Branch, and adjudicators can gain a better understanding of their diverse roles, learn ways to improve their review processes, and work together to improve the administrative justice system.

Presenters:

- Steven L. Cohn, Deputy Vice-Chairman, Board of Veterans' Appeals, United States Department of Veterans Affairs. Mr. Cohn retired as a Captain, Judge Advocate General's Corps, United States Navy Reserve, Washington, D.C.
- Nancy S Dolder, Chair and Chief Administrative Appeals Judge, Benefits Review Board, United States Department of Labor, Washington, D.C.
- H. Barry Holt, Chief Administrative Judge, Interior Board of Land Appeals, United States Department of Interior, Washington, D.C.
- Patricia A. Jonas, Executive Director of the Office of Appellate Operations and Deputy Chair of the Appeals Council, Office of Disability Adjudication & Review, Social Security Administration, Washington, D.C.
- Roger Klurfeld, Director, National Appeals Division, United States Department of Agriculture, Washington, D.C.
- Edward E. Reich, Judge, Environmental Appeals Board, United States Environmental Protection Agency, Washington, D.C.
- Candida S. Steel, Judge United States Civilian Board of Contract Appeals, Washington, D.C.
- Constance B. Tobias, Chair, Departmental Appeals Board, United States Department of Health and Human Services, Washington, D.C.

Moderator: Jeffrey S. Lubbers, Professor of Practice in Administrative Law, Washington College of Law, American University, Washington, D.C.

Organizing Committee:

- Co-Chair: Judge Judith S. Boggs, Benefits Review Board, United States Department of Labor, Washington, D.C.
- Co-Chair: Judge Christina S. Kalavritinos, Board of Land Appeals, United States Department of the Interior, Arlington, VA
- Judge Bruce T. Cooper, CA Unemployment Insurance Appeals Board, Los Angeles, Appeals Office, Los Angeles, CA
- Professor Jeffrey Lubbers, Washington College of Law, American University, Washington, D.C.
- Judge R. Bryan McDaniel, Board of Land Appeals, United States Department of the Interior, Arlington, VA

Section Reception & Dinner
5:00 p.m. – 6:30 p.m. Reception
6:30 p.m. – 9:00 p.m. Dinner

Welcome! The Administrative Law Section Reception & Dinner will feature award winners, and a presentation by a special guest of honor. The Reception and Dinner are additional charge ticketed events.

Friday, October 23, 2009

8:00 a.m. – 9:00 a.m. Registration

8:00 a.m. – 9:00 a.m. Section Leadership Breakfast Meeting

Open to Admin Law Section Leaders only.

9:00 a.m. – 10:15 a.m.

F1 - Regulating Emerging Transportation Technologies

This panel will provide updates on how the U.S. Department of Transportation and its sister agencies have been regulating new and emerging technologies, including the FHWA's electronic tolling, FAA's Next Generation Air Transportation System (NextGen), FRA's High Speed Rail and Positive Train Control, and NHTSA's Corporate Average Fuel Economy (CAFÉ) standards.

Presenters:

- Edward Fishman, Partner, K&L Gates, Washington, D.C.
- Steve Woods, Assistant Chief Counsel for Rulemaking, National Highway Traffic Safety Administration, Washington, D.C. (*invited*)
- Doug Mullen, Attorney, Air Transport Association, Washington, D.C. (*invited*)

Moderator: Jason Schlosberg, Attorney, Federal Railroad Administration, Department of Transportation, Washington, D.C.

9:00 a.m. – 10:15 a.m.

F2 - Preemption

In its October 2008 Term, the Supreme Court decided four important federalism cases. In two of the cases, the liberal members of the Court joined with one conservative to find by votes of 5 to 4 that State laws were not preempted in circumstances in which the State wished to provide a greater degree of consumer protection than the federal agency (*Wyeth v. Levine* and *Cuomo v. Clearing House Association*). In a third case, *Horne v. Flores*, the Court adopted by a vote of 5 to 4 a decision that is a roadmap as to how State and local governments may obtain termination of federal injunctions in institutional reform litigation, cases in which federal courts are asked to take control of governmental functions for the failure of those entities to comply with the federal Constitution or federal law. Finally, in *Northwest Austin MUD v. Holder*, the members of the Supreme Court were closely divided at oral argument as to whether one of the statutory pillars of the civil rights movement, Section 5 of the Voting Rights Act, was unconstitutional because the facts on which it is based are 35 years old; ultimately eight Justices voted to resolve the case on statutory grounds but joined an opinion that clearly informed Congress that the law might be declared unconstitutional in the future, as an impermissible intrusion into the democratic functioning of local governments, unless Congress updates the law.

The session will explore the implications of these decisions and discuss their implications for the development of the doctrine of federalism in the new Supreme Court.

Presenters:

- Office of Management and Budget, Washington, D.C. (*invited*)
- A member of the prevailing litigation team in *Horne v. Flores*. (*invited*)
- Robert Gasaway, Kirkland & Ellis LLP, Washington D.C.
- David Vladak, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C.

Moderator: John F. Cooney, Venable LLP, Washington, D.C.

9:00 a.m. – 10:15 a.m.

F3 - OIRA Review: Something Old, Something New?

The confirmation of Cass Sunstein as administrator of OIRA appears to signal the administration's intention to continue to rely on cost-benefit analysis as the centerpiece of White House review of significant rules. What is uncertain is whether the White House will employ deeper and wider cost-benefit analysis, as one of Sunstein's articles advocates, or whether review will take a lighter touch, as it was employed in the Clinton administration, for example. The panel will discuss the likely implications of a new executive order for regulatory review and how rulemaking may be affected.

Presenters:

- Jennifer A. Smith, Office of Advocacy, Small Business Administration, Washington, D.C.
- Sidney A. Shapiro, University Chair in Law, Wake Forest University, Winston-Salem, NC
- Michael A. Fitzpatrick, Associate Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. (*invited*)
- Gary Bass, Executive Director, OMB Watch, Washington, D.C.
- Susan Dudley, Director, Regulatory Studies Center, George Washington University, Washington, D.C., Research Professor, Trachtenberg School of Public Policy & Public Administration

Moderator: Jennifer A. Smith, Office of Advocacy, Small Business Administration, Washington, D.C.

10:30 a.m. – 12:00 p.m.

F4 - Annual Review of Major Developments in Administrative Law

In this signature event of the Administrative Law Section's Fall Conference, scholars from the academy and private practice will present a comprehensive overview of the most important administrative law developments in the last twelve months. It's all the administrative law news that's fit for discussion and it comes packaged in one fast-paced program that has become a must-attend event for anyone practicing federal administrative law or involved with regulation in Washington.

Presenters:

Major Developments in Adjudication:
Michael Asimow, Professor of Law Emeritus, UCLA Law School, Los Angeles, CA, Visiting Professor, Stanford Law School, Stanford, CA

Major Developments in Constitutional Law: William Funk, Professor and Jeffrey Bain Faculty Scholar, Lewis & Clark Law School, Portland, OR

Major Developments in Judicial Review: Richard Murphy, AT&T Professor of Law, Texas Tech University School of Law, Lubbock, TX

Major Developments in Rulemaking: William S. Jordan, Associate Dean and Professor of Law, University of Akron Law School, Akron, OH

Moderator: Jeffrey S. Lubbers, Professor of Practice in Administrative Law, Washington College of Law, American University, Washington, D.C.

12:15 p.m. – 1:45 p.m.

Awards Luncheon with Keynote Speaker
The Lawton Award for outstanding government service and the Gelhorn-Sargentich Law Student Essay Award will be presented. The Lunch is an additional charge ticketed event.

2:00 p.m. – 3:15 p.m.

F5 - Federal Clean Energy Loan, Loan Guarantee and Grant Programs

Currently the Departments of Energy and Agriculture have been authorized to issue in excess of \$130 billion for loans, loan guarantees and grants to support a wide variety of clean energy manufacturing, generation, and transmission projects. This panel will address the statutory and regulatory framework for these programs, including the roles played by the Office of Management and Budget and the Department of the Treasury in their implementation and operation.

Presenters:

- David R. Hill, Partner, Sidley Austin LLP, Washington, D.C.
- Gary H. Burner, Director, Office of Federal Lending, and Chief Financial Officer, Federal Financing Bank, U.S. Department of the Treasury, Washington, D.C.
- John A. Herrick, Senior Counsel, Brownstein, Hyatt, Farber & Schreck, Denver, CO
- Robert Edwards, Deputy General Counsel for Energy Policy, U.S. Department of Energy, Washington, D.C.
- Senior Official, U.S. Department of Agriculture (invited)
- Courtney Timberlake, Acting Director, Budget Review Division, Office of Management and Budget, Washington, D.C.

Moderator: Warren Belmar, Managing Partner, Capitol Counsel Group, LLC, Palm Beach, FL

2:00 p.m. – 3:15 p.m.

F6 - Should there be an Article I Immigration Court?

There is wide consensus that the immigration administrative adjudication system is facing serious challenges. There is less unity, however, in deciding how to address those challenges. One possible fix is the creation of an Article I Immigration Court. This panel will address this possibility from both legal and policy perspectives.

Presenters:

- Stephen Legomsky, John S. Lehman University Professor, Washington University College of Law, St. Louis, MO
- The Honorable Dana Leigh Marks, President, National Association of Immigration Judges, Washington, D.C.
- Jeffrey S. Lubbers, Professor of Practice in Administrative Law, Washington College of Law, American University, Washington, D.C.
- Mary Giovagnoli, Director, Immigration Policy Center, Washington, D.C.

Moderator: Jill Family, Associate Professor, Widener University School of Law, Harrisburg, PA

2:00 p.m. – 3:15 p.m.

F7 - OMB Recovery Act Reporting Update

October began recipient reporting on direct jobs created by the American Recovery and Reinvestment Act of 2009. Hear from OMB staff responsible for creating "FederalReporting.gov" some of the best practices for agency data validation as well as modifications to the system based on the first round of "1512" reporting. New guidance will also be discussed.

Presenters:

- John Pasquantino, Esq., Office of Management and Budget, Executive Office of the President, Washington, D.C.
- Representative from National Governor's Association (*invited*)
- Federal Agency Representative (*invited*)

Moderator: Linda Lasley-Ford, Assistant Chief Counsel, Federal Transit Administration, Department of Transportation, Washington, D.C.



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3:30 p.m. – 5:00 p.m.

F10 - Reform of the Regulatory Framework for Financial Services in the United States

The worst financial crisis since the 1930's has provided this Administration with an opportunity to make significant changes to the structure, authorities and the organization of the financial services regulatory framework. Sweeping reforms are being debated that will change the way that entities are supervised and regulated. Consumer protection, systemic risk, resolution of non bank financial firms, and regulatory agency restructuring are all part of the debate. Questions about how many regulators are optimal and what authorities each should have are being addressed. Proposals to eliminate agencies and types of institutions also are under discussion. Will the reforms being debated ensure that a crisis of this magnitude does not happen again? This program looks at the reorganization of a regulatory framework that will include the creation of agencies, the dismantling of agencies and countless regulatory changes.

Presenters:

- Richard Spillenkothen, Senior Advisor, Deloitte Center for Banking Solutions, and Director, Deloitte & Touche LLP, Washington, D.C.
- Arthur E. Wilmarth, Jr., Professor of Law, The George Washington University Law School, Washington, D.C.

Moderators:

- Charlotte Bahin, Special Counsel, Special Projects, Office of Thrift Supervision, Washington, D.C.
- David Roderer, Deputy General Counsel, Office of Federal Housing Enterprise Oversight, Washington, D.C.

3:30 p.m. – 5:00 p.m.

F9 - The Administrative Procedure Implications of Climate Change Regulation

The Congress is currently working on legislation to address global climate change. Although it is too early to predict the ultimate outcome, it is apparent that any legislation is likely to raise a number of procedural issues that will impact the success or failure of the regulatory scheme. Each of the panelists will identify a procedural issue that is likely to arise and discuss its ramifications, such as the use of an independent agency to minimize political inference, the difficulty of promulgating in a timely manner the many regulations that will be necessary, and the potential difficulties of accountability through judicial review, including citizens' suits and standing. Members of the audience will be invited to identify additional issues that are likely to arise.

Presenters:

- Richard J. Pierce, Jr., Lyle T. Alverson Professor of Law, George Washington University Law School, Washington, D.C.
- Nina Mendelson, Professor of Law, University of Michigan, Ann Arbor, MI
- William Buzbee, Professor of Law, Emory University, Atlanta, GA
- Alan W. Strasser, Office of Chief Counsel, Federal Motor Carrier Safety Administration, Regulatory Affairs Division, Washington, D.C.
- Scott Stone, Associate, Hunton Williams, Washington, D.C.

Moderator: Sidney Shapiro, University Chair in Law, Wake Forest University, Winston-Salem, NC



Photo: Jake McGuire



Photo: Destination DC

Conference Location

All events will take place at the **Walter E. Washington Convention Center**, 801 Mount Vernon Place (At 9th and 7th Sts.), NW, Washington, DC 20001, (800) 368-9000 and (202) 249-3000, [See a map and directions](#). Nearest Metro Station: Mount Vernon Square.

Hotel Information

Four Points by Sheraton
1201 K Street NW
Washington, DC 20005

Web Reservations/Information

<http://www.starwoodmeeting.com/StarGroupsWeb/res?id=0909288647&key=302CF>

A block of rooms has been reserved at the Sheraton Four Points Washington D.C. The block is small, and will be held until October 16, 2009 at 5:00 pm EST. The rate for these rooms is \$219 per night, a substantial savings. Please book right away.

To reserve a room contact the hotel at 202-288-7600 or 888-627-8681. Request a room in the "ABA Section of Administrative Law & Regulatory Practice 2009 Administrative Law Conference" block. A credit card will be required to reserve a room.

Conference Registration

Register online at [this link](#) or fill out the form on the next page. Passports provide access to all CLE programs. Program tickets will be required for entry into individual events for those who do not purchase passports.

Lunch and Dinner functions are separately priced events and tickets and advance registration are required.

Continental breakfast and refreshment breaks are provided to all attendees at no additional charge. Program materials will be provided.

Advance registration rates are valid until October 16. No pre-registrations will be accepted after that date. On-Site registration is available on October 22 and 23 however there is an additional \$25 fee per session, passport, or meal function. Credit cards or checks are required for on-site registration – cash can not be accepted on-site.

Any questions about registration, or requests for receipt copies should be directed to kiefera@staff.abanet.org.

CLE

CLE credit is being requested for this program, but can not be guaranteed. Please check with your own state to verify requirements. CLE general credit session hours total 11 for the full 2 day program.

Cancellation

At this time, substitution of participants is accepted, however no refunds are available. Please send all substitutions to Anne Kiefer by Email to kiefera@staff.abanet.org or Fax to 202-662-1529.

Special Needs or Information

Any Special Needs? Please contact Anne Kiefer kiefera@staff.abanet.org or 202-662-1690 by October 15, 2009.



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**2009 Administrative Law Conference Registration
ABA Section of Administrative Law & Regulatory Practice
October 22 & 23, 2009**

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ON-SITE REGISTRATION ONLY AFTER OCTOBER 16 - \$25 ADDITIONAL CHARGE. CREDIT CARD REQUIRED – NO CASH ACCEPTED ON SITE.

Registration Type		Rates Oct 3 – Oct 16	
INDIVIDUAL PROGRAM: F4 ANNUAL REVIEW OF MAJOR DEVELOPMENTS IN ADMINISTRATIVE LAW		\$135	
Individual Programs – All Other Sessions, Members or Non-Members		\$85	
Admin Law Section Member: Program Passport (All CLE Sessions)		\$300	
Government Attorney: Program Passport (All CLE Sessions)		\$275	
Non-Member: Program Passport (All CLE Sessions)		\$350	
Law Student: No Charge for any CLE Sessions		No Charge	
TOTAL PROGRAM FEES		\$	
Quantity	Event	Member	Non-Member
	Thursday October 22 Lunch	\$75	\$75
	Thursday October 22 Reception/Dinner	\$110	\$110
	Friday October 23 Lunch	\$75	\$75
TOTAL MEAL FUNCTION TICKETS			\$
TOTAL FEES PAID		\$	

Payment by check or credit card is required at time of registration. Return this form by E-MAIL: kiefera@staff.abanet.org OR FAX: 202-662-1529 OR MAIL: **Anne Kiefer, ABA Section of Administrative Law, 740 15TH Street NW, Washington, DC 20005.**

Cancellations are permitted until September 30, less a \$50 fee. Substitutions are permitted until October 15, 2009. All cancellations or substitutions must be by Email to kiefera@staff.abanet.org or Fax to 202-662-1529.

METHOD OF PAYMENT

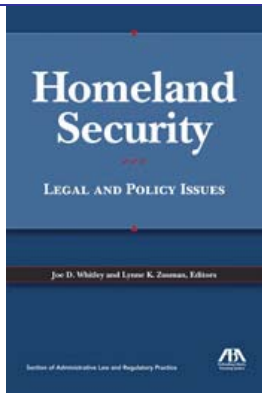
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Would you like to be a Member of the Section of Administrative Law & Regulatory Practice? Check here ___ to have the \$60 Annual Dues added to this invoice (must already be an ABA member).

Administrative Law & Regulatory Practice Section – New Publications Available
Click Link for a Complete List of Section Publications – Click Photo to Purchase Individual Book



"To be well-informed on Homeland Security law this book is a must read." **The Honorable Tom Ridge**, Chair of Ridge Global, Former Secretary of the U.S. Department of Homeland Security and Former Governor of Pennsylvania.

"This book brings into clear focus the breadth and complexity of Homeland Security legal and policy issues." **Judge Michael Chertoff**, Partner at Covington & Burling, Former Secretary of the U.S. Department of Homeland Security.

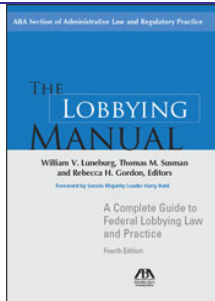
"I would encourage all lawyers who want to become better acquainted with the legal issues confronting Homeland Security policy makers to keep a copy of Homeland Security: Legal and Policy Issues in their library. This insightful book contains valuable information regarding this new discipline." **Larry D. Thompson**, Senior Vice President and General Counsel of PepsiCo, Former Deputy Attorney General with the U.S. Department of Justice.

"Homeland Security: Legal and Policy Issues is that long overdue compendium for those who have watched this dramatic new legal discipline emerge in the wake of 9/11. Those who would serve their nation by interpreting and litigating the security legalities of this very new world will be well served to have this on their reference shelf."

Admiral James M. Loy, USCG (Commandant, Ret), Former Deputy Secretary of Homeland Security and Administrator of the U.S. Transportation Security Administration.

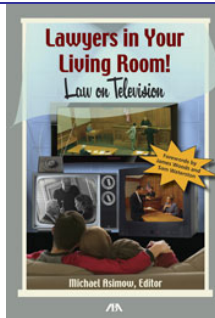
"This book provides a guiding compass for those who are challenged with navigating through the dynamic legal and policy currents of Homeland Security. It will keep you on course and off the shoals." **Jay B. Stephens**, Senior Vice President, General Counsel and Secretary, Raytheon Company, Former U.S. Associate Attorney General and U.S. Attorney.

"In a single volume, these authors have succeeded in highlighting both the breadth of the recent changes in homeland security law and policy and the most critical legal challenges that the homeland security community is facing today." **Kenneth A. Wainstein**, Partner at O'Melveny & Myers LLP, Former Assistant to the President for Homeland Security and Counterterrorism, Former U.S. Attorney.



"The Lobbying Manual is the Bible for all lawyer-lobbyists. The first and greatest commandment is to read it. The second commandment is to live by the great book." **Nick Allard**, Chair, Public Policy and Administrative Law Department, Patton Boggs LLP, Washington, DC

This Fourth Edition of an ABA bestseller provides detailed guidance for compliance with the Lobbying Disclosure Act of 1995 (as amended in 2007). It provides practical examples of how to be compliant, and covers all of the major federal statutes and regulations that govern the practice of federal lobbying. The book offers invaluable descriptions of the legislative and executive branch decision-making processes that lobbyists seek to influence, the constraints that apply to lobbyist participation in political campaigns, the techniques of grassroots lobbying, the professional norms of appropriate behavior that apply to lobbyists, and much more. Order your copy today. Includes a resource CD of internet sites and public documents, and a web page which updates the manual.



"Playing a hard-driven, unscrupulous defense attorney-turned-prosecutor in Shark was a real eye-opener for me as an actor and, more importantly, as a citizen." **James Woods**. From the Foreword, Lawyers in Your Living Room

From Perry Mason and The Defenders in the 1960s to L.A. Law in the 80s, The Practice and Ally McBeal in the 90s, to Boston Legal, Shark and Law & Order today, the television industry has generated an endless stream of dramatic series involving law and lawyers. The way lawyers are perceived has depended on how they are portrayed on television series and in the media. A new guide, Lawyers in Your Living Room! Law on Television examines television series from the past and present, domestic and foreign, that are devoted to the law.

Written in an entertaining and relatable style, you'll enjoy the forewords by Sam Waterston (Law & Order) and James Woods (Shark), who share their experiences playing "real-life" lawyers and how their roles have shaped the way lawyers are perceived by the general public. Lawyers in Your Living Room! begins with an introduction and history of law on television. It then discusses the process of writing for television -- from courtroom to writer's room and how lawyers have played an important role in furnishing technical advice for TV. The book also discusses the media effects from television shows and legal ethics on TV.

Included are chapters on daytime television judge shows, including Judge Judy, and non-legal shows with important lawyer characters like The Simpsons, Seinfeld, or West Wing. The most popular television series, past and present, are also discussed, as well as popular shows abroad. All fans of legal television -- a group that includes almost everybody -- will enjoy this discussion of how TV shapes the views of lawyers and the law.



This is the tenth in the annual series of volumes on Developments in Administrative Law and Regulatory Practice. This book describes and analyzes current developments in administrative law and regulatory practice, both by process (e.g. judicial review and rulemaking), and by substantive areas (i.e. particular areas of practice). It provides a ready reference source for practitioners, judges, and academics on significant events within administrative law. As an annual publication, it also provides a historical chronicle of changes in administrative law and regulatory practice.