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Section of Administrative Law & Regulatory Practice

**5th ANNUAL
HOMELAND SECURITY LAW INSTITUTE
Walter E. Washington Convention Center
Washington, D.C.
March 3 & 4, 2010**

**Program Chair:
The Honorable Joe D. Whitley
Program Vice Chairs:
George A. Koenig, Elizabeth L. Branch
Administrative Law Section Chair:
William V. Luneburg**



5th Annual Homeland Security Law Institute Washington Convention Center 801 Mt. Vernon Place NW Washington, D.C.



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Section of Intellectual Property Law
Young Lawyers Division
Section of International Law
Commission on Immigration

Schedule at a Glance

Wednesday March 3, 2010

Time	Session	Room
7:30 – 8:45 am	Continental Breakfast & Registration	Foyer 202
8:45 – 9:00 am	Welcome and Introductions	202 AB
9:00 – 9:45 am	Keynote Address: Homeland Security: A View from the Legislative Branch	202 AB
9:50 – 10:30 am	Homeland Security and DHS – What Does the Future Hold?	202 AB
10:45 – 12 pm	Regulatory Developments for 2010	202 AB
12:00 – 1:30 pm	Luncheon Address, Senator Susan Collins, Maine, Ranking Member and Former Chairman, Senate Committee on Homeland Security and Governmental Affairs	207 AB
1:45 – 3:00 pm	Breakout Session A: International Issues Panel	201
1:45 – 3:00 pm	Breakout Session B: Industry Profile: DHS & the Supply Chain - A Re-Regulation of Freight Shipping	206
1:45 – 3:00 pm	Breakout Session C: Immigration: Enforcement Trends, Compliance Best Practices and Possibilities for Reform	202 AB
3:15 – 4:30 pm	Breakout Session A: Developments in Chemical and Personnel Security (CFATS, MTSA, TWIC)	206
3:15 – 4:30 pm	Breakout Session B: CFIUS & Foreign Investments	201
3:15 – 4:30 pm	Breakout Session C: DOD & Homeland Defense	202 AB
4:45 – 5:15 pm	Address: W. Craig Fugate, Administrator of the Federal Emergency Management Agency	202 AB
5:30 – 7:00 pm	Cocktail Reception	Foyer 201



Homeland Security: Legal and Policy Issues Provided with your Registration

"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.

Thursday March 4, 2010

Time	Session	Room
8:00 – 8:40 am	Continental Breakfast & Registration	Foyer 202
8:40 – 8:45 am	Welcome and Introductions	202 AB
8:45 – 9:15 am	Keynote Address: Homeland Security - Lessons Learned From the New York City Experience	202 AB
9:25 – 10:30 am	Breakout Session A: Detention and Prosecution of Terror Suspects: A Homeland Security Perspective	202 AB
9:25 – 10:30 am	Breakout Session B: State & Local Emergency Response	201
9:25 – 10:30 am	Breakout Session C: SAFETY Act: Enhancing Integration with Federal Procurements	206
10:45 – 11:55 am	Breakout Session A: Cyber Security: Legal Developments in Cyberspace	202 AB
10:45 – 11:55 am	Breakout Session B: Privacy & Civil Liberties in the Obama Administration	206
10:45 – 11:55 am	Breakout Session C: Understanding Homeland Security Grants and Opportunities	201
12:00 – 1:30 pm	Luncheon Address: Homeland Security: Managing the War on Terrorism from the White House Executive Branch	207 AB
1:45 – 3:00 pm	Breakout Session A: Private Sector Planning and Preparation	202 AB
1:45 – 3:00 pm	Breakout Session B: Homeland Security & Criminal Justice	201
1:45 – 3:00 pm	Breakout Session C: Public Health & Safety Issues (Pandemic Flu / H1N1)	206
3:15 – 4:30 pm	Closing Address: Michael Chertoff, President, The Chertoff Group and Senior Counsel at Covington & Burling LLP	202 AB
4:30 pm	Concluding Remarks: Joe D. Whitley	202 AB

Wednesday, March 3, 2010

7:30 a.m. – 8:45 a.m. Continental
Breakfast & Registration

Foyer 201

8:45 a.m. – 9:00 a.m.

Welcome and Introductions

Conference Room: 202AB

Jonathan J. Rusch, Deputy Chief for Strategy and Policy, Fraud Section, Criminal Division, U.S. Department of Justice, Washington, DC; Chair-Elect, ABA Section of Administrative Law and Regulatory Practice

Chair: Joe D. Whitley, Shareholder, Greenberg Traurig, LLP, Atlanta, GA and Washington, DC; *Former General Counsel, U.S. Department of Homeland Security*

Vice-Chair: George A. Koenig, Principal, Koenig Law Group, P.C., Atlanta, GA; *Former Counsel to the General Counsel, U.S. Department of Homeland Security*

Vice-Chair: Elizabeth L. Branch, Partner, Smith, Gambrell & Russell, LLP, Atlanta, GA; *Former Counselor to the Administrator of the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget; Former Associate General Counsel for Rules and Legislation, U.S. Department of Homeland Security*

9:00 a.m. – 9:45 a.m.

**Keynote Address: Homeland Security:
A View from the Legislative Branch**

Conference Room 202 AB

J. Dennis Hastert, Partner, Dickstein Shapiro LLP, Washington, D.C., *Former Speaker of the U.S. House of Representatives*

Introductions by **Brian E. Finch**, Partner, Dickstein Shapiro LLP, Washington, DC

9:50 a.m. – 10:30 a.m.

Homeland Security and DHS – What Does the Future Hold?

Conference Room: 202AB

Ivan K. Fong, General Counsel, U.S. Department of Homeland Security

Introductions by **Gus Coldebella**, *Former Acting General Counsel, U.S. Department of Homeland Security, Washington, DC*

10:30 a.m. – 10:45 a.m.

Break & Networking

Foyer 201

10:45 a.m. – 12:00 p.m.

Regulatory Developments for 2010

Conference Room: 202AB

Moderator: **Elizabeth L. Branch**, Partner, Smith, Gambrell & Russell, LLP, Atlanta, GA

Presenters:

- **Neil Eisner**, Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, Washington, DC
 - **Michael Fitzpatrick**, Associate Administrator, Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, Washington, DC
 - **George W. Korch, Jr.**, Senior Science Advisor to the Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services, Washington, DC
 - **Mary Kate Whalen**, Associate General Counsel for Regulatory Affairs, U.S. Department of Homeland Security, Washington, DC
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12:00 p.m. – 1:30 p.m.

Luncheon Address

Conference Room: 207 AB

Senator Susan Collins, Maine - Ranking Member and Former Chairman, Senate Committee on Homeland Security and Governmental Affairs, Washington, DC

Introductions by Andrew E. Weis, Managing Director, Civitas Group, LLC, Washington DC; Former Republican General Counsel, U.S. Senate Committee on Homeland Security and Governmental Affairs

1:45 p.m. – 3:00 p.m.

International Issues Panel

Conference Room: 201

Moderator: **Paul S. Rosenzweig**, Principal, Red Branch Consulting, PLLC; *Former Deputy Assistant Secretary for Policy, U.S. Department of Homeland Security, Washington, DC*

Presenters:

- **Richard Barrett**, Coordinator, Al-Qaida Taliban Monitoring Team, United Nations, New York, NY
- **John Kropf**, Deputy Chief Privacy Officer, U.S. Department of Homeland Security, Washington, DC
- **Luc Véron**, Minister-Counselor, Head, Political & Development Section, European Union, Delegate of European Commission to the United States
- **Ambassador C. Donald Johnson**, Director, Dean Rusk Center, International Comparative and Graduate Legal Studies School of Law, University of Georgia, Athens, GA

1:45 p.m. – 3:00 p.m.

Industry Profile: DHS & the Supply Chain- A Re-Regulation of Freight Shipping

Conference Room: 206

Moderator: **Joel A. Webber**, Counsel, Couri and Couri, Winnetka, IL

Presenters:

- **Michael J. Penders**, President & Chief Executive Officer, Environmental Security International, LLC, Washington, DC
- **Joan M. Bondareff**, Of Counsel, Blank Rome LLP, Washington, DC
- **Rear Admiral Charles D. Michel**, Military Advisor to the Secretary, U.S. Department of Homeland Security, Washington, DC (Invited)

1:45 p.m. – 3:00 p.m.

Immigration: Enforcement Trends, Compliance Best Practices and Possibilities for Reform

Conference Room: 202AB

Moderator: **Julie Myers Wood**, President, ICS Consulting, LLC, Washington, DC; *Former Assistant Secretary, Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security; Former Assistant Secretary for Export Enforcement, U.S. Department of Commerce*

Presenters:

- **Elizabeth C. Dickson**, Manager of Global Immigration Services, Ingersoll Rand Company, Piscataway, NJ
- **Jessica R. Herrera-Flanigan**, Partner, Monument Policy Group, Washington, DC; *Former Staff Director and General Counsel, House Homeland Security Committee*
- **Dawn M. Lurie**, Shareholder, Greenberg Traurig LLP, McLean, VA
- **Beth Gibson**, Senior Counsel to the Assistant Secretary of Homeland Security, Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security, Washington, DC

3:00 p.m. – 3:15 p.m.
Break & Networking
Foyer 201

3:15 p.m. – 4:30 p.m.

Developments in Chemical and Personnel Security (CFATS, MTSA, TWIC)
Conference Room: 206

Moderator: **Philip J. Perry**, Partner, Latham & Watkins, LLP, Washington, DC; *Former General Counsel, U.S. Department of Homeland Security*

Presenters:

- **James W. Conrad Jr.**, Conrad Law & Policy Counsel, Washington, DC
 - **Meghan G. Ludtke**, Associate General Counsel, National Protection and Programs, U.S. Department of Homeland Security, Washington, DC
 - **Sue Armstrong**, Acting Deputy Assistant Secretary, Office of Infrastructure Protection, U.S. Department of Homeland Security, Washington, DC
 - **Brandon Milhorn**, Republican Staff Director and Chief Counsel, Senate Committee on Homeland Security and Governmental Affairs, Washington, DC
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3:15 p.m. – 4:30 p.m.
CFIUS & Foreign Investments
Conference Room: 201

Moderator: **Stewart A. Baker**, Partner, Steptoe & Johnson LLP, Washington, DC; *Former First Assistant Secretary for Policy, U.S. Department of Homeland Security*

Presenters:

- **Mark M. Jaskowiak**, Deputy Assistant Secretary, Investment Security, Under Secretary for International Affairs, U.S. Department of the Treasury, International Affairs, Washington, DC
 - **Sanchitha Jayaram**, Director, Foreign Investment and Trade, Policy Development, U.S. Department of Homeland Security, Washington, DC
 - **Mark E. Plotkin**, Partner, Covington & Burling LLP, Washington, DC
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3:15 p.m. – 4:30 p.m.

DOD & Homeland Defense
Conference Room: 202AB

Moderator: **Paul McHale**, Partner, McKenna Long & Aldridge LLC, Washington, DC; *Former Assistant Secretary of Defense - Homeland Defense & America's Security Affairs, U.S. Department of Defense; Former Congressman 15th Congressional District of Pennsylvania*

Presenters:

- **Jeff Greene**, Counsel, Senate Homeland Security and Governmental Affairs Committee, Washington, DC
 - **Christian Rofrano**, Chief Counsel, National Guard Bureau, Arlington, VA
 - **David A. Trissell**, Chief Counsel, Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security, Washington, DC
 - **Carl M. Wagner**, Associate Deputy General Counsel for Homeland Defense and Civil Support, U.S. Department of Defense, Washington, DC
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4:45 p.m. – 5:15 p.m.

Address

Conference Room 202 AB

W. Craig Fugate, Administrator of the Federal Emergency Management Agency, Washington, DC

Introductions by David A. Trissell, Chief Counsel, Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security, Washington, DC

5:30 p.m. – 7:00 p.m.

Cocktail Reception
Foyer 201

Thursday March 4, 2010

8:00 a.m. – 8:40 a.m.

Continental Breakfast *Foyer 201*

8:40 a.m. – 8:45 a.m. Welcome and
Introductions *Conference Room: 202AB*

8:45 a.m. – 9:15 a.m.

**Keynote Address: Homeland Security -
Lessons Learned From the New York City
Experience**

Conference Room 202 AB

*Commissioner Raymond W. Kelly, New
York City Police Department*

**Introductions by Elizabeth L. Branch,
Partner, Smith, Gambrell & Russell, LLP,
Atlanta, GA**

9:15 a.m. – 9:25 a.m. Break &
Networking

Foyer 201

9:25 a.m. – 10:30 a.m.

**Detention and Prosecution of Terror
Suspects: A Homeland Security
Perspective**

Conference Room: 202AB

Moderator: **The Honorable Jim Turner**,
Partner, Arnold & Porter, LLP, Washington, DC;
*Former Ranking Member, House Committee on
Homeland Security; Former Ranking Member,
Terrorism Sub Committee of the Armed
Services Committee*

Presenters:

- **John B. Bellinger, III**, Partner, Arnold & Porter, LLP, Washington, DC; *Former Legal Advisor, Department of State*
 - **Brad Wiegmann**, Principal Deputy Assistant Attorney General, National Security Division, U.S. Department of Justice, Washington, DC
 - **Benjamin Wittes**, Senior Fellow Government Studies, Brookings Institute, Washington, DC
 - **Juan C. Zarate**, Senior Adviser, Transnational Threats Project, Center for Strategic and International Studies (CSIS), *Former Deputy National Security Advisor for Combating Terrorism*
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9:25 a.m. – 10:30 a.m.

State & Local Emergency Response
Conference Room: 201

Moderator: **Ernest B. Abbott**, Sole Practitioner and Principal Owner, FEMA Law Associates, PLLC, Washington, DC

Presenters:

- **David Maxwell**, Arkansas Department of Emergency Management, Director & State Homeland Security Adviser, President, National Emergency Management Association, North Little Rock, AR
 - **Otto J. Hetzel**, Principal, Otto J. Hetzel, Esq. and Professor of Law Emeritus, Wayne State University Law School, Detroit, MI
 - **Ellis M. Stanley, Sr.**, Director of Western Emergency Management Services, Brunswick County, NC
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9:25 a.m. – 10:30 a.m.

**SAFETY Act: Enhancing Integration with
Federal Procurements**

Conference Room: 206

Moderator: **Mark J. Robertson**, Principal, Klitenic Robertson PLLC, Washington, DC; *Former Associate General Counsel for the Science and Technology Directorate; Former Chief of Staff to the General Counsel, U.S. Department of Homeland Security*

Presenters:

- **Bruce B. Davidson**, Director, Office of SAFETY Act Implementation, U.S. Department of Homeland Security, Washington, DC
 - **John M. Mitnick**, Vice President & General Counsel, Raytheon Technical Services Company LLC, Reston, VA
 - **Kevin Mullen**, Partner, Cooley Godward Kronish, LLP, Washington, DC
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10:30 a.m. – 10:45 a.m.

Break & Networking
Foyer 201

10:45 a.m. – 11:55 a.m.

Cyber Security: Legal Developments in Cyberspace

Conference Room: 202AB

Moderator: Chad N. Boudreaux, Special Counsel, Baker Botts LLP, Washington, DC; *Former Deputy Chief of Staff, U.S. Department of Homeland Security*

Presenters:

- **Gus Coldebella**, *Former Acting General Counsel, U.S. Department of Homeland Security, Washington, DC*
- **Sigal P. Mandelker**, Senior Counsel, Proskauer Rose, LLP, New York, NY; *Former Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice*
- **Asha A. Mathew**, Senior Counsel for Minority, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC
- **Donald A. Purdy, Jr.**, Chief Cybersecurity Strategist, CSC, Falls Church, VA

10:45 a.m. – 11:55 a.m.

Privacy & Civil Liberties in the Obama Administration

Conference Room: 206

Moderator: Hugo Teufel, III, Director, U.S. Advisory Practice, PricewaterhouseCoopers, McLean, VA; *Former Chief Privacy Officer, U.S. Department of Homeland Security*

Presenters:

- **Stewart A. Baker**, Partner, Steptoe & Johnson LLP, Washington, DC; *Former First Assistant Secretary for Policy, U.S. Department of Homeland Security*
- **Eric Lichtblau**, Reporter, Washington Bureau, New York Times, Washington, DC
- **Ellen Nakashima**, Reporter, Washington Post, Washington, DC
- **Gregory T. Nojeim**, Director, Project on Freedom, Security & Technology, Center for Democracy and Technology (CDT), Washington, DC

10:45 a.m. – 11:55 a.m.

Understanding Homeland Security Grants and Opportunities

Conference Room: 201

Moderator: Joshua D. Filler, President, Filler Security Strategies, Inc., Washington, DC; *Former Director of the Office of State & Local Government Coordination, U.S. Department of Homeland Security*

Presenters:

- **David W. Hagy**, Principal, Booz Allen and Hamilton, McLean, VA; *Former Director of the National Institute of Justice, U.S. Department of Justice*
- **Tracy Henke**, Partner, Thomas Advisors, Inc., Washington, DC; *Former Assistant Secretary, U.S. Department of Homeland Security*
- **Dennis R. Schrader**, President, DRS International, LLC, Columbia, MD; *Former Deputy Administrator, National Preparedness Directorate (NPD), Federal Emergency Management Agency (FEMA)*

12:00 p.m. – 1:30 p.m.

Luncheon Address: Homeland Security: Managing the War on Terrorism from the White House Executive Branch

Conference Room 207AB

Moderator:

Admiral James M. Loy, Senior Counselor, The Cohen Group, Washington, DC; *Former Acting Secretary and Deputy Secretary, U.S. Department of Homeland Security; Former Commandant of the U.S. Coast Guard*

Introductions by Jason Klitenic, Principal, Klitenic Robertson, PLLC, Washington, DC; *Former Deputy General Counsel, U.S. Department of Homeland Security*

Speakers:

Kenneth L. Wainstein, Partner, O'Melveny & Myers LLP, Washington, DC; *Former Assistant to President George W. Bush for Homeland Security and Counterterrorism*

Juan C. Zarate, Senior Adviser, Transnational Threats Project, Center for Strategic and International Studies (CSIS), *Former Deputy National Security Advisor for Combating Terrorism*

1:45 p.m. – 3:00 p.m.

Private Sector Planning and Preparation
Conference Room: 202AB

Moderator: **Alfonso Martinez-Fonts, Jr.**, Fellow, U.S. Chamber of Commerce, Washington, DC; *Former Assistant Secretary for the Private Sector Office, U.S. Department of Homeland Security*

Presenters:

- **John J. Imhoff**, Director, Office of Firm Security, Ernst & Young, Washington, DC
- **Ashley P. Moore**, Senior Preparedness Policy Advisor, Standards & Technology Branch, Incident Management Systems Integration Division, National Preparedness Directorate, Federal Emergency Management Agency, U.S. Department of Homeland Security, Washington, DC
- **William G. Raisch**, Director of the International Center for Enterprise Preparedness (InterCEP), New York University, New York, NY
- **George A. Koenig**, Principal, Koenig Law Group, P.C., Atlanta, GA; *Former Counsel to the General Counsel, U.S. Department of Homeland Security*

1:45 p.m. – 3:00 p.m.

Homeland Security & Criminal Justice
Conference Room: 201

Moderator: **Jayson P. Ahern**, Principal, The Chertoff Group, Washington, DC; *Former Acting Commissioner, U.S. Customs and Border Protection, U.S. Department of Homeland Security*

Presenters:

- **Rear Admiral William D. Baumgartner**, Judge Advocate General and Chief Counsel, U.S. Coast Guard, Washington, DC
- **Valerie E. Caproni**, General Counsel, Federal Bureau of Investigation, Washington, DC
- **Peter S. Vincent**, Principal Legal Advisor, Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement, Washington, DC

1:45 p.m. – 3:00 p.m.

Public Health & Safety Issues (Pandemic Flu / H1N1)

Conference Room: 206

Moderator: **Michael Greenberger**, Professor, University of Maryland School of Law; Founder & Director, University of Maryland Center for Health and Homeland Security, Baltimore, MD

Presenters:

- **Brooke Courtney**, Associate, Center for Biosecurity, University of Pittsburgh Medical Center, Baltimore, MD
- **Wendy K. Mariner**, Edward R. Utey Professor of Health Law, Boston University School of Public Health; Professor of Law, Boston University School of Law; Professor of Socio-Medical Sciences, Boston University School of Medicine, Boston, MA
- **Marita Mike**, Health Director, University of Maryland Center for Health and Homeland Security, Baltimore, MD

3:00 p.m. – 3:15 p.m.

Break & Networking
Foyer 201

3:15 p.m. – 4:30 p.m.

Closing Address

Conference Room 202 AB

Michael Chertoff, President, The Chertoff Group and Senior Counsel at Covington & Burling LLP, Washington, DC; *Former Secretary, U.S. Department of Homeland Security*

Introductions by Joe D. Whitley, Shareholder, Greenberg Traurig, LLC, Atlanta, GA and Washington, DC

4:30 p.m.

Concluding Remarks

Joe D. Whitley, Shareholder, Greenberg Traurig, LLC, Atlanta, GA and Washington, DC; *Former General Counsel, U.S. Department of Homeland Security*

Conference Room: 202 AB

**5th Annual Homeland Security Law Institute
ABA Section of Administrative Law & Regulatory Practice
March 3 & 4, 2010**

Location: 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: Hampton Inn Convention Center, 901 6th Street, NW, Washington, DC

A small room block has been reserved at the rate of \$299/night plus applicable taxes. Call 1-800-426-7866 and request the "ABA Administrative Law and Regulatory Practice 5th Annual Homeland Security Law Institute" rate. Room block deadline: Feb 26, 2010

Registration: Register online at [this link](#) or complete the form. Advance registration rates are valid until February 26. On-Site registration is available on March 3 and 4 however there is an additional \$50 charge. Credit cards or checks are required for on-site registration. Receipt copies are emailed when the registration is processed. Questions? 202-662-1528 or rosenr@staff.abanet.org.

Cancellation: Attendance can be cancelled without charge until Feb. 16, 2010, with written notice to kiefera@staff.abanet.org. No refunds are possible after that date – substitution of participants is permissible – email above or Fax to 202-662-1529.

CLE: 8 hours of general credit has been requested (Skills, Professional Practice or Law Practice Management), but can not be guaranteed. Check with your own state to verify requirements.

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Any Special Needs? Please contact Anne Kiefer kiefera@staff.abanet.org or 202-662-1690

ON-SITE REGISTRATION ONLY AFTER FEBRUARY 26 - \$50 ADDITIONAL CHARGE. CREDIT CARD OR CHECK REQUIRED – NO CASH ACCEPTED ON SITE.

Registration Type	Rates March 3 – March 4
Administrative Law Section Member	\$345
ABA Member	\$385
Government Employee	\$345
Non-Section Member	\$395
Law Student Rate – Wednesday, March 3, 2010	\$100
Law Student Rate – Thursday, March 4, 2010	\$100

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 February 16, 2010. Substitutions are permitted until February 26, 2010. All cancellations or substitutions must be by Email to kiefera@staff.abanet.org or Fax to 202-662-1529.

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