

## **JEFFREY S. LUBBERS**

### **LAW SCHOOL OFFICE**

Washington College of Law, American Univ.  
4300 Nebraska Avenue, NW #Y346K  
Washington, DC 20016  
(202) 274-4266 (Phone and v-mail)

### **HOME OFFICE**

816 Hudson Avenue  
Takoma Park, MD 20912  
(301) 565-0266 (Phone)  
JSL26@aol.com (e-mail)  
jlubbers@wcl.american.edu (alt. e-mail)

### **EDUCATION**

J.D., University of Chicago Law School  
A.B. (History and Government), Cornell University, Ithaca, New York

### **CURRENT POSITION**

Professor of Practice in Administrative Law (June 2009--), Fellow in Law and Government (1995--), Washington College of Law, American University—I've taught various courses in Administrative Law, Alternative Dispute Resolution, and Environmental Law. Dean's Liaison with Japanese Law Schools (2004 to present). Director of Europe Summer Abroad Program (2013-15).

Visiting professorships while at American University. (Fall 1996, Spring 2000, Spring 2003, Spring 2006): Washington and Lee University School of Law, Lexington, VA, taught American Public Law Process, Negotiation & Mediation, Advanced Administrative Law, and Environmental Law; (January 1998) University of Melbourne, taught Comparative Administrative Law; (Spring, 1999): Georgetown University Law Center, taught Administrative Law and Regulatory Policy; (January Term, 2005): University of Ottawa Common Law Faculty of Law, co-taught Comparative Natural Resources Law; January 2007: The Australian National University, Canberra, taught Comparative Administrative Law; (Summers 2004-05, 2007-09, 2011, 2016-19, 2021, 2023): Ritsumeikan University, Kyoto, Japan, taught Introduction to American Law.

Consultant in Administrative Law. Clients have included numerous federal agencies, law firms, public interest groups, and international organizations. Registered with SAM.gov (Jeffrey S. Lubbers, Esq.)

### **FORMER EMPLOYMENT**

Research Director  
Administrative Conference of the United States  
Office of the Chairman, Washington, DC

1982 - October 31, 1995  
(Agency closed by 104th Congress, but re-opened in 2010, Appointed Special Counsel 2011 to present)

Oversaw the research program for the Conference—the U.S. Government's "permanent" advisory agency on procedural improvements in federal programs. Developed ideas for new projects, hired outside consultants (mostly law professors) to conduct the studies, reviewed reports, supervised staff attorneys and assisted Conference committees in developing recommendations from the studies on a wide variety of administrative law subjects. Worked with Congressional committees and agencies to seek implementation of Conference recommendations. Served as Team Leader for Vice President Gore's National Performance Review, Improving Regulatory Systems Team in 1993. Member, Senior Executive Service of US Government.

Senior Staff Attorney  
Administrative Conference of the United States

1978 - 1982

Only senior attorney on staff. Responsible for advising and assisting Chairman on broad range of activities.

Coordinated Conference's data collection on administrative proceedings. Active in preparing legislative comments, proposing and overseeing research projects and implementing Conference recommendations. Also detailed part-time to Office of Management and Budget in 1978 on regulatory reform project.

Attorney 1975 - 1978  
Administrative Conference of the United States

Served as attorney-liaison to several Conference Committees, organized and published comprehensive statistical compilation on administrative proceedings.

Instructor 1974 - 1975  
University of Miami School of Law  
Coral Gables, Florida

Part of instructorship program inaugurated that year at the law school. Taught two full-credit law courses: "Elements of Law" and Administrative Law. Also taught legal writing, research and moot court tutorial to 45 first-year students throughout the year.

Research Fellow 1973 - 1974  
American Judicature Society  
Chicago, Illinois

As research assistant published bibliography on grand juries and assisted in law review article on grand juries. Appointed Herbert Harley Research Fellow in 1974 and was associate author of comprehensive study of judicial nominating commissions published in that year.

Various summer positions (1967-1971) US Departments of Labor and HUD, US Postal Service, GPO

**BAR MEMBERSHIPS** Maryland (1974) (inactive)  
District of Columbia (1976)  
Court of App. for the Fed. Circuit (1997)  
U.S. Supreme Court (1999)

## PROFESSIONAL ACTIVITIES

Administrative Conference of the U.S. Appointed unpaid Special Counsel, August, 2010 after ACUS was re-established

American Bar Association Member & "Fellow," Section of Administrative Law and Regulatory Practice (Council Member 1991-94) (currently—serve on publications committee, former editor of Annual "Developments" publication)

Association of American Law Schools Elected to Executive Committee, Administrative Law Section (1997, 2009); Section Chair 2012

American Bar Foundation Fellow (2012 to present)

<u>National Administrative Law Moot Court Competition</u>	Wrote problem; judged finals (1991) (University of Dayton School of Law)
<u>National Judicial College</u>	Faculty, 1985, 1989, 2011
<u>Legal Education Institute (US DOJ)</u>	Faculty, 1992, 1993, 1997
<u>International Law Institute</u>	Faculty, 1997, 1999, 2003-2005, 2007, 2011-19, 2022
<u>National Academies</u>	Member, Committee on Social Security Representative Payees (2005-2007; Report issued July 2007).
<u>Working Groups</u>	Member, International Working Group on Online Consultation and Public Policy Making, funded through the SUNY Albany's Center for Technology in Government, with funding from a grant from the National Science Foundation's Digital Research Program (2006-2009). Book, <i>Connecting Democracy</i> , published in 2012.  Member of "Blue-Ribbon Commission," co-sponsored by Cornell University and the ABA Section of Administrative Law and Regulatory Practice, evaluating the federal e-rulemaking project (2006-2008). Report issued 10/08.
Journal Editorial Board	<i>Admin. Law Review [Faculty Board]</i>

## INTERNATIONAL ACTIVITIES

Legal studies tour—USSR (1985); Faculty, US-Asia Law Institute (Chinese Judges, University of Hawaii 1988); Visitor, Center for Comparative Constitutional Studies, University of Melbourne, Australia (1989); Drafted Proposed Peruvian Administrative Procedure Act, Institute for Liberty and Democracy (1990); Keynote Speaker, Council of Canadian Administrative Tribunals, Ottawa, Canada (1991 and 1993); Faculty, ABA Central and Eastern European Law Institute (CEELI), Administrative Law Workshop for Hungarian Lawyers Association, Budapest (1991); Organized and participated in US-China Seminar on Administrative Law at invitation of Chinese Government, Beijing and Qingdao (1993); Invited Participant, UNDP International Symposium on Administrative Reform, Beijing, Nanning and Guilin, China (1994); University of Melbourne (Australia), Visiting Professor, Law Faculty (January 1998); Commenter on Latvian Administrative Procedure Code, Slovakian FOIA, and Albanian Office of People's Advocate for CEELI, (1998-2000); World Bank-sponsored study of administrative procedure reform in Latvia (2001), OECD study of administrative simplification and burden reduction (2001); State Department sponsored program on U.S./Mexico administrative law, Mexico City (2002); USAID "desk audit" of tax appeals system, Tbilisi, Georgia (2002), Visiting Professor, Ritsumeikan University, Kyoto, Japan (Summers 2004-05, 2007-09, 2011, 2016-19, 2021); Tokyo Administrative Law Symposium (September 2004); Visiting Professor, University of Ottawa Common Law Faculty of Law (January Term 2005); Morocco (USAID Program on Transparency in Regulation (2006)); Rio de Janeiro, Brazil (presentation at International Forum on Public Law and the Economy (2006)); Visiting Professor, Australian National University (January term 2007), China (Yale China Law Center Workshops on Openness, Public Participation and

Administrative Adjudication (2003, 2006, 2007 & 2009); Asia Foundation workshops on Chinese Administrative Law Reform (2009-2011), Workshop on Global Administrative Law, Nagoya, Japan (2011), Workshop on Chinese Administrative Law, Jeonju, Korea (2011), Workshop on “Accountability of Independent Agencies Before Parliament: Bringing US and EU Experiences Together,” Maastricht, The Netherlands (2012); Program on Judicial Evaluation, Guangzhou University (2012); Program on Administrative Licensing, Beijing China (2012); Asia Foundation Symposium on Administrative Reform Project, Beijing, China (2012); Workshop on Legal Education, Osaka, Japan (2012); Panelist, Program on Public Administration as an Obstacle, Bocconi University, Milan, Italy (2013), speaker at La Sapienza University, Rome, on “The U.S. System of Guarantees Against the Public Administration: Accountability Mechanisms” (2013); Guest Lecturer, Nagoya University, Peking University and Shanghai Institute of Law and Politics (2014); Program on Guiding Cases, Hangzhou, China (2014); Program on Judicial Evaluation, Guangzhou University, Lectures on U.S. Administrative Law to Zhengzhou University; the China Academy of Governance and Nankai University (Tianjin) (2014); presentation at Administrative Law Discussion Group, University of Luxembourg (2015); Presentation at “Chinese Judicial Reform: the State of Play” co-organized by the U. Chicago Law School, the Beijing Center and Peking University Law School (2016); guest lectures at Chuo University Law School (Tokyo), Doshisha University (Kyoto), and Nagoya University (2017); Presentation at China’s Case Guidance System and Belt & Road Initiative: Practical Insights and Prospects, Stanford Center at Peking University (2018); presentation at “National Governance Model Reform and Ruling by Law” South China Normal University School of Law (2018); guest lectures at South China Normal University School of Law and Jinan University School of Law (2018); presentations at Korean Legislation Research Institute (Seoul) and Nagoya University (2019); presentations at Doshiha Law School (Kyoto), Kansai University Law School (Osaka); Japanese Federation of Bar Association (online) (2023); part of WCL delegation to ADR University Law School, Baku, Azerbaijan (2024).

## **AWARDS**

- \* Letter of Commendation from OMB Director for work on detail to OMB, 1978
- \* ACUS Award for Special Act or Service, 1984
- \* SES Performance Awards 1987-88, 1988-89, 1990-91, 1991-92, 1992-93
- \* Awarded Presidential Rank of Meritorious Executive, 1991 (covering 1989-90)
- \* “Mary C. Lawton Outstanding Government Service Award,” American Bar Association, Section of Administrative Law and Regulatory Practice (1994)
- \* “Walter H. Gellhorn Award for Outstanding Contributions to the Fairness and Efficiency of the Administrative Process,” Federal Bar Association, Administrative Law Section (1997)
- \* Inducted as “Fellow of the Section,” Section of Administrative Law and Regulatory Practice (1999)
- \* Pauline Ruyle Moore Scholarship Award by the WCL Faculty for the *Guide to Federal Agency Rulemaking* (4<sup>th</sup> ed.) (2007).
- \* Chair’s Award for Outstanding Volunteer Service, ABA Section of Administrative Law and Regulatory Practice (2013).

## **LEGISLATIVE TESTIMONY**

June 27, 1978, Hearing before the Committee on the Judiciary, U.S. Senate, on the Customs Courts Act

February 28, 1980, Hearing before the Committee on the Judiciary, U.S. House of Representatives, on the Customs Courts Act of 1980

March 2, 1982, Hearing before the Committee on the Judiciary, U.S. House of Representatives, on the Administrative Conference of the U.S., Appropriation Authorization and Oversight

November 18, 1993, Hearing before the Committee on the Judiciary, U.S. House of Representatives, on the Regulatory Flexibility Amendments Act of 1993

May 11, 1995, Hearing before the Committee on the Judiciary, U.S. House of Representatives, on the Reauthorization of the Administrative Conference of the U.S

October 9, 1997, Hearing before the Committee on the Judiciary, U.S. House of Representatives, on the Private Trustee Reform Act of 1997, and Review of Post-Confirmation Fees in Chapter 11 Cases

June 20, 2002, Hearing before the Subcommittee on Social Security, Committee on House Ways and Means, U.S. House of Representatives, Hearing on Social Security Disability Programs' Challenges and Opportunities

July 9, 2002, Hearing before the Committee on the Judiciary, U.S. House of Representatives, on Administrative Law, Adjudicatory Issues, and Privacy Ramifications of Creating a Department of Homeland Security

November 1, 2005, Hearing before the Committee on the Judiciary, U.S. House of Representatives, on the Administrative Law, Process, and Procedure Project

September 11, 2007, Presenter, Congressional Research Service symposium on "Executive, Congressional, and Judicial Control of Rulemaking."

September 19, 2007, Hearing before the Subcommittee on Commercial and Administrative Law, Committee on the Judiciary, U.S. House of Representatives, on H.R. 3564, "The Regulatory Improvement Act of 2007," (An Act to Reauthorize the Administrative Conference of the United States).

November 8, 2007, Hearing before the Committee on Small Business, U.S. House of Representatives, "Reducing the Regulatory Burden on Small Business: Improving the Regulatory Flexibility Act."

May 20, 2010, Hearing before the Subcommittee on Commercial and Administrative Law, Committee on the Judiciary, U.S. House of Representatives, on the Reauthorized Administrative Conference of the United States).

June 27, 2012, Hearing before the Social Security Subcommittee, House Ways and Means Committee on "Securing the Future of the Social Security Disability Program."

July 25, 2012, Written Statement, House Committee on Oversight and Government Reform, Hearing on "GAO Report: The Obama Administration's \$8 Billion Extralegal Healthcare Spending Project"

## **PUBLICATIONS**

THE KEY TO JUDICIAL MERIT SELECTION: THE NOMINATING PROCESS, American Judicature Society (1974) (337 pages) (with A. Ashman, J. Alfini and V. Connelly).

Book Review: *The Grand Jury: An Institution on Trial*, by Frankel and Naftalis, 61 JUDICATURE 389 (1978).

*Federal Administrative Law Judge Hearings—Statistical Report for 1975* (Administrative Conference of the US, 1977, 272 pages).

*Federal Administrative Law Judge Hearings—Statistical Report for 1976-78* (Administrative Conference of the US, 1980, 373 pages).

*Improving Government Relations: Guide on Agency Reports Under Executive Order 12044* (Administrative Conference of the US), 43 Federal Register 36,411 (1978).

*Federal Administrative Law Judges: A Focus on our Invisible Judiciary*, 33 ADMIN. L. REV. 109 (1981).

*A Unified Corps of ALJs: A Proposal to Test the Idea at the Federal Level*, 65 JUDICATURE 266 (1981).

A GUIDE TO FEDERAL AGENCY RULEMAKING (Administrative Conference of the US, 1983; 309 pages) (contributor and general editor).

*Federal Agency Adjudications: Trying to See the Forest and the Trees*, 31 FED. BAR NEWS AND J. 388 (1984).

Book Review: *Juries on Trial--Faces of American Justice*, by DiPerno, 32 FED. BAR NEWS AND J. 347 (1985).

*Symposium on Federal Disability Benefit Programs: Report and Recommendations* (American Bar Association/Administrative Conference of the US, et al.) (October 1985) (Co-organizer of Symposium and co-preparer of report). Recommendation later adopted by ABA House of Delegates (August, 1986).

FEDERAL ADMINISTRATIVE PROCEDURE SOURCEBOOK (Administrative Conference of the US, 1985, 975 pages) (contributor). (Also 2nd edition, 1992.)

*Administrative Law as Seen from the DC Circuit: An Interview with Chief Judge Patricia M. Wald*, 34 FED. BAR NEWS AND J. 15 (1987). (Also editor of entire special Administrative Law Issue of the *Journal*)

*Medicare Procedures Symposium: Report and Recommendations*, (American Bar Association and Administrative Conference of the US) (October 1987) (co-organizer of Symposium and co-preparer of report). Recommendations later adopted by ABA House of Delegates (August, 1988).

*Risk Regulation at the Federal Level: Administrative Procedure Constraints and Opportunities*, 1 RISK ISSUES IN HEALTH AND SAFETY 43 (1990) (Franklin Pierce Law Center).

“Management of Federal Agency Adjudication” Paper presented at *Managing Regulation*, a Symposium on the Organization and Administration of Major Regulating Functions in Government Agencies, The American University School of Public Affairs, Washington, DC, May 16, 1991. [Published in HANDBOOK OF ADMINISTRATIVE LAW AND REGULATION, Chapter 11, pp. 287-323, Rosenbloom and Schwartz, eds. (Marcel Dekker, 1994).]

*The Procedural and Practice Rule Exemption From the APA Notice-and-Comment Rulemaking Requirements* (Administrative Conference of the US, November 1991) (with N. Miller). (Served as basis for ACUS Recommendation 92-1). [Published in 6 ADMIN. L. J. AM. U. 481 (1992).]

*The Federal Administrative Judiciary* (1992 Recommendations and Reports 771-1139 (Vol. II), Administrative Conference of the US (with Professors Verkuil, Gifford, Koch and Pierce). (Served as basis for ACUS Recommendation 92-7.)

*Passive Restraints and Activist Courts -- The Story of Federal Regulation of Auto Safety*. (Book review of THE STRUGGLE FOR AUTO SAFETY, by Mashaw and Harfst), 6 ADMIN. L. J. AM. U. 721 (1993).

IMPROVING REGULATORY SYSTEMS, Accompanying Report of the National Performance Review, September 1993 (US Government Printing Office, #1994-355-686). (Team Leader for Report.)

*The Federal Administrative Judiciary: Establishing an Appropriate System of Performance Evaluation for ALJs*, 7 ADMIN. L. J. AM. U. 589 (1993-94).

*Anatomy of a Regulatory Program: Comments on Strategic Regulators and the Choice of Rulemaking Procedures* (by Hamilton and Schroeder), 57 LAW & CONTEMP. PROBS. 161 (1994).

*Better Regulations: The National Performance Review's Regulatory Reform Recommendations*. Paper presented to the Duke Law Journal's Twenty-fifth Annual Administrative Law Conference, Durham, NC, January 20, 1994. [Published in 43 DUKE L. J. 1165 (1994).]

*Reinventing Chinese Administrative Law*, 19 ADMIN. L. NEWS 1 (Spring 1994).

*Justice Stephen Breyer: Purveyor of Common Sense in Many Forums*, [Part of “Symposium: Justice Stephen Breyer's Contribution to Administrative Law”] 8 ADMIN. L. J. AM. U. 775 (1995).

*The Regulatory Reform Recommendations of the National Performance Review*, 6 RISK: HEALTH SAFETY AND ENVIRONMENT 145 (Spring 1995) (Franklin Pierce Law Center).

*APA Adjudication: Is the Quest for Uniformity Faltering?* 10 ADMIN. L. J. AM. U. 65 (1996).

*Paperwork Redux: The Stronger Paperwork Reduction Act of 1995*,” 49 ADMIN. L. REV. 111 (1997).

*Ombudsman Offices in the Federal Government—An Emerging Trend?* 22 ADMIN. & REG. L. NEWS 6 (Summer 1997). (Selected for inclusion in the Spring 1998 issue of *Best of the ABA Sections*, published by the General Practice, Solo & Small Firm Section.)

*The Administrative Law Agenda for the Next Decade*, 49 ADMIN. L. REV. 159 (1997).

*The ABA Section of Administrative Law and Regulatory Practice—From Objector to Protector of the APA*, 50 ADMIN. L. REV. 157 (1998).

*If It Didn't Exist, It Would Have To Be Invented—Reviving the Administrative Conference*, 30 ARIZ. ST. L. J. 147 (1998).

A GUIDE TO FEDERAL AGENCY RULEMAKING (3<sup>rd</sup> ed.) (American Bar Association Book Publishing) (1998).

*Closing the Courthouse to Immigrants,*” 24 ADMIN. & REG. L. NEWS 1 (Winter 1999).

*Recent Developments—Federal Agency Focus: Immigration and Naturalization Service*, Introduction, 52 ADMIN. L. REV. 213 (2000).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 1998-1999, Section of Administrative Law and Regulatory Practice, American Bar Association (2000).

FEDERAL ADMINISTRATIVE PROCEDURE SOURCEBOOK (3<sup>rd</sup> ed.) (with William Funk and Charles Pou, Jr.) Section of Administrative Law and Regulatory Practice, American Bar Association (2000).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 1999-2000, Section of Administrative Law and Regulatory Practice, American Bar Association (2001).

*Background Paper: Models of Administrative Agency Structure and Enforcement Systems*, Prepared for “Project FEC, A Project of the Democracy 21 Education Fund and the Annenberg School for Communications at USC” (with Ernest Gellhorn) (February 20, 2001).

*Strengthening Access to Information and Public Participation in Government Decisionmaking in Latvia, Report prepared for the Government of Latvia*, (with Malcolm Russell-Einhorn and Vedat Milor) Abt Associates (August 16, 2001).

*Case Study of Administrative Simplification and Regulatory Burden Reduction Programmes in the United States*, prepared for an OECD Conference, (October 18-19, 2001), published in FROM RED TAPE TO SMART TAPE: ADMINISTRATIVE SIMPLIFICATION IN OECD COUNTRIES, Chapter 8 (OECD 2003).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2000-2001, Section of Administrative Law and Regulatory Practice, American Bar Association (2002).

*Alternative Approaches to Judicial Review of Social Security Disability Cases*, report to the Social Security Advisory Board (with Paul Verkuil) (March 1, 2002) available at <http://www.ssab.gov/Publications/Disability/VerkuilLubbers.pdf>; also published at 55 ADMIN. L. REV. 731 (2003).

*A Blackletter Statement of Federal Administrative Law*, developed under the auspices of the Administrative Procedure Act Project of the ABA Section of Administrative Law and Regulatory Practice, reprinted in 54 ADMIN. L. REV. 1 (2002) (served on a team of Project Reporters).

*Strengthening Access to Information and Public Participation in Transition Countries—Latvia as a Case Study in Administrative Law Reform*, 54 ADMIN. L. REV. 459 (2002) (with Malcolm Russell-Einhorn and Vedat Milor).

*The Future of Electronic Rulemaking: A Research Agenda*, Regulatory Policy Working Paper RPP-2002-04. Cambridge MA: Center for Business and Government, John F. Kennedy School of Government, Harvard University (2002), available at <http://www.ksg.harvard.edu/m-rcbg/research/rpp/RPP-2002->

04.pdf; also published at 27 ADMIN. & REG. L. NEWS 6 (Summer 2002).

*Creating the New Department of Homeland Security: Don't Forget About Administrative Law!*, 28 ADMIN. & REG. L. NEWS 4 (Fall 2002).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2001-2002, Section of Administrative Law and Regulatory Practice, American Bar Association (2003).

*Introducing Nonadversarial Government Representatives to Improve the Record for Decision in Social Security Disability Adjudications*, Report to the Social Security Advisory Board (March 2003), available at <http://www.ssab.gov/documents/Bloch-Lubbers-Verkuil.pdf> (with Frank Bloch & Paul Verkuil), also published as *Developing a Full and Fair Evidentiary Record in a Nonadversary Setting: Two Proposals for Improving Social Security Disability Adjudications*, 25 CARDOZO. L. REV. 1 (2003).

MAJOR ACTS OF CONGRESS (MacMillan Reference USA; Thompson Gale 2003) (Brian K. Landsberg, ed.), contributed entries on “Administrative Procedure Act” (Vol. 1, pp. 3-6); “Paperwork Reduction Act” (Vol. 3, pp. 114-16); and “Regulatory Flexibility Act” (Vol. 3 pp. 157-59).

*OMB to Require Peer Review for Regulatory Science Documents*, 29 ADMIN. & REG. L. NEWS 3 (Fall 2003).

*Independent Advocacy Agencies Within Agencies: A Survey of Federal Agency Ombudsmen*, Report to the Taxpayer Advocate, Internal Revenue Service, IRS Publication 4213, Catalog Number 36988J (Oct. 2003).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2002-2003, Section of Administrative Law and Regulatory Practice, American Bar Association (2004).

*A Reexamination of Federal Agency Use of Declaratory Orders*, 56 ADMIN. L. REV. 1097 (2004) (with Blake D. Morant).

*Reviving the Administrative Conference of the United States: The Time Has Come*, 51 FED. LAWYER 26 (Nov./Dec. 2004).

*Rulemaking in the United States and Japan*, Center for Legal Dynamics of Advanced Market Societies, CDAMS Discussion Paper 04/27E (November 2004).

*Judicial Review of Administrative Agency Actions in the U.S.* 17 NARA L. REV. 115-32 (*Nara Hogakkai Zasshi*) (September 2004) (in Japanese).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2003-2004, Section of Administrative Law and Regulatory Practice, American Bar Association (2005).

*Judicial Review Lecture—Ritsumeikan University* 22 RITSUMEIKAN L. REV. 101 (Int'l ed.) (March 2005).

*Consensus-Building in Administrative Law: The Revival of the Administrative Conference of the U.S.*, 30 ADMIN. & REG. L. NEWS 3 (Winter 2005).

*In Memoriam, Ernest Gellhorn (1935-2005)*, 57 ADMIN. L. REV. iv (2005).

*Approaches to Regulatory Reform in the United States: A Response to the Remarks of Professors Levin and Freeman*, 83 Wash. U. L. Q. 1893 (2005).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2004-2005, Section of Administrative Law and Regulatory Practice, American Bar Association (2006).

A GUIDE TO FEDERAL AGENCY RULEMAKING (4th ed.) (American Bar Association Book Publishing) (2006).

*Notice-and-Comment Rulemaking Comes to China*, 32 ADMIN. & REG. L. NEWS 5-6 (Fall 2006).



*The Social Security Administration's New Disability Adjudication Rules: A Significant and Promising Reform*, 92 CORNELL L. REV. 235 (2007) (with Frank Bloch & Paul Verkuil).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2005-2006, Section of Administrative Law and Regulatory Practice, American Bar Association (2007).

*Closing Remarks to Symposium—Holes in the Fence: Immigration Reform and Border Security in the United States*, 59 ADMIN. L. REV. 621 (2007).

*Improving the Social Security Representative Payee Program: Serving Beneficiaries and Minimizing Misuse*, National Research Council of the National Academies (2007) (Member of Committee on Social Security Representative Payees that prepared this report).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2006-2007, Section of Administrative Law and Regulatory Practice, American Bar Association (2008).

FEDERAL ADMINISTRATIVE PROCEDURE SOURCEBOOK (4<sup>th</sup> ed.) (with William Funk & Charles Pou, Jr.), Section of Administrative Law and Regulatory Practice, American Bar Association (2008).

*Achieving Policymaking Consensus: The (Unfortunate) Waning of Negotiated Rulemaking*, 49 S. TEX. L. REV. 987 (2008).

*The Transformation of the U.S. Rulemaking Process—For Better or Worse*, 34 OHIO NORTHERN UNIV. L. REV. 469 (2008).

*Regulatory Transparency: The Transformation of the U.S. Rulemaking Process*, 13 DEVELOPING ALTERNATIVES, 47 (DAI) (winter 2008).

American Bar Association, Section of Administrative Law and Regulatory Practice, IMPROVING THE ADMINISTRATIVE PROCESS: A REPORT TO THE PRESIDENT-ELECT OF THE UNITED STATES (2008) (contributor), published at 61 ADMIN. L. REV. 235 (2009).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2007-2008, Section of Administrative Law and Regulatory Practice, American Bar Association (2009).

*The U.S. Rulemaking Process: Has It Become Too Difficult?*, 66 PROCEEDINGS OF THE MARINE SAFETY & SECURITY COUNCIL, THE COAST GUARD JOURNAL OF SAFETY AT SEA, 70 (Spring, 2010).

*Should the Primary Locus of Government Adjudication be in the Agencies, the Courts, or in a Special Tribunal? Comparisons Between the US and the UK/Australia Models*, Chapter 10 in EFFECTIVE JUDICIAL REVIEW: A CORNERSTONE OF GOOD GOVERNANCE (Christopher Forsyth, Mark Elliott, Swati Jhaveri, Michael Ramsden, & Anne Scully Hill, eds.) (Oxford University Press, 2010).

*Giving Applicants for Veterans' and Other Government Benefits Their Due (Process)*, 35 ADMIN. & REG. L. NEWS 16 (Spring 2010).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2008-2009, Section of Administrative Law and Regulatory Practice, American Bar Association (2010).

*A Survey of Federal Agency Rulemakers' Attitudes About E-Rulemaking*, 62 ADMIN. L. REV. 451 (2010); also published as book chapter in CONNECTING DEMOCRACY—ONLINE CONSULTATION AND THE FLOW OF POLITICAL COMMUNICATION, Stephen Coleman & Peter M. Shane, eds. (MIT Press 2012).

*Japan's Legal Education Reforms from an American Law Professor's Perspective* (2010), available at SSRN: <http://ssrn.com/abstract=1552094>. (Published in Japanese as part of a book honoring a Japanese Professor, 2011).

*The Potential of Rulemaking by the NLRB*, 5 FIU L. REV. 411 (2010).

*Agency Techniques for Gathering Science-Based Information in Support of Regulatory Decisionmaking*,

Final Report to the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture, (as subcontractor to Kadix Systems) (with William S. Wallace), November 9, 2009; as amended (released 2011).

*ACUS 2.0 and its Historical Antecedents*, 36 ADMIN. & REG. L. NEWS 9 (Spring 2011).

*The Merits of ‘Merits’ Review: A Comparative Look at the Australian Administrative Appeals Tribunal*, 29 WINDSOR YEARBOOK OF ACCESS TO JUSTICE 261 (2011); (with Michael Asimow), manuscript available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1785894](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1785894).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2009-2010, Section of Administrative Law and Regulatory Practice, American Bar Association (2011).

*Paul Verkuil’s Projects for the Administrative Conference of the U.S. 1974-1992*, 32 CARDOZO L. REV. 2421 (2011).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2011, Section of Administrative Law and Regulatory Practice, American Bar Association (2012).

A GUIDE TO FEDERAL AGENCY RULEMAKING (5th ed.) (American Bar Association) (2012).

*Should Congress Create a Special Category of SSA ALJs?*, 38 ADMIN. & REG. L. NEWS 5 (Winter 2013).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2012, Section of Administrative Law and Regulatory Practice, American Bar Association (2013).

Chapter 12, “Transparency in Policymaking—the (Mostly) Laudable Example of the U.S. Rulemaking System” in RESEARCH HANDBOOK ON TRANSPARENCY (Padideh Ala’i & Robert Vaughn eds.) Elgar 2014).

Editor, DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2013, Section of Administrative Law and Regulatory Practice, American Bar Association (2014).

*Enhancing the Use of Negotiated Rulemaking by the U.S. Department of Education*, (Dec. 5, 2014) white paper for the American Council on Education, published as Appendix IV, RECALIBRATING REGULATION OF COLLEGES AND UNIVERSITIES, REPORT OF THE TASK FORCE ON FEDERAL REGULATION OF HIGHER EDUCATION, 90-125 (2015), available at [http://www.help.senate.gov/imo/media/Regulations\\_Task\\_Force\\_Report\\_2015\\_FINAL.pdf](http://www.help.senate.gov/imo/media/Regulations_Task_Force_Report_2015_FINAL.pdf).

*Fail to Comment at Your Own Risk: Does Issue Exhaustion Have a Place in Judicial Review of Rules?*, Report to the Administrative Conference of the United States (May 2015), available at [https://www.acus.gov/sites/default/files/documents/Final%20Issue%20Exhaustion%20Report%2005052014\\_1.pdf](https://www.acus.gov/sites/default/files/documents/Final%20Issue%20Exhaustion%20Report%2005052014_1.pdf). Published in 70 ADMIN. L. REV. 109 (2018).

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