



740 15th Street, N.W.
Washington, DC 20005

PRESORTED
First Class Mail
U.S. Postage
PAID
Hagerstown MD
Permit No. 93

2004 ADMINISTRATIVE LAW CONFERENCE

2004 Administrative Law Conference



OCTOBER 21–22, 2004

Washington D.C. Convention Center

You are invited to attend the nation's most comprehensive, timely, and informative conference addressing developments in administrative law and regulatory practice.

CONFERENCE SPONSORS

Balch & Bingham LLP
Crowell & Moring LLP
Foley & Lardner LLP
Gibson, Dunn & Crutcher LLP
Haynes & Boone LLP
Hunton & Williams LLP
Jenner & Block LLP
Kirkland & Ellis LLP
Kelley Drye & Warren LLP
Latham & Watkins LLP
Paul, Hastings, Janofsky & Walker LLP
Porter Wright Morris & Arthur LLP
Proskauer Rose LLP
Ropes & Gray LLP
Sidley Austin Brown & Wood LLP
Wiley Rein & Fielding LLP
Wilmer Cutler Pickering Hale and Dorr LLP





Dear Fellow Administrative Law Section Members and Friends:

When you look at this program, I'm confident you will agree there can be no doubt the Ad Law Section's Fall Administrative Law Conference is now the nation's premier administrative law and regulatory practice gathering. This year's conference has an unmatched mix of notable speakers and panelists, cutting-edge CLE programs, and outstanding social events. To top it off, we will conclude with an elegant reception and gala dinner at the Supreme Court hosted by Justice Sandra Day O'Connor.

The individual sessions address the latest developments spanning a wide array of substantive government regulatory activity, ranging from communications law, environmental law, and energy and electricity regulation to EU competition policies, campaign finance regulation, homeland security, and banking and securities regulation. There are sessions as well focusing on process-oriented topics of government-wide interest, such as developments in electronic rulemaking and the Federal Advisory Committee Act. The Friday morning program reviewing the major Ad Law developments of the past year is a perennial favorite.

The only way to fully appreciate the extraordinary number of distinguished conference participants is to peruse the entire brochure. By way of illustration, here I will just highlight keynote addresses by new FTC Chair Deborah Majoras and D.C. Circuit Judges A.

Raymond Randolph and Merrick Garland, along with a very special program in the Supreme Court courtroom featuring former Solicitors General Theodore Olson, Seth Waxman, Walter Dellinger, and Charles Fried. As you will see, there are many other prominent regulatory commissioners, judges, private practitioners, and academics on the program.

This year's networking and social events promise to be the best ever. Aside from our dinner at the Supreme Court, our Thursday evening reception will be at the beautiful U.S. Botanic Garden. On Friday we will have a special lunch for our Section mentors and mentees.

We are indebted to our conference chair, John Duffy, for his superb work on the program. And we also express our thanks to our conference sponsors for their support. Their show of confidence in the Section and in this conference is deeply appreciated.

Oh yes, we're expecting record attendance. So please don't forget to register early in order not to miss out on anything!

Randolph May

Randolph May
Section Chair

Program at a Glance

Visit www.abanet.org/adminlaw for program and schedule updates.



Thursday, October 21st

Washington D.C. Convention Center, Rooms 140–149

- 9:00am – 9:30am** Opening Plenary: The Honorable Deborah P. Majoras, Chairman, Federal Trade Commission
- 9:45am – 11:45am** Valuing Life in Regulation: Science or Policy?
- 9:45am – 11:45am** Homeland Security Two Years Later: Evaluating Predictions and Performance
- 9:45am – 11:45am** Administration and Independence: OPM, ALJs, and the APA
- 9:45am – 11:15am** Adjudication and Licensing in Interstate Compact Agencies
- Noon – 2:00pm** Awards Luncheon
Special Address by The Honorable Merrick B. Garland, Judge, U.S. Court of Appeals for the D.C. Circuit
- 2:15pm – 3:45pm** Beyond *McConnell*: Express Advocacy, 527's and the Future of Campaign Finance Regulation
- 2:15pm – 3:45pm** The Great Telecom Debate: How to Deregulate While Promoting Competition
- 2:15pm – 3:45pm** Money Laundering, Terrorist Financing, and the Patriot Act
- 2:15pm – 3:45pm** Federalism and FERC: The Role of the States in Energy Regulation
- 4:00pm – 5:30pm** Rulemaking in the Electronic Age: How Should Agencies Respond?
- 4:00pm – 5:30pm** Administrative Reform and the Role of Expertise in the Patent System
- 4:00pm – 5:30pm** Advisory Committees, Confidentiality and the Constitution: FACA Cases and Controversies
- 4:00pm – 5:30pm** New Source Review or No Source Review?
- 6:00pm – 8:00pm** Reception at the U.S. Botanic Garden, 100 Maryland Avenue, SW

Friday, October 22nd

Washington D.C. Convention Center, Rooms 140–149

- 8:00am – 9:00am** Section Committee Meetings
- 9:00am – Noon** Recent Developments in Administrative Law with Keynote Address by The Honorable A. Raymond Randolph, Judge, U.S. Court of Appeals for the D.C. Circuit
- Noon – 2:00pm** Lunch on your own
- Noon – 1:30pm** Invitation-Only Section Mentor-Mentee Luncheon
- 2:00pm – 3:45pm** The Administration of EU Competition Law: Trans-Atlantic Perspectives
- 2:30pm – 4:00pm** Shareholder Nominees in Public Company Proxy Statements: A Call for Democracy?

An Evening at the Supreme Court

- 4:30pm – 6:00pm** Speaking for the United States: How the Government's Legal Positions Are Determined
- 6:00pm – 7:00pm** Reception in Honor of New Section Fellows
- 7:00pm – 9:00pm** Dinner hosted by The Honorable Sandra Day O'Connor, Associate Justice, Supreme Court of the United States

Saturday, October 23rd

Hamilton Crowne Plaza Hotel, 14th and K Streets, NW—Ballroom

- 8:00am – 9:00am** Section Council Breakfast
- 9:00am – Noon** Section Council Meeting

2004 Administrative Law Conference

Conference Chair: John F. Duffy

Thursday, October 21st

9:00am – 9:30am

Opening Keynote

The Honorable Deborah P. Majoras, Chairman, Federal Trade Commission



MAJORAS

9:45am – 11:45am

The Value of Life in Regulation: Science or Policy? (2 hrs CLE)

What is it worth to reduce a risk to human life or health? On this question may turn the fate of regulations affecting millions of people and costing billions of dollars. This panel brings together leading scholars and agency officials to explore four major issues: (1) Where do regulatory valuations of life and health come from? (2) How solid is their empirical and ethical basis? (3) Should these values continue to be regarded as purely technical parameters? (4) What are the implications of these questions for the administrative process?

Program Chair:

- Richard W. Parker, Professor, University of Connecticut School of Law

Moderator:

- Richard Revesz, Dean, New York University School of Law

Panelists:

- Maureen Cropper, Professor of Economics, University of Maryland
- Lisa Heinzerling, Professor, Georgetown University Law Center
- Dr. Albert McGartland, Director, Office of Policy, Economics, and Innovation, U.S. EPA
- Dr. Ted R. Miller, Public Services Research Institute



REVESZ

9:45am – 11:45am

Homeland Security Two Years Later: Evaluating Predictions and Performance (2 hrs CLE)

Before passing the Homeland Security Act in 2002, Congress debated a wide range of issues concerning generally whether the new department threatened civil liberties and whether it would improve the security of the United States. The debate did not end with the creation of the department. In this panel, observers and critics of the new agency will examine continuing controversies associated with the Department's functions and will discuss developments in specific topics relevant to the Department's mission, including immigration, infrastructure security, civil liberties, and border security.

Program Co-Chairs:

- Jim O'Reilly, Adjunct Professor, University of Cincinnati School of Law
- Lynne K. Zusman, Lynne K. Zusman and Associates, PC

Panelists:

- Susan J. Court, Chief of Staff, Federal Energy Regulatory Commission
- David G. Dickman, Of Counsel, Venable LLP
- Viet Dinh, Former Assistant Attorney General, Professor, Georgetown Law Center
- Francine Kerner, Chief Counsel, Transportation Security Administration



DINH



KERNER

- Anna Shavers, Professor, University of Nebraska School of Law
- Joel Webber, Partner, Couri and Couri

9:45am – 11:45am

Administration and Independence: OPM, ALJs, and the APA (2 hrs CLE)

The Office of Personnel Management is charged with administering an Administrative Law Judges program under the Administrative Procedure Act. This panel will discuss the duties of OPM in the certification of ALJ candidates, the creation and maintenance of the ALJ Register, hiring and administration of the ALJ system. The panel will also discuss proposals to improve administration of the system.

Program Chair:

- Hon. Daniel F. Solomon, Administrative Law Judge, U.S. Department of Labor

Moderator:

- Hon. Gail Randall, Administrative Law Judge, U.S. DEA

Panelists:

- Chad Bungard, Deputy Staff Director and Chief Counsel, Subcommittee on Civil Service, Government Reform Committee
- John Miller, Chair, AdLaw Section Committee for the Review of Recruitment of ALJs by OPM
- Mark A. Robbins, General Counsel, Office of Personnel Management
- Raymond Smetanka, Chief Counsel, Subcommittee on Commercial and Administrative Law, House Judiciary Committee
- Hon. Ronnie A. Yoder, Chief Administrative Law Judge, U.S. Department of Transportation

9:45am – 11:15am

Adjudication and Licensing in Interstate Compact Agencies—

What's Different, What's Not (1.5 hrs CLE)

Interstate compact entities occupy a unique constitutional position as neither state nor federal entities, and this position often creates uncertainty as to the administrative procedures that the entities should apply. This panel will focus on this previously neglected area of law and will examine the procedures for adjudication and licensing in interstate compact agencies. Panelists will discuss the meager existing case law and literature on the subject, review existing compact provisions regulating adjudication and licensing procedures, and compare these provisions with those of the federal and the Model State Administrative Procedure Acts. This program is part of the Section's project studying the administrative procedures of interstate compact entities.

Program Chair:

- Jeffrey B. Litwak, Counsel, Columbia River Gorge Commission

Panelists:

- Gearold L. Knowles, Partner, Schiff Hardin LLP
- Christopher B. McNeil, Administrative Hearing Examiner, State of Ohio, Faculty, Capital University Law School
- Robert Alan Wake, Attorney, Maine Bureau of Insurance
- John Hardin Young, Sandler, Reiff & Young, P.C., and Member, DELMARVA Advisory Council

Noon – 2:00pm

Awards Luncheon

Keynote Address by The Honorable Merrick B. Garland, U.S. Court of Appeals for the D.C. Circuit

"Scholars and Public Servants at the Founding (of the APA)"



GARLAND*

*Photo credit: R. Strauss/Smithsonian

2004 Mary C. Lawton Outstanding Government Service Award Winner

- Thomas Spahr, Chief Legal Counsel, Child Support Enforcement Division, Human Services Department, State of New Mexico (Retired)



SPAHR



CROLEY

Award for Scholarship in Administrative Law

- Steven Croley, Professor and Associate Dean for Academic Affairs, University of Michigan Law School
White House Review of Agency Rulemaking: An Empirical Investigation, 70 U.Chi. L. Rev. 821-885 (2003)

2:15 – 3:45

Beyond McConnell: The 2004 Election and the New Campaign Finance System (1.5 hrs CLE)

The Supreme Court's decision in *McConnell v. FEC* is one of the most significant decisions on the constitutionality of campaign finance regulation in a quarter century, and the full implications of the decisions are still becoming clear. This November will be the first national election cycle regulated under the legislation sustained in *McConnell*, the Bipartisan Campaign Finance Reform Act of 2002, and new challenges to the new regulatory system have arisen. In particular, section 527 organizations may be the vehicle for soft money in federal campaigns, depending on FEC action and judicial review. This panel will examine the new regime in campaign finance regulation, discuss its successes and failures in this campaign season, and forecast future legal developments in the field.

Program Chair:

- Trevor Potter, Member, Caplin & Drysdale

Panelists:

- Jill Holtzman Vogel, Chief Counsel, Republican National Committee
- Marty Lederman, Former Attorney, Advisor OLC, U.S. Department of Justice
- Hon. Ellen L. Weintraub, Vice Chair, Federal Election Commission



VOGEL



WEINTRAUB

2:15pm – 3:45pm

The Great Telecom Debate: How to Deregulate While Promoting Competition (1.5 hrs CLE)

In enacting a comprehensive revision to the nation's telecommunications laws eight years ago, Congress aspired to deregulate the industry while simultaneously promoting competition. Experience has now shown that aspiration is harder to achieve than Congress may have believed in 1996. Yet the aspiration remains, and the vital policy question is how to achieve it. This panel will continue the debate on that question and, looking back on the successes and disappointments of the 1996 Act, the panel will explore the possibility of future legislative and regulatory reforms.

Panel Co-Chairs:

- Ralph B. Everett, Partner, Paul Hastings Janofsky & Walker LLP
- H. Russell Frisby, Jr., Chief Executive Officer, CompTel/ASCENT

Keynote Speaker:

- Hon. Michael J. Copps, Commissioner, Federal Communications Commission

Panelists:

- Heather Burnett Gold, Vice President Regulatory Affairs, XO Communications
- James Bradford Ramsay, General Counsel, National Association of Regulatory Utility Commissioners
- James C. Smith, Senior Vice President-FCC Regulatory, SBC Communications
- Richard E. Wiley, Former Chair of the FCC, Managing Partner, Wiley Rein & Fielding LLP



COPPS



WILEY

2:15pm – 3:45pm

Money Laundering, Terrorist Financing, and the Patriot Act (1.5 hrs CLE)

Since 1987, financial institutions have been required by their federal regulators to establish anti-money laundering policies and procedures to prevent criminals from abusing the banking system. After the terrorist attacks on 9-11, Congress enacted the Patriot Act to strengthen U.S. laws against money laundering and to expand the scope of those laws to stop terrorist financing. This panel will discuss how the anti-money laundering laws and regulations are working, how they can be improved, and how enforcement agencies may bring civil and criminal actions not only against terrorists and criminals, but also against banks and other financial institutions.

Program Chair:

- Warren Belmar, Partner, Balch & Bingham LLP

Keynote Speaker:

- Hon. Norm Coleman, United States Senator (R-MN)

Panelists:

- John C. Murphy, Partner, Cleary, Gottlieb, Steen & Hamilton
- William J. Fox, Director, Financial Crimes Enforcement Network, U.S. Department of Treasury (invited)
- Daniel P. Stipano, Deputy Chief Counsel, Office of the Comptroller of the Currency, U.S. Department of Treasury



COLEMAN

2:15pm – 3:45pm

Federalism and FERC: The Role of States in Energy Regulation (1.5 hrs CLE)

The division of regulatory jurisdiction between the federal government and the states is a perennial source of controversy in energy regulation. Two recent examples have involved the regulation of regional transmission organizations and the siting of liquefied natural gas facilities. The panel will examine these and other federal-state conflicts and will debate the appropriate principles for dividing jurisdiction between the states and the Federal Energy Regulatory Commission.

Program Co-Chairs:

- Kenneth G. Hurwitz, Partner, Haynes and Boone, LLP
- Patrick J. McCormick, Partner, Balch & Bingham LLP

Panelists:

- Hon. Allen M. Freifeld, Commissioner, Maryland Public Service Commission
- Hon. Joseph T. Kelliher, Commissioner, Federal Energy Regulatory Commission
- Hon. Loretta M. Lynch, Commissioner, California Public Utilities Commission
- Richard J. Pierce, Jr., Professor, George Washington University Law School



KELLIHER

4:00pm – 5:30pm

Rulemaking in the Electronic Age: How Should Agencies Respond? (1.5 hrs CLE)

Electronic communications are transforming the process of rulemaking. In the past, high transaction costs generally insured that comments on rules were fairly formal and thoughtful submissions made by those with significant interests. Now anyone can register his or her views by quickly sending off a paragraph or two — or much more — via e-mail. But what is the agency to do with a million comments? Should rulemaking be transformed into a plebiscite? Email also allows agencies to accept iterative comments that can develop a dialogue on specific points. Should agencies take advantage of this possibility? Or does this too easily devolve into the equivalent of electronic ex parte communications? This panel will review these and other developments and highlight the administrative law issues at stake.

Program Chair:

- Philip Harter, Professor, University of Missouri – Columbia

Panelists:

- Cary Coglianese, Chair, Regulatory Policy Program, Kennedy School of Government, Harvard University
- Neil Eisner, Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation
- Neil Kerwin, Provost, American University
- Beth Noveck, Professor, New York University Law School
- Rick Otis, Deputy Assistant Administrator, Office of Environmental Information, U.S. EPA
- Dr. Stuart W. Shulman, Assistant Professor, Information Sciences and Public Administration, University of Pittsburgh

4:00pm – 5:30pm

Administrative Reform and the Role of Expertise in the Patent System

(1.5 hrs CLE)

Recent reports by the Federal Trade Commission, the Patent & Trademark Office and the National Research Council have proposed significant reforms to the administrative structure of the nation's patent system, including the addition of an administrative opposition procedure and a reduction in the level of proof needed to overcome the administrative finding of patent validity. This panel will examine these and other proposed administrative reforms and will debate the proper role of administrative expertise in the nation's patent system.

Program Chair:

- Kenneth R. Corsello, Kenyon & Kenyon

Panelists:

- Susan S. DeSanti, Deputy General Counsel for Policy Studies, Federal Trade Commission
- Hon. Timothy B. Dyk, U.S. Court of Appeals for the Federal Circuit
- Don W. Martens, Partner, Knobbe Martens Olson & Bear LLP
- Arti Rai, Visiting Professor, Yale Law School
- James A. Toupin, General Counsel, United States Patent and Trademark Office



DYK

4:00pm – 5:30pm

Advisory Committees, Confidentiality and the Constitution: FACA Cases and Controversies (1.5 hrs CLE)

For over three decades, both Democratic and Republican Administrations have advanced constitutional arguments against certain applications of the Federal Advisory Committee Act. At the end of its last term, the Supreme Court blocked a broad discovery request against Vice President Cheney's Energy Task Force but did not abrogate the "de facto advisory committee" doctrine applied by the DC Circuit. The panelists will examine current controversies surrounding FACA, including the "de facto advisory committee" doctrine, and will discuss whether, and to what extent, FACA can be reconciled with the Constitution and the Chief Executive's need for confidential advice.

Program Chair:

- Thomas Susman, Partner, Ropes & Gray, LLP

Panelists:

- Hon. Jay Bybee, Judge, United States Court of Appeals for the Ninth Circuit
- Eric Glitzenstein, Partner, Meyer & Glitzenstein
- Elizabeth Magill, Professor, University of Virginia School of Law
- Mark B. Stern, Appellate Litigation Counsel, Civil Division, U.S. Department of Justice



BYBEE

4:00pm – 5:30pm

New Source Review or No Source Review? (1.5 hrs CLE)

The "New Source Review" provisions of the Clean Air Act were designed to insure that industrial plants would install modern pollution controls whenever they modified their existing facilities or built new ones. In 2002 and 2003, EPA promulgated new regulations that give firms additional flexibility in applying the requirements of new source review. The Bush Administration claims that this flexibility will eliminate unnecessary regulatory burdens and actually improve air quality, while environmentalists claim it will create massive loopholes leading to more pollution. This debate is already joined in court. The 2002 rules are presently before the D.C. Circuit Court of Appeals, while the 2003 rules are under administrative reconsideration, with D.C. Circuit briefing expected in early 2005. So come get an early look at the contested issues from this panel!

Program Chair:

- Cynthia Drew, Associate Professor, School of Law and Center for Ecosystem Science and Policy, University of Miami

Panelists:

- Hon. C. Boyden Gray, Former White House Counsel, Partner, Wilmer Cutler Pickering Hale and Dorr LLP
- John D. Walke, Director, Clean Air Project, Natural Resources Defense Council
- Bill Wehrum, Counsel, Office of Air and Radiation, U.S. EPA



GRAY

6:00pm – 8:00pm

Reception at the U.S. Botanic Garden

Bursting with thousands of varieties of tropical flowers and other plants, the U.S. Botanic Garden is one of the oldest Botanic Gardens in North America. Savor the elegant grace of the USBG's exotic orchid collection, ramble through the garden primeval or simply take time to wander along the canopy walk in the jungle. Enjoy a relaxing evening of networking with administrative and regulatory lawyers, members of the judiciary, and other esteemed guests.

The U.S. Botanic Garden is a federal building maintained by the Architect of the Capitol. Please be prepared to show a photo I.D. and comply with any other federally-enforced security measures. Street parking is generally available after 6:30pm. The U.S. Botanic Garden is located at 100 Maryland Avenue, SW, Washington, D.C.

Friday, October 22, 2004

Recent Developments in Administrative Law (2.5 hrs CLE)

9:00am – 9:30am

Keynote Address

- The Honorable A. Raymond Randolph, Judge, U.S. Court of Appeals for the D.C. Circuit
"Judicial Remedies for Unlawful Agency Action"

Commenter:

- Ronald Levin, Professor, Washington University School of Law



RANDOLPH

9:30am – Noon

Developments Panel

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 before federal or state agencies or involved with regulation in Washington.

Program Chair:

- Jeffrey S. Lubbers, Fellow in Law and Government, Washington College of Law, American University

Panelists:

- *Adjudication:* Michael Asimow, Professor, UCLA Law School
- *Constitutional Issues:* Bernard W. Bell, Professor, Rutgers School of Law — Newark
- *Judicial Review:* Richard W. Murphy, Associate Professor, William Mitchell College of Law
- *Rulemaking:* Katherine E. Lazarski, Associate, and Richard G. Stoll, Partner, Foley & Lardner LLP

Noon – 2:00pm

Lunch on your own

Noon – 1:30pm

Special Invitation-Only Section Mentor-Mentee Luncheon

2:00pm – 3:45pm

The Administration of EU Competition Law: Trans-Atlantic Perspectives
(1.75 hrs CLE)

Increasingly U.S. lawyers seeking to provide the advice needed by their clients find it essential to understand the regulatory machinery of the European Union. Yet for many U.S. attorneys and businesses, the administrative structure and processes of the EU appear complex and mysterious. The Administrative Law Section is undertaking a project to study and to describe EU administrative processes. This panel, part of that comprehensive project, will examine the administration of EU competition law and will compare and contrast it with the administrative structure of U.S. antitrust enforcement.

Program Chair:

- Charles Koch, Professor, William & Mary School of Law

Panelists:

- Makan Delrahim, Deputy Assistant Attorney General, Antitrust Division, U.S. Department of Justice
- Merit E. Janow, Professor in the Practice of International Economic Law and International Trade, Columbia University
- Alastair Sutton, Partner, Brussels Office, White and Case LLP
- Richard Wainwright, Principle Legal Advisor, European Commission



DELRAHIM

2:30pm – 4:00pm

Shareholder Nominees in Public Company Proxy Statements: A Call for Corporate Democracy? (1.5 hrs CLE)

Currently, shareholders unhappy with a firm's management have the choice of "holding their nose" and tolerating the current management, waging an expensive proxy fight, or selling their holdings. This panel will discuss the pros and cons of the SEC's proposed expansion of this range of choices by requiring public companies to include in proxy statements shareholder nominees for election as directors.

Program Co-Chairs:

- James P. Gerkis, Partner, Proskauer Rose LLP
- Susan Ellen Wolf, Secretary, Assoc. General Counsel & Staff VP, Schering-Plough Corp.

Panelists:

- John J. Huber, Partner, Latham & Watkins LLP, and Former Director, Corp. Finance Div., Securities and Exchange Commission
- Brian Lane, Partner, Gibson, Dunn & Crutcher LLP and Former Director, Corp. Finance Div., Securities and Exchange Commission
- David B. H. Martin, Partner, Covington & Burling, and Former Director, Corp. Finance Div., Securities and Exchange Commission

4:30 – 6:00pm

Speaking for the United States: How the Government's Legal Positions Are Determined (1.5 hrs CLE)

We are pleased to present a unique and rare opportunity for our colleagues to hear first-hand commentary and perspectives of four former United States Solicitors General, presented in the stately Ceremonial Courtroom of the Supreme Court of the United States.

When lawyers for the federal government stand up in court and say they speak on behalf of the United States, who, exactly, is the client? The President, Congress, particular executive agencies or officials? What role should interested private parties play in shaping the litigation positions of the United States? These questions raise both interesting theoretical problems for students of administrative law — about separation of powers and Presidential control of the administrative state, for example — and intensely practical issues for those eager to have some influence on the legal interpretations the federal government urges on courts. The Solicitor General of the United States, known principally as the government's chief Supreme Court advocate, plays a central role in determining the positions the federal government takes in the courts at all levels of the judicial system. Four former Solicitors General will share their experiences struggling with the dilemmas created by having as a client the biggest, most complex, and arguably the most flexible player in the American legal system, the federal government.

Moderator:

- Maureen E. Mahoney, Partner, Latham & Watkins LLP and Former United States Deputy Solicitor General

Panel of Former Solicitors General:

- Hon. Walter E. Dellinger III, Professor, Duke University School of Law, and Partner, O'Melveny & Myers LLP
- Hon. Charles Fried, Professor, Harvard University Law School
- Hon. Theodore B. Olson, Partner, Gibson, Dunn & Crutcher LLP
- Hon. Seth P. Waxman, Partner, Wilmer Cutler Pickering Hale and Dorr LLP



MAHONEY



DELLINGER



FRIED



OLSON



WAXMAN

6:00pm – 9:00pm

Gala Reception and Dinner at the Supreme Court of the United States hosted by Justice Sandra Day O'Connor

This exclusive event will be a truly memorable finish to the 2004 Administrative Law Conference. At 6pm guests will gather for a reception in honor of the new and existing Section Fellows in the prestigious East Conference Room of the Supreme Court building. Dinner will be served at 7pm in the stately marbled Great Hall. Visit the Supreme Court website, www.supremecourtus.gov, for a quick history lesson on the Court and interesting architectural details about the building.

Notice: There is a limited quantity of tickets for this event. Due to strictly-enforced security measures at the Court building, it is the policy of the Marshall's Office that NO walk-in registrations be accepted for this event. There will be no exceptions, as Court security will strictly enforce this policy. The Marshall's Office requires receipt of the guest list at least 24 hours in advance. Upon arrival each guest name will be checked against the Guest List, and a photo ID must be presented.



O'CONNOR

Registration Information

Meeting Location

Except as otherwise noted in the program, the Conference will be held at the new Washington, D.C. Convention Center, in rooms 140-149. The Convention Center is located between the corners of New York Ave & 7th St., NW and Mass Ave & 9th St, NW.

Conference Housing

The Hamilton Crowne Plaza is the host hotel for the 2004 conference. The negotiated room rate for conference attendees is \$189.00 plus tax for a single or double. The negotiated rate expires on September 17, 2004. To reserve a room call the Hamilton Crowne Plaza at 1-800-2CROWNE. The hotel is conveniently located in the heart of downtown Washington at 14th and K Streets, NW.

Registration

The Passport registration includes access to all programs and events: CLE programs, the Awards Luncheon, the Thursday night Networking Reception, the Solicitors General Panel, and the Reception and Dinner at the Supreme Court.

ABA members who are not Administrative Law Section members may opt to join the Administrative Law Section for \$40 and immediately take advantage of the member discount.

The Awards Lunch, Reception at the U.S. Botanic Gardens, and the program and dinner at the Supreme Court all **require** advance registration. See event descriptions online at www.abanet.org/adminlaw/conference/2004/home.html for further details.

Cancellations

Registration cancellation and refund requests will be honored through October 14, 2004. Substitutions may be made at anytime, with the exception of the programs held at the Supreme Court, where substitutions will only be accepted through 5pm Eastern on October 20th, after which the final guest list will be sent to the Court.

CLE Accreditation

Accreditation for the programs has been requested from all states with mandatory continuing legal education. Please be aware that each state has its own rules and procedures as well as its own definition and categories for "CLE." Check with your state for confirmation of program approval. **NEW**

REQUIREMENTS FOR NEW YORK & DELAWARE

ATTORNEYS: Please be aware that the new rules state that you must sign in and out of **each session** that you attend. You must record your **state license number for each state you are currently licensed in**. The sign-in and out forms will be available in each meeting room.

Event Transportation

The Convention Center is conveniently connected to the Mt. Vernon Square metro on the green line. Attendees are responsible for their own transportation between conference and special event sites. However, a shuttle will transport confirmed registrants to the Supreme Court at 4pm on Friday.

2004 ADMINISTRATIVE LAW CONFERENCE REGISTRATION FORM

Register Online at: www.abanet.org/adminlaw/conference/2004/home.html

Mail to: ABA Administrative Law Section, 740 15th Street, NW, Washington DC 20005

Fax: (202) 662-1529. **Questions? Call** (202) 662-1528

REGISTRANT INFORMATION:

Name: _____

Spouse / Guest (if attending): _____

Affiliation: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail: _____

(PLEASE INCLUDE YOUR E-MAIL ADDRESS IF YOU WISH TO RECEIVE PROGRAM UPDATES)

- I am an ABA member and want to join the Administrative Law Section now and take the Section Member discount on the conference ___ \$40

(PLEASE CIRCLE YOUR SELECTIONS BELOW)

PASSPORT	ADLAW SECTION		NON-ADLAW SECTION	
	MEMBER		MEMBER	STUDENT
ALL programs & special events	\$285		\$325	\$160
INDIVIDUAL TICKETS				
Developments in Admin Law	\$40		\$50	\$10
Opening Plenary w/Deborah Majoras	FREE		FREE	FREE
Valuing Life in Regulation	\$35		\$45	\$10
Homeland Security	\$35		\$45	\$10
OPM and ALJs	\$35		\$45	\$10
Interstate Compact Agencies	\$35		\$45	\$10
Campaign Finance Regulation	\$35		\$45	\$10
The Great Telecom Debate	\$35		\$45	\$10
Money Laundering & Patriot Act	\$35		\$45	\$10
Federalism & FERC	\$35		\$45	\$10
Rulemaking in Electronic Age	\$35		\$45	\$10
Patent System	\$35		\$45	\$10
FACA Controversies	\$35		\$45	\$10
New Source Review	\$35		\$45	\$10
EU Competition Law	\$35		\$45	\$10
Shareholder Nominees	\$35		\$45	\$10

SPECIAL EVENTS (SECTION MEMBERS: SPOUSE OR ONE GUEST AT MEMBER RATE, ADD'L AT NON-MEMBER RATE)

Thursday Awards Lunch feat. Judge Garland	\$25 x ___	\$35 x ___	\$25 x ___
Thursday Reception at U.S. Botanic Garden	\$35 x ___	\$45 x ___	\$35 x ___
Friday Solicitors General Panel	\$45 x ___	\$55 x ___	\$45 x ___
Friday Reception & Dinner at Supreme Court	\$95 x ___	\$115 x ___	\$95 x ___
Total:	_____	_____	_____

METHOD OF PAYMENT

- Check (made payable to "American Bar Association") VISA MasterCard American Express

Card Number: _____ Exp. Date: _____

Signature: _____

Mail to: ABA Administrative Law Section, 740 15th Street, NW Washington DC 20005. Credit card registrations may be faxed to (202) 662-1529. For registration questions please call (202) 662-1528.