

**AMERICAN BAR ASSOCIATION
SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE**



**2008 Midyear Meeting
February 8-10, 2008**

**The Beverly Hilton Hotel
Beverly Hills/Los Angeles, California**

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American Bar Association
SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE

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Friday, February 8, 2008

9:00am – 10:30am
California Initiatives to Mitigate Climate Change – Palm, Lobby Level, Beverly Hilton

In the face of federal inaction, a growing number of states individually and collectively are launching efforts to control carbon emissions within their own boundaries. As in so many other areas, no state has moved as broadly and dramatically as California. Assembly Bill 32, enacted in fall 2006, has committed the state to a



comprehensive, multi-decade program of greenhouse gas (GHG) reductions from all "significant" stationary sources.

The California Air Resources Board (CARB) is currently conducting an extensive stakeholder process in preparation for issuing implementing rules. On the mobile source front, the Clean Air Act (CAA) authorizes California, with EPA approval, to set auto emission standards that differ from federal standards, and the state has used this opportunity to establish GHG standards for cars. The state's preemption waiver request has been pending before EPA for an unusually long time, but auto companies have not waited to challenge the auto standards as being preempted under the CAA and federal energy legislation. EPA has rejected the state's preemption waiver request and the dispute is headed to court. Mary Nichols, Chair of the California Air Resource Board, will join a panel to address both California programs, the challenges and opportunities they create for the

private sector, and the legal issues involved in the auto standards disputes.

Panelists:

Mary Nichols, Chair, California Air Resources Board, Sacramento, CA

Peter Hsiao, Partner, Morrison & Foerster LLP, Los Angeles, CA

Marjorie Lewis, Partner, Gibson, Dunn & Crutcher LLP, Los Angeles, CA

Moderator:

Cynthia Drew, Associate Professor of Law, University of Miami School of Law, Coral Gables, FL

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

9:00 am – 11:00am
Ethical Considerations in Public Sector Law (Primary Sponsor – Government and Public Sector Lawyers Division) – Beverly Ballroom, Sofitel Hotel

This program focuses on the unique ethical issues confronted by public lawyers using an entertaining, interactive format. Panelists dramatize short hypothetical scenarios with a discussion period following each skit.

Panelists:

Dane C. Dauphine, Supervising Trial Counsel,
Office of the Chief Trial Counsel, State Bar of
California

Lierre Green, Attorney, Federal Aviation
Administration

Diane Karpman, Karpman and Associates;

Louisa Lau, Attorney in Charge, Pomona Legal
Department

Sharon E. Pandak, Greehan, Taves, Pandak &
Stoner, PLLC

Toby J. Rothschild, General Counsel, Legal
Aid Foundation of Los Angeles

10:45am – 12:15pm
An Insider’s View of the Stoneridge
Case - Investor Protection or Frivolous
Litigation? – Palm, Lobby Level, Beverly Hilton

Argued before the Supreme Court on October 9,
2007, by panelist Stanley M. Grossman, the case
of *Stoneridge Investment Partners v. Scientific-*
Atlanta is viewed by many securities law
experts as a potential watershed that may
significantly expand investor rights.



Specifically, the case deals with the question of
whether there exists an implied private right of
action against third parties for primary liability
in connection with a fraud under Sec. 10(b) of
the Securities Exchange Act of 1934 and Rule
10b-5. One of the major issues the panel will
discuss is the scope of implied private rights of
action. These judicially created actions are not
limited to securities law. They are found in other
substantive areas of administrative law such as
Title IX (education), the FCC, and various civil
rights statutes. Whether courts should continue
to imply private rights of action at all is
something one of the Justices commented on
during the *Stoneridge* oral argument. The

plaintiffs in *Stoneridge* have argued that the law
permits it to sue actors who participate in a
fraudulent scheme, not as aiders or abettors, but
as “primary violators” who are ultimately tied to
market movements. The defendants have
countered that the law reaches only those who
make deceptive communications to shareholders
or engage in fraudulent trading on the market.
All of the panelists below have either written, or
participated in, the writing of the briefs filed
with the Supreme Court in this case.

Panelists:

Stephen Bainbridge, Professor, UCLA Law
School, Los Angeles, CA

Robert R. Gasaway, Partner, Kirkland & Ellis
LLP, Washington, D.C.

Stanley M. Grossman, Partner, Pomerantz
Haudek, New York, NY

Thomas Karr, Assistant General Counsel,
Securities and Exchange Commission,
Washington, D.C.

Moderator:

Herbert S. Washer, Partner, Shearman &
Sterling LLP, New York, NY

Co-Sponsored by the Southwestern Law School.

10:45am – 12:15pm
Lobbying Under the Honest Leadership
Act of 2007 – Canon, Lobby Level, Beverly
Hilton

There have been important recent developments
in Washington as well in California with regard
to lobbying regulation, including, most recently,
the enactment of the Honest Leadership and
Open Government Act of 2007. Indeed,
potential criminal liability figures prominently in
the new arsenal of sanctions applicable to
prohibited activities-and the complexities of the
law are such that an attorney may be lobbying
when he or she does not realize it.

This program will review some of the changes in
the law, focusing on the distinctive approaches
at the federal and state levels. Other than
lobbying disclosure, the discussion will cover
gift and travel rules, including use of campaign
funds to finance travel. Attention to state law

will include some coverage of the rules of selected California municipalities, including Los Angeles, San Francisco, and San Diego.

Panelists:

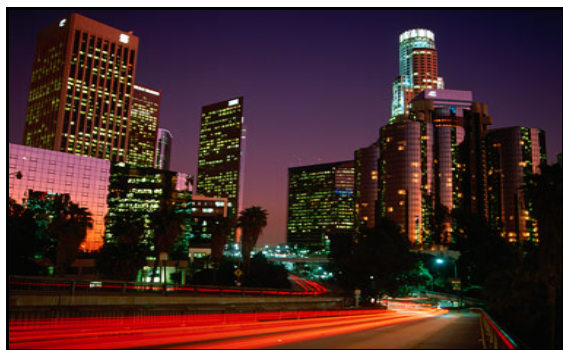
Charles H. Bell, Jr., Senior Partner, Bell, McAndrews & Hiltachk, LLP, Sacramento, CA

Thomas M. Susman, Partner, Ropes & Gray, Washington, D.C.

Rebecca H. Gordon, Associate, Perkins Coie, Washington, D.C.

Moderator:

William V. Luneburg, Professor of Law, University of Pittsburgh School of Law , Pittsburgh, PA



11:15 am –12:30 pm

Pathways to Success for Women and Minorities in the Public Sector (Primary Sponsor – Government and Public Sector Lawyers Division) – Beverly Ballroom, Sofitel Hotel

This program features a diverse panel of public lawyer-leaders who describe their current positions and discuss the obstacles, encouragement, and serendipitous events that helped them achieve success.

Panelists:

Eduardo Angeles, Special Counsel to the City Counsel, Office of the Los Angeles City Attorney

Anne Dewey-Balzhiser, President, Women Lead LLC

Danette Meyers, Los Angeles County District Attorneys Office.

1:30pm – 3:00pm

Causes and Possible Remedies for the Current Subprime Lending Crisis - Canon, Lobby Level, Beverly Hilton

For the better part of the past decade, the housing market was a significant factor in fueling the United States economy. Now, the mortgage boom is unraveling. Individuals, governments, and businesses here and abroad are struggling to deal with the economic and legal ramifications of the crisis which continues to unfold. Subprime mortgages are on the national agenda. With hindsight, some of the roots of the current subprime lending crisis are evident. There has been much debate in recent years about the respective roles of federal and state regulation in the area of consumer protection as it relates to mortgage and other consumer lending products. That debate continues and, from necessity, has intensified as governments at all levels and businesses attempt to deal with the crisis. This panel addresses state and federal regulatory and legal developments which may have contributed to the problem, as well possible remedies on both levels. The panelists bring perspectives from the state and federal levels, as well as both the public and private sectors.

Panelists:

Mary Jane Seebach, Managing Director, Countrywide, Calabasas, CA

Kevin Petrasic, Legislative Counsel, Office of Thrift Supervision, Washington, D.C.

Preston DuFauchard, Commissioner, California Department of Corporations, San Francisco, CA

Leonard Chanin, Associate Director, Division of Consumer and Community Affairs at the Federal Reserve, Washington, D.C. **(invited)**

Christine C. Franklin, Senior Counsel, Neal Gerber & Eisenberg LLP, Chicago, IL

Moderator:

Charlotte M. Bahin, Partner, Locke Lord Bissell & Liddell LLP, Washington, D.C.

3:30pm – 5:00pm

Lawyers on TV – the Good, the Bad, and the Ugly – And the People Who Script Them That Way - *Beverly Hills Ballroom, Lobby Level, Beverly Hilton*

People learn most of what they know (or think they know) about law and lawyers from popular culture, particularly television. As a result, lawyers should be thinking about the messages transmitted by pop culture. Dramatic series focusing on the legal process have been popular for many years. *Law & Order, LA Law, The Practice, JAG, Close to Home, Judging Amy,* and *Ally McBeal* were all quite successful (and of course *Perry Mason* and *The Defenders* in years past). *Boston Legal* and *Shark* currently enjoy excellent ratings but portray lawyers in a negative light. This panel of screenwriters (and legal consultants) for a number of these series will discuss the representation of lawyers on television and provide insights into the inner-workings of hit television shows about law and lawyers. *A reception will follow the program.*



Panelists:

Bill Fordes, Writer for “*Law & Order*” and “*Close to Home*”

Bill Chais, Writer of “*Shark*”

Craig Turk, Writer

for “*Boston Legal*”

Chuck Rosenberg, Legal Advisor to David Kelley

Moderator:

Michael Asimow, Professor, UCLA Law School, Los Angeles, CA

Co-sponsored by the Government and Public Sector Lawyers Division, the Criminal Justice Section, the Section of Family Law, the Health Law Section, Individual Rights and Responsibilities Section, and the Commission on Lawyer Assistance Programs.

5:00pm – 7:00pm

Section Reception

Beverly Hills Ballroom, Lobby Level, Beverly Hilton

7:00pm – Dine-Arounds

9:30pm – 10:30pm

Section Hospitality Suite

Suite of Russ Frisby, Beverly Hilton

Saturday, February 9, 2008

7:30am – 8:45am

Publications Committee Meeting – *Maple, Lobby Level, Beverly Hilton*

8:00am – 9:00am

Women in Administrative Law

Networking Breakfast – *Circa 55 Restaurant, Beverly Hilton*

8:00am – 9:00am

Section Council Breakfast – *Rodeo Gallery, Lobby Level, Beverly Hilton*

9:00am

Section Council Meeting – *Wilshire Ballroom, Beverly Hilton*

3:00pm – 4:00pm

Pro Bono Committee Meeting
Postponed until Springtime.

6:30pm – 9:30pm

Section Reception and Dinner

Keynote: Hon. Kenneth W. Starr

“Bong Hits: Tinker's Legacy and the Decline of the Culture of Deference”



The Section invites you to join us at the UCLA Faculty Club for an evening of cocktails and dinner, followed by a keynote address by **The Honorable Kenneth W. Starr, the Duane and Kelly Roberts Dean and Professor of Law at Pepperdine University School of Law.**



UCLA Faculty Center
480 Charles Young Dr.
Los Angeles, CA

Transportation will be provided from The Beverly Hilton Hotel, Wilshire cut out Area.

The bus will depart at 5:15pm and 6:00pm to allow time for attendees to stroll the beautiful UCLA campus prior to dinner.

*Tickets for this event may be purchased through the Section information desk at The Beverly Hilton up until 5:00pm on Friday.

10:00pm
Section Hospitality Suite
The Beverly Hilton Hotel

Sunday, February 10, 2008

8:00am – 9:00am
Section Council Breakfast – Rodeo Gallery,
Lobby Level, Beverly Hilton

9:00am
Section Council Meeting – Wilshire
Ballroom, Lobby Level, Beverly Hilton





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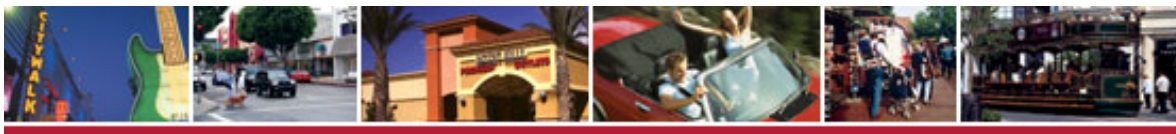
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Registration Information

Administrative Law Section CLE programs and social events described in this brochure are ticketed events to be purchased through the Section using the enclosed Section Meeting registration form. Walk-in registrations are accepted on the day of the program.

Continuing Legal Education Credits

With the exception of the *Lawyers on TV* program, CLE credit has been requested for each CLE program from all the states with mandatory continuing legal education requirements.



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Name: _____

Affiliation: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email: _____

Guest Name(s): _____ Dietary Restrictions: _____

Program	Regular Rate	Judge/Govt	Young Lawyer	Law Student
California Initiatives to Mitigate Climate Change	\$25	\$25	\$15	FREE
An Inside View of the Stoneridge Case - Investor Protection or Frivolous Litigation?	\$25	\$25	\$15	FREE
Lobbying Under the Honest Leadership Act of 2007	\$25	\$25	\$15	FREE
Causes and Possible Remedies for the Current Subprime Lending Crisis	\$25	\$25	\$15	FREE
Lawyers on TV – the Good, the Bad, and the Ugly – And the People Who Script Them That Way	\$25	\$25	\$15	FREE
Section Reception Friday, February 8 The Beverly Hilton Hotel	\$25	\$25	\$20	\$10
Section Reception & Dinner Saturday, February 9 UCLA Faculty Center 480 Charles Young Dr. Los Angeles, CA	\$60	\$50	\$45	\$25

Cancellations: Ticket refunds will be honored up to 72 hours preceding the event.

Method of Payment

Check (made payable to the ABA) Visa MasterCard American Express

Card Number: _____ Exp. Date: _____

Signature: _____

Mail form and payment to:

ABA Administrative Law Section, 740 15th Street, NW, Washington, DC 20005
Telephone: (202) 662-1528 • Fax: (202) 662-1529