



American Bar Association
Section of Administrative Law and Regulatory Practice

2007 Spring Meeting May 18-20, 2007

The Driskill Hotel
Austin, Texas



Dan Troy, *Section Chair*

Sabine Romero, *Program Chair*

2007 Spring Meeting The Driskill Hotel, Austin, TX

SCHEDULE AT A GLANCE

Friday, May 18, 2007

| Time | Title | Location |
|------------------|---|--------------------|
| 11:00am – 5:00pm | REGISTRATION | Crystal Room Foyer |
| 12:30pm – 1:45pm | Redistricting & The National Reform Movement | Crystal Room |
| 2:00pm – 3:30pm | Immigration Debate: Birthright Citizenship and the Fourteenth Amendment | Crystal Room |
| 3:30pm – 3:45pm | BREAK | Crystal Room |
| 3:45pm – 5:00pm | Roundtable Discussion on Ideas for the 2008 Report to the President-Elect of the United States | Crystal Room |
| 5:00pm – 6:30pm | Reception – The Driskill Hotel Note new location | Citadel I |
| 7:00pm – 9:00pm | Dine-Around's – <ul style="list-style-type: none"> • Gumbo's • Sullivan's Steakhouse • Roy's Austin • Carmelo's Italian Restaurant • Kenichi | Various |
| 9:30pm – 11:00pm | Chairman's Hospitality | Cattle Baron Suite |

Saturday, May 19, 2007

| Time | Title | Location |
|-------------------|---|---|
| 8:00am – 12:00pm | REGISTRATION | Mezzanine |
| 8:00am – 9:00am | Section Continental Breakfast | Mezzanine |
| 9:00am – 10:30am | Section Council Meeting | Driskill Ballroom |
| 10:30am – 10:45am | BREAK | Mezzanine |
| 10:45am – Noon | Intersecting the Rule of Law and Administrative Law | Driskill Ballroom |
| 12:00pm – 1:30pm | Publications Committee Meeting | Chisolm Trail |
| Afternoon | Free Time for Optional Tours/Activities | Various |
| 6:30pm – 8:00pm | Dinner – World Famous Stubbs BBQ | 801 Red River St Austin, TX 78701 (512) 480-8341 <small>*See reverse side for walking directions</small> |
| 8:00pm – 10:00pm | Sixth Street Crawl | Various <small>*See the Austin visitor's guide</small> |
| 10:00pm | Chairman's Hospitality | Cattle Baron Suite |

Sunday, May 20, 2007

| Time | Title | Location |
|------------------|-------------------------------|-------------------|
| 8:00am – 9:00am | Section Continental Breakfast | Mezzanine |
| 9:00am – 10:30am | Section Council Meeting | Driskill Ballroom |

2007 Spring Meeting

The Driskill Hotel, Austin, TX

Friday, May 18, 2007

12:30pm – 1:45pm

Redistricting & The National Reform Movement

In recent years the United States Supreme Court has handed down several redistricting decisions on political gerrymandering and the propriety of mid-decade redistricting. In 2004, in *Vieth v. Jubelirer*, five Justices agreed that political gerrymandering remained justiciable, but they were unable to agree to a legal framework for analyzing such claims. In 2006, in *League of United Latin American Citizens v. Perry*, the Court rejected the argument that a mid-decade redistricting plan in Texas done solely to achieve partisan gain violates the Constitution. What are political gerrymandering and mid-decade redistricting? How has technology affected the ability to engage in political gerrymandering and has it made mid-decade redistricting easier? What do these decisions mean for the integrity of the redistricting process and the acceptability of current redistricting approaches? Will the Supreme Court's inability to craft a legal standard for deciding when political gerrymandering is unconstitutional leave future redistricters totally unconstrained to engage in even more extreme partisan gerrymandering? And, if so, what effect do such gerrymanders have on representative democracy? What are the options for alternative redistricting procedures and who is involved in shaping these alternatives? What has come of the concerns that these decisions would open the floodgates to endless re-redistrictings?

This panel brings together attorneys who have experienced the redistricting process, analyzed changes in the process over time, and evaluated options for improving the process going forward. The panelists' diverse backgrounds and experiences in redistricting cases will provide an interesting perspective on this multifaceted issue.

Panelists:

- **Gerry Hebert** – Executive Director & Director of Litigation, Campaign Legal Center, Washington, DC
- **Steve Bickerstaff** – Professor, University of Texas School of Law, Austin, TX
- **Roger Gordon** – Attorney, Bovey & Bojorquez, Austin, TX; former Special Assistant to Texas State Senate Counsel in *Vieth*

Moderator:

- **Sabine Romero** – Bovey & Bojorquez, LLP

2:00pm – 3:30pm

Immigration Debate: Birthright Citizenship and the Fourteenth Amendment

The American people are frustrated with the lack of enforcement of law at the border, and are increasingly open to new policies, including policies to eliminate the incentives for illegal entry. No one disputes that superior economic opportunity in the United States is a strong magnet. But some policy activists have also begun to contend that birthright citizenship for children born in the United States is another important attraction. Accordingly, numerous proposals have been introduced in Congress to repeal birthright citizenship for the children of undocumented persons, as well as for the children of persons other than U.S. citizens and aliens lawfully admitted for permanent residence. Section 1 of the Fourteenth Amendment, however, provides that "[a]ll persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside." In light of this provision, are these proposals to repeal birthright citizenship by statute constitutional? And in light of this nation's traditions, customs, and values, are these proposals good policy?

Panelists:

- **John C. Eastman**- Interim Associate Dean of Administration and Henry Salvatori Professor of Law & Community Service, Orange, CA
- **Robert F. Holland**- Associate Professor of Law, South Texas College of Law, Houston, TX
- **James C. Ho**- Of Counsel, Gibson, Dunn & Crutcher LLP, Dallas, TX
- **Margaret Stock**-Associate Professor, Department of Social Sciences, United States Military Academy, West Point, NY

Moderator:

- **Anna Williams Shavers**, Professor of Law, University of Nebraska College of Law, Lincoln, NE



3:45pm – 5:00pm

Roundtable Discussion on Ideas for the 2008 Report to the President-Elect of the United States

A freewheeling roundtable, open to all, to discuss substantive ideas for the Section's project to develop recommendations to present to the new President and Congress immediately after the 2008 election. The session will be an opportunity for Section members to get an early start in thinking about the issues and areas that ultimately should be included in the report and the emphasis that particular issues and areas should receive. The discussion, which will be moderated by the leaders of the project, will be organized loosely around the following topics: (1) Public Participation in the Rulemaking Process; (2) Presidential Review of Rules; (3) Congressional Review of Rules; (4) Judicial Review of Rules; (5) Utility of Regulatory Analysis and Accountability Requirements; (6) Science and the Regulatory Process; (7) Agency Adjudication; and (8) Institutional Reform of Agencies. For those who wish to really study up before the session, should consult the 1436 page Committee Print of the Report of the House Sub committee on Commercial and Administrative Law found at:

<http://judiciary.house.gov/Media/PDFS/Printers/109th/31505.pdf>. For those less ambitious, the report's first ten pages contain a useful compendium of issues and questions organized under the above topics (except for No. 8, a topic which we might want to use to consider issues like reform of the Sunshine Act or changes in the civil service.) So, whether you are an aficionado steeped in administrative law, or just a Texas desperado with some fresh ideas, or both, come join the Roundtable.

5:00pm – 6:30pm

Section Reception

Location: *The Driskill Hotel, (Citadel I)*
Austin, Texas **Note new location*

You are invited for cocktails and hors d'oeuvres at Terrace59, the Miami inspired rooftop lounge of the Austin favorite Speakeasy. This event will offer you a unique opportunity to meet and network with invited guests from Austin's legal community, including members of the Texas Bar Association and local law students.

7:00pm – 9:00pm

Section Dine-Around

Location: *Various -with in walking distance*

Reservations are made for groups of 10 to 12 at several popular restaurants in Austin. Restaurant information and sign-ups will be available to you when you pick up your registration materials on-site.

9:30pm

Chairman's Hospitality

Location: *Cattle Baron Suite*

Saturday, May 19, 2007

8:00am – 9:00am

Section Continental Breakfast

9:00am – 10:30am

Section Council Meeting

10:45am – Noon

Intersecting the Rule of Law and Administrative Law

A discussion of how the rule of law plays itself out in the political setting of administrative law.

Panelists:

- **Jack Young** – Partner, Sandler, Reiff & Young, Washington, DC
- **Michael Asimow** – Professor, UCLA Law School, Los Angeles, CA
- **Ray Martinez III** – Principal and Owner, The Martinez Consulting Group, Austin, TX

Moderator:

- **Sabine Romero** – Bovey & Bojorquez, LLP

12:00pm – 1:30pm

Publications Committee Meeting

Afternoon

Free Time for Optional Tours/Activities

A Visitor Brochure will be mailed to you with information on Austin's "Attractions".

6:30pm – 8:00pm

Section Dinner

Location: *World Famous Stubb's BBQ*, 801 Red River, Austin, Texas

"There's nothing short-sighted about this downtown hot spot. Known for its savory hickory-smoked meats and accompanying side treats, such as tater salad, slaw, pepper cheese spinach and collard greens, Stubb's is also known as an indoor and outdoor music venue. The historic brick building, wooden seating, hardwood floors and dimmed interior radiate a saloon feel."



8:00pm – 10:00pm

Sixth Street Crawl

"Likely Texas' best known street, the seven block's of 6th Street between Congress and IH 35 are certainly Austin's entertainment center. With a little help from it's many like-minded sister streets, 6th Street is the heart of Austin's live entertainment scene and the capital of third coast music."

** see the Austin visitor's guide for more information.*

10:00pm

Chairman's Hospitality

Location: *Cattle Baron Suite*

Sunday, May 20, 2007

8:00am – 9:00am

Section Continental Breakfast

9:00am – Noon

Section Council Meeting

Adjourn

General Information

Hotel / Reservations

The Driskill Hotel
604 Brazos Street
Austin, TX 78701
<http://www.driskillhotel.com>



This is the University of Texas graduation weekend and rooms will go quickly. Therefore, we encourage you to make hotel reservations early to ensure your best selection. The number to call is 1-800-252-9367. Please reference the ABA Administrative Law Section Meeting when calling to reserve your room.

About Austin

“This is a city with a heart and with a soul. Cosmopolitan, yet unpretentious. Thriving cultural scene and vibrant nightlife. Austin is a high-tech, low-key, big city, college town. Quirky and far from ordinary, it's the kind of place where you check your worries at the city limits sign, trade in suits for something a bit more casual and prepare for experiences you'll find only in Austin.”



Upon receiving your registration for the Spring Meeting, the ABA staff will include a *Visitor Brochure* in your registration confirmation packet; outlining things to *SEE* and *DO* in while visiting Austin. This information and more is also available online at www.austintexas.org/. Attendees are encouraged to review the information prior to making the trip.

Transportation While in Austin

Airport Transfers:

It is recommended that you travel by taxi to The Driskill hotel. The taxi rate from the airport to the hotel will be between \$18 and \$20.

Getting Around Austin:

Taxis are readily available at the hotel and typically hold six passengers, who may split the fare.

Dress Code

Dress for the meeting is resort casual. In the evening, events are “denim& diamonds”- cowboy boots are welcomed!

ADMINISTRATIVE LAW AND REGULATORY PRACTICE SECTION
2007 SPRING MEETING
 The Driskill Hotel, Austin, Texas
 May 18-20, 2007

REGISTRATION FORM

Please complete this form and mail it with your check to ABA Admin Law Section, 740 15th Street, NW, Washington DC 20005. Credit card registrations may be faxed to (202) 662-1529. If you have questions please call Jenny Abreu at (202) 662-1528.

Name: _____ Title _____

Company/Agency: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____ E-mail: _____

Guest Name(s): _____

| PROGRAM | ABA ADMIN LAW SECTION MEMBER | NON-MEMBER AND GUESTS | CHECK (✓) HERE IF YOU WILL ATTEND |
|---|------------------------------|-----------------------|-----------------------------------|
| Friday, May 18: <i>Immigration Debate: Birthright Citizenship and the Fourteenth Amendment (CLE Credit)</i> | \$25 | \$35 | |
| Friday, May 18: <i>Redistricting & The National Reform Movement (CLE Credit)</i> | \$25 | \$35 | |
| Friday, May 18: <i>Roundtable Discussion on Ideas for the 2008 Report to the President-Elect of the United States</i> | No charge | No charge | |
| Friday, May 18: <i>Section Reception, The Driskill Hotel</i> | \$35 | \$40 | |
| Saturday, May 19: <i>Section Council Meeting</i> | No charge | No charge | |
| Saturday, May 19: <i>Intersecting the Rule of Law and Administrative Law</i> | No charge | No charge | |
| Saturday, May 19: <i>Section Dinner, World Famous Stubbs BBQ</i> | \$50 | \$60 | |
| Sunday, May 20: <i>Section Council Meeting</i> | No charge | No charge | |
| TOTAL | | | |

Payment Information: Mail to ABA Admin Law Section, 740 15th Street, NW, Washington DC 20005. Credit card registrations may be faxed to (202) 662-1529. If you have questions please call Jenny Abreu at (202) 662-1528. *Cancellations must be received prior to **May 14, 2007** for full refund.*

Check (made payable to the American Bar Association) Visa MasterCard American Express

Card Number: _____ Exp. Date: _____

Cardholder Signature: _____