

## Virtual Live Spring CLE Conference Preliminary Agenda at a Glance May 13, 2022

	 <b>Administrative Law &amp; Regulatory Practice Institute</b>	 <b>Homeland Security Law Institute</b>
8:45 – 10:15 am CLE Panels	Rulemaking 101: The Rulemaking Process	Combatting Forced Labor in our Supply Chains: The Legal Framework and Evolving Challenges
10:15 – 10:45 am	Break & Networking with Sponsors	Break & Networking with Sponsors
10:45 am – 12:15 pm CLE Panels	Judicial Review 101	Current Legal Issues in Homeland Security
12:15 – 1:15 pm	Break & Networking with Sponsors	Break & Networking with Sponsors
1:15 – 2:45 pm CLE Panels	Adjudication 101	Cybersecurity and the Intelligence Community: How They Work Together and How You Can Work With Them
2:45 – 3:15 pm	Break & Networking with Sponsors	Break & Networking with Sponsors
3:15 – 4:45 pm CLE Panels	Major Questions Doctrine	
Program Chairs:	Adam White	Anne Bechdolt, Christina McDonald, Joe Whitley
Section Chair: Andrew Emery		
<p>The ABA will seek 6 hours of CLE credit in 60-minute states, and 7.2 hours of CLE credit for this program in 50-minute states. Credit hours are estimated and are subject to each state's approval and credit rounding rules. Please visit the program website at <a href="https://cvent.me/E3AXxV">https://cvent.me/E3AXxV</a> for program CLE details or visit <a href="http://www.americanbar.org/mcle">www.americanbar.org/mcle</a> for general information on CLE at the ABA. Credit is not available for on-demand courses within the platform.</p>		

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## May 13, 2022 Virtual Live Agenda

### 8:45 am – 10:15 am Session 1 CLE Panels

- **Rulemaking 101: The Rulemaking Process**

This panel will provide an introductory/refresher course on the procedural steps, legal requirements, and practical constraints applicable to notice and comment rulemaking. The course will be co-taught by a team of lawyers with experience in government, private practice and academia, each addressing issues relevant from their particular perspectives and offering practical advice to those involved in agency rulemaking. CLE materials provided include a copy of the *Document Drafting Handbook Annotated* provided by The Regulatory Group Inc. [Administrative Law & Regulatory Practice Institute](#)

Panelists

Daniel Cohen, Assistant General Counsel for Regulation, U.S. Department of Transportation, Washington, DC

Tammi Etheridge, Assistant Professor of Law, Elon University School of Law, Greensboro, NC

Russell S. Frye, Principal, FryeLaw PLLC, Washington, DC

Moderator

Andrew Emery, President, The Regulatory Group Inc., Arlington, VA

- **Combatting Forced Labor in our Supply Chains: The Legal Framework and Evolving Challenges**

This panel will discuss the issue of forced labor and efforts to combat forced labor in the U.S. supply chain. A variety of representatives – from the federal government, industry, and civil society – will share their respective viewpoints. The panel will cover topics such as the legal framework for combatting forced labor, the process and procedures used by CBP, and tools to leverage U.S. trade enforcement mechanisms for combatting forced labor. [Homeland Security Law Institute](#)

Panelists

AnnMarie Highsmith, Executive Assistant Commissioner of the Office of Trade, U.S. Department Of Homeland Security/Customs and Border Protection, Washington, DC

Bridget McGovern, Assistant Secretary for Trade and Economic Security, U.S. Department of Homeland Security, Washington, DC

Martina Vandenberg, Founder and President, Human Trafficking Legal Center, Washington, DC

Blake Harden, Vice President, International Trade, Retail Industry Leaders Association, Washington, DC (Invited)

Thea Mei Lee, Deputy Under Secretary, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, DC (Invited)

Moderator

Beth Neitzel, Senior Counselor to the Secretary of Homeland Security, U.S. Department of Homeland Security, Washington, DC

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### 10:15 am – 10:45 am Break & Networking with Sponsors

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**10:45 am – 12:15 pm    Session 2 CLE Panels**

- **Judicial Review 101**

This panel will provide an introductory/refresher course on judicial review of rulemaking. The panel will present government and private practice perspectives on procedural and strategic considerations, legal standards and practical constraints applicable to challenging (or defending) regulations in court. The panelists have extensive experience on both sides of judicial review of rulemaking and will provide practitioners with valuable insights and practical guidance. [\*Administrative Law & Regulatory Practice Institute\*](#)

Panelists

Samantha Chaifetz, Attorney, Civil Appellate Staff, U.S. Department of Justice, Washington, DC  
Joshua Turner, Partner, Wiley Rein LLP, Washington, DC

Moderator

Steve Lehotsky, Partner, Lehotsky Keller LLP, Washington, DC

- **Current Legal Issues in Homeland Security**

This panel will discuss current legal issues in the field of homeland security law. A panel of senior lawyers in DHS's General Counsel Office will speak about various legal issues facing DHS, including trade and enforcement, border controls, DHS coordination under Homeland Security Presidential Directive 5, removing barriers to legal immigration, and challenges in rulemaking and oversight.

[\*Homeland Security Law Institute\*](#)

Panelists

Scott Falk, Chief Counsel, Customs and Border Protection, U.S. Department of Homeland Security, Washington, DC  
John Havranek, Associate General Counsel for Operations and Enforcement, U.S. Department of Homeland Security, Washington, DC  
A. Ashley Tabaddor, Chief Counsel, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, Washington, DC

Moderator

Jonathan Meyer, General Counsel, U.S. Department of Homeland Security, Washington, DC

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**12:15 pm -1:45 pm    Lunch Break & Networking**

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**1:15 pm – 2:45 pm    Session 3 CLE Panels**

- **Adjudication 101**

Agency adjudication encompasses the majority of what the government does. At the federal level alone, it includes programs involving public benefits, immigration, regulatory enforcement, licensing and permitting, government contracts, intellectual property, and grants and loans. Featuring four participants with diverse experiences across the federal government, this panel will provide an introduction to federal agency adjudication. Issues addressed will include: the variety of adjudication opportunities across federal agencies, the role and day-to-day responsibilities of administrative judges and legal staff, and legal and non-legal skillsets essential for careers in federal agency adjudication. This panel will appeal to law students interested in government service, current government attorneys, attorneys interested in a

career as an agency adjudicator, and attorneys who practice before federal agencies. [Administrative Law & Regulatory Practice Institute](#)

Panelists

Jeremy Graboyes, Director of Public and Interagency Programs, Administrative Conference of the United States, Washington, DC

Shalini Ray, Associate Professor of Law, University of Alabama School of Law, Tuscaloosa, AL

Shoba Sivaprasad Wadhia, Associate Dean for Diversity, Equity and Inclusion, Samuel Weiss Faculty Scholar, Director, Center for Immigrants' Rights Clinic, Penn State Law, University Park, PA

Moderator

Jeffrey Lubbers, Professor of Practice in Administrative Law, American University Washington College of Law, Washington, DC

- **Cybersecurity and the Intelligence Community: How They Work Together and How You Can Work With Them**

Hear about best practices from cyber and intelligence experts. Learn how to protect your clients within applicable laws, rules and regulations, together with learning about effective cybersecurity compliance plans. This panel will also discuss how to best notify law enforcement and the intelligence community before, during, and after a cybersecurity incident and/or breach. [Homeland Security Law Institute](#)

Panelists

Jen Daskal, acting Principal Deputy General Counsel, U.S. Department of Homeland Security, Washington, DC

Tim Gaither, Director of the Preparedness, Emergency Support, and Security Division, Pipelines and Hazardous Materials Administration, U.S. Department of Transportation, Washington, DC

Jim Halpert, General Counsel, Office of the National Cyber Director, The White House, Washington, DC

Moderator

Joe Whitley, Partner, Womble, Bond, Dickinson, Atlanta, GA and Washington, DC

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**2:45 pm – 3:15 pm      Break & Networking with Sponsors**

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**3:15 pm – 4:45 pm      Session 4 CLE Panels**

- **Major Questions Doctrine**

When the Supreme Court held that the Occupational Safety and Health Administration's vaccine mandate exceeded the agency's statutory authority, the Court's opinion did not use the term "Major Questions Doctrine." Yet to many observers—including the concurring Justice Gorsuch—the Court's analysis exemplified this increasingly prominent interpretative doctrine. And a few weeks later, the Major Questions Doctrine was at the center of the Supreme Court's oral arguments in *West Virginia v. EPA*, the latest litigation over greenhouse gas regulations.

In those arguments, several justices asked counsel to explain what the Major Questions Doctrine is, and how it fits into broader themes of constitutional law, administrative law, and statutory construction. The doctrine itself has become a "major question," so to speak. This panel will help to unpack the issue, considering both its doctrinal origins and its possible ramifications in the years ahead. [Administrative Law & Regulatory Practice Institute](#)

Panelists

Ronald Levin, William R. Orthwein Distinguished Professor of Law, Washington University in St. Louis School of Law, St. Louis, MO

Jennifer Mascott, Assistant Professor of Law, George Mason University Antonin Scalia Law School, Arlington, VA

Moderator:

Adam White, Co-Director of the Gray Center, George Mason University, Antonin Scalia Law School, Arlington, VA

**ABA Section of Administrative Law & Regulatory Practice**

**1050 Connecticut Ave NW, Suite 400**

**Washington, DC**

**202-662-1690**

**[Anne.kiefer@americanbar.org](mailto:Anne.kiefer@americanbar.org)**

**REGISTRATION WILL OPEN ON APRIL 25, 2022**

**REGISTRATION FORM - ABA Section of Administrative Law & Regulatory Practice**  
**2022 Virtual Live Spring CLE Conference Friday May 13, 2022**

**WELCOME to our SECOND VIRTUAL LIVE Administrative Law Spring CLE Conference on the Convene Virtual Platform! Earn up to 6 Hours of ONLINE LIVE CLE CREDIT for participating in 4 panels on 1 day. Then Access Online Video Recordings of all 7 panels for 30 days after the conference (CLE credit is NOT AVAILABLE for Video recordings – CLE Credit is Only available for participation in the full panels live on May 13, 2022). Attendees must remain logged in for the duration of each panel in order to earn CLE credit – no partial CLE credit is available for panels.**

**GROUPS MAY REGISTER BY COMPLETING ONE FORM FOR EACH PERSON AND EMAILING THEM TO JENETTE CROMWELL, ABA ASSOCIATE DATA ADMINISTRATOR, [JENETTE.CROMWELL@AMERICANBAR.ORG](mailto:JENETTE.CROMWELL@AMERICANBAR.ORG) 312-988-5554. Jenette will register the group and will contact the group's organizer to arrange for payment of the group invoice. GROUPS MAY REGISTER WITH THIS FORM ONLY. The Meeting ID is AL22051.**

**INDIVIDUALS MAY REGISTER ONLINE BY MAY 3, 2022 – CHECK [WWW.AMERICANBAR.ORG/ADMINLAW](http://WWW.AMERICANBAR.ORG/ADMINLAW) FOR THE INDIVIDUAL REGISTRATION LINK ON MAY3. After MAY 3 Individuals may also contact the ABA Service Center at 800-285-2221, 312-988-5000, Monday-Friday 9:00 AM - 6:00 PM ET. A member of the Service Center team will register the attendee, process payment via invoice or credit card and will email a receipt to the attendee. Attendees will also receive an email confirming their registration when the registration is processed. Payment is necessary when the order is processed – VISA, American Express, Master Card or Discover are accepted.**

**Cancellations:/Substitutions:** Cancellations or Substitutions are accepted without fee. Contact [Anne.Kiefer@americanbar.org](mailto:Anne.Kiefer@americanbar.org) or 202-662-1690.

**Conference Participation Details:** Once the conference is finalized, each registered attendee will receive an email with complete instructions for participation in this online event. Computer access will be necessary as CLE validations occur throughout each panel.

**Notices:** The views and opinions expressed in this Conference are those of the speakers and do not reflect the policy of The American Bar Association or the ABA Section of Administrative Law. In the interest of furthering the ABA's creation, promotion and distribution of educational/informational materials (both now and in the future), I understand and agree that my registration and attendance at, or participation in, ABA meetings, programs and events ("Events") constitutes an agreement by me to grant to ABA the right to record my image, photograph, picture, likeness, and voice by any technology or means. I also grant ABA the right to copy, use, perform, display and distribute such recordings of me for any legitimate purpose, including but not limited to distribution by means of streaming or other technologies via the Internet, or distribution of audio or video files for download by the public. I hereby waive any right to inspect, approve, or be compensated for use of any materials incorporating such images obtained during the Events. I release ABA and its agents, representatives and licensees from all liabilities arising out of any use of my likeness and information as provided above. I understand and agree that any and all negatives, digital images, and recordings of my likeness, regardless of form, are and shall remain property of the ABA.

**CLE:** The ABA will seek 6 hours of general CLE credit in 60-minute states, and 7.2 hours of CLE credit for this program in 50-minute states\*\*. Credit hours are estimated and are subject to each state's approval and credit rounding rules. Please visit the program website Opening May 10, 2021 for program CLE details or visit [www.americanbar.org/mcle](http://www.americanbar.org/mcle) for general information on CLE at the ABA. For more information about CLE accreditation in your state, visit <https://www.americanbar.org/events-cle/mcle/>. or contact Anne Kiefer at [Anne.Kiefer@americanbar.org](mailto:Anne.Kiefer@americanbar.org). \*\* Florida bar regulators have stated that attorneys WILL receive Florida credit for ABA programs again. All CLE materials will be posted online and a link to the materials will be emailed to attendees. Please contact [Anne.Kiefer@americanbar.org](mailto:Anne.Kiefer@americanbar.org) by May 10, 2022 if your local MCLE board/state requires a hard copy of materials.

**Scholarships:** A limited number of scholarships to partially defray tuition expenses are available for this program. To request a scholarship, send an e-mail to [Anne.Kiefer@americanbar.org](mailto:Anne.Kiefer@americanbar.org) explaining the reason for your scholarship request and provide your **ABA Membership ID number**. Scholarship requests must be received **no later than May 5, 2022**. You will be notified of your scholarship status by May 10, 2022.

**Special Needs:** If you have any special needs, please contact [Anne.Kiefer@americanbar.org](mailto:Anne.Kiefer@americanbar.org) or 202-662-1690 with your request no later than **May 5, 2022**

**RATE PER PERSON- FULL 1 DAY PROGRAM:**

- ☐ Administrative Law Section Members (Including Government Attorneys who are members): \$239
- ☐ ABA Members who are NOT Admin Law Section Members (including Government Attorneys who are ABA members): \$269
- ☐ General Public: \$319
- ☐ Law Student: \$25

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**ABA Member I.D.:** \_\_\_\_\_ **Administrative Law Section Member? Yes** \_\_\_\_\_ **No** \_\_\_\_\_

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**Organization:** \_\_\_\_\_

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Please contact Anne Kiefer [anne.kiefer@americanbar.org](mailto:anne.kiefer@americanbar.org) or 202-662-1690 with registration questions.  
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