

JEFFREY S. LUBBERS

LAW SCHOOL

Washington College of Law, American Univ.
4801 Massachusetts Avenue, NW
Washington, DC 20016
(202) 274-4266 (Phone and v-mail)
(202) 274-4130 (fax)
JSL26@aol.com (e-mail)
jlubber@wcl.american.edu (alt. e-mail)

EDUCATION

J.D., University of Chicago Law School 1974
A.B. (History and Government), Cornell University, Ithaca, New York 1971

CURRENT POSITION

Fellow in Law and Government, Washington College of Law, American University (1995-present)—
Visiting Associate Professor (Fall 1997); taught various administrative law courses and alternative dispute
resolution. [(Fall 1996, Spring 2000, Spring 2003, spring 2006), Visiting Professor at the Washington and
Lee University School of Law, Lexington, VA, taught Negotiation & Mediation, Advanced Administrative
Law, American Public Law Process, and Environmental Law.] [(Spring, 1999), Visiting adjunct professor,
Georgetown University, taught Administrative Law and Regulatory Policy.] [(January Term, 2005), Visiting
Professor, University of Ottawa Common Law Faculty of Law, co-taught Comparative Natural Resources
Law.]

Consultant in Administrative Law: Clients have included numerous federal agencies, law firms, public
interest groups, and international organizations (OECD, World Bank).

FORMER EMPLOYMENT

Research Director 1982 -October 31, 1995
Administrative Conference of the United States (Agency closed by 104th Congress)
Office of the Chairman, Washington, DC

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 1978 - 1982
Administrative Conference of the United States

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

US Departments of Labor and H.U.D.
US Postal Service, GPO (1967-1971)

BAR MEMBERSHIPS

Maryland (1975)
District of Columbia (1976)
Court of App. for the Fed. Circuit (1997)
Supreme Court Bar (1999)

PROFESSIONAL ACTIVITIES

American Bar Association

Member & "Fellow," Section of Administrative Law and Regulatory Practice (Council Member 1991-94) (currently—various positions, including CEELI liaison, Editor of Annual "Developments" book)

Association of American Law Schools

Elected to Executive Committee, Administrative Law Section (1997)

National Administrative Law Moot Court Competition

Wrote problem; judged finals (1991) (University of Dayton School of Law)

National Judicial College

Faculty, 1985, 1989

Legal Education Institute (US DOJ)

Faculty, 1992, 1993, 1997

International Law Institute

Faculty, 1997, 1999, 2003-2005

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), Shanghai & Beijing, China (Yale China Law Project Workshop on Public Participation (2003); Visiting Professor, Ritsumeikan University, Kyoto, Japan (Summer 2004 and Summer 2005); Tokyo Administrative Law Symposium (September 2004); Visiting Professor, University of Ottawa Common Law Faculty of Law (January Term 2005).

AWARDS

- * Letter of Commendation from OMB Director for work on detail to OMB, 1978
- * Award for Meritorious Service (ACUS), 1980
- * SES Bonus Awards 1984-85, 1986-87, 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)

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 Proposed 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), 56 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.)

Testimony on H.R. 2592, “The Private Trustee Reform Act of 1997,” Before the Subcom. of Commercial and Administrative Law, Comm. on the Judiciary, U.S. House of Representatives, Oct. 9, 1997.

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, (3rd 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, (3rd 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); 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 (April 2002) (with Malcolm Russell-Einhorn and Vedat Milor).

Testimony on “Administrative Law Ramifications of Creating the Department of Homeland Security,” before the House Subcomm. on Commercial and Administrative Law, Comm. on the Judiciary (July 9, 2002).

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), 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).

Improving the Record for Decision in Social Security Disability Adjudications, Report to the Social Security Advisory Board (March 2003) (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).

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).

References provided on request