

Bibliography

2010–Present

A1. **Administrative Conference of the U.S. (Office of the Chairman)**. Equal Employment Opportunity Commission: Evaluating the Status and Placement of Adjudicators in the Federal Sector Hearing Program (2014). <http://www.acus.gov/report/equal-employment-opportunity-commission-evaluating-status-and-placement-adjudicators-federal>.

A2. **Administrative Conference of the U.S.** Retrospective Review of Existing Regulations: Workshop Summary (2011). <http://www.acus.gov/fact-sheet/retrospective-review-existing-regulations>.

A3. **Administrative Conference of the United States (Office of the Chairman)**. Evaluating Subjective Symptoms in Disability Claims (2015). <http://www.acus.gov/publication/evaluating-subjective-symptoms-disability-claims>.

A4. **Administrative Conference of the U.S. (Office of the Chairman)**. SSA Disability Benefits Adjudication Process: Assessing the Impact of the Region I Pilot Program (2013). <http://www.acus.gov/report/assessing-impact-region-i-pilot-program>.

A5. **Administrative Conference of the U.S. (Office of the Chairman)**. SSA Disability Benefits Programs: Assessing the Efficacy of the Treating Physician Rule (2013). <http://www.acus.gov/report/treating-physician-rule-report-final>.

A6. **Administrative Conference of the U.S. (Office of the Chairman)**. SSA Disability Benefits Programs: The Duty of Candor and Submission of All Evidence (2012). <http://www.acus.gov/report/duty-candor-and-submission-all-evidence-final-report>.

A7. **Administrative Conference of the U.S. (Office of the Chairman)**. SSA Representative Payee: Survey of State Guardianship Laws and Court Practices (2014). <http://www.acus.gov/report/ssa-representative-payee-survey-state-guardianship-laws-and-court-practices>.

A8. **Aldy, Joseph E.** Learning from Experience: An Assessment of the Retrospective Reviews of Agency Rules and the Evidence

for Improving the Design and Implementation of Regulatory Policy (2014). <http://www.acus.gov/report/retrospective-review-report>.

Recommendation 2014-5. Retrospective Review of Agency Rules. 79 Fed. Reg. 75,114 (Dec. 17, 2014).

A9. **Balla, Steven J.** Public Commenting on Federal Agency Regulations: Research on Current Practices and Recommendations to the Administrative Conference of the United States (2011). <http://www.acus.gov/report/rulemaking-comments-report-and-supplemental-research>.

Recommendation 2011-2. Rulemaking Comments. 76 Fed. Reg. 48,791 (Aug. 9, 2011).

A10. **Beck, Leland E.** Agency Practices and Judicial Review of Administrative Records in Informal Rulemaking (2013). <http://www.acus.gov/report/agency-practices-and-judicial-review-administrative-records-informal-rulemaking>.

Recommendation 2013-4. The Administrative Record in Informal Rulemaking. 78 Fed. Reg. 41,358 (July 10, 2013).

A11. **Beermann, Jack M.** Midnight Rules: A Reform Agenda (2012). <http://www.acus.gov/report/revised-draft-midnight-rules-report>.

Recommendation 2012-2: Midnight Rules. 77 Fed. Reg. 47,802 (Aug. 10, 2012).

A12. **Benson, Lenni B. & Wheeler, Russell R.** Enhancing Quality and Timeliness in Immigration Removal Adjudication (2012). <http://www.acus.gov/report/immigration-removal-adjudication-report>.

Recommendation 2012-3. Immigration Removal Adjudication. 77 Fed. Reg. 47,804 (Aug. 10, 2012).

A13. **Bremer, Emily S. & Siegel, Jonathan R.** Clearing the Path to Justice: The Need to Reform 28 U.S.C. § 1500. 65 ALA. L. REV. 1 (2013). Original Conference report, <http://www.acus.gov/report/section-1500-final-report>.

Recommendation 2012-6. Reform of 28 U.S.C. 1500. 78 Fed. Reg. 2939 (Jan. 15, 2013).

A14. **Bremer, Emily S.** Incorporation by Reference in an Open Government Age. 36 *HARV. J.L. & PUB. POL'Y* 131 (2013). Original Conference report, <http://www.acus.gov/publication/incorporation-reference-open-government-age>.

Recommendation 2011-5. Incorporation by Reference. 77 *Fed. Reg.* 2257 (Jan. 17, 2012).

A15. **Bull, Reeve T.** Building a Framework for Governance: Retrospective Review and Rulemaking Petitions. 66 *ADMIN. L. REV.* 265 (2015).

A16. **Bull, Reeve T.** Developing a Domestic Framework for International Regulatory Cooperation. 78 *LAW & CONTEMP. PROBS.* (forthcoming 2015).

A17. **Bull, Reeve T.** Far From Eroding Regulatory Protections, TTIP's Cooperative Regime Could Bolster Sound Regulation. *BLOOMBERG BNA DAILY REP. FOR EXECUTIVES* (July 23, 2014).

A18. **Bull, Reeve T.** Making the Administrative State "Safe for Democracy": A Theoretical and Practical Analysis of Citizen Participation in Agency Decision Making. 65 *ADMIN. L. REV.* 611 (2013). <http://www.acus.gov/publication/making-administrative-state-safe-democracy-theoretical-and-practical-analysis-citizen>.

A19. **Bull, Reeve T.** The Federal Advisory Committee Act: Issues and Proposed Reforms (2011). <http://www.acus.gov/report/reeve-t-bulls-report-faca>.

Recommendation 2011-7. The Federal Advisory Committee Act—Issues and Proposed Reforms. 77 *Fed. Reg.* 2261 (Jan. 17, 2012).

A20. **Bull, Reeve T.** The Government in the Sunshine Act in the 21st Century (2014). <http://www.acus.gov/report/final-sunshine-act-report>.

Recommendation 2014-2. Government in the Sunshine Act. 79 *Fed. Reg.* 35,990 (June 25, 2014).

A21. **Center for Legal & Court Technology.** Best Practices for Using Video Teleconferences for Hearings and Related Proceedings

(2014). <http://www.acus.gov/report/best-practices-using-video-teleconferencing-final-report>.

Recommendation 2014-7. Best Practices for Using Video Teleconferencing for Hearings. 79 Fed. Reg. 75,119 (Dec. 17, 2014).

A22. **Chen, James Ming.** Inflation-Based Adjustments in Federal Civil Monetary Penalties (2012). <http://www.acus.gov/report/inflation-adjustment-act-final-report>.

Recommendation 2012-8. Inflation Adjustment Act. 78 Fed. Reg. 2943 (Jan. 15, 2013).

A23. **Clark, Kathleen.** Ethics, Employees and Contractors: Financial Conflicts of Interest In and Out of Government. 62 ALA L. REV. 961 (2011). Fiduciary-Based Standards for Bailout Contractors: What the Treasury Got Right and Wrong in TARP. 95 MINN. L. REV. 1614 (2011). Original Conference report, <http://www.acus.gov/report/kathleen-clarks-final-project-report>.

Recommendation 2011-3. Compliance Standards for Government Contractor Employees—Personal Conflicts of Interest and Use of Certain Non-Public Information. 76 Fed. Reg. 48,792 (Aug. 9, 2011).

A24. **Coglianesse, Cary.** Enhancing Public Access to Online Rulemaking Information. 2 MICH. J. ENVTL. & ADMIN. L. 1 (2012). Original Conference report, <http://www.acus.gov/report/final-agency-innovations-report>. *See also* A Truly “Top Task”: Rulemaking and Its Accessibility on Agency Websites. 44 ENVTL. L. REP. 10,660 (2014).

Recommendation 2011-8. Agency Innovations in E-Rulemaking. 77 Fed. Reg. 2264 (Jan. 17, 2012).

A25. **Copeland, Curtis W.** Economic Analysis and Independent Regulatory Agencies (2013). <http://www.acus.gov/report/economic-analysis-final-report>.

Recommendation 2013-2. Benefit-Cost Analysis at Independent Regulatory Agencies. 78 Fed. Reg. 41,355 (July 10, 2013).

A26. **Copeland, Curtis W.** Length of Rule Reviews by the Office of Information and Regulatory Affairs (2013). <http://www.acus.gov/report/oira-review-report>.

Statement 18. Improving the Timeliness of OIRA Regulatory Review. 78 Fed. Reg. 76,275 (Dec. 17, 2013).

A27. **Copeland, Curtis W.** Regulatory Analysis Requirements: A Review and Recommendations for Reform (2012). <http://www.acus.gov/report/regulatory-analysis-requirements-report-final>.

Recommendation 2012-1. Regulatory Analysis Requirements. 77 Fed. Reg. 47, 801 (Aug. 10, 2012).

A28. **Copeland, Curtis W.** The Unified Agenda: Proposals for Reform (Apr. 13, 2015). <http://www.acus.gov/report/final-unified-agenda-report>.

Recommendation 2015-1. Promoting Accuracy and Transparency in the Unified Agenda. 80 Fed. Reg. 36,757 (June 26, 2015).

A29. **Dooling, Bridget C.E.** Legal Issues in E-Rulemaking. 63 ADMIN L. REV. 893 (2011). Original Conference report, <http://www.acus.gov/report/legal-issues-e-rulemaking-report>.

Recommendation 2011-1. Legal Considerations in e-Rulemaking. 76 Fed. Reg. 48,789 (Aug. 9, 2011).

A30. **Fountain, Jane E.** The GPRA Modernization Act of 2010: Examining Constraints To, and Providing Tools For, Cross-Agency Collaboration (2013). <http://www.acus.gov/report/gpra-modernization-act-2010-examining-constraints-and-providing-tools-cross-agency-0>.

Recommendation 2013-7. GPRA Modernization Act of 2010: Examining Constraints To, and Providing Tools For, Cross Agency Collaboration. 78 Fed. Reg. 76,273 (Dec. 17, 2013).

A31. **Freeman, Jody & Rossi, Jim.** Agency Coordination in Shared Regulatory Space. 125 HARV. L. REV. 1131 (2012). Report prepared for Conference consideration. <http://www.acus.gov/report/consultants-report-improving-coordination-related-agency-responsibilities>.

Recommendation 2012-5. Improving Coordination of Related Agency Responsibilities. 77 Fed. Reg. 47,810 (Aug. 10, 2012).

A32. **Grunewald, Mark H.** Reducing FOIA Litigation Through Targeted ADR Strategies (2014). <http://www.acus.gov/report/final-reducing-foia-litigation-through-targeted-adr-strategies-report>.

Recommendation 2014-1. Resolving FOIA Disputes Through Targeted ADR Strategies. 79 Fed. Reg. 35,988 (June 25, 2014).

A33. **Herz, Michael.** Using Social Media in Rulemaking: Possibilities and Barriers (2013). <http://www.acus.gov/report/final-social-media-rulemaking-report>.

Recommendation 2013-5. Social Media in Rulemaking. 78 Fed. Reg. 76,269 (Dec. 17, 2013).

A34. **Krent, Harold J. & Morris, Scott.** Achieving Greater Consistency in Social Security Disability Adjudication: An Empirical Study and Suggested Reforms (2013). <http://www.acus.gov/report/achieving-greater-consistency-social-security-disability-adjudication-report-draft>.

A35. **Lewis, David E. & Selin, Jennifer L.** Sourcebook of United States Executive Agencies (1st ed. 2012). <http://www.acus.gov/publication/sourcebook-united-states-executive-agencies>.

A36. **Lubbers, Jeffrey S.** ACUS 2.0 and its Historical Antecedents. *ADMIN. & REG. L. NEWS*, Spring 2011, at 9.

A37. **Lubbers, Jeffrey S.** Fail to Comment at Your Own Risk: Does Issue Exhaustion Have a Place in Judicial Review of Rules? (2015). <http://www.acus.gov/publication/fail-comment-your-own-risk-does-issue-exhaustion-have-place-judicial-review-rules>.

Statement 19. Issue Exhaustion in Preenforcement Judicial Review of Administration Rulemaking. 80 Fed. Reg. 60,611 (Oct. 7, 2015).

A38. **Lubbers, Jeffrey S.** Paul Verkuil's Projects for the Administrative Conference of the U.S. 1974–1992. 32 *CARDOZO L. REV.* 2421 (2011).

A39. **McAllister, Lesley K.** *Harnessing Private Regulation*. 3 MICH. J. ENVTL. & ADMIN. L. 291 (2014). Original Conference report. *Third-Party Programs to Assess Regulatory Compliance* (2012). <http://www.acus.gov/report/third-party-programs-final-report>.

Recommendation 2012-7. *Agency Use of Third-Party Programs to Assess Regulatory Compliance*. 78 Fed. Reg. 2941 (Jan. 15, 2013).

A40. **McCarthy, Michael T.** *International Regulatory Cooperation, 20 Years Later: Updating ACUS Recommendation 91-1* (2011). <http://www.acus.gov/report/international-regulatory-cooperation-final-report>.

Recommendation 2011-6. *International Regulatory Cooperation*. 77 Fed. Reg. 2259 (Jan. 17, 2012).

A41. **Olorunnipa, Funmi E.** *Agency Use of Video Hearings: Best Practices and Possibilities for Expansion* (2011). <http://www.acus.gov/report/agency-use-video-hearings-final-report>.

Recommendation 2011-4. *Agency Use of Video Hearings: Best Practices and Possibilities for Expansion*. 76 Fed. Reg. 48,795 (Aug. 9, 2011).

A42. **O'Reilly, James T.** *Federal Advisory Committee Act: Inhibiting Effects upon the Utilization of New Media in Collaborative Governance & Agency Policy Formation* (2011). <http://www.acus.gov/report/oreilly-faca-report>.

Recommendation 2011-7. *The Federal Advisory Committee Act—Issues and Proposed Reforms*. 77 Fed. Reg. 2261 (Jan. 17, 2012).

A43. **Pou, Charles, Jr.** *Federal Conflict Management since 1995 and Options for the Administrative Conference* (2011). <http://www.acus.gov/report/federal-conflict-management-1995-and-options-administrative-conference>.

A44. **Rosenberg, Morton.** *The Critical Need for Effective Congressional Review of Agency Rules: Background and Considerations for Incremental Reform* (2012). <http://www.acus.gov/report/congressional-review-act-report>.

A45. **Schwartz, Jason A. & Revesz, Richard L.** Petitions for Rulemaking (2014). <http://www.acus.gov/report/petitions-rulemaking-final-report>.

Recommendation 2014-6. Petitions for Rulemaking. 79 Fed. Reg. 75,117 (Dec. 17, 2014).

A46. **Sferra-Bonistalli, Esa L.** *Ex Parte* Communications in Informal Rulemaking (2014). <http://www.acus.gov/report/final-ex-parte-communications-report>.

Recommendation 2014-4. “Ex Parte” Communications in Informal Rulemaking. 79 Fed. Reg. 35,993 (June 25, 2014).

A47. **Shapiro, Stuart.** The Paperwork Reduction Act: Benefits, Costs and Directions for Reform. 30 GOV'T INFO. Q. 204 (2013). Report prepared for Conference consideration. <http://www.acus.gov/report/final-draft-paperwork-reduction-act-report>.

Recommendation 2012-4. Paperwork Reduction Act. 77 Fed. Reg. 47,808 (Aug. 10, 2012).

A48. **Sharkey, Catherine M.** Inside Agency Preemption. 110 MICH. L. REV. 521 (2012). Original Conference report, <http://www.acus.gov/report/preemption-report>.

Recommendation 2010-1. Agency Procedures for Considering Preemption of State Law. 76 Fed. Reg. 81 (Jan. 3, 2011).

A49. **Stack, Kevin M.** Guidance in the Rulemaking Process: Evaluating Preambles, Regulatory Text, and Freestanding Documents as Vehicles for Regulatory Guidance (2014). <http://www.acus.gov/report/final-guidance-rulemaking-process-evaluating-preambles-regulatory-text-and-freestanding>.

Recommendation 2014-3. Guidance in the Rulemaking Process. 79 Fed. Reg. 35,992 (June 25, 2014).

A50. **Tatham, Stephanie J.** The Unusual Remedy of Remand without Vacatur (2014). <http://www.acus.gov/report/unusual-remedy-remand-without-vacatur-final-report>.

Recommendation 2013-6. Remand Without Vacatur. 78 Fed. Reg. 76,272 (Dec. 17, 2013).

A51. **Verkuil, Paul R.** What the Return of the Administrative Conference of the United States Means for Administrative Law. 1 *MICH. J. ENVTL. & ADMIN. L.* 17 (2012).

A52. **Verkuil, Paul R.** An Essay on Due Process and the Endowment Effect. 22 *WM. & MARY BILL RTS. J.* 563 (2013).

A53. **Verkuil, Paul R. & Fountain, Jane E.** The Administrative Conference of the United States: Recommendations to Advance Cross-Agency Collaboration under the GPRA Modernization Act. 74 *PUB. ADMIN. REV.* 10 (2014).

A54. **Wagner, Wendy.** Science in Regulation: A Study of Agency Decisionmaking Approaches (2013). <http://www.acus.gov/report/science-regulation-final-report>.