

## ACUS 2.0 Bibliography

### 2010 - Present

**Administrative Conference of the United States (Office of the Chairman).** SSA Disability Benefits Programs: The Duty of Candor and Submission of All Evidence (Oct. 15, 2012), *available at* [www.acus.gov/report/duty-candor-and-submission-all-evidence-final-report](http://www.acus.gov/report/duty-candor-and-submission-all-evidence-final-report).

**Administrative Conference of the United States (Office of the Chairman).** SSA Disability Benefits Programs: Assessing the Efficacy of the Treating Physician Rule (Mar. 3, 2013), *available at* [www.acus.gov/report/treating-physician-rule-report-final](http://www.acus.gov/report/treating-physician-rule-report-final).

**Administrative Conference of the United States (Office of the Chairman).** SSA Disability Benefits Adjudication Process: Assessing the Impact of the Region I Pilot Program (Dec. 23, 2013), *available at* [www.acus.gov/report/assessing-impact-region-i-pilot-program](http://www.acus.gov/report/assessing-impact-region-i-pilot-program).

**Administrative Conference of the United States (Office of the Chairman).** Equal Employment Opportunity Commission: Evaluating the Status and Placement of Adjudicators in the Federal Sector Hearing Program (Mar. 31, 2014), *available at* <https://www.acus.gov/report/equal-employment-opportunity-commission-evaluating-status-and-placement-adjudicators-federal>.

**Administrative Conference of the United States (Office of the Chairman).** Memorandum on the History of Agency Video Teleconferencing Adjudications (Nov. 26, 2014), *available at* [www.acus.gov/memorandum/memorandum-history-agency-video-teleconferencing-adjudications](http://www.acus.gov/memorandum/memorandum-history-agency-video-teleconferencing-adjudications).

**Administrative Conference of the United States (Office of the Chairman).** SSA Representative Payee: Survey of State Guardianship Laws and Court Practices (Dec. 24, 2014), *available at* [www.acus.gov/report/ssa-representative-payee-survey-state-guardianship-laws-and-court-practices](http://www.acus.gov/report/ssa-representative-payee-survey-state-guardianship-laws-and-court-practices).

**Administrative Conference of the United States (Office of the Chairman).** Evaluating Subjective Symptoms in Disability Claims (Mar. 12, 2015), *available at* [www.acus.gov/publication/evaluating-subjective-symptoms-disability-claims](http://www.acus.gov/publication/evaluating-subjective-symptoms-disability-claims).  
Adopted by Social Security Administration, SSR 16-3p, 2016 SSR Lexis 4 (Mar. 16, 2016).

**Aldy, Joseph.** Learning from Experience: An Assessment of the Retrospective Reviews of Agency Rules and the Evidence of Improving the Design and Implementation of Regulatory Policy (Nov. 18, 2014), *available at* <http://www.acus.gov/report/retrospective-review-report>.  
Recommendation 2014-5: "Retrospective Review of Agency Rules." 79 Fed. Reg. 75,114, 75,114 (Dec. 17, 2014).

**Asimow, Michael.** Evidentiary Hearings Outside the Administrative Procedure Act (Nov. 10, 2016), *available at*

<<https://www.acus.gov/report/evidentiary-hearings-outside-administrative-procedure-act-final-report>>.

Recommendation 2016-4: “Evidentiary Hearings Not Required by the Administrative Procedure Act.” 81 Fed. Reg. 94, 314, 94,314 (Dec. 23, 2016).

**Bajandas, Felix F. and Ray, Gerald K.** Implementation and Use of Electronic Case Management Systems in Federal Agency Adjudication (May 23, 2018), *available at*

<<https://acus.gov/report/final-report-implementation-and-use-electronic-case-management-systems-federal-agency>>.

Recommendation 2018-3: “Electronic Case Management in Federal Administrative Adjudication.” 83 Fed. Reg. 30,683, 30,686 (June 29, 2018).

**Balla, Steven J.** Public Commenting on Federal Agency Regulations: Research on Current Practices and Recommendations to the Administrative Conference of the United States (Mar. 15, 2011), *available at*

<[www.acus.gov/report/rulemaking-comments-report-and-supplemental-research](http://www.acus.gov/report/rulemaking-comments-report-and-supplemental-research)>.

Recommendation 2011-2: “Rulemaking Comments.” 76 Fed. Reg. 48,789, 48,791 (Aug. 9, 2011).

**Barnett, Kent and Cornett, Logan and Reddick, Malia and Wheeler, Russell.** Non-ALJ Adjudicators in Federal Agencies: Status, Selection, Oversight, and Removal (May 11, 2018), *available at*

<<https://acus.gov/report/non-alj-adjudicators-federal-agencies-status-selection-oversight-and-removal-0>>.

**Beck, Leland.** Agency Practices and Judicial Review of Administrative Records in Informal Rulemaking (May 14, 2013), *available at*

<[www.acus.gov/report/agency-practices-and-judicial-review-administrative-records-informal-rulemaking](http://www.acus.gov/report/agency-practices-and-judicial-review-administrative-records-informal-rulemaking)>.

Recommendation 2013-4: “Administrative Record in Agency Rulemaking.” 78 Fed. Reg. 41,352, 41,358 (Jul. 10, 2013).

**Beermann, Jack M.** 2 MICH. J. OF ENVTL. & ADMIN. L. 285 (2013). Original Conference report, *available at*

<[www.acus.gov/report/revised-draft-midnight-rules-report](http://www.acus.gov/report/revised-draft-midnight-rules-report)>.

Recommendation 2012-2: “Midnight Rules.” 77 Fed. Reg. 47,800, 47,802 (Aug. 10, 2012).

**Benson, Lenni B. and Wheeler, Russell R.** Enhancing Quality and Timeliness in Immigration Removal Adjudication (Jun. 7, 2012), *available at*

<[www.acus.gov/report/immigration-removal-adjudication-report](http://www.acus.gov/report/immigration-removal-adjudication-report)>.

Recommendation 2012-3: “Immigration Removal Adjudication.” 77 Fed. Reg. 47,800, 47,804 (Aug. 10, 2012).

**Biber, Eric and Ruhl, J.B.** Designing Regulatory Permits (Sep. 9, 2015), *available at*

<[www.acus.gov/report/licensing-and-permitting-final-report](http://www.acus.gov/report/licensing-and-permitting-final-report)>.

Recommendation 2015-4: “Designing Federal Permitting Programs.” 80 Fed. Reg. 78,161, 78,164 (Dec. 16, 2015).

**Blake, Cheryl L. and Bull, Reeve T.** Negotiated Rulemaking (June 5, 2017), *available at* <https://www.acus.gov/report/negotiated-rulemaking-final-report>.

Recommendation 2017-2: “Negotiated Rulemaking and Other Options for Public Engagement.” 82 Fed. Reg. 31,040 (July 5, 2017).

**Blake, Cheryl L. and Emerson, Blake.** Plain Language in Regulatory Drafting (Dec. 8, 2017), *available at*

<https://www.acus.gov/report/plain-language-regulatory-drafting-final-report>.

Recommendation 2017-3: “Plain Language in Regulatory Drafting.” 82 Fed. Reg. 61728, 61728 (Dec. 29, 2017).

**Bremer, Emily S. and 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 *available at*

[www.acus.gov/report/section-1500-final-report](http://www.acus.gov/report/section-1500-final-report).

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

**Bremer, Emily S.** Incorporation by Reference in an Open Government Age. 36 HARV. J.L. & PUB. POL’Y 133 (2013). Original Conference report *available at*

[www.acus.gov/publication/incorporation-reference-open-government-age](http://www.acus.gov/publication/incorporation-reference-open-government-age).

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

**Bremer, Emily S.** The Agency Declaratory Judgment. 78 OHIO ST. L. J. 1170 (2017). Original Conference Report *available at*

[www.acus.gov/report/declaratory-orders-final-report](http://www.acus.gov/report/declaratory-orders-final-report).

Recommendation 2015-3: “Declaratory Orders.” 80 Fed. Reg. 78,161, 78,163 (Dec. 16, 2015).

**Bull, Reeve T.** The Federal Advisory Committee Act: Issues and Proposed Reforms (Sept. 12, 2011), *available at*

[www.acus.gov/report/reeve-t-bulls-report-faca](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. 2257, 2261 (Jan. 17, 2012).

**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), *available at*

<https://www.acus.gov/publication/making-administrative-state-safe-democracy-theoretical-and-practical-analysis-citizen>.

**Bull, Reeve T.** The Government in the Sunshine Act in the 21<sup>st</sup> Century (Jun. 10, 2014), *available at*

[www.acus.gov/report/final-sunshine-act-report](http://www.acus.gov/report/final-sunshine-act-report).

Recommendation 2014-2: “Government in the Sunshine Act.” 79 Fed. Reg. 35,988, 35,990 (Jun. 25, 2014).

**Bull, Reeve T.** Far From Eroding Regulatory Protections, TTIP’s Cooperative Regime Could Bolster Sound Regulation. BLOOMBERG BNA DAILY REPORT FOR EXECUTIVES (Jul. 23, 2014), *available at*

[www.acus.gov/publication/far-eroding-regulatory-protections-ttip's-cooperative-regime-could-bolster-sound](http://www.acus.gov/publication/far-eroding-regulatory-protections-ttip's-cooperative-regime-could-bolster-sound).

**Bull, Reeve T.** Building a Framework for Governance: Retrospective Review and Rulemaking Petitions. 67 ADMIN. L. REV. 265 (2015).

**Bull, Reeve T.** Developing a Domestic Framework for International Regulatory Cooperation. 78 LAW & CONTEMP. PROBS. 49 (2015).

**Bull, Reeve T and Ellig, Jerry.** Judicial Review of Regulatory Impact Analysis: Why Not the Best? 69 ADMIN. L. REV. 725 (2017).

**Bull, Reeve T.** Market Corrective Rulemaking: Drawing on EU Insights to Rationalize U.S. Regulation. 67 ADMIN. L. REV. 629 (2015).

**Bull, Reeve T. and Mahboudi, Neysun A. and Stewart, Richard B. and Wiener, Jonathan B.** New Approaches to International Regulatory Cooperation: The Challenge of TTIP, TPP, and Mega-Regional Trade Agreements. 78 LAW & CONTEMP. PROBS. 1 (2015).

**Bull, Reeve T.** Public Participation and the Transatlantic Trade & Investment Partnership. 83 GEO. WASH. L. REV. 1262 (2015).

**Center for Legal & Court Technology.** Best Practices for Using Video Teleconferences for Hearings and Related Proceedings (Nov. 6, 2014), *available at*

<[www.acus.gov/report/best-practices-using-video-teleconferencing-final-report](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. 75,114, 75,119 (Dec. 17, 2014).

**Chen, James Ming.** Inflation-Based Adjustments in Federal Civil Monetary Penalties (Nov. 21, 2012), *available at*

<[www.acus.gov/report/inflation-adjustment-act-final-report](http://www.acus.gov/report/inflation-adjustment-act-final-report)>.

Recommendation 2012-8: “Inflation Adjustment Act.” 78 Fed. Reg. 2939, 2943 (Jan. 15, 2013).

**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 *available at*

<[www.acus.gov/report/kathleen-clarks-final-project-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. 48,789, 48,792 (Aug. 9, 2011).

**Coglianesi, Cary.** Federal Agency Use of Electronic Media in the Rulemaking Process (July 17, 2011), *available at*

<<https://www.acus.gov/report/agency-innovations-report>>.

**Coglianesi, Cary.** Enhancing Public Access to Online Rulemaking Information. 1 MICH. J. ENVTL. & ADMIN. L. (2012). Original Conference report *available at*

<[www.acus.gov/report/final-agency-innovations-report](http://www.acus.gov/report/final-agency-innovations-report)>.

Recommendation 2011-8: “Agency Innovations in E-Rulemaking.” 77 Fed. Reg. 2257, 2264 (Jan. 17, 2012).

**Cole, Michael J.** Interpreting the Congressional Review Act: Why the Courts Should Assert Judicial Review, Narrowly Construe “Substantially the Same,” and Decline to Defer to Agencies Under Chevron. 70 Admin. L. Rev. 53 (2018).

**Copeland, Curtis W.** Regulatory Analysis Requirements: A Review and Recommendations for Reform (Mar. 23, 2012), *available at* [www.acus.gov/report/regulatory-analysis-requirements-report-final](http://www.acus.gov/report/regulatory-analysis-requirements-report-final).  
Recommendation 2012-1: “Regulatory Analysis Requirements.” 77 Fed. Reg. 47,800, 47,801 (Aug. 10, 2012).

**Copeland, Curtis W.** Economic Analysis and Independent Regulatory Agencies (Mar. 29, 2013), *available at* [www.acus.gov/report/economic-analysis-final-report](http://www.acus.gov/report/economic-analysis-final-report).  
Recommendation 2013-2: “Benefit-Cost Analysis at Independent Regulatory Agencies.” 78 FED. REG. 41,352, 41,355 (Jul. 10, 2013).

**Copeland, Curtis W.** Length of Rule Reviews by the Office of Information and Regulatory Affairs (Dec. 3, 2013), *available at* [www.acus.gov/report/oira-review-report](http://www.acus.gov/report/oira-review-report).  
Statement #18: “Improving the Timeliness of OIRA Regulatory Review.” 78 Fed. Reg. 76,269, 76,275 (Dec. 17, 2013).

**Copeland, Curtis W.** Promoting Accuracy and Transparency in the Unified Agenda (Apr. 13, 2015), *available at* [www.acus.gov/report/final-unified-agenda-report](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, 36,757 (Jun. 26, 2015).

**Cortez, Nathan.** Agency Publicity in the Internet Era. SMU DEDMAN SCHOOL OF LAW LEGAL STUDIES Research Paper No. 337 (2016). Original Conference report *available at* <https://www.acus.gov/report/agency-publicity-internet-era-report>.  
Recommendation 2016-1: “Consumer Complaint Databases.” 81 Fed. Reg. 40,259, 40,259 (Jun. 21, 2016).

**Dooling, Bridget C.E.** Legal Issues in e-Rulemaking. 63 ADMIN. L. REV. 893 (2011). Original Conference report *available at* [www.acus.gov/report/legal-issues-e-rulemaking-report](http://www.acus.gov/report/legal-issues-e-rulemaking-report).  
Recommendation 2011-1: “Legal Considerations in e-Rulemaking.” 76 Fed. Reg. 48,789, 48,789 (Aug. 9, 2011).

**Fountain, Jane E.** The GPRA Modernization Act of 2010: Examining Constraints To, and Providing Tools For, Cross Agency Collaboration Final Report (Dec. 3, 2013), *available at* <https://www.acus.gov/report/2013-7-gprama-final-report>.  
Recommendation 2013-7: “GPRA Modernization Act of 2010: Examining Constraints To, and Providing Tools For, Cross Agency Collaboration.” 78 Fed. Reg. 76,269, 76,273 (Dec. 6, 2013).

**Freeman, Jody and Rossi, Jim.** Agency Coordination in Shared Regulatory Space. 125 HARV. L. REV. 1131 (2012). Original Conference report *available at* [www.acus.gov/report/consultants-report-improving-coordination-related-agency-responsibilities](http://www.acus.gov/report/consultants-report-improving-coordination-related-agency-responsibilities).  
Recommendation 2012-5: “Improving Coordination of Related Agency Responsibilities.” 81 Fed. Reg. 94, 312 (Dec. 23, 2016).

**Gelbach, Jonah and Marcus, David.** Rethinking Judicial Review of High Volume Agency Adjudication, 96 TEX. L. REV. 1097 (May 2018). Original Conference report *available at* <<https://www.acus.gov/report/report-study-social-security-litigation-federal-courts>>. Recommendation 2016-3: “Special Procedural Rules for Social Security Litigation in District Court.” 81 Fed. Reg. 94,312, 94,312 (Dec. 23, 2016).

**Gelbach, Jonah and Marcus, David.** Crushed, 101 JUDICATURE, no. 3, 2017, at 65.

**Grunewald, Mark H.** Reducing FOIA Litigation Through Targeted ADR Strategies (Jun. 10, 2014), *available at* <[www.acus.gov/report/final-reducing-foia-litigation-through-targeted-adr-strategies-report](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, 35,988 (Jun. 25, 2014).

**Gubler, Zachary.** Regulatory Experimentation (Nov. 17, 2017), *available at* <<https://www.acus.gov/report/regulatory-experimentation-final-report>>. Recommendation 2017-6: “Learning from Regulatory Experience.” 82 Fed. Reg. 61728, 61738 (Dec. 29, 2017).

**Herz, Michael.** Using Social Media in Rulemaking: Possibilities and Barriers (Nov. 21, 2013), *available at* <[www.acus.gov/report/final-social-media-rulemaking-report](http://www.acus.gov/report/final-social-media-rulemaking-report)>. Recommendation 2013-5: “Social Media in Rulemaking.” 78 Fed. Reg. 76,269, 76,269 (Dec. 5, 2013).

**Houk, Carole S. and Rowe, Mary P. and Katz, Deborah A. and Katz, Neil H. and Marx, Lauren and Hedeem, Timothy.** A Reappraisal – The Nature and Value of Ombudsmen in Federal Agencies (Nov. 14, 2016), *available at*  
Part 1: Executive Summary <<https://www.acus.gov/report/ombudsman-federal-agencies-final-report-part-1-executive-summary>>.  
Part 2: Research Report <https://www.acus.gov/report/ombudsman-federal-agencies-final-report-part-2-research-report>  
Part 3: Legal Analysis <https://www.acus.gov/report/ombudsman-federal-agencies-final-report-part-3-legal-analysis>  
Part 4: Proposed Recommendation <https://www.acus.gov/report/ombudsman-federal-agencies-final-report-part-4-proposed-recommendation>  
Recommendation 2016-5: “The Use of Ombuds in Federal Agencies.” 81 Fed. Reg. 94,312, 94,316 (Dec. 23, 2016).

**Kamensky, John.** Mapping the Contours of the Federal Government. 38 ADMIN. & REG. L. NEWS 3 (Spring 2013), *available at* <[www.acus.gov/publication/mapping-contours-federal-government](http://www.acus.gov/publication/mapping-contours-federal-government)>.

**Krent, Harold and Morris, Scott.** Achieving Greater Consistency in Social Security Disability Adjudication: An Empirical Study and Suggested Reforms (Mar. 4, 2013), *available at* <[www.acus.gov/report/achieving-greater-consistency-social-security-disability-adjudication-report-draft](http://www.acus.gov/report/achieving-greater-consistency-social-security-disability-adjudication-report-draft)>.



**Lewis, David E. and Selin, Jennifer S.** Sourcebook of United States Executive Agencies (1st ed., 2nd Printing Mar. 7, 2013), *available at*  [<www.acus.gov/publication/sourcebook-united-states-executive-agencies>](http://www.acus.gov/publication/sourcebook-united-states-executive-agencies).

**Lubbers, Jeffrey S.** ACUS 2.0 and its Historical Antecedents. 36 ADMIN. & REG. L. NEWS 9 (2011).

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

**Lubbers, Jeffrey S.** Fail to Comment at Your Own Risk: Does Issue Exhaustion Have a Place in Judicial Review of Rules? (May 5, 2015), *available at*  [<www.acus.gov/publication/fail-comment-your-own-risk-does-issue-exhaustion-have-place-judicial-review-rules>](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 Administrative Rulemaking.” 80 Fed. Reg. 60,611, 60,611 (Oct. 7, 2015).

**McAllister, Lesley K.** Harnessing Private Regulation. 3 MICH. J. ENVTL. & ADMIN. L. 291 (2014). Original Conference report (Oct. 22, 2012), *available at*

[<www.acus.gov/report/third-party-programs-final-report>](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. 2939, 2941 (Jan. 15, 2013).

**McCarthy, Michael T.** International Regulatory Cooperation, 20 Years Later: Updating ACUS Recommendation 91-1 (Oct. 19, 2011), *available at*

[<www.acus.gov/report/international-regulatory-cooperation-final-report>](http://www.acus.gov/report/international-regulatory-cooperation-final-report).

Recommendation 2011-6: “International Regulatory Cooperation.” 77 Fed. Reg. 2257, 2259 (Jan. 17, 2012).

**Nielson, Aaron L.** Waivers, Exemptions, and Prosecutorial Discretion: An Examination of Agency Nonenforcement Practices. BYU L. Research Paper No. 17-27 (2017). Original Conference report *available at*

[<https://www.acus.gov/report/regulatory-waivers-and-exemptions-final-report>](https://www.acus.gov/report/regulatory-waivers-and-exemptions-final-report).

Recommendation 2017-7: “Regulatory Waivers and Exemptions.” 82 Fed. Reg. 61728, 61742 (Dec. 29, 2017).

**Olorunnipa, Funmi E.** Agency Use of Video Hearings: Best Practices and Possibilities for Expansion (May 10, 2011), *available at*

[<www.acus.gov/report/agency-use-video-hearings-final-report>](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. 48,789, 48,795 (Aug. 9, 2011).

**Olorunnipa, Funmi E.** ACUS 2.0: Bridging the Gap Between Administrative Law and Public Administration. 83 GEO. WASH. L. REV. 1555 (2015).

**O’Reilly, James T.** Federal Advisory Committee Act: Inhibiting Effects upon the Utilization of New Media in Collaborative Governance & Agency Policy Formation (Apr. 15, 2011), *available at*

[<www.acus.gov/report/oreilly-faca-report>](http://www.acus.gov/report/oreilly-faca-report).

Recommendation 2011-7: “The Federal Advisory Committee Act—Issues and Proposed Reforms.” 77 Fed. Reg. 2257, 2261 (Jan. 17, 2012).

**Parrillo, Nicholas.** Federal Agency Guidance: An Institutional Perspective (Oct. 12, 2017), *available at*

<<https://www.acus.gov/report/agency-guidance-final-report>>.

Recommendation 2017-5: "Agency Guidance Through Policy Statements." 82 Fed. Reg. 61728, 61734 (Dec. 29, 2017).

**Pou, Charles, Jr.** Federal Conflict Management since 1995 and Options for the Administrative Conference (Jan. 10, 2011), *available at*

<[www.acus.gov/report/federal-conflict-management-1995-and-options-administrative-conference](http://www.acus.gov/report/federal-conflict-management-1995-and-options-administrative-conference)>.

**Ray, Gerald K. and Lubbers, Jeffrey S.** A Government Success Story: How Data Analysis by the Social Security Appeals Council (with a Push from the Administrative Conference of the United States) is Transforming Social Security Disability Adjudication. 83 GEO. WASH. L. REV. 1575 (2015).

**Rosenberg, Morton.** The Critical Need for Effective Congressional Review of Agency Rules: Background and Considerations for Incremental Reform (Jul. 18, 2012), *available at*

<[www.acus.gov/report/congressional-review-act-report](http://www.acus.gov/report/congressional-review-act-report)>.

**Sant'Ambrogio, Michael and Zimmerman, Adam.** Aggregate Agency Adjudication (Jun. 9, 2016), *available at*

<<https://www.acus.gov/report/aggregate-agency-adjudication-final-report>>.

Recommendation 2016-2: "Aggregation of Similar Claims in Agency Adjudication." 81 Fed. Reg. 40,259, 40,260 (Jun. 21, 2016).

**Sant'Ambrogio, Michael and Zimmerman, Adam.** Inside the Agency Class Action. 126 YALE L. J. 1634 (2017).

**Schwartz, Jason A.** Marketable Permits: Recommendations on Applications and Management (Dec. 11, 2017), *available at*

<<https://www.acus.gov/report/marketable-permits-final-report>>.

Recommendation 2017-4: "Marketable Permits." 82 Fed. Reg. 61728, 61730 (Dec. 29, 2017).

**Schwartz, Jason A. and Revesz, Richard L.** Petitions for Rulemaking (Nov. 5, 2014), *available at*

<[www.acus.gov/report/petitions-rulemaking-final-report](http://www.acus.gov/report/petitions-rulemaking-final-report)>.

Recommendation 2014-6: "Petitions for Rulemaking." 79 Fed. Reg. 75, 114, 75,117 (Dec. 17, 2014).

**Sferra-Bonistalli, Esa L.** "Ex Parte" Communications in Informal Rulemaking (May 1, 2014), *available at*

<[www.acus.gov/report/final-ex-parte-communications-report](http://www.acus.gov/report/final-ex-parte-communications-report)>.

Recommendation 2014-4: "Ex Parte" Communications in Informal Rulemaking." 79 Fed. Reg. 35,988, 35,993 (Jun. 25, 2014).

**Shapiro, Stuart.** The Paperwork Reduction Act: Benefits, Costs and Directions for Reform. Government Information Quarterly (2013). Original Conference report *available at*

<[www.acus.gov/report/final-draft-paperwork-reduction-act-report](http://www.acus.gov/report/final-draft-paperwork-reduction-act-report)>.



Recommendation 2012-4: “Paperwork Reduction Act.” 77 Fed. Reg. 47,800, 47,808 (Aug. 10, 2012).

**Shapiro, Stuart.** Paperwork Reduction Act Efficiencies (May 14, 2018), *available at* <<https://www.acus.gov/report/paperwork-reduction-act-efficiencies-final-report>>.

Recommendation 2018-1: “Paperwork Reduction Act Efficiencies.” 83 Fed. Reg. 30,683, 30,683 (June 29, 2018).

**Sharkey, Catherine M.** Inside Agency Preemption. 110 MICH. L. REV. 521 (2012). Original Conference report *available at*

<[www.acus.gov/report/preemption-report](http://www.acus.gov/report/preemption-report)>.

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

**Sheffner, Daniel J.** Access to Adjudication Materials on Federal Agency Websites. 51 AKRON L. REV. 447 (2017). Original Conference report *available at*

<<https://www.acus.gov/report/adjudication-materials-agency-websites-final-report-0>>.

Recommendation 2017-1: “Adjudication Materials on Agency Websites.” 82 Fed. Reg. 31,039 (July 5, 2017).

**Siegel, Jonathan R.** ACUS and Suits Against Government. 83 GEO. WASH. L. REV. 1642 (2015).

**Stack, Kevin.** Guidance in the Rulemaking Process: Evaluating Preambles, Regulatory Text, and Freestanding Documents As Vehicles For Regulatory Guidance (Jun. 10, 2014), *available at*

<[www.acus.gov/report/final-guidance-rulemaking-process-evaluating-preambles-regulatory-text-and-freestanding](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. 35,988, 35,992 (Jun. 25, 2014).

**Tatham, Stephanie J.** The Unusual Remedy of Remand without Vacatur (Jan. 3, 2014), *available at*

<<https://www.acus.gov/report/unusual-remedy-remand-without-vacatur-final-report>>.

Recommendation 2013-6: “Remand Without Vacatur.” 78 Fed. Reg. 76,269, 76,272 (Dec. 5, 2013).

**Tatham, Stephanie J.** Opinions on ACUS: The Administrative Conference’s Influence on Appellate Administrative Jurisprudence. 83 GEO. WASH. L. REV. 1186 (2015).

**Tyler, Charles W. and Elliott, E. Donald.** Tailoring the Scope of Judicial Remedies in Administrative Law (May 4, 2014), *available at*

<<https://acus.gov/report/tailoring-scope-judicial-remedies-administrative-law-final-report>>.

Recommendation 2018-2: “Severability in Agency Rulemaking.” 83 Fed. Reg. 30,683, 30, 685 (June 29, 2018).

**Vogelmann, Connie.** Self-Represented Parties in Administrative Hearings (Oct. 28, 2016), *available at*

<<https://www.acus.gov/report/self-represented-parties-administrative-hearings-final-report>>.

Recommendation 2016-6: “Self-Represented Parties in Administrative Hearings.” 91 Fed. Reg. 94,312, 94,319 (Dec. 23, 2016).

**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 (Spring 2012).

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

**Verkuil, Paul R. and Fountain, Jane E.** The Administrative Conference of the United States: Recommendations to Advance Cross-Agency Collaboration under the GPRA Modernization Act. 74 PUBLIC ADMIN. REV. 10-11 (Jan. 21, 2014), *available at* <[www.acus.gov/publication/administrative-conference-united-states-recommendations-advance-cross-agency](http://www.acus.gov/publication/administrative-conference-united-states-recommendations-advance-cross-agency)>.

**Verkuil, Paul R.** ACUS 2.0: Present at the Recreation. 83 GEO. WASH. L. REV. 1133 (2015).

**Wagner, Wendy.** Science in Regulation: A Study of Agency Decisionmaking Approaches (Feb. 18, 2013), *available at* <[www.acus.gov/report/science-regulation-final-report](http://www.acus.gov/report/science-regulation-final-report)>. Recommendation 2013-3: "Science in the Administrative Process." 78 Fed. Reg. 41,352, 41,357 (Jul. 10, 2013).

**Walker, Christopher.** Legislating in the Shadows. 165 U. PA. L. REV. 1377 (2017). Original Conference report, *available at* <<https://www.acus.gov/report/technical-assistance-final-report>>. Recommendation 2015-2: "Technical Assistance by Federal Agencies in the Legislative Process." 80 Fed. Reg. 78,161, 78,161 (Dec. 16, 2015).

**Wiener, Matthew.** Introduction: The Administrative Conference and the Federal Judiciary. 83 GEO. WASH. L. REV. 1142 (2015).