

Comment from Special Counsel Jeffrey S. Lubbers on *Precedential Decision Making in Agency Adjudication*  
December 9, 2022

Taking my cue from Alan, I've read through all the recommendations and have a few stylistic suggestions, most of which I hope can be accepted as manager's amendments.

I also have a structural suggestion for two of them, though it may be more of a matter of taste, and I realize it's a bit late to suggest this. In both the *Precedential Decision Making* one and *The Enforcement Manuals* one, the recommendation text consists of many sequentially numbered paragraphs broken up by several un-numbered headings. Wouldn't be better to mark the headings with A., B., C., etc. and then number the paragraphs starting with 1, 2, 3, etc. under each of the headings? That way you would have A.1., A.2., A.3, etc. Obviously I don't feel strongly about this and maybe you have settled on a format for all the recommendations.

First do you have an ACUS-style for spelling "decision making"?

1. In footnote 2, the final report should now be cited.
2. In footnotes 2 and 3 the signal "See" is not italicized (as it is in the other two recommendations).

See you next week.

Jeff Lubbers