Comment from Special Counsel Jeffrey S. Lubbers on Public Access to Agency Adjudicative Proceedings
November 22, 2021

I won’t be able to attend today’s meeting because it conflicts with my class, but here are a few minor suggestions on the recommendation:

I do support it so please note that I would vote to approve it were I able to attend.

Line 74—for clarity:—instead of “how they should do so” substitute “how they should register.”

Lines 104-05—Instead of “For such programs, agencies may presume that evidentiary hearings and appellate proceedings will be closed to public observation” I would say either:

“For such programs, agencies may presume that all parts of proceedings will be closed to public observation”

or

“For such programs, agencies may presume that even evidentiary hearings and appellate proceedings will be closed to public observation”

Line 221-222—I wonder whether we need the cost/benefit reference. Presumably the agency should do that for each alternative.

Jeff Lubbers