

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