

Comment from Consultative Group Member Peter L. Strauss on *Disclosure of Agency Legal Materials*
July 21, 2022

Repeating the comments made at that first session, I suggest rewording (2) to read "Access to rules, including guidance documents and industrial standards incorporated by reference."

FOIA is not mentioned as such, though 552(a)(1, 2) and (b)(5 and 7), are implicit in 2 and 3, respectively. Earlier it had seemed as if that statutory access package generally (FOIA, E-FOIA, E-Gov., etc) would be an organizing focus. Does it belong in the list?

On Thu, Jul 21, 2022 at 1:06 PM Todd Rubin <TRubin@acus.gov> wrote:

Dear Members of the Consultative Group for [Disclosure of Agency Legal Materials](#),

First, to those of you who are new to ACUS (and therefore, new to this consultative group), welcome! This group has been assembled to provide input to the five project consultants (Professors Bell, Coglianesi, Herz, Kwoka, and Lobel) as they undertake the research for the ACUS project Disclosure of Agency Legal Materials. So far, this consultative group met once, last month, and provided extraordinarily helpful input to the consultants. Some consultative group members also followed up with written comments, which have been posted on the project page here: <https://www.acus.gov/research-projects/disclosure-agency-legal-materials>

Our plan is to hold four additional consultative group meetings on the topics below:

1. Access to adjudication-related legal materials
2. Access to rules, including guidance documents
3. Potentially protected or privileged agency materials (agency legal opinions, OLC memoranda, and legal materials from certain components of the Executive Office of the President)
4. The consultants' preliminary draft report

These meetings will each be scheduled for two hours and will take place in the coming weeks.

To facilitate scheduling for this upcoming meeting on access to adjudication-related legal materials, please complete the following Doodle poll[.]

We kindly ask that you complete the poll by **12 noon ET tomorrow (i.e., Friday, July 22)**.

Meetings of the consultative group are not open to the public, are not livestreamed, and are not recorded. Although we will post minutes of the meetings and post the names of consultative group members, statements made during the meetings will not be attributed to any person or agency, in the minutes or otherwise.

We look forward to your response to the Doodle poll by tomorrow. Please let me know if you have any questions.