



D.C. Bar Legislative Counsel Summit
Offered In Person for MCLE Credit
Thursday, May 9, 2024 & Friday, May 10, 2024

Agenda

Day One
Thursday, May 9, 2024

9:30 a.m. – 9:45 a.m.

Welcome

Speaker: Dennis Cuevas, D.C. Bar CLE Program

9:45 a.m. – 10:45 a.m.

Session One: Legislative Drafting – An Overview
(2.0 CLE Credit Hours)

Description: During this informative session, our distinguished presenters will discuss various aspects of the legislative drafting process, including an analysis of things to consider when preparing to draft legislation. Among the specific issues the panel will address is whether legislation is needed, constitutional and ethical considerations, the legislative audience, translating a policy into legislative text, using plain language, organizational guidelines and best practices for legislative drafting, and amendment forms and techniques.

Panelists: Veena Srinivasa, Office of the Legislative Counsel, United States House of Representatives and Kathryn Swiss, Office of the Legislative Counsel, United States House of Representatives

10:45 a.m. – 11:00 a.m.

- Break

11:00 a.m. – 12:00 p.m.

Session Two: Legislative Drafting – An Overview (Cont.)

Description: This session builds upon the previous session. Our panel will provide an overview of legislative drafting, including punctuation styles and practical tips, positive vs. non-positive law, commonly used sections and their meanings (e.g., purpose, findings, savings clause, and authorization of appropriations), commonly used words and phrases (e.g., “notwithstanding any other law,” “in consultation with,” “in coordination with,” “shall” vs. “may”), and common drafting errors to avoid.

Panel: Veena Srinivasa, Office of the Legislative Counsel, United States House of Representatives and Kathryn Swiss, Office of the Legislative Counsel, United States House of Representatives

12:00 p.m. – 1:00 p.m.

- Lunch (Provided)

1:00 p.m. – 2:00 p.m.

**Session Three: Supreme Court Developments
Affecting Legislative Drafting
(1.0 CLE Credit Hour)**

Description: During this topical session, the panel will discuss recent Supreme Court rulings and interpretations of statutory construction, which legislative counsel should be mindful of when drafting legislation. The panel will also discuss these decisions and their practical and substantive impact on the legislative drafting process.

Presenters: Megan Browder, Office of the Attorney General for the District of Columbia and Michelle S. Kallen, Jenner & Block LLC

2:00 p.m. – 3:00 p.m.

**Session Four: Types of Legal Writing for Legislative Counsel Drafting
(1.0 CLE Credit Hour)**

Description: This thought-provoking presentation will provide a review of the fundamentals of clear, well-organized, and persuasive legal writing with a specific emphasis on the unique writings that legislative counsel draft, including technical drafting assistance, justifications for legislative proposals, statements of administration policy (SAP), and agency views letters. Our experienced panel will also discuss how to put together legislative proposals (e.g., cover letter, bill text, and sectional analysis), the clearance process for legislative proposals in the federal government, and practice pointers for making helpful and persuasive comments to

influence decisionmakers located within the Office of Management and Budget (OMB), the agency itself, and Congress.

Panel: Michael L. Goad, United States Department of Homeland Security and Beth Grossman, United States Department of Commerce

3:00 p.m. – 3:15 p.m.

- Break

3:15 p.m. – 4:15 p.m.

Session Five: Appropriations Landscape
(1.0 CLE Credit Hour)

Discussion: During our final session of Day One, our knowledgeable panel will discuss the law, process, and policy considerations attendant to the legislative appropriations landscape. Among the specific issues the panel will discuss are what the appropriations process covers, mandatory and discretionary spending, those involved in the process, and the legal and policy considerations those involved must consider.

Panel: Ryan Corle, United States Department of Homeland Security and John H. Spittell, Office of Management & Budget

Day Two
Friday, May 10, 2024

9:30 a.m. – 10:30 a.m.

Session Six: Practice Pointers for Legislative Counsel from Office of Management and Budget
(1.0 CLE Credit Hour)

Discussion: Day Two begins with a practical discussion among OMB staff members who will discuss their role in obtaining interagency review of legislative proposals, improving the quality of submitted proposals for review, and other practical advice and tips for legislative counsel to consider.

Panel: Andrea Goel, Office of Management and Budget and Alexandra Ventura, Office of Management and Budget

10:30 a.m. – 10:45 a.m.

- Break

10:45 a.m. – 11:45 a.m.

Session Seven: Overview of 118th Congress, Second Session, and Practice Pointers to Legislative Counsel from Congressional Committee Staff
(1.0 CLE Credit Hour)

Discussion: Our panel of majority and minority congressional committee staff will discuss priorities for the second session of the 118th Congress. The panel will discuss congressional oversight, private sector and executive branch compliance with congressional requests, and the constitutionally recognized authority for oversight of, in addition to, legislation impacting the executive branch. They also will provide their insights on improving the effectiveness of agency drafting assistance to Congress.

Panel: Michelle Beneke, Homeland Security & Governmental Affairs Committee, United States Senate; Sarah Garcia, Veterans Affairs Committee, United States House of Representative; and Alan Kahn, Homeland Security & Governmental Affairs Committee, United States Senate

11:45 a.m. – 12:45 p.m.

- Lunch (Provided)

12:45 p.m. – 1:45 p.m.

Session Eight: Legislative Counsels in Leadership Roles
(1.0 CLE Credit Hour)

Description: This insightful session discusses the unique leadership roles, responsibilities, and opportunities for attorneys with legislative counsel practices. Among the topics our panel will discuss are building a practice within the federal government, marketing your skills within the federal bureaucracy, client management, and preparing for transitions, and dealing with new leadership within the federal government.

Panel: Joseph B. Maher, Nixon Peabody LLP and Francine J. Kerner, United States Transportation Security Administration

1:45 p.m. – 2:45 p.m.

Session Nine: Working Effectively with the Office of Legislative Affairs
(1.0 CLE Credit Hour)

Description: Building on previous panels' discussion of the technical assistance and OMB interagency clearance processes, this panel will give practical advice and examples of how federal agency legislative counsel can work productively with their

Offices of Legislative Affairs (OLAs). The panel will discuss how to navigate the different expectations and demands of coordinating the inputs of subject matter experts and OLA staff for internal agency legislative development, interagency legislative review, and congressional technical assistance to ensure that department input is presented most effectively.

Panel: Christiane Cardoza Brundage, United States Department of Health and Human Services and Michelle Johnson-Weider, United States Department of Health and Human Services

2:45 p.m. – 3:00 p.m.

- Break

3:00 p.m. – 4:00 p.m.

Session Ten: Ethics and Challenges Facing Legislative Counsel
(1.0 CLE Ethics & Professionalism Credit Hour)

Description: Join our panel as they examine multiple hypotheticals illustrating the ethical issues that arise when government attorneys change jobs (Rule 1.11) or engage in outside employment (Rule 1.7). They also will discuss related disclosure obligations (Rule 8.4(c)), and – a perennial favorite – mandatory reporting duties under Rule 8.3. Each of these rules also invites discussion of an attorney’s duty of confidentiality under Rule 1.6. The panel will also highlight distinctions between legal ethics (i.e., the Rules of Professional Conduct) and government ethics rules and will address areas of overlap.

Panel: Erika Stillabower, District of Columbia Bar; Nakia Matthews, District of Columbia Bar

4:00 p.m. – 4:15 p.m.

- Wrap up.