

ADMINISTRATIVE LAW SECTION

Brian L. Buniva, chair

The Board of Governors of the Administrative Law Section continued to present high-quality educational programs to its members and interested parties. This year, the section, under the able editing of T. Borden Ellis, continued the publication of the *Administrative Law News*, under the able leadership of the immediate past chair, the Honorable Alex Skirpan, continued its popular “brown bag” luncheon program and, under the able leadership of Vice-Chair Jo Anne Nolte and her hard-working committee, organized the National Regulatory Conference, which was successfully conducted in May 2004. The section membership also approved a recommendation by the Board of Governors to amend the section’s bylaws to allow the annual section membership meeting to be held in conjunction with the May National Regulatory Conference or at the Virginia State Bar Annual Meeting. The proposal is currently before the Virginia State Bar Council for its consideration.

In March, a new issue of the *Administrative Law News* was published under the editorial leadership of T. Borden Ellis. This issue contained several articles covering the panoply of administrative law issues as practiced in Virginia. Jennifer McClellan with Verizon wrote about the State Corporation Commission’s triennial review order; Ashley Beuttel with Woods Rogers contributed an article updating electric utility restructuring in Virginia, Borden Ellis with LeClair Ryan described the issues discussed at the twenty-first annual National Regulatory Conference, Jo Anne Nolte with The Conrad Law Firm and Paige Holloway (with McCandlish Holton at the time the article was published) wrote about a continuing legal education program presented at the Administrative Law Hearing Officers conference; and Brian Buniva, also with LeClair Ryan, described the Supreme Court of Virginia’s latest administrative law decision in *Volkswagen of America, Inc., v. Smit, Commissioner of DMV*, 266 Va. 444 (2003) under the Virginia Administrative Process Act. In addition, the *Administrative Law News* included articles to highlight each of the section’s planned events and educational opportunities.

In the spring of 2004, the section held its fourth annual “brown bag” luncheon program in Richmond. This program provides administrative lawyers with the opportunity to hear about the latest developments and exchange ideas with representatives of Virginia’s administrative agencies. This year’s program included a presentation by the Honorable Mark Christie, the newly appointed Commissioner of the State Corporation Commission. Judge Christie was elected by the 2004 session of the Virginia General Assembly to replace the Honorable Hulihan Moore, who retired effective February 1, 2004. The informal setting and lively discussions have helped this program continue to grow in popularity and become an important event for the administrative law community.

The high point of the year for the section was the National Regulatory Conference, jointly sponsored by the section, the State Corporation Commission and the Marshall-Wythe Law School at the College of William and Mary. This year, the twenty-second National Regulatory Conference was held at the Marshall-Wythe School of Law on May 10 and 11, 2004. This year’s program, entitled, “Regulating Reality,” addressed the significant security issues occurring in the regulation of electric and telecommunications utilities, and the changing landscape affecting facility siting, pipeline safety, and technology advances. The keynote address, was presented by Dr. Massoud Amin, director for the Center for the Development of Technological Leadership at the University of Minnesota. Dr. Amin presented a sobering analysis related to the vulnerability of our utility infrastructure and described the steps that must be taken to protect against discrete terrorist attacks in this country and around the globe. The more than 165 attendees heard panel discussions on “The Security and Protection of Utility Facilities: Fear is Not a Factor,” “Survivor—Who Will Last In The Broadband World,” “Extreme Makeover—Overhauling the Electric Generation and Gas Pipeline Landscape,” “Trading Spaces—Utility Siting Issues,” “Technology Island: Will New Technologies Break Long-Standing Adventure” and, “Ethical Eye for the ‘Foreign’ [corporate counsel] Guy.” The program was a great success.

This past winter the section participated in the reception honoring the years of service rendered by the Honorable Hulihan W. Moore upon his retirement from the State Corporation Commission. In honor of Judge Moore, the section presented the commission with a framed print of a photo entitled “Mists Along the Appalachian Trail” that was taken by Judge Moore, and which we were advised is one of his favorite works. The print is hanging in the commission’s halls in permanent honor of the service rendered by Judge Moore.

At the June VSB Annual Meeting, the section endorsed the recommendation of the board to amend its bylaws with respect to the conduct of the annual membership meeting and election of officers. In addition, new board members and officers were elected. The section’s new officers are: JoAnne Lewis Nolte, chair; Cliona Mary Robb, vice-chair; and James Smith Copenhaver, secretary. The following section members were also elected to the section’s board of governors: Paige Holloway, Allison Held, T. Borden Ellis and Brian Greene as the editor of the newsletter. William Dudley stepped down after one year of service on the board, and Alexander Skirpan completed many years

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of distinguished service on the board, including serving as chair and immediate past chair to round out his service. The board will miss their sage counsel and many other contributions to the section's activities. We do not expect them to be strangers to our section and to service to the Virginia State Bar.

