

Comment from Special Counsel Jeffrey S. Lubbers
December 11, 2020

Agency Appellate Systems

Footnote 2—for consistency with the other recommendations, I would omit “(2018)” when citing the APA.

Line 30--Here (and throughout this recommendation) “decision-making” is hyphenated (except in line 132) but throughout the AI statement it is not. I note that “policymaking” is one word on line 117 and “policymakers” on 136. You need an ACUS style rule on this. (FWIW, I prefer one word for all.)

Footnote 3—I would substitute “Their principles, though, apply more broadly.”

In the paragraph at lines 26-32, rather than using first, second, third, etc., why not use (1), (2), (3), etc.

Line 128—omit the hyphen in “federal-court”