

Comment from Special Council Jeffrey S. Lubbers on *Improving Timeliness in Agency Adjudication*
November 1, 2023

Here are some fairly minor proposed edits:

Line 7: Begin this sentence as follows: “Although judicial review of such decisions is normally available, members of the public nonetheless depend...”

Line 11: Substitute “awaiting a final decision by the agency” with “in the agency’s pipeline.”

Line 56: The phrase “often requested media or Freedom of Information Act data” is too cryptic—maybe “what kinds of data are most requested by media or in Freedom of Information Act requests.”

Lines 102 and 103: I suggest adding numbers, so it reads “Periodically reevaluate such goals to (i) ensure they continue to be reasonable, (ii) encourage and provide clear expectations for timeliness, and (iii) do not adversely affect decisional quality or the fairness or integrity of proceedings” to make clear that “periodically” does not modify “encourage.”

Line 171: Instead of saying “adjudication operational goals,” I suggest “their operational goals for adjudication.”

Line 200: Add “issues” after “future.”

Line 270: It’s hard to lump ALJs into this paragraph since they are not allowed to be subject to annual performance appraisals or be given incentive awards (bonuses).

Jeff Lubbers