

Comment from Special Counsel Jeffrey S. Lubbers on *Nonlawyer Assistance and Representation*  
October 25, 2024

Line 78: The parenthetical seems a bit awkwardly worded. How about “(e.g., allowing participation in an interview or hearing could cause a disruption or adversely impact testimony)”.

Line 80: would “and/or” be better than “and” since some agencies might want to do one or more of these but not all of them?

Lines 94-95. I still think this should not be so absolute. Could we add “will normally not be qualified” and “Exceptions should be allowed only upon a petition showing compelling circumstances.”

Line 97—I would delete “formal”.

Line 109: Instead of “adequate” how about “beneficial”?

Recommendation 15: I still am queasy about this one. The Government should only rarely be in the position of compiling public lists of “bad-behaving” people. After all, to my knowledge DOJ doesn’t publish lists of people convicted of federal crimes. This seems too much like a “no-fly” list and may lead people to demand a name-clearing hearing or seek judicial review where they might not have otherwise. And if a sanctioned person tries to participate, I assume the agency can stop that. Also, what does “sanctioned” mean? If a person is removed for causing a disruption in a particular hearing (but is not barred from future participation) should he or she be put on the list?