

Department of Justice Report Highlights Proposals by Gibson Dunn's Helgi Walker to Modernize the Administrative Procedure Act

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Department of Justice

On August 11, 2020, the Department of Justice released a [report](#) on the need for Congress to update the Administrative Procedure Act, the 74-year-old statute that governs the procedures for federal agency action. In the report, entitled *Modernizing the Administrative Procedure Act*, the Deputy Attorney General highlighted two proposals made by DC partner [Helgi Walker](#), chair of the firm's Administrative Law and Regulatory Practice Group—namely, that Congress subject to judicial review (1) the requirements of the Congressional Review Act and (2) the universe of supposedly “non-binding” agency guidance, which agencies often use to make de facto law outside of proper channels. DC associate [Brian Richman](#) assisted in the preparation of Walker's remarks.

The report is based on a December 2019 summit hosted by the Department of Justice that included leading members of private practice, policy institutes, and the academy, as well as top government officials. Walker participated on a panel entitled “Lessons from the Life of Administrative Law: What Experience Teaches About How the APA Can Be Improved” and proffered her suggestions for legislative reform from the standpoint of the private practitioner.

Gibson Dunn's Administrative Law and Regulatory Practice Group routinely takes on some of the biggest, most consequential agency actions across the federal government—and is currently representing a broad alliance of industry and public interest organizations [petitioning](#) the Securities and Exchange Commission to end some of the very practices the Department of Justice highlighted for reform.

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