

## **Congressional Review of Judge-Made Common Law**

The President and/or the Congress would request that the Administrative Conference of the United States (ACUS) develop a recommended game plan for Congressional review of a select number of common laws. The common laws of interest are those that ACUS has identified as meeting a well-defined list of qualifying criteria which focus on perceived shortcomings in judge-made laws which inhibit the effective management of the administrative state. The plan would also include recommend procedures for conducting the said review.

It is envisioned that ACUS would institute, on an ad hoc basis, a broadening of the educational and employment backgrounds of its program participants. These program participants would not be members of ACUS but would provide for a *multidisciplinary review* of issues which would include individuals with a degree in economics, history, political science, public policy or public administration. The aforementioned participants would be accompanied by a substantial increase in the number of participants who are legal practitioners in contrast to legal academicians. ACUS members could participate in the discussions of this ad hoc group but would have no authority to make a motion or to exercise a vote until its work product is submitted for formal review by ACUS.

When the aforementioned work product undergoes a review by an ACUS committee its key authors would be invited to attend with a non-voting status.

Based upon CRE's multi-year outreach program coupled with its supporting analyses, a good starting point is to address the issues outlined in this [document](#).

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