



VIP Profile: Thomas Lehrich

Chief Counsel, Office of Inspector General (OIG),
Department of Transportation



Background

Lehrich has a degree in management from Boston University. Prior to becoming a lawyer, he worked in the banking industry as a management consultant with Fidelity Investments. After law school, Lehrich served as a judicial clerk for the late Hon. William H. Kaye in the Courts of Common Pleas in Pennsylvania. Before joining the department, he also served as a partner in private practice, heading his firm's federal litigation group.

Personal

Spouse: Debbie Lehrich, also a lawyer

Children: Mayim, 10; Talya, 7; and Maxwell, 4

Most admired person in history: Arthur Lehrich, his grandfather, for his ingenuity in establishing a spring water company

Favorite beverage: Oolong Tea

Favorite vegetable: Broccoli

Favorite food: Apples

Favorite daily publication: *Wall Street Journal*

Favorite author and novel: John Steinbeck, *Canary Row*

Favorite T.V. show/pastime: watching "Total Drama Island" with his daughters

Favorite sport: Cycling—he reportedly cycles almost 15 miles a day

Favorite spectator sport: Tennis

TransLaw: What do you find to be unique or different about being an OIG lawyer?

Lehrich: As an OIG lawyer, my work requires me to explore a wide range of transportation-related legal specialties; in doing so, I have become well versed in a particular subject matter to support our oversight responsibilities. I am

Chair's Corner Denise Krepp

Greetings from Washington, D.C.! I'd like to take this opportunity to thank Daeleen Chesley, the former chair, for her outstanding leadership and dedication to the Transportation and Transportation Security Law Section last year. Using her wit, charm, and outstanding negotiating skills, she ensured that we had yet another successful year.

This year started out with a bang. On Mar. 10, David Heymsfeld, a section member and staff director, House Transportation and Infrastructure Committee moderated a panel discussion on upcoming legislation. Before a packed crowd of Legislative and Executive Branch attorneys, David and fellow panelist, Kathy Dedrick, senior policy director for transportation, Senate Committee on Environment and Public Works, provided a general overview of Senate and House transportation safety and security goals for the 111th Congress, including the reauthorization of surface and aviation funding, in the implementation of the 9/11 Act requirements.

On June 16, the Transportation Security Administration will be hosting a panel discussion on the new administration's surface and maritime transportation initiatives. Congressional staffers and officials from the Departments of Transportation and Homeland Security have been invited to participate on the panel.

Lastly, please note that the Federal Bar Association has begun a campaign to recruit new members. Please encourage your colleagues, both within and outside of the government, to join the organization and become active members in the Transportation and Transportation Security Law Section. ♦

Editor's Letter

Hector O. Huevo

Welcome to the Summer 2009 edition of TransLaw. First, I want to thank the 2009-10 board members of the Federal Bar Association's Transportation and Transportation Security Law Section for their commitment to serve, provide input, and lead the section in the upcoming year. Above all, Denise Krepp, our new chair, will lead and guide us through a productive and exciting year as we enter a new era in transportation; for that, we support and encourage her efforts.

In this issue, Denise provides us with a summary of one of our Lawyers' Lunch Series: The 2009 Legislative Update for Transportation. The event was very well attended and the speakers provided great insight into new legislative priorities in transportation;

it also included a discussion on the American Recovery and Reinvestment Act of 2009 and new responsibilities and funding priorities for Federal agencies and departments.

We thank Tom Lehigh, chief counsel for the Office of Inspector General at the Department of Transportation, for taking the time and energy to share a slice of his personal and professional life with TransLaw and its readers. In his profile, Lehigh relates to us why he enjoys being a lawyer in the department's Office of Inspector General and explains the challenges that office faces with respect to the Recovery Act and the agency's oversight responsibilities. He also tells us about his upcoming writing projects involving legal issues in space law and a children's book series.

We encourage you to help us find new members, as well as TransLaw articles or ideas for VIP profiles. If

you are not a member, please consider becoming one by submitting the membership application in this issue. If you are one, please send this issue and the membership application to your professional acquaintances and colleagues and encourage them to join. Similarly, if you or someone you know is looking to publish a transportation-related article, or you have an idea for other items to include, please contact me at hector.huevo@dot.gov.

We hope you enjoy this issue of *TransLaw* and look forward to your involvement with the FBA's Transportation and Transportation Security Law Section! ❖



Aviation Matters

Nancy Kessler

This column highlights the outcome of recent administrative proceedings and recent steps taken by the Department of Transportation towards expanding protections for airline passengers.

Slot Auction Rules to be Rescinded

External factors caused the U.S. Department of Transportation, Office of the Secretary and the Federal Aviation Administration (FAA) to propose to rescind the airport slot auction rules. Those rules would have addressed congestion at the busy New York airports (LaGuardia, John F. Kennedy International, and Newark Liberty International) over the next ten years by not only limiting flight operations and assigning the majority of slots to incumbent airlines, but also creating a market through auctions of a limited number of slots in the first five years of the rules. However, a number of events occurred that led the DOT/FAA to re-think the slot auction rules at this time:

- On the litigation front, parties oppos-

ing the slot auction rules won a significant court battle. On Dec. 8, 2008—the day before the slot auction rules were to become effective—the U.S. Court of Appeals for the District of Columbia Circuit granted motions for stay of the rules filed by parties to the case, which include the Port Authority of New York and New Jersey, the Air Transport Association of America, the International Air Transport Association, Continental Airlines, and U.S. Airways.

- The economic recession may impact the slot auction program because it is deeper and longer than anticipated.
- Congress saw fit to bar the use of appropriated funds during FY2009 for the auction of slots and withdrawals of permissions to operate. This action makes it impossible for the rule to have the 10-year life originally contemplated.

Accordingly, on May 14, the FAA proposed to rescind the slot auction rules, codified in 14 CFR Part 93-Special Air Traffic Rules, Subpart N. Comments are due by June 15. The orders capping flight operations at the

New York airports remain in effect, and the FAA is considering options to manage congestion in ways that provide a means for air carriers to commence and expand operations at the airports, so as to introduce competition and benefit the traveling public. Congestion Management Rule for John F. Kennedy International Airport and Newark Liberty International Airport, 74 Federal Register 22714 (May 14, 2009); Docket No. FAA-2008-0517; Congestion Management Rule for LaGuardia Airport, 74 Federal Register 22717 (May 14, 2009); Docket No. FAA-2006-25709; www.regulations.gov. ❖

Nancy Kessler is a senior attorney-advisor, Office of the Secretary, U.S. Department of Transportation. The views expressed in this



article are the personal views of the author and do not necessarily reflect the views of the U.S. Department of Transportation or the Federal Aviation Administration.

UPDATE ON TSA'S NON- AVIATION MODES SECURITY INITIATIVES ◆◆◆

Featuring Hill staffers, TSA and DOT officials

Panel discussion sponsored by the
Transportation and Transportation Security
Law Section of the FBA

June 16, 2009 ◆ 12:00—1:00 p.m.

TSA Headquarters

*Those outside of the TSA that wish to attend will
be escorted to the meeting room after checking in
with security.

This event is free to attend.



Please RSVP to Adrienne Woolley at awoolley@fedbar.org
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Space is limited so reserve your place today!

PROFILE continued from page 1

also asked to provide advice on a variety of transportation legal issues in a fast-paced environment.

TransLaw: You have been involved in airline customer service issues related to delays and passenger rights from the beginning. Can you offer insights to the future challenges for the aviation industry?

Lehrich: A recent key development in this area involves the collaboration among the airline carriers and airports to address the issues of passenger rights and delays. An important challenge that needs to be tackled next is whether there are workable legislative or regulatory solutions that will create meaningful consumer benefits. At the same time, the American traveler needs a strong and viable airline industry; advances in technology for the use of airspace, fleet modernization, and technological advances such as performance-based navigation are the most exciting areas for aviation that will benefit congestion and efficiency.

TransLaw: What do you see as the key challenge for the OIG in helping to implement the goals of the American Recovery and Reinvestment Act of 2009?

Lehrich: The American Recovery and Reinvestment Act of 2009 allocated more than \$48 billion to the Department of Transportation to invest in our nation's transportation infrastructure. Congress provided funding to oversee and ensure accountability of those funds and provided our office with \$20 million, available through FY2013, to conduct audits and investigations of projects and activities funded with

Recovery Act money. Our challenge is to promote program integrity and efficiency while preventing waste, fraud, and abuse in an environment where tight time frames and the awarding of substantial funds for significant projects across the country can lead to elevated risks.

TransLaw: You are a prolific writer and have published transportation articles in the past. What is your current project?

Lehrich: I have written articles on the Passenger Facility Charge (PFC) Program, air carrier citizenship, and the use of firearms on commercial airlines. I am interested in writing articles that simplify and clarify issues that involve DOT jurisdiction and complex programs for industry leaders and practitioners. My latest and longest running project is to accomplish this goal for commercial space transport, as I am currently writing an article on DOT and FAA's jurisdiction over commercial human space flight.

TransLaw: Is it true that you also write children's books? What is your latest project?

Lehrich: Yes, it is true that I did create a children's book series featuring the character "Backpacker Billy," which is now being illustrated for publication. ❖

The views expressed in this profile are the personal views of the interviewee and do not necessarily reflect the views of the U.S. Department of Transportation or the Office of Inspector General.

The Talk Around DOT

The **National Highway Traffic Safety Administration (NHTSA)** embarked on its "Click It or Ticket" Campaign for 2009. The nationwide enforcement campaign took place from May 18 through May 31. It is estimated that seatbelts saved over 15,000 lives in 2007. In 2008, the estimated national seatbelt use rate was 83%.

In April, the **Federal Railway Administration (FRA)** submitted a strategic plan on \$8 billion of American Reinvestment and Recovery Act of 2009 (Recovery Act) funding to improve and deploy high-speed intercity passenger rail systems.

The Department of Transportation's **Office of Inspector General (OIG)** received \$20 million in the Recovery Act to assist with the office's mission of preventing fraud, waste and abuse. The funds, available through FY2013, will be used to conduct audits and investigations of DOT projects and activities funded by the Recovery Act.

The Department of Transportation welcomed Robert S. Rivkin as the new General Counsel for the **Office of the Secretary**. Rivkin was the vice president and deputy general counsel of Aon Corporation, a Chicago-based global risk management and insurance brokerage firm.

The Recovery Act provides a total of \$48.1 billion for transportation infrastructure projects to be administered by the **U.S. Department of Transportation**: \$27.5 billion is for highway projects, \$1.3 billion for Amtrak, \$1.3 billion for airports and FAA facilities/equipment, to identify a few. In April, President Obama announced funding for the 2,000th transportation project under the Recovery Act.

The **Maritime Administration (MARAD)** received \$100 million for its Small Shipyards Grant Program under the Recovery Act, a funding level that is 10 times larger than what the program managed in 2008. ❖

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For more information, contact the FBA membership department at (571) 481-9115 or membership@fedbar.org.



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Court of Record: _____

State/District: _____

Original Admission To Practice Date: / /

Tribal Courts

Court of Record: _____

State/District: _____

Original Admission To Practice Date: / /

Practice Information

PRACTICE TYPE

Private Sector: Private Practice Corporate/In-House

Public Sector: Government Judiciary Non-profit
 Military University/College Association Counsel

PRIMARY PRACTICE AREAS

<input type="radio"/> Administrative	<input type="radio"/> Admiralty/Maritime	<input type="radio"/> ADR/Arbitration
<input type="radio"/> Antitrust/Trade	<input type="radio"/> Bankruptcy	<input type="radio"/> Communications
<input type="radio"/> Criminal	<input type="radio"/> Environment/Energy	<input type="radio"/> Federal Litigation
<input type="radio"/> Financial Institutions	<input type="radio"/> General Counsel	<input type="radio"/> Government Contracts
<input type="radio"/> Health	<input type="radio"/> Immigration	<input type="radio"/> Indian
<input type="radio"/> Intellectual Property	<input type="radio"/> International	<input type="radio"/> Labor/Employment
<input type="radio"/> Military	<input type="radio"/> Social Security	<input type="radio"/> State/Local Government
<input type="radio"/> Taxation	<input type="radio"/> Transportation	<input type="radio"/> Veterans
<input type="radio"/> Other:		

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Membership Levels

SUSTAINING MEMBERSHIP

Members of the association distinguish themselves when becoming sustaining members of the FBA. Sixty dollars of the sustaining dues are used to support educational programs and publications of the FBA. Sustaining members receive a 5% discount on the registration fees for all national meetings and national CLE events.

	<u>Private Sector</u>	<u>Public Sector</u>
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Retired (Fully Retired from the Practice of Law).....	○ \$135	○ \$135

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Open to any person admitted to the practice of law before a federal court or a court of record in any of the several states, commonwealths, territories, or possessions of the United States or in the District of Columbia.

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Member Admitted to Practice 6-10 Years	○ \$130	○ \$105
Member Admitted to Practice 11+ Years	○ \$155	○ \$120
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<input type="checkbox"/> Bankruptcy Law.....	\$10	<input type="checkbox"/> Communications Law.....	\$10
<input type="checkbox"/> Criminal Law.....	\$10	<input type="checkbox"/> International Law.....	\$10
<input type="checkbox"/> Environment, Energy, and		<input type="checkbox"/> Labor and Employment Law.....	\$15
<input type="checkbox"/> Natural Resources.....	\$15	<input type="checkbox"/> Social Security.....	\$10
<input type="checkbox"/> Federal Litigation.....	\$10	<input type="checkbox"/> State and Local Government	
<input type="checkbox"/> Financial Institutions and		<input type="checkbox"/> Relations.....	\$5
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<input type="checkbox"/> Government Contracts.....	\$20	<input type="checkbox"/> Transportation &	
<input type="checkbox"/> Health Law.....	\$10	<input type="checkbox"/> Transportation Security Law.....	\$20
<input type="checkbox"/> Immigration Law.....	\$10	<input type="checkbox"/> Veterans Law.....	\$10

Sections Total: \$ _____

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<input type="checkbox"/> Federal Career Service (past/present employee of federal government).....	N/C
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*For eligibility, date of birth must be provided.

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<u>Arizona</u>	<input type="checkbox"/> Hawaii	<input type="checkbox"/> of New York	<input type="checkbox"/> At Large	<input type="checkbox"/> Tennessee	<u>Texas</u>
<input type="checkbox"/> Phoenix	<u>Idaho</u>	<input type="checkbox"/> Southern	<u>North Carolina*</u>	<input type="checkbox"/> Austin	<input type="checkbox"/> Austin
<input type="checkbox"/> William D. Browning/ Tucson-\$10	<input type="checkbox"/> Idaho	<input type="checkbox"/> District of	<input type="checkbox"/> At Large	<input type="checkbox"/> Dallas-\$10	<input type="checkbox"/> Del Rio-\$25
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<input type="checkbox"/> Central Coast	<input type="checkbox"/> Indianapolis	<input type="checkbox"/> Kentucky	<input type="checkbox"/> John W. Peck/ Cincinnati/ Northern	<input type="checkbox"/> Texas-\$25	<input type="checkbox"/> Waco
<input type="checkbox"/> Inland Empire	<u>Iowa-\$10</u>	<input type="checkbox"/> Kentucky	<input type="checkbox"/> Columbus	<u>Utah</u>	<input type="checkbox"/> Utah
<input type="checkbox"/> Los Angeles	<u>Kansas</u>	<input type="checkbox"/> Louisiana	<input type="checkbox"/> Dayton	<u>Vermont*</u>	<input type="checkbox"/> Vermont*
<input type="checkbox"/> Northern	<input type="checkbox"/> At Large	<input type="checkbox"/> New Orleans	<input type="checkbox"/> Northern	<input type="checkbox"/> At Large	<u>Virginia</u>
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<u>Colorado</u>	<input type="checkbox"/> North	<input type="checkbox"/> Massachusetts	<u>Oregon</u>	<input type="checkbox"/> Wyoming	
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<u>Connecticut</u>	<input type="checkbox"/> Maryland	<u>Michigan</u>	<u>Pennsylvania</u>		
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<input type="checkbox"/> Connecticut	<u>Delaware</u>	<input type="checkbox"/> of Michigan	<input type="checkbox"/> Western		
<input type="checkbox"/> Delaware	<input type="checkbox"/> Delaware	<input type="checkbox"/> Western District	<input type="checkbox"/> Pennsylvania		
<u>District of</u>	<u>District of</u>	<input type="checkbox"/> of Michigan			
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<input type="checkbox"/> D.C.	<input type="checkbox"/> D.C.	<input type="checkbox"/> Minnesota			
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<input type="checkbox"/> Jacksonville	<input type="checkbox"/> Jacksonville	<input type="checkbox"/> Montana			
<input type="checkbox"/> Northwest	<input type="checkbox"/> Northwest				
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<input type="checkbox"/> Palm Beach	<input type="checkbox"/> Palm Beach				
<input type="checkbox"/> County	<input type="checkbox"/> County				
<input type="checkbox"/> South Florida	<input type="checkbox"/> South Florida				

Chapter Total: \$ _____

Payment Information and Authorization Statement

TOTAL DUES TO BE CHARGED

(membership, section/division, and chapter dues): \$ _____

Check enclosed, payable to Federal Bar Association
Credit: Visa MasterCard American Express

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Signature _____ Date _____

By signing this application, I hereby apply for membership in the Federal Bar Association and agree to conform to its Constitution and Bylaws and to the rules and regulations prescribed by its Board of Directors. I declare that the information contained herein is true and complete. I understand that any false statements made on this application will lead to rejection of my application and/or the immediate termination of my membership. I also understand that by providing my fax number and email address, I hereby consent to receive faxes and email messages sent by or on behalf of the Federal Bar Association, the Foundation of the Federal Bar Association, and the Federal Bar Building Corporation.

Signature of Applicant _____ Date _____
(Signature must be included for membership to be activated)

*Contributions and dues to the FBA may be deductible by members under provisions of the IRS Code, such as an ordinary and necessary business expense, except 3.1% which is used for congressional lobbying and is not deductible. Your FBA dues include \$14 for a yearly subscription to the FBA's professional magazine.



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Federal Bar Association
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Schedule at a Glance

WEDNESDAY, SEPT. 9

2:00-5:00 p.m. Registration Desk Open

THURSDAY, SEPT. 10

6:30 a.m.-5:00 p.m. Registration Desk Open

8:00 a.m.-5:00 p.m. Exhibits Open

8:00-9:15 a.m. Welcoming Remarks by Oklahoma City Mayor Mick Cornett; Plenary Keynote by Professor Charles Ogletree

9:30-10:30 a.m. Session 1A: Criminal Jurisdiction in Indian Country

Session 1B: Energy and the Environment

10:45-11:45 a.m. Session 2A: Ogletree Panel
Session 2B: Sentencing After *Booker*

Noon-1:30 p.m. Foundation of the FBA Luncheon

1:45-2:45 p.m. Session 3A: Issues and Ethics for Lawyers Working with Corporate and Tribal General Counsel I
Session 3B: Federal Court-Assisted Recovery Efforts: Innovations to Reduce Post-Conviction Substance Abuse and Recidivism

2:00-4:00 p.m. Foundation of the FBA Board Meeting

3:00-4:00 p.m. Session 4A: Issues and Ethics for Lawyers Working with Corporate and Tribal General Counsel II
Session 4B: The Roberts Court on Criminal Law

4:15-5:15 p.m. Session 5A: Delivery of Veterans Services in Indian Country
Session 5B: How to Conduct a Jury Trial

6:00-9:00 p.m. Reception at the Oklahoma History Center

FRIDAY, SEPT. 11

7:00 a.m.-5:00 p.m. Registration Desk Open

8:00 a.m.-4:00 p.m. Exhibits Open

8:00-8:30 a.m. Tenth Circuit Swearing-In Ceremony
8:30-9:30 a.m. Welcoming Remarks by Oklahoma Governor Brad Henry; Plenary Keynote by Dean Erwin Chemerinsky

9:45-10:45 a.m. Session 6A: The Roberts Court on Indian Law

Session 6B: Bankruptcy: Creditors' Rights and Fraud

11:00 a.m.-Noon Session 7A: Chemerinsky Panel
Session 7B: Expert Discovery Issues in Civil Cases

12:15-2:00 p.m. FBA YLD Luncheon

2:30-3:30 p.m. The Oklahoma City Bombing Through the Eyes of Those Who Were Here Held at the Museum Institute for the Prevention of Terrorism.

3:30-5:00 p.m. Tours of the Memorial and Museum

2:00-4:00 p.m. Vice Presidents for the Circuits Training

2:00-4:30 p.m. Younger Lawyers Division Board Meeting

6:00-9:00 p.m. Reception at the National Cowboy & Western Heritage Museum

SATURDAY, SEPT. 12

7:00 a.m.-5:00 p.m. Registration Desk Open

8:30-9:45 a.m. Vice Presidents for the Circuits Meeting

8:30-11:00 a.m. Section and Division Chairs Meeting

10:00-11:30 a.m. Chapter Education Program Presented by the Vice Presidents of the Circuits

11:45 a.m.-1:45 p.m. FBA Awards Luncheon

2:00-5:00 p.m. National Council Meeting

7:00-10:30 p.m. Reception and Presidential Installation Banquet

Visit www.fedba.org for more information.

TRANSPORTATION AND TRANSPORTATION SECURITY LAW SECTION LEADERSHIP

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Transportation

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