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Office Hours:
Mon., Wed, Fri, 9:00 a.m. – 10:00 a.m.
Tues. and Thurs. 10:45 a.m.–11:45a.m.
other times by appointment
Students are welcome

Syllabus
ADMINISTRATIVE LAW
Spring 2011 – Room LAW 105
8:00am-8:50 a.m. Monday, Wednesday and Friday

REQUIRED TEXT: **Administrative Law: 2nd ed.**
Roger Healy, Krotoszynski Aspen Pub, 2008,
ISBN 13-978-0-7355-7142-6

RECOMMENDED READING: **Administrative Law and Process in a Nutshell**
Gellhorn & Levin West 6thd ed. 2006,
ISBN-0-314-14436-6

WESTLAW TWEN SITE: Register before first day of class.

PURPOSE: Administrative Law incorporates public policy, economic social values, politics, and basic democratic principles into an understanding of government decision making. Administrative law includes regulatory compliance and enforcement of legislation, rules/regulations and adjudications. Administrative Law also engages the legislature, the chief executive, government agencies and the judiciary. This course attempts to make students aware of current developments, and to inform students about the law of public administration and its impact on the interaction of individual citizens with government bureaucracy. In addition student attention will be directed to the ongoing constitutional dialogue that occurs in regard to agency policy, agency rulemaking and adjudication. Finally students will develop an understanding and appreciation for administrative powers, procedures and practices.

COVERAGE: Administrative Law will mean different things to different people. Practicing lawyers, judges, bureaucrats, students and citizens have different perspectives and points of view about government regulations, regulatory compliance, judicial oversight and legislative directives. One's point of view, personal values and political orientation will influence how one responds to issues addressed by agencies and appellate courts. Administrative Law requires those studying this area of law to consider the particularities of the organic (enabling) statute, the rules and procedures of the agency; the historical, political economic and social factors; judicial decisions, agency procedures and constitutional standards. Specific attention will be given to the history and development of administrative regulations and the law associated with government agencies especially federal agencies. Special time and energy will be devoted to the Administrative Procedure Act which establishes standards for agency procedural requirements, rulemaking, adjudication and requirements for public participation in agency decision making. Attention and time will also be allocated to the Freedom of Information Act, The Open Meeting Act, Negotiated Rulemaking, The Role of Administrative Law Judges the Privacy Act, The Advisory Committee Act, and The ADR Act and Administrative "Due Process". Time will also be devoted to practice aspects of Administrative Law.

CLASS FORMAT: Lectures, group participation, questions/answers, class discussion, case studies and study of appropriate statutes and case law. Includes reading assignments, preparation of an agency comment, optional research paper and a final exam.

OBJECTIVES: Introduce students to the regulatory role of agencies and their legal and political limits; provide a brief history and background for understanding the development of administrative law, quasi- legislative and quasi-judicial aspects of agency action; and the importance of informal aspects of administrative law. Provide students with a basic understanding of federal legislation important to administrative practices. Students should, when the class is complete be familiar with the classic cases of administrative law, the changing emphasis regarding standards within administrative law and recent developments in administrative law. Students will learn the importance of procedural questions and how procedure differs in rulemaking and adjudication, formal and informal actions and in how courts review administrative action. Finally students will learn about the powers of the executive and Congress and how they influence agency actions.

FINAL EXAMINATION AND GRADING POLICY: Three-hour final examination will include two questions and a question of several short answers. The exam accounts for two-thirds (2/3) of the final grade. The instructor reserves the right to increase the final exam grade by one half grade for any student making significant positive and regular contribution to class discussion. One third (1/3) of the final grade will be based upon a written assignment (comment).

OPTIONAL: Students may submit a research paper for a portion of their final grade. If the paper is C+ quality or better, the final course grad**e will be raised one-half grade. The topic of the paper and a brief outline (1 page) must be approved by the instructor and submitted to him in class by November 2, 2009**. The paper should be a typed, double-spaced, and 18-20 pages in length. Text should be in a 12-point font Margins should be 1" on the right side and top; bottom, and left margins should be 1¼". The paper should include a table of contents, footnotes, bibliography and a separate two page executive summary. **The extra credit paper must be submitted to TWEN by 12:00 Midnight May 3, 2011.** The final copy will <u>not</u> be returned.

ATTENDANCE: Students are expected to attend class and be prepared each day. According to school policy, students may miss six hours of class. When students miss the seventh hour of class a ten-page paper must be submitted to the instructor. If an eighth hour of class is missed, a second ten-page typed paper will be turned in. On the ninth hour missed, the name of the student will be submitted to the Dean's office and the student will be dropped from the class. Remember each session is three hours. This policy becomes operational after you miss the two days of classes.

COMPUTER POLICY You may use laptop computers or other electronic devices in class to take notes and access course related materials. You should not use your laptop or electronic devices for other purposes.

In addition to the usual courtesies due to your classmates, refrain from text-messaging and email, using cell phones, pagers, or any other communication device. Refrain also from displaying wallpaper, screen savers, or other material on your computer screen that can reasonably be expected to distract your classmates.

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