

Professor Mank **Administrative Law (Spring 2013)** Tuesdays & Thursdays, 3:05 -4:30, Room 114

The required book for this course is Alfred C. Aman, Jr., *Administrative Law and Process* 2<sup>nd</sup> ed. 2006 (ISBN 0-8205-5992-X). There is a free LEXIS 2010 supplement available under Administrative Law at <http://www.lexisnexis.com/lawschool/study/texts/#AdministrativeLaw> (Click on Aman 2010 Supplement to open the pdf).

Your grade in this course will be based on an examination. It will be a limited open book examination in which you may use a personally handwritten (in pen ink or pencil or highlighter, no typewritten or computer materials), one page (both sides of paper) (8 1/2 inch by 11 inch) "help" sheet that is your own work. I will give mandatory instructions on the format of the "help sheet" in class before the end of the semester. You must follow my instructions for the help sheet given in class or I may in my discretion give you a failing grade. The help sheet must be handed in with your examination with your examination number on the help sheet (**you must not put your name on the help sheet**). The examination will be based on my handouts, lectures and the materials in the book. My interpretation of administrative law is controlling for purposes of your examination answer and grade. You may not rely on outside sources to "overrule" the materials presented in class. In grading your examination, I have broad discretion to consider the quality of your writing, the organization of your examination, the persuasiveness and the clarity of your writing and not just whether you spotted the appropriate issues on the examination.

I reserve the right to take class attendance, preparation or performance into account in assigning a final grade. I may increase your grade for good class participation, up to one full letter grade, or reduce it to a failing grade for lack of class attendance, preparation or performance. I reserve the right to fail any student who has any unexcused absences. You may not record or tape my class without my permission.

**Special Note on Room 114. Because the room is so large in relationship to the size of the class, I am requiring all students to sit in the first few rows of the Center aisle. During the first class, we can see how many rows will accommodate the class and your laptop computers. You may not sit in the side aisles or the back rows. I frequently write on the board in the \back of the class and you may not be able to see my class notes if you sit in the side aisles or in the back rows.**

My office is in Room 425 and my office hours are Mondays & Wednesdays, 3:05-4:00. I can make an appointment for other times.

First Assignment: For Tuesday, January 22nd, please read pages 1-17, 49-65. I will give weekly assignments in class.

Topics and Assigned Pages: (All Cases in Italics are in the 2010 Supplement)

- I. Individual and State 1-17 and Due Process 49-105, *Castle Rock* Supplement [pp.1-14], 105-177, 187-209; *Cushman v. Shinseki & Edwards v. Shinseki* (Judge Rader's separate opinion) Supplement [pp.14-21]
- II. The Administrative Procedure Act 217-240, *Dominion Energy* Supplement[pp.28-31], 240-317
- III. Rulemaking 319-433
- IV. Informal Agency Action 435-466
- V. Legislative Control 515-619
- VI. Executive Control 621-680, *Free Enterprise Fund v Public Company Accounting Oversight Board* Supplement [pp.32-52]
- VII. Judicial Control 719-802; *Gonzales* Supplement[pp.53-63]; *Barnhart v. Walton* Supplement[63-68]; 802-824; *FCC v. Fox* Supplement [pp.69-84]
- VIII. Availability & Timing of Judicial Review 825-882, *Massachusetts v. EPA* Supplement [pp.85-107], 882-904
- IX. Open Government 919-1002

If there is sufficient time available, we may watch one or two videos related to Administrative Law

\* Note: The information contained in this syllabus is subject to change, and you are responsible for all revisions announced in class. The course outline is tentative and topics will be covered as time permits.