

The George Washington University
PAD 6075 Law and the Public Administrator
Monday -Wednesday 6:10-8:20 p.m.
Duques 361

INSTRUCTOR

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REQUIRED TEXT/READINGS

Understanding Administrative Law, William Fox - 6th Edition. Please Read the Supreme Court's opinion in ***National Federation of Independent Business v. Sebelius***, which you can find on line. We will discuss this case in the last class. Supplemental readings will be assigned.

Objectives of the Class: After completion, you will 1) be able to identify broad legal issues in the regulatory environment particularly with respect to adjudication and rulemaking; 2) be able to recognize the legal requirements and constraints public officials face when carrying out their duties; 3) be familiar with legal terminology, important statutory provisions (particularly the Administrative Procedures Act) as well as with leading judicial decisions concerning public law; and 4) be able to assess and process requests for information under the Federal Freedom of Information Act.

Notes: this class will not make you a lawyer. More importantly, the administrative law field is changing rapidly. In the past decade, we have been consumed with the War on Terror, the corporate governance scandals, the Great Recession, ObamaCare, Gun Control, IRS scandals, a new administration that has a different view of regulation than the previous administration, and an increasingly global economic market. These developments have generated significant changes in the administrative law field. But the basic concepts remain the same.

COURSE REQUIREMENTS/GRADING

Class participation

This course will be in a lecture/seminar format. We will put the readings in a "real world" context. Class participation is essential. The students in this program have substantial professional experience. Your participation in the class discussions will enhance the learning experience for all of us.

Examination

You will be required to complete a take home final examination. The final examination will be distributed at the end of the last class on December 5 and must be returned to me by December 12. Email the examination answers to me at the above address.

Grades will be based on the following:

class participation	50%
final exam	50%

- Class 1, August 29 **INTRODUCTION Readings**
Readings: Fox, Chapter 1. Health and Safety Policy (Cato Handbook for Policy Makers)
<http://www.cato.org/pubs/handbook/hb111/hb111-39.pdf>
Three Reasons Why Internet Regulation is Necessary
<http://roseonpolitics.com/2012/04/28/three-reasons-why-internet-regulation-is-necessary/>
- We will discuss the following: What is the purpose of administrative law? Why is it necessary? If administrative law works, can the claim that nameless bureaucrats are a threat to our way of life be true?
- Class 2, Sept. 5 **LEGISLATIVE CONTROL OF THE PROCESS**
Readings: Fox, Chapter 2.
Students should be prepared to discuss the following: Why does Congress want to control the legislative process? Why must the executive be in control?
- Class 3, Sept. 12 **DUE PROCESS AND THE ADMINISTRATIVE SYSTEM**
Readings: Fox, Chapter 5.
Students should be prepared to discuss why the Due Process Clause may be the most important part of this class.
- Class 4, Sept. 19 **JUDICIAL CONTROL OF THE PROCESS I**
Readings: Fox, Chapter 10.
Students should be prepared to discuss the reasons for a judicial role in the administrative process.
- Class 5, Sept. 26 **JUDICIAL CONTROL OF THE PROCESS II**
Readings: Fox, Chapters 11, 12. Find and read Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837 (1984). Auer v. Robbins, 519 U.S. 452 (1997),
- Class 6, Oct. 3 **RULES AND RULEMAKING I**
Readings: Fox, Chapter 7.
This discussion centers on the informal rule-making process (regulations).
- Class 7, Oct 10 **RULES AND RULEMAKING, PART II**
Readings: Fox, Chapter 8.
This discussion centers on the adjudicative role of administrative agencies.
- Class 8, Oct. 17 **RULES AND RULEMAKING, PART III**
Readings: Fox, Chapter 4.
This discussion centers on government access to information.
- Class 9, Oct. 24 **REMEDIES WHEN THE GOVERNMENT ERRS**
Readings: Fox, Chapter 13.
Does your government make mistakes? You bet it does.
- Class 10, Oct. 31 **ACCESS TO GOVERNMENT INFORMATION**
Readings: Fox, Chapter 14.
This class will address citizen access to secret and not so secret government information.

Class 11, Nov. 7

A YEAR IN REVIEW – MAJOR ADMINISTRATIVE LAW DEVELOPMENTS

Supplemental Readings will be assigned.

Class 11, Nov. 14

Health Care: *National Federation of Independent Business v. Sebelius*

Class 12, Nov. 21

State Administrative Law: Differences between Feds and States

Readings: http://fordhamlawreview.org/wp-content/uploads/assets/pdfs/Vol_83/Saiger_November.pdf

Class 13, Nov. 28

Trump Administration and Adlaw

Class 13, Dec. 5

Review, farewell

Exams due Dec. 12