The purpose of this course is to explore the most important legal and Constitutional principles relating to the administrative process. Essentially, Administrative Law pertains to the powers and procedures of administrative agencies and how their decisions are reviewed by courts. The law thus has implications for the development and exercise of administrative rule-making powers, for the steps agencies must take to observe the rights of Due Process, for the availability and scope of judicial review, for limits on agency investigations, and for the vulnerability of administrators and government agents to lawsuits. In general, administrative law is an effort to forge a compromise between what must be done to protect the rights of those who are regulated by agencies, and what must be done to preserve the efficiency and energy of administrative agencies themselves.

Contact Information:

Marc Ethridge  
Interim Associate Dean for Social Sciences  
College of Letters and Science  
Holton Hall, Room 243  
University of Wisconsin-Milwaukee  
P.O. Box 413  
Milwaukee, WI 53201

datei:
email: ethridge@uwm.edu
phone: (414) 229-5883
Political Science  
Dept. phone: (414) 229-4221

IMPORTANT: Please remember that I will be sending everything to your UWM email account. If you don’t regularly use that account, make sure you check it or forward it to an account you do use regularly.

BOOK: Each student should purchase a copy of Pierce, Richard J., Jr., Sidney Shapiro, and Paul R. Verkuil, Administrative Law and Process, 5th Edition (2009) [ISBN-13: 9781599414256.] (As of March, 2011, the UWM Bookstore’s price for a new copy is $71.05; used copies will be about 31% less.)

Although it will be necessary to do some outside reading in case materials and law review articles, this text will contain all the class reading assignments.
GRADE:

The grade for this course will be determined by the following:

For undergraduate students:

- Discussion Postings 20%
- Mid-Term Exam 30%
- Paper 15%
- Final Exam 35%

For graduate students:

In addition to the above requirements, students taking the course for graduate credit must complete a longer paper exploring the effects of administrative law in a program or policy area of special interest.

Thus, for graduate students, the grade will be determined by the following:

- Discussion Postings 15%
- Mid-term Exam 25%
- Paper 15%
- Graduate Student Paper 15%
- Final Exam 30%

DISCUSSION POSTINGS. During the four weeks in which there is no mid-term or final exam, I will post a discussion question to which each student must post a 250-word response. Each student should also post a comment on another student’s response to the discussion question. I will post the discussion question by noon on Monday of each of these weeks, and you will have to post your response by midnight on Thursday. Comments on other students’ postings are due by Sunday night of that week.

Each discussion posting will be graded, and the total of these grades will constitute 20% of the course for undergraduate students, and 15% of the course for graduate students.

EXAMINATIONS:

The Mid-term examination will be held during the week of July 5th.
The Final Examination will be scheduled for the week of July 18th.
PAPER ASSIGNMENT (all students):

The subject for the paper will be the problem of Due Process in Administrative Law. From lists prepared by the instructor, each student will select and read two cases, one from a list of cases that expanded the reach of the Due Process Clause and the other from a list of cases that contracted it (or declined to expand it). Your assignment is to write a 8-12 page paper in which you compare the cases and discuss their implications for administrative power.

DUE DATE: Midnight, July 10th

PAPER ASSIGNMENT (graduate students):

The graduate student paper should focus on the effect of administrative law on a policy or program or an administrative agency (broadly defined). For example, some observers argue that the broad availability of judicial review makes pollution control agencies timid and sluggish in implementing environmental protection regulations. Another context in which administrative law arguably affects agency behavior is the area of welfare administration: some contend that the procedures setting forth the opportunities that individuals have to contest denials of benefits allow agencies to be unfair in making decisions.

In both of these examples, there is a possible connection between some aspect of administrative law (for example, the availability of judicial review, the right to be heard to contest adverse decisions, the hearing requirements for administrative rule-making, etc.) and the agency’s effectiveness, fairness, or efficiency. The graduate student papers should address a problem along these lines. These papers should not simply evaluate the “substantive” aspects of programs and policies (e.g., “pollution standards are too lenient”, or “welfare payments undercut work incentives,” etc.). The key thing is to explore a connection between some aspect of administrative law and agency effectiveness and/or fairness.

I urge each of you to contact me to discuss the topic for your graduate student paper.

DUE DATE: Midnight, July 17th

COURSE OUTLINE AND READING ASSIGNMENTS:

Week 1  (June 13th through June 19th)

Introduction: Administrative Power in the American Political System and the Nature and Scope of Administrative Law  Pages 1-32
Legislative Delegation of Legislative Power  Pages 32-41

(discussion question)
Week 2 (June 20th through June 26th)

Legislative and Executive Control of Administrative Power
Procedural Requirements Regarding Rule-Making
Procedural Requirements Regarding Adjudication:
  Due Process in Administrative Law
  Part One

(discussion question)

Pages 45-125
Pages 326-374;
Pages 498-505
Pages 235-273

Week 3 (June 27th through July 3rd)

Procedural Requirements Regarding Adjudication:
  Due Process in Administrative Law
  Part Two
Procedural Requirements Regarding Adjudication:
  Other Procedural Issues

(discussion question)

Pages 273-292
Pages 179-188
Pages 490-512
Pages 293-325

Week 4 (July 5th through July 10th)

Information Acquisition and Disclosure

Pages 429-490

******MID-TERM EXAMINATION (available between July 7th and July 10th)******
Week 5  (July 11\textsuperscript{th} through July 17\textsuperscript{th})

Judicial Review of Agency Action:
- The Standing Problem  
  Pages 126-179
- Ripeness, Exhaustion, and 
  Pages 194-231
- Primary Jurisdiction 

(discussion question)

Week 6  (July 18\textsuperscript{th} through July 23\textsuperscript{rd})

Judicial Review of Agency Action:
- Scope of Review  
  Pages 379-424

***** FINAL EXAMINATION (available between July 21\textsuperscript{st} and July 23\textsuperscript{rd}) *****