

## **Administrative Law: Fall 2014**

Wednesday evenings

Professor Peter Jan Honigsberg

Assignment for the first class meeting follows this introduction to the course.

Please be prepared. Class discussion begins on the first day.

Thank you, and I look forward to meeting you.

### **Course and Materials**

A broad outline of the topics that we plan to cover this semester appears below. Because of the nature of Administrative Law, the topics will necessarily overlap. As the class unfolds and events occur in the real world, we will supplement the materials, and possibly modify the subject matter. We may also bring in a guest speaker. Weekly reading assignments will be approximately 60 pages in length.

Students are expected to have read the full week's assigned readings every week.

New assignments will be added each week to this syllabus, depending on our coverage the previous week.

Required text: Cass, Diver, Beermann & Freeman, ADMINISTRATIVE LAW: CASES AND MATERIALS (6<sup>th</sup> ed. 2011).

To access supplemental documents on TWEN, click on the "Course Materials" folder on TWEN, check the box next to the document or documents that you would like to download, then go to "Actions" and then "Batch Download." If you click on the file instead, the file will be opened via your web browser and will likely be more difficult to read.

### **Participation, Attendance and Grading**

Students' participation is critical to this course. Therefore, everyone will be expected to be fully prepared for each class and to participate voluntarily as well as when called upon. Please do not access the Internet in class, unless authorized.

You are permitted to miss one class. If you miss a second class, for any reason, your final grade will drop by 1/3. For example, if your final grade would have been a B+, you would instead receive a B. If you miss a third class, you will have missed more than 20% of the course, in violation of ABA and USF Law School rules, and you will not receive credit for the course. Please do not come late to class. Arriving late 2 times will be considered equal to an absence.

Grades will be based on the following:

**20 % for 8 reflection assignments.** I will read your pieces, but not comment on

them. Because I will also retain them for my records, please keep copies for yourselves. These assignments are designed to assist you in reflecting upon the readings assigned each week. Your papers will also assist me in assessing whether students are understanding the materials, and in identifying the topics that are most interesting and engaging to the class. We may then focus on these interesting topics and issues in more depth.

You will either receive credit or no credit for the assignment. All assignments must be submitted in hard copy at the beginning of the class meeting, be on time and in good faith. (I will inform you if you do not receive credit.) If you miss the class where a reflection piece is due, you may either give it to another student to submit for you on time, or email it to me **before** class begins. Each paper must be two pages, between 480 and 500 words, double-spaced, in 12 point type and stapled. Please put word count on page one.

**The final, which will be worth 80%**, will be a 3 hour in-class exam. There will be a word limit. Of course, the honor code applies. Other information concerning the final will be addressed later in the semester.

### **Course Coverage**

The major topics that we will cover in this course are the following:

- Overview of Administrative Law
- Separation of Powers
- Formation of Policy
- Rulemaking
- Adjudication
- Due Process
- Enforcement
- Judicial Review of Administrative Decisions

Readings will be assigned weekly. Questions for your reflection pieces will be assigned in 8 different weeks throughout the semester.

### **Week One**

1. Please read pages 3-51 in the text.

The topics to be covered the first week are:  
Introduction;  
Legislative Control Over Agencies, including  
The Nondelegation Doctrine; and  
The Legislative Veto.

2. Also, please be prepared to answer the following questions:

Why is separation of powers a critical part of the study of Admin. Law?

What is the nondelegation doctrine and why is it relevant to Admin. Law?

Of what importance is the “intelligible principle” to the nondelegation doctrine?

What motivated Congress to create a legislative veto, and could it be defensible under a separation of powers argument?