Course Overview:

Administrative law, the administrative process and the regulatory process represent a substantial area of governmental activity. In the broadest sense administrative law covers many government agency actions that are not legislative or judicial. Beyond administrative agency actions are the reviews of agency actions by courts, the oversight provided by the legislature, and the role of the chief executive in managing agency actions. The administrative process is part of Federal, state, and local governments; it can be found in vast programs such as Social Security and it is found at GMU.

With the enormous growth in the scope of government activities has been a corresponding growth in the number and complexity of government agencies at all levels of government. Administrative law has grown along with the increase in size of government and the scope of agency activities. One crude measure of the increase of Federal activity is the size of the Federal Register, the daily government publication of all agency rules, proposed rules, and legal notices. In the 1930’s the Federal Register contained less than 10,000 pages per year, it reached 70,000 pages in 1980, got smaller in the 1980s and runs about 75,000 pages annually this past decade.

In this course, the basic assumption is that most students will be engaged in government employment as managers, as staff professions, or as professionals within organizations having a close connection to government activities such as nonprofit organizations or government contractors. Therefore the goal of this class is to teach administrative law to those who will be working inside the government or to those outside of government who will be participating in rulemakings or other administrative activities. This course will not be taught as a mini-law school class using strict law school methods or casebooks. Although there are many definitions of administrative law, they generally relate to the transfer of authority from legislative bodies to administrative agencies; the use of that power, and the review of that power by courts. Public administration students are usually interested in the broader issues related to the public policy process instead of just the decision of a court in a particular case.

This course will focus on the basic legal doctrines of administrative law, on judicial review of agency decisions, on the administrative process, on the regulatory process and on the oversight and
management of agency administrative & regulatory processes. Students will be expected to be able to identify and understand the legal component of larger policy issues. Special emphasis will be given to the mechanics of the administrative process and the role of agency officials. This course will review the underlying Constitutional and legal justifications of public administration and its connection to administrative law. This course will draw on concepts familiar to public administration students from political science, organization theory, and public policy in addition to the law.

Texts:


Articles and other readings are available from the GMU library databases or have an internet URL listed.

Evaluations, Grades & Honor Code:

Grades in this class will be based on a final exam (30%); a research paper on a local government administrative or regulatory law process and its oral presentation (30%), a written paper on an administrative law topic from the text (30%), an internet research project (5%) and class participation (5%).

Students will learn the fundamentals of legal research in order to perform research in support of the research project and case study.

Students are expected to complete all work required during the semester. Graded projects must be submitted on time. A student seeking an incomplete must present a written request explaining the circumstances along with a proposed timetable for completion of the coursework before the distribution of the final exam.

All work submitted for a grade is subject to the George Mason University Honor Code. Written work should include appropriate references in accordance with a popular style manual such as APA, MLA or Turabian.

Weekly Schedule:

Aug 31 – First Day of Class - Introductions and Class Overview. Review of course schedule, class requirements and grading. Understanding the law and public administration.

Sept 7 - Legal Reasoning and Legal Research

Carter - Chapters 1-3

Internet: Lawnerds.com - Read Part 2 Legal Reasoning (IRAC formula)

YouTube: Search-Eugene Kim: #1 Authorities, #4 & 5 IRAC formula explained, #7 Administrative Law
Internet: Administrative Law Research Tutorial from Georgetown Law School. 
http://guides.ll.georgetown.edu/admin_tutorial. About 15 minutes total run time.

Written Project: (Short - two pages) - Carter Chapter 1 - Using Carter’s Four Factors of Legal Reasoning - Perform an analysis of the Judges decisions in the Prochnow case at the end of Chapter 1.

Video – “Community and the Law”

Sept 14 - Bureaucracy and Democracy
Readings: Hall - Chap 1 & 2, U.S. Constitution-Appendix A

Articles:


Sept 21 – Agency Discretion
Readings: Hall - Chap 3.

Articles:


Sept 28 - Due Process: The Requirement of Fairness
Readings: Hall - Chap 4.

Delegation
Readings: Hall - Chap 5.


Oct 5 - Rulemaking
Readings: Hall - Chap 6, Federal Administrative Procedure Act-Appendix B
Internet: Virginia Administrative Process Act
http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC020200004000000000000000


Oct 12 - Formal Adjudication
Readings: Hall - Chap. 8.

First Paper Due

Oct 19 - Accountability through Reviewability - Judicial Review
Readings: Hall - Chap 9.


Oct 26 – Accountability through Accessibility; Political Oversight of Government Agencies
Readings:  Hall - Chapter 10


Nov 2 – Investigations and Information Collection
Readings: Hall - Chapters 7

Accountability through Liability
Readings: Hall - Chapter 11.


Nov 9 – Interpretation of Law & Regulations

Carter – Chapter 4-6

Articles:

Nov 16 – Emerging and Current Problems in Administrative and Regulatory Law

Articles:


National Conference of State Legislatures:

Nov 23 – Thanksgiving Holiday
Nov 30 – Administrative Law Process Presentations Begin

Research Paper Due
Dec 7 – Last Day of Class - Presentations

Dec 15 – Final Exam Due

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