

**ADMINISTRATIVE LAW**  
**Law 116 § 1 (Spring 2025)**  
Monday/Wednesday 1:50–3:15 p.m.

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This course examines the powers and processes of federal administrative agencies, and the control of agency action through judicial review and other means.

Because “an agency literally has no power to act . . . unless and until Congress confers power upon it,” *La. Pub. Serv. Comm’n v. FCC*, 476 U.S. 355, 374 (1986), we begin with constitutional considerations as to how much power Congress can delegate to agencies, and the means by which the President oversees those agencies. We then look to the agencies themselves—the processes by which agencies administer the law, primarily rulemakings and adjudications. Finally we consider the standards by which courts review the agencies, as to matters of fact and law.

**Casebook:** The casebook is the ninth edition of *Administrative Law: Cases and Materials*, by Ronald Cass *et al.* Please note that the Constitution and Administrative Procedure Act are found in appendices; please consult them when referenced in the assigned cases and other materials.

Please also note that we will use the casebook authors’ latest supplement for recent cases and developments. I will circulate the PDF file via email, and I will occasionally supplement the assigned readings with references to the supplement.

**Students’ Classroom Responsibilities:** Students are responsible for being prepared for class, including answering “cold call” questions; and they are responsible for reasonably minimizing communications and other distractions. Be respectful toward your classmates. And no sound or video recording devices may be used in class without advance permission.

**Evaluation:** Students will be evaluated on the basis of a final examination. I retain discretion to adjust your final grade by one-half letter to reflect exceptional class participation or a persistent lack of preparation.

**Office Hours & Communications:** I generally will have office hours on Wednesdays from 1:00 to 1:50.

**Note:** The schedule below is subject to change, based on class pacing, new developments in the law, or other considerations. I try to make space throughout the semester to review major concepts before moving on. *Assigned readings are also subject to change over the course of the semester.*

## Schedule: Subjects and Reading Assignments

All page numbers refer to casebook unless otherwise marked.  
Sessions marked with an asterisk (\*) will be conducted by Zoom.

### *Part One: Congress and Administrative Agencies*

**Jan. 22** Introduction: Administration and the Legislative Power: 1–18

**Jan. 27** (No Class)

**Jan. 29** Alternative Methods of Congressional Control: 40–69

**Feb. 3** The Nondelegation Doctrine: 18–39

### *Part Two: The President and Administrative Agencies*

**Feb. 5** Appointment: 69–71, 82–89

**Feb. 10** (No Class)

**Feb. 12** **Extended Session: 1:30 to 3:45**

- Removal: 100–110, 119–137

### *Part Three: Administrative Procedures*

**Feb. 17** **Extended Session: 1:50 to 3:45**

- An Agency's Choice of Procedures: 463–471, 483–491, 499–501
- Agency Adjudication & the Constitution: 673–689, Supplement 96–105

**Feb. 19** Adjudication—Due Process & Bias: 689–701, 721–732, 740–747

**Feb. 24** Adjudication—Statutory Requirements: 748–769, 792–796

**Feb. 26** Rulemaking—Formal and Informal: 529–541

**Mar. 3** Rulemaking—Agency's Explanation: 541–552, 589–598

**Mar. 5** (No Class)

*(Spring Break: Mar. 10–14)*

**Mar. 17** Rulemaking—Exemptions & Stays: 598–625

**Mar. 19** Rulemaking—Politics & Presidents: 554–580, 654–662

***Part Four: Judicial Review of Agency Action***

**Mar. 24** Judicial Review of Facts & Policies: 139–153, 160–170, 289–302

**Mar. 26** Judicial Review of Facts & Policies, cont'd: 170–193

**Mar. 31** Judicial Review of Statutory Interpretations: Supp. 6–22

**Apr. 2** Judicial Review of Statutory Interpretations, cont'd: Supp. 22–36

**Apr. 7** Judicial Review of Statutory Interpretations, cont'd: Supp. 62–79

**Apr. 9** Judicial Review of Regulatory Interpretations: Supp. 82–94

**Apr. 14\*** Availability of Judicial Review: 323–328, 340–350, 360–370

**Apr. 16\*** Availability of Judicial Review, cont'd: 375–396

**Apr. 21** Standing to Sue: 396–436

**Apr. 23** Ripeness and Related Doctrines: 436–463

**Apr. 24** Conclusion: *Readings TBD*

**May 2** **EXAM**