

Law and Administration (GPGN 490)

Instructor: Brian Libgober

Location: <https://ucsd.zoom.us/j/93692486981>

Synchronous Class Meeting Time: Monday 3:30-5:00 PM

Asynchronous Pre-Recorded Lectures: Posted to Canvas by Friday of Week Prior

Instructor Email: blibgober@ucsd.edu

Office Hours: By Appointment

Overview

This course introduces the topic of American administrative law for students of public policy. There are no prerequisites in terms of prior knowledge of the American legal system. Administrative law is a subject that borrows extensively from other areas such as constitutional law, tort law, employment law, and so forth, as a result it can be a complex area for non-lawyers to understand. However, it is also an intensely practical subject that, ultimately, deals with how policymakers within executive agencies actually go out and convert ideas and principles into actual rules and regulations. If you work for a government agency with policy determining functions, or you wish to influence such an agency, you will find the force of administrative law around you whether you realize it or not. The goal of this course is to help you understand what is happening and why.

Class Organization

In order to promote engagement and flexibility in light of the pandemic, this class will contain both synchronous and asynchronous components.

Asynchronous: Typically, there will be a 30-60 minutes pre-recorded lecture.

Synchronous: Class time will run for approximately 60-120 minutes and will focus on discussion of cases and the material.

The pre-recorded lecture should be viewed prior to the synchronous meeting for class discussion. These will definitely be posted no later than Friday of the week before we meet, and will usually be posted earlier whenever possible. We will tend to use class discussion time to apply the perspective gained through the reading and asynchronous lecture to analyze particular cases and controversies.

Grading

- Class Participation – 25%
- Midterm Exam – 30%
- Final Exam – 45%

Exam Format

The mid-term exam will have a 2 hour in class exam format, while the final exams will have a 24-hour take-home format. Responses on the latter will have word limits, so that there will be no advantage to spending 24 hours working on the exam. The exams will ask you to demonstrate understanding of particular legal cases, evaluate the strengths and weaknesses of legal arguments, and mull the significance of larger policy choices implicit in administrative procedures

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Course Materials

- Textbook: Kenneth Warren, *Administrative Law in the Political System: Law, Politics, and Regulatory Policy*, 6th Edition (2020).
- Occasionally will swap textbook cases for others.

Academic Integrity

Plagiarism and other forms of cheating or dishonesty will face zero-tolerance, which in particular means that I will report all cases to UCSD's office of academic integrity. Students are encouraged to read and give feedback on each other's work. You must appropriately recognize and cite all sources for your work. Please get in touch with me if it is not clear how to do so. For further information on academic integrity and what constitutes plagiarism, please consult <https://academicintegrity.ucsd.edu>

Class Schedule

Week 1 – *Introducing Administrative Law* – March 29, 2021

- Warren Chapter 1 (excluding the case).
- *Environmental Defense Fund v. Environmental Protection Agency*, No. 21-03, 2021 WL 270246 (D. Mont. Jan. 27, 2021) (concerns Trump-era rule governing use of science by EPA).

Week 2 – *The Growth of Regulation* – April 5, 2021

- Warren Chapter 2

Week 3 – *Administrative Accountability to Legislatures* – April 12, 2021

- Warren Chapter 3
- *INS v. Chadha*, 462 US 919 (1983) (concerns the constitutionality of a one-house legislative veto).

Week 4 – *Administrative Independence* – April 19, 2021

- Warren Chapter 4
- *Seila Law LLC v. Consumer Financial Protection Bureau*, 140 S. Ct. 2183 (2020) (recent case involving the removal protections of the head of the CFPB).

Week 5 – *Rulemaking* – April 26, 2021

- Warren Chapter 5

Week 6 – *Midterm* – May 3, 2021

- Asynchronous lecture this week will also be a review session. Students are invited to attend. I will begin the lecture by reviewing the material. I will stay as long as necessary to answer student questions. The session will be recorded and placed online for all students to see. Questions may also be submitted in advance by those who cannot attend.

Week 7 – *Administrative Hearings* – May 10, 2021

- Warren Chapter 6

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Week 8 – *Administrative Discretion* – May 17, 2021

- Warren Chapter 7

Week 9 – Judicial Review of Agency Behavior – May 24, 2021

- Warren Chapter 8

Week 10 – *Suing the Government/Wrap* – TBD (Normal Class Time is Memorial Day).

- Warren Chapter 9

A review session with similar format to the mid-term review session will also be arranged in advance of the exam.

Syllabus and Requirements Subject to Change