

Professor Seamon
Administrative Law
LAW 907, Section 01

Fall 2013
Tues & Thurs, 2:00 – 3:15 pm
Room 104

Syllabus and First List of Assignments

Course Materials

The materials for this course are:

- (1) a casebook: Richard Henry Seamon, Administrative Law: A Context and Practice Casebook (Carolina Academic Press 2013); and
- (2) a statutory supplement, which is for sale at the UI bookstore.

Throughout the semester, I'll be posting more material on the TWEN page for this course.

As you may know, there is a study aid for administrative law that I co-wrote with William Funk: Administrative Law: Examples and Explanations (Aspen 4th ed. 2012). I don't recommend you buy this study aid, for three reasons. (1) It covers subjects we won't cover in our class. (2) It covers some subjects differently from the way we will cover them in our class. (3) There are two copies on reserve in the law library that you can use for free. If you nonetheless want to buy a copy, I recommend you buy a used copy of the 4th edition.

Subject Matter and Objectives of This Course

Subject matter: This course explores the law governing administrative agencies. The course focuses on federal agencies but also devotes some time to state agencies. More generally, the course examines principles, issues, and frameworks for analyzing the types of administrative law problems that lawyers commonly encounter.

Course objectives: This course's objectives concern (1) knowledge; (2) skills; and (3) values/perspective.

The main objective of this course is to help you learn the knowledge and the skills that are fundamental to analyzing administrative law problems competently. The "knowledge" that you will learn includes substantive principles of administrative law ("black letter law"), plus frameworks for analyzing certain administrative law issues. The "skills" include practice applying the principles and analytic frameworks, as well as skills associated with *researching* administrative law problems and *reading* regulatory statutes.

Another main objective relates to helping you see the world through the eyes of an administrative lawyer. This perspective includes an understanding of ethical and professional duties distinctive to the practice of administrative law. Basically, the idea is that people who work for and against government agencies develop ways of thinking about and behaving in the profession that are distinct from lawyers in other areas of practice.

Contacting Me Outside of Class

My office is Room 210C. Room 210C is on the second floor of the law building, down a short hallway the entrance to which is off the main hallway of faculty offices. This small spur lies

between the entrance to the Idaho Law Review office and a pair of rest rooms.

I will announce regular office hours as early as possible in the semester – and as soon as I can figure out how to dovetail them with other law school and family commitments.

The announced office hours will just be the times during the week when I promise to be in the office and available to talk with students (barring unavoidable other commitments, which I will try to announce in advance). Please feel free to come by any other time you like, and, if I am not free to speak with you just then, we can set up an appointment. You may also call me at 208-885-7061 (office) or 208-310-1584 (cell), or e-mail me at richard@uidaho.edu. I enjoy talking with students, especially administrative law!

Class Attendance and Participation

You must do your best to show up (1) for every class, (2) on time, and (3) well prepared. I will do my best to make it worth your while.

You must keep track of your own attendance, including records of any absences and the reasons for them. If you know that you are going to have to miss a class, I will appreciate it if you tell me beforehand (e.g., by email). If you miss more than *three* classes, you must: (i) let me know as soon as possible; and (ii) be prepared to explain and document the reasons for *all* your absences. I reserve the right, if you miss more than three classes, to lower your grade for poor attendance. Equally important, if you miss more than three classes, you will miss a ton of great stuff!

If you are not well prepared for a particular class and therefore wish not to be called on, you may, before class begins, give me advance written or email notice that you need to pass. You may exercise this “pass” option no more than three times during the semester. I do not take “passes” into account in grading. Indeed, I encourage you to use this option, if needed, so neither of us has to worry about calling on you when you are not prepared.

I will involve students in class discussion in two main ways. *First*, I will call on students at random and without prior warning to answer questions that anyone who is well prepared should be able to answer. *Second*, I will call on volunteers. In addition, I may occasionally use panels of “experts” who will be designated in advance to prepare particularly carefully for an upcoming assignment.

Grades and Course Requirements

Overview: Your grade will be based on (1) a 90-minute, midterm exam, worth 25% of your grade; and (2) a three-hour, final exam, worth 75% of your grade. I will give you more details about the timing, format, and content of the exams during the semester. In addition to the exams, I may adjust your exam-based scores (which will be based on anonymous grading) up or down for class participation.

Class participation: “Class participation” includes regular, *punctual* attendance; timely completion of any written homework assignments; being prepared to answer questions when called on at random; and compliance with the course requirements described in this syllabus (including the rules set out below about the in-class use of laptops and electronic devices).

Finally, “class participation” includes the quality – not the quantity – of your voluntary contributions to class discussion. I particularly appreciate a willingness to ask – and to listen to – what may seem to you to be “stupid” or “obvious” questions. To reinforce that listening skill, I regularly base exam questions on questions, comments, or hypotheticals posed by students in class.

Our class will meet at its regularly scheduled times, with two exceptions that I can now anticipate. The exceptions are that we will *not* meet on:

- Tuesday, October 8, when class is cancelled for you to attend the Bellwood lecture.
- Thursday, November 7, when I will be out of town for a conference.

We will make up these classes on:

- Wednesday, September 11, from 4:30 – 5:15 pm -- MAKE UP CLASS
- Wednesday, October 9, from 4:30 – 5:15 pm – MAKE-UP CLASS.

Importantly, the first make-up class will cause us to meet *three* times during the week of September 9, instead of our usual two times. Please plan accordingly when budgeting time to prepare our assignments that week.

Exams: The midterm exam is tentatively scheduled for October 5 – 13. (In any event, it will be available for you to take anytime during a 7-8 day window.) The final exam is tentatively scheduled for Wednesday, December 18 at 8 am.

Both exams will be, roughly speaking, open-book, open-notes exams.

Below are the specific rules for what you can, and cannot, use during the midterm and final exams. If any issue is not expressly covered by these rules and a reasonable person would be dubious about it, please check with me before you do it. I apologize for the rules’ intricacy. Their intricacy reflects that vague rules or standards for open-book-type exams heighten the risk of Honor Code complaints and student concerns about other students’ use of exam-room materials.

Exam Room Rules

A. GENERAL RULE: You may bring into the exam room, for use during the midterm and final exams, only:

1. the assigned material;
2. any other material distributed to the class -- either in class or electronically;
3. your class notes; and
4. any material that you have participated in preparing, such as an outline, flow charts, check lists, etc. You can bring this material into the exam room as long as (a) you had a substantial role in creating the material; and (b) it contains no more than a truly minor amount of material from sources *other than* from items A.1-A.3 or from a current

classmate. This provision, A.4, is designed to allow you to bring in material you made yourself or as part of a study group, with no more than minor material from elsewhere (e.g., a commercial study aid).

B. RULE ABOUT CUTTING AND PASTING: The material you bring into the exam room cannot contain material that you have physically or electronically cut and pasted from anywhere other than the items described in A.1 through A.4. Thus, for example, if you want to include in your outline material from a commercial study aid, you must handwrite it or hand keyboard it into your outline. And, even then, under the “General Rule” above, this outside material can be no more than a truly minor amount.

C. RULE ABOUT MATERIAL FROM PAST YEARS: With one exception described in the next sentence, you may not bring, into the exam room, material from prior years, including outlines from prior years, other material prepared by prior students, material that I have distributed to the class in prior years, or material in the law library’s exam archives. You may, however, bring in material from prior years if I distribute it to the entire class in the current year.

Whew! The basic idea behind these rules is to allow you to bring into the exam all of the assigned reading material, your class notes, handouts, and an outline, including a typical group outline – but nothing else. Please let me know if you have questions about these rules.

Use of Laptop and Other Electronics in Class

Anecdotal and empirical evidence indicates that learning suffers when students use, during class, computers and other electronic devices for anything unrelated to class. Accordingly, I restrict their use in this class. Specifically, you may use laptops during class **only** to take notes for this class and view websites to which I direct you during class. You will be breaking the rules, and disappoint me greatly, if you use laptops or other electronic devices to read or write email, view websites to which I’ve not directed you, or send test messages. I reserve the right to lower your class participation grade, or take other disciplinary measures, for any of this conduct. I’m a bear about this because I care about your learning.

Disability Support Services/Reasonable Accommodations Statement

Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Students should meet with Disability Support Services (DSS) by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by DSS to Dean Dodge for final approval. DSS serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the authority to evaluate or grant disability accommodations without DSS first submitting a recommendation. You may contact DSS by:

- Visiting the Idaho Commons Building, Room 306
- Calling 208-885-6307
- Emailing dss@uidaho.edu

It is ultimately the student's responsibility to seek a disability accommodation, and until an accommodation is approved by DSS and Dean Dodge, no student will be entitled to receive any accommodations. To learn more about DSS, visit its website at <http://www.uidaho.edu/studentaffairs/taap/dss>. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.

Assignments

Each assignment asks you to "prepare" certain pages from the casebook. This means that you should not only read the pages but also answer (in your head or, better still, in writing) the questions posed in any exercises, and be prepared to discuss any chapter problems, within the assigned pages.

The assignments for the first five weeks of class are shown on the calendar pages following this page. We will generally explore about 60 pages per week, or 30 pages per class. You will notice, however, that the reading assignments for Tuesdays are generally longer than those for Thursdays. That is because you have more time to read for classes on Tuesdays than for classes on Thursdays, and I would like the opportunity of covering *more* than 30 pages per class, when possible.

These assignments are tentative; they may be changed by prior announcement in class, by email, or on TWEN. Reading assignments will be supplemented by in-class handouts. Therefore, if you miss a class, you should find out whether I modified an assignment or handed out anything in that class.

As we reach the end of the first set of assignments, I'll hand out more great assignments!

August 2013

The pages below are from the casebook. I ask you to “prepare” certain pages for each class. “Prepare” means that you should not only read the pages but also answer (in your head or, better still, in writing) the questions posed in any exercises, and be prepared to discuss any chapter problems, within the assigned pages. Please use the statutory supplement to look up any provisions of the federal APA that are cited in the reading assignment from the casebook, if the casebook itself doesn’t quote those provisions.

~ August 2013 Administrative Law ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27 Please read the syllabus and the book’s preface , and prepare pp. 5-37 (up to section D).	28	29 Please prepare pp. 37-60.	30	31

September 2013

The pages below are from the casebook. I ask you to “prepare” certain pages for each class. “Prepare” means that you should not only read the pages but also answer (in your head or, better still, in writing) the questions posed in any exercises, and be prepared to discuss any chapter problems, within the assigned pages. Please use the statutory supplement to look up any provisions of the federal APA that are cited in the reading assignment from the casebook, if the casebook itself doesn’t quote those provisions.

◀ August	~ September 2013 Administrative Law ~						October ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat	
1 WEEK 2	2	3 Please prepare pp. 61-97.	4	5 Please prepare pp. 99-122.	6	7	
8 WEEK 3	9	10 Please prepare pp. 123-165.	11 <u>MAKE UP AT</u> 4:30. Please prepare pp. 167-186 (through bottom of p. 186).	12 Please prepare pp. 187-200 (up to “b. Subject-Matter Exemptions ...”).	13	14	
15 WEEK 4	16	17 Please prepare pp. 200-233 (through bottom of p. 233).	18	19 Please prepare pp. 234-262 (up to section “B” on p. 262). Just carefully skim pp. 249-251.	20	21	
22 WEEK 5	23	24 Please prepare pp. 262-292.	25	26 Please prepare pp. 293-327 (up to “2. Determining...”). Just carefully skim Chap. 15.	27	28	
29	30	Notes:					