Welcome back! I hope you had a terrific summer and are looking forward to Administrative Law as much as I am! Here are the first week’s assignments, which come from the course book, Administrative Law: A Context and Practice Casebook (Carolina Academic Press 2013), ISBN 978-1-59460-676-2. In addition to the assignments, you’ll find below the objectives for Chapters 1 through 4:

- **Monday, August 20**
  
  Please read course book pp. 5-31 (up to “C. Limits on Agency Power”). Also be prepared to discuss in class the problems and exercises in those pages. Finally, please *print out and bring to class with your name on it* the front page from the website of an administrative agency that you want to learn more about. As part of your class participation grade, I’ll ask that you hand this in, and, during the semester, ask you to do more, short assignments about your chosen agency.

- **Wednesday, August 22**
  
  Please read course book pp. 32-56 (up to bottom of p. 56). As you encounter citations to the Consumer Product Safety Commission’s organic statute in the reading, you should look at the cited provisions, in their entirety, in Westlaw or Lexis, and begin developing familiarity with them.

- **Friday, August 24**
  
  Please read course book pp. 57-81.

**Objectives for Chapter 1:** You should be able to understand: what “agencies” are, in the everyday sense of the word; and how and why they are created. Also be able to describe in your own words the three main types of things that agencies do, and the three types of power they may be given to do those things. You should also begin to develop a sense of the distinction among the legislative-type powers, the executive-type powers, and the judicial-type powers that an agency may be given.

**Objectives for Chapter 2:** Be able to recall and describe in your own words the three questions posed by most administrative law problems involving agency action, and the three questions posed by those administrative law problems which concern agency failure to act. Be able to recall the three potential sources of agency power and which is most common. Be able to explain in your own words and to recognize the difference between an “internal” and an “external” limit on agency power. Also be able to explain in your own words and begin to gain a sense of how to recognize the difference between substantive and procedural limits on agency action. Be able to describe in your own words when, in general terms, an agency will be said to have “discretion.” Finally, be able to identify the five sources of control over agency action and to have a general understanding of how those controls operate.

**Objectives for Chapter 3:** Be able to explain in your own words the three types of statutes that govern an agency’s powers and duties. Also be able to (1) explain in your own words what an agency’s “organic” statute is; and (2) find an organic statute, given the name of the agency. Be aware of the distinction between an agency’s organic statute and other agency-specific legislation. Having located the agency legislation, be able to read it and annotate it with the eyes and hand of an administrative lawyer.

**Objectives for Chapter 4:**
• Be generally familiar with the purposes of the federal APA and state APAs.

• Be familiar enough with the contents and organization of the federal APA that you can readily locate the provisions containing: (a) the definitions; (b) the procedures for formal and informal rule making; (c) the procedures for formal adjudication; (d) the procedures for some informal adjudications; and (e) the judicial review provisions.

• Also be able readily to locate the APA provisions addressing the federal APA’s relationship to other laws and judicial review.

• Given an administrative law problem, be able to write out in your own words the three questions for determining the relevant APA’s applicability to that problem.

• Be able to explain in your own words why, to understand the APA, one must understand the distinction between rulemaking and adjudication.

• Be able readily to locate the federal APA provisions that define “rule” and “order,” and to determine whether a particular agency action is a rule, an order, or neither.

• Be able to explain in your own words what the “Londoner/Bi-Metallic distinction” is, what it is for, and how it relates to APAs’ distinctions between rulemaking and adjudication.

• Finally, given a particular agency action, be able to analyze whether the action is likely to be classified as legislative or adjudicative for procedural due process purposes under the Londoner/Bi-Metallic distinction.

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I’m looking forward to having you in the class! Rich Seamon