Syllabus
Kane and Christensen
Spring 2019
Administrative Law Tues & Thurs, 8:00-9:15 am
LAW 907
Syllabus and List of Assignments*

Course Materials. The required textbook for this course is:
Title: ADMINISTRATIVE LAW: A Context and Practice Casebook
Author: Richard Henry Seamon
Edition: Copyright 2013

SYLLABUS

Subject matter:
This course explores the law governing administrative agencies. The course focuses on federal agencies but devotes significant time to Idaho administrative agencies. More generally, it examines principles, issues, and frameworks for analysis common to most administrative law problems.

Course learning outcomes:
The practice of administrative law involves the ability to identify and analyze laws governing a particular matter involving an administrative agency. Resolution of issues related to the matter requires the gathering of relevant and presenting them to the agency. It also requires the ability to identify and communicate meaningfully with those individuals who are responsible for resolution of the issue.

The objectives of this course are to prepare you for the practice of administrative law by (1) providing an overview of administrative agencies and introducing you to the many and varied administrative law problems that arise; (2) enhancing your understanding of agency power and limitations and assist you to develop the capacity to identify laws relevant to solving administrative law problems; (2) helping you develop perspective about the law and public agencies which will provide context or a framework for understanding and application of administrative law; (3) assisting you to obtain the knowledge and the skills that are fundamental to analyzing administrative law problems and learn to present facts favorable to the client within relevant procedural constraints; (4) develop problem solving skills within the administrative framework; and (5) giving you an introduction to values, including ethical duties, distinctive to the practice of administrative law.

Assessment:
A single, written, 3-hour examination will be administered in class at the conclusion of the semester. During the semester we require your active and meaningful classroom participation which includes discussions and timely completion of any additional outside or written assignments. While the final examination will be scored anonymously, we will factor in your classroom participation when calculating your final grade for the semester.
**Contacting Us Outside of Class:**
Email is best means of contact. Our law offices are located outside the law school, which makes keeping office hours a challenge. We plan to be available immediately following class each day. Rather than try to designate set office hours, we are happy to meet with you at a convenient time and place (at the law school, in our offices, at a coffee shop, etc.). To make an appointment, please call or email as explained below.

Professor Kane’s office is located across the street from the law school, in the Statehouse, on the second floor, in the Office of the Attorney General. Phone Brian at (208) 334-4523 or email him at brian.kane@ag.idaho.gov.

Professor Christensen’s office is located three blocks from the law school, 957 W. Jefferson, second floor. Phone or text message Kay at 208-850-2176 or email her at kay.christensen@ag.idaho.gov.

**Class Attendance:**
You must do your best to show up (1) for every class, (2) on time, and (3) well prepared.

We will track attendance, including records of absences and excuses. If you know that you will be missing a class, please email Professor Christensen beforehand and explain the reason for your absence. If you miss more than three classes, you must: (i) notify Professor Christensen as soon as possible; (ii) be prepared to explain and document the reasons for all your absences; and (iii) get her permission to sit for the exam. We reserve the right, if you miss more than three classes, to lower your grade for poor attendance.

We want your classroom experience to be as “real world” as possible. For that reason, there will be no “ten second rule” in this class. As in practice settings and in court, preparation means being ready to participate when you are called on, not after being given extra time to find your place in the book. If you are not prepared you may, of course, pass; however, failing to be prepared for more than the occasional class will result in a negative impact on your exam-based score.

Every student will be expected to participate and contribute to class discussions. We will call on students at random and without prior warning to answer questions that anyone who is well prepared should be able to answer. Volunteering answers or positively contributing to classroom discussion will have a positive impact on your exam-based score.

**Class Participation:**
“Class participation” includes regular and punctual attendance at class; 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).

Class participation also includes the quality of your voluntary contributions to class discussion. We particularly appreciate a willingness to respond to what may seem to you to be “silly” or “obvious” questions and to pay respectful attention to the questions and comments of your classmates. It is the quality, not the quantity, of your voluntary contributions to class discussion that matter. We particularly appreciate those whose contributions which, by their cogency and relevance, aim to advance the discussion.
Prior to the beginning of spring break you are required to submit a written summary, at least 500 words in length, commenting on one of two different administrative law experiences: either oral argument before the Idaho Supreme Court in *Regan v. Denney*, Case Number 46545 (the challenge to Medicaid expansion in Idaho) or a legislative committee meeting or hearing.

The oral argument is scheduled to commence at **9:00 a.m. on January 29, 2019** and we will dismiss students from class at 8:45 am in order to permit them to get to the court on time. Those students who choose not to attend the oral argument, or who are unable to attend because of class schedule or other conflicts, will have the option of attending a meeting of one of the committees of the Idaho State Legislature during the months of January or February. The committee agenda must include a discussion of agency rules or proposed legislation. Students who select this option are responsible for identifying the meeting they wish to attend: once the legislature convenes, it is possible to access committee calendar and agenda information through the legislative website at [https://legislature.idaho.gov/](https://legislature.idaho.gov/).

The written summary should, at a minimum, identify the statutes or rules or issues being discussed and include your thoughts about the process which you observed in light of the administrative law principles which you are learning.

**Examination/Assessment:**
Your final grade will be based on a single three-hour, written exam at the end of the semester. It will be an open-book, open note exam, in-class examination. You will be permitted to bring into the exam room your text book, your own notes, outline, class handouts, copies of power points from this semester’s class, and group outlines which you helped prepare.

With the exception of materials from prior years which we distribute to the entire class in the current semester, 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 we distributed to the class last year, or material in the law library’s exam archives.

Because a lawyer’s ability to listen carefully and respectfully is probably more important than his or her ability to speak well. For this reason, exam questions may be based on questions, comments, or hypotheticals posed by students in class. We will adjust your exam-based score (which will be based on anonymous grading) up or down for class participation.

**Use of Laptop and Other Electronics in Class:**
You may use laptops during class only to take notes for this class and view websites to which we direct you during class. Laptops are not permitted to be used in class for other purposes. Reading emails, texting and the like is likewise not permitted during class. We reserve the right to lower your class participation grade, or take other disciplinary measures, for any of this conduct. We reserve the right to ban laptops and other electronic devices from the classroom entirely if they degrade the classroom dynamic (e.g., by encouraging widespread, passive keyboarding, detrimental to class participation).

**Center for Disability Access and Resources (CDAR) Reasonable Accommodations Statement:**
Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Ideally, students in Moscow and Boise should meet with CDAR 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 CDAR to Dean Dodge for final approval. CDAR 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 CDAR first submitting a recommendation.

You may contact CDAR by:
• Calling 208-885-6307
• Emailing cdar@uidaho.edu

It is ultimately the student’s responsibility to seek a disability accommodation, and until an accommodation is approved by CDAR and Dean Dodge, no student will be entitled to receive any accommodations. To learn more about CDAR, visit its website at http://www.uidaho.edu/current-students/cdar. Moscow students may also visit CDAR in suite 127 of the Pitman Center. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.

Civility:
In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in this course will be treated with mutual respect and civility, with an understanding that all of us (students, instructors, professors, guests, and teaching assistants) will be respectful and civil to one another in discussion, in action, in teaching, and in learning.

Should you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with your instructor during office hours to discuss your concern. Additional resources for expression of concern or requesting support include the College of Law Dean of Students (jdodge@uidaho.edu), the University Dean of Students office and staff (885-6757), the UI Counseling & Testing Center’s confidential services (885-6716), or the UI Office of Civil Rights & Investigations (885-4285).

Credit Hours for Coursework:
In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to involve 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week, or at least the equivalent amount of work for academic activities including simulation, field placement, clinical, and other academic work leading to the award of credit hours.

The Course requirements outlined above with respect to materials and assignments, in my professional judgment, are complex enough in nature that it is expected that the amount of out-of-class time it will take students to complete the assignments will meet the rule.

Recording Class Sessions:
Students may not electronically record classes unless they have the express consent of the instructor, except where the Dean of Students has allowed recording as a disability accommodation pursuant to a recommendation by CDAR. Recording classes without the instructor’s express consent violates the Honor Code. Students recording classes as a disability accommodation must follow procedures set down by CDAR. Students who are unable to attend class for reasons of illness or other exigencies must receive permission from the instructor before classes are recorded on their behalf. Contact the Law Library for recording equipment and information on recording procedures.
ASSIGNMENTS

General comments:
Reading assignments are typically 30-35 pages/day. We may not cover each page or every individual case during classroom discussions. Regardless of whether a particular assignment or topic area is discussed, it will be “fair game” on the final. You will always have the opportunity to raise questions regarding any assignment during class or outside.

Additional assignments:
Prior to spring break, you are required to personally attend either oral argument before the Idaho Supreme Court in Regan v. Denny or a legislative committee meeting and submit a 500 word paper summarizing your thoughts (as specified earlier in the syllabus).

Occasionally, we may assign written “homework” projects relevant to the required coursework. This may include providing written responses to the Chapter Problems or the Professional Development Questions contained in the textbook. Homework assignments may also involve minor research (for instance, locating and copying information relevant to a particular agency or entity).

Assigned reading:
Assigned readings will often refer to provisions in the federal Administrative Procedure Act (“APA”) or the Idaho APA. In that case, make sure you look up and read the actual provisions.

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April 29-May 10, 2019: FINAL EXAMS.