

# **ADMINISTRATIVE LAW**

## **PADP 6490**

THE UNIVERSITY OF GEORGIA, SCHOOL OF PUBLIC AND INTERNATIONAL AFFAIRS

DEPARTMENT OF PUBLIC ADMINISTRATION AND POLICY

### **Syllabus - Fall Semester 2023**

Wednesdays, 7:10 p.m. - 9:55 p.m.

Baldwin Hall 101D

*This syllabus is a general guide to the course; it is subject to change throughout the semester.*

#### **DESCRIPTION AND OBJECTIVES:**

This course is designed to educate the participant on the legal doctrines governing decision-making, structure, and processes of federal and state agencies. These legal doctrines stem from constitutional concepts of due process and equal protection as well as statutory delegation from elected legislative bodies.

Specific learning goals for the student include:

- 1) Becoming familiar with the historical development of administrative law.
- 2) Understanding agency rule-making processes.
- 3) Appreciating the rights of individuals that interact with administrative agencies.
- 4) Gaining knowledge of how judicial review supports and controls agency action.

#### **INSTRUCTOR:**

Ted C. Baggett, J.D.

E-mail: tcbaggett@gmail.com

Phone: 404-729-8452

I am usually working from 9-5 and I often have evening meetings. Thus, the best way to reach me is almost always by email, but you may also leave me a voice mail.

### **REQUIREMENTS AND GRADING:**

Class will include a mix of interactive discussion, class presentations, a midterm exam, and a research paper. Students are expected to read assigned material before class and to participate and ask questions during discussion. Grading will be based on the following: a term paper that will constitute 40% of the grade, a midterm exam that will constitute 25% of the grade, an in-class presentations that will constitute 25% of the grade and general class participation that will constitute 10% of the grade.

### **RESEARCH PAPER:**

The research paper will be 10-15 pages in length for M.P.A. students and 15-20 for Ph.D. students on a rule currently being considered by a federal agency. **The paper is due on December 9 at 12:00 p.m. (NOON). A one paragraph summary of your paper topic is due at the beginning of class on September 20. Further discussion of the paper will take place in class.**

### **CLASS PRESENTATIONS:**

Each student will give a presentation at the end of the course. The presentation will be on the student's paper topic. Each in class presentation will be approximately 15 minutes in length. I will distribute sign-up sheets for the presentations mid-way through the course.

### **CLASS PARTICIPATION:**

Participation will be judged based on the instructor's perception of prepared and punctual attendance in class accompanied by engagement in thoughtful and respectful discussion.

### **ATTENDANCE:**

Attendance at every class is highly recommended, especially since class participation and presentations constitute part of the grade. Please try not to miss, be late, or leave early from more than 2 classes during the course. You do not need to send me an excuse, all excuses are valid, as the saying goes, "life happens."

### **STUDENTS WITH DISABILITIES:**

All reasonable accommodations will be made in accordance with UGA policy. If you become ill, please communicate with the instructor so that we can make appropriate accommodations. If health concerns develop and you require an accommodation, please reach out to the instructor and/or the Disability Resource Center (DRC) on campus, as appropriate. The DRC can be reached at [drc@uga.edu](mailto:drc@uga.edu) or 706.542.8719.

### **MENTAL HEALTH RESOURCES:**

If you or someone you know needs assistance, you are encouraged to contact Student Care and Outreach in the Division of Student Affairs at 706-542- 7774 or visit <https://sco.uga.edu>. They will help you navigate any difficult circumstances you may be facing by connecting you with the

appropriate resources or services. UGA has several resources for a student seeking mental health services (<https://www.uhs.uga.edu/bewelluga/bewelluga>) or crisis support (<https://www.uhs.uga.edu/info/emergencies>).

If you need help managing stress anxiety, relationships, etc., please visit BeWellUGA (<https://www.uhs.uga.edu/bewelluga/bewelluga>) for a list of FREE workshops, classes, mentoring, and health coaching led by licensed clinicians and health educators in the University Health Center.

#### **ELECTRONIC DEVICES:**

Please place phones on mute and use breaks for checking text and other messages. Please do not use your laptop in class. We should endeavor to actively listen to each other in class.

#### **ACADEMIC HONESTY:**

**“I WOULD PREFER EVEN TO FAIL WITH HONOR THAN WIN BY CHEATING.” – SOPHOCLES.**

UGA academic honesty and policy and procedures will be followed and any behavior that runs afoul of them will be reported to the Office of the Vice President of Instruction for action. For more detail, please see: [http://www.uga.edu/honesty/ahpd/culture\\_honesty.htm](http://www.uga.edu/honesty/ahpd/culture_honesty.htm)

#### **SCHEDULE AND READINGS**

<b><u>DATE</u></b>	<b><u>TOPIC</u></b>	<b><u>READING</u></b>
<b><u>8/23</u></b>	INTRODUCTION	<u>SYLLABUS REVIEW</u> <u>HOW TO READ A LEGAL OPINION,</u> KERR TEXT, PREFACE AND CHAPTER 1
<b><u>8/30</u></b>	HISTORICAL AND CONSTITUTIONAL CONTEXT	TEXT, CHAPTER 2 <u>MISTRETTA V. UNITED STATES</u> <u>(1989)</u> <u>INS SERVICE V. CHADHA (1983)</u>
<b><u>9/6</u></b>	CONSTITUTIONAL CONTEXT CONT.	TEXT, CHAPTER 3 <u>LONDONER V. CITY AND COUNTY OF</u> <u>DENVER (1908)</u> <u>GOLDBERG V. KELLY (1970)</u> <u>MATHEWS V. ELDRIDGE (1976)</u> <u>BOARD OF REGENTS V. ROTH</u> <u>(1972)</u> <u>PERRY V. SINDERMANN (1972)</u> <u>CLEVELAND BOARD OF EDUCATION</u> <u>V. LOUDERMILL (1985)</u>

<u>9/13</u>	AGENCY RULEMAKING	TEXT, CHAPTER 4 <u>FEDERAL ADMINISTRATIVE PROCEDURE ACT (APA)</u> <u>5 USC SECTIONS 551-559</u> <u>GEORGIA ADMINISTRATIVE PROCEDURES ACT</u>
<u>9/20</u>	<b><u>PAPER TOPICS DUE</u></b> INFORMAL RULEMAKING	<u>VERMONT YANKEE V. NRDC (1978)</u> <u>FEDERAL APA 5 USC SECTIONS 561-570</u>
<u>9/27</u>	AGENCY ADJUDICATION	TEXT, CHAPTER 5
<u>10/4</u>	<b>MIDTERM EXAM</b>	
<u>10/11</u>	JUDICIAL REVIEW	TEXT, CHAPTER 7
<u>10/18</u>	JUDICIAL REVIEW CONT.	<u>ABBOTT LABS V. GARDENER (1967)</u> <u>CITIZENS TO PRESERVE OVERTON PARK V. VOLPE (1971)</u> <u>SIERRA CLUB V. MORTON (1972)</u> <u>US V. SCRAP (1973)</u>
<u>10/25</u>	JUDICIAL REVIEW CONT.	<u>MOTOR VEHICLES MANUFACTURERS ASSOC V. STATE FARM (1983)</u> <u>CHEVRON V. NRDC (1984)</u> <u>LUHAN V. NATIONAL WILDLIFE FEDERATION (1990)</u> <u>LUJAN V. DEFENDERS OF WILDLIFE (1992)</u> <u>US V. MEAD CORP. (2001)</u> <u>MASSACHUSETTS V. EPA (2007)</u>
<u>11/1</u>	TRANSPARENCY	TEXT, CHAPTER 6 GA OPEN RECORDS ACT
<u>11/8</u>	<b>LECTURE-PUTTING IT ALL TOGETHER</b>	
<u>11/15</u>	<b>STUDENT PRESENTATIONS</b>	
<u>11/22</u>	<b>NO CLASS- THANKSGIVING BREAK</b>	
<u>11/29</u>	<b>MAKE UP DAY/QUESTIONS REGARDING PAPER</b>	
<u>12/9</u>	<b>PAPER DUE BY NOON</b>	

## READINGS

The required text for the course is:

Rosenbloom, David H. 2023. ***Administrative Law for Public Managers***. 3<sup>rd</sup> Edition. New York, NY: Routledge. (The paperback version is available from Amazon for ~ \$34.00.)

Most of the Other Course Reading is available from free online resources:

Kerr, Orin. 2007. How to Read a Legal Opinion A Guide for New Law Students. **The Green Bag An Entertaining Journal of Law**. 11 (1): 51-63.

<http://www.volokh.com/files/howtoreadv2.pdf>

Caselaw:

MISTRETTA V. UNITED STATES (1989)

INS SERVICE V. CHADHA (1983)

LONDONER V. CITY AND COUNTY OF DENVER (1908)

GOLDBERG V. KELLY (1970)

MATHEWS V. ELDRIDGE (1976)

BOARD OF REGENTS V. ROTH (1972)

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LUHAN V. NATIONAL WILDLIFE FEDERATION (1990)

CHEVRON V. NRDC (1984)

US V. MEAD CORP. (2001)

<https://www.oyez.org/>

Federal Statute:

Federal APA 5 USC Sections 551 et. seq.

<https://tinyurl.com/438bam3u>

State Statutes:

Georgia Administrative Procedures Act 50-13-1 – 50-13-23

Georgia Open Records Act O.C.G.A. Sections 50-18-70 – 50-18-77

<https://tinyurl.com/3fa2s7a6>