

**Administrative Law
Law 6400 – Section 12
Spring, 2012**

**SYLLABUS
Part 2**

Abbreviations used below:

MMS	Mashaw, Merrill & Shane, <i>Administrative Law</i> (6th ed.)
SM	Supplementary Materials
APA	Administrative Procedure Act (see MMS App. C)

III. What Do Administrative Agencies Do?

A. Adjudication

Constitutional Constraints

What Process is Due?

15. Review your notes on *Goldberg v. Kelly*
MMS 347-355
MMS 325-329 (last full ¶)
MMS 355-360
Mathews v. Eldridge
And pay attention to briefly noted case of *Brock v. Roadway Express*, MMS 359-360

When is Process Due?

16. SM 72-74
MMS 376-391
Londoner v. Denver
Bi-Metallic Investment Co. v. State Board of Equalization
Board of Regents of State Colleges v. Roth
Perry v. Sindermann
17. MMS 391-401
Cleveland Bd. of Education v. Loudermill

Statutory Constraints

18. MMS 408-416 (through end of note 3 following *Florida East Coast Ry.*)
SM 91-95 (in Part 2 of SM)
United States v. Florida East Coast Ry. Co.
Califano v. Yamasaki
19. MMS 423-438
APA §§ 556, 557
Richardson v. Perales

Adjudication and Bureaucracy

20. MMS 438-442, 448-467
SM 75-77
Nash v. Califano
21. MMS 467-487
SM 78-80
Heckler v. Campbell (SM 78-79 goes with this case)
Air Line Pilots Ass'n v. Quesada (SM 80 goes with this case)
Review your notes on *Storer Broadcasting* and *FPC v. Texaco*

B. Rulemaking

Authority to Make Rules

22. MMS 490-501
SM 81-82
National Petroleum Refiners Ass'n v. FTC

Choice of Regulatory Techniques

23. MMS 617-631
SEC v. Chenery Corp.
(And pay close attention to the condensed cases of *NLRB v. Wyman-Gordon Co.* and *NLRB v. Bell Aerospace Co.*)
24. MMS 631-642
SM 83-87
Morton v. Ruiz
Public Citizen v. NRC

Formal Rulemaking

25. a. MMS 507-512
This part of the assignment will be discussed only briefly in class. Note that the assignment continues below.

Informal Rulemaking

- b. APA §§ 553, 706
MMS 567-576
Optional: MMS 576-581
United States v. Nova Scotia Food Products Corp.
26. MMS 512-515, 539-549 (through end of note 2 following the case)
SM 88-90
Pacific States Box & Basket Co. v. White
Motor Vehicle Manufacturers Ass'n v. State Farm Mut. Ins. Co.
FCC v. Fox Television Stations

Other Rulemaking Procedures

27. a. "Hybrid" Rulemaking
MMS 581-590
Vermont Yankee v. NRDC
(Assignment continues below!)
- b. *Even-Less-Than-Informal Rulemaking*
MMS 554-567
American Mining Congress v. Mine Safety & Health Administration

Politics, Ex Parte Contacts, and Bias

28. MMS 591-617
Sierra Club v. Costle
Association of National Advertisers v. FTC