

Law of Government Regulations
PARL 470
Spring 2009

Syllabus

Class Time: Tuesdays and Thursdays, 11:30 to 12:45 p.m.
Room: ESH 210
Instructor: Pamela R. Kelley, J.D.
Office: **LIB 213**
Phone: 786-1822
Email: afprk@uaa.alaska.edu
Office Hours: Mondays & Wednesdays, 4 – 5 pm; Tuesdays and Thursdays 1 – 2 pm
Other times by appointment.

Catalog Description:

Administrative law and procedure in the context of federal, state and local agencies operating in Alaska. Includes consideration of unfair competition and antitrust law from the perspective of the business man and consumer.

Course Objectives:

Prof. Kelley has identified the following goals for her instruction, and as outcomes for students who successfully complete this course. If she is successful, they will:

- demonstrate an understanding of the rule making process
- demonstrate an understanding of the rule enforcement process;
- demonstrate an understanding of agency adjudications;
- demonstrate an understanding of judicial review of agency decisions;
- demonstrate an ability to access information available through administrative agencies and government documents housed online and in the documents repository at the Consortium Library.
- demonstrate an ability to resolve client-centered problems through federal agency recourse.

Course Assessment:

Your ability to achieve those objectives will be measured in a variety of ways. Your understanding of the first three processes, as well as the complicated area of judicial review of agency decisions, will be primarily measured by examination and classroom or Blackboard discussion. Some, but not all of these areas, as well as your ability to access information, will be assessed based on the quality of a term paper that you are required to produce in this course.

Required Texts:

Daniel E. Hall, Administrative Law: Bureaucracy in a Democracy (4th ed. 2009).

Optional Text:

Cornelius M. Kerwin, Rulemaking: How Government Agencies Write Law and Make Policy (3rd ed. 2003).

Course Requirements:

- Attend class and participate in class discussions.
- Monitor class assignments and discussions on line through Blackboard.
- Complete all examinations.
- Complete and present one research paper on an administrative agency to be determined after consultation with the instructor.

Grading:

Exams/Quiz:	40%
Project Paper	40%
Presentation	20%

Deadline Policy:

As you know, deadlines are absolute in our profession. If you miss a deadline without previously obtaining an extension of time from me, your work for that assignment or quiz will not be accepted or given. If you miss for an extraordinary reason, I'll consider your *nunc pro tunc* request in writing and in full. Do not assume you can make up a quiz, or let an assignment deadline slide.

Project:

Each student is assigned an agency. If there is a federal agency in which you have an interest, every effort will be made to assign that agency to you. There will be no duplication of agencies within the class, however. You are required to prepare a paper that describes the agency and its role, and the specific methods through which it resolves client issues presented to it.

With regard to your agency, your paper shall focus on the following:

Through research, you will identify the procedure for filing a complaint, application or petition with (the assigned agency). Draft a complaint (petition, etc.) according to that agency's rules and any other applicable law. Include in your complaint or in supporting documentation the requisite information on jurisdiction, standing, and the authority for

this agency to solve the problem. You will need to fabricate the facts for this topic, and include them in your written product. Also, include such information as is necessary to mail, deliver, serve, file, etc., the complaint, accusation or other initiating document, including costs, addresses, when the response is due and the time frame for any reply. Explain thoroughly the process anticipated after the complaint is filed. Assume a negative outcome and explain the process provided for appeal within the agency and courts.

Finally, you are required to present your paper to the class. Your presentation will be included in your grade for the project. Projects are individualized efforts. You are required to do your own research, properly attributed and written as your own product. University policies on academic dishonesty will be strictly applied.

Schedule of Classes / Course Outline

Class Date	Topics	Required Reading and Assignments Made Assignments are due before the <i>next</i> scheduled class.
1/13/09	Course Introduction Discussion of Bureaucracy and the pejorative context.	None
1/15/09	Critical Thinking in relation to government agencies and policies	In Class Discussion and Exercise
1/20/09	Discussion of Projects Forms of Administrative Agencies	Reading: Hall, Chapters 1 and 2
1/22/09	Governmental structure and administrative agencies;	Bb Assignment 1: Submit in memo form your proposal for a federal agency you would like to write about and the nature of the client-centered problem to resolve. Reading: Hall, Chapter 3 and majority opinion (at minimum) in <i>Clinton v. City of New York</i> . Citation in text.
1/27/09	Agency Accountability The story of <i>Clinton v. City of New York</i> .	Reading: Hall, Chapter 3. Assignment: Bring to class 1/31/08 a current example of agency discretion in operation for discussion.

1/29/09	Quiz 1 Agency Discretion	Reading: <i>Chevron v. Federal Energy Regulatory Commission</i> . Citation in text.
2/3/09	The <i>Chevron</i> Doctrine	Hall Chapter 4;
2/5/09	Fairness & Due Process	Reading: <i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976).
2/10/09	Due Process & Equal Protection.	Reading: Hall, Chapter 5. <i>Whitman v. American Trucking</i> , citation in text.
2/12/09	Quiz 2 Delegation	Preparation for Exam.
2/17/09	Non-delegation Doctrine	Reading: Kerwin, Chapters 1 & 2.
2/19/09	Quiz 3 Rulemaking: The reasons its done and the process used.	Reading: Kerwin, Chapters 2 & 3.
2/24/09	Rulemaking Process & Specific Issues	Reading: Kerwin, Chapters 5&6
2/26/09	Rulemaking: Participation and Oversight.	Reading: Kerwin Chapter 1 – 3, 5, 6.
3/3/09	Quiz 4 Review Rulemaking Issues, Process	Prepare for Working Session on Term Projects. Reading: Hall, Chapter 12
3/5/09	Working Session on Term Projects	Reading: Hall, Chapter 7
3/10/09	Spring Break	No Class
3/12/09	Spring Break	No Class
3/17/09	Investigations / Inspections / Information Gathering	Reading: Hall, Chapter 8
3/19/09	Agency Adjudications: Formal	
3/24/09	Quiz 5 Agency Adjudications: Informal	Reading: Chapter 9
3/26/09	Judicial Review Administrative Procedures Act Limitations; other statutory limits	
3/31/09	Judicial Review: justiciability limits	Same
4/2/09	Quiz 6 Judicial Review: scope and standards	Reading: Chapter 10

4/7/09	FOIA, the Privacy Act, and other statutory avenues to access.	Reading: Chapter 11
4/9/09	Quiz 7 Agency Liability through Federal Tort Claims Act and the Tucker Act	Prepare meaningful questions for student presenters.
4/14/09	Student Presentations	Prepare meaningful questions for student presenters.
4/16/09	Student Presentations	Prepare meaningful questions for student presenters.
4/21/09	Student Presentations	Prepare meaningful questions for student presenters.
4/23/09	Student Presentations	Prepare meaningful questions for student presenters.
	Final Exam	10:00 to 12:45 p.m.

Please Note:

Prof. Kelley reserves the right to change the syllabus to meet the needs of the class at any time. Such changes will be posted on Blackboard to provide students with advance notice.

BLACKBOARD SITE:

The URL for the portal to Blackboard is at <http://technology.uaa.alaska.edu/blackboard/>. If you haven't been there previously, spend some time taking the brief tutorial explaining how to sign in. This information is located under the pull-down menu named "Student Resources" on the Blackboard homepage.

System problems have been known to occur. When the system is down, system administrators normally post that fact on the main Blackboard page. Your questions or comments about the system should be directed to the IT Services' Help Desk at 786-4646.

Turning In Assignments

To obtain credit for your assignment as timely submitted according to instructions, it is **MANDATORY** that your assignment be submitted through the assignments page on Blackboard. You'll appreciate the immediate confirmation (via check mark) that it has been received), and Prof. Kelley will appreciate the legibility of your work and her comments. You'll appreciate the latter, too.

Protocols

- Turn off all cell phones, pagers, or other beeping, ringing, singing, or atonal devices. At most, put the device on “silent” or “vibrate”. **Do not take or place calls or text messages during a lecture.**
- If you must arrive late, find a seat nearest the door.
- If you must leave early, sit near the door when you arrive.
- Don’t disrupt the lecture, which starts and ends promptly.
- Professor Kelley does not give legal advice to students.
- Be respectful of your colleagues as we engage in this learning enterprise.

Academic Dishonesty

Academic integrity is a basic principle that requires that you take credit only for ideas and efforts that are your own. Cheating, plagiarism, and other forms of academic dishonesty are defined as the submission of materials in assignments, exams, or other academic work which is based on sources prohibited by the faculty member.

In this course, your writing assignments are **individual efforts**. Changing a few words from the text of an agency’s website is a form of plagiarism. Changing a few words from the text of a classmate’s submission is also plagiarism. If you submit an assignment that is plagiarized, it will result in a grade of zero for the assignment. If you take the time to read and understand the agency’s rules and governing statutes, you should be able to put the analysis in your own words. If you do not understand the limits of what plagiarism is and what is not, see Professor Kelley for additional instructions.

Cheating on exams will result in a grade of zero for that exam or quiz.

Campus Safety

We care about your safety on campus. While relatively safe, our campus is NOT a sanctuary from crime, and accidents occur no matter how hard we try to prevent them. You are encouraged to be responsible for your own safety, and to bring safety concerns to the attention of UAA faculty or staff, or to contact Campus Police at 876-1120 when you observe an unsafe environment. For your own safety, please also take the time to locate the nearest exit and emergency telephone when you are in campus buildings.