

LAW AND PUBLIC ADMINISTRATION
Urban Studies, PAD 631/731 Section 50
Fall Semester, 2002
Levin College of Urban Affairs
Room 107, Mondays, 6-8:50 PM
Cleveland State University

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SYLLABUS

Administrative Law is the non Constitutional body of statutes, rules, regulations and court cases that govern the way public entities operate. The law structures the context in which administration takes place.

The Public Administration of these factors are frequently impacted by several forces, including, but not limited to changing interpretation of laws, economic, politics, public perception and timing.

The focus of this class is to evaluate these factors and forces and to analyze how they intersect and affect the outcome or potential outcome of the administrative process. Only American Law is studied.

THE OBJECTIVES OF THIS COURSE ARE:

To evaluate the evolution of American law and the external forces that affect its development;

To gain a comprehensive understanding of the profession of public administration;

To explore the intersection of public administration, law and politics;

To appreciate the practical applications of law and management techniques to the administrative process.

CLASS PARTICIPATION

The free spirited exchange of ideas and thoughts is essential to the leaning experience in this class. Along with the examination of the case law, we will review and evaluate contemporary articles on current subjects related to this course. Students are encouraged to share, in class, personal or professional experiences, as well as current issues of interest;

Regular class attendance is expected; class participation is required. Students should be prepared to discuss case law and reading assignments and be prepared to participate when called upon.

Since the resolution of administrative dilemmas are affected by ever changing forces, students will be encouraged to defend their positions on an issue and to modify that position, where appropriate, to induced variables.

Students are required to have fun.

WRITING ASSIGNMENTS

Each student will be required to select a recent administrative issue or policy with a state or local agency, research the law and both the external and internal forces that may have affected its outcome.

Your findings shall be presented in a paper 10 to 15 pages long. Excellent papers can be shorter.

The honest and critical evaluation of factors affecting the outcome of the issue is essential.

Papers are due Monday, November 4, 2002.

Points will be deducted for late papers.

Students in the PhD program should see me regarding the writing assignment.

Format for the papers will be discussed in class. Papers will be returned graded and with comments explaining the grade.

FINAL EXAM

The final examination will be a series of mini essays written in class. The goal of the final examination is to determine if the student has grasped the course objectives and can apply the concepts swiftly and comprehensively to given fact patterns.

You may bring any material you wish to the final exam. The exam will be the week of December 9th.

OFFICE HOURS

Office hours are by appointment. I will be available prior to and after each class. You may e-mail or call me at the office or at home.

I return both e-mail and voice mail promptly.

TEXT

Walter Gellhorn et al., *Administrative Law (9th edition)* and the 1999 supplement. The reading assignments follow this syllabus.

GRADING

Class Participation	20%
Paper	30%
Final Exam	50%

CLASS SCHEDULE

Monday, August 26 - First Class

Monday, September 2 - no class - Labor Day

Monday, September 9 - Submit topic for paper

Monday, October 14 - no class - Columbus Day

Monday, November 4 - papers due

Monday November 11 - no class - Veteran's Day

Monday, December 9 - Final Exam

REQUIRED READING

Section I The Development of the Law and the Administrative Process

Gellhorn, pp 23 (NOTES 1,2,3 &4)

Gellhorn, pp 29 (notes 7 8 and 9)

Section II - Constitutional Framework

Gellhorn, pp 51

Mistretta v. United States, p. 52

Industrial Union Department, AFL-CIO v. American Petroleum Institute p. 69

Boreali v. Axelrod, p. 104

Allen v. California Bd. Of Barber Examiners, p.109

Gellhorn, pp 138 - 146

Clinton v. City of New York, p. 7 (1999 Supplement)

Bowsher v. Synar, p. 146

Morrison v. Olson, p. 171

Gellhorn, pp. 218 - 225

Section III - Rulemaking

Londoner v. Denver, p.226

Bi-Metallic Investment Co. v. State Bd. Of Equalization of Colorado, p 230

Section IV - The Administrative Procedures Act

Gellhorn, pp. 238 - 242

Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc. p. 243

Federal Trade Commission v. Cement Institute, p. 257

Castillo-Villargra v. Immigration and Naturalization Service, p. 264

Director, Office of Workers' Compensation Programs v. Greenwich Collieries, p. 278

Armstrong v. Commodity Futures Trading Commission, p. 286

Section V - Informal Rulemaking

Gellhorn, pp 291 - 296

American Medical Association v. United States, p. 296

National Black Media Coalition v. Federal Communications Commission, p. 299

United States v. Nova Scotia Food Products Corp., p. 315

Gellhorn, Notes pp. 323 - 330

Independent U.S. Tanker Owners Committee v. Dole, p. 330

Gellhorn, pp. 400 - 417

Section VI - The Role of Private Parties

Gellhorn, . 464-465

Office of Communication of the United Church of Christ v. Federal Communications Commission, p. 465

Gellhorn, pp 469 - 477

Heckler v. Chaney, p, 477

Gellhorn, pp 483 - 488

Farmworker Justice Fund, Inc. v. Brock, p. 488

Section VII - Judicial Review

Gellhorn, pp. 510 - 520

Guest Lecture

Section VIII - Due Process

Gellhorn, pp. 704-705

North American Cold Storage Co. v. Chicago, p. 705

Gellhorn, pp. 708 - 710

Bailey v. Richardson, p. 711

Cafeteria & Restaurant Workers Union v. McElroy, p. 718

Goldberg v. Kelly, p. 722

Board of Regents of State Colleges v. Roth, p. 739

Meachum v. Fano, p. 756

Matthews v. Eldridge, p. 766

Ingraham v. Wright, p. 783

Section IX - Information Gathering

Gellhorn, pp. 836 - 847

Marshall v. Barlow, Inc., p. 847

Gellhorn, pp. 853 - 877

Braswell v. United States, p 877

Section X - Open Records/Freedom of Information

Gellhorn, pp. 909 - 916; Supplement, pp. 143 - 147