

## LAW A 509: ADMINISTRATIVE LAW

Winter 2019

Tuesdays and Thursdays, 1:30 to 3:30 PM

Room 117

Prof. Ryan Calo | [rcalo@uw.edu](mailto:rcalo@uw.edu) | (206) 543-1580

Curtis Terry (assistant to Prof. Calo) | [tacurtis@uw.edu](mailto:tacurtis@uw.edu) | (206) 543-0524

### Course Objectives

To provide you with a working understanding of the structure and responsibilities of federal agencies as well as the various forces that constrain and channel agency power.

### Reading Materials

The required text for this class is the Eighth Edition of Gary Lawson, *Federal Administrative Law*. I have requested that the University Bookstore stock copies, but you might find it cheaper online (e.g., at <http://www.amazon.com/gp/student/signup/info>). Occasionally I will post required supplemental readings to the course website under the Files tab in Canvas or distribute material in class.

### Office Hours

I will hold office hours every Wednesday from 3:00 to 4:00 PM in Room 340. I may add office hours closer to exams or anytime there is greater demand. If you have a conflict during scheduled office hours, you may also make an appointment. Grading is 80% anonymous (more below) and I hope to get to know each of you in class. But there are lots of good reasons to come to office hours, from clearing up confusion about the material, to discussing how best to achieve the goals that brought you to law school in the first place.

If something in class is making you uncomfortable, please let me know. Another person you can talk to is the Dean of Students in the Dean's suite. To request accommodations due to a disability, please contact Disability Resources for Students at (206) 543-8924 or (206) 543-8925 (TTY). We'll then set up a time to review their recommendations.

### Course Expectations

There are two elements to your final grade. Your final exam will account for 80%. I will elaborate on the structure of the exam closer to the exam date, and not before. The remaining 20% of your grade is class participation, which I measure by quality not quantity. I expect students to attend class and to be prepared. I understand there may be times when you cannot attend a class or need to pass on participating. If this is the case, please let me know in advance. Note that I will never penalize you for offering a "wrong" answer in class; there is seldom one "right" answer in law school anyway. Not to mention the fact that you're new to the subject matter. But a consistent lack of attendance or preparation will harm your grade, whereas an obvious engagement with the material will improve it.

## COURSE SCHEDULE

### INTRODUCTION

Tuesday, Jan. 8	What Is An Agency? Separation of Powers	Textbook: 1-9 & Textbook: 76-100
Thursday, Jan. 10	Non-Delegation I	Textbook: 100-126, 156-166
Tuesday, Jan. 15	Controlling Delegation	Textbook: 167-191
Thursday, Jan. 17	Appointment	Textbook: 191-223
Tuesday, Jan. 22	Removal	Textbook 241-276


### RULEMAKING

Thursday, Jan. 24	The APA Rulemaking v. Adjudication I	Textbook: 321-328, 1213-1225 <sup>1</sup> & Textbook: 51-56, 64-76
Tuesday, Jan. 29	Formal Rulemaking Informal Rulemaking	Textbook: 328-352 & Textbook: 368-405
Thursday, Jan. 31	Exemptions	Textbook: 434-484
Tuesday, Feb. 5	<u>Comment Writing Exercise</u>	

### ADJUDICATION

Thursday, Feb. 7	Formal Adjudication Informal Adjudication	Textbook: 352-368 & Textbook: 484-496
Tuesday, Feb. 12	Rulemaking v. Adjudication II	Textbook: 497-525

### THE ROLE OF THE COURTS

Thursday, Feb. 14 	Reviewing Findings of Fact	Textbook: 527-570
--	----------------------------	-------------------

<sup>1</sup> Please note that assigned readings are often not in sequential order.

Tuesday, Feb. 19	Reviewing Agency Conclusions I	Textbook: 581-595, 606-623
Thursday, Feb. 21	Reviewing Agency Conclusions II	Textbook: 628-658, 671-689
Tuesday, Feb. 26	Discretion	Textbook: 768-780, 786-806, 814-822
Thursday, Feb. 28	Due Process	Textbook: 1204, 1206, 56-63, 875-879, 968-980  <a href="#">Technological Due Process</a> (see course website): 1249-1258, 1281-1288

### THE ROLE OF THE EXECUTIVE

Tuesday, Mar. 5	Presidential Control	Textbook: 1199-1201, 1247-1260  <a href="#">Presidential Administration</a> (see course website): 2272-2303  <a href="#">Controlling Presidential Control</a> (see course website): 692-706
-----------------	----------------------	---

### CASE STUDY

Thursday, Mar. 7	Privacy and the Federal Trade Commission	<a href="#">The FTC and the New Common Law of Privacy</a> (see course website)  <a href="#">FTC Policy Statement on Unfairness</a> (see course website)  <a href="#">LabMD, Inc. v. FTC</a> (see course website)
------------------	--	--

### FINAL EXAM

Tuesday, Mar. 12	<u>Review Session</u>	
Tuesday, Mar. 19 1:00 PM	<u>Final Exam</u>	