

Administrative Law A2 – Fall 2010
Professor Stephenson
Langdell South (Kirkland & Ellis Room), Mon-Tues, 8:10-10:10

Course Description: This course will study law making and law application by executive departments of government. Using the material covered in the first-year “Legislation and Regulation” course as a foundation, this class will cover a variety of topics, including the legal framework (both constitutional and statutory) that governs administrative adjudication; the proper role of agencies in interpreting statutory and regulatory law; public participation in agency rulemaking; and judicial review of agency decisions. The central theme of the course is how the law manages the tension between “rule of law” values (e.g., procedural regularity, accountability, and substantive limits on arbitrary action) and the desire for flexible, effective administrative governance.

The casebook is *Strauss, Rakoff & Farina eds., Gelhorn and Byse’s Administrative Law* (rev’d 10th ed. 2003). Casebook readings are marked “CB.” There is also a supplemental reading packet, available from the Copy Center. Readings from the supplement are marked “Supp.”

SYLLABUS

I. Administrative Adjudication

A. Constitutional Issues

(1) Tues., Sept. 7th – Article III: The Right to a Judicial Forum

CB 118-138 (*CFTC v. Schor*)

(2) Mon. Sept. 13th – Due Process: The Right to an Administrative Hearing

CB 767-769 (introductory note on Due Process)

Supp. 6-8 (*Yamataya v. Fisher*)

CB 238-248 (*Londoner v. Denver, Bi-Metallic v. State Board of Equalization*)

CB 783-790 (*Goldberg v. Kelly*)

CB 837-851 (*Mathews v. Eldridge*)

(3) Tues., Sept. 14th – Due Process: The Right to an Impartial Adjudicator

CB 407-423 (*FTC v. Cement Institute, Withrow v. Larkin*)

Supp. 9-29 (*Cinderella Career and Finishing Schools v. FTC; Ass’n of Nat’l Advertisers v. FTC*)

Harvard Contract Law Syllabus

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Harvard Contract Law Syllabus:

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