Text
The text for this course is: Cass Diver Beerman & Freeman, Administrative Law (7th edition 2016). I may supplement this with handouts posted on the course website from time to time.

Reading Assignments:
Tentative assignments are listed on the course outline that follows. This syllabus is also posted on the class website (see below). Some of the tentative assignments may be omitted and additional assignments may be added. You will be expected to have read and prepared to discuss the assigned materials. Study questions for the assignments may be distributed in class and will be posted on the class website as they are available. All students are expected to have read and be prepared to discuss the assignments for each class meeting.

Course Website:
There is a website devoted to this course on Canvas that students should consult regularly. I will post weekly assignment sheets with study questions to guide your reading as well as supplemental materials on the website. If you are absent and want to confirm assignments for class, the information will either be on the website or emailed to all students. You are responsible for the assignments posted on the website.

Course Objectives and Student Learning Outcomes:
This course will provide an introduction to the law governing federal administrative agencies. Students will become familiar with core constitutional doctrines that define the permissible structure and functioning of executive and independent agencies, the law derived from both the Administrative Procedure Act and case law that governs agency procedures in rulemaking and adjudication, and key doctrines that govern judicial review of agency action. In the course of studying these legal doctrines and principles, students will develop a practical understanding of the role of administrative agencies in modern American government and the various roles lawyers play in representing clients in matters involving administrative agencies. I will post a document that outlines student learning outcomes for the course on the
course website before the first class meeting.

**Attendance and Class Participation:**

Class attendance is required. A sign-in sheet will be available at the start of each class. You are responsible to sign-in. Each student has 7 permitted absences. **Please note: I do not draw any negative inference from your use of your permitted absences. I do not need or wish to know your reason for using them.** However, if you exceed this number, your grade may be lowered for excessive absences and students with 10 or more absences may be administratively dropped from the course. You will not be counted absent for observing religious holidays. If you are unsure whether I am aware of a religious holiday you observe, let me know the date.

**Computers**

Students are welcome to bring and use computers in class for class-related purposes (e.g. note-taking, referencing relevant statutes or cases). Use of computers for other purposes such as games, email, instant messaging, or web surfing can be distracting to other students. Please be mindful of this and respectful of those around you.

**Assignments, Examination and Grading:**

An open-book 7-hour take-home written examination will be given at the end of the course. Each student's grade for the course will be based principally on the course examination. Grades may be lowered to reflect poor attendance (more than 7 absences) or lack of preparation for class when on call.

There will be two or three short pass-fail quizzes on the Canvas website that you will be required to complete with a passing grade to complete the course. The dates of these quizzes will be announced at least two weeks in advance and will be noted in the weekly assignment sheet. Strong class participation and completing all the quizzes successfully on the first attempt may be the basis for adjusting your final grade upwards by up to a 1/3 a letter grade (e.g. from B- to B). Failure to pass any quiz on the first attempt will count as the equivalent of being unprepared for a class and may contribute to a downward adjustment of your final grade.
Office Hours and Contact Information:
Tuesdays 2:30-4:30 pm
Office: Room 312C Holland Hall
Phone: 273-0945
Email: flournoy@law.ufl.edu

I am available to meet with students at times other than my office hours, as my schedule permits. Office hours provide a time when you can stop by my office and be relatively sure of finding me in and available with no notice. To make an appointment, you can email me.

Statement Related to Accommodations for Students with Disabilities
Students with disabilities requesting classroom accommodation must first register with the Office of Disability Resources. The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.

Academic Honesty / Misconduct
Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at http://www.dso.ufl.edu/students.php. On all work submitted for credit by students at the university, the following pledge is either required or implied: ‘On my honor, I have neither given nor received unauthorized aid in doing this assignment.’

Information on UF Law grading policies
<table>
<thead>
<tr>
<th>Grade</th>
<th>Points</th>
<th>Grade</th>
<th>Point</th>
<th>Grade</th>
<th>Point</th>
</tr>
</thead>
<tbody>
<tr>
<td>A (Excellent)</td>
<td>4.0</td>
<td>C+</td>
<td>2.33</td>
<td>D-</td>
<td>0.67</td>
</tr>
<tr>
<td>A-</td>
<td>3.67</td>
<td>C (Satisfactory)</td>
<td>2.00</td>
<td>E (Failure)</td>
<td>0.0</td>
</tr>
<tr>
<td>B+</td>
<td>3.33</td>
<td>C-</td>
<td>1.67</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B (Good)</td>
<td>3.00</td>
<td>D+</td>
<td>1.33</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B-</td>
<td>2.67</td>
<td>D (Poor)</td>
<td>1.00</td>
<td></td>
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</tr>
</tbody>
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Note: Per faculty policy, the mandatory mean grade for all course sections is 3.15-3.25, inclusive. If the mean GPA for students enrolled in the course section (determined as of the beginning of the semester) is above 3.2, the lower end of the range is 3.15 and the upper end of the range may be .05 higher than the mean GPA of the students enrolled in the course. If the mean GPA of the students
enrolled in the course section (determined as of the beginning of the semester) is below 3.2, the lower end of the range may be .05 lower than the mean GPA of the students enrolled in the course and the upper end of the range shall be 3.25.

The mean grade specified in this section shall be recommended rather than mandatory with respect to any seminar (classified as LAW 6936) and any course section of 15 or fewer students.

In no event, however, may the mean grade exceed 3.6, except as follows: If the mean GPA (determined at the beginning of the semester) for students enrolled in a course section after the last day to drop a class is above 3.55, the mean grade for the course section may exceed 3.6, but may not exceed the mean GPA of the students enrolled in the course section plus .05.

Grades awarded to LL.M. students, exchange students, and graduate students, and grades of E are excluded from calculation of the mean grade.


Online Course Evaluation Process
Students are expected to provide feedback on the quality of the instruction in this course by completing online evaluations at https://evaluations.ufl.edu. Evaluations are typically open during the last two or three weeks of the semester, but students will be informed by email when they are open. Summary results of these assessments are available to students at: https://evaluations.ufl.edu/results.

Tentative List of Assignments and Topics
I anticipate assigning the reading associated with each numbered topic below as an assignment for a single class meeting. Depending on the pace at which we progress and developments in Congress or the courts, I may adjust the assignments or the pace at which we cover them, or delete or add assignments. The weekly assignment sheets will provide the most current list of assigned pages for each week. All page references are to the course text.

*The Nature and Function of Administrative Agencies*
1. Introduction and Delegation of Legislative Power: pp. 1-25

2. Delegation, Part II: pp. 25-32

3. The Legislative Veto: pp. 33-49

4. The Line Item Veto: pp. 49-58
5. Appointments Power: pp. 58-74
6. Removal Power: pp. 74-80
9. Old Exam Question Review

**Scope of Judicial Review of Administrative Decisions**

11. Arbitrary and Capricious Review: pp. 126-139
12. Agency Policy Change and Decisions Not to Act: pp. 139-152
13. Questions of Law Pre-*Chevron* and *Chevron*: pp. 153-167 (read to bottom of page)
15. Applying *Chevron*: pp. 178-188 (up to Section 5a)
16. Statutory Interpretation under *Mead*: pp. 188-198
17. The APA Basic Framework: pp. 920-925

**Policy Formation by Agencies**
19. Agency Authority to Make Policy by Rules: pp. 367-373, 379 (beginning with last two lines on page)-393
20. Agency Authority to Make Policy through Adjudication: pp. 399-412 (through note 3)

22. Notice in Rulemaking and the Concise General Statement of Basis and Purpose: pp. 424-427, 429-443

23. Protecting the Integrity of the Rulemaking Record: pp.444-452, 466-478


25. Exemptions from §553 of the APA: pp. 495-508

26. Exemptions from §553 of the APA: pp. 508-514

27. Cost-Benefit Analysis in Rulemaking: pp. 525-532, 538-544

28. Old Exam Question Review

Agency Adjudication
29. Interests Protected by Due Process Hearing Rights - Goldberg: pp. 583-596

30. Interests Protected by Due Process Hearing Rights – Roth, Arnett, Bishop & Loudermill: pp. 597-611

31. What Process is Due – Eldridge: pp. 619-628


33. Old Exam Question Review

Availability of Judicial Review of Agency Decisions
34. Jurisdiction and Scope of “Agency Action”: pp. 240-259


37. Standing under the APA – ADAPSO: pp. 300-310


39. Ripeness and Finality: pp. 340-352 (up to note 4)

40. Exhaustion of Administrative Remedies: pp. 353 (begin with note 7) -363

41. Old Exam Question Review