

ADMINISTRATIVE LAW
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
FALL 2025 SYLLABUS – LAW 6520– 4 CREDITS

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Office Hours: In office for sure Tues/Thurs 9:00-10:00 and 1:30-3:30 and probably afternoons Mon. and Wed. as well. If you need to see me on some other day or time, just let me know and I will make something happen. The electronic office is always open, including weekends, though I will not always respond in real time

CLASS MEETING TIME: Tues//Thurs 10:00-12:00 AM

CLASSROOM: HH 355-C

COURSE DESCRIPTION AND OBJECTIVES:

This course is a deep study of four key topics in federal administrative law: the role of administrative agencies in the federal constitutional structure, the procedures required for lawful agency action, the standards for judicial review of the substance of agency decisions, and (time permitting, which almost never happens) the conditions for availability of judicial review of agency action. The course will also provide a short introduction to the world of statutory interpretation. The focus is on depth rather than breadth, in order to promote *understanding* of the reasons why doctrine looks as it does and to allow students, as future lawyers, to respond accurately and thoughtfully to doctrinal changes in a potentially fluid environment.

STUDENT LEARNING OUTCOMES:

At the end of this course, students should be able to:

- identify relevant legal questions arising in federal agency proceedings,
- apply statutory texts and judicial doctrine to those questions,
- recognize the likely range of legal outcomes in such proceedings,
- have a sense for the forces that shape federal administrative law doctrine, and
- be able to adapt knowledge of current doctrine to changed conditions, at least within a narrow range of plausible future changes in legal frameworks.

REQUIRED READING MATERIALS:

The textbook for this course is Gary Lawson, *Federal Administrative Law* (10th ed. 2025). There is a short supplement that will be posted on Canvas. There is a document on Canvas called “FAQ,” which I am *considering* making required reading, but that will not happen, if at all, until the end of the semester.

COURSE EXPECTATIONS AND GRADING EVALUATION:

There will be a four-hour, in-class, open-book (but no internet) exam at the end of the semester. That is the sole grading criterion. There is no class participation component because I do not cold-call students. In the tradition of such luminaries as Oliver Wendell Holmes, Richard Feynman, and Twilight Sparkle, I *lecture* (emphasis in Pony-iginal). As I will explain on Day One, questions and comments are always

welcome at any time, but if you rely on the terror of cold-calling to stay attentive – well, may I suggest strong tea or coffee as a next best alternative? In past years, I have experimented with mid-terms, but those experiments have not gone well, so the one-shot final it is.

Given that choice, I will make numerous past exams, and my analysis of and answers to those past exams, available on Canvas. I am willing in principle to make *all* of them available, going back thirty-eight years, but looking at more than a few past exams is simply not a productive use of your time, so I will initially put up something around five. That is already more than anyone should reasonably think it necessary to examine. Keep in mind that there have been some *substantial* changes in legal doctrine in recent years, so old “answers” (and old questions) are not necessarily good guides to current law and therefore are not necessarily good guides to future exams. But the old exams at least give a flavor of the *form* of my exams, which is very consistent across time and is not going to change dramatically this year. In addition, at some point in the semester, I will spend about half a class period telling you exactly how I go about writing, reading, and evaluating exams. In general, I try to be as transparent as possible about exams and exam grading.

OTHER RESOURCES

In addition to the textbook supplement and ridiculous volume of old exams and exam answers that you will find on Canvas, I will also post my class powerpoint slides on Canvas, though sometimes that will happen just minutes before class if I make last-second revisions (which I often do). You *are not* required to read those slides; they are simply there for your convenience, edification, and amusement. I will also put on Canvas a document that I call “FAQs,” which consists of some questions and answers that have arisen over past classes. I strongly recommend it at some point during the year (maybe reading period?), as it is not a bad study aid. If you tend to panic without a commercial study aid in your hands, Jack Beermann's Emmanuel's and Crunch Time are solid. (Full disclosure: Jack Beermann was my colleague for a quarter century and is a personal friend, but my assessment of his books is purely merit based. They are doctrinally sound.) I honestly doubt whether a commercial study aid will be all that helpful in this course, so I am *not* recommending that you get one, but that is naturally your call. In my humble opinion, class attendance, careful reading, and class notes are going to be *much* more useful in this course than any study aid. Which leads to . . .

CLASS ATTENDANCE AND MAKEUP POLICY:

Attendance in class is required by both the ABA and the Law School. As a result of that requirement, students are allowed two absences during the course of the semester, absent special circumstances. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found [here](#).

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: [this link](#).

ABA OUT-OF-CLASS HOURS REQUIREMENTS:

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. For this course, that amounts to about eight hours per week,

corresponding to the four hours per week of class time. Much of the reading in this course is pretty dense, so if you are doing it as I will suggest you do it on the first day of class (which will involve integrating the reading with class notes – and trust me that class notes will be crucial in this course), we will all easily meet and beat this requirement, even if you are all fast readers.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS:

The full syllabus for this course is really the Table of Contents for the textbook. Let's face it: If I don't like the organization and structure of this textbook, we are all in a lot of trouble. Accordingly, I am not reproducing here in detail the materials listed in the textbook. Consider the Table of Contents to the book incorporated by reference into this syllabus.

Having said that, there is zero chance that we will cover all of the book. Not even close. I am required by state law to provide a measure of guidance of coverage in this syllabus, but I am really going to make some decisions on the fly, depending in part on recent developments. Thus, this tentative syllabus is offered merely as a guide to the direction of the course. Actual coverage depends on the pace of the course, my sense of which topics are most salient, current controversies, and your reactions. It is a decent guess about which portions of the casebook will get covered, but do not treat what you are about to read as definitive.

Week One: Introduction to agencies, statutory interpretation, and the rulemaking/adjudication distinction (with a quick glance at procedural due process). LAWSON 1-82. *What!!* Eighty pages in the first week???? Yes, but calm down. It is not nearly as heavy an assignment as it seems, because you *absolutely should not* try to brief the cases – or even try to understand them, for that matter. I will go over them pretty thoroughly, and you will not need to know their details at this stage. This section of the course is about the big picture; the need to know details will come later. And if history repeats itself, this reading will bleed into the next week as well, so it really more like three class sessions than two.

Week Two: The key determinants of administrative law doctrine: Shifting theories of agency behavior, LAWSON 82-89, shifting theories of separation of powers, LAWSON 91-112, and an introduction to the subdelegation problem. LAWSON 112-38. Again, this is pretty straightforward reading, with no case briefing involved. (Yes, there are cases, but don't fret about them.) And do I really expect people to read the Constitution carefully? It is a good idea to do so, but I can't realistically expect it, can I?)

Week Three: The legislative subdelegation doctrine and its consequences. LAWSON 167-94, 209-20. You should also SKIM, without agonizing over it, LAWSON 138-67. Time permitting, we will introduce the appointments clause. LAWSON 220-30.

Week Four and likely into Week Five: Staffing and un-staffing the administrative state: Appointment and removal of agency officials. LAWSON 230-84, 285-331. Yeah, it's a lot, but again this is likely at least three classes rather than two.

(What is left of) Week Five: Agency adjudication and the separation of functions. LAWSON 333-37, 353-76, 383-90.

Week Six: Introduction to the Administrative Procedure Act, formal procedures, and the strange saga of sections 556-57. LAWSON 391-435.

Week Seven: The even stranger saga of section 553 and informal (and hybrid) rulemaking. LAWSON 435-98.

Week Eight: Informal adjudication and agency choice of procedural format. LAWSON 553-601. And *maybe* a few words on exemptions from rulemaking procedures. I have a spiel on that topic that I can do without assigning any of the bafflingly incomprehensible cases on pages 498-54, but we'll see.

Week Nine: Introduction to scope of review, judicial review of agency fact-finding, and the pre-history – and possible future – of judicial review of agency legal conclusions. LAWSON 603-30, 640-90.

Week Ten: Judicial review of agency legal conclusions, LAWSON 690-745, and an introduction to review of policy decisions. LAWSON 745-66.

Week Eleven: Judicial review of agency policy judgments continued, LAWSON 766-860. Yeah, yikes, but there's no way around it.

Week Twelve: Procedural due process in action. LAWSON 885-89, 928-52, 972-1006.

Week Thirteen: If there is any time left (which I doubt will happen), we will do a whirlwind tour of highlights from Chapter 6, TBD. I categorically promise that nothing from this material, if we in fact cover it, will ever show up on an exam. In all likelihood, I will not even get through what I have listed above.