

Administrative Law Course Syllabus

PAD 4603 (1) and (2)
243 Bellamy Building
Spring 2016, 8:00-9:15; 9:30-10:45, Tues, Thurs.

Professor Sue Titus Reid, JD, PhD
Office: 655 Bellamy
suetreid@verizon.net
Office Hours: Before and after classes or by appointment

Course Objectives:

1. To provide a legal background for the study of administrative law
2. To understand the interrelationship between administrative law and the social sciences
3. To learn the *system nature* of administrative law systems-e.g., how changes in one area affect those in others
4. To understand how to read and analyze appellate court opinions and administrative decisions
5. To understand how to read and interpret statutes and administrative rules and regulations
6. To understand the relationship of the past to the present and the future of administrative law systems
7. To analyze some of the important controversies on which administrative law must focus
9. To learn how to research, analyze, and present legal issues regarding administrative issues and to do so in a timely manner.
10. To learn how to think, present, and act in a professional legal environment.

Required Text:

Katsh, *Taking Sides: Clashing Views on Legal Issues*, 16th ed. (New York: McGraw-Hill, 2014), ISBN-13-978-1-308-28034-9; ISBN-10-1-308-28034-3

Students will be assigned appellate opinions that are not included in the text. Those cases may be downloaded from the Internet or accessed in the library. The case names and citations are on the syllabus for each assignment.

Academic Honor Policy:

The Florida State University Academic Honor Policy outlines the University's expectations for the integrity of students' academic work, the procedures for resolving alleged violations of those expectations, and the rights and responsibilities of students and faculty members throughout the process. Students are responsible for reading the Academic Honor Policy and for living up to their pledge to ". . . be honest and truthful and . . . [to] strive for personal and institutional integrity at Florida State University." (Florida State University Academic Honor Policy, found at <http://dof.fsu.edu/honorpolicy.htm>.)

Americans with Disabilities Act (ADA)

Students with disabilities needing academic accommodation should: (1) register with and provide documentation to the Student Disability Resource Center; and (2) bring a letter to the instructor indicating the need for accommodation and what type. This should be done during the first week of class.

Phones, computers et al.

Technological devices may be used in the classroom solely for the purpose of the course and after permission is granted by the instructor.

Attendance Policy:

There is an attendance element to the grade as noted later. The instructor will call the roll at the beginning of each class. Any student who is not present when his/her name is called will not be given credit for attendance at that class unless the student has an approved absence, which must be requested by presenting a printed hard copy to the instructor PRIOR to the absence. In case of a medical reason, the student must present, immediately upon return to class, a signed, printed statement (hard copy) from an appropriate medical person and must include the date(s) of the absence(s).

Exams:

Two objective exams consisting of 50 MC questions each will be given. They must be taken as scheduled unless **prior** permission is granted by the professor (such permission is rarely given and only under extraordinary circumstances) or the student has an **extreme** emergency. All medical reasons for missing exams must be documented by medical personnel who have actually seen and diagnosed the student immediately prior to or during the assigned class period at issue. The medical person must state that in his or her professional judgment, the student should not be in class (or at work). Any student who has permission to take a make-up exam must do so at a time set by the instructor, who will consider the time considerations of all involved. Any student who misses that make-up exam will receive a zero for the exam unless that absence is due to an extreme emergency. In that case, the student will be given an Incomplete for the course. To remove that Incomplete, the exam must be taken during the regularly scheduled time for that exam during the following semester excluding summer terms. That exam may differ in content and form. The exams may cover any material presented during the classes whether by instructor or during student presentations. **The test scores will not be curved.**

Student Presentations:

Each student will be assigned a topic from the text for further study. During the latter part of the course students will present their findings on this topic to the class for discussion and debate. The topics are noted later in this syllabus. Details concerning this assignment follow that list. The topic assignments will be given out in class on **January 19**. **Any student who is absent that day will lose 10 points on his/her research grade** unless that student and his/her presentation partner submit a written, hard copy of a statement indicating that they have communicated and planned their research project, will submit their individual bibliographies on time, and will be prepared to present on schedule. Students will be given time on January 19 in class to meet with their presentation partners and exchange information concerning how to communicate with each other. Any student who later has difficulty contacting his/her presentation partner should notify the instructor in writing and include evidence of attempts to contact that student and indicate that he/she plans to present a specified list of cases. **Those cases will then be off limits to the procrastinating/absent student.**

Grades:

The grading scale will be approximately as follows:

A = 90-100 (A- for 90-94)
 B = 80-89 (B+ for 87-89, B for 84-86, B- for 80-83)
 C = 70-79 (C+ for 77-79, C for 74-76, C- for 70-73)
 D = 60-69 (D+ for 67-69, D for 64-66, D- for 60-63)
 F = below 60 (zero for any assignment not completed)

Grades will be based on the following:

First exam	100 points
Second exam	100 points
Oral Class presentation	100 points
Research for class presentation	100 points
Class attendance	100 points

The instructor may add up to 50 points for any student whose class participation is **exemplary** throughout the semester.

Class assignments by date: Cases must be downloaded from online

- Jan. 7 Introduction to the course: Statutory construction
U.S. v. X-Citement Video, Inc., 513 U.S. 64 (1994)
- Jan. 12 Functions of Law in Society and Introduction to types of law:
Bob Jones University v. United States, 461 U.S. 574 (1983)
- Jan. 14 The function of courts and the role of administrative law: Focus on the hands-off policy toward administrative agencies
Ruffin v. Commonwealth, 62 Va. 790 (Va. 1872)
Wolff v. McDonnell, 418 U.S. 539 (1974)
- Jan. 19 Constitutional Law: the foundation of Administrative Law; Judicial review of administrative and court decisions
Marbury v. Madison, 5 U.S. 137 (1803)
- Jan. 21 Limitations of Law: Judicial restraint; Standing; Mootness and Ripeness; Political Questions; Jurisdiction; Venue; Statutes of Limitation; Conflict of laws; right to privacy
Lawrence v. Texas, 539 U.S. 558 (2003)
Eisenstadt v. Baird, 405 U.S. 438 (1972) **(not required)**
Bowers v. Hardwick, 478 U.S. 186 (1986) **(not required)**
- Jan. 26 The requirement of due process in administrative decisions
Mempha v. Rhay, 389 U.S. 128 (1967)
Morrissey v. Brewer, 408 U.S. 471 (1972) **(not required)**
- Jan. 28 Administrative law and criminal law compared
Ferguson v. Charleston, 532 U.S. 67 (2001)
McKnight v. South Carolina, 378 S.C. 33 (2008) **(not required)**
- Feb. 2 Administrative law and tort law compared
Palsgraf v. Long Island Railroad, 248 N.Y. 339 (1928)
- Feb. 4,9 Administrative law and delegation theory
Greenholtz v. Inmates of Nebraska Penal and Correctional Complex, 442 U.S. 1 (1979)
- Feb. 11 Administrative law and adjudication: Right to a hearing
Goldberg v. Kelley, 397 U.S. 254 (1970)
- Feb. 16 Administrative duty to warn:
Tarasoff v. CA., 17 Cal.3d 425 (1976)
- Feb. 18 Test over all material covered thus far**

Oral Presentation Assignments - From the text

- Feb. 23 *Grutter v. Bollinger*, 539 U.S. 306 (2003)
- Feb. 25 *Virginia v. Black*, 538 U.S. 343 (2003)
- March 1 *Maryland v. King*, 133 S.Ct. 1958 (2013)

March 3 *Safford v. Redding*, 557 U.S. 364 (2009)

Spring Break

March 15 *Arizona v. United States*, 132 S.Ct. 2492 (2012)

March 17 *Washington v. Glucksburg*, 521 U.S. 702 (2001)

March 22 *Florida v. Jardines*, 133 S.Ct. 1409 (2012)

March 24 *Roper v. Simmons*, 543 U.S. 551 (2005)

March 29, 31 TBA

April 5 *Good News Club v. Milford Central School*, 533 U.S. 98 (2001)

April 7 *United States v. Windsor*, 133 S. Ct. 2675 (2013)

April 12 *Brown v. Plata*, 131 S.Ct. 1910 (2011)

April 14 Test over all presentations and cases covered since first test

April 19 *Gonzalez v. Carhart*, 550 U.S. 124 (2007)

April 21 Conclusion to the course

Presentation requirements

Due to the class size, two or more students may be assigned to one topic. **Each student** will be expected to research the assigned topic, including reading all opinions of at least 8 appellate cases **in addition to** all opinions of his or her assigned case. The 8 cases should not include any cases already assigned for the course although such cases, if relevant, should be noted. Scholarly sources, such as law review articles, scholarly journal articles, or treatises are also appropriate in addition to the cases. If two or more students are assigned to one topic/presentation, **each of those students must read and submit a list of 8 appellate cases that do NOT duplicate those of the other student.**

One week prior to his or her scheduled presentation, each student must present to the instructor in class a separate bibliography listing the cases he or she has read. A hard, typed copy of the bibliography, with complete **REPORTER** citations, is required. **Failure to meet the one week deadline will result in a reduction of 10 points on the student's research grade for every day the bibliography is late. Ten points will be taken off for all students who submit joint bibliographies. Additional points may be reduced for a student's failure to follow proper form and all instructions.**

Each student's presentation is limited to a maximum of five (5) cases in detail (including the assigned case). Other cases may be referred to briefly to state their relevance to the assigned case, and the professor may ask questions about any of the cases the student lists in his/her bibliography. If two (or more) students assigned to present on the same topic include in their respective bibliographies any case cited by the other student, that case will NOT be counted for either student.

On the weekend prior to a student's scheduled presentation, the professor will respond by email if there are serious questions regarding the cases covered. Students may revise their bibliographies, but the grading of them may be influenced by the student's original submission especially if that submission shows little evidence of substantial research.

Students who use Power Point should understand that this tool is to be used for an outline only. **Grades will be reduced up to 10 points if students read excessively.** The purpose of this assignment is to lead a discussion on a researched topic. Students should focus on the **LEGAL** issues in their cases and relate those issues to legal concepts and precedent cases covered earlier in the semester.

A student who for any reason misses his or her presentation may make that up only with the prior permission of the instructor and such permission will be given only in emergencies. It is usually impossible to reschedule the presentation during the semester. Thus, any student with an acceptable and documented reason for missing the schedule will be required to do so during the following semester, summer terms excluded. Any student who has an emergency on the day of the scheduled presentation and cannot present must comply with the emergency rule stated for exams.

All bibliographies must contain a complete and legal citation for each case. Failure to do so will result in a reduced grade. Follow the examples of U.S. Supreme Court citations in the syllabus. If the case is a lower court case, it must include the name of the court. Ex., *United States v. Coppola*, 300 F.Supp. 932 (D.C.Conn. 1969), *aff'd.*, 425 F.2d 660 (2d Cir. 1969). That citation also includes the subsequent history of the case, and students are expected to include that history and present the latest cases. **All bibliographies must indicate which of the 8 cases the student plans to focus on during her/his presentation.** The professor may ask questions about any or

all of the 8 listed cases by each student.

Students are required to include any **major decisions** (e.g., decision upheld or reversed on appeal) in the subsequent history of all cited cases, and it is extremely critical to do so with regard to the assigned case.

Students who have any questions about these instructions should consult the instructor well in advance of the due dates for their respective bibliographies.

NOTE:

Students have free access to a legal data base: LexisNexis

1. lib.fsu.edu
2. Find a data base
3. option 3: "L"
4. LexisNexis Academic Universe

Best to use a citation. You may also Google that citation.