

PADM 0625 ADMINISTRATIVE LAW

Required Text: David Rosenbloom, Administrative Law for Public Managers, 2nd ed., Westview Press, 2015 (digital edition preferred); plus excerpts from court rulings will be made available on the course website.

Instructor: Professor Philip Zampini, Ph.D
6-week online course.

The scope of what we call “administrative law” is very broad and the sheer amount of law in this area is daunting. There is no way, in a six week course, to cover in a comprehensive way all of the important cases, issues and legal principles of administrative law. Nevertheless, we can focus on what is most important for MPA students to learn about this important area, especially for those who will make public administration their career. I have chosen what I think are the most relevant topics, and the most illustrative court rulings, that anyone serving in public administration needs to be aware of, and I have organized the course around these topics.

Students will read relevant chapters from the Rosenbloom text, and related court rulings. Each week students will be asked to summarize the readings and the court rulings, and engage in online discussions of the issues raised in the cases.

1. Who makes administrative law, and how does it apply to agency actions?

-goal: to understand how certain Constitutional principles, federal and state statutes and judicial rulings (case law) comprise what we call “administrative law”.

Review the Administrative Procedures Act.

--goal: to understand where the powers of administrative agencies “fit” in the traditional “separation of powers” design of the federal and state constitutions; and the related concept of “delegation” of legislative power.

2. What legal rights do individuals have in confronting the power of government agencies? How does the principle of “due process of law” factor in to these confrontations?

-goal: to understand the concept of “procedural due process” and how the Supreme Court has applied that principal to agency actions; “How much Process is Due”?

-goal: to understand the major court rulings establishing due process requirements that agencies must follow.

3. Under what conditions are public administrators liable for harm caused by their actions? When may a municipality be sued for causing harm?

--goal: to understand the case law and the principles in this area.

4. Are the courts effective checks on agency rulemaking (or choice to *not* make a ruling)? What standards do courts use when reviewing a rule made by an agency that a plaintiff has challenged in court?

5. What is the law on keeping agencies transparent to the public? How has the Freedom of Information Act been interpreted by the courts? Have the courts protected the public’s right to know how government agencies operate, and the public’s right to access the information government collects?

6. What rights do public employees have on the job? How can public managers balance the rights of employees with the demands of accomplishing the mission of the agency? What have the courts said about this balance?

