

FLORIDA ATLANTIC UNIVERSITY

FALL 2002

Course Study Guide

For

ADMINISTRATIVE LAW and PROCEDURE

PAD 6605 / 7250

Thursday - August 22 through December 12

7:00 p.m. to 9:50 P.M.

Room 413 Askew Tower

Instructor: James A. Scandirito, J. D.

412 N. W. 72nd St., Boca Raton, Fl. 33487

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Office hours by appointment

PAD 6605 / 7250 Administrative Law and Procedure

COURSE DESCRIPTION: A survey and analysis of the law concerning the rule-making and adjudicatory powers and procedures of the administrative agencies and the effect such rules have on the delivery of services by federal, state, and local governments. Basic legal research methods and techniques will be covered to inform students how to find the law.

REQUIRED TEXT: Asimow, Michael, Bonfield, Arthur Earl, and Levin, Ronald M.:

STATE and FEDERAL ADMINISTRATIVE LAW (2ND Ed.)

I. Attendance: An important part of the educational process on the graduate level is the interaction with one's peers. Thus, attendance is expected of all students at each class. Should an emergency arise, students should give as much advance notice as possible of their absence. Class will start on time, therefore continual tardiness will adversely affect your grade. If you do have an emergency and are late, kindly take a seat at the back of the room so as not to interrupt the class.

II. Course Requirements: A. Each student is required to read the assignment and prepare for each class. All students will be expected to participate in class discussion to the maximum extent possible. Common courtesy will govern the discussions: one person at a time will speak and everyone will listen and have a chance to participate. All ideas are welcome and I expect you to back up your opinions in class. We may not agree on everything, but all will have a chance to discuss the differences. Class attendance and participation will be worth 20 pts. toward the final grade.

B. There will be 2 non-cumulative Exams. Both exams will consist of 3 or 4 essay questions drawn from the class discussion and readings. The student will then choose 2 or 3 questions to answer. Each exam will be worth 25 points for a total of 50 pts. toward the final grade.

C. Each student will prepare a research paper on a current topic of interest in the field of administrative law. The paper will be 15 pages in length for Doctoral students and 10 pages in length for Masters and Certificate students. The paper will be done in APA style and will be worth 30 pts. toward the final grade. THE PAPER IS DUE Thurs., OCT. 10, 2002.

III. Grades: The following grade scale will be used:

100-93 A	86-83 B	76-73 C	66-63 D
92-90 A-	82-80 B-	72-70 C-	62-60 D-
89-87 B+	79-77 C+	69-67 D+	59-0 F

IV. Student Assessment

All student work submitted for this course must be original work prepared and submitted for this course only. Work or parts of work submitted for other courses or subjects are not acceptable for assessment in this course unless

prior permission is granted. All submissions must be accompanied by a declaration of authorship (Attachment A). Plagiarism will result in an “F” in this class, and formal dismissal procedures may be initiated.

Student performance will be assessed on the following criteria:

Exams	50 points
(Mid-Term	25 pts.)
(Final	25 pts.)
Paper	30 pts.
Participation and Attendance	20 pts.

EXAMS: There will be 2 exams given in this class; a mid-term and a final. The **mid-term exam** will be administered on **Thursday Sept. 26** and will cover all material discussed in class up to the date of the test. The **final exam** will be administered on the assigned date during final week **on Dec. 12**. It will cover all material covered after the mid-term. Both exams will consist of at least 3 essay questions. The exams will be discussed further in class.

V. Flexibility Clause

There may be times during the semester when the class is either progressing too slowly or rapidly, and I may adjust the assignments as needed. However, before any changes are made to the Course Outline I will promptly inform the students.

VI. Grievance Procedure

If at any time during the semester you feel that you have a reason to grieve a particular incident, the University provides such avenues to address your concerns. You should refer to your Graduate or Undergraduate Student Handbook for such procedures. If you are unable to get these documents, please let me know.

VII. Disabled Students

Every reasonable accommodation for qualified disabled students will be made for instructional and testing purposes. However, it is incumbent on the student to self identify to me early in the semester so specific arrangements can be made.

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COURSE SCHEDULE

PAD 6605/7250

Week of:	Topic and Assignment
Thurs. August 22	Introduction to class, Legal Research, Chapters 1 of State and Federal Admin. Law by Asimow, Michael (2 nd ed.) - Text
Thurs. Aug. 29	Administrative Process and Political Control Ch. 1, and 7 (p.396-435 of text)
Thurs. Sept. 5	Political Control II, Ch. 7 (435-506)
Thurs. Sept.12	Right to a Hearing, Ch. 2
Thurs. Sept. 19	Scope of Judicial Review, Ch. 9 Case Brief # 1 due
Thurs. Sept. 26	Mid-Term Exam
Thurs. Oct. 3	Administrative Adjudication I, Ch. 3 (83-123)
Thurs. Oct. 10	Administrative Adjudication II Ch. 3 (124-162) PAPER DUE
Thurs. Oct. 17	Rule Making I Ch. 5, (219-262)
Thurs. Oct. 24	Rule Making II Ch. 5. (263-322)
Thurs. Oct. 31	Rules and Policy Making Ch. 6
Thurs. Nov. 7	Scope of Judicial Review Ch. 9
Thurs. Nov. 14	Remedies for Agency Action Ch. 10
Thurs. Nov. 21	Administrative Searches, handouts to be provided - Lecture only
Thurs. Nov. 28	Thanksgiving – No Class
Thurs. Dec. 5	Review and Discussion of Final Exam
Thurs. Dec. 12	FINAL EXAM

Attachment A

DECLARATION OF AUTHORSHIP

(Photocopy and attach this declaration to ALL written submissions)

I, _____, am the sole author of the attached work. This work is original and has not been submitted for other classes or altered from other such works. I understand that any other author's work contained in this submission must be fully referenced and properly attributed. I understand that to copy another's person's work without attribution or to misrepresent another person's work as my own is plagiarism. I understand that plagiarism will result in my failure in this class, and subsequently may lead to formal dismissal charges brought against me.

Signature _____

Student Number: _____

Date: _____