First Assignment

The assigned text for this course is Breyer et al., Administrative Law and Regulatory Policy (5th edition 2002) ["Breyer & Stewart" or "B&S"]: In addition, a number of supplemental readings (primarily law review articles) will be assigned. Most or all of these will be available on the blackboard site; any that are not will be distributed in class.

You should consult Breyer & Stewart with regard to material that is unfamiliar to you; the number of pages actually assigned for discussion rather than background is smaller.

This opening session will be devoted to trying to understand the nature of the administrative state and the place of agencies in government.

Background Reading
B&S 16-35 (history of the regulatory state)

Primary Reading
B&S 284-94 (Chevron)
Richard Stewart, The Reformation of Administrative Law, pages 1667-1710
Peter Strauss, The Place of Agencies in Government
Jerry Mashaw, Pro-Delegation: Why Administrators Should Make Political Decisions
McCubbins, Abdication or Delegation?

The readings outside of B&S are all available on the blackboard site; click on “Assignments” then on “Week 1 – The Administrative State.”

Subsequent Assignments

A full syllabus will be available shortly, but not until after we have met for the first time so I can get a sense of what your background and interests are. My plan is to devote some time to current issues and developments involving (a) each of the three forms of administrative action — rulemaking, adjudication, and enforcement — with an emphasis on the first, and (b) relations between agencies and their three primary overseers — the president, Congress, and the courts.

I look forward to meeting you on September 1.