

San José State University
Department of Political Science / Spring 2023
PADM 223 - Law and Public Administration, Section 01

Course and Contact Information

Instructor:	James Brent
Office Location:	N/A
Telephone:	upon request
Email:	james.brent@sjsu.edu
Office Hours:	Tuesdays, 8:30 to 9:30 a.m. PST (via Zoom only) Thursday, 4:30 to 6:00 p.m. PST (in person and via Zoom) and by appointment
Class Days/Time:	Thursdays, 6:00 to 8:45 p.m PST in DMH 149A

Course Format & Technical Requirements

This course will be held in-person in Room 149A of Dudley Moorhead Hall on the SJSU campus weekly on Thursdays from 6:00 to 8:45 p.m. This course also has a **Canvas site** that will be used to administer exams, collect assignments, and distribute other course materials.

Course Description

The legal and political process that affect the relationship among the public, government institutions, administrative agencies and the courts are examined. Major cases are used to explore administrative agency use of rules and orders to implement public policy.

Course Learning Outcomes (CLO)

Students who successfully complete this course should be able to demonstrate the following:

- An understanding of the major constitutional principles that apply to administrative agencies, including issues of separation of powers, federalism, equal protection and due process
- A familiarity with the main provisions of major federal statutes governing administrative agencies, including the Administrative Procedure Act of 1946
- The ability to distinguish between rulemaking and adjudication, and to understand the different requirements of each
- The ability to distinguish between formal and informal agency action, and to understand the different legal requirements of each
- Knowledge of the leading U.S. Supreme Court cases related to administrative law
- A familiarity with the availability of and the limits on judicial review of agency actions
- An understanding of the legal rights and duties of agency employees
- The ability to conduct basic legal research, including the ability to locate statutes, executive orders, agency regulations and judicial decisions, and read and understand legal decisions

Required Texts/Readings

Levin, Ronald M., and Jeffrey S. Lubbers. (2016). *Administrative Law and Process in a Nutshell*. 6th ed. New York: West Academic Publishing. ISBN 978-1628103557

In addition, case excerpts will be distributed via Canvas.

Course Requirements and Assignments/Grading Information

Your grade will be calculated according to the following:

Midterm #1 (March 2)	10%
Midterm #2 (April 6)	10%
Final Exam (May 18)	15%
Case Briefs (3 x 5%)	15%
Outline and Bibliography	5%
Final Paper	20%
In-Class Presentation	5%
In-Class Participation	10%
Online Question/Comment Submission	10%

The Exams – The exams will consist exclusively of essay questions. The second midterm and the final exam will not be cumulative. The exams will be closed-book, closed-note. Each exam will be available for 48 hours. You will have 2 hours to complete the exam once you start it. [Assesses Course Learning Objectives 1, 2, 3, 4, 5, 6, 7]

Case Briefs -- You will be asked to complete three (3) case briefs from readings in the textbook. The identity of the cases and information on how to brief a case will be given in class. [Assesses Course Learning Objective 8]

The Outline/Bibliography - Research Paper – For your research paper, you will be asked to select a case involving some aspect of administrative law decided by an American court decided since 2000. The paper should discuss the facts and the legal issues involved, analyzing each and making an argument about how the case should (or should have been) decided. This analysis should also consider the larger social, economic, historic, racial or other dimensions involved as appropriate. Students will be asked to first submit a one-page outline of their paper, along with a bibliography containing at least 15 sources that they might use in their final draft. The final draft should be at least 12 pages long and should use at least 12 sources. Points will be deducted for poor spelling and grammar, and papers submitted without attribution will be returned ungraded. Additional information about the paper assignment will be given in class. [Assesses Learning Objective 8, and other learning objectives depending on the topic selected]

In-Class Discussion Presentation – Each student will be asked to make an in-class presentation and to lead discussion for approximately 15 minutes about the case or controversy that is the subject of their paper.

Participation – Participation is crucial to student success, particularly in a small class such as this one. Students will be graded on the extent to which they participate regularly during in-class discussions. Your grade will be calculated based on the quantity of your participation, rather than its quality. Please note that while attendance is not a component of your grade, students who are absent cannot participate. Therefore, excessive absences will negatively affect your participation grade.

Online Question/Comment Submission - You will be asked each week (except for exam weeks) to submit a comment or question about the reading for that week. Your question should be specific enough to indicate that you have actually read the material. You will receive 1 point for each substantive question or comment submitted, up to a maximum of 10 points. **These are due at noon on the day of each class, and late submissions will never be accepted.**

Required University Statement

“Success in this course is based on the expectation that students will spend, for each unit of credit, a minimum of 45 hours over the length of the course (normally three hours per unit per week) for instruction, preparation/studying, or course related activities, including but not limited to internships, labs, and clinical practica. Other course structures will have equivalent workload expectations as described in the syllabus.”

Determination of Grades

Final letter grades for the course will be assigned based on the following scale:

A = 93 to 100%	A minus = 90 to 92%	B plus = 88 to 89%	B = 83 to 87%
B minus = 80 to 82%	C plus = 78 to 79%	C = 73 to 77%	C minus = 70 to 72%
D plus = 68 to 69%	D = 63 to 67%	D minus = 60 to 62%	F = 59% or less

Makeup Exams -- I will be the most willing to permit you to take a make-up exam when the following three conditions are met:

- 1) you notify me in advance
- 2) you have an acceptable excuse (usually something beyond your control)
- 3) you have written documentation

Naturally, sometimes it will not be possible to meet these three conditions. Situations which do not do so will be judged by me on a case -by-case basis. I reserve the right to refuse to allow you to make up an exam (although I will usually try to accommodate you). I also reserve the right to make the make-up exam more difficult than the in-class exam. If you miss an exam, you should approach me the next time you are in class and request a makeup. If approved, I will drop off a test at the Testing Center. You should call the Testing Center (924-5980) to arrange to take the exam.

Late Papers -- **I am more strict in enforcing penalties against late papers than missed exams!** The due date of the paper is not the *only* day that you may submit your paper. It is merely the *last* day that you may do so without incurring a penalty. Papers are due at the end of class period on the date due. All late papers, regardless of the excuse, will be penalized by one letter grade.

University Policies

Per University Policy S16-9 (<http://www.sjsu.edu/senate/docs/S16-9.pdf>), relevant information to all courses, such as academic integrity, accommodations, dropping and adding, consent for recording of class, etc. is available on Office of Graduate and Undergraduate Programs' [Syllabus Information web page](http://www.sjsu.edu/gup/syllabusinfo/) at <http://www.sjsu.edu/gup/syllabusinfo/> Make sure to review these university policies and resources with students.

Course Schedule / PADM 223 / Spring 2023

This schedule is subject to change with fair notice.

Week	Date	Topics, Readings, Assignments, Deadlines
1	1/25	NO CLASS; Read 901 Whitehead St. v. USDA to prepare for next week
2	2/2	Introduction to the Course Legislative vs. Executive vs. Judicial Power Statutory vs. Constitutional Interpretation Reading: <i>901 Whitehead Street v. USDA</i>
3	2/9	The Nature of Due Process Law vs. Facts Federalism READING: Case excerpt(s)
4	2/16	The Non-Delegation Doctrine The Legislative Veto & Other Legislative Controls Over Agencies READING: Chapter 1, Chapter 2 Sections A and B, and case excerpt(s)
5	2/23	Appointment and Removal of Officials Executive Oversight of Administration READING: Chapter 2, Section C and case excerpt(s)
6	3/2	MIDTERM EXAM #1
7	3/9	Rule-Making vs. Adjudication The Due Process Revolution and Counter-Revolution The Meaning of Liberty and Deprivation The Process That Is Due READING: Chapter 6 and case excerpt(s)
8	3/16	Information Gathering Search and Seizure READING: Chapter 4 and Case excerpt(s) OUTLINE AND BIBLIOGRAPHY DUE
9	3/23	Administrative Agencies and Equal Protection Disparate Treatment vs. Disparate Impact Affirmative Action READING: Case excerpt(s)
	3/30	SPRING BREAK
10	4/6	The Administrative Procedures Act of 1946 Formal vs. Informal Proceedings Choosing Between Rulemaking and Adjudication READING: case excerpt(s)
11	4/13	MIDTERM EXAM #2
12	4/20	Agency Rulemaking READING: Chapter 9 and case excerpt(s)
13	4/27	Formal Adjudication READING: Chapter 7 and case excerpt(s)

		FIRST FINAL DRAFT DUE
14	5/4	Judicial Review of Agency Decisions READING: Chapter 10 and case excerpt(s)
15	5/11	Free Speech and Your Role as a Public Employee READING: case excerpt(s) FINAL DRAFT DUE
16	5/18	FINAL EXAM