

**San José State University**  
**Department of Political Science / Spring 2021**  
**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:	Mondays and Wednesdays, 9:30 to 10:30 a.m. PST and by appointment
Class Days/Time:	Thursdays, 6:00 to 8:45 p.m PST

**Course Format & Technical Requirements**

Due to the COVID-19 pandemic, this course will be taught via **Zoom**, with the possibility of some content being delivered via Youtube. Students should have access to a reliable internet connection, as well as a webcam and microphone. For the most part, this class is synchronous, meaning that it will be held from 9:00 to 10:15 a.m. PST on Tuesdays and Thursdays, and your attendance is expected during these times. During Zoom sessions, your camera should normally be ON, and your microphone should normally be OFF, unless you are speaking. Zoom sessions will be recorded and made available to class members. 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

Hall, Daniel L. (2019). *Administrative Law: Bureaucracy in a Democracy*. (7<sup>th</sup> ed.) Boston: Pearson.

## Course Requirements and Assignments/Grading Information

Your grade will be calculated according to the following:

Midterm #1 (February 25 & 26)	10%
Midterm #2 (April 8 & 9)	15%
Final Exam (May 20 & 21)	15%
Case Briefs (3 x 5%)	15%
Outline and Bibliography	10%
Final Paper	20%
In-Class Presentation	5%
Participation	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 open-book, open-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.

## 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.

**Anonymity Policy** -- I like to grade all assignments anonymously. Therefore, you should omit your name on all assignments. Instead, you should only indicate the last four digits of your student ID number. Any assignment that contains your name will not be graded. It will be returned to you so that you may cross out your name and fill in the last four digits of your student ID number.

## 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 2021

This schedule is subject to change with fair notice.

Week	Date	Topics, Readings, Assignments, Deadlines
1	1/28	Introduction to the Course Legislative vs. Executive vs. Judicial Power Statutory vs. Constitutional Interpretation
2	2/4	The Nature of Due Process Law vs. Facts Conducting Legal Research <b>READING: Chapter 1 and pp. 18-41</b>
3	2/11	Federalism The Non-Delegation Doctrine The Legislative Veto & Other Legislative Controls Over Agencies <b>READING: pp. 52-55 and 121-136</b>
4	2/18	Appointment and Removal of Officials Executive Oversight of Administration <b>READING: pp. 42-52</b>
5	2/25 2/26	<b>MIDTERM EXAM #1</b>
6	3/4	Rule-Making vs. Adjudication The Due Process Revolution and Counter-Revolution The Meaning of Liberty and Deprivation The Process That Is Due <b>READING: pp. 74-100</b>
7	3/11	Information Gathering Search and Seizure <b>READING: Chapter 7</b> <b>OUTLINE AND BIBLIOGRAPHY DUE</b>
8	3/18	Administrative Agencies and Equal Protection Disparate Treatment vs. Disparate Impact Affirmative Action <b>READING: pp. 100-120</b>
9	4/1	The Administrative Procedures Act of 1946 Formal vs. Informal Proceedings Choosing Between Rulemaking and Adjudication <b>READING: pp. 151-178</b>
10	4/8 4/9	<b>MIDTERM EXAM #2</b>
11	4/15	Agency Rulemaking <b>READING: pp. 151-178 (con't)</b>

12	4/22	Formal Adjudication <b>READING: Chapter 8</b> <b>FIRST FINAL DRAFT DUE</b>
13	4/29	Judicial Review of Agency Decisions <b>READING: Chapter 9</b>
14	5/6	Your Liability as a Public Employee <b>READING: Chapter 10</b>
15	5/13	Wrap Up and Final Student Presentations <b>FINAL DRAFT DUE</b>
16	5/20 5/21	<b>FINAL EXAM</b>