CLEVELAND STATE UNIVERSITY
MAXINE GOODMAN LEVIN COLLEGE OF URBAN AFFAIRS

Law and Public Administration
UST 631/731
Spring 2017
Tuesdays, 6:00 - 9:50 pm
Urban Room 309
4 credits

Professor Joseph Mead
Email: j.mead@csuohio.edu
Office: UR 317
Office Hours: Tuesday, 3-5 pm

Course Description:
Administrative law is the body of rules and prescriptions for public agencies. This course examines the evolution and development of American administrative law, its substance, and the role of administrative law in the governing process.

This course will serve as an introduction and survey of the basics of administrative law relevant to public administrators. We will study both the accepted black letter law governing public administration, as well as cutting edge legal developments. We will look at Constitutional limits, including separation of powers, the bill of rights, and the equal protection clause. We will also consider statutory, administrative, and institutional constraints, including executive, legislative, and judicial oversight of administrative decision-making. NOTE: Because this course often deals with current events, it is subject to revision at the instructor’s discretion with advance notice.

Required Text:
There is no textbook for the course. However, students are expected to obtain copies of (and read) all assigned readings. If you would like additional context for the readings, you may find it helpful to refer to one of the following references as a supplement:
David H. Rosenbloom, “Administrative Law for Public Managers”

Grading:
You will be expected to do all of the assigned readings and activities before class, and come to class prepared to discuss. Your grade will be based on a midterm take-home exam, a final take-home exam (or optional paper), 3 written exercises, and event and weekly participation, as follows:

Class Participation: 10%
Event Participation: 5%
Three Exercises (10-15% each): 40%
Midterm Take-home Exam: 20%
Final Exam or Paper: 25%

Participation (10%): You are expected to complete all assigned readings and exercises before class, and come to class prepared to discuss. I expect all students to actively participate in the classroom discussions. Participation includes both listening to what others have said and providing thoughtful, respectful comments. Attendance at every class is expected, absent a serious illness or family emergency. However, you may miss two classes without explanation.

Event Attendance/Alternate Participation and 1-page Reflection (5% total)
Throughout the semester, attend two events outside of class related to legal issues of public service, and write a short 1-page reflection (email is okay) on each one explaining the event, its connection to Law and Public Administration, and any questions you have or things that surprised you about what you heard/saw. Possible events include events offered by the Law School or the Urban College Forum series; a city council meeting; a meeting of the Cleveland Police Commission; or another event of your choosing with advance permission of the instructor.

Three Exercises:
Exercise 1: Rulemaking Exercise Due February 21 (10%)
For this exercise, you will both evaluate and comment on a proposed rule. Go to FederalRegister.gov to find a regulation that has been proposed. First, write a short paper explaining the rule: why is it being proposed, what will the rule change, will the new language accomplish the agency’s identified goals, and do you anticipate any opposition to the rule. Second, draft a comment on the rule that you could submit to the agency for its decision. (You are encouraged, but not required, to submit your comment to the agency.)

Exercise 2: Outreach Paper - Due April 18 (15%)
Write a short piece communicating some aspect of a topic from the semester to a general audience. This piece should be written with a specific forum in mind (such as a newspaper op-ed). You should adhere to the rules of the particular forum you have identified (i.e., op-eds typically have word limits around 750 words). You are strongly encouraged, although not required, to submit it for publication.

Exercise 3: Case Brief and Presentation Due February-April (15%)
You will each pick one of the weeks, and prepare an in-depth analysis of one of the court decisions (or other reading). Your 3-5 page memo should detail the background, pertinent facts, the Court’s reasoning, the Court’s ruling, and the implications for public administration. You will then make a 15 minute presentation to the class during the appropriate week on the case, explaining what was held, the reasons given, and the implications for public administrators.

Midterm Take-Home Exam (20%): You will have two weeks to work on an essay-format midterm covering the legal concepts—and their implications for public administration—from the material prior to Spring Break. It will be open book, open note.
Final Exam (25%): This will test your knowledge of the topics covered in the second half of the course. It will likely be take-home. It will be open book, open note.

In lieu of a final exam, you can opt to write a final paper that does a deep dive into an important area of law and public administration. You must opt into the paper option by April 4 by sending me a short summary of your research topic, including how you plan to conduct your research.

Policies:
Professionalism: You are expected to conduct yourself in a professional manner at all times in this course. This includes being respectful of other speakers by not interrupting and by listening to what they have to say. You are free to disagree with others, but must do so respectfully.

Integrity: Integrity is of the utmost importance for a public administrator. This is particularly true when it comes to the law. Similarly, in this course, dishonesty (including plagiarism, cheating, or misrepresentations) will not be tolerated.

Educational access: Educational access is the provision of classroom accommodations, auxiliary aids and services to ensure equal educational opportunities for all students regardless of their disability. Any student who feels he or she may need an accommodation based on the impact of a disability should contact the Office of Disability Services at (216)687-2015. The Office is located in MC 147. Accommodations need to be requested in advance and will not be granted retroactively.
Schedule (Subject to Change)

January 17: Course overview; Reading legal documents; Sources of law

- FCC v. ATT (Supreme Court)
- Nix v. Hedden (Supreme Court)

January 24 - Separation of Powers: Battles Between the Branches

- United States Constitution, Articles I, II, & III
- Congressional Research Service, The Separation of Powers Doctrine: An Overview of its Rationale and Application (June 23, 1999), pp. 1 to CRS-20 (skip “Judicial Infringement and Aggrandizement”) (on Blackboard)

January 31: Legislation and the Legislative Process

- INS v. Chadha (S. Ct.)
- Capital Care Network of Toledo v. Ohio (Ohio Ct. App.)

February 7: Separation of Powers: Appointment of Personnel

- PCAOB v. Free Enterprise Fund (S. Ct.)
- PHH Corporation v. CFPB (D.C. Cir.)
- Bandimere v. SEC (10th Cir.)

February 14: Delegation; Forms of Administrative Policymaking; Rulemaking

- Assembled Readings on Department of Labor Rulemaking (Blackboard)
- Office of Management and Budget, Q&As on Office of Information and Regulatory Affairs, available at http://www.whitehouse.gov/omb/OIRA_QsandAs

February 21: No class
Exercise 1 Due February 21

February 28: Public and Political Participation in the Regulatory Process


March 7: The role of judicial review in the administrative process: Standing and Standards

- Massachusetts v EPA (S. Ct.)
- Frank Cross, Shattering the Fragile Case for Judicial Review of Rulemaking

March 14: Spring Break! No Class

March 21: No class

Take-home exam due at midnight, March 21.

March 28: Federalism & Localism

- Review Constitution, Article I, Section 8
- US v. Morrison (S. Ct.)
- Gonzales v. Raich (S. Ct.)
- NFIB v. Sebelius (S. Ct.)
- Other Excerpts on Federalism

April 4: Due Process

- Mathews v. Eldridge (S. Ct.)
- Cleveland Board of Education v. Loudermill (S. Ct.)
- Latif v. Holder (D. Or.)

April 11: First Amendment & Right of Citizen Participation

Joint Class with UST 550

- Manuscript on Community Norms and Free Speech of Public Employees
- Pickering v. Board of Education (S. Ct.)

April 18: Equal Protection

- Fisher v. University of Texas (S. Ct.)
- Obergefell v. Hodges (S. Ct.)

Exercise 2 due on or before April 18

April 25: The law and policing: Fourth Amendment & Equal Protection
• Consent Decree between City of Cleveland and United States Department of Justice
• Department of Justice Report into the Cleveland Police Department

May 2: Special topic, TBA

May 9: Final exam
   Due by 11:59 pm, May 9.