COURSE OVERVIEW AND REQUIREMENTS

No Required Textbook: There is no textbook for this course. I will post the cases and other reading materials on TWEN.

Reference Materials: I recommend the following two books for additional reading on Administrative Law:

William R. Fox, Jr., *Understanding Administrative Law*


Course Outline: I expect to address the following topics this semester:

1. Delegation of Powers to Administrative Agencies
2. Rulemaking Procedures
3. Adjudication Procedures

Student Learning Objectives: At the end of this course, each student should be able to:

- distinguish agency rulemakings from agency adjudications;
- explain the process that federal agencies must use to adopt regulations or to conduct formal adjudications;
• identify and apply the procedural requirements that must be satisfied for a party to bring suit against a federal agency action;
• identify and apply the standard(s) of review relevant to different types of challenges to federal agency actions;
• develop solutions to client problems in the administrative context;
• communicate clear arguments and analysis orally and in writing; and
• work in teams to give and receive feedback orally and in writing.

Assignments: For each week of classes, I post the assignments on TWEN by Friday of the prior week and often earlier than that. The assignment and reading material for the first week will be posted on TWEN in the “Weekly Assignments” forum no later than Wednesday, August 19.

Days of No Class: We will not meet on the following days:

Monday, September 7 – Labor Day
Wednesday, November 11 – Veterans Day

There may also be one or two other days when we will not meet if, for example, I have to go out of town for a legal conference. We will make up for those missed sessions with out-of-class exercises that will comply with ABA Standard 310, which specifies the amount of time students must spend on coursework both inside and outside the classroom to earn the three credit hours available in this course.

Evaluation: Your grade will be based on one or more written, graded exercises during the semester and a final exam that will be held on Thursday morning, December 17. In addition, there may be other exercises that will not be separately graded but must be satisfactorily completed to receive credit for the course.

Students Taking the Course with S/U Grading: If you elected to take this course with S/U grading, Law School policy provides that you must receive a 2.1 or better, based on the professor’s raw grades, to be deemed “Satisfactory” by the Registrar. Only students who receive a Satisfactory grade will earn academic credit for the course.

Class Attendance: Attendance will be taken daily. Your signature on the attendance sheet constitutes a representation that you have read the assigned material and are prepared to discuss it in an intelligent fashion.
Pursuant to School of Law Rule III.5(f), you are permitted six (6) absences. I make no exceptions for any type of excused absence. For your 7th absence and each absence after that, you will be subject to Law School Rule III.5(g), which calls for you to lose 0.3 points off your final GPA for each absence beyond six or for you to be withdrawn entirely.

If you are unprepared for class but would like to sit in (“note out”):

1. do not sign the attendance sheet; and
2. leave me a note on the lectern before class begins with your name and the date.

A day of “noting out” counts as one of your absences.

**Tardiness:** You are expected to arrive on time to class. If you enter class after I begin lecturing, do not sign the attendance sheet. A day on which you arrive late will count as one of your absences.

**Recording Policy:** This class is not being recorded. If you miss a session you will not have access to a recording of the class. You are prohibited from recording the class yourself in any manner, and doing so is a violation of the Honor Code.

**Meeting With Me Outside Class:** Feel free to drop by my office (Room 228) at any time during the day except on Monday and Wednesday mornings, when I am preparing for and teaching this class and another. I will be happy to talk with you about the class, the practice of law, or whatever else (within reason) is on your mind.

No appointment is necessary, but if you want to make sure I am available, it is best to send me an email ahead of time. You may also communicate with me through TWEN or regular e-mail (mccubbin@law.siu.edu).

**Emergency Procedures:** Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on
posters in buildings on campus, available on BERT’s website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. **It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency.** The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

**Disability Support:** Disability Support Services (DSS) provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. See: http://disabilityservices.siu.edu/. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

**Saluki Cares:** The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.