

Administrative Law  
Winter 2001 - Richards

Answer each question briefly, complete sentences are not necessary. Make sure you put your exam number on each page of the examination. Do not put your name or any other identifying information on the examination. Use no more than the space provided, and not all of the questions require all the space provided. Use specific case and statute references, as necessary. **Do not write on the back** - I only read what is on the front.

By taking this exam you are on notice that this exam is covered by the honor code. Violating this rule will result in failure in the class and may result in dismissal from law school.

1) Using Chada as an example, explain bicameralism and presentment.

2) What is standardless delegation and why did congress use it when they created the Federal Energy Regulatory Commission?

3) Explain how independent agencies differ from cabinet level agencies. Give an example of one.

4) Discuss how ALJs differ from Article III judges.

5) What was the ex parte contacts problem in the God Squad case and how did the court resolve it? Be specific.

6) Explain how inspections substitute for adjudications. Use an example.

7) Which APA sections govern notice and current rulemaking and what does the agency have to do to promulgate a proper rule?

8) Discuss the limitations on ex parte communications and political influence in rulemaking, including how *Sierra Club v. Costle* modified the law from *Volpe*.

9) Your client wants various things under federal FOIA. In each case, can she get the info and what exemption applies (section #), if any?

a) the medical history of an employee of the federal government.

b) the debriefing documents of the crew in the US plane brought down over China recently.

c) the laboratory notebooks (where scientists write their research notes on experiments) from a scientist at the National Institute of Health, a federal agency.

d) the FDA help data on the complications of Viagra as reported by its manufacturer.

e) the report containing the results of a medicare fraud investigation that were sent from HHS to DOJ.

10) What factors should indicate to a reviewing court that an agency interpretation of law is probably correct?

11) Explain that case! For each case, briefly explain its significance in administrative law and any tests it stands for.

a) Chocolate Manufacturers Ass'n v. Block

b) Chrysler Corp. v. Brown

c) Mada-Luna v. Fitzpatrick

d) Overton Park v. Volpe - United States Supreme Court ruling.

e) Vermont Yankee v. NRDC

12) Discuss and distinguish the injury in fact and zone of interest tests. Use case examples.

13) What are the standards the court should use when deciding whether to defer to an agency in a primary jurisdiction case? Give an example.