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Exam #

Administrative Law Spring 2009 - Richards

Put your exam number on each page of the examination. Do not put your name or any other identifying information on the examination. Read the entire exam before answering any questions. Make sure you have all the pages and that they are all different. Use no more than the space provided. **Do not write on the back**. If you are using the computer, each question has a 100-word limit. **If you use the computer, make sure you number your answers to match the question numbers.**

question numbers.		
1.	What unilateral legal powers does the Constitution give the House of Representatives?	
2.	What are the unilateral legal powers of the Senate as provided by the Constitution?	
3. ultimat	What makes an independent agency independent and how does the executive branch rely control them?	

4. What are the functions that must be separated when we talk about separation of functions in adjudications?

5. What is the Residumm Rule and how is it changed by the "substantial evidence" standard?

6. Who has the burden of proof in an administrative proceeding?

7. How can an agency taking official notice of information, such as a medical board relying on the expertise of its physician members in a licensing dispute over the quality of care, influence the defendant's due process rights, and must the agency structure the record to protect the regulated party's due process rights?

8. Why did the new property jurisprudence do away with the "bitter with the sweet" doctrine? (Remember to tell me what the "bitter with the sweet" doctrine is.)

9. Why did Roth and Sinderman have different due process rights?

10. How can an agency use rulemaking to narrow the issues in adjudications - use Vermont Yankee as an example.

11. What did Chocolate Manufacturers Ass'n v. Block tell us about the notice and comment rulemaking process?

12. Why did EPA say it could not make a rule in Mass. v. EPA and why did this invite judicial review?

13. Distinguish the "injury in fact" and "zone of interest" tests.

14. What do you have to show to contest an opinion letter to a third party?

15. Why was pre-enforcement review appropriate in Abbott Labs and not in Toilet Products?

16. What is the futility doctrine and how do you satisfy it?

17. What are the Barnhart Factors for evaluating agency persuasiveness?

18. How is hard look review reconciled with deference to agency decisionmaking?

19. What are transaction documents and why are they easy to get with administrative subpoenas?

20. What is a Glomar response and what are situations where it would be necessary?
