

Administrative Law  
Fall 2005 - 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. You do not need complete sentences, as long as you are clear. Think before you write - you need to be clear and organized or you will run out of room. Use specific case and statute references as necessary to answer the question. **Do not write on the back** - I only read what is on the front. If you are using the computer, each question has a word limit.

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1) Federal grants for medical research are very competitive. Scientists requesting federal grant money must submit a detailed proposal, including previous work in the area, a detailed description of the work they are seeking funds to support, and an explanation of why the work is important. The grant request is submitted to the National Institute of Health, a federal agency. Some of these are funded, and many are not. All grants are kept on file at the agency. Your client submitted a request for funds to support research on a new drug for diabetes. The proposal was not funded by the government and the scientist sought funding from a private drug company. The drug company will fund the project but they want the patent rights. They also want to prevent access to the federal grant information because it would give competitors an advantage to know the direction of its work. Your client has asked you two related questions:

- A. Can a competitor get a copy of the grant from the NIH?
- B. If the government can release the grant, how can he stop them?

Address both points in your answer. Be specific about the APA sections you would use. Computer users have 300 words.



2. The Wooley case is an important constitutional law case in Louisiana administrative law.

A. Explain why LA SC rejected the provision of the LA statute that makes the ruling of an administrative law judge binding on the agency. Draw parallels with United States Supreme Court cases as applicable. Computer users have 400 words.



B. What must the legislature do if it wants to make these decisions binding? (30 words.)

C: What are the policy implications of making the ALJ's decision binding on the agency? (150 words)

3) Explain how a lawsuit against the Army Corp of Engineers will be different for the folks flooded by the 17th street canal and those flooded by the levee problems in the 9th Ward. 200 words.

4) Assume that Congress has passed the Natural Disaster Hazard Remediation Act (NDHRA), which gives the EPA the right to condemn property and prevent rebuilding if the property is so contaminated that it would be unsafe to live there. Under this law the EPA has condemned the 9th Ward and ruled that the property cannot be rebuilt and used for businesses or residences. This destroys the value of the property and the owner wants to sue the EPA. What does the EPA owe them and why? What cases control? Assume that the only law to apply is the cases we read and the NDHRA, and that it is silent on compensation. (150 words)

5. What is the due process standard in *Goldberg v. Kelly* and how was this modified by *Mathews v. Eldridge*? (175 words)



6. Your client owns a small oyster bar and restaurant. She keeps her desk where she does the restaurant's paper work in the back of the kitchen because there is not enough room for a separate office. The restaurant inspector demanded to see what was in the desk drawers because he said anything in the kitchen could potentially contaminate the food and he had to be sure there were no prohibited substances in the desk. She objected, but when he threatened to close the restaurant, she opened the drawers. The inspector found an illegal sawed off shotgun the owner uses for protection. She is now being prosecuted for possession of an illegal weapon. Is this a proper search whose evidence should be admitted in a criminal trial? Discuss both sides of the issue. (400 words)

