

Administrative Law  
Spring 2008 - 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 120 word limit. **If you use the computer, make sure you number your answers to match the question numbers.**

1. Why is the separation of powers issue between the governor and insurance commissioner in Louisiana different from the issue between the courts and the Department of Administration?
2. From the point of view of the agency, how does the legal effect of a decision by an ALJ in the LA Department of Administration differ from the legal effect of an ALJ's decision in a federal agency?
3. What is separation of functions in administrative hearings and how does this improve the fairness of hearings?
4. What function requires that an agency be part of the executive branch? What is an example of a congressional agency and what sort of things can it do?
5. *"Agency adjudications can be efficient (cheap), accurate, or fair. Choose two."* What does this mean?
6. When a hearing officer is overruled by the agency, how should the reviewing court treat the ALJ's opinion - discuss *Universal Camera Corp. v. NLRB* in your answer.
7. How does *Matthews v. Eldridge* modify *Goldberg* and why did the court limit the *Goldberg* rights?
8. What is the "no law to apply" doctrine and how did it resolve the delegation doctrine problem?
9. What is the problem with third party standing, as in *Eastern Kentucky*?
10. How can rulemaking be used to improve the efficiency of adjudications? Use an example from a case.
11. Discuss mandamus, including the standards for relief and when you would use it.
12. How do you distinguish *Mead* from *Chevron*?
13. When does self-incrimination apply to documents? (Use an example to illustrate your answer.)
14. What are the Burger factors for deciding if a business is pervasively regulated?

15. What does it mean to say that FOIA is about access to records and not to information? How is this changing in the electronic world?
16. What is the procedural prerequisite before going to court under the FTCA?
17. How are state tort claims acts and 42 USC 1983 complimentary?
18. How is qualified immunity different from the discretionary function exception?
19. How does the 11th amendment limit claims under 42 USC 1983?
20. How does immunity under the Flood Control Act of 1928 differ from discretionary authority immunity under the FTCA?