



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

5. What is the Residuum 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?



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?

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