

Administrative Law
Fall 2001 - Richards

This is a closed book, closed note, closed everything exam. 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.

1) Distinguish Londoner and Bimetallic and explain their significance to administrative law.

2) President Bush used executive orders to create the Homeland Security Czar. You do not need to know or discuss the specific executive order he issued, but discuss in general terms what he could do with his executive powers and what he could not do until congress passed a law enabling the homeland security agency. Be sure to address staffing, funding, etc.

3) Using an example of each, explain how independent agencies differ from cabinet level agencies. How does this difference affect review by the Office of Information and Regulatory Affairs (OIRA)?

4) Using restaurant inspection as an example, explain how inspections can substitute for adjudications.

5) Which APA sections govern notice and comment rulemaking and what does the agency have to do to promulgate a proper rule? Assume that the agency does not follow correct procedure, but the deadline for contesting the rule has passed. How can you attack the rule?

6) Contrast the significance of ex parte communications in agency adjudications and district court trials and explain how they are handled differently.

7) How are FOIA requests different from discovery in civil trials? Explain why you might use FOIA instead of discovery in a case you plan to litigate. When can an agency release info that is covered by an exception and how does this lead to reverse FOIA claims?

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

a) Humphrey's Executor v. United States

b) *WAT Radio v. FCC*

c) *Pillsbury Co. v. FTC*

d) *Heckler v. Campbell*

e) *Buckley v. Valeo*