# Administrative Law - Richards

# Louisiana Adjudications - The Department of Administrative Law and the Wooley Case

# Learning Objectives for this Module

## Learn how the legislature can fundamentally change the powers of an agency.

## Learn the pros and cons of central panel ALJ decisionmaking.

## Learn how the DAL creates a bias against regulation in Louisiana.

## Learn why the Wooley case ultimately leaves State Farm without an enforceable remedy.

## Learn the limits on using mandamus for force agency actions.

## Learn how declaratory judgments can be used to resolve agency conflicts.

## Learn how Bonvillian and subsequent legislation resolves.

# Evaluation Questions

## State Separation of Powers

### How does separation of powers differ in the states as compared to the federal government?

### How does the position of Attorney General of Louisiana differ from the Attorney General of the United States as relates to separation of powers?

### What is a central panel model for ALJs?

### What are pros and cons of a central panel model?

### How does the DAL legislation change the relationship between the agency and the ALJ, i.e., how is the LA system now different from the Federal system?

## *Wooley*

### Before the DAL legislation, the ALJs were part of their constitute agencies.

#### Who do they report to after the DAL legislation?

#### Does this raise separation of powers issues?

### Louisiana created the central panel ALJs to reduce bias – what is the theory for why they would be less biased than agency ALJ?

### Louisiana is concerned about fairness to the regulated party – which party does this ignore?

### Why is it especially hard to assure consistent policy in adjudications in LA?

### Why does allowing the regulated party, but not the agency, to appeal the central panel ALJ’s decision reduce regulation?

### How are LA central panel ALJs more like Article III judges than are ALJs in the federal system?

### How does having a central panel of ALJs, as in Louisiana, address separation of functions?

### What is the separation of powers issue in the *Wooley* case?

### What does the court say is the key attribute of an Article V judge?

### How is this informed by the worker compensation commission case?

### How did the LA SC explain why LA ALJs are not Article V judges and thus do not need to be elected?

### Why was the Insurance Commissioner unable to use a declaratory judgment to challenge the correctness of the ALJ’s decision?

## *Bonvillian*

### What did issue *Wooley* leave unresolved that lead to the *Bonvillian* cases?

### Why would State Farm hesitate to sell an insurance policy approved by an ALJ but not by the agency?

### What is an action for mandamus and what are its limitations?

### Why was mandamus denied in *Bonvillian* *I*?

### What legal action did petitioners successfully use to get his license in *Bonvillian* *II*?

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