

**Notice:** This course will be taught under stressful conditions because of Covid safety precaution mandates. Consequently, some of what is described below will be subject to change. Please consult St. Louis City's and SLU's webpages regarding changing policies on mask wearing, social distancing, and vaccination requirements. <https://www.slu.edu/health-advisory/messages/slu-reinstates-mask-mandate-july-2021.php>

**STATEMENT ABOUT THE COURSE**

*Law, Politics, and Regulatory Policy* is rooted in administrative law. Administrative law is one of the fastest growing areas in the public administration discipline, as well as in the field of law. The chief reason for this is simple. More experts in administrative law are needed to help various public and private organizations cope successfully with the mounting problems caused by the rapid growth of governmental regulatory policies over the past few decades. Administrative law is not an easy subject, mostly because it is a relatively new, unstable legal area undergoing rapid change, although the pace has slowed in recent years. Basically, administrative law deals with the legal relationships between regulatory agencies and those they attempt to regulate. Judicial review of agency actions is a particular focus of administrative law since the courts often must decide whether governmental agencies have acted properly when flexing their regulatory muscle. A major focus of administrative law is procedural due process, not constitutional due process. Consequently, we will study how well agencies do in applying procedural due process when conducting agency work (e.g., when promulgating rules, holding hearings, and conducting administrative searches).

Unlike many areas of law, administrative law cannot escape politics since their regulatory decisions are inherently political. Typical case law involves the government as one of the parties in a lawsuit (e.g., FDA, FAA, EPA, USCIS, SEC, FCC, DHS) since often businesses and people contest regulations imposed on them by administrative agencies. Governmental regulations are almost always controversial since Republicans and Democrats have different views on the role governmental regulators should play. Agency administrators often see themselves caught between a rock and a hard place with some in Congress approving of their regulations with others wanting to strip them of specific regulatory powers. The Trump administration conducted an assault on the administrative state, trying to curb agency power and their regulatory clout in an effort to allow businesses to

operate without a regulatory burden.

President Biden has tried to return the administrative state to normality. We will examine what this means.

**Class Dates and Time**

Classes will be held on Tuesday evenings from 7:15 to 10:00 pm, September 2 - Dec 14, 2021

**Seminar Outline (Dates)**

August 31  
August 7  
Sept. 14  
Sept.

**Topics**

Introduction to Seminar  
Warren, Chapter 1  
Warren, Chapter 2



Each student will complete a term paper on any subject related to *Law, Politics, and Regulatory Policy*. The paper will be due starting on the second to last class to the last class. The paper needs to be 18-20 pages for the undergraduate section and 22-26 pages for the graduate section. The details of the seminar paper assignment will be explained in class.

### **Course/Learning Objectives**

Students are expected to learn the subject matter of *Law, Politics, and Regulatory Policy* (administrative law). Students are also expected to understand case law, specifically how administrative law principles, doctrines, and legal tests are applied to legal arguments. Additionally, students are expected to understand administrative law/decision-making in the context of the political system, understanding that legal demands often conflict with political demands and that political demands normally trump technical legal demands. One objective in this course is to help students prepare for law school. Reports by students who have gone to law tell me that they benefitted a lot from taking this course. Note, this course has been approved by SLU law for credit in their law school program and many SLU law students have taken this course. However, this course is also very valuable for non-law school students, especially because a major objective in this course is to teach students the very practical nature of administrative law. Knowing administrative law will help with navigating the complex government bureaucracy. Knowing your legal rights when confronting government bureaucracy is important if you want to deal successfully with government's administrative apparatus.

### **Modes of Assessment and Skills/Knowledge Being Assessed**

Student knowledge of the subject matter will be assessed on a weekly basis as students participate in seminar discussions. Students are expected to demonstrate knowledge of the material and be able to show a conceptual understanding of administrative law principles, doctrines, and case law. Because administrative law is a difficult subject and not commonly known until exposed to

they have learned about administrative law in their lengthy term papers where they must apply principles, doctrines, and case law to the development of their administrative law topic. The quality of their papers will be judged on not mere description of their topic, but on the quality of their analysis of the subject matter.

### **Attendance Policy**

**Note:** Attendance is very important in seminars because participation in discussions is crucial. Of course, participation is a key element in determining your grade. To get credit for the course, students cannot have any more than two



**circumstances such as sudden illness or an accident. Please notify me as soon as circumstances permit.**

My answer:

Students are expected to keep up with all class assignments and complete their project/paper on time. Students are allowed to miss a limited number of classes as explained in the section on Attendance Policy. A missed lecture is missed information. A missed seminar is not only missed information, but missed participation and a missed assessment opportunity for me. What else can I say? Missing a lecture class is less serious than missi

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