

Political Science 4193/5143
Administrative Law
Spring 2022

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The rise of administrative bodies probably has been the most significant legal trend of the last half-century and perhaps more values are affected by their decisions than those of all courts, review of administrative decisions apart.

-- Justice Robert Jackson

I. Course Overview and Objectives

The power the government has over our lives is obvious. It regulates the quality of the food we eat, the water we drink, and the air we breathe. It regulates the conditions of our workplace, how we can construct our homes, and what kinds of fuel we can use in our cars. Some observers have even said that we live in a regulatory state that covers us from *before* the cradle to *beyond* the grave since both prenatal health care and methods of burying the deceased are both the domain of federal and state legislatures.

What is perhaps more interesting is a large portion of these regulations comes not from Congress (or state legislatures), but from the unelected officials serving in the executive branch. By one scholar's estimate, fully 90 percent of the laws governing our daily behavior come from bureaucrats and *not* from legislative branch of government. Although liberals and conservatives debate the appropriateness of the proper scope and forum for governmental activity, the simple fact is clear: bureaucrats play a prominent role in guiding and controlling our behavior.

However, such governmental control is not without limits for a body of law -- administrative law -- governs it. Specifically, the term administrative law refers to the body of law that governs how executive officials make law, the procedures they must follow, and how the courts, the legislature, or those higher in the executive branch hierarchy can review their decisions. Administrative law also governs the actions of government officials -- what is permitted and what is not permitted in exercising their discretionary authority. It provides legal remedies to those citizens who have been wronged by the actions of administrators. In short, administrative law is the law that governs the executive branch of government and any student contemplating entering the public service must understand its principles.

Thus, the goals of this class are as follows: First, by the end of the semester, students will have a working knowledge of the key issues, concepts, and doctrines in the field of

administrative law. Second, students will come away from this class with a richer understanding of the American administrative state -- how it got to be the size it is and attained the power it has. Finally, students will be able to place administrative law in the broader context of public administration and American politics.

Please note that, although we will be covering a voluminous amount of legal doctrine and case law, the perspective of this course is broader than that of a lawyer's or a judge's. We are not so much concerned in this class with exploring the legal minutiae of administrative law, but instead to view how changes in society and politics have worked to change the meaning of administrative law over time.

II. Required Texts:

Harrington, Christine B., and Lief Carter. 2015. *Administrative Law and Politics: Cases and Comments*, 5th ed. Los Angeles: Sage/CQ Press.

Fritschler, A. Lee, and Catherine E. Rudder. 2006. *Smoking and Politics: Bureaucracy Centered Policymaking*, 6th ed. Upper Saddle River, NJ: Prentice Hall.

Students also may be required to find and read cases pertaining to administrative law on Blackboard.

For Graduate Students (in addition to those books listed above):

Lowi, Theodore. 1979. *The End of Liberalism*. New York: Norton.

Kerwin, Cornelius, and Scott Furlong. 2011. *Rulemaking: How Government Agencies Write Law and Make Policy*, 4th ed. Washington, DC: CQ Press.

III. Course Requirements:

Undergraduate Students:

Unit I Exam	100
Unit II Exam.....	100
Unit III Exam	100
Briefs (5 total)	100
Paper I	100
Judicial Simulation.....	100
Participation.....	50

Graduate Students:

Paper I	100
Case briefs (5 total)	100
Judicial simulation.....	100

Participation.....	50
Book reviews (2 total).....	200
Course exam.....	100

A. Exams:

Undergraduate students: An exam follows each unit of the class. All three exams will be in-class, essay format, and noncumulative.

Graduate students: A comprehensive take-home exam will be given at the end of the semester.

B. Case Briefs:

They are to be one page per case; write and turn in a case brief for all cases listed in **bold** on the reading list below. It is also expected that you will be writing (but not turning in) case briefs for all cases you are to read for this course. For more information on how to brief a case, see the [instructions](#) on Blackboard.

Optional Term Paper

Students needing to complete a term paper to meet the PLSC departmental requirement for a senior writing requirement may substitute a 10 to 15-page term paper for the briefs (due the last class period prior to Dead Day). You will also need to turn in a proposed topic, outline, and annotated bibliography. However, to do so, you must receive my permission to do so **prior to the due date for the first case brief**. If you choose this option, I will provide you with further written instructions and due dates.

C. Paper I: suggested length 5-7 pages

Overview: You are to review the book *Smoking and Politics* by Fritschler and Rudder and discuss its relevance to administrative law and politics. Specifically, I would like you do the following things:

- Tell me what led up to the adoption of cigarette labeling requirements and advertising policies.
- Tell me *who* was responsible.
- Tell me what this has to do with administrative law.
- Tell me what the things discussed in the book have to do with the themes we have talked about in class.

Purpose: Fritschler and Rudder’s case study of tobacco policy is considered to be one of the “classic” pieces in administrative law, for it illuminates the tension between administrative agencies and their broader political environment. In reading this book and writing this paper, you are not expected to become an expert on tobacco advertising policy or the Federal Trade Commission. Instead, I hope you will better understand **both** the political and legal dynamics involved in the dispute.

Method: Read all of *Smoking and Politics* **carefully**; pay special attention to the preface and Chapter One of the book. To receive a passing grade on the paper, the essay itself should be no shorter than 5 pages of text (double-spaced). You should review other material covered and analyze the events discussed in the book in their relation to administrative law.

Format: The exact format of the paper is up to the student. However, to receive a decent grade, you should have an introduction where the major points of the paper are laid-out, a review of the events discussed in the book, and an analysis of how these events relate to the broader themes discussed in lectures and the readings.

Please be sure to read my general tips for writing on the Blackboard page.

D. Judicial Simulation:

Description: In this activity, we will simulate three real cases before the real U.S. Supreme Court during the current term. In each case, teams of students acting as attorneys for each side of each case will submit briefs outlining their arguments to the court. The attorneys also will present their case in oral arguments. Our Supreme Court will be composed of other students from class who will hear the cases and issue individual opinions (i.e., each justice will submit three opinions).

Purposes: The purposes of these moot courts are several. I hope you learn even more about some of the concepts we have discussed in class. I also hope you are able to parlay what you have learned into class in ways that assists you with this hands-on project. I also expect that you have a little fun with this assignment – but not too much fun, as this assignment does constitute a large portion of your overall grade and I thus expect a great deal of high-quality work.

Actors and Responsibilities:

Every student in this class will serve either as an attorney on one of the legal teams or as a justice on the simulated Supreme Court.

Attorneys: The lawyers for each side in the cases will be responsible for submitting to the court one single brief outlining the position for which they are arguing. The lawyers for each side will find *significant* collaboration necessary for the compilation of the brief. Further, all material in the brief must be fully integrated – I don't want to see several "mini-briefs" stapled together. A wide range of arguments can be used in this brief. Everything from a broad philosophic argument to specific case citations (for precedent) can and should be used. The brief should be 15-25 pages long (check the syllabus for the due date). *Each team shall elect a lead counsel to coordinate the legal research efforts and to serve as a contact person for your group.*

The team representing each side will present oral arguments to the court. The exact form of the argument is up to each legal team, but it is expected the oral argument be presented in a professional, well-crafted manner. Professional dress and *substantial* preparation are highly recommended. Instructions and tips for presenting oral arguments are posted on Blackboard. I encourage the justices to be familiar with them, as well.

The quality of the briefs is highly dependent upon the quality of the members of the legal teams. The grade you receive for this simulation will be, in part, determined by your team members (in the form of periodic peer evaluations). If a legal team deems one of its members is not carrying his or her own weight, by unanimous vote of the remaining members, the team can remove that person. Unless that former member can convince another legal team to take them in, he or she will receive an "F" for the assignment. *Moreover, at the beginning of the project, legal team members must write and each sign an agreement specifying their own individual roles in the project and the date(s) when their portion of the project will be due to the other team members. The agreement will also require students submit any written work they have completed for the brief to SafeAssign and to agree to comply with the UA Academic Integrity Policy.*

Each team will turn in their brief on Blackboard with all the names of the team members on the title page.

Justices: The role of the justices is very similar to that of those on the real Supreme Court. They will read the briefs written by the legal teams and will hear the oral arguments of the case, and, most important of all, *ask the legal teams questions from the bench* (I expect one question from each justice for each case). Justices will need to be very familiar with the legal teams' briefs *prior* to oral arguments. After they have heard the arguments, the justices will individually write an opinion 8-10 pages in length for **each case** (check the syllabus for the due date). The justices will turn in one opinion for each case on Blackboard.

A note on grading: Your overall grade on this assignment will be a product of several things:

For the legal team members:

The group's grade will be composed of:

- The grade received by the group on its written briefs (75%)
- The quality of the group's oral arguments presentation in (25%)

Your individual grade will be the product of the average of the peer evaluations of you by your fellow group members multiplied by your group's grade.

For example, if your group received a 92% on your written briefs, a 90% on the oral arguments presentation, and you received a "B" (85%) in your group's evaluation of you, your individual grade will be a 77.8. I get this number by doing this:

$$[(92*0.75)+(90*0.25)]*.85=77.8$$

Because your group's evaluation of you can greatly impact your individual score (i.e., the one that goes in the gradebook) is in your best interest to pull your weight in your group!

For the justices:

- The grade you received on each of your written opinions (25 points max per case).
- Your participation during oral arguments (25 points max).

E. Participation:

Participation points will be earned through contributions to class discussion and overall attendance. Participation is critical to this course, and it is strongly encouraged that students attend **every class**. Your level of attendance will determine your participation grade **AND** a large portion of the material on which you will be tested will come exclusively from in-class lectures (note: if it appears several people are missing lectures, I will take attendance and add it to the overall grade for the class). It is very much expected that **all** students have completed -- in advance -- the readings assigned for each particular date and are prepared to discuss them. You can expect to be called on in class to discuss material even when your hand is not raised.

You can expect your final participation grade to be computed as a proportion of the total number of available participation points as follows:

- 100%: Attended class daily (or had no unexcused absences) and engaged in class discussion more often than 90% of the other students in the class.
- 90%: Attended class daily (or had no unexcused absences) and engaged in class discussion more often than 80% of the other students in the class.
- 80%: Attended class daily (or had no unexcused absences) or engaged in class discussion more often than 80% of the other students in the class, but not both.
- 70%: Attended class regularly and engaged in class discussions.
- 60%: Attended class frequently and engaged in class discussions.
- <60%: Did not attend class frequently or engage in class discussions.

IV. For Graduate Students enrolled in PLSC 5143:

You will be required to write two book reviews in addition to the requirements for the undergraduates. You are exempt from having to take the in-class exams. Instead, you will complete a practice “comp” exam at the end of the semester. Additionally, we will meet on the days the undergraduates are taking their exams to discuss in a seminar format the books you are required to read. It is also expected that graduate students will attend class religiously and participate in a genuine but considerate way with undergraduates in all classroom discussions.

V. Additional Policies of Interest:

Spring 2022: (note: the information in this section supersedes any material discussed in the other sections of this syllabus).

- **Method of delivery:** I will teach the class in person (although I may, on a very short-term basis, deliver lectures via Zoom). You are free to attend in person or via Zoom. You do not need permission ahead of time to attend via Zoom, and you are free to attend either in person or via Zoom any given lecture. **It is expected that all students attend all the lectures, either in person or via Zoom**

- **Problems with Zoom, Blackboard, or any other technology:** Please contact Help Desk at 479-575-HELP (4357).
- **Email:** Students are responsible for checking their UARK accounts regularly. All communication between student and instructor and between student and student should be respectful and professional.
- **Assignments:** Assignments will be submitted through Blackboard.
- **Recording:** All lectures will be recorded and made available for your viewing until the end of the unit. Please note this is done for those who are sick, are facing technological challenges, or dealing with other issues that prevent them attending the synchronous lectures. **It is expected that all students otherwise attend the lectures, either in person or via Zoom.** By attending this class, you understand the course is being recorded and you consent to being recorded for official university educational purposes. Be aware that incidental recording may also occur before and after official class times. Recordings of my lectures are protected under national and international law for the sole purpose of this class and may not be stored, replicated, or distributed in a manner inconsistent with the purposes of this class. Individuals engaged in the unlawful distribution of class recordings will be subject to referral to the Office of Student Standards and Conduct and may be subject to civil and criminal penalty. See <https://keepteaching.uark.edu/unauthorized-use-of-class-recordings-and-notes.php> for more information. Continued enrollment in this class signifies your intent to abide by the policy.
- **Participation: All students enrolled in this course are expected to participate in class, whether attending via Zoom or in person.** While I recognize the circumstances and situations for learners may vary, I also understand the importance of keeping students engaged in learning at this time. It is critical that you remain active and attentive in this class.
- **Some important information about lectures:**
 - Check university email for course communications daily.
 - Log in to the course in Blackboard to check for class materials and announcements.
 - Those attending scheduled class sessions in person:
 - You must wear a mask while in class for your protection and for the protection of those around you. Masks must always be properly worn, over your nose and mouth and especially when entering and leaving the classroom. If you do not have a mask, please let me know and a mask will be provided for you. Eating and drinking are not permitted during class. Individuals should leave the classroom to eat or drink, as necessary. If you require accommodations due to a disability, please contact the Center for Educational Access. Those who violate the university's mask policy will be referred to the Office of Student Conduct
 - To the maximum extent possible, exercise social distancing in class.
 - Those attending scheduled class sessions via Zoom:
 - Arrive to the Zoom session on time and leave at the end of the class session.

- If possible, use a headset with a built-in microphone rather than your computer's speakers and microphone to reduce echo and extraneous noise.
- Make sure you are in a quiet location and mute your microphone when not speaking.
- Try to get to know others. Introduce yourself to classmates and refer to them by name.
- Take the group work in the judicial simulation seriously. Remember that your peers will enrich your learning and you will enrich theirs. They will also grade you.
- Listen respectfully and do not interrupt or engage in private conversations while others are speaking.
- Actively take notes.
- Ensure that your environment is conducive to schoolwork and free from distractions.
- Treat each day like a class day. Attend synchronous sessions and complete homework as you would when in an on-campus course.
- Limit conversations to those that are appropriate for a classroom setting. Personal chats or conversations not related to the learning environment should be conducted outside of remote course environments.
- Consider Blackboard and Zoom (or other learning tools used in this class) to be like a classroom setting. The same code of conduct and expectations are required of students.
- Dress appropriately for video, and ensure backgrounds are appropriate.
- Interact appropriately with others in the class.

Academic Integrity. As a core part of its mission, the University of Arkansas provides students with the opportunity to further their educational goals through programs of study and research in an environment that promotes freedom of inquiry and academic responsibility. Accomplishing this mission is only possible when intellectual honesty and individual integrity prevail. Therefore, each University of Arkansas student is required to be familiar with and abide by the University's 'Academic Integrity Policy' which may be found at <http://provost.uark.edu/>. Students with questions about how these policies apply to our particular course should contact me immediately. As a general rule, please note the University and I take plagiarism *very* seriously. You must cite fully any information that did not originate in your head. You have been warned. Please do not try me. Remember, when in doubt, cite!

Before Class: If you have a question for me before class, please hold it until after (or even during) class. If you need to come to my office, please do so during my office hours or *after* class.

Blackboard: There is a Blackboard web page for this class. I will be using it for posting readings, a copy of this syllabus, and for miscellaneous things.

Buffoonery: The University of Arkansas' Code of Student Conduct prohibits in sec. 20(f) acts of buffoonery. Please avoid conducting acts of buffoonery in this class.

Cell Phones: Every time a cell phone rings in this class, everyone gets a pop quiz. Ringing cell phones will be confiscated and returned after class in several small pieces.

Classroom etiquette: Arriving late to class, leaving early, reading newspapers in class, non-course related chatter: DON'T. If I find you are doing any of these things, I will ask you to cease -- and I cannot guarantee that I will be very polite in doing so. And please, no flash photography.

Copyright. All lectures, lecture notes, overheads, handouts, and exams are protected under federal and international copyright law. Students are strictly prohibited from posting on websites or selling any material generated from this class, including, but not limited to, lecture notes, assignments, or exam answers.

Disabilities: I will make reasonable accommodations for students who have a documented disability. If you have a disability that may require assistance or accommodation, or you have questions related to any accommodations for testing, note-takers, readers, etc., please notify me during the first two weeks of class.

E-Mail: Because I use e-mail a lot to communicate with the class (for reminders and announcements), I ask that you check your "uark.edu" e-mail address daily. Because I am using the University's class email list, I cannot send email to non-uark.edu accounts. Not receiving important emails from me because your account quota was full is bad.

Emergency procedures: Many types of emergencies can occur on campus; instructions for specific emergencies such as severe weather, active shooter, or fire can be found at emergency.uark.edu.

Severe Weather (Tornado Warning):

- Follow the directions of the instructor or emergency personnel
- Seek shelter in the basement or interior room or hallway on the lowest floor, putting as many walls as possible between you and the outside
- If you are in a multi-story building, and you cannot get to the lowest floor, pick a hallway in the center of the building
- Stay in the center of the room, away from exterior walls, windows, and doors

Violence / Active Shooter (CADD):

- CALL – 9-1-1
- AVOID – If possible, self-evacuate to a safe area outside the building. Follow directions of police officers.

- **DENY** – Barricade the door with desk, chairs, bookcases or any items. Move to a place inside the room where you are not visible. Turn off the lights and remain quiet. Remain there until told by police it's safe.
- **DEFEND** – Use chairs, desks, cell phones or whatever is immediately available to distract and/or defend yourself and others from attack.

Exams: If you arrive late to an exam, you might not be able to take it at that time. If you arrive late to an exam without an excuse, you will not be able to take a make-up exam (See also Make-up Exams). Blue books turned in with pages torn-out or otherwise missing will be returned ungraded.

Extra Credit: Whenever there is a university function that is related to the course, I often offer extra credit to students who attend the event. To receive extra credit, attend the announced event, type up a 1- to 2-page summary of the event (include your own thoughts, please) and turn it in no later than one week after the event to my email address at schreckw@uark.edu. However, to receive credit, I must announce the function in class ahead of time (so if you hear of something, please let me know). I offer these as opportunities to receive credit and they are done at my own discretion. If you can't make the event(s) because of work, familial, or other obligations, you are out of luck...sorry. You can only receive up to 5% of the total number of possible points for the class from extra credit assignments.

Inclement Weather: If the University invokes the Inclement Weather Policy and cancels classes for the day, all assignments, readings, and/or take-home exams will be due at the next time class meets. If we were to have an exam that day, the exam will be given during the next class session.

Late Things: On days when something is due, it is due in class at the beginning of class. If you turn something in late without an excuse, I deduct ten percentage points from the time it is due, and then double the number of percentage points each additional 24-hour period it is late (i.e., a paper turned in 25 hours late will lose 20 percentage points).

Make-up Exams: Make-up exams are allowed only in cases of proven (i.e., documented) emergencies, and will take place during the time allotted during finals week. If you have an emergency that prevents you from taking an exam, you must contact me as soon as possible to tell me that you cannot take it. Also, you need to contact me no fewer than two weeks before finals week to schedule a make-up. Failure to do so in time will result in an "F" grade for that exam. Early exams will not be given under any circumstances.

Missing Class: If you miss class, please do not ask me for lecture notes; instead, bug another student. *Under no circumstances do I give out my lecture notes, even to those students with valid excuses for missing class.* If you miss class the day I return exams or other physical material, you must pick them up at my office, during my office hours ONLY.

Returned Papers, Exams, and Assignments: Please retain all material returned to you in

the event I make a mistake on your final grade. I cannot change a disputed grade unless I have proof of the mistake in the first place.

Written Work: All written work submitted to me must be typed and of college-level writing (or graduate student writing for graduate students). If a writing assignment does not meet either of these criteria, it will be returned ungraded with a “zero” score. For help with the details of writing, see “Dr. Schreckhise’s Writing Tips” on Blackboard.

VI. Readings: [note: I reserve the right to alter the schedule as the course progresses. “HC” refers to the Harrington and Carter textbook]. You are required to write and submit a case brief for the cases below in **bold**.

Day	Topic	Readings
Jan. 19, Wed.	Introductory Remarks	This syllabus
Jan. 24, Mon.	Unit I: Administrative Law and the Political System Why Administrative Law?	HC: 2-24
Jan. 26, Wed.	Introduction to Law and Administrative Law Growth of Administrative Power: --History and Attitudes --Congress	HC: 26-31, 45-48
Jan 31, Mon.	Growth of Administrative Power: Historical and Constitutional Developments (cont.) --The Supreme Court <ul style="list-style-type: none"> • Nondelegation Doctrine • Separation of Powers 	HC: 84-86; 89-94 <i>Mistretta v. U.S.</i> (1989)
Feb. 2, Wed.	Growth of Administrative Power: Historical and Constitutional Developments (cont.) --The Supreme Court <ul style="list-style-type: none"> • Economic Rights • Federalism 	HC: 52-70
Feb. 7, Mon.	Statutory Authority of Agencies and Bureaucratic Discretion --The nature of agency power and discretion <ul style="list-style-type: none"> • --Legislative control of the executive branch 	HC: 95-101 <i>INS v. Chadha</i> (1983)

<u>Day</u>	<u>Topic</u>	<u>Readings</u>
Feb. 9, Wed.	Statutory Authority of Agencies and Bureaucratic Discretion --Presidential control of the executive branch • --Statutory interpretation	HC: 101-104; 106-121 <i>NAACP v. FPC</i> (1976) <i>Chevron v. NRDC</i> (1984) <i>FDA v. Brown and Williamson Tobacco Corp.</i> (2000)
Feb. 14, Mon.	Rights and Administrative Law --Due process of law --Freedom of speech --Equal protection	
Feb. 16, Wed.	Rights and Administrative Law --Fourth Amendment and administrative searches and seizures --Fifth Amendment, subpoenas, and takings	HC: 70-78;141-150 <i>Wyman v. James</i> (1981) <i>Marshall v. Barlow's, Inc.</i> (1978)
Feb. 21, Mon.	Undergrads' Exam I Graduate students' Lowi book review due	
Feb. 23, Wed.	Unit II: Elements of Administrative Law Rule-making --Overview --Origins --Types	HC: 252-256 <i>U.S. v. Florida East Coast Railway</i> (1973)
Feb. 28, Mon.	Rule-making --Informal/formal rule-making --"Hybrid" rule-making	HC: 184-187; 197-199; 256-266 <i>Bi-Metallic Investment Co. v. State Board of Equalization of Colorado</i> (1915) <i>NRDC v. NRC</i> (1976) <i>Vermont Yankee v. NRDC</i> (1978)
Mar. 2, Wed.	Rule-making --Discretion and repealing rules --Oversight --Evaluation of rule-making --Arkansas	HC: 266-279 <i>Motor Vehicle Manufacturers Assoc. v. State Farm</i> (1983)
Mar. 7, Mon.	Discussion of <i>Smoking and Politics</i>	Paper I due
Mar. 9, Wed.	Administrative Hearings --Administrative due process? --What is it and how it works --Actors	HC: 204-211 <i>Marathon Oil v. EPA</i> (1977)
Mar. 14, Mon.	Administrative Hearings --The right to be heard --Evidence	HC: 37-45 <i>Goldberg v. Kelly</i> (1970) <i>Mathews v. Eldridge</i> (1976)

Day	Topic	Readings
Mar. 16, Wed.	Administrative Hearings --Informality --Determination of the record --Impartiality --Arkansas adjudications --Evaluating them	HC: 187-197; 217-218; 220-225 <i>Board of Curators of Univ. of Missouri v. Horowitz</i> (1978) <i>Gibson v. Berryhill</i> 91973) <i>Cinderella Career and Finishing Schools, Inc. v. FTC</i> (1970)
Mar. 21, Mon.	No class – Spring Break	
Mar. 23, Wed.	No class – Spring Break	
Mar. 28, Mon.	Judicial Review --Deference Doctrine and Hard Look Doctrine --Access to judicial review	HC: 315-323; 334-335 <i>Abbott Labs, Inc. v. Gardner</i> (1967) <i>Assoc. of Data Processing Service Organizations v. Camp</i> (1970)
Mar. 30, Wed.	Judicial Review --Scope of review	HC: 335-352 <i>Citizens to Preserve Overton Park v. Volpe</i> (1971) <i>Heckler v. Chaney</i> (1985) <i>Universal Camera Corp. v. NLRB</i> (1951) <i>NLRB v. Hearst Publications</i> (1944)
April. 4, Mon.	Undergrads' Exam II Graduate students' Kerwin and Furlong book reviews due	
April 6, Wed.	Unit III: Practical Problems in, and Evaluation of, Administrative Law Enforcement	HC: 284-304 <i>Environmental Defense Fund v. Ruckelshaus</i> (1971) <i>Gwaltney of Smithfield, Ltd. v. Chesapeake Bay Foundation and NRDC</i> (1987) <i>Massachusetts v. EPA</i> (2007)
April 11, Mon.	Information --Freedom of Information Acts --Whistleblowers	HC: 161-172 <i>Dept. of the Air Force v. Rose</i> (1976) <i>Milner v. Dept. of the Navy</i> (2011)
April 13, Wed.	Suing the Government --Tort Liability and Sovereign Immunity	HC: 362-371 <i>Indian Towing Co. v. U.S.</i> (1955) <i>Griffin v. U.S.</i> (1974) <i>Allen v. U.S.</i> (1987)

Day	Topic	Readings
April 18, Mon.	Suing the Government --Tort Liability and Sovereign Immunity (cont.) --Suing States	HC: 373-383 <i>DeShaney v. Winnebago Co. Dept. of Social Services</i> (1989) <i>Co. of Sacramento v. Lewis</i> (1998) Schreckhise and Tennert, "Eleventh Amendment Sovereign Immunity and Immunity-from-Liability" available on Blackboard
April 20, Wed.	Public Employment Law --Right to Termination Hearings	HC: 387-399 <i>Perry v. Sinderman</i> (1972) <i>Cleveland Bd. of Education v. Loudermill</i> (1985) <i>Gilbert v. Homar</i> (1997) Legal team briefs due (in both electronic and printed form)
April 25, Mon.	Public Employment Law --Right to Free Speech -- Right to Privacy	HC: 399-409 <i>Kelly v. Johnson</i> 1976) <i>NTEU v. Von Raab</i> (1989)
April 27, Wed.	Public Employment Law -- Anti-Discrimination Law and Civil Rights Evaluating Administrative Law	HC: 409-416; 424-436 <i>Washington v. Davis</i> (1986)
May 2, Mon.	Judicial Simulation	
May 4, Wed.	Judicial Simulation	Graduate students' exams posted on BlackBoard.
Mon. May 9	Undergrads' Exam III	1. Graduate student take-home exams due 2. Justices' opinions due