

ADMINISTRATIVE LAW (PROF. BAMBERGER)

UC Berkeley, School of Law (Boalt Hall)

Fall Term 2010

M, T, W 11:20-12:40

Boalt Hall 105

**First Week Syllabus**

The casebook for this course is Hickman & Pierce, Federal Administrative Law ("CB").

<b><u>Week 1 (8/16-8/18)</u></b>	<p><b><u>General background reading:</u></b> <i>Background: CB 1-22</i></p> <p><b><u>Monday, 8/16</u></b> <b><u>Introduction: Administrative Law and the Regulatory State</u></b></p> <p><i>Read Carefully: CB 535-542 (Chevron v. NRDC)</i></p> <p><i>** A photocopy of these pages is attached so it is not necessary to buy the casebook before the first class.</i></p> <p><b><u>Tuesday-Wednesday, 8/17-8/18</u></b></p> <p><b><u>I. The Place of Agencies in American Government</u></b></p> <p><b><u>A. The Constitutional Position of Administrative Agencies</u></b></p> <p><b><u>1. The Non-Delegation Doctrine</u></b></p> <ul style="list-style-type: none"><li>- <i>Constitutional Text</i> <i>CB 845-851 (U.S. Const. Arts. I &amp; II)</i> <i>**Read Section 1 of each Article Especially Carefully</i></li><li>- <i>Separation of Powers, Separation of Functions, Checks and Balances</i> <i>Excerpts, Federalist Papers (copy attached)</i> <i>CB 141-143 ("Formalism versus Functionalism")</i> <i>Strauss article, "The Place of Agencies in Government (copy attached)</i></li><li>- <i>(Non-)Delegation of the Legislative Power</i> <i>CB 23-25</i> <i>JW Hampton (page attached)</i> <i>CB 25-36 (Panama Refining; Schechter Poultry; Yakus)</i></li></ul>
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