

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”).

<u>Week 1 (8/16-8/18)</u>	<p><u>General background reading:</u> <i>Background: CB 1-22</i></p> <p><u>Monday, 8/16</u> <u>Introduction: Administrative Law and the Regulatory State</u></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><u>Tuesday-Wednesday, 8/17-8/18</u></p> <p><u>I. The Place of Agencies in American Government</u></p> <p><u>A. The Constitutional Position of Administrative Agencies</u></p> <p><u>1. The Non-Delegation Doctrine</u></p> <ul style="list-style-type: none">- <i>Constitutional Text</i> CB 845-851 (U.S. Const. Arts. I & II) <i>**Read Section 1 of each Article Especially Carefully</i>- <i>Separation of Powers, Separation of Functions, Checks and Balances</i> <i>Excerpts, Federalist Papers (copy attached)</i> CB 141-143 (“Formalism versus Functionalism”) <i>Strauss article, “The Place of Agencies in Government (copy attached)</i>- <i>(Non-)Delegation of the Legislative Power</i> CB 23-25 <i>JW Hampton (page attached)</i> CB 25-36 (<i>Panama Refining; Schechter Poultry; Yakus</i>)
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