

Study Guide Questions – Class 1, Chapter 1, Administrative Process

*I will generally provide study guide questions for all readings. Where the readings cover foundational material, there will often be more questions. I will use these questions and their answers as the basis for class discussion, before we analyze the assigned problems in class. You **do not** need to have written answers to these questions, but I highly recommend reading the questions before you begin reading and reviewing them after you are done.*

1. Who were the parties in *Fund for Animals, Inc. v. Rice*? How do they differ from other civil cases?
2. What was the court's job in *Fund for Animals*?
3. Why does the case represent an iceberg?
4. What are the two facets of administrative law? How do they differ?
5. What is the difference between departments and independent agencies? Why is the difference significant?
6. Why is the APA definition of "agency" interpreted broadly?
7. Why is the President not an "agency" under the APA?
8. Why does our system allow for regulation of private conduct?
9. What are "entitlement programs"?
10. How and why does our regulatory system rely on administrative process?
11. What are the three primary agency actions and the attributes of each?
12. What are the differences between rulemaking and legislation?
13. What are the lawyer's general functions in rulemaking?
14. What is an adjudication?
15. Why is the doctrine of Separation of Powers central to administrative law?
16. What are the three steps of informal rulemaking? What purpose does each step serve?
17. What is formal rulemaking?
18. What are the two types of adjudication? How do they differ?
19. When may a person seek judicial review of a court decision?
20. What does a court review when examining an administrative decision?