



ADMINISTRATIVE LAW 116 - FALL 2026 COURSE SYLLABUS

Course Number: 116-001
Course Title: Administrative Law
Credit Hours: 3
Grading Mode: Letter grade
Meeting Day(s)/ Time(s): Mondays & Wednesdays, 6:05-7:30pm
Meeting Mode: In-Person
Exam Day(s)/ Time(s): DEC 1, 6:00PM
Final Exam Mode: In-Person. Open-book / open-note, essay-style, three hours long.
Prerequisite(s): N/A
Corequisite(s): N/A
Instructor(s): John P. Jurden
Contact Information: jjurden@gmu.edu
Office Hours: TBD

Course Overview

This course examines the powers and processes of federal administrative agencies. It will examine the control of federal agency actions by Congress, the Executive, and the Judiciary.

The federal administrative state is large and complex. Among other functions, it gives (and takes away) such things as benefits, patents, and licenses; it regulates everything from television content, to securities trading, to pollution emissions, and a number of other things you might not even imagine; and it creates rules and procedures that can impact significantly our jobs and our personal lives, perhaps without our awareness. We'll look at some of those issues. We can't cover everything within the purview of the federal administrative state during our 26 classes. As such, we will focus on major concepts.

Course Learning Outcomes

The Administrative Law landscape is relatively calm and predictable, on the legal continuum. Long periods of relatively uneventful, conflict-free coexistence between and among the three branches of government, however, can be interrupted by significant legislative, executive or judicial actions. Those actions can create short- or even long-term turbulence along the Administrative Law continuum. That turbulence is part of what makes this topic so intriguing and worthy of discussion. It is a truly interesting time to be studying the topic.

We will start by examining constitutional issues regarding congressional delegation of power to federal agencies, and we will examine the issue of presidential oversight of those same agencies. We will examine the standards by which courts review federal agency actions, and we will delve into matters of fact and law as courts review their actions. We will then examine the nature of federal agencies, including the processes by which they administer the law (i.e., how agencies conduct their business).

Where cases are concerned, our readings will nearly always include excerpts of cases, rather than their full texts. The sheer number of pages in some full opinions, not to mention the concepts being addressed and issues being decided, can be voluminous and, quite frankly, a bit distracting from our weekly mission of understanding discrete concepts. Our casebook excels at distilling voluminous pages of opinions to their essence, and focusing the reader on a particular case's main takeaways. Where appropriate, I will try my best to fill in the rest of the story for those cases whose significant findings, holdings or dicta helped shape the Administrative Law landscape.

Reading(s) & Supplement(s)

The casebook is the tenth edition of Administrative Law: Cases and Materials, by Ronald Cass et al. Both the Administrative Procedure Act (APA) and the U.S. Constitution are included in the appendices to the casebook. You may consult them at will, and you should be sure to consult them when they are referenced in the assigned readings. I may supplement assigned readings with additional materials.

Grading Policies

Participation & Preparation %: I will retain discretion to adjust your final grade by one-half letter to reflect either exceptional class participation or a persistent lack of participation.

Final %: 100%. Students will be evaluated on the basis of a final examination, which will be open-book / open-note, essay-style, and three hours long.

Additional Information:

Student Classroom Responsibilities: Be prepared for class, always. Anticipate being “cold called.” I recognize that not everyone can be “on,” all the time. Illnesses, family issues or other episodic personal circumstances beyond your control may occasionally cause you not to be at your best during our class. If those circumstances do arise on occasion, please notify me in advance of class via email. As a class of professionals, we will rely on each other to minimize outside communications (i.e., cellphones will be muted and put away) and other distractions in class. You may not sound or video record any part of a class without advance permission.

Note: Administrative Law developments and jurisprudence move fast. Emerging issues in case law and, quite frankly, the pace of new developments in the workings of the federal government may cause us to veer, occasionally, from our roadmap below (i.e., The Syllabus). The below Syllabus is subject to amendment, as are the assigned readings, based on: my sense of how we are progressing as a class; new or emerging developments in the law; and a multitude of other considerations. We will try to review major concepts before we move from one primary concept to another. On occasion, we may conduct class via Zoom. In the below Syllabus, I have identified classes to be conducted via Zoom, identified by two asterisks **.

Classroom Policies

Attendance: Per AR 3-1.4, “maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student’s program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements.”

Absences: Per AR 4-1.1, “if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session.”

Use of AI/Technology:

Strict Use Policy: The use of generative AI tools is not permitted for any coursework in this course. Unauthorized use will be treated as a violation of academic standards.

Use of Electronic Text Books During Exams: Students are permitted one laptop computer for exam taking purposes. Additional laptop computers or any other electronic data storage devices are not allowed in an exam room, unless permitted by the course instructor's written exam instructions. Electronic text books (e-books) may be used during exams that are designated as open book by the instructor, and the instructor allows text books to be used during the exam and allows access to a student’s computer files during the exam (open exam). E-books may not be used in exams where the instructor does not allow students to access their computer files during the exam (secure exam) even if the instructor permits access to text books. If the instructor has blocked access to the internet or computer files, you must bring a hard copy of the allowed text book(s) you wish to consult. Students will need to borrow or otherwise locate a hard copy of the e-book or print resources needed from the e-book to take into the exam room. The instructor determines the length of the examination and whether or not it is secure or open and what, if any, study materials are permitted during the exam. Students are responsible for adhering to the instructor’s standards for all examinations, which are included in the examination materials.

Course Schedule & Assignments

PART 1 – CONGRESS & ADMINISTRATIVE AGENCIES

Class #1 – August 17:

- Introduction: Origin of Administrative Agencies – pp 3-17
- Congressional Delegation & the Nondelegation Doctrine – pp 17-39
- US Constitution – Art I, sec. 1
- APA sec. 551

Class #2 – August 19:

- Alternative Methods of Congressional Control – pp 39-68
- US Constitution – Art I, sec. 1
- APA sec. 551

PART 2 – THE PRESIDENT & ADMINISTRATIVE AGENCIES

Class #3 – August 24:

- Introduction to Presidential Control – pp 68-81
- Appointment – pp 81-86 (through Note 2); pp 88 (Note 6) - 98
- US Constitution – Art II, sec. 1

Class #4 – August 26:

- Removal – pp 99-137
- US Constitution – Art II, sec. 1

PART 3 – JUDICIAL REVIEW OF ADMINISTRATIVE ACTIONS

Class #5 – August 31:

- Standards of Judicial Review of Agency Actions under the APA – pp 139-156
- APA sec. 706

Class #6 – September 2:

- “Hard Look” Judicial Review of Agency Actions – pp 156-170
- APA sec. 706

**** Note – No Class on September 7 ****

Class #7 – September 9 (** Confirmed ZOOM Class):

- Judicial Review of Agency Changes to Policy – pp 170-187 (Note 2); 191-194
- Judicial Review of Agency Decisions Not to Act – pp 194-201
- APA sec. 706

Class #8 – September 14:

- Judicial Review of Questions of Fact or Policy and the “Substantial Evidence” Standard (Part 1) – pp 298-317 (Note 4)
- APA sec. 706

Class #9 – September 16:

- Judicial Review of Questions of Fact or Policy and the “Substantial Evidence” Standard (Part 2) – pp 317 (Note 5) – 326
- Review of Major Concepts to Date
- APA sec. 706

Class #10 – September 21:

- Judicial Review of Questions of Law (i.e., Statutory Interpretation): Deference Standards under *Hearst*, *Skidmore* & *Chevron* – pp 201-220
- APA sec. 706

Class #11 – September 23:

- Judicial Review of Questions of Law (i.e., Statutory Interpretation): *Chevron*’s Demise and the Rise of *Loper Bright* – pp 220-235
- APA sec. 706

Class #12 – September 28 (** Tentative Zoom Class):

- “Major Question” Doctrine – pp 264-282

Class #13 – September 30:

- Judicial Review of an Agency’s Interpretations of its Regulations – pp 285-298
- APA sec. 706

Class #14 – October 5:

- Availability of Judicial Review: Jurisdiction & Reviewability (The Requirement for “Agency Action,” and the Exception to Judicial Review when a Statute Precludes Review) – pp 331-351
- APA sec. 701

Class #15 – October 7:

- Availability of Judicial Review: (Exceptions to Judicial Review for Matters “Commitment to Agency Discretion by Law” & for Prosecutorial Discretion) – pp 367-398 (Note 3)
- APA sec. 701

**** Note – No Class on October 12 ****

Class #16 – October 14:

- Availability of Judicial Review: The Requirement for Standing – pp 403-432

Class #17 – October 19:

- Availability of Judicial Review: Standing and States as Plaintiffs – pp 432-443
- Review of Major Concepts to Date

Class #18 – October 21 (** Confirmed Zoom Class):

- Timing of Judicial Review (Ripeness, Finality & Exhaustion) – pp 443-461, 467-470
- APA sec. 704

PART 4 – ADMINISTRATIVE FUNCTIONS & PROCEDURES

Class #19 – October 26:

- Choices for Agency Policymaking Instruments: Due Process & Statutory Constraints – pp 471-480

- Agency Discretion to Make Policy by Rule – pp 480-500
- APA secs. 551, 553, 554, 556 & 557

Class #20 – October 28:

- Agency Discretion to Make Policy by Order after Adjudication – pp 506-523
- APA secs. 551, 553, 554, 556 & 557

Class #21 – November 2:

- Agency Discretion to Make Policy by Manual or Informal Guidance – pp 524-535
- APA secs. 552 & 553

Class #22 – November 4:

- Adjudication: Agency Constitutional Authority to Adjudicate – pp 681-706 US Constitution – Art. III
- APA secs. 554, 556-557

Class #23 – November 9:

- Adjudication: Due Process & Hearing Rights – pp 706-726 (through Note 2)
- Due Process: Requirements of Due Process – pp 738-745 (Note 1)
- APA secs. 554, 556-557

Class #24 – November 11:

- Formal Adjudication: Statutory Hearing Requirements (Triggering Formal Procedures and the Procedures, Themselves) – pp 764-785
- Informal Adjudication: (The “Dark Matter” of Ad Law) – pp 808-812
- APA secs. 554, 556-557

Class #25 – November 16 (** Tentative ZOOM Class):

- Rulemaking: Formal & Informal Rulemaking under the APA – pp 537-553
- Rulemaking: Ex Parte Contacts – pp 553-562
- Rulemaking: Impartiality of the Rulemaker – pp 575-589
- APA secs. 553, 556-557

Class #26 – November 18:

- Rulemaking: Hybrid Procedures – pp 589-605 (Note 6)
- Rulemaking: Exemptions from APA Rulemaking Requirements – pp 606-628
- APA sec. 553

Student Resources

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

[Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:](#)

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703-380-1434 or Counseling and Psychological Services (CAPS) at 703-993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703-993-8730, or emailing titleix@gmu.edu.

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-993-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[University Life](#)