



SUMMER 2026 COURSE SYLLABUS

Course Number: 580-R01

Course Title: Comparative Administrative Law

Credit Hours: 1

Grading Mode: Letter grade

Meeting Day(s)/ Time(s): TUE 6:05-7:50p

Meeting Mode: Online

Exam Day(s)/ Time(s): N/A

Final Exam Mode: PAPER

Prerequisite(s): LAW 116

Corequisite(s): N/A

Instructor(s): E. DONALD ELLIOTT & PATRICIA SAMPAIO

Contact Information: ee Elliot9@gmu.edu, ppinhei@gmu.edu

Office Hours: By appointment via zoom.

Course Overview

This course locates the rise of the Administrative State in the U.S., and its on-going reconsideration by the courts and the Trump Administration, into a broader perspective by considering comparable developments in other countries, including Brazil, China, and the European Union thru both readings and guest lecturers.

Course Learning Outcomes

- ✓ Students will learn the intellectual history of the US administrative state and how it became largely independent of the “checks and balances” that apply to other branches of government.
- ✓ Students will be able to compare the US and other jurisdictions’ approaches to agencies’ rulemaking.

- ✓ Students will be able to compare extension and limits of judicial review of agencies' decisions.
- ✓ Students will learn the institutional similarities and differences between US regulatory commissions and agencies in other countries.

Reading(s) & Supplement(s):

All readings are publicly available and linked below.

Grading Policies

Participation & Preparation %: 25%

Final Paper %: 75%

Students will be required to present a 7-10 pages essay comparing the US and other jurisdictions over a specific subject discussed during the course.

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 Technology & AI: Open Use Policy: Students are encouraged to explore generative AI tools in this course and are authorized to use them for any purpose, provided they disclose which tool was used, for what purpose (e.g., research, drafting, editing), and the prompts employed. Students must use AI tools responsibly: verify all facts generated by AI, disclose AI use in any course work product, and properly cite any AI tools utilized. Students should also be prepared to produce a full transcript of prompts and responses upon request. Students remain solely and strictly liable for any error, omission, or false citation of precedents and jurisprudence arising from the use of AI during the course, including in the final exam paper. Misuse will be treated as a violation of academic standards.

Course Schedule & Assignments

Week 1:

Date: May 19

Topic:

Introduction to the separation of powers and the roles of the Public Administration

Assignment(s):

- (1) Susan E. Dudley, [Milestones in the Evolution of the Administrative State](#), *Deadalus* (150 (3) Summer 2021).
- (2) E. Donald Elliott, [The On-Going Reconsideration of the Administrative State in the U.S.](#), *Constitutional Discourse* (July 20, 2023).
- (3) Keith S. Rosenn, [Separation of Powers in Brazil](#), *47 Duq. L. Rev.* 839 (2009), Section II – The 1988 Constitution.

Week 2:

Date: May 26

Topic:

The Progressive Era and New Deal Visions of the Administrative State

Assignment(s):

- (1) Ronald J. Pestritto, [The Birth of the Administrative State: Where It Came From and What It Means for Limited Government](#)
- (2) Fuchs, Ralph F., "[Book Review. Landis, J.M., The Administrative Process.](#)" *24 Wash. U. L. Q.* 300 (1939).
- (3) Richard A. Epstein, [Why the Modern Administrative State Is Inconsistent With the Rule of Law.](#) *3 NYU J. Law & Liberty* 491 (2008).

Week 3:

Date: June 2

Topic:

The rise and fall of the APA

Assignment(s):

- (1) . Gillian Metzger, [The Administrative Procedure Act: An Introduction](#).
- (2) E. Donald Elliott, [How the Supreme Court Blocked Congress's Effort to Redeem the Administrative State Over and Over the Court vetoed reform](#), The American Spectator (August 21, 2022).
- (3) Randy E. Barnett, [The Wages of Crying Judicial Restraint](#), 36 Harv. J.L. & Pub. Pol'y 925 (2013).
- (4) [Administrative Procedure Law of People's Republic of China](#)

Week 4:

Date: June 9

Topic:

Judicial Deference on facts and on law and policy

Assignment(s):

- (1) E. Donald Elliott, [Retiring "No Look" Judicial Review in Agency Cases Involving Science](#) (CSAS Working Paper 21-15).
- (2) [APA §706](#).
- (3) [Loper Bright Enterprises v. Raimondo](#), U.S.S.C. No. 22-451 (June 28, 2024).
- (4) [Arlington v. FCC](#), 569 U.S. 290 (2013) (syllabus only).

Week 5:

Date: June 16

Topic:

The (non) delegation doctrine and agency "legislation"

Assignment(s):

- (1) Gary S. Lawson, [Delegation and Original Meaning](#), 88 Virginia Law Review 327 (2002).
- (2) Ron Cass, [Fixing Deference: Delegation, Discretion, and Deference under Separated Powers](#), 17 New York University Journal of Law & Liberty 1 (2023).
- (3) Zack Beauchamp, [How One Country Stopped a Trump-Style Authoritarian in His Tracks](#), Vox, Feb 18, 2026.

Week 6:

Date: June 23

Topic:

The Rise and Fall of “Independent” Agencies

Assignment(s):

(1) *Humphrey’s Executor v. United States*, [295 U. S. 602](#) (1935).

(2) [Seila Law LLC v. Consumer Financial Protection Bureau](#), 591 U.S. --(2020).

(3) [Wilcox v. Trump](#), No. No. 25-5057 (D.C. Cir., March 28, 2025)(order granting emergency stay).

(4) Ashley Brown, Jon Stern, and Bernard Tenenbaum with Defne Gencer. [Handbook for Evaluating Infrastructure Regulatory Systems](#). Washington, The World Bank, 2006, chapter 3.

Week 7:

Date: June 30

Topic:

Executive oversight and judicial review of administrative decisions: Where do US and Brazil stand?

Assignment(s):

(1) [Garland, Attorney General v. Cargill](#), 602 U.S. 406 (June 14, 2024).

(2) Andrew Grossman and Sean Sandoloski, [The End of Independent Agencies? Restoring Presidential Control of the Executive Branch](#), The Federalist Society Blog (July 26, 2021).

(3) Mariana Mota Prado, [The Challenges and Risks of Creating Independent Regulatory Agencies: A Cautionary Tale from Brazil](#). *Vanderbilt Journal of Transnational Law*, Vol. 41, No. 2, 2008.

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

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[University Life](#)