

Questions & Answers
Administrative Law

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Questions & Answers
Administrative Law

*Multiple-Choice and Short-Answer
Questions and Answers*

FOURTH EDITION

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*To my parents, Ann and Tom Dyckman.
Thank you for inspiring me to be my very best.*
— Linda D. Jellum

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Preface

Administrative Law covers the authority and functioning of administrative agencies. It answers the following questions: Why do agencies exist? What laws regulate agency actions? How are agency personnel appointed to and removed from their positions? What actions can agencies take? What are the different types of agencies, and what are the differences among them? How does Congress delegate power to agencies? What procedures must agencies follow when they issue rules, adjudicate cases, gather information, and inspect regulated entities? What constitutional rights do those who are being regulated have? What is the appropriate relationship among courts, Congress, and agencies? When and how can entities challenge agency action? What standard of review do courts use to evaluate agency actions?

The purpose of this book is to test your understanding of administrative law concepts and to assist you in preparing for a multiple choice or short-answer administrative law exam. The latest edition includes new questions and updates based on recent cases and legislation. It also includes a brief explanation of how to approach multiple choice questions. Because this book is a test taking aid, it is not intended to provide a comprehensive explanation of administrative law concepts. However, each question is thoroughly answered with case and statutory citations when appropriate. Be aware that all of the questions are hypothetical only.

This book divides the major administrative law topics into eleven categories. It begins with introductory questions, then moves to questions about agency structure and organization, adjudication and rulemaking procedures, non-legislative rulemaking procedures, retroactivity, the availability of and standard for judicial review, the government's and public's access to information, and ends with questions about the availability of attorney's fees. Following these topics is a comprehensive Practice Final Exam. The Practice Final Exam has been completely rewritten to include questions I used on my last Administrative Law final, so you can see what an actual Administrative Law exam looks like.

As you use this book, remember that professors write questions differently. Some use fact-based patterns, some use informational questions, most use both. I have included examples of each to help prepare you for whichever type of question your professor uses. I hope you find the book useful in your studies. Please let me know if there is anything I can change in the next edition to make this text even more helpful in your studies.

Professor Linda D. Jellum
Moscow, Idaho
July 2022

About the Authors

Linda D. Jellum joined the faculty at the University of Idaho College of Law in July 2022. Prior to that, she served as the Ellison Capers Palmer, Sr. Endowed Chair in Tax Law at Mercer University School of Law. She teaches a number of subjects including statutory interpretation and administrative law. Professor Jellum is a prolific scholar. She has published more than seventeen law review articles, eight books, and numerous book chapters.

Professor Jellum serves or has served on many professional committees and boards. For example, Professor Jellum served as the Deputy Director of the Association of American Law Schools and of the Southeastern Association of Law Schools. Additionally, she was Chair of the American Bar Association Section's on Administrative Law and Regulatory Practice.

Professor Jellum received her J.D. from Cornell Law School and her undergraduate degree from Cornell University. She has the unique honor of having sat for and passed five states' bar exams, during which she developed her expertise in taking multiple choice exams.

Karen A. Jordan is Professor Emerita at the Brandeis School of Law at the University of Louisville. In addition to teaching and producing scholarly work in the area of administrative law, Professor Jordan taught civil procedure, evidence, and other courses. She also worked to develop the law school's extensive externship program. Her scholarly endeavors focused predominantly on regulatory law and policy issues, especially as they relate to the allocation of power between the federal and state systems. Professor Jordan's articles have appeared in leading journals, and have been cited in federal and state judicial opinions and course textbooks.

Professor Jordan developed her administrative law expertise primarily in the health law arena. Professor Jordan was a speaker at national conferences sponsored by the American Society of Law, Medicine, and Ethics and the Association of American Law Schools; and contributed to forums such as West Legal News and the employee benefits section of the Association of American Law Schools. More recently, she focused on issues relating to judicial deference to agency actions and agency preemption.

