**ESSEX COUNTY COLLEGE**

**Social Sciences Division**

**PLS 205 *–* Administrative Law**

**Course Outline**

**Course Number & Name:**  PLS 205 Administrative Law

**Credit Hours:**  3.0 **Contact Hours:**  3.0 **Lecture:**  3.0 **Lab:** N/A **Other:**  N/A

**Prerequisites**:  Grade of “C” or better in PLS 101

**Co-requisites:** None **Concurrent Courses:** None

**Course Outline Revision Date:**  Fall 2010

**Course Description**: Administrative law is the body of [law](http://en.wikipedia.org/wiki/Law) that governs the activities of [administrative agencies](http://en.wikipedia.org/wiki/Government_agency) of [government](http://en.wikipedia.org/wiki/Government). [Government agency](http://en.wikipedia.org/wiki/Government_agency) action can include [rulemaking](http://en.wikipedia.org/wiki/Rulemaking), [adjudication](http://en.wikipedia.org/wiki/Adjudication), or the [enforcement](http://en.wikipedia.org/wiki/Enforcement) of a specific [regulatory](http://en.wikipedia.org/wiki/Regulation) agenda. This introductory course in administrative law focuses on the sources and evolution of administrative law, administrative agencies, due process, delegation, rule making, investigation, adjudication, and judicial review. The course includes examination of the Administrative Procedures Act and a review of the ethical principles of administrative law.

**Course Goals:** Upon successful completion of this course, students should be able to do the following:

1. discuss codes of professional conduct;
2. explain administrative law and the role of administrative agencies;
3. discuss the development of an administrative law;
4. explain agency discretion;
5. identify and describe client rights;
6. examine the function of agency rules and regulations;
7. describe the investigations and information gathering process;
8. describe an informal proceeding;
9. describe an administrative agency hearing;
10. describe judicial review; and
11. discuss the role of the paralegal in administrative law.

**Measurable Course Performance Objectives (MPOs)**: Upon successful completion of this course, students should specifically be able to do the following:

1. Discuss and examine the codes of professional conduct:

1.1 *discuss and examine judicial conduct;*

1.2 *discuss and examine attorney ethical standards;* and

1.3 *discuss and examine paralegal professionalism*

2. Explain administrative law and the role of administrative agencies:

2.1 *explain administrative law;* and

2.2 *describe an administrative agency*

3. Discuss the development of an administrative law:

3.1 *describe the history of administrative law;*

3.2 *describe and discuss the Delegation Doctrine*;

3.3 *describe, explain, and examine the Doctrine of the Separation of Powers;*

3.4 *discuss intelligible principle;* and

3.5 *describe and discuss the process for the enactment of statutes*

4. Explain agency discretion:

4.1 *define and explain agency discretion*;

4.2 *describe the effect of discretion on agency decisions*;

4.3 *explain the impact of past practice and discretion on agency decisions;*

4.4 *describe the impact of experts on agency decisions;*

4.5 *identify, describe, and explain abuse of discretionary power;* and

4.6 *discuss cases upholding agency discretion*

5. Identify and describe client rights:

5.1 *identify, define, discuss, and explain the Constitutional rights of clients*;

5.2 *define due process in an administrative agency*;

5.3 *describe and discuss ‘Right to Know’ and ‘Right to Privacy’;* and

5.4 *discuss agency liability for violations*

6. Examine the function of agency rules and regulations:

6.1 *define and explain the purpose of agency rules and regulations*;

6.2 *describe and explain the requirements for rulemaking*; and

6.3 *describe the rulemaking procedures*

7. Describe the investigations and information gathering process:

7.1 *define and describe the purpose of agency investigations;*

7.2 *identify and* *discuss the requirements for gathering information;*

7.3 *describe recordkeeping for an administrative agency;*

7.4 *identify and describe the inspections process and procedures;* and

7.5 *identify and describe investigatory procedures*

**Measurable Course Performance Objectives (MPOs)** (continued):

8. Describe an informal proceeding:

8.1 *describe informal proceedings and explain how they work;*

8.2 *describe and discuss licenses and their purpose(s);*

8.3 *describe the claims process;*

8.4 *define and discuss negotiations and arbitration;*

8.5 *describe the settlement process in an informal proceeding;*

8.6 *define and discuss advisory protections and opinions;* and

8.7 *explain ‘public information’*

9. Describe an administrative agency hearing:

9.1 *summarize what an administrative agency hearing is, describing when it is needed;*

9.2 *identify and explain the steps to obtaining a hearing;* and

9.3 *describe the administrative agency hearings*

10. Describe judicial review:

10.1 *explain the process of judicial review;*

10.2 *explain how one obtains access to judicial review;*

10.3 *explain the power of the courts to review;*

10.4 *discuss the impact of a judicial review statute;*

10.5 *identify and* *describe the barriers to judicial review;*

10.6 *identify, describe, and explain judicial review procedures;* and

10.7 *explain the scope of judicial review*

11. Discuss the role of the paralegal in administrative law:

11.1 *describe the role of a paralegal working in an administrative agency or in the area of administrative law;* and

11.2 *identify and describe the skills and practical experience that a paralegal might develop working in an administrative agency or in the area of administrative law*

**Methods of Instruction**: Instruction will consist of a combination of any of the following instructional methods: legal case reviews, lectures, group activities, role play, oral presentations, document drafting, essays, research assignments, films, cable, news, websites, television programs, field trips, and community outreach projects.

**Outcome Assessment:** Quiz and exam questions (if applicable) are blueprinted to course objectives. Checklist rubrics are used to evaluate non-test type assessment instruments (e.g., reaction papers, oral/written presentations, debates, and projects), for the presence of course objectives. Data collected will be analyzed to provide direction for the improvement of program instruction, viability of class assignments, relevancy of assigned course materials, and evaluation of instructional time spent on specific topics.

**Course Requirements:** All students are required to:

1. Maintain regular and prompt attendance to all class sessions.
2. Complete homework assignments and quizzes (if applicable).
3. Complete all written and oral exercises (scored grading) inside and outside of class as assigned.
4. Complete the Midterm and Final Assessment Activities (e.g., paper, presentation, and/or project).
5. Voluntarily participate in class discussions, class exercises, and group projects.
6. Complete all assessment activities as scheduled.
7. Follow any specific class requirements mandated by the instructor.

**Methods of Evaluation:** Final course grades will be computed as follows:

**% of**

**Grading Components final course grade**

* Attendance/Class Participation **15 – 25%**

Attendance points will be computed based on the ratio of the number of days attending the course during a regular semester (i.e., 28 contact days). A similar procedure will be used to determine participation points.

* **Notebook containing Course Handouts, Program Summaries** 5 – 10%

**and Table of Contents**

The notebook is a practical exercise designed to assess students’ abilities to organize large volumes of information and allows students to create a reference source of all material related to course objectives for themselves.

* Topic Sentence Outlines **5 – 10%**

Topic sentence outlines are practical exercises designed to enhance students’ reading comprehension and study skills.

* Oral Report **0 – 5%**

The brief oral report is designed to provide students with an opportunity during each class session to report on a fact pattern taken either from a newspaper, local news or cable program, or paralegal or legal publication and using the torts that are currently addressed in class to perform a legal analysis.

* **Legal Case Brief in PowerPoint**  15 – 25%

The PowerPoint presentation first requires students to provide an economic, historical, political, and social context for the development of law or legislation addressed in the legal case brief including the role of the paralegal in the particular case. It also provides students with the opportunity to enhance their technological skills in an academic environment while engaging in legal analysis related to course objectives.

**Methods of Evaluation** (continued)**:**

**% of**

**Grading Components final course grade**

* **Programs, Lectures, Seminars and/or Workshops** 5 – 10%

Internal or external relevant programs, lectures, seminars and workshops, which are related to the course objectives, are informational for the student, who will be required to prepare brief written summary of the event/program. These opportunities provide students with a chance to engage in academic scholarship.

* **Debate** 5 – 10%

Debates are oral arguments designed to provide students with an opportunity to enhance their oral communication skills while engaging in legal analysis related to course objectives.

* **Legal Letter** 5 – 10%

Legal letters are designed to enhance students’ written communication skills while engaging in legal analysis related to course objectives.

* **Extra Credit Opportunities**  5 – 10%
  + Voter registration – The student should provide written evidence of participation in the electoral process.
  + Notary Public – Students are encouraged to research, process, and complete a notary public application for approval to include on their resumes to enhance their marketability.
  + Membership in Paralegal Association of New Jersey (PANJ) – Students are encouraged to join the Paralegal Association of New Jersey to include on their resume to enhance their marketability.

**Note**: The instructor will determine (as appropriate) the specific component(s) appropriate for the course and provide specific weights which lie in the above-given ranges at the beginning of the semester.

**Academic Integrity:** Dishonesty disrupts the search for truth that is inherent in the learning process and so devalues the purpose and the mission of the College. Academic dishonesty includes, but is not limited to, the following:

* plagiarism – the failure to acknowledge another writer’s words or ideas or to give proper credit to sources of information;
* cheating – knowingly obtaining or giving unauthorized information on any test/exam or any other academic assignment;
* interference – any interruption of the academic process that prevents others from the proper engagement in learning or teaching; and
* fraud – any act or instance of willful deceit or trickery.

**Academic Integrity** (continued)**:**

Violations of academic integrity will be dealt with by imposing appropriate sanctions.  Sanctions for acts of academic dishonesty could include the resubmission of an assignment, failure of the test/exam, failure in the course, probation, suspension from the College, and even expulsion from the College.

**Student Code of Conduct:** All students are expected to conduct themselves as responsible and considerate adults who respect the rights of others. Disruptive behavior will not be tolerated. All students are also expected to attend and be on time for all class meetings. No cell phones or similar electronic devices are permitted in class. Please refer to the Essex County College student handbook, *Lifeline*, for more specific information about the College’s Code of Conduct and attendance requirements.

Note: Students shall conduct themselves in a professional manner at all times. See National Federation of Paralegals Associations, Inc. Model Code of Ethics and Professional Responsibility and Guidelines for Enforcement.**Course Content Outline:** based on the text **Basic Administrative Law for Paralegals**, 3rd edition, by Anne Adams; published by Aspen Publishers.

**Unit Topics to be Covered**

1 Administrative Law and Administrative Agencies – Explanation of administrative law; explanation of administrative agencies

2 Development of Administrative Law – History of administrative law; the Delegation Doctrine; separation of powers; intelligible principle; enactment of statutes

3 Agency Discretion – Explanation of discretion; effect of discretion on agency decisions; past practice and discretion; expertise and agency decisions; abuse of discretionary power; cases upholding discretion

4 Client Rights – Constitutional grounds; due process; ‘Right to Know’ and ‘Right to Privacy’; agency liability for violations

5 Agency Rules and Regulations – Definition and purpose of agency rules and regulations; requirements for rulemaking; rulemaking procedure

6 Investigations and Information Gathering – Definition and purpose of agency investigations; requirements for gathering information; recordkeeping; inspections; investigatory procedures

7 Informal Proceedings – Informal proceedings and how they work; licenses; claims; negotiations and arbitration; settlements; advisory protections and opinions; public information

8 Administrative Agency Hearings – what is an administrative agency hearing and when is it needed?; steps to obtaining a hearing; hearings

9 Judicial Review – What is judicial review?; access to judicial review; the power of the courts to review; the impact of a judicial review statute; barriers to judicial review; judicial review procedures; the scope of judicial review

10 Paralegalism in Administrative Law – The paralegal profession; skills development and practical experience; the working paralegal

Note**:** In PLS 205, the instructor must cover the 10 units listed above minimally in any reasonable order throughout the duration of the semester/term. In addition, the instructor must provide economic, historic, political, and social context for the relevant aspects of tort law. Additionally, the instructor may include other relevant information based on his/her legal expertise and/or interest.