

**UNIVERSITY OF NEW MEXICO
SCHOOL OF PUBLIC ADMINISTRATION**

PADM 529: Administrative Law, Spring 2018

Tuesdays 7:00 p.m. to 9:30 p.m.

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Course Description: PADM 529 provides graduate level training in the purposes, legal concepts, structures, substantive issues and processes of federal, state and local courts and administrative agencies. The course will present an overview of legal issues that apply to public administrators in New Mexico and elsewhere. The instructor is a licensed attorney with substantial experience practicing before and representing administrative agencies. Student evaluation shall be through class participation, term paper, and final examination. A tour of the UNM Law School Library and basic legal research instruction will be offered during the course.

Course Texts: William Burnham: Introduction to the Law and Legal Systems of the United States, Fifth Edition, West Publishing Co., St. Paul, MN 2005; Administrative Law Richard J. Pierce, Jr., Second Edition, Foundation Press, 2008. Supplemental materials on UNM Learn.

Course Objectives: PADM 529 is designed to achieve the following objectives:

1. To stimulate interest in the legal aspects of public administration in New Mexico
2. To encourage critical reflection and thought regarding contemporary legal issues and problems in the public sector workplace and public policy arena.
3. To promote a better understanding and recognition of actual and potential legal issues in public administration.

Course Requirements:

1. Attend class, submit assignments and contribute regularly to classroom discussions.
2. Complete required readings when they are due and be prepared to discuss them in class.

3. Submit an analytical paper (10-15 pages, typed, double spaced) on an approved topic. Approved topics are those central to the course and course readings (incorporated into the reading and assignment schedule) Paper topics must be pre-approved by the instructor. Papers must be submitted electronically (MS Word Format) to instructor's e-mail address by 7:00 p.m. on the due date. Late papers will not be accepted. Papers will be returned by e-mail. The paper should integrate and make consistent reference to course readings or other primary source material. Sources should be cited using a standard citation style. Course readings may simply refer to the author and page(s) cited.
4. Take a final examination.
5. Preparation and participation are key ingredients to successful completion of this class. I expect students to be prepared each evening and to participate in our class discussions. Regular attendance, offering informed comments, raising relevant issues for class consideration, and providing real world examples will bolster your participation grade.

Course Grading: Grades will be awarded based on the following formula:

Analytical Paper:	50%
Final examination:	40%
Class Participation	10%

There will not be an opportunity for extra credit, please don't ask.

ACADEMIC HONESTY

Academic honesty is fundamental to the activities and principles of a university. All members of the academic community must be confident that each person's work has been responsibly and honourably acquired, developed and presented. The academic community regards academic dishonesty as an extremely serious matter, with serious consequences attached thereto. All sources from which ideas and words are drawn should be fully acknowledged and cited.

01.15.2018

Course Introduction, Discussion of Possible Term Paper Topics, the Judicial System: Courts Systems and Federalism

ASSIGNMENT:

Burnham, Ch. V: The Judicial System.

Omit: Part I (D): (pp. 186-188)

Omit: Part II (pp. 191-197)

01.22.2018

Civil Procedure in the Courts.

ASSIGNMENT:

Burnham, Ch. VII: Civil Procedure.

Omit: Section D Choice of Law Rules (pp.263-268)

01.29.2018

Tort Law.

ASSIGNMENT:

Burnham, Ch. XI: Tort Law

Omit: Section E (pp. 466-470)

02.05.2018

Constitutional Law: Individual Rights Protected by the Constitution

ASSIGNMENT:

Burnham, Ch. IX: Part II Individual Rights Protected by the Constitution.

Omit: Part I: (pp. 324-349)

TERM PAPER TOPICS DUE.

02.12.2018

Contracts and Commercial Law

ASSIGNMENT:

Burnham, Ch. X: Contracts and Commercial Law

Omit: (pp.430-433)

02.19.2018

Business Law.

ASSIGNMENT:

Burnham, Ch. XV: Business Law.

Omit: Sections E and F (pp. 616-642)

02.26.2018

Property Law.

ASSIGNMENT:

Burnham, Ch. XII: Property Law

Read Only: Sections A-D: Real and Personal Property (pp. 471- 475)
Part III: Intellectual Property (pp. 498-515)

03.05.2018

NO CLASS: INSTRUCTOR OUT OF TOWN

03.12.2018

SPRING BREAK

03.19.2018

Labor and Zoning Law

ASSIGNMENT:

Burnham, Ch. XV Business Law

Read Only: Section E (pp.616-632)

Burnham, Ch. XII Property Law

Read Only: Section E (pp. 482-487)

03.26.2018

Employment Law:

Supplemental Material: Van Vleck, *Fair Labor Standards Act*

Supplemental Material: Van Vleck, *Family and Medical Leave Act*

Supplemental Material: Van Vleck, *Loudermill Libretto*

Supplemental Material: Van Vleck, *Americans with Disabilities Act*

04.02.2018

Administrative Law: Introduction/ Delegation/Adjudication

ASSIGNMENT:

Pierce: Chapters 1-3

04.09.2018

Administrative Law: Rules and Rulemaking/ Deference/Agency
Delay/Reviewability

ASSIGNMENT:

Pierce: Chapters 4-7

04.16.2018

Administrative Law: Timing of Review/Standing/Political Controls

ASSIGNMENT:

Pierce: Chapters 8-10

04.23.2018 **NO CLASS: INSTRUCTOR IN D.C.**

04.30.2018

Administrative Law: Investigations/FOIA/Rights of Action/Tort Claims

ASSIGNMENT:

Pierce: Chapters 11-14

Administrative Law in New Mexico.

ASSIGNMENT:

Supplemental Material: Administrative Procedures Act

Supplemental Material: Uniform Licensing

PAPERS DUE

TAKE HOME FINAL DISTRIBUTED

GOOD LUCK

05.07.2018

FINAL EXAMINATION DUE AT 5:00 P.M. MDT