

Mt. San Jacinto College  
Integrated Course Outline of Record

Form B

|               |               |       |            |
|---------------|---------------|-------|------------|
| Submitted by: | Scot Stirling | Date: | 03/12/2020 |
|---------------|---------------|-------|------------|

| Department      | Subject             | Course Number | Title                                  |
|-----------------|---------------------|---------------|----------------------------------------|
| Legal Assistant | Legal Assistant LEG | 512           | Administrative Law (formerly LEG-112 ) |

Units/Hours

- Each lecture unit requires 1 hour per week of class time, and 2 hours per week of study outside of class.
- Each laboratory unit requires 3 hours per week of class time.
- Each activity unit requires 2 hours per week of class time and 1 hour per week of study outside of class.

|                               |                            |
|-------------------------------|----------------------------|
| <b>Lecture Units</b>          | <b>Total Units</b>         |
| 3.00                          | 3.00                       |
| <b>Lecture Contact Hours</b>  | <b>Total Contact Hours</b> |
| 48.00 - 54.00                 | 48.00 - 54.00              |
| <b>Lecture Homework Hours</b> |                            |
| 96.00 - 108.00                |                            |

Stand Alone:

|                    |
|--------------------|
| Program Applicable |
|--------------------|

AA/AS Degree General Ed Breadth Area(s):

|        |
|--------|
| -none- |
|--------|

General Education Justification:

|                           |
|---------------------------|
| No GenEd status requested |
|---------------------------|

|                                   |                      |
|-----------------------------------|----------------------|
| Maximum Enrollment:               | 40                   |
| Maximum Enrollment Justification: | Justification:       |
| Grading Method:                   | Letter Grade or P/NP |
| TOP code:                         | 1402.00*             |

|              |   |                            |
|--------------|---|----------------------------|
| Can be Taken | 1 | time(s) for credit (max 4) |
|--------------|---|----------------------------|

- ☐
- Visual or Performing Arts course that is required to meet major requirements for UC/CSU
- 
- ☐
- Intercollegiate athletics course
- 
- ☐
- Academic/vocational competition course

**Catalog Description:**

(Please do not refer to transferability or degree, certificate, or employment concentration applicability. Please only describe the course).  
(75 words or less in gray box below).

This course presents the adjudicatory process for administrative agency hearings concerning government benefits and regulatory powers, claims made to, and by, state and federal administrative agencies, discovery in the claims process, and appeals from administrative orders or decisions, including judicial review. The student will also learn to conduct claimant and witness interviews and analyze the impact of agency regulations and governing statutes that control claims processing before agencies.

**Schedule Description:**

(Please do not refer to transferability or degree, certificate, or employment concentration applicability. Please only describe the course).  
(25 words or less in gray box below).

This course presents the statutes and regulations controlling the defense and prosecution of claims before governmental agencies, including city, county, state and federal agencies.

**Need for the course:**

This is a substantive law course, which will prepare students to assist attorneys in prosecuting and defending claims before governmental agencies.

**Prerequisite(s):**

Prerequisites go through a separate approval process. See Forms E1-E6 for details.  
(For further clarification, contact the Prerequisite Subcommittee)

-none-

**Corequisite(s):**

Corequisites go through a separate approval process. See Forms E1-E6 for details.

-none-

**Recommend Preparation:**

Recommended Preparation goes through a separate approval process. See Forms E1-E6 for details.

-none-

**Other Enrollment Criteria:**

-none-

**Learning Objectives:**

(please number each objective and express in behavioral terms)  
Upon the completion of the course the student will be able to do the following:

1. Analyze agency rules and procedures, including agency claims processing procedures, dispute resolution procedures and agency adjudications resulting in informal and formal hearings.
2. Examine agency rule making procedures and scrutinize the constitutionality of the procedures.
3. Examine the issue of constitutional fundamental rights presented by agency adjudications and the bases for

- Congressional delegation of power and authority granted to governmental agencies.
4. Create a pre-hearing discovery plan relating to agency formal hearing issues.
  5. Evaluate the need for, and participate in, client and witness interviews, and document the results to prepare complaints and witness statements.
  6. Analyze and assess the burden of proof at agency hearings and the standards of the admissibility of evidence at agency hearings.
  7. Evaluate the process of, and procedure for, preparing a client or witness for direct examination at agency hearings.
  8. Examine and document the process for appealing from agency decisions or orders.

**Course Content:**

(please number the outline of main topics and subtopics)

- I. Sources of Administrative Law
  - A. Constitutions, Enabling Acts, Statutes and Executive Orders
  - B. Substantive Law and Procedural Law
  - C. Types of Administrative Agencies
    - 1. Regulatory
    - 2. Social Welfare
    - 3. Independent
    - 4. Executive
  - D. The Need for Administrative Agencies and Their Impact on Daily Life
  - E. Where to Locate Administrative Laws and Regulations
- II. The Development of Administrative Law
  - A. Federalism
  - B. Separation of Powers
  - C. Delegation of Powers and Authority
    - 1. Legal Delegation of Judicial, Legislative or Executive Functions
    - 2. Illegal Delegation
- III. Agency Discretion
  - A. Benefits and Detriments of Discretion
  - B. Limits on Agency Discretion
  - C. Examples of Agency Discretion
- IV. Constitutional Due Process Considerations in Agency Actions
  - A. Protected Interests
  - B. Substantive Due Process
  - C. Procedural Due Process
  - E. Equal Protection of the Laws
- V. Agency Rulemaking
  - A. Procedures
  - B. Types of Rules
  - C. Publication of Rules
  - D. Ratemaking
  - E. Taxation and Revenue
  - F. Limits on Agency Rulemaking Authority
- VI. Agency Investigations and Information Gathering
  - A. Acquiring Information
  - B. Agency Authority to Require Recordkeeping and Reporting by Agency Clients
    - 1. Fifth Amendment Aspects
    - 2. Applicable Privileges and Immunities
  - C. Inspections, Tests and Searches
    - 1. Fourth Amendment Aspects
    - 2. Drug, Alcohol and AIDS Testing
  - D. Subpoenas and Search Warrants
- VII. Informal Adjudications

|       |    |                                                                                       |
|-------|----|---------------------------------------------------------------------------------------|
|       | A. | Informal Hearings                                                                     |
|       | B. | Alternate Dispute Resolution Procedures                                               |
| VIII. |    | Formal Adjudications                                                                  |
|       | A. | Notice Requirements                                                                   |
|       | B. | Parties and Participants                                                              |
|       | C. | Discovery                                                                             |
|       | D. | Pre-Hearing Conference                                                                |
|       | E. | The Hearing                                                                           |
|       | 1. | Evidentiary Issues, including Burden of Proof, Admissibility Standards and Privileges |
|       | 2. | Administrative Law Judges, Powers and Recusal                                         |
|       | 3. | Ancillary Matters                                                                     |
|       | 4. | Findings of Fact and Conclusions of Law                                               |
|       | 5. | Initial, Recommended and Final Decisions                                              |
| IX.   |    | Review of Agency Decisions                                                            |
|       | A. | Agency Review                                                                         |
|       | B. | Judicial Review                                                                       |
|       | C. | Standing                                                                              |
| X.    |    | Review of Agency Actions                                                              |
|       | A. | Freedom of Information Act                                                            |
|       | B. | Privacy Act                                                                           |
|       | C. | The Sunshine Act                                                                      |
|       | D. | Federal Advisory Committee Act                                                        |
|       | E. | Trade Secrets Act                                                                     |
|       | F. | Privatization                                                                         |
| XI.   |    | Agency Liability and Immunity                                                         |
|       | A. | Sovereign Immunity                                                                    |
|       | B. | Federal Tort Claims Act                                                               |
|       | C. | Constitutional Claims                                                                 |
|       | D. | Common Law Torts and Official Immunity                                                |
|       | E. | <b>Action of Private Parties</b>                                                      |

**Methods of Instruction:**

Methods of instruction may include, but are not limited to the following:

- **Method:** Lecture  
**Integration:** Instructors will seek to enable students to analyze and examine the scope and significance of agency powers and procedures through lecture and multi-media presentations, including PowerPoint and internet searches of relevant agency websites.
- **Method:** Directed Study  
**Integration:** Class instruction will include cases that demonstrate applicable legal issues pertaining to creation of agencies, agency rule making, agency abuse of the powers delegated by Congress, and the reasons for applicable standards upon judicial review of agency decisions and orders. Instructors will seek to ensure student in-class participation in the analytical process.
- **Method:** Papers and Reports  
**Integration:** Students will analyze and document the enabling statutes and codes, rules, and internal laws and procedures of those agencies most frequently encountered in general law practices.
- **Method:** Guest lecturers  
**Integration:** Instructors will arrange for attorneys or paralegals to speak as guest lecturers in order to prepare students in a practical way for the type of legal assistant efforts that may be required by a law firm with respect to claims processing, pre-hearing discovery, client and witness interviews and appealing from an agency decision or order.
- **Method:** Role Playing/Simulation  
**Integration:** Instructors will provide a setting to enable students to prepare clients, witnesses and evidence for

an agency hearing and devise a mock scenario of an agency formal hearing or pre-hearing conference based on an assumed set of facts.

**Methods of Evaluation:**

A student's grade shall be determined by the instructor using multiple measures of performance related to the course objectives. Methods of evaluation may include but are not limited to the following:

- **Method:** Presentations  
**Integration:** Student presentations will be required in order to assess their development in legal analysis skills. Students will be required to demonstrate an understanding of the policy reasons behind each of the legal concepts presented. Students must also demonstrate an ability to write clearly, using acceptable practices with respect to syntax, punctuation and grammar.
- **Method:** Quizzes  
**Integration:** Students will take quizzes on the procedures applicable to all aspects of administrative law. The questions will be designed to elicit legal analysis and not merely rote memorization.
- **Method:** Written analysis and evaluation  
**Integration:** Graded assignments will be required of students relating to document preparation based on a set of hypothetical facts, such as a claim form for a relevant agency, discovery allowed by a relevant agency, or an appeal from an agency decision or order. The evaluation will be based upon the students' accurate use of the facts and understanding of the agency's needs and focus. Students must also demonstrate an ability to write clearly, using acceptable practices with respect to syntax, punctuation and grammar.
- **Method:** Mid-Term Examination  
**Integration:** Students will take a mid-term examination with questions designed require the student to apply analytical skills with respect to legal issues involved in prosecuting or defending clients before administrative agencies.
- **Method:** Final Examination  
**Integration:** Students will take a final examination with questions designed require the student to apply analytical skills with respect to legal issues involved in prosecuting or defending clients before administrative agencies.

**Examples of Assignments:**

Students will be expected to understand and critique college level texts or the equivalent. Reading and writing, as well as out of class assignments are required. These assignments may include but are not limited to the following:

1. Based on a hypothetical case, draft a claim to a selected agency; e.g., the Social Security Administration, the EEOC or the California Department of Fair Housing and Employment.
2. Based on the hypothetical case, draft the response to the claim and include a memorandum of the agency procedures for response, with a suggested strategy for any defense not necessarily raised in the response, including additional evidence needed for the defense.
3. Draft a legal memorandum setting out the discovery allowed in agency adjudications and include a proposed discovery plan.
4. Based on the hypothetical case, draft all the written discovery allowed by law; i.e., interrogatories and a demand for inspection.
5. In the context of a mock scenario agency formal hearing, draft and present an oral closing argument in the hypothetical case.
6. **Draft a legal memorandum setting out the authority of at least one federal and one state agency to issue subpoenas duces tecum to witnesses or parties, including the requirements for service of the subpoena and the methods for contesting the subpoena.**

**Textbooks:**

- Hall, D., E. (2019). *Administrative Law: Bureaucracy in a Democracy (7th Edition)* (no newer text available) Prentice Hall. ISBN: 978-0135186329

**Other Resources:**

**Minimum Qualification**

- Law (Masters Required)