

**QUESTIONS & ANSWERS:
ADMINISTRATIVE LAW**

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QUESTIONS & ANSWERS: ADMINISTRATIVE LAW

*Multiple Choice and Short-Answer Questions and
Answers*

Third Edition

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MATTHEW  BENDER

DEDICATION

To Russell Weaver. Thank you for all the opportunities.

-Linda Jellum

ABOUT THE AUTHORS

Linda D. Jellum is the Ellison Capers Palmer Sr. Professor of Law in tax. She teaches Administrative Law, Statutory Interpretation, and Federal Income Taxation. Professor Jellum is a prolific scholar and has written extensively in the areas of Administrative Law, Federal Taxation, and Statutory Interpretation. She has published more than twelve law review articles, three books, and two 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 has been an officer and council member for the American Bar Association Section's on Administrative Law and Regulatory Practice.

Before joining the Mercer Law faculty, Professor Jellum spent five years working for Washington State's Attorney General's office. While there, she served as lead attorney for the Department of Social and Health Services. 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 on multiple choice questions.

Karen A. Jordan is a Professor of Law at the Brandeis School of Law at the University of Louisville. Professor Jordan teaches primarily in the areas of civil procedure, evidence, and administrative law. Her scholarly endeavors focus 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 has developed her administrative law expertise primarily in the health law arena. In the past, Professor Jordan has been a speaker at national conferences sponsored by the American Society of Law, Medicine, and Ethics and the Association of American Law Schools; and has contributed to forums such as West Legal News and the employee benefits section of the Association of American Law Schools. More recently, she has focused on issues relating to judicial deference to agency actions and agency preemption.

PREFACE

Administrative Law covers issues relating to the authority and functioning of administrative agencies. What procedures must agencies follow? What rights must they accord to those affected by its action? Administrative Law also addresses issues relating to the relationship between courts and administrative agencies, and judicial review of agency action.

The purpose of this book is to test your understanding of administrative law and procedure and to assist you in preparing for an administrative law exam. This book is not intended to provide a comprehensive explanation of administrative law concepts but as a supplement to class materials.

This book examines the major administrative law topics and concludes with a comprehensive Practice Final Exam. It includes an introduction to the study of administrative law and the Administrative Procedure Act, as well as such topics as rulemaking procedures, adjudication procedures and due process, retroactivity, non-legislative rules, reviewability, agency structure, inspections, reports, subpoenas, the Freedom of Information Act, and Attorneys Fees.

As you utilize these Questions, remember that there may not be a single correct answer, but there might be a “best answer.” In other words, you might be asked to make informed judgments based on your knowledge of administrative law and your wisdom.

Professor Linda D. Jellum
Macon, Georgia
April, 2015

Professor Karen A. Jordan
Louisville, Kentucky
April, 2015

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