

## ADMINISTRATIVE LAW

LAWS 2000.02 (Four credits)

SYLLABUS – Winter, 2008

Professor Sheila Wildeman

### Contact information:

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**Office hours:** Tuesday 9:30-10:30; Thursday 10:00-11:00. In addition you may email me or phone me to set up an appointment, or drop in anytime I am in my office and the door is open.

**Email communication with students:** Any emails sent to students will use their dal.ca email address and will have the re line: Admin Law. Please read these! Students will be deemed to have received course information sent by email.

**Web page:** All handouts provided in class will, after the class, be posted on the BLS Blackboard Learning system, accessible through My.Dal (“Learning Resources”) and the library web page. In addition, class working groups and questions for discussion for the coming week’s readings will be posted there.

**Class times** Wednesday 2:30-4:30 (room 105), Friday 10:00 – 12:00 (room 105)

**Text:** Administrative Law Casebook, 2008, Volumes 1 and 2 (Prof. D. Ginn)

**Examination: CLOSED BOOK** (students will be given the table of contents and any relevant legislation.)

Students may choose to write **either:**

- one 3 hour exam on the full course (April 17), or
- two 1.5 hour exams, the first on substantive review (Feb 20, during class time) and the second on procedural review (April 17).

Notes: Students wishing to write the 2 exams **must sign up for this option by 12 p.m. on Friday, Feb. 13, and having signed up, cannot withdraw.**

Marks received on the February midterm exam will not be curved at that time. Instead, for consistency with those writing only in April, the raw February grade will be added to the raw April grade, and **all curving will occur in April.**

### ACCOMMODATION

Students wishing to request accommodation regarding exam writing must make the request in writing to the Studies Committee and should see Associate Dean Deturbide or Assistant Dean Hughes for more information. Material for the Studies Committee should be given to Tiffany Coolen-Jewers, administrative assistant to the Associate Dean.

Professor Pothier is the faculty advisor to students with disabilities. Students with disabilities wishing to discuss in-class accommodation or study assistance needs should see Professor Pothier.

## Readings

<b>Date</b>	<b>Readings for Volume 1</b>
Wednesday, Jan 7	Introduction to course, pp. 1-7 [NOTE: To be read sometime during term: Remedies, pp. 210 – 217]
Friday, Jan 9	Introduction to Administrative Law, pp 7- 32 Handout – Ford pp.57-73
Wednesday, Jan 14	Introduction to Substantive Review, pp 33-60
Friday, Jan 16	Current approach to Substantive Review, pp. 61- 88 (Please complete chart on “How to read an admin law case” before class.)
Wednesday, Jan 21	Legislated Choices of Standard of Review, pp. 89-94 Application of Correctness Standard, pp. 95-112 Wildeman handout: “A Fine Romance?” (excerpt)
Friday, Jan 23	Application of Reasonableness Standard, pp. 112- 144
Wednesday, Jan 28	Application of Reasonableness Standard, pp. 144 - 171
Friday, Jan 30	Application of Reasonableness Standard, pp. 171- 187
Wednesday, Feb 4	Standing, pp. 188 – 209 Review: Sample exam question, Fall, 2007 midterm, starting p. 267, questions 2 & 3
Friday, Feb 6	<b>MUNROE DAY – NO CLASSES</b>
Wednesday, Feb 11	Authority of an ADM to hear a Charter challenge to its enabling legislation, pp. 218- 233. Review: Fall 2007 midterm, question 1
Friday, Feb 13	Relationship between Administrative Review and a Charter Challenge to an ADM’s decision, pp. 234-266 (Note: since this is admin law, not con law, you don’t need to focus as much on the constitutional analysis; instead, read the cases to answer the question: what approach will the courts take when the decision of an ADM is challenged as unconstitutional?) *** Note: Must sign up for midterm by end of class today
Wednesday, Feb 18	Review for midterm – Winter 2008 Midterm, p.271
Friday, Feb 20	<b>Midterm exam</b>
Feb 23-27	<b>READING WEEK – NO CLASSES</b>

<b>Date</b>	<b>Readings for Vol. II</b>
Weds, March 4	Introduction to Procedural Review Overview and Threshold: pp. 1-32
Fri, March 6	Threshold Content of Procedural Requirements pp. 33-57
Weds, March 11	Participatory Rights pp. 57-76
Fri, March 13	Participatory Rights pp. 77-89
Weds, Mar 18	Participatory Rights pp. 89- 124
Fri, Mar 20	Impartiality pp. 124-151
Weds, Mar 25	Independence pp. 151-171
Fri, Mar 27	Legitimate Expectations Consequences of a Procedural Breach pp. 172-185
Weds, Apr 1	Review: Procedure Dec/ 07 exam, p.189
Fri, Apr 3	Review: Substance (Dec 2007 exam: Vol. I, p. 275) Depending on time/interest: Procedure (Dec 2003 exam: Vol. II, p. 186)