

TABLE OF CONTENTS

CHAPTER ONE

Nature of the Administrative Process

- A. IN GENERAL**
 - § 1.1. Introduction
- B. THE ADMINISTRATIVE PROCEDURE ACT**
 - § 1.2. Scope and Purpose
- C. DELEGATION OF POWER**
 - § 1.3. Introduction
 - § 1.4. Pre-New Deal Validation of Delegation
 - § 1.5. New Deal Invalidation of Delegation
 - § 1.6. Post-New Deal Validation of Delegation
- D. THE RULE MAKING AND ADJUDICATIVE FUNCTIONS**
 - § 1.7. Introduction
 - § 1.8. Rule Making
 - § 1.9. Adjudication

CHAPTER TWO

Investigations

- A. IN GENERAL**
 - § 2.1. Introduction
- B. SCOPE AND LIMITATIONS**
 - § 2.2. Record Keeping and Reporting
 - § 2.3. Inspections
 - § 2.4. Subpoenas
 - § 2.5. Parallel Proceedings

CHAPTER THREE

Disclosure of Information

- A. THE FREEDOM OF INFORMATION ACT**
 - 1. In General**
 - § 3.1. Introduction

2. Publication in Federal Register

§ 3.2. Scope of Publication Requirement

§ 3.3. Effect of Failure to Publish

3. Availability for Public Inspection and Copying

§ 3.4. Scope of Availability Requirement

§ 3.5. Indexing Requirement

§ 3.6. Effect of Failure to Index and Make Available

4. General Disclosure

§ 3.7. Catch-all Record Requests

5. Exemptions

§ 3.8. Introduction

§ 3.9. National Security or Foreign Policy Matters

§ 3.10. Internal Personnel Rules and Practices

§ 3.11. Matters Specifically Exempted from Disclosure by Statute

§ 3.12. Trade Secrets and Commercial or Financial Information

§ 3.13. Inter-Agency or Intra-Agency Memoranda or Letters

§ 3.14. Personnel, Medical and Similar Files

§ 3.15. Investigatory Records Compiled for Law Enforcement Purposes

§ 3.16. Regulation of Financial Institutions

§ 3.17. Geological Information

6. Agency Administration

§ 3.18. Fee Schedules

§ 3.19. Processing Requests

7. Court Enforcement

§ 3.20. Civil Actions

§ 3.21. Remedies

B. THE PRIVACY ACT**1. In General**

§ 3.22. Introduction

2. Records Collection, Maintenance and Disclosure

§ 3.23. Collection of Information

§ 3.24. Disclosure of Information

§ 3.25. Maintenance of Records

3. Individual Access

§ 3.26. Access to Records

4. Enforcement

§ 3.27. Enforcement

C. THE GOVERNMENT IN THE SUNSHINE ACT

1. In General

§ 3.28. Introduction

2. Open Meeting Requirements

§ 3.29. Scope of Requirement

§ 3.30. Exceptions

3. Enforcement

§ 3.31. Enforcement

CHAPTER FOUR

Hearing Process

A. IN GENERAL

§ 4.1. Introduction

B. RULE MAKING

§ 4.2. Rule Making Procedures Generally

§ 4.3. Notice of Rule Making

§ 4.4. Exceptions to Notice Requirements

§ 4.5. Opportunity to Participate

§ 4.6. Statement of Basis and Purpose

§ 4.7. Trial-type Hearing

§ 4.8. Publication

§ 4.9. Right to Petition

C. ADJUDICATION

§ 4.10. Adjudication Procedure Generally

§ 4.11. Notice of Hearing

§ 4.12. Opportunity for Participation and Hearing

§ 4.13. License Applications

D. DUE PROCESS CONSIDERATIONS

§ 4.14. Right to Hearing

E. ADMINISTRATIVE LAW JUDGES

§ 4.15. Qualification and Powers

§ 4.16. Disqualification

F. EVIDENTIARY CONSIDERATIONS

§ 4.17. Burdens and Admissibility

§ 4.18. Examination, Cross-Examination and Rebuttal

CHAPTER FIVE
Decisional Process

- A. IN GENERAL**
 - § 5.1. Introduction
- B. PARTICULAR CONSIDERATIONS**
 - § 5.2. Recommended, Initial or Tentative Decisions
 - § 5.3. Separation of Functions
 - § 5.4. Proposed Findings and Exceptions
 - § 5.5. Agency Review
 - § 5.6. Ex Parte Communications
 - § 5.7. Findings and Reasons (Formal Actions)
 - § 5.8. Statement of Reasons (Informal Actions)
 - § 5.9. Sanctions and Remedies

CHAPTER SIX

Judicial Review

I. RIGHT TO REVIEW

- A. IN GENERAL**
 - § 6.1. Introduction
- B. METHODS OF REVIEW**
 - § 6.2. General Principles
- C. AVAILABILITY OF REVIEW**
 - § 6.3. Presumption of Reviewability
 - § 6.4. Statutory Preclusion of Review
 - § 6.5. Action Committed to Agency Discretion
- D. STANDING FOR REVIEW**
 - § 6.6. Standing
- E. TIMING OF REVIEW**
 - § 6.7. In General
 - § 6.8. Exhaustion of Administrative Remedies
 - § 6.9. Ripeness and Finality
 - § 6.10. Primary Jurisdiction

II. SCOPE OF REVIEW

- A. IN GENERAL**
 - § 6.11. Introduction
- B. QUESTIONS OF FACT, LAW AND JUDGMENT**

TABLE OF CONTENTS

xv

- § 6.12. Questions of Fact—The Substantial Evidence Test
- § 6.13. Questions of Law and Mixed Questions of Law and Fact
- § 6.14. Questions of Judgment or Discretion

APPENDIX

- § A.1. Administrative Procedure Act
- § A.2. Attorney General's Manual on the Administrative Procedure Act