WELCOME MEMO

From: Steve Wise
To: Administrative Law students
Subject: EMPA/POLS 733—Welcome to Administrative Law

In a traditional course, my first class is devoted to introducing myself and the textbook and giving an overview of the course and advice on how to prepare for class. This memo serves the same purpose.

First, I’d like to introduce myself and identify my credentials for teaching this course. Since February 2015, I’ve been working as an administrative law judge (ALJ) for the Montana Department of Labor and Industry in Helena, Montana. From 1997-2015, I worked as an ALJ for the Iowa Workforce Development Department in Des Moines, Iowa. My bachelor’s and law degrees are from the University of South Dakota. After law school, I worked as an attorney for Dakota Plains Legal Services in Fort Thompson, South Dakota, for four years, specializing in poverty law, Indian law, administrative law, and social security law. From 1984 to 1986, I was an assistant professor of criminal justice and political science at USD. I served as an ALJ for the South Dakota Department of Labor from 1986 to 1994 and 1995 to 1997 and was the deputy chief administrative law judge for South Dakota’s Office of Administrative Hearings from 1994 to 1995. I’ve taught administrative law for the USD as an adjunct professor since 1988. In 2002, I joined the National Judicial College faculty teaching Advanced Administrative Law. I’ve been the treasurer and president of the National Association of Administrative Law Judiciary.

Second, I’d like to give you a sense of what this course is about and its objectives. Government agencies impact the life of every person on a daily basis. Some are regulatory agencies, which regulate businesses and professions from the nuclear power industry to tattoo parlors and everything in between. Other agencies provide benefits, such as Social Security, workers’ compensation, or unemployment insurance. Without administrative agencies, the legislature could not implement the programs that are the basis of modern government. How do we make sure that these agencies follow the law and provide fair procedures to the members of the public who appear before them? How can we make sure that agencies efficiently pursue the public interest rather than be captured by narrow private interests? These are the tasks of administrative law. This course’s objective is to equip you with the knowledge and tools necessary to understand the administrative process and how the law controls the process and administrative agencies as they make decisions affecting all of us.

Third, I want to dispel some myths you might have about online courses. This class is nearly identical to the courses I’ve taught face-to-face in terms of time spent on the course, activities, and amount of work involved. This isn’t a “work-at-your-own-speed” correspondence course. After the introductory week, each week has a Lesson. Each week you must keep up with the reading, review the Lesson materials, complete the assignments, and participate in online discussions. You cannot be behind, or really work ahead, other than reading ahead in the textbook. Your focus each week should be on completing the week’s work. You must access this course regularly every week to succeed in this course. Failing to participate actively in this course each week according to the course requirements is a recipe for disaster in my experience.
Here’s the roadmap for traveling down the path of learning about administrative law:

**Lesson 1** provides an introduction to administrative law and explains why it is important.

**Lesson 2** covers the foundations of federalism and the separation of powers and how bureaucracy fits in our democratic scheme of government.

**Lesson 3** discusses the statutory foundations of administrative agencies to provide background for a discussion of the delegation doctrine.

**Lesson 4** focuses on due process, one of the key concepts in administrative law.

**Lesson 5** analyzes the important issues of discretion and informal actions of administrative agencies.

**Lesson 6** examines agency investigations and the limits the constitution and statutes place on the investigative powers.

**Lesson 7** looks at the flip side of the rights of citizens to obtain information from the government.

**Lesson 8** discusses the rulemaking process, agencies acting like legislatures.

**Lesson 9** focuses on formal adjudication process, agencies acting like courts.

**Lesson 10** examines methods of alternative dispute resolution and their application to administrative law.

**Lesson 11** looks at court review of administrative actions.

**Lesson 12** looks at another form of court review of administrative actions—suing the government or its officials for money damages.

**Lesson 13** presents summary and concluding material to piece together the issues and principles presented in this course to see the bigger picture of the role of administrative law.

You should carefully review the Syllabus to learn about important dates for the course, contact information, textbook, tests, problems, collaborative activities, and grading. The requirements of the syllabus must be adhered to strictly. Any test or assignment not done on time, where you have not contacted me in advance and obtained an extension or alternative due date will receive a failing grade. Print out the syllabus and keep it by your computer for ready reference to make sure you are timely on your assignments, projects, and tests.

My approach to this course follows the guidelines of a Chinese proverb:

"Tell me, I'll forget.
Show me, I may remember.
But involve me and I'll understand."

I first taught this course on campus at USD in 1984. I’ve taught it off campus over 25 times since. The course remains stimulating and intellectually challenging for me, even after all these years. My challenge will be to get you to feel the same way. Because of my background, I blend the practical with the theoretical. Simulation activities throughout the course will give you hands-on experience in administrative law.

Education involves the art of writing, speaking, listening, questioning, and deciding, individually and collectively—we’ll do all these things in this course. I look forward to working with you this semester. If you have questions, contact me using the email within Desire2Learn (preferred).
Steve.Wise@usd.edu, or 515-473-2533. I commit to replying within two days after any student contact unless I have informed students that I will be unavailable for a period of time.

USD has a “Guide to Online Learning” with useful information on the following topics: technology requirements, email, Desire2Learn, WebAdvisor, textbooks, student services, plagiarism policy, and refund policy, which is found at: http://www.usd.edu/continuing-and-distance-education/upload/Online-Orientation-Guide.pdf.

After you are able to access Desire2Learn use the following as your initial Guide:

Desire2Learn Course Navigation: Our Desire2Learn roadmap begins with this Welcome Memo. Please read this entire memo and then navigate to the other areas of the website using this memo as a guide. After finishing this Welcome Memo, click on the Content menu item at the top of the Course home page. There you will find the Table of Contents for the course.

Unit 1-Course Content and Related Materials has the course Syllabus and Lesson Materials divided by each week’s lesson. Each Lesson has the week’s assigned materials, including my own Presentation that explains and emphasizes the most important material of the course.

Unit 2-Communications displays your Group Membership assignments, which will not be made until the second week of class.

Unit 3-Study Tools has links to a Sample Brief and Sample Test Questions, Hall Text Companion Website, and the POLS 733 Wiki Site.

Unit 4-Tests provides links to review material for the Midterm and Final Tests.

Unit 5-Articles for Extra Reading gives you some informative optional articles dealing with the topics in this course.

Unit 6-Resource Links has links to online resources for administrative law.

Now click on the Discuss menu item, which is under Communications at the top of the Course home page. You will see topics in the Discussion Forum corresponding to each week, where you will post your weekly problem assignments and the results of your small group activities. The midterm and final test information is found on the Quizzes menu item under Assessments at the top of the Course home page. There will be times when you will use the Chat menu item for group chats for a small group activity, which is also a Communications menu item.

First Week Assignment: Go to the Discuss menu item and click on the Arbitrary and Capricious Coffee Shop forum. Go to the Introductions topic and post an introduction for yourself and supply one item of information that you have learned through an internet search of my name (you’re not limited to information you know is about me). Read through your fellow students’ postings to get an idea of who else is in the class. Please wait to post other assignments so we all are on board and get acquainted. There will be an email from me in your course mail inbox—please reply because I’ve had students in the past who’ve had problems receiving D2L emails.