

Southern Illinois University Simmons Law School
Administrative Law
Fall 2025

Instructor Information:

Instructor: Kaitlyn Poirier

Email: kaitlyn.poirier@siu.edu

Office: Room 250

Office Hours: Mondays and Wednesdays from 10:00 AM to 12:00 PM, Tuesdays from 9:00 AM to 12:00 PM, and by appointment.

Teaching Assistant Information:

None. You will just have to come see me instead. 😊

Class Sessions:

Mondays and Wednesdays from 1:30 to 2:45 PM in Room 102.

Course Description:

This course will provide you with an overview of what many call the fourth branch of government: administrative agencies. This course is divided into four major topics: (1) agencies and the Constitution; (2) what agencies do; (3) how courts review an agency action; and (4) lawsuits involving agencies.

Course Learning Objectives:

By the end of this course, you should learn:

1. what agencies are and how they are created
2. what gives agencies the authority to undertake actions and make decisions
3. how agency leaders are appointed and removed
4. the major issues impacting agencies today
5. about agency adjudication and rulemaking
6. the Administrative Procedure Act and Freedom of Information Act
7. what administrative records are and legal issues involving administrative records
8. how courts review agency actions
9. how to work with agencies
10. the basics of filing a lawsuit against an agency and defending an agency
11. to engage with other students using active listening, empathy, allyship, and respect

Required Texts:

There is one required textbook for this course: Federal Administrative Law by Gary Lawson (10th ed.). We may also read materials that are on Westlaw or Lexis.

Attendance:

The attendance policy for this class is stricter than the law school's standard policy. In short, you are allowed to miss **FOUR** classes during this course. If you miss more than four classes, you will be withdrawn from the course or receive the lowest possible grade. The only exception to this rule is if the Associate Dean for Academic Affairs excuses your absence for extraordinary circumstances (such as military service, jury duty, death of an immediate family member, etc.).

Grading and Evaluation:

Your grade will be determined by the following:

1. **Final Exam (70%)** There will be an in-person exam at the end of the semester. The exam will have multiple-choice questions and integrated question sets similar to those on the NextGen bar exam.
2. **Quizzes (20%)** Throughout the semester, there will be take-home multiple-choice quizzes you will complete on D2L to make sure you understand the material and are on the right track for the final exam.
3. **Participation (10%)** I expect that you come to class ready to participate. In other words, read any material that I have assigned for that day's class and be prepared to contribute to that day's discussion. You can contribute to the discussion by volunteering to answer a question, making an observation, or respectfully debating with me and/or your classmates. I will also call on you with no advance notice to explain material or to answer a question, so be prepared.

For your participation grade, I also take into account your professionalism. In other words, I will consider whether you behave with integrity and if you act respectfully towards your colleagues and myself.

During the semester, you will be expected to complete other assignments that will be graded on a satisfactory/unsatisfactory basis. If you do not receive a satisfactory score on your first submission, you must redo the assignment until you receive a satisfactory score.

Netflix Pass:

I recognize that there might be days that you do not want to participate in that day's discussion. Maybe you did not have time to read the materials or stayed up too late watching Netflix. No judgment. It happens. **ONCE** per semester, you can opt out of that day's discussion. Either send me an email or write a note and place it on my lectern before class saying you are opting out. I will not call on you that day. Use this power wisely—you only get one free day!

Deadlines:

All lawyers operate on deadlines, whether they are set by your supervisor, your client, the court, or yourself. Therefore, in preparation for your future legal career, you will operate on deadlines in this course.

This course has “hard deadlines,” meaning that you must complete your assignments on time. If you miss a deadline (even by one minute), you are required to send me your completed assignment and a Motion for Leave to File Out of Time explaining why I should excuse the late submittal. Just like federal judges, I will only grant your Motion if you demonstrate “good cause” for me doing so—and I get to determine what constitutes good cause. Given the additional time and effort it will take to draft a Motion for Leave to File Out of Time, and the risk that I may still deny the Motion and refuse to accept your assignment, I would make sure to meet all course deadlines.

If you know in advance that you will not be able to complete an assignment on time for a legitimate reason (you are having surgery, have required military duty, etc.) file a motion asking for an extension of the deadline as soon as possible. If you demonstrate good cause, I may give you extra time to complete the assignment.

Ban on Plagiarism, Collaboration, and Generative AI:

Plagiarism is the act of taking someone else’s work, ideas, or words and passing them off as your own without crediting the source. Plagiarism is not permitted in this course.

You are not allowed to collaborate on assignments unless I give you permission to do so. This means you may not obtain written material or communicate about the substance of the assignment with others (including your fellow students). You are also not allowed to use generative AI (ChatGPT, Grammarly, etc.).

If you have plagiarized, collaborated, or used generative AI while working on an assignment, you will receive **zero** points for that assignment, **and I will take away 10% of the total points you earned in the class at the end of the semester.** I will also follow the procedures outlined in the school’s Honor Code. If you are found in violation of the Honor Code, you can face serious penalties, including expulsion. Long story short, **DON’T DO IT.** If you have any questions about this policy, just ask me.

Class Recordings:

This class is automatically recorded every day. If you would like one or more of these recordings, send me an email. If you attended that class, I will send you the recording. If you did not attend the class, you need to explain in the email why you were absent. I will send you the recording if you were absent for a legitimate reason (you were sick, participated in a school-related activity, family emergency, etc.).

Digital Devices Policy:

You may use laptops or tablets during class. However, you may only use them for activities that will further your understanding of Administrative Law. You can take notes, research cases, download documents from the course D2L page, etc. You may not use these devices for other purposes (shopping, checking email, looking at the news, scrolling through social media, etc.). Doing so is distracting to you and your colleagues. Using laptops or tablets during class is a privilege. I reserve the right to revoke that privilege if they are used irresponsibly.

We may occasionally use Slido or other programs in class that allow you to participate via your cell phone. That is the only time that cell phones are permitted in class.

Class Schedule, Topics, and Homework Assignments through September 8:

Date	Class Number	Class Topic(s)	Homework Assignments
Before Class			<ol style="list-style-type: none"> 1. Review the syllabus, paying particular attention to the Ban on Plagiarism, Collaboration, and Generative AI section as well as the Digital Devices Policy section by August 18 2. Read pages 1-9 (stop reading before the first full paragraph on page 9) by August 18
8/18	1	Intro to Administrative Law and Agencies	<ol style="list-style-type: none"> 1. Read Article I of the U.S. Constitution by August 20 2. Read the following pages by August 20: <ol style="list-style-type: none"> a. 112-114 (stop before 1. Before the New Deal) b. 170-185 (start with b. A Spark of Life? and end before Notes) c. 194-208 (start with 5. Controlling Delegations)
8/20	2	Agencies and Article I: Part 1	<ol style="list-style-type: none"> 1. Read Article II of the U.S. Constitution by August 25 2. Read pages 220-247 (start with C. Agencies and Article II and end before b. Inferior or Superior?) by August 25
8/25	3	Agencies and Article I: Part 2	<ol style="list-style-type: none"> 1. Read the following pages by August 27: <ol style="list-style-type: none"> a. 247-258 (start with b. Inferior or Superior? and end before <i>United States v. Arthrex, Inc.</i>) b. 273-284 (start with c. Who May Appoint “Inferior” Officers?)
8/27	4	Agencies and Article II	<ol style="list-style-type: none"> 1. Read Article III of the U.S. Constitution by September 3 2. Read the following pages by September 3: <ol style="list-style-type: none"> a. 333-343 (start with D. Agencies and Article III and end before <i>Stern v. Marshall</i>) b. 357-375 (end before E. Agencies and the Separation of Powers)

	No Class – Labor Day (make-up class on Researching Agency Actions available on D2L)		
9/3	5	Agencies and Article III	<ol style="list-style-type: none"> 1. Read pages 285-304 (end before Notes) by September 8 2. Read <i>Department of Education v. California</i>, 145 S. Ct. 966 (2025) by September 8
9/8	6	Current Events Questions	
9/10	7	Intro to the Administrative Procedure Act, Rulemaking v. Adjudication, and Formal Adjudication	
9/15	8	Informal Adjudication	
9/17	9	Formal Rulemaking	
9/22	10	Informal Rulemaking Part 1	
9/24	11	Informal Rulemaking Part 2	

9/29	12	Exceptions to Rulemaking	
10/1	13	Intro to Litigation Involving Agencies and Administrative Records	
10/6	14	Judicial Review of Policies	
10/8	15	Judicial Review of Facts	
10/13	16	Statutory Interpretation and the Major Questions Doctrine	
10/15	17	Judicial Review of Agency Interpretations of Statutes Part 1	
10/20	18	Judicial Review of Agency Interpretations of Statutes Part 2	
10/22	19	Judicial Review of Agency Interpretations of Regulations	
10/27	20	Freedom of Information Act	

10/29	21	Working with Agencies and In-Class Exercise	
11/3	22	Sovereign Immunity, Jurisdiction, and Statutory Basis	
11/5	23	Constitutional Standing	
11/10	24	Statutory Standing and In-Class Standing Exercise	
11/12	25	Preclusion	
11/17	26	Committed to Agency Discretion by Law	
11/19	27	Exhaustion, Finality, and Ripeness	

* I reserve the right to change the homework assignments, deadlines, and required reading at any time for any reason.

Syllabus Attachment

Fall 2025

MISSION STATEMENT FOR SOUTHERN ILLINOIS UNIVERSITY CARBONDALE

SIU embraces a unique tradition of access and opportunity, inclusive excellence, innovation in research and creativity, and outstanding teaching focused on nurturing student success. As a nationally ranked public research university and regional economic catalyst, we create and exchange knowledge to shape future leaders, improve our communities, and transform lives.

IMPORTANT DATES:

Semester Classes Begin:08/18/2025
Last day to add full-term course (without Dean's signature):08/24/2025
Last day to withdraw from the University with a full refund:08/29/2025
Last day to drop a full-term course for a credit/refund:08/31/2025
Last day to drop a full-term course (W grade, no refund):.....10/26/2025
Final examinations:12/08/2025–12/12/2025

Note: Please verify the above dates with the Registrar calendar and find more detailed information on deadlines at <http://registrar.siu.edu/calendars>. For add/drop dates that apply to shorter-than-full-term courses, please look at the Schedule of Classes search results at <http://registrar.siu.edu/schedclass/index.php>

FALL SEMESTER HOLIDAYS:

Labor Day 09/01/2025
Fall Break 10/10/2025
Veterans Day 11/11/2025
Thanksgiving Break 11/22/2025 - 11/30/2025

DIVERSITY: Southern Illinois University Carbondale's goal is to provide a welcoming campus where all of our students, faculty and staff can study and work in a respectful, positive environment free from racism and intimidation. For more information visit: <http://diversity.siu.edu>. Additional [informational flyer](#).

OFFICE FOR ACCESS AND ACCOMMODATIONS: SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Office for Access and Accommodations coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact OAA immediately at (618) 453-5738 or <https://access.siu.edu>. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty.

MILITARY COMMUNITY: There are complexities of being a member of the military community and also a student, and military and veteran related developments can complicate academic life. If you are a member of the military community and in need of accommodations please visit Veterans Services at <http://veterans.siu.edu/>.

STUDENT MULTICULTURAL RESOURCE CENTER: The Student Multicultural Resource Center serves as a catalyst for inclusion, diversity and innovation. As the Center continues its work, we are here to ensure that you think, grow and succeed. We encourage you to stop by the Center, located in the Student Services Building Room 140, to see the resources available and discover ways you can get involved on the campus. Visit us at <https://smrc.siu.edu/>.

SALUKI CARES: The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIUC will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For information on Saluki Cares: Call (618) 453-2461, email siucares@siu.edu, or <http://salukicare.siu.edu/>.

SAFETY AWARENESS FACTS AND EDUCATION: Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>.

PREGNANCY: Title IX makes it clear that students who are pregnant or have a related condition may contact the Title IX Coordinator to request accommodations or to report any allegations of discrimination. The Title IX Coordinator may be contacted at: Nick Wortman, Associate Vice Chancellor for Human Resources, Southern Illinois University Carbondale, 0135 Woody Hall, 900 S. Normal Avenue, Mail Code 6520, Carbondale, IL 62901, (618) 453-6667, equity@siu.edu.

SIU COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS): Mental health counseling services are available by calling [CAPS](#) at (618) 453-5371. CAPS offers confidential same-day services and ongoing counseling. For after hours crisis care, students are encouraged to call 988, 911, or present to their nearest emergency room.

WITHDRAWAL POLICY (Undergraduate Only): Students who officially register for a session must officially withdraw from that registration in a timely manner to avoid being charged as well as receiving a failing grade for those classes. An official withdrawal must be initiated by the student, or on behalf of the student through the academic unit, and be processed by the Registrar's office. For the proper procedures to follow when dropping courses and when withdrawing from SIUC visit: <https://registrar.siu.edu/students/withdraw.php>.

SIUC'S EARLY WARNING INTERVENTION PROGRAM (EWIP): Students enrolled in courses participating in SIUC's Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the University Core Curriculum's Overview webpage: <https://corecurriculum.siu.edu/for-faculty/>.

EMERGENCY PROCEDURES: We ask that you become familiar with Emergency Preparedness at SIU. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness at SIU website, and through text and email alerts. To register for alerts visit: <http://emergency.siu.edu/>.

CATALOGS:

catalog.siu.edu
gradcatalog.siu.edu - Graduate policies often vary from Undergraduate policies. To view the applicable policies for graduate students, please refer to the graduate catalog.

CENTER FOR LEARNING AND SUPPORT SERVICES:

Tutoring: <https://clss.siu.edu/>
Math Labs: <http://math.siu.edu/courses/course-help.php>

WRITING CENTER: <http://write.siu.edu/>

PLAGIARISM: See the Student Conduct Code: <http://srr.siu.edu/student-conduct-code/>

INCOMPLETE POLICY (Undergraduate Only): <http://registrar.siu.edu/grades/incomplete.php>

REPEAT POLICY: <http://registrar.siu.edu/students/repeatclasses.php>

MORRIS LIBRARY HOURS: <https://libcal.lib.siu.edu/hours/>

ADVISEMENT: <http://advisement.siu.edu/>

SIU ONLINE: <https://online.siu.edu/>

SYLLABUS ATTACHMENT

SIU SIMMONS LAW SCHOOL – Fall 2025

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SAFETY AWARENESS FACTS AND EDUCATION Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>