Federal Administrative Law
What is Administrative Law?

- Rules set forth by agencies and other quasi-legislative bodies, with delegated authority to do so.

- This includes rules, procedures, and regulations interpreting the law
The Federal Process

Begins with proposed rules which appear in the Federal Register first…
Federal Register

- Created in 1935 by the Federal Register Act
- Response to Panama Refining Co v. Ryan, 293 U.S. 388 (1935)

“Whatever the cause of the failure to give appropriate public notice of the change in the section, with the result that the persons affected, the prosecuting authorities, and the courts, were alike ignorant of the alteration, the fact is that the attack in this respect was upon a provision which did not exist.”
Federal Register

- Published daily except legal holidays and weekends
- Contains information supplied by the agencies
Federal Register Components

- Rules, Proposed Rules, Notices, Other Executive Material
  - Table of Contents
  - C.F.R. Parts Affected
  - Reader Aids
The Research Process
Begins with the Code of Federal Regulations...
Code of Federal Regulations

- First published in 1939 and contained the regulations in force as of June 1, 1938.
- This was the first compilation of regulations.
- Published annually in four parts (updated more frequently online).
Code of Federal Regulations

9 C.F.R. Part 78

9 C.F.R. § 78.41
Administrative Materials

- Use the C.F.R. Index.
- From Tables by Statute
- Notes in annotated statutes
How to update

- Start with the C.F.R.
- Check the Federal Register
- Federal Register for “Intent.”
Online Sources

- Both Lexis & Westlaw cover the FR, the CFR and some administrative materials
- Hein Online (FR 1936-2010; CFR 1938-2009)
- GPO (eCFR vs. CFR; FR since 1994)
- Agency materials will vary on the Agency sites
Finding Related Cases

- Citator
  - Shepard’s Code of Federal Regulations Citations
  - KeyCite