Research Assistant Training: Administrative Law Research

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The majority of “law” is here

1L curriculum focuses here
What is administrative law?

The law that governs the creation/operation of administrative agencies and the law that such agencies create.

Agencies create law in two ways:

1. Regulations
2. Agency adjudications
Administrative Law

Legislative

Executive

Judicial

Regulations: quasi-legislative

Hearings/adjudications: quasi-judicial
How agencies are created

Legislature passes a law, giving the broad strokes and "enabling" a government agency to implement the law.

To implement the legislature’s intent, the agency typically will have to do two things:

1. Promulgate regulations that provide more detailed rules and establish oversight processes;
2. Enforce the law through those processes, including administrative hearings/adjudications.
Regulations
Promulgation of Regulations

Strict rules about what a federal agency must do (simplified):

1. Agency drafts and publishes proposed regulations in the **Federal Register** (Fed. Reg.)
2. Opportunity for public comment
4. Codify the final regulations in the **Code of Federal Regulations** (C.F.R.)
Federal Register

“[T]he official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents”

Available via govinfo.gov (free; 1994–present); Westlaw, Lexis, and Bloomberg Law (from inception (1936)–present)
Code of Federal Regulations

Codified version of agency rules. Traditionally published annually but now also available with current updates.

Available via govinfo.gov (free; 1996–present); eCFR.gov (free; 2017 – present); Westlaw, Lexis, and Bloomberg Law (historical scope varies)
Make a difference. Submit your comments and let your voice be heard.

What's New on Regulations.gov

New features recently added include docket subscriptions and the ability to browse all posted comments to a docket. See FAQs for more detail.

What's Trending

DEPARTMENT OF THE INTERIOR
Reconciliation of Derogatory Geographic Names

WAGE AND HOUR DIVISION
Updating the Davis-Bacon and Related Acts

Explore

Comments Due Soon
Today
Next 3 Days
Next 7 Days

Posted Recently
Today
Last 3 Days
Last 7 Days

Dockets
Deregulatory

44
62
203
45
193
369
646
Regulatory History

• Compilation of all Federal Register notices, proposed rules, and final rules created in the rulemaking process for a single Public Law

• ProQuest Regulatory Insight
Want to learn more? Here are some useful starting places

Regulatory Histories Associated with Public Laws and Executive Orders

Find compilations of Federal Register notices, proposed rules, and rules representing the complete rulemaking process associated with specific Public Laws and Executive Orders. Precise filtering options allow you to customize each history to meet your research needs.

Search Regulatory Histories >

Look Up Citations

Do you have a Federal Register (FR) or Code of Federal Regulations (CFR) citation? If you need help with formatting, try the Search by Number form.

You can also search by: Public Law Number, Statutes at Large Citation, US Code Citation, Regulation Identifier Number (RIN) and Agency Docket Number.

Search by Number >
Guidance documents

• Some agencies put out informal documents that lay out current thinking on issues
• Avoids strict requirements for promulgating regulations
• Not legally binding, but can be a good indicator of an agency’s position
• May not be formally published—look on agency’s website
Agency Adjudications
Administrative adjudications

• Differs widely among agencies
• Informal/formal
• Bind only parties/precedential effect
• Whether and how they’re published

• Agency websites are often a good place to start
• Westlaw, Lexis, Bloomberg Law and other specialty databases have selected agency adjudications
• HeinOnline has historical agency materials
Formal adjudications

- Look a lot like court cases
- Agency hearing (similar to trial)
- Conducted by administrative law judge (ALJ) (similar to trial court judge)
- Can be appealed up to a higher authority within the agency
- Once administrative remedies are exhausted, often can file suit in court
Informal adjudications

- Advice letters
- Attorney General opinions
- Advisory guidance
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Developments in nondisclosure and confidentiality provisions
Practitioner Insights Commentaries

Weil, Gotshal & Manges LLP attorneys Kate Belsito and John Barry discuss recent state legislative actions restricting the use of nondisclosure and nondisparagement contract provisions, and suggests ways that employers can comply with the laws.

DOL rescinds Trump Administration rule that broadened religious exemption for contractors
Practitioner Insights Commentaries

Daniel Ganz and Anne Perry of Sheppard Mullin Richter & Hampton LLP discuss how federal government contractors should respond to the U.S. Labor Department's rollback of a Trump administration employment rule that had expanded religious exemptions.

The "Safeguarding Proposal": a jurisdictional grab by the SEC over custodians
Practitioner Insights Commentaries

Featured Publications

- Mertens Law of Federal Income Taxation
- Tax-Free Exchanges Under Sec. 1031
- Hill & Mancino: Taxation of Exempt Organizations
Tax Administrative Decisions & Guidance

Federal

All Internal Revenue Service (IRS) Materials
- Private Letter Rulings
- Revenue Procedures
- Revenue Rulings
- Joint Committee on Taxation Prints (Bluebooks)

State & Local

Alabama   Kansas   New York City
Alaska    Kentucky   Ohio
Arizona   Louisiana   Oklahoma
California    Maine   Rhode Island
Chicago    Massachusetts   South Carolina
Colorado    Michigan   Texas
Connecticut    Minnesota   Vermont
Delaware    Missouri   Virginia
Florida    Montana   Washington
Idaho    New Hampshire   West Virginia
Illinois    New Mexico   Wisconsin
Iowa    New York   Wyoming
All Energy & Utilities Law Administrative Materials

Federal Register - Energy & Utilities
State Net Regulatory Text - Energy & Utilities
Federal Agency Decisions - Energy & Utilities
State Agency Decisions - Energy & Utilities
State Administrative Law Research
State admin law research

Admin law procedures at the state level are typically similar to federal procedures, meaning you can find similar materials about the regulations and adjudications.

Two starting points for California:

- LRC’s California Regulations Research Guide
- California Office of Administrative Law
LRC Reference Desk

lrcrefer@sandiego.edu
(619) 260-4612
Chat: sandiego.edu/law/library
Zoom appointments on request