

SCHWARTZ

ADMINISTRATIVE  
LAW

A Casebook

Little, Brown  
and Company

# Administrative Law

## A CASEBOOK

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### Bernard Schwartz

EDWIN D. WEBB PROFESSOR OF LAW  
NEW YORK UNIVERSITY SCHOOL OF LAW



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# **Administrative Law    A CASEBOOK**

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FOR BRIAN

who persuaded me  
to undertake this casebook

# Preface

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Though I have been teaching administrative law for thirty years, I had never deemed it necessary to prepare a casebook in the subject. This was true despite the fact that none of the existing casebooks was entirely adequate for my teaching purposes. The gap in this respect was filled by photocopied materials reproduced for my classes. In recent years, however, it has become apparent that many colleagues shared my views on the existing casebooks; a number of them urged me to work on a casebook, in addition to my student text. If additional stimulus was needed, it came from my son while he was a law student; he stressed the importance of the casebook in molding the basic thinking of students and induced me to give my teaching techniques to a wider audience than my classes alone.

This casebook is the result of these urgings. It covers all the subjects appropriate to the administrative law course. The emphasis is, as it should be in a field whose outstanding characteristic is the rapid pace of its unfolding, upon recent cases and materials. But the overall approach is perhaps more traditional than in other casebooks. I have always felt it necessary for students to obtain a foundation in the nature of administrative agencies, the powers delegated to them, and how they function, before they can go on to administrative procedure and judicial review. In particular, it has always seemed to me that judicial review should come at the end of the course, as it comes at the end of an administrative law proceeding, after the agency decision. The chapter order need not, however, be inflexible, and the judicial review chapter (Chapter 7) can easily be dealt with after the chapter on delegation (Chapter 2), if the instructor so desires.

BERNARD SCHWARTZ

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