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*Judicial Review of Agency Actions in a Period of Diminishing Agency Resources*

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Abstract by Sarah P. Kenney

This article looks at three doctrinal contexts in which judicial decision-making holds significant power. These contexts include tardy and low-quality agency decisions, tort actions based on poor agency performance, and failure to take mandatory actions within statutory deadlines. Through this analysis, this article illustrates the effects of diminishing agency resources on the capabilities of administrative agencies to comply with legislative mandates. For example, the author examines administrative decisions, some delayed for thirteen years or more, which had a substantial impact on individuals' personal lives. The author attributes the primary problems of administrative agencies, which cause such delays, to the increased functions imposed on administrative agencies with diminished resources. The author suggests that although Congress could improve this situation, it is unlikely to make the necessary changes. Consequently, this article recommends that the judiciary alleviate this problem by examining administrative law doctrine in light of decreasing agency resources.