

ABSTRACT

Jim Rossi

*Overcoming Parochialism: State Administrative
Procedure And Institutional Design*

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Abstract by Peter J. Hack

This article argues that state administrative law can be a suitable topic of scholarly attention. The author suggests that while it may not be possible to generalize about the variety of state administrative procedure, a study of the institutional designs of the state and explain administrative procedure. The article examines the institutional designs and difficulties of state legislatures, executive agencies, and judiciaries. These “institutional imperfections” are used to explain the structure of state administrative procedure.

The article begins by contrasting state legislature, executive, and judiciary branches with their federal counterparts. In this comparison, the author highlights how the difference in institutional structure can hamper the state branches. In the second section, the author points to the limitations of the state governmental branches as a cause for peculiarities in state administrative procedure. The author suggests that quirks in state administrative procedure are attempts to compensate for restrictions in state governmental structure. In this context, the author discusses the non-delegation doctrine, and administrative rule review by the states.

In the final section the author applies a similar technique to explain why states have central administrative hearing panels. The article goes on to examine several features of central panels using this theory. In conclusion, the author argues that the approach of using institutional design to explain state administrative procedure can make important contributions.