

The Section of Administrative Law and Regulatory Practice  
of the American Bar Association

*A Blackletter Statement of Federal Administrative Law*

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Abstract by Aurora Hartwig De Heer

The ABA Section of Administrative Law and Regulatory Practice exists to promote the sound development of administrative law and the advancement of the regulatory practice of law. This Blackletter Statement was drafted as the first part of a larger project aimed at meeting those goals. It contains an overview and synthesis of most of the principal fields of federal administrative law, taking into consideration recent evolution of the laws surrounding the Administrative Procedure Act (APA).

The Blackletter Statement is the first published part of the Section's APA Review Project, which consists of a series of reports summarizing the current state of federal administrative law. The Project has focused on six areas in particular: adjudication, rulemaking, scope of judicial review, availability to judicial review, openness, and government management. While the resulting Statement is self-contained, it is recommended that for a fuller understanding, it be read along with the underlying reports on which it is largely based.

The Blackletter Statement was formulated to allow interested parties to assess the field as a whole, and by highlighting areas of agreement and disagreement, lay a foundation for further work. The Statement reflects generally applicable legal requirements found in: (1) the Constitution, (2) the APA, (3) other generally applicable statutes, (4) judicial decisions, and (5) Executive Orders. It is divided into six topics based upon the Project's reports: Adjudication, Informal Rulemaking, Scope of Judicial Review, Availability of Judicial Review, Freedom of Information Act, and Government Management of the Administrative Process.