

William S. Jordan, III

*Review of Informal Statutory Interpretations:
The Answer is Chevron Step Two, Not Christensen or Mead*

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Abstract by Dipal Shah

In his article, Jordan reviews the U.S. Supreme Court cases of *Christensen v. Harris County*, and *United States v. Mead Corp.* Jordan argues that the Court approached the review of informal statutory interpretations issued by administrative agencies inappropriately. Jordan asserts the court created a confusing, impracticable framework for the courts. Jordan then articulates his own standard and analyzes potential problem areas and proposes remedies to the ambiguities in the current standard of review.

Jordan argues for the use of a *Chevron* step-two approach. He contends that if an ambiguous agency statute exists, the agency should act as the decision maker, subject to a “hard look” review. If the court rejects the agency interpretation, the court should remand the issue to the agency for further interpretation. In this way, there would be no judicial review that would contradict with later agency interpretation. Jordan concludes that the benefits of this approach would be cost-effective and would divert the needed funds to implement agency programs.