

Preface

Administrative Law has only grown more turbulent since this casebook's Second Edition appeared in 2023, and I wrote this supplement because the area is changing too dramatically to wait for a Third Edition.

The Supreme Court has spent the last several years reshaping much of the field's architecture. In *SEC v. Jarkesy*, the Court held that the Seventh Amendment entitles respondents facing certain civil administrative penalties to a jury trial in federal court, thereby narrowing agencies' ability to resolve enforcement actions in their own tribunals. A day later, in *Loper Bright Enterprises v. Raimondo*, the Court disposed of the *Chevron* doctrine and told courts to use their own independent judgment when interpreting statutes rather than deferring to agencies. Together, these decisions mark a historic contraction of agency authority vis-à-vis the federal Judiciary.

The Court's removal jurisprudence moved just as quickly, and in the same deregulatory direction. In *Trump v. Slaughter*, the Court cast aside the almost-century-old precedent, *Humphrey's Executor*, and held that the President may remove the leaders of independent agencies at will. Only in *Trump v. Cook* did the Court pause, carving out a narrow accommodation for the Federal Reserve rooted in its unique historical position. Meanwhile, the Executive Branch has pressed the unitary executive theory further than the Court's cases have yet required to assert that even career civil servants, not merely agency heads, serve at the President's pleasure—an assertion now being tested in litigation described in these pages.

As dramatic and transformative as these developments have been, none require change to how the casebook approaches the subject. Its organization around the three stages of the administrative decision-making lifecycle—agency creation and the assignment

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of power, agency rulemaking and adjudication, and the supervision of agency actions by courts, Congress, and the President—continues to naturally accommodate these developments. If anything, recent events confirm the wisdom of that structure: Students who understand how the three stages fit together are far better equipped to see why *Loper Bright*, *Jarkesy*, *Slaughter*, and other Roberts Courts decisions are not isolated cases but a purposeful reimagining of administrative power. The “Review & Synthesis” questions remain an effective tool for testing that understanding against the material, and this supplement extends them to every new case and controversy it covers.

Thank you for using this supplement. I hope it makes the study of this fascinating period in Administrative Law both rewarding and enjoyable.

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