

## **Rakoff Clip 1 Transcript**

TODD RAKOFF: All right. What we're doing today. We've been studying regulation and we've been viewing regulation as rule making, either rule making under the APA or, for the last couple of days, rule making under the executive order. But there's another way that regulation takes place, which is through adjudication.

And I thought we should spend a day on that so that you'd have some idea of what that looked like. Partly because it's a good contrast with rule making, which is most of the game, is rule making. But also, because some of the cases in the body of what we're now about to look at, which is judicial review of what agencies do, some of those cases come up from adjudications. And we ought to understand what they're coming from before they get to court.

So this is a fast, one day treatment of something which if it were an upper level add law course we'd spend two or three weeks on. You can judge for yourself which way you like it better. But let's start with the Cement Institute case on page 333.