

The APA at Eighty: What's Next for Administrative Law?

The Administrative Procedure Act (APA) is the “bill of rights” of the modern administrative state.¹ Passed by Congress and signed by President Truman in 1946, the APA establishes the central framework ensuring that “governors shall be governed” and “regulators shall be regulated.”² This landmark statute lays the foundation for all forms of executive rulemaking, agency adjudication, judicial review, and public participation in the regulatory process.

Though Congress has not substantively amended the APA in the last eight decades, its vision of the administrative state has nevertheless undergone seismic shifts at the hands of the judiciary. In recent terms, the Court has fundamentally changed the appointments and removals of administrative officers,³ the administrative adjudication of individuals’ rights,⁴ the role of the federal courts in interpreting regulations,⁵ and agencies’ understanding of their statutory grants.⁶

The *Stanford Law Review* (SLR) will convene a Symposium in the winter of 2026 both to look back on the last century of administrative law and to look forward to the next. SLR invites authors to submit manuscripts that address doctrinal, historical, empirical, or normative aspects of administrative law generally or specific areas of administration (e.g., environmental law, immigration law, national security). Selected manuscripts will appear in print in Volume 78 of SLR.

Sample topics include, but are by no means limited to:

- What remains of the APA’s vision of the regulatory state? What, if anything, should replace it?
- What has been the impact of the APA? How has it failed or succeeded?
- What is the proper role of judicial review in the administrative state?
- Do the Major Questions or Non-Delegation Doctrines apply to national security or immigration in the same way they apply to environmental or securities regulation?
- More broadly, are developments in the Court’s administrative law jurisprudence trans-substantive? Or are they limited to particular areas of regulation?

¹ 92 CONG. REC. 2149 (1946) (statement of Sen. McCarran).

² H.R. REP. NO. 79-1980, at 244 (1946).

³ See *United States v. Arthrex, Inc.*, 141 S. Ct. 1970, 1988 (2021) (appointment of inferior officers); *Seila L. LLC v. CFPB*, 140 S. Ct. 2183, 2211 (2020) (removal of single heads of independent agencies).

⁴ See, e.g., *SEC v. Jarkesy*, 144 S. Ct. 2117, 2139 (2024) (limiting the SEC’s ability to enforce regulations without a jury trial).

⁵ *Loper Bright Enters. v. Raimondo*, 144 S. Ct. 2244, 2273 (2024) (overruling *Chevron* deference).

⁶ See, e.g., *West Virginia v. EPA*, 142 S. Ct. 2587, 2610-16 (2022) (invoking the major questions doctrine to overturn the EPA’s Clean Power Plan).

- How might historical sources improve, limit, or complicate our understandings of particular aspects of administration?
- What role can state law or local regulators play in a time of federal administrative retreat or deregulation?
- What are the justice implications of the Court's recent decisions? How do they affect various subpopulations differently?
- What impacts might we expect from recent and upcoming decisions, such as *Loper Bright*,⁷ *Corner Post*,⁸ *Jarkesy*,⁹ *San Francisco v. EPA*,¹⁰ *Calumet Shreveport Refining*,¹¹ *Wages and White Lion Investments*,¹² *VanDerStok*,¹³ and *Eagle County*?¹⁴ What might lower court decisions tell us about upcoming changes to administration more generally?¹⁵

How to submit: *SLR* will choose the majority of our Symposium participants through our standard articles submission process. We strongly encourage all authors to submit an article if they believe it to be well suited to our theme. To do so, please submit your manuscript through the [Scholastica submissions portal](#). After submitting your manuscript, please send a message indicating your interest in being considered for *SLR*'s Symposium Issue to Volume 78 Senior Articles Editor, Gwyneth Hochhausler, either by email at articles@stanfordlawreview.org or via Scholastica. If your manuscript is not selected for the Symposium, it will still receive full consideration for general publication in Volume 78 of *SLR*. Articles considered for Symposium undergo the same blind review process and receive consideration along the same editorial standards (including word count) as any other article submitted to *SLR*.

Separately, *SLR* may invite a small number of contributors to write an essay for *SLR* on the Symposium theme. Successful essays will be significantly shorter than a full-length law review article and will change or challenge the way we think about some aspect of administrative law. To be considered, please submit an abstract of no more than 1,200 words (including footnotes and citations) to Volume 78 Senior Symposium Editor, Josh Petersen, by email at jrp95@stanford.edu.

⁷ *Loper Bright*, 144 S. Ct. 2244.

⁸ *Corner Post, Inc. v. Bd. of Governors of the Fed. Rsrv. Sys.*, 144 S. Ct. 2440 (2024).

⁹ *Jarkesy*, 144 S. Ct. 2117.

¹⁰ *City & Cnty. of S.F. v. U.S. EPA*, 75 F.4th 1074 (9th Cir. 2023), *cert. granted sub nom. City & Cnty. of S.F. v. EPA*, 144 S. Ct. 2578 (2024).

¹¹ *Calumet Shreveport Refin., L.L.C. v. U.S. EPA*, 86 F.4th 1121 (5th Cir. 2023), *cert. granted sub nom. EPA v. Calumet Shreveport Refin., L.L.C.*, 220 L. Ed. 2d 169 (Oct. 21, 2024).

¹² *Wages & White Lion Invs., L.L.C. v. FDA*, 90 F.4th 357 (5th Cir. 2024), *cert. granted*, 144 S. Ct. 2714 (2024).

¹³ *VanDerStok v. Garland*, 86 F.4th 179 (5th Cir. 2023), *cert. granted*, 144 S. Ct. 1390 (2024).

¹⁴ *Eagle Cnty. v. Surface Transp. Bd.*, 82 F.4th 1152, (D.C. Cir. 2023), *cert. granted sub nom. Seven Cnty. Infrastructure Coal. v. Eagle Cnty.*, 144 S. Ct. 2680 (2024).

¹⁵ See, e.g., Ling Ritter, Note, *Elephants in Mouseholes: The Major Questions Doctrine in the Lower Courts*, 76 STAN. L. REV. 1381.

All authors selected for the 2026 Symposium will have their pieces published in Issue Six of *SLR*'s Volume 78. As a condition of publication, all authors must participate and present, in-person, at our Symposium Conference, which will likely take place in February 2026.

When and Where: The 2026 Symposium will take place at Stanford Law School in winter of 2026, likely in February. Participants' travel and accommodations will be provided by *SLR*.

Questions? Please submit any and all questions to Volume 78 Senior Symposium Editor, Josh Petersen, by email at jrp95@stanford.edu.