Dealing with state government agencies may become easier, fairer, and more transparent for many citizens, practicing attorneys, and legislators, thanks in part to the work of Ronald Levin, the Henry Hitchcock Professor of Law. For the past three years, he’s been helping to develop a new Model State Administrative Procedure Act (MSAPA). Finalized in July 2010, the 60-page document provides state legislatures with a template to bring agency procedures and access into the 21st century.

A nationally known administrative law scholar, Levin served as the ABA advisor to a Uniform Law Commission (ULC) committee that spent six years updating the act. Although the act was revised in 1981, many states continued to use the previous version, from 1961, to guide their administrative procedures. But a lot has happened in the past 50 years—such as the advent of the Internet and other alterations in the way agencies operate—warranting wholesale changes to the act.

“One concrete illustration of the relevance of the new MSAPA to the public and the practicing bar is its new guidelines for putting rules and working papers online,” Levin says. “This will go a long way toward improving the transparency of government and agency proceedings.”

However, figuring out how to codify principles of administrative law can be complicated, Levin notes. “The MSAPA provides a template that state legislatures can tweak and adopt. It overcomes inertia.”

During the past half century administrative law “has evolved considerably,” says Levin. “The new act reflects the fact that administrative agencies rely less on case-by-case adjudicated decisions and more on rules that apply across classes of administrative cases.”

The MSAPA sets forth procedures that state administrative agencies must follow as they perform their regulatory functions, such as issuing regulations, publicizing their policies, and deciding cases. It also spells out methods by which courts and legislatures can oversee the work of these agencies. A federal Administrative Procedure Act covers similar territory regarding federal agencies.

As the ABA advisor, Levin attended ULC drafting committee meetings, wrote language for sections of the act, argued for certain provisions, and helped present drafts to the full ULC.

“I welcomed the opportunity to participate in this project because it fit with my academic interests,” Levin says.

His casebook, *State and Federal Administrative Law*, co-authored with Michael Asimow, is distinctive in that it systematically addresses state law issues along with federal law. Further, he’s been an active member of the ABA Section of Administrative Law and Regulatory Practice for three decades, serving as its chair in 2000–01.

As to his involvement in shaping the new MSAPA, Levin feels he was “in the right place at the right time.” His advocacy on behalf of the ABA Section is reflected in the new act.

“The committee adopted some of our suggestions and modified or rejected others,” Levin observes.

For example, the draft act at one point allowed an administrative hearing officer to conduct hearings by video conferencing only under “compelling circumstances.” But Levin argued that electronic alternatives to face-to-face hearings have become common and work well. “The committee revised the draft so that video hearings will be readily permissible,” Levin says.

He also successfully argued that the requirement for state administrative agencies to finish any rulemaking proceeding within 180 days after the public-comment period was too short. The committee responded by extending the time limit to two years, with possible extensions for another two years.

Further, Levin worked to promote more governmental openness in state rulemaking. “In federal rulemaking proceedings,” he says, “an agency is expected to disclose scientific and statistical studies that served as a basis for a proposed rule. I suggested that the states should follow a similar practice, and the committee wrote that requirement into the model act.”

Additionally, Levin made the case on the ABA Section’s behalf that state agencies should not always have to use formal rules to codify their procedures, such as those citizens use when they apply for licenses or benefits. “Regulations are hard to revise when experience shows they need fine-tuning,” says Levin. “The committee heeded this critique. The act now provides that the agency must ‘publish’ its procedures, but allows more flexibility in the methods by which the agency can accomplish this task.”

Overall, Levin hopes the revised act will make the state administrative process more effective and up-to-date.