

# The Arbitrary And Capricious Standard Under The Apa Litigator Series

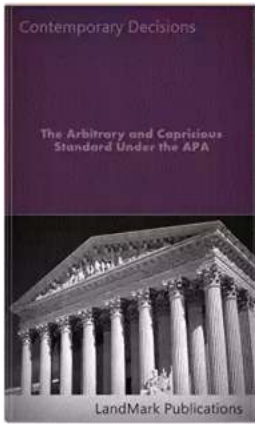
In the world of administrative law, the Arbitrary and Capricious Standard under the APA (Administrative Procedure Act) is a frequently debated and controversial topic. This standard serves as the basis for reviewing agency actions and holds immense importance in determining whether a decision made by an administrative body is valid or not. Understanding the intricacies of this standard is crucial for both litigators and anyone who interacts with administrative agencies. In this article, we will dive deep into the Arbitrary and Capricious Standard under the APA Litigator Series, shedding light on its origins, implications, and significance in the legal realm.

## Origins and Definition

The Arbitrary and Capricious Standard was first introduced in the Administrative Procedure Act of 1946. It aimed to ensure fair and reasonable decision-making by administrative bodies. Under this standard, an agency's action is considered arbitrary and capricious if it lacks a rational basis, fails to consider relevant factors, or includes a clear error in judgment. The courts play a vital role in applying this standard and judicial review of administrative actions.

## Significance in the Legal Realm

The Arbitrary and Capricious Standard is significant as it acts as a check on administrative agencies' power. It ensures that agencies make informed decisions based on relevant evidence and reasoning rather than being influenced by personal biases or ulterior motives. This standard helps maintain transparency, accountability, and fairness in administrative proceedings, safeguarding the rights of individuals and organizations affected by agency actions.



## The Arbitrary and Capricious Standard Under the APA (Litigator Series) by LandMark Publications(Kindle Edition)

★★★★☆ 4.4 out of 5

Language : English  
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Text-to-Speech : Enabled  
Enhanced typesetting : Enabled  
Word Wise : Enabled  
Lending : Enabled  
Screen Reader : Supported  
Print length : 9560 pages



For litigators, understanding the Arbitrary and Capricious Standard is crucial when challenging agency decisions in court. The standard provides a basis for arguments and allows litigators to demonstrate that the agency's action was unjustified or unreasonable. It enables them to present compelling evidence and articulate how the agency departed from the required standard of impartiality and sound judgment.

### Implications for Administrative Agencies

The Arbitrary and Capricious Standard poses significant implications for administrative agencies. It necessitates agencies to provide an adequate explanation for their decisions, complete with supporting evidence and logical reasoning. Failure to meet this standard can result in agencies having their actions overturned or remanded by the courts.

Administrative agencies must carefully consider all relevant factors, conduct thorough research, and engage in a fair evaluation process before reaching a

decision. By doing so, they can avoid falling into the realm of arbitrariness and capriciousness, strengthening their position in potential judicial reviews.

## **Challenges Faced by Litigators**

Litigators face numerous challenges when dealing with agency decisions that appear arbitrary and capricious. One key difficulty is establishing the presence of an abuse of discretion by the agency. It requires presenting substantial evidence and effectively arguing against the agency's decision-making process.

Additionally, litigators must navigate the complex web of administrative law procedures and standards. They need to identify and dissect errors in the agency's decision, showcase how the agency deviated from relevant laws or precedents, and demonstrate the adverse effects of the decision on their clients.

## **Strategies for Successful Litigation**

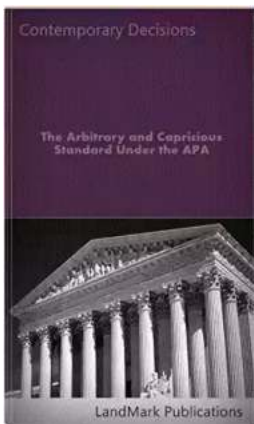
A successful litigation strategy against arbitrary and capricious agency actions requires a comprehensive understanding of both the facts and legal nuances involved in the case. Litigators must meticulously gather evidence, conduct extensive legal research, and develop persuasive arguments.

Another effective strategy is to highlight any procedural errors committed by the agency during the decision-making process. This could include failure to provide notice or an opportunity to be heard, improper weighing of evidence, or disregarding statutory requirements. Such procedural deficiencies can significantly strengthen a litigator's case.

The Arbitrary and Capricious Standard under the APA Litigator Series plays a critical role in ensuring fair and unbiased administrative decision-making. It imposes an obligation on administrative agencies to act reasonably,

transparently, and with sound judgment. For litigators, understanding this standard is essential in effectively challenging agency actions and advocating for their clients.

By leveraging comprehensive knowledge, strategic arguments, and persuasive evidence, litigators can navigate the challenges presented by arbitrary and capricious agency decisions. By doing so, they contribute to upholding the principles of justice and fairness in the complex world of administrative law.



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THIS CASEBOOK contains a selection of 225 U. S. Court of Appeals decisions that analyze, interpret and apply the arbitrary and capricious standard under the Administrative Procedure Act. The selection of decisions spans from 2004 to the date of publication.

The APA requires a court to "hold unlawful and set aside agency action, findings, and s found to be—arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Agency action is "arbitrary and capricious if the agency has . . . offered an explanation for its decision that runs

counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Motor Vehicle Mfrs. Ass'n of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). *Organized Village of Kake v. United States Department of Agriculture*, (9th Cir. 2015).

Under the APA, a party aggrieved by agency action is generally "entitled to judicial review thereof." 5 U.S.C. § 702; see *Conyers v. Rossides*, 558 F.3d 137, 143 (2d Cir. 2009) (noting the "strong presumption that Congress intends judicial review of administrative action"). However, review is not available "to the extent that . . . agency action is committed to agency discretion by law." *Id.* § 701(a)(2). This exception to the availability of judicial review "applies only in those rare instances where statutes are drawn in such broad terms that in a given case there is no law to apply." *Sharkey v. Quarantillo*, 541 F.3d 75, 91 (2d Cir. 2008) (internal quotation marks omitted). *County of Westchester v. U. S. Department of Housing and Urban Development*, (2nd Cir. 2015).

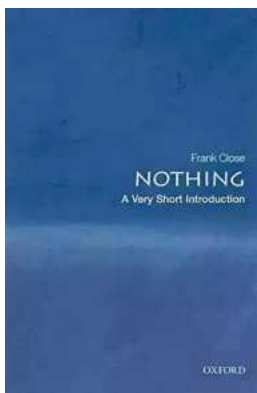
[Courts] may only set aside [agency] actions if [the agency] acted arbitrarily or capriciously, not in accordance with the law, beyond its jurisdictional authority, or "without observance of procedure required by law." 5 U.S.C. § 706(2)(A),(C),(D). *WildEARTH Guardians v. US Fish and Wildlife Service*, (10th Cir. 2015).

That test is met when an agency fails to consider "the relevant data" or fails to put forth "a rational connection between that data and its decision." *WildEarth Guardians v. Nat'l Park Serv.*, 703 F.3d 1178, 1182-83 (10th Cir. 2013). It is also met when the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Motor Vehicle Mfrs. Ass'n of U.S., Inc.*

v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983). WildEARTH Guardians v. US Fish and Wildlife Service, *ibid*.

To prevail, an "agency must 'examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made.'" Nat'l Shooting Sports Found., Inc. v. Jones, 716 F.3d 200, 214 (D.C. Cir. 2013) (quoting Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983) (quotation marks omitted)). "To be regarded as rational, an agency must also consider significant alternatives to the course it ultimately chooses." Allied Local & Reg'l Mfrs. Caucus v. EPA, 215 F.3d 61, 80 (D.C. Cir. 2000). [Courts] will reverse when agency action is "based on speculation," Jones, 716 F.3d at 214, or when the agency did not "engage the arguments raised before it," NorAm Gas Transmission Co. v. FERC, 148 F.3d 1158, 1165 (D.C. Cir. 1998) (quoting K N Energy, Inc. v. FERC, 968 F.2d 1295, 1303 (D.C. Cir. 1992)). Delaware Department of Natural Resources And Environmental Control v. EPA, (DC Cir. 2015).

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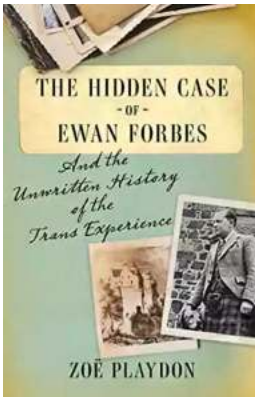
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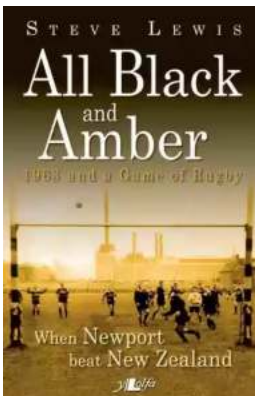
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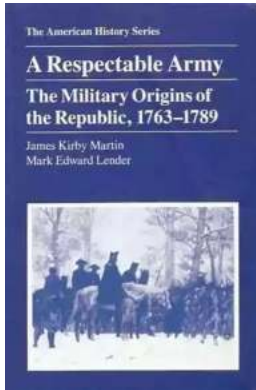
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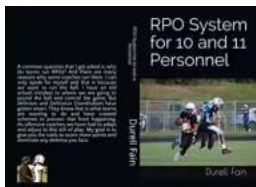
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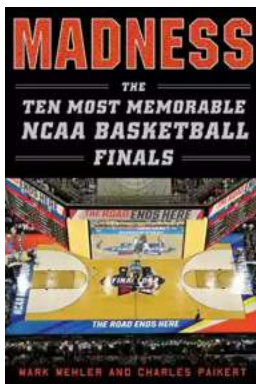
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