



## Substantial Evidence Standard of Review: What is a Mere Scintilla Anyway?

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Views expressed are those of the presenter, do not constitute legal advice,  
and are not official opinions of the Office of the Texas Attorney General.

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## PRESENTATION GOALS

Two goals of this presentation:

- 1) To provide a brief discussion of the history of the substantial evidence standard of review, and
- 2) Discuss the current law an administrative practitioner should know regarding substantial evidence

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## HISTORY OF SUBSTANTIAL EVIDENCE

- The term “substantial evidence” first appeared in federal statutes.
  - Trade Commission Act of 1914
- Courts began to read the term “evidence” into the interpretation.
- In 1922, the phrase was included in the Tariff Commission Act.
- The phrase was used again in 1930 under the Federal Radio Act of 1927.



## HISTORY OF SUBSTANTIAL EVIDENCE

- Adoption of a uniform act was initially met with resistance.
- Momentum gained in response to President Roosevelt’s New Deal legislation.
- President Truman passed the federal Administrative Procedure Act in 1946.



## FEDERAL ADMINISTRATIVE PROCEDURE ACT



Courtesy of the Harry Truman Presidential Library Description:  
President Harry S. Truman signs the Administrative Procedure Act

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## A LITTLE BIT OF TRIVIA

Which actor played Harry Truman in the 1995 movie *Truman*?

- A. Nicolas Cage
- B. Gary Sinise
- C. Paul Giamatti
- D. Woody Harrelson

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