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.

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

➤ 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.

➤ 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.

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

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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