

LEGISLATION & REGULATION
SUMMER 2023
SYLLABUS

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Sign up for office hours here: <https://calendly.com/cfregosi/office-hours>

Course Overview:

This course provides an introduction to legislation and regulation and the role each plays in our government and legal systems. You will learn to navigate modern U.S. government institutions and processes, with a particular emphasis on understanding the role and scope of authority of the different branches and levels of government. The first part of the course will examine the constitutional framework defining the relationship between Congress, regulatory agencies, and the President. The course will then focus on legislation and, in particular, methods of judicial decision making related to legislation. This includes study of legislative process, statutory text and purpose, theories of statutory interpretation, and canons of statutory construction. The end of the course will focus on the regulatory process, including the delegation of authority, the Administrative Procedure Act, notice and comment rulemaking, and other agency actions. Finally, the course will conclude with an examination of judicial review of agency action and how agencies interpret statutes.

Learning Outcomes:

Students who successfully complete this course will:

- Demonstrate knowledge of the separation of powers within the constitutional structure of the U.S. legal system,
- Demonstrate knowledge of the legislative and regulatory processes and the role of each in the federal government's operation,
- Distinguish among the various theories of statutory interpretation and become proficient in identifying and applying canons of statutory construction, and
- Demonstrate knowledge of the role and function of administrative agencies and how agency action is impacted by legislative action, executive action, and judicial review.

Required Text:

Linda D. Jellum, *The Legislative Process, Statutory Interpretation, and Administrative Agencies* (2d ed. 2022).

Additional materials will be posted on Canvas.

Expectations:

Students must arrive for class on time and be prepared to participate in class discussions. Classes will include lectures, group work, and discussions. I will call on students who volunteer and students who do not volunteer. Please respect your colleagues by demonstrating respect for differences of opinion and refraining from side discussions and other disruptions. Class meets for two hours. We will take a short break in the middle of each class.

Attendance is required and counts toward class participation. If you must be absent, please let me know in advance or, if advance notice isn't possible, as soon as you can after missing class.

Grading:

- In class midterm: 20%
- Final exam: 60%
- Class participation: 20%

Class participation includes attendance, quality (not quantity) of contribution to class discussions, and group work.

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COURSE SCHEDULE

WEEK	DATE	CLASS TOPIC	READING ASSIGNMENT	OTHER ASSIGNMENT
1	May 30	Course Overview; introduction to government structure and legislative process	Jellum Chapter 1, pgs. 3-29; Chapter 2, pgs. 31-77	Prepare to discuss vehicle in the park hypothetical at the end of Chapter 1 and Problem 2C at the end of Chapter 2
	June 1	Separation of Powers	U.S. Constitution (on Canvas); Jellum Chapter 3, pgs. 79-118	
2	June 6	Canons Based on Intrinsic Sources: Plain & Technical Meaning	Jellum Chapter 4, pgs. 121-156	Prepare to discuss Problem 4A
	June 8	Intrinsic Sources continued: Punctuation & Grammar	Jellum Chapter 5, pgs. 159-190	Prepare to discuss Problems 5B and 5C
3	June 13	Theories of Interpretation	Jellum Chapter 6, pgs. 191-228	
	June 15	Theories of Interpretation continued	Jellum Chapter 6, pgs. 228-254	
4	June 20	Back to Intrinsic Sources: Choosing among or avoiding ordinary meaning	Jellum Chapter 7, pgs. 269-282, pgs. 287-317	
	June 22	Linguistic Canons	Jellum Chapter 8, pgs. 319-346	

5	June 27	Linguistic Canons and Review	Jellum Chapter 8, pgs. 367-381	
	June 29	Midterm		
6	July 3-7	Summer Break		
7	July 11	Canons Based on Intrinsic Sources: The Components Canons Based on Extrinsic Sources: Harmonizing Statutes	Jellum Chapter 9, pgs. 385-410, 413-425 Jellum Chapter 10, pgs. 451-454, 461-462, note 8 on 467-468, 474-492	
	July 13	Extrinsic Sources cont.: Legislative History & Purpose	Jellum Chapter 11, pgs. 495-497, 499-505, 520-532, 539-546; Jellum Chapter 12, pgs. 551-552, 554-565	
8	July 18	Extrinsic Sources cont.: Constitutional and Prudential considerations	Jellum Chapter 14, pgs. 609-625, 640-641; 650-652	
	July 20	Introduction to Agencies; Delegation & Nondelegation	Jellum Chapter 16, pgs. 691-718; Jellum Chapter 17, pgs. 719-736	Prepare to discuss Problem 16
9	July 25	Delegation & Nondelegation continued; Oversight of Agencies	Jellum Chapter 17, pgs. 743-751; Jellum Chapter 18, pgs. 753-767, 769-771, 773-778	

	July 27	Judicial Review of Agency Decisions	Jellum Chapter 19, pgs. 787-836	
10	August 1	Limitations on Chevron's Applicability	Jellum Chapter 20, pgs. 839-870, 873-874	
	August 3	Review	<i>West Virginia v. EPA</i> (on Canvas); Jellum Chapter 22, pgs. 903-931	Prepare to discuss Problem 22A