

STATUTORY INTERPRETATION AND REGULATION – 2014

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Office Hours: Tuesday and Thursday 9:30 – 10:30 and by appointment

INTRODUCTION

Course Description: This course introduces students to the role of statutes and administrative regulation in the practice of law today. The course covers, as its primary subject, the interpretation of statutes and regulations. This element includes the close reading of one or more complex statutes. The course also covers, as a second element, basic aspects of administrative law: in particular, how agencies implement and enforce statutes and regulations. The course may also include other elements, such as legislative process or regulatory policy.

COURSE DESCRIPTION AND REQUIREMENTS

Required Texts:

- LISA SCHULTZ BRESSMAN ET. AL., THE REGULATORY STATE (2013)(ISBN # 978-1-4548-2268-4).

Course Requirements: Grades will be determined based upon the following percentages:

- a. *Participation (10%).* Participation should be regular and of good quality. Participation will include, but should not be limited to, answering questions when called upon to do so. Participation will be discussed in greater detail during the first class session.
- b. *Final Exam (90%).* You will have a comprehensive final exam consisting of one or two questions. **The final is scheduled for May 8th from 9:00 a.m. to 12:00 p.m.** You will be allowed to bring to the exam whatever (inanimate) objects bring you comfort, *except* (i) those prohibited by law or University Policy; (ii) commercial outlines, and; (iii) outlines created by other students (apart from any group outlines created by students consisting entirely of members of this course). The final exam will be discussed in greater detail during the first class session

CSD: The University of Houston, when possible and in accordance with 504/ADA Guidelines, will attempt to provide reasonable academic assistance to students who request and require it. Please contact the Center For Students With Disabilities at (713) 743-5400 for more information.

COURSE SYLLABUS

Note: All assignments refer to the Casebook described above, unless otherwise noted. I reserve the right to add, delete, or otherwise modify assignments.

<u>Assignment</u>	<u>Pages</u>
<i>Regulatory Regimes and Their Alternatives</i>	
1. Overview of Modern Legislation and Regulation	<i>Handout</i>
2. Justifications for Regulation	81-124
<i>The Rules of the Regulatory Game</i>	
3. The Administrative Procedure Act (APA) (Sections 551, 553-557, and 701-706)	<i>Handout</i>
4. <i>Vermont Yankee</i> NRDC v. EPA, 279 F.3d 1180	845-853 <i>Handout</i>
U.S. v. Nova Scotia Food Products, 568 F.2d 240	<i>Handout</i>
5. General Electric Co. v. EPA, 290 F.3d 377	<i>Handout</i>
C & W Fish Co., Inc. v. Fox, 931 F.2d 1556	<i>Handout</i>
6. Presidential Control of Agency Action	657-702
7. PATCO v. FLRA, 685 F.2d 547	<i>Handout</i>
8. NLRB v. Bell Aerospace, 416 U.S. 267	<i>Handout</i>
9. Citizens to Preserve Overton Park v. Volpe, 401 U.S. 402	<i>Handout</i>
<i>State Farm</i> and the “hard look”	810-823
10. <i>Chevron, Mead</i> and <i>Skidmore</i>	753-796
<i>Legislation</i>	
11. Legislative Process	125-165
12. The Structure of a Modern Statute	166-182
13. Specificity and Delegation	183-199
14. Legislative Drafting Techniques	200-222

Judicial Interpretation

15.	Tools of Statutory Construction	223-250
16.	Textual Canons Continued and Whole Act	251-291
17.	Substantive Canons	292-330
18.	Substantive Canons, cont'd, Intent and Purpose-Based Tools	330-373
19.	Tools for Considering Changed Circumstances, Theories of Statutory Interpretation	374-416
20.	Theories of Statutory Interpretation <i>cont'd</i>	417-447
21.	Positive Descriptions of Judicial Behavior	448-471