

Statutory Interpretation and Regulation Syllabus

Professor Dru Stevenson

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Office hours by appointment (use email)

Main Text: John F. Manning & Matthew C. Stephenson, *Legislation & Regulation* (3rd ed., Foundation Press)

Required Supplement: Drury D. Stevenson, *Law-in-a-Flash: Administrative Law* (2nd ed.) (Flashcards, necessary in preparing for the exam)

Examination & Grading: There will be one proctored final exam, 200 multiple-choice questions (Scantron). Many exam questions will be based on the professor's flashcards, but at least 25% of the exam will be new or previously-unseen questions. **Course handouts (from website or distributed by email) are tested in detail on the exam.**

Course Learning Outcomes: At the completion of the course, students should be able to incorporate the tools of structural, procedural, lexical, and grammatical analysis, as well as the traditional interpretive canons, to derive and identify a range of possible interpretations from any statutory or regulatory text, and to formulate or respond to arguments about the most appropriate meaning to the verbiage under consideration. Students will understand the role of regulatory agencies within our legal system and government. Finally, students will have the preliminary skills required to participate in drafting new legislation or regulations.

Note: Class sessions will normally cover 2-4 of the cases in the casebook, as well as the background/explanatory material between cases. Even when the professor pre-assigns cases for class recitation, other students should be prepared to discuss most of the cases.

NO LAPTOPS OR OTHER COMPUTERS WITH INTERNET ACCESS IN CLASS.

Chapter 1. The Legislative Power and the Interpretation of Statutes

- I. Introduction to Legislation and Statutory Interpretation, pp. 2-32
- II. Letter of the Law versus the Spirit of the Law, pp. 33-145
- III. Which Textual Meaning Is the Right One? pp. 146-178
- IV. Legislative History, pp. 179-251
- V. Judicial Power & Equitable Interpretation, pp. 252-270

Chapter 2. Canons of Construction

- I. Introduction to Canons, pp. 272-274 (added topics: incorporation by reference, implied repeals)
- II. Semantic Canons pp. 275-327
- III. Substantive Canons, pp. 328-432

Chapter 3. Constitutional Position of Administrative Agencies

- I. Introduction to the Modern Administrative State pp. 434-457
- II. Delegation of Lawmaking Power, pp. 458-527
- III. Congressional Control of Delegated Power, pp. 528-551
- IV. Appointment & Removal, pp. 552-661
- V. Presidential Control of Agencies, pp. 662-700

Chapter 4. The Regulatory Process

- I. Overview of Regulatory Process, pp. 702-727
- II. Notice-and-Comment Rulemaking, pp. 728-769
- III. Alternatives to Notice-and-Comment, pp. 770-857
- IV. Judicial Review of Agency Rules, pp. 858-940

Chapter 5. Statutory Interpretation & The Regulatory State

- I. Judicial Review of Agency Interpretation, pp. 942-990
- II. Chevron & Textual Interpretation, pp. 991-1053
- III. Chevron & Substantive Canons, pp. 1054-1086
- IV. Limits of Chevron's Domain, pp. 1087-end

If we have to cancel a class session, I will assign a video for students to watch in place of that class.

I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records.

Counseling and Psychological Services (CAPS): CAPS can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus. See: http://www.uh.edu/caps/outreach/lets_talk.html.

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University system's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d7.pdf> (antidiscrimination)

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d8.pdf> (sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.