

**STATUTORY INTERPRETATION AND REGULATORY PRACTICE**  
**Course Number 5378**  
**Section Number 12176**

University of Houston Law Center  
Spring 2026

Prof. Tracy Hester

**Class Hours: Monday – Wednesday 1:00 pm to 2:15 pm**  
**Room 210**

**Office Hours:** I'll hold open office hours (including via Zoom) on Tuesdays from 9:30 am to noon. I can also schedule a time with you in my office at Room 341K.

You can also reach me at 713-743-1152 or [tdheste2@central.uh.edu](mailto:tdheste2@central.uh.edu) to schedule a visit at any other time.

**Course Description:**

While common law decisions and principles have traditionally provided the creative spark of the law, today's practitioners typically look to statutes and administrative materials to guide their legal work. This course will introduce you to the basic processes that generate laws and administrative regulations, the theories and approaches used to interpret and apply those dictates, and various strategies to control or challenge administrative actions within a statutory context.

This course will use a combination of lectures, class discussions, case studies, in-class exercises and sample problems. Where possible, I will introduce real-life ongoing matters and projects to provide an opportunity to wrestle with some of the most active questions in current practice. Last, some of our classes will include guest lecturers who can offer perspectives on the formulation and implementation of laws or regulations.

As an outcome of taking this class, you should be able to assess the legal relevance of key steps in the legislative process as a policy advocate, the strategies and legal arguments to support interpretations of statutes, and the best legal tactics to influence or challenge federal and state agency actions.

## **Course Materials:**

We will use the following course books:

*Statutes, Regulation, and Interpretation*, Eskridge, Gluck, and Nourse (2<sup>nd</sup> ed, 2024) and e-Supplement (2025, to be distributed)

We'll also use class handouts and supplemental materials as needed. I'll post these materials on the class website. If you are interested in practicing in this area, I'll also point out additional supplemental reference materials for purchase or post them to the website.

In addition, I'll upload video and audio recordings of all of our class lectures and discussions.

## **Assignments**

Our reading assignments will follow the course syllabus, although we may vary a bit in pace and coverage as the semester progresses (i.e., expect changes as we go). Of course, you should read each day's assigned materials in advance and be prepared to discuss them in class.

## **Class Participation**

In general, I will treat you in class the same way that I'd treat you as a new attorney working for me at a law firm. So please be prepared to discuss the readings assigned for that day as well as to think creatively about how to apply those materials to new situations and hypotheticals. I'll make sure that everyone has a chance to participate in the discussion before the semester's end.

You will also have a limited number of opt-outs (no excuses necessary), but pursuant to the Law Center's policies and ABA requirements you can't get credit for the class unless you attend (in person or virtually) at least 80% of the sessions. If we need to cancel any classes, we will reschedule a make-up class as soon as possible. According to the Law Center's policy, we will likely hold the make-up class on a Friday.

## **Assessments and Grading**

Your grade in this class will be based on a combination of an in-class midterm exam (20 percent) and a final examination (80 percent).

The in-class midterm exam will consist of a combination of multiple choice questions and one essay question. The final will last for three hours, and it will consist of a combination of multiple choice and two essay questions. Per ABA recommendations, the midterm and the final exam will be closed book. We'll discuss the test format and other issues later in the semester.

Last, as per Law Center policy, I reserve the right to adjust grades based on attendance and class participation. This adjustment can be upward or downward.

## **Personal Resources**

Counseling and Psychological Services (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](http://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. Go to [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html) .

## **Discrimination and Sexual Harassment/Misconduct Policy**

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](http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d7.pdf)  
(antidiscrimination)

[http://www.uhsystem.edu/compliance-ethics/\\_docs/sam/01/1d8.pdf](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.

### **Recording of Class**

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Center for Students with DisABILITIES](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform.

I'll record all of our classes unless I specifically notify you otherwise. You may use my recordings for your own studying and notetaking, but the University does not authorize you to share them with *anyone* without my prior written approval. Per University policy, failure to comply with requirements regarding recordings will result in a referral to the Dean of Students Office and may result in disciplinary action.

### **Syllabus Changes**

Please note that I may need to modify the course syllabus and may do so at any time. I'll announce these changes as quickly as possible through direct emails to all of you as well as postings to the class website.

I've attached additional syllabus disclosure language from the University of Houston system. Please familiarize yourself with these provisions as well.

Date	Topic	Pages	Notes
1/21/26	Introduction	1-20	
1/26/26	Legislation and Regulation	20-69	
1/28/26	Regulatory Processes and Executive Review	111-134	
2/2/26	Introduction to Statutory Interpretation	135-158	
2/4/26	Dynamic Statutory Interpretation and Stare Decisis	166-191	
2/9/26	New Textualism	191-221, 236-247	
2/11/26	Purposivism and Alternatives	247-283	
2/16/26	Current Textualism in Federal and State Courts	283-335	
2/18/26	Textual Canons	337-369	
2/23/26	Whole Act Rule and Whole Code Rule	369-404	
2/25/26	Canon Wars	404-434, Supp. 1-3	
3/2/26	<i>Babbitt v. Sweet Home</i>	434-453	
3/4/26	Legislative Context and Materials	455-474, 488-507	
3/9/26	Congressional Procedure and Reading Statutes	507-519, 527-540	
3/11/26	Midterm exam		
3/23/26	Rule of Lenity and Constitutional Avoidance	579-612	
3/25/26	Federalism Clear Statement Principle	612-645	
3/30/26	Continuity Canons and <i>Bob Jones University</i>	645-681	

Date	Topic	Pages	Notes
4/2/26	Agency Interpretations and Judicial Deference	694-698, 699-728	
4/6/26	Death of <i>Chevron</i>	729-749, <i>Loper-Bright</i> Supp.	
4/8/26	Major Questions Doctrine	749-772	
4/13/26	Major Questions Doctrine II	772-802, MQD Supp.	
4/15/26	Administrative Procedure Act	803-831	
4/20/26	Judicial Review of Agency Actions	831-867	
4/22/26	Unitary Executive Theory	910-955, Supp. on Unitary Executive	
4/27/26	Latest decisions, executive orders, and hot topics	<i>Slaughter v. Trump</i> , if decided	
4/29/26	Voluntary Review Session		

## UH SYSTEM SYLLABUS PROVISIONS

### Face Covering Policy

To reduce the spread of COVID-19, the University strongly encourages everyone (vaccinated or not) to wear face coverings indoors on campus including classrooms for both faculty and students.

### Presence in Class

Your presence in class each session means that you:

- Are NOT exhibiting any Coronavirus Symptoms that makes you think that you may have COVID-19
- Have NOT tested positive or been diagnosed for COVID-19
- Have NOT knowingly been exposed to someone with COVID-19 or suspected/presumed COVID-19

If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, do not come to class. Please see Student Protocols for what to do if you experience symptoms and Potential Exposure to Coronavirus for what to do if you have potentially been exposed to COVID-19.

### COVID-19 Information

Students are encouraged to visit the University's COVID-19 website for important information including on-campus testing, vaccines, diagnosis and symptom protocols, campus cleaning and safety practices, report forms, and positive cases on campus. Please check the website throughout the semester for updates.

### Vaccinations

Data suggest that vaccination remains the best intervention for reliable protection against COVID-19. Students are asked to familiarize themselves with pertinent vaccine information, consult with their health care provider. The University strongly encourages all students, faculty and staff to be vaccinated.

### Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact [the Justin Dart Jr. Student Accessibility Center](#) (formerly the Justin Dart, Jr. Center for Students with DisABILITIES).

## **Recording of Class**

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the **Justin Dart, Jr. Student Accessibility Center**. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action. Syllabus Changes Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible through (specify how students will be notified of changes).

## **Resources for Online Learning**

The University of Houston is committed to student success, and provides information to optimize the online learning experience through the UH Power-On website. Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, and Blackboard; requesting a laptop through the Laptop Loaner Program; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact [UHOnline@uh.edu](mailto:UHOnline@uh.edu).

## **UH Email**

Please check and use your Cougarnet email for communications related to this course. To access this email, login to your Microsoft 365 account with your Cougarnet credentials.

## **Webcams**

Access to a webcam is required for students participating remotely in this course. Webcams must be turned on (state when webcams are required to be on and the academic basis for requiring them to be on). (Example: Webcams must be turned on during exams to ensure the academic integrity of exam administration.)

## **Honor Code Statement**

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

## **Use of Artificial Intelligence Resources**

### *General.*

Generative artificial intelligence is a form of machine learning that creates new and original output based on the data it has been trained on or has access to, employing algorithms to generate

content in response to prompts. Examples of the technology include what are known as generative “large language models” (LLMs). Two well-known LLM implementations are ChatGPT and Claude. LLM output can include text, images, music, code, and more. This syllabus policy covers the textual output of generative LLMs (AIGenerated Work Product)—which can include computer code or programs and human-language content. Because AIGenerated Work Product can often mimic human intelligence, it could potentially be used as a substitute for a student’s own work product. Such use is potentially problematic to the extent that it becomes a substitute for internalized student understanding of the material or creates a dependency on AI-Generated Work Product, which may be strictly prohibited in settings that include the bar examination.

### *Prohibition.*

Subject to the exceptions immediately below, your continuing enrollment in this course constitutes your pledge not to generate or to use any AI-Generated Work Product—whether from yourself or others—in relation to any assessment in this course. The term “assessment” means any graded or ungraded work product for this course that is submitted to the instructor, presented in a class session, or used in an oral or written graded assessment for this course.

### *Exceptions.*

The following AI-Generated Work Product uses are exceptions to the preceding prohibition. The exceptions’ intent is to allow the generation and use of AI-Generated Work Product for specific, narrowly defined activities related to this course.

- You may generate and use AI-Generated Work Product for class preparation, although you must disclose the full extent of that use if your instructor asks. You may generate and use AI-Generated Work Product for study supplements to aid with general understanding of course content. This could take different forms that include creating examples or explanations of a concept, generation of diagrams and flow charts, “gamification” of course content, flash cards for study, or sample questions and answers.
- You may generate and use AI-Generated Work Product for an outline that summarizes the course content.
- You may use AI-Generated Work Product to check your originally drafted text for misspellings, grammar and punctuation errors, strength and clarity of prose, verbosity, effective transitional language and thesis sentences, word choice, excessive passive voice, and like things.
- You may use AI-Generated Work Product for the purpose of language translation.

### **Helpful Information**

**Coogs Care:** <https://www.uh.edu/dsaes/coogscare/>

**Student Health Center:** <https://www.uh.edu/healthcenter/>