

LEGISLATION AND REGULATION SYLLABUS

Professor Bruff

Fall 2011

Readings. The casebook is Manning & Stephenson, *Legislation and Regulation* (Foundation Press, 1st ed. 2010). As the assignments listed below indicate, we will cover most of the book, at a pace of about 50-60 pages a week. Please stay with the assigned pace unless I notify you otherwise; I will speed up and slow down a bit depending on the importance of the material, but within the overall pace of the course. There is a TWEN site for the course. It will have this syllabus and postings of supplementary course materials. Also, before each class, I will post some guidance for your reading and consideration of the materials—questions that I want you to think about and to be prepared to answer in class, and identification of parts of the assignment that I want you either to consider carefully or just read through for your information.

Reference books. For helpful guidance, I recommend (but do not assign) the following: for legislation, Eskridge, Frickey & Garrett, *Legislation and Statutory Interpretation* (Foundation, 2d ed. 2006); for the structure of the administrative state, Bruff, *Balance of forces: Separation of Powers Law in the Administrative State* (2006); for regulation, Fox, *Understanding Administrative Law* (Lexis, 5th ed. 2008), or Pierce, Shapiro & Verkuil, *Administrative Law and Process* (Foundation, 5th ed. 2009). All of these books are accurate, clear, and concise. All are on reserve in the Law Library.

Meetings. We will meet Mondays and Wednesdays from 1:00 to 2:20 in Room 204, beginning on Aug. 22d. I will expect you to be present and prepared. If you will be unprepared for some reason, please notify me in advance by email or a note at the podium. Do not make that a regular practice.

Any questions? When you have questions, you can find me in Room 413, on (303) 735-3536, or at Harold.Bruff@Colorado.edu. An easy way to catch me is to send an email asking to meet with some times you can do that, and I'll pick one that fits my schedule.

Examination. There will be an open book essay examination on Dec. 6th.

Assignments. (Page numbers are in the casebook; other listed material will be posted to the TWEN page under Course Materials):

Class #1, Aug 22: 1-19

#2, Aug. 24: 19-38

#3, Aug. 29: 38-67

#4, Aug. 31: 67-98

Sept. 5: Labor Day, no class

#5, Sept. 7: 98-126

#6, Sept. 12: 126-142(to A); 152-162

#7, Sept. 14: 163-189

#8, Sept. 19: 190-217

#9, Sept. 21: 218-245(to 2.)

#10, Sept. 26: 245-255(to *Circuit City*); 266(III.)-288

#11, Sept. 28: 288-310; *American Electric Power Co. v. Connecticut*

#12, Oct. 3: 357-379; *Youngstown*

#13, Oct. 5: 379-410

#14, Oct. 10: 410-442

#15, Oct. 12: 442-460

#16, Oct. 17: 461-487

#17, Oct. 19: 487-516

#18, Oct. 24: 516-547

#19, Oct. 26: *Free Enterprise Fund v. PCAOB*; 548-553; 562-578

#20, Oct. 31: 579-588(to *Florida East Coast*); 599(note 3.)-621(to note 5.)

#21, Nov. 2: 621-627(to *Chocolate Mfrs.*); 641(III.)-661(to note 5.)

#22, Nov. 7: 674(B.)-695(to *Chamber of Commerce*); 697(c.)-706(to *Hector*)

#23, Nov. 9: 717-739(to B.)

#24: Nov. 14: 756(C.)-790

#25, Nov. 16: 791-792(to A.); 812(B.)-835

#26, Nov. 28: 916-940

#27, Nov. 30: Review

Dec. 6: Examination