

LEGISLATION AND REGULATION SYLLABUS

Professor Bruff

Fall 2013

Readings. The casebook is Manning & Stephenson, *Legislation and Regulation* (Foundation Press, 2d ed. 2013). 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 a “preview,” containing 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, along with 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 205, beginning on Aug. 26th. 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 along 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. 19th.

Assignments. (Page numbers are in the casebook; other listed material in *italics* will be posted to the TWEN page under Course Materials). There are also two listed Exam Exercises. For these, during class you will receive and answer a sample exam question on recently covered material. The class will then discuss ways to best answer the question. These exercises are for your guidance, and will not be graded.

Class #1, Aug 26: 1-18

#2, Aug. 28: 18-36

Sept. 2: Labor Day, no class.

#3, Sept. 4: 36-60

#4, Sept. 9: 60-90 (to n.3)

#5, Sept. 11: 90-115

#6, Sept. 16: 115-128 (to A.); 136-145

#7, Sept. 18: 145-175

#8, Sept. 23: 184-215

#9, Sept. 25: 215-237 (to *Circuit City*)

#10, Sept. 30: 247-267 (to B.)

#11, Oct. 2: Exam Exercise (statutory interpretation)

#12, Oct. 7: *American Electric Power Co. v. Connecticut*; 331-351

#13, Oct. 9: *Youngstown*; 351-364 (to *Schechter*); 375 (n.3)-385 (to C.)

#14, Oct. 14: 385-406

#15, Oct. 16: 406-425

#16, Oct. 21: 425-452

#17, Oct. 23: 452-477

#18, Oct. 28: 477-498

#19, Oct. 30: 499-516; 523 (n.1)-539

#20, Nov. 4: Exam Exercise (separation of powers); 541-549(to *Florida East Coast*);
559(note 3.)-563

#21, Nov. 6: 563-584 (to B.); 598-602

#22, Nov. 11: 603-615 (to n.5); 627 (B.)-648 (to *Chamber of Commerce*)

#23, Nov. 13: 650 (c.)- 658 (to *Hoctor*); 668 (IV)-674 (to *Ethyl*)

#24, Nov. 18: 703 (C.)-729

#25: Nov. 20: 730-735; 756-776 (to II.)

Thanksgiving Break

#26, Dec. 2: 852 (IV.)- 874

#27, Dec. 4: Review

Dec. 19: Examination