

Statutory Interpretation and Regulation Syllabus 4.16.19

No.	Date	Topics	Readings	Cases
1.	Jan. 14, 2019	Introduction to Class Introduction to class statutory exercise	The Parks Safety Act of 1980 pp. 1-33	No Vehicles in the Park
2.	Jan. 16, 2019	How the Federal Legislative Process Works	pp. 33-58 Lecture (audio) §§§ Video summary of Civil Rights Act passage H.Res. ____ Standing Rules of the Senate	Civil Rights Act of 1964
	Jan. 21, 2019	MLK Holiday		
3.	Jan. 23, 2019	Theories of Legislative Process	pp. 58-80 Prepare to discuss Problem 1-2 (p.80) Legislative Strategy Worksheet §§§ I'm Just A Bill Mr. Smith Goes to Washington	
4.	Jan. 28, 2019	GUEST SPEAKER: Jason Smith , Vice Chancellor/Vice President for Governmental Relations, University of Houston	Texas Legislative Flowchart Texas Legislative Process PowerPoint (FYI only; not required reading)	
5.	Jan. 30, 2019	The Rise of Alternative Law-Making Delegation of authority and Congressional control of delegation	pp. 83-95, 106-127 PowerPoint (.pdf)	<i>Bowsher v. Synar.</i> <i>Clinton v. City of New York</i>
6.	Feb. 4, 2019	Executive Authority and Role in Statutory Formation	pp. 129-155	<i>Myers v. US</i> <i>Morrison v. Olson</i> <i>Free Enterprise Fund, Inc. v. Public Company Accounting Oversight Board</i>
7.	Feb. 6, 2019	Executive Authority and Role in Statutory Formation	pp. 181-211 FDCA Section 321(g)(1)	<i>FDA v. Brown & Williamson Tobacco Corp.</i>

8.	Feb. 11, 2019	Introduction to Statutory Interpretation: Legislative Intent	pp. 299-318 Holy Trinity statutory language Gangs of New York dock scene §§§ Drafting Whiteboard	<i>Holy Trinity Church v. US</i> <i>Caminetti v. US</i>
9.	Feb. 13, 2019	Legislative Purpose	pp. 325-328, pp. 329 note 1 - 333 (skip Prob. 4-2), pp. 334-48. Focus on the <i>Matter of Jacob</i> and <i>Matter of Dana</i> cases on p. 340. §§§ Justice Kagan lecture on statutory interpretation	<i>Matter of Jacob</i> <i>Matter of Dana</i>
10.	Feb. 18, 2019	Textualism and Plain Meaning	pp. 349-66 (don't read the <i>Bob Jones University v. U.S.</i> decision referenced on p. 349; we'll read it later in the semester)	<i>US v. Locke</i> <i>Tennessee Valley Authority v. Hill</i>
11.	Feb. 20, 2019	"New Textualism"	pp. 366-370, 386-409	<i>Chison v. Roemer</i> <i>West Virginia University Hospitals v. Casey</i>
12.	Feb. 25, 2019	Statutory Interpretation: Pragmatic Approaches	pp. 409-435	<i>US v. Marshall</i>
13.	Feb. 27, 2019	Canons of Statutory Interpretation: Textual Canons	pp. 447-471 §§§ U.S. Dictionary Act (1 U.S.C. section 1 et seq.) Texas Code Construction Act, Rule 311.011 et seq	
14.	March 4, 2019	Canons of Statutory Interpretation: Whole Act Rule	pp. 471-490	<i>Babbitt v. Sweet Home</i>
15.	March 6, 2019	Canons of Statutory Interpretation: Rule of Lenity and Doctrine of Constitutional Avoidance	pp. 490-512 Texas Code Construction Act Rule 311.022, 311.021, 311.032, 312.013	<i>Muscarello v. US</i>

	March 11-15, 2019	SPRING BREAK		
16.	March 18, 2019	Guest Lecture by former Justice Brett Busby (14th Cir. Ct. Apps., Tex) and Southern District of Texas federal Judge Lee Rosenthal. <u>Class will take place in Krost Hall at 9:00 am.</u>		
17.	March 20, 2019	Discussion of Guest Lecture The Doctrine of Constitutional Avoidance	pp. 512-532	<i>Skilling v. US National Federation of Independent Business v. Seblus</i>
18.	March 25, 2019	Canons of Statutory Interpretation: Clear Statement Rule for Federalism	pp. 532-552 Texas Code Construction Act Section 311.034	<i>Gregory v. Ashcroft</i>
19.	March 27, 2019	Canons of Statutory Interpretation: Rule Against Implied Repeals, and Reflection of Changed Circumstances	pp. 552-568 (skim), 576-599 IRS Code Section 501(c)(3) Texas Code Construction Act Parts 311 and 312 (see Section 311.027)	<i>Circuit City v. Adams Bob Jones University v. US</i>
20.	April 1, 2019	Use of Legislative History in Interpretation	pp. 630-649, 674-685 §§§ League of Conservation Voters v. Trump How the Trump Administration is Remaking the Courts , NYT, 8/22/18	<i>Public Citizen v. US Dept. of Justice</i>
21.	April 3, 2019	Introduction to Administrative Law and Regulatory Practice	pp. 711-735 §§§ Ministry of Information Regulations.gov OIRA Dashboard	
22.	April 8, 2019	Judicial Review of Agency Policy Making	pp. 735-755 Section 208 Timeline Update on Rulemaking Process	<i>US v. Nova Scotia Motor Vehicle Manufactures v. State Farm</i>

23.	April 10, 2019	Agency Adjudication - Due Process requirements	pp. 756-763, 777-800 §§§ Bono's bleep 18 U.S.C. 1464	<i>Business Roundtable v. SEC</i> <i>Chenery and Chenery II</i> <i>Golden Globes</i> <i>FCC v. Fox (Fox I & Fox II)</i>
	April 12, 2019	<u>Voluntary</u> Midterm	We will meet at noon in TUII 240 (our usual classroom). The test will last for one hour.	Midterm Exam Multiple Choice Answers Essay Outline
24.	April 15, 2019	Judicial Review of Informal Agency Rulemaking and Agency Inaction	pp. 801-817, 823-837	<i>Overton Park v. Volpe</i> <i>Heckler v. Chaney</i> <i>Massachusetts v. EPA</i>
25.	April 17, 2019	Wrap-Up on Agency Inaction Review of Informal Agency Guidance and Determinations Update on Congressional and Executive Changes to Administrative Rulemaking Process	pp. 838-843, 855-871 DOJ Manual 1-20.000 re Use of Guidance Documents in Litigation	<i>Skidmore v. Swift Chevron</i>
26.	April 22, 2019	Judicial Deference to Agency Interpretations: <i>Skidmore-Chevron-Mead</i> and Current Efforts to Reverse <i>Chevron</i>	pp. 892(note 3) - 909 (not including Note on Empirical Studies) Kisor certiorari petition §§§ Chevron Two-Step Separation of Powers Restoration Act of 2017 Arizona HB 2238 (2018)	<i>US v. Mead Corp.</i>
27.	April 24, 2019	Final Review Session Deadline to submit email questions: April 30 at 5:00 pm. I will circulate a global answer to those emails on May 1 to the entire class (unless you ask me to keep your question confidential)	Review Session (audio) Sample Essay Review Question and Answer Sample Multiple Choice Questions and Answer Key	
Final on May 3 at 9am				