George Mason University School of Law
Legal Practicum — Regulatory Comments — LAW 300-001

Spring Term 2012, Tuesdays 6:00 - 7:50 PM

Course Syllabus

Professors:

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Office hours by appointment.

Summary: Students engage in the federal regulatory process by analyzing proposed regulations from the public interest perspective and filing public comments with federal agencies that reflects their findings and views. The course combines practical lectures on the regulatory process with workshops on how to analyze regulations and effectively communicate ideas to different audiences (e.g., government agencies, the public, and Congress). Students will present their analysis through a mock hearing and op-ed, as well as a public comment.

Grading: Grades for the course will be based on performance on an oral testimony (15%), op-ed (5% for the draft + 10% for the final version = 15%), and public comment (10% for the draft + 40% for the final version = 50%), as well as participation in class (including ability to discuss the readings and listenings) and group activities (20%). This is a writing course.

Readings: Readings are listed below, but a few more not listed might be assigned via e-mail.

Required texts
- Primer on Regulation by Susan Dudley, available free online.
Jan. 10  
**Introduction, aims and scope of the course, grading and policies. What is the public interest?**

**Readings:**
- Susan E. Dudley, *Primer on Regulation*, pages 1 – 6. Available at: [http://tinyurl.com/y8d4e57](http://tinyurl.com/y8d4e57)

Jan. 17  
**What is rule-making? The regulatory process.**

**Readings:**
- Rauch, Ch. 2.

Jan. 24  
**Why should we regulate and why do we regulate? Theories of regulation.**

**Readings:**
- Dudley pages 7 – 11.
- Clifford Winston, Government Failure vs. Market Failure, Chapter 1. Available at: [http://tinyurl.com/vb26xgq](http://tinyurl.com/vb26xgq)
- Robert Cooter & Thomas Ulen, Law & Economics, *General Equilibrium and Welfare Economics*. Available at: TBA

Jan. 31  
**What is Executive Order 12866? What is OIRA?**

Guest Speaker: Susan Dudley, former administrator of OIRA.

**Readings:**
- Executive Order 12866. Available at: [http://tinyurl.com/EO-12866](http://tinyurl.com/EO-12866)

**Assignment:** By today you should have selected the regulation on which you will write a comment.
Feb. 7  Analysis of economic regulation
Guest speaker: Dr. Jerry Ellig, senior research fellow, Mercatus Center at GMU

Readings:
- Dudley, pages 28-32
- Summaries of the FCC final order on cable franchising. Available at: http://tinyurl.com/62b5wf & http://tinyurl.com/5dx8v

Assignment: Before class today, email Professors a memo explaining your selected regulation. Professors will provide feedback on your selection by the following class.

Feb. 14 Analysis of social regulation
Guest speaker: Heidi King, Former Policy Analyst, OIRA

Reading & podcast:
- Listen to interview with Sam Peltzman on Econtalk. Available at: http://tinyurl.com/y9m68x4
- Dudley, pages 32-37.

Feb. 21 Public choice and rent seeking

Readings:
- Rauch, Chs. 3 & 5.
- J. Patrick Gunning, Understanding Democracy, Ch. 16 Rent Seeking, Available at: http://bit.ly/rPClj
Feb. 28  Elements of a public interest comment / Workshop: Student projects

*Reading:*  
- Jerry Brito & Jerry Ellig, Public Interest Comment on Video Franchising, submitted to the FCC, February 13, 2006. (You don’t have to read this for the content; you can skim it. Read it for the structure and to see how the arguments are laid out and how the regulation is analyzed.) Available at: [http://tinyurl.com/5tf6me](http://tinyurl.com/5tf6me)

*Assignment:* Come prepared to discuss your regulation and your comment with the class. In class, please sign up for individual meetings for the week of March 28.

Mar. 6  Communicating complex ideas: Giving live testimony, writing an op-ed, and turning your comment into a law review article

Guest speakers: Eileen Norcross, senior research fellow, Mercatus Center at GMU and Anne Dwyer, media relations manager, Mercatus Center at GMU

*Readings:*  
- Eileen Norcross, Testifying Before Congress. Available at: [http://tinyurl.com/6dzcse](http://tinyurl.com/6dzcse)  
- Read the Washington Post's op-ed page for the week leading up to this class.  

Mar. 13  Spring Break - No Class

Mar. 20  Behavioral Economics

*Readings:*  
- Steve Lohr, NY Times, *The Default Choice, So Hard to Resist*, Available at: [http://nyti.ms/okMItw](http://nyti.ms/okMItw)  
- Slavisa Tasic, Are regulators rational? Available at: [http://bit.ly/g3v9R8](http://bit.ly/g3v9R8)

*Assignment:* Email your draft comment to Professors before class today. Drafts will be discussed in individual meetings next week.

Mar. 27  No Class -- Meet Individually with Professors
Apr. 3  Midnight Regulations; Judicial, Legislative, and Executive Review of Final Regulations

Readings:

- OMB Watch, Midnight Regulations Roundup: [http://www.ombwatch.org/node/9739](http://www.ombwatch.org/node/9739)

Assignment: Email your draft op-ed to Professors before class today. Professors will provide feedback on your draft by the following class.

Apr. 10  Current Topics in Regulatory Policy: Regulatory Reform

Readings:

- TBD

Apr. 17  Mock Testimony (at GMUSL, room TBD)

May 13  Comment & Op-Ed Due -- email Professors by 11:59pm