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

Spring Term 2013, Tuesdays 6:00 - 7:50 PM

Course Syllabus

Professors:
Jerry Brito  Bridget C.E. Dooling
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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 E. Dudley & Jerry Brito, available free online or paperback at Amazon.com.
Jan. 8  
**Introduction, aims and scope of the course, grading and policies. What is the public interest?**

*Readings:*  

Jan. 15  
**What is rulemaking? The regulatory process.**

*Readings:*  
- Dudley & Brito, Ch. 4.
- Rauch, Ch. 2.

Jan. 22  
**Why should we regulate and why do we regulate? Theories of regulation.**  
Guest Speaker: Eli Dourado, Research Fellow, Mercatus Center at GMU.

*Readings:*  
- Dudley & Brito Ch. 2.

Jan. 29  
**Analysis of economic regulation**  
Guest Speaker (invited): Dr. Jerry Ellig, Senior Research Fellow, Mercatus Center.

*Readings:*  
- Dudley & Brito, Ch. 6.

*Assignment:* By today you should have selected the regulation about which you will write a comment.
Feb. 5  **What is Executive Order 12866? What is OIRA?**
Guest Speaker (invited): Susan Dudley, Director, Regulatory Studies Center, GWU & Former Administrator of OIRA.

**Readings:**
- Dudley & Brito, Ch. 8.

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

Feb. 12  **Analysis of social regulation**

**Reading & podcast:**
- Listen to interview with Sam Peltzman on Econtalk. Available at: [http://tinyurl.com/y9m68x4](http://tinyurl.com/y9m68x4)
- Dudley & Brito, Ch. 7.

Feb. 19  **Public choice and rent seeking**
Guest Speaker: Matt Mitchell, Senior Research Fellow, Mercatus Center

**Readings:**
- Rauch, Chs. 3 & 5.

Feb. 26  **Elements of a public interest comment / Workshop: Student projects**

**Reading:**
- Jerry Brito & Jerry Ellig, Public Interest Comment on Video Franchising, submitted to the PCC, February 13, 2006. (Don’t read for the content; skim it. Read for the structure and to see how the arguments are laid out and how the regulation is analyzed.) Available at: [http://bit.ly/wwL67a](http://bit.ly/wwL67a)

**Assignment:** Come prepared to discuss your regulation and your comment with the
Mar. 5  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, and Leigh Harrington, Director of Media Relations, Mercatus Center.

Readings:
- Read the Washington Post's op-ed page for the week leading up to this class.

Mar. 12  No Class -- Spring Break

Mar. 19  Behavioral Economics

Readings:
- Steve Lohr, NY Times, The Default Choice, So Hard to Resist, Available at: http://nyti.ms/okMJtw
- Slavisa Tasic, Are regulators rational? Available at: http://bit.ly/wYW0HN

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

Mar. 26  No Class -- Meet Individually with Professors

Apr. 2  Midnight Regulations; Judicial, Legislative, and Executive Review of Final Regulations

Readings:
- OMB Watch, Midnight Regulations Roundup: 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.

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<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>Apr. 9</td>
<td>Current Topics in Regulatory Policy: TBD</td>
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<tr>
<td>Apr. 16</td>
<td>Mock Testimony (at GMUSL, room TBD)</td>
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<td>May 10</td>
<td>Comment &amp; Op-Ed Due -- email Professors by 11:59pm</td>
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