

LAS 3400: Public Policy and Regulations

Fall Quarter 2014

Faculty: Robert Hoban

E-mail/Phone: bobhoban@comcast.net; 303.960.8849

I will respond to email or voicemail messages within 48 hours. Email preferred.

Office Hours: By appointment only. Please e-mail.

Course Prerequisites: LAS 2000
Students are responsible for completing course prerequisites before registering for a class.
Students may be removed from a course for which they have not fulfilled the prerequisite course work.

Class Dates: Mondays 6:00 p.m.-9:50 p.m.
(9/8/14 through 11/10/14)

COURSE DESCRIPTION:

Regulation is an important and pervasive force in American life. Government regulation affects nearly every aspect of modern society. Regulation in land use, business, insurance, transportation, manufacturing, industry, and communication affect the prices we pay for goods and services and the quality of these goods and services. Regulation of consumer products, workplace safety, food and drugs affect the risks we face from different products and activities. Environmental regulations affect the quality of the water we drink, the air we breathe, and the existence of wetlands. In short, in almost every aspect of your life, regulations have an impact. Regulation by legal institutions (primarily national and state agencies) attempts to shape or control behavior within our society, and/or address social problems. This course will explore the American system of regulation within its social and legal contexts. We will study the resulting development of regulation, and examine the legal basis for, and mechanics of, this use of the law. We will examine specific regulated areas and legal institutions (agencies) that regulate. We will consider different social issues addressed by regulation, and consider the efficacy of sociolegal practices and processes. Along the way, we will hone your critical reading, writing, discussion and presentation skills.

STUDENT LEARNING OUTCOMES:

1. Explore the sociolegal and historical context of regulation.

2. Analyze how regulation is organized and utilized in our society.
3. Examine various national and state agencies, and how they operate to change or control behavior in our society.
4. Understand the practical and philosophical bases of administrative law.

ACADEMIC INTEGRITY:

The Women's College fully endorses the University of Denver's Honor Code and the procedures put forth by the Office of Citizenship and Community Standards. Academic dishonesty—including plagiarism, cheating, and falsification of data and research—is in violation of the code and will result in a failing grade for the assignment or for the course.

As student members of a community committed to academic integrity and honesty, it is your responsibility to become familiar with the DU Honor Code and its procedures (www.du.edu/honorcode <http://www.du.edu/honorcode>).

INCLUSIVE EXCELLENCE:

CWC is committed to fostering a diverse learning community that is inclusive and respectful. We encourage and appreciate expressions of different ideas, opinions, and beliefs, so that conversations and interactions that could be potentially divisive instead turn into opportunities for intellectual and personal growth. Respecting what others say, their right to say it, and listening to each other are the ways that we all can further thoughtful and enlightening dialogue.

COURSE TEXTS AND MATERIALS:

Law in America, by Lawrence Friedman

After the Rights Revolution, by Cass Sunstein.

Regulation in the States, by Paul Teske

Various articles, as set forth below, will be made available via e-reserves

COURSE REQUIREMENTS

1. Class participation: 15%. This course component will be gauged on the student's ability to participate meaningfully and regularly in classroom discussion. A student is expected to demonstrate the ability to integrate the textbook materials in a way that informs and promotes discussion and understanding. This is in contrast to simply having an opinion not tethered to the materials.
2. Reading assignments/ Miscellaneous Assignment/Weekly Assignments: 15%. Students are expected to complete all reading assignments. To assist in gauging this, students will prepare and email to the instructor (prior to each class) a weekly assignment (see below) based on the readings. These weekly assignments will be provided one week prior to the date they are due. There may be pop quizzes on the reading material to gauge preparedness. In addition, various weekly assignments may be added.

3. Exams: 40% (20% each [mid-term and final]). There will be one mid-term and one final exam. Expect there to be approximately 20-25 multiple choice questions, and perhaps an oral interview component, and two-four short essay questions, or any combination of the foregoing.
4. Paper/Project: 30%. The class will afford an opportunity for presentation/short paper. Each paper will focus on a regulatory project in which the student examines the existing regulatory framework of their choosing. Students will adopt the role of policy advisors to a fictional stakeholder group. The Students will produce a policy paper of roughly 10-20 pages in which they detail the current state of regulations and address the concerns of the fictional stakeholder. Students will present their work using mixed media (powerpoint, stats, graphs, audio, photo and/or video) in a 15-25 minute session to the instructor.

ATTENDANCE AND PARTICIPATION

Attendance is mandatory in all class sessions. Active participation in class and online discussions is also required and will be a determiner in a student's final grade. An absence, for any reason, will result in forfeiting points for in-class student presentations. These may not be made up in another class session. If an emergency arises, it is the student's responsibility to contact her instructor.

A grade of incomplete will be granted only under special circumstances as determined by the instructor. <http://www.du.edu/registrar/records/incompletepolicy.html>

TECHNOLOGY USE IN THE CLASSROOM

In order to create and maintain an optimal learning environment in the classroom, students should use technology appropriately as directed by the instructor for the purposes of the course. Work done on laptops, cell phones, and other devices that is not relevant to the class can hinder the process of communication and shared discussion of ideas that require full engagement by all participants.

ADA ACCOMMODATIONS

Students who require accommodations under the Americans with Disabilities Act must contact the instructor to discuss their needs. Failure to notify the instructor immediately may hinder the college's ability to accommodate accordingly. Students with learning disabilities should also contact the University Disability Services Program at <http://www.du.edu/studentlife/disability/>. University Disability Services houses the Learning Effectiveness Program (LEP) and the Disability Services Program (DSP).

OBSERVATION OF RELIGIOUS HOLIDAYS

Students wishing to observe a religious holiday not celebrated on the academic calendar may do so provided advanced written notice is given the instructor during the first two weeks of the quarter. With advanced written notice, the absence will be considered an excused absence. For additional information, contact DU's Center for Religious Services (<http://www.du.edu/crs/>).

COURSE SCHEDULE

<u>Class Date</u>	<u>Class Topics</u>
Session One 9/8/14	Class/Instructor Introductions; <u>Law In America</u> : Ch 1 – Introduction; 2 - In the Beginning, American Law; <u>After the Rights Revolution</u> : Ch 1 - Why Regulation?; Project Discussion; Class activity
Session Two 9/15/14	<u>Law In America</u> : Session Ch 3 - Economy & Law in the 19th Century; Ch 6 – 20th Century Modern Administrative – Welfare State; Ch 7 American Law at the Dawning of the 21st Century
Session Three 9/22/14	<u>Regulation in the States</u> : Ch. 1 – State Regulatory Policy; <u>After the Rights Revolution</u> : Ch 2 - Function of Regulatory Statutes; <u>After the Rights Revolution</u> : Ch. 3– How Regulation Fails; <u>Regulation in the States</u> : Ch.16 – The Future of State Regulation;
Session Four 9/29/14	<u>After the Rights Revolution</u> : Ch 4 – Courts, Interpretations & Norms Chapter 6 and Conclusion; <u>Regulation in the States</u> : Ch. 2- Theoretical Perspectives; Ch. 14 – Reform by Legislatures; Ch. 15 – Legal Actors in the Regulatory Process
Session Five 10/6/14	M. Burros and M. Warner, “Bottlers Agree To a Ban On Sweet Drinks,” <i>The New York Times</i> , p. A1 (May 4, 2006), <i>Selected Materials</i> , p. 15. J. Kluger, “How Bill Put the Fizz in the Fight Against Fat,” <i>Time</i> , pp. 22-25 (May 15, 2006), <i>Selected Materials</i> , p. 17.
Session Six 10/13/14	MID-TERM (multiple choice)
Session Seven 10/20/14	Sunstein, Cass R. & Thomas Miles. "Do Federal Judges Make Regulatory Policy? An Empirical Study," 73 <i>University of Chicago Law Review</i> 823 (2006). <i>Rothery Storage & Van Co. v. Atlas Van Lines, Inc.</i> , 792F.2d 210 (D.C. Cir. 1986), <i>cert. denied</i> , 479 U.S. 1033 (1987). <i>National Collegiate Athletic Ass'n v. Board of Regents of University of Oklahoma</i> , 468 U.S. 85 (1984). Steven Croley “Theories of Regulation: Incorporating the Administrative Process” <i>Columbia Law Review</i> 98:1 (1998). Pages 1-106.

Session Eight
10/27/14

Lisa Heinzerling "The Humbugs of the Anti-Regulatory Movement"
Cornell Law Review 87:648 (2002) available at:
http://www.law.georgetown.edu/faculty/Heinzerling/Articles/Heinzerling_Humbugs.pdf

Matthew McCubbins et. al. "Administrative Procedures as Instruments of Political Control" Journal of Law Economics and Organization 3:243 (1987)

James Q. Wilson. 1980. "The Politics of Regulation," chapter 10 in JQ Wilson, ed. *The Politics of Regulation*.

United States v. Brown University, 5 F.3d 658 (3rd Cir. 1993).

Session Nine
11/3/14

Paper Presentations; Review

Session Ten
11/10/14

Paper Presentations, continued (if necessary)

Final Exam – Multiple Choice/Essay (likely to be conducted online via Blackboard)

* The instructor reserves the right to modify this class schedule, and may add or change assigned readings, as the course proceeds. In addition, the instructor reserves the right to modify, cancel, or reschedule class times.