

REGULATORY THEORY & REALITY
LAW 6936, CLASS NUMBER 24084 (2 CREDITS)
PROFESSOR LISA EDGAR

FALL 2019

WEDNESDAY – 1:00-3:00PM
ROOM 355A HOLLAND HALL

COURSE DESCRIPTION & SYLLABUS

“We must be struck at every turn by the importance of ideas. Regulation itself is such an idea; deregulation is another . . . To the extent [that] an agency can choose, its choices will be importantly shaped by what its executives learned in college a decade or two earlier.”

THE POLITICS OF REGULATION 393 (James Q. Wilson ed., 1980).

1. Class Description:

This seminar is an introductory exploration of regulation. In its broadest sense, government regulation is to further protection of the public health, safety, and welfare. Practitioners know that regulation is also the convergence of theory, law, policy, politics, and conflicting values. Course materials and topics will include regulatory theory, legislating v. regulating, intended and unintended consequences, consumer protection and “level playing fields,” economic and political considerations, and more. Coursework will consist of assigned readings and exercises, class discussion, quizzes, engagement with guest speakers and other experts, and an analysis paper that meets the Advanced Writing Requirement (AWR).

Successful advocacy, whether for a client or a cause, requires effective communication informed by an understanding of surrounding dynamics. As such, many classes will include discussions of timely issues that illustrate theory and/or the impact of regulation. Be informed and aware about the world around you.

All students are expected to complete the assigned readings **prior** to class. Assigned readings will be posted on the Canvas Course page, usually in either pdf or html format. Adobe Reader 6.0 or higher should be used to view pdfs, otherwise you may experience some difficulties. Students should check the Canvas Course page on a regular basis for updates to the online materials, readings, and other class topics. Dates of last update will be given for your convenience.

2. Course Objective and Outcomes:

After successful completion of this seminar, students should be able to:

- Recognize and comprehend regulatory theories and trends
- Identify and understand different roles and responsibilities within the regulatory process
- Describe strategic and practical considerations when advocating before a regulatory agency or representative
- Compose a persuasive approach on behalf of a client or issue that supplements a strict legal interpretation

3. Attendance:

Attendance will be taken at the beginning of each class. Please be on time as it is distracting for everyone to have persons coming into the classroom after class starts. However, late attendance is preferred over no attendance. A student who arrives late is responsible for following up so that their attendance is recorded after class. I recognize that life happens unexpectedly at times, so each student is allowed one unexcused absence, no questions asked. Excused absences will be according to UF policy (<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>). As a courtesy, please notify me in advance of your absence if possible.

Law School policy states “Class attendance is a primary obligation of each student, whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor.” The American Bar Association’s standards provide that “regular and punctual class attendance is necessary to satisfy residence and class hour requirements.”

4. Guest Speakers and Class Assignments:

During the semester we will have the benefit of the experience of expert guest speakers and will be discussing emerging issues. As such, the schedule from week to week will be fluid.

5. Class Preparation:

Given that we meet one time per week for a 2-credit-hour course, students should plan to spend at least 2-3 hours preparing for each class meeting and 2-3 hours a week during the semester to complete the AWR. Prep time includes reading the materials, thinking about the materials, and synthesizing your learning and knowledge of the assigned materials. Be prepared to be called upon and engage in discussion.

6. Grades:

The Levin College of Law’s mean and mandatory distributions are posted on the College’s website. Grading is in accordance with Law School policy, which is available at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies>.

Your final grade for this seminar will be based on the following allocation:

Final Paper	45%
First Draft	15%
Quizzes (3)	15%
Supplemental Material	5%
Participation	20%

Due dates and AWR requirements will be provided on Canvas and discussed in advance in class.

7. Accommodations:

Students with needs for additional accommodations should see Student Affairs whose staff will work with students according to Law School and University policy.

8. Laptops and Cell Phones:

Laptops and cell phones will be allowed in class for pedagogical purposes (*i.e.*, to take notes or to further discussion). Cell phones may be placed on vibrate for emergency calls. No recording of class is allowed without my prior approval. Respect this arrangement with the respect with which it is given.

9. Academic Misconduct:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

10. Office Hours:

My office is 370-A Holland Hall, my office number is 273-0972, and my email is lisa.edgar@law.ufl.edu. My designated office hours will be after class from 3:30-5:30pm Wednesdays. Drop-bys at other times are welcome, as is scheduling an appointment in advance by email. Don't wait until a potential concern becomes an actual problem. I will be reachable.

11. Course Evaluations:

Thoughtful feedback is an important part of academic and experiential education. Students are asked to provide professional and respectful feedback about their experience in this course by completing the prescribed University course evaluation form. To facilitate completion of this task, time and snacks will be allocated in class on November 20.

Students will also be informed when the evaluation period opens and how to accommodate this request through email, both on the Canvas Course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. However, this request is not a delay or substitute for individual discussion throughout the semester. The two obligations work together. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>

12. First Class Assigned Material:

8/28 Boeing's 737 Max Crisis:

- Bloomberg Opinion, Stephen Mihm 3-21-19, "The FAA Has Always Played Cozy with the Aviation Industry."
- CNBC, 7-24-19, "New Head of the FAA inherits an agency in turmoil after Boeing 737 Max crashes."
- NY Times, The Daily Podcast, 7-30-19, "The Origins of Boeing's 737 Max Crisis."
- NY Times, Natalie Kitroeff, David Gelles, & Jack Nicas 7-27-19, "The Roots of Boeing's 737 Max Crisis: A Regulator Relaxes Its Oversight."
- NY Times, Jim Hall & Peter Goetz 7-17-19, "Opinion: The Boeing 737 Max Crisis Is a Leadership Failure."