

**REGULATORY THEORY & REALITY**  
**LAW 6936, CLASS NUMBER 21543 (2 CREDITS)**  
**PROFESSOR LISA EDGAR**

**FALL 2020**

**WEDNESDAY – 1:00-3:00PM**  
**ROOM MLAC-213C**

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**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, the purpose of government regulation is to further protection of the public health, safety, and welfare. Legal practitioners know that regulation is also the convergence of theory, law, policy, politics, risk assessment, 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, 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, readings, and other class topics.

## **2. Course Objectives 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. 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:

AWR Final Paper	40%
AWR First Draft	15%
AWR Class Presentation	10%
Short Response Papers	10%
Supplemental Material	5%
Participation	20%

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

### **7. Participation:**

This course is designed as a small group, participatory seminar where each student is engaged and contributing in a meaningful manner. Different ideas and approaches are expected, as is respect for one another and opposing views.

I expect you to participate meaningfully, professionally, and effectively. My assessment of the strength of your participation in the course includes, but is not limited to, the quality of classroom comments, the amount of interest demonstrated in the subject, degree of preparation for class and willingness to respond to questions, and demonstration of active engagement of the material via application to contemporaneous events, etc.

### **8. Accommodations:**

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

### **9. 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.

### **10. 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>.

### **11. Office Hours:**

My office hours will generally be 3:00-5:00 pm Mondays and Fridays. I regret that we don't have the option this semester for in-person office "drop bys." However, even with this limitation, I will be readily available, whether for questions regarding this course, casual discussion, or as a sounding board and resource. Email me or text with a quick question or comment, or to schedule a Zoom appointment. I look forward to talking with you. My office number is 273-0972, my cell phone number is 850-322-6502, and my email is [lisa.edgar@law.ufl.edu](mailto:lisa.edgar@law.ufl.edu).

## **12. Course Evaluations:**

Thoughtful discussion and feedback is an important part of academic and experiential education. The University has a prescribed evaluation form for students to complete for each course. Time will be allocated in class after the administration releases the survey form. Please participate!

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.

By giving your feedback through this prescribed evaluation format, you will be helping me and the law school as we plan forward. Summaries of course evaluations are available to students at <https://gatorevals.aa.ufl.edu/public-results>

## **12. Covid-19 Procedures**

This semester, we must comply with all Federal, State, County, City, University, and Law School rules passed in response to the Covid-19 virus. We will have face-to-face instructional sessions to accomplish the student learning objectives of this course for students who have selected this option. The following policies and requirements are in place to maintain our learning environment and to enhance the safety of our in-classroom interactions:

- You (and I) are required to wear approved face coverings at all times during in person class and within buildings. Following these policies and requirements is a responsibility for all of us.
- Failure to comply with the prescribed requirements will lead to a report to the Office of Student Conduct and Conflict Resolution, which includes no longer being permitted on the UF Law campus. Dean Inman is also to report noncompliance to the relevant state board of bar examiners.
- This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
- Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
- Follow guidance given as to how to enter and exit the classroom. Practice physical distancing to the extent possible when entering and exiting the classroom.
- If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Then use the UF Health screening system and follow the instructions. <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.
- If ill, you will receive an excused absence and be given a reasonable amount of time to make up work. <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>.

### **13. First Class Assigned Material:**

8/26-Complete and submit Class Form 1.

Background: “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.”

### **14. Supplemental Material:**

As a part of your studies, innate curiosity, and engagement with the world around you, you will certainly come across other material related to class discussions. If you deem other material useful for class related discussion, please email it to me at least 2 days in advance of class. If I agree, I’ll distribute the material to the class for discussion. This will count toward the possible “Supplemental Material” grade percentage.