

# Executive Power

Fall 2025

## Professor

James Uthmeier  
Florida Attorney General

## Email

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## Office Hours

Immediately following class or  
by appointment.

## Classroom and Time

Monday 5-7

HH270

## Course Overview

This course provides students with a deep understanding of the executive branch of government, federal and state. Students learn the constitutional authority of the President of the United States and federal executive officials, as well as that of the Governor of Florida and Florida Cabinet. This course will also discuss challenges to and limits of that authority. Issues explored include presidential election, executive powers and duties, emergency powers, separation of powers, prosecutorial discretion, the legislative veto, agency oversight and enforcement, and the appointment of judges. Students will also analyze the implications of executive overreach, including legal challenges.

The course deals with current constitutional and political issues, historical understandings of executive leadership, clashes with the legislative and judicial branches, and the breadth and influence of the administrative state within the executive branch. Students read and discuss relevant portions of the Constitution, historical documents, legal cases, and current litigation involving executive power. In-class exercises simulate deliberations on the executive branch and allow students to apply skills learned in class.

The course will be structured to provide a broad base of information for students seeking opportunities to serve as lawyers in federal or state government, as well as those students interested in increasing their knowledge of the workings of our government.

## Course Topics

Below is a general outline of course topics:

- Introduction / Structural Constitution
- Florida's Governor and Plural Executive
- Article II of the U.S. Constitution
- Unitary Executive Theory

- Emergency Powers and War Powers
- Executive Orders / Executive Privilege
- Executive Appointments
- Presentment and Veto Power
- Take Care Clause I - agency rulemaking / adjudication
- Take Care II – duty to defend / enforcement actions
- Executive discretion / litigation
- Judicial Appointments / U.S. Supreme Court nominations

### **Course Objectives**

The course will provide students with a better understanding of the executive branch at the state and federal levels – and its legal authorities and constraints – as well as helpful tools for government lawyering, so that students will become better prepared to succeed in government counsel positions or as litigants adverse to government agencies. The course will also assist students who pursue positions serving legislative or judicial chambers who engage with or find friction with the executive branch. And finally, students will gain a deeper understanding of our federal and state executive powers, their constitutional authorities and responsibilities, and subordinate agency operations will make for better citizens.

### **Reading Assignments**

The course is taught with materials selected by the professor rather than a textbook. Assignments and materials will be communicated electronically on the Canvas system on a weekly basis. Students are expected to check each week to identify the reading materials. There is no assigned reading for the first class. Students are encouraged to seek any clarification in class or by email:

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### **Class Participation**

Students should be prepared for each class, having read the assigned materials and prepared to discuss questions presented on the material. Students are expected to participate in discussion which may impact your final grade.

## **ABA Out-of-Class Hours Requirements**

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction

## **Grading**

Students' grades are based on a final exam, which will include a written portion and a skills portion. The final exam will include a written response to questions presented and a 5-10-minute oral presentation based on the written questions presented. The bulk of the grade will be based on the written exam.

## **University Attendance Policy**

Excused absences include documented illness, deaths in the family and other documented crises, call to active military duty or jury duty, religious holy days, and official University activities. These absences will be accommodated in a way that does not arbitrarily penalize students who have a valid written excuse. Consideration will also be given to students whose dependent children experience serious illness.

## **Academic Honor Policy**

All students must abide by the law school's Academic Honor Policy.

## **Academic Success**

Your academic success is a top priority of The University of Florida. University resources to help you succeed include tutoring centers, computer labs, counseling and health services, and services for designated groups, such as veterans and students with disabilities. The following information is not exhaustive, so please check with your advisor to learn more.

## **UF Levin College of Law Standard Syllabus Policies**

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at [this link](#).