

ADMINISTRATIVE LAW, LEGISLATION, AND GOVERNANCE

Administrative Law, Legislation, and Governance and Its Application to Legal Practice

The focus of this cluster is lawmaking by Congress (statutes) and administrative agencies (regulations and rules). The reach of the modern administrative state is vast and involves areas such as financial regulation, health and safety regulation, the administration of disability and welfare programs, discrimination law, workplace regulation, food and drug law, and immigration policy, to name just a few. Correspondingly, the range of courses that fall within this cluster is extensive and signals the pervasive importance of administrative law to legal practice today.

Understanding the functions of lawmakers and rule-making entities in all levels of government is critical to a number of legal practices. Many lawyers work within administrative agencies and on the Hill, playing a key role in drafting and implementing statutes and defending agency decisions in court. Some attorneys work as litigators, representing their clients or public interest causes before administrative agencies and other rule-making bodies. Private sector regulatory and transactional attorneys are tasked with interpreting and providing counsel with respect to agency rules as they apply to their clients' particular facts or case and must draw from their understanding of the government processes central to the enactment of these laws and regulations. Students interested in the area of government regulation not only need to cultivate a basic understanding of how agencies regulate and how lawyers can most effectively interact with agencies (by taking introductory offerings like *Administrative Law*), but also need to consider how they will apply these concepts in their career with respect to particular agencies and statutes (by taking courses in their desired subject-matter area, such as public health law, securities regulation, environmental policy, etc.). Proficient administrative law practitioners acquire the skill to use and adapt procedural rules in ways that advance the policy objectives that are present in particular substantive areas of the law.

Introductory and First-Year Offerings

In this field, the basic introductory courses are *Administrative Law* and *Lawmaking* or *Legislation*. These courses provide a gateway for many other offerings.

Administrative Law studies the delegation of power to agencies, the procedures followed by agencies, and judicial and other oversight of agencies. The power of agencies to promulgate rules, decide individual cases, and conduct investigations is carefully studied. While the focus in *Administrative Law* is on federal programs and cases, the principles developed in the federal domain dominate state and local regulatory and administrative law as well, although of course their application sometimes differs. In short, whether or not one expects to practice in areas that involve federal programs, *Administrative Law* is often a basic framework course. The upperclass curriculum offers *Administrative Law* each semester, including at least one section a year that gives priority to our evening students.

Lawmaking (or the course by the title, *Legislation*) is a course about how laws are created and the relationships among legislators, courts, and agencies. A critical component of the course is teaching students the basic skills of statutory interpretation.

While only a few upperclass electives formally require that students first complete the basic course in *Administrative Law*, it is generally a good idea to take *Administrative Law* sooner rather than later when one is studying government regulation. Similarly, *Lawmaking* is not a stated prerequisite for any upperclass electives, but its focus on teaching the skill of statutory interpretation is applicable to all statute-based legal fields.

The Law Center offers its first-year students the opportunity to be exposed to this area as part of their first-year curriculum.

- **First-year day students in Curriculum A** have the opportunity to choose their first-year elective in this area of study, offering courses such as *Administrative Law*, *Congress and the Administrative State*, *Lawmaking*, and *The Regulatory State*.
- **First-year students in Curriculum B** take *Government Processes*, which looks closely at the regulatory state and its institutional actors.
- **Part-time students** have a choice of upperclass courses in this area that will meet their "first-year" elective requirement, including *Administrative Law* and *Lawmaking* which are offered once a year in the evening.

Connections to Other Curricular Areas

The area of government regulation is so vast that several other curriculum clusters are closely related to it in the sense that *Administrative Law* and *Lawmaking* are sensible introductory courses for students interested in those fields. Examples include the *Antitrust Law*, *Commercial and Advanced Contract Law*, *Communications Law*, *Corporate Law and Securities Regulation*, *Education Law and Policy*, *Environmental Law*, and *Taxation* clusters. In addition we offer a number of courses and seminars in specific areas exploring government regulation of a single activity. Below we highlight some of these courses in order to illustrate the range this field offers. On the Courses tab, we provide a more comprehensive list of the courses offered in this area in the current and past two years. In each case, the goal is to unite the general principles of administrative law, legislation, and governance with the particular attributes of the subject matter at hand.

- *Aviation Law* encompasses air transportation, including liability and economic regulation issues.
- Of great interest in Washington, D.C. is the regulation of elections and campaign financing. The *Election Law* course and practicum focus on these issues.
- The regulation of banking and financial institutions has been an important area of government regulation in recent years.
 - *Federal Banking Regulation: Modern Financial Institutions and Change* focuses on federal regulation of banks, bank holding companies, and their affiliates, and examines the global financial crisis of 2008, the fractured financial regulatory system, and the proposals for reform.
 - *Federal Regulation of Financial Institutions* covers the federal deposit insurance system, bank failures, restrictions on bank activities in investment banking and mutual funds, and current issues surrounding geographic expansion.
- The graduate program offers a host of advanced courses on regulation of the financial industry, including *Derivatives Market*

Regulation Under Dodd-Frank and SEC Regulation of Financial Institutions and the Securities Markets.

- Food and drug and health law are rapidly growing areas covered in several courses and seminars. The *Food and Drug Law* survey course and the fieldwork practicum *Public Interest Advocacy: Government Regulation of Food and Personal Care Products* focus on the activities of the Food and Drug Administration. There are also courses and seminars on health law and policy, public health law, and on the regulation of medical technology.
- *Immigration Law and Policy* explores immigration regulation and lawmaking, with attention paid to the multi-branch process of establishing, implementing, and reviewing immigration law.
- The course in *Local Government Law* studies how local governments act, often through administrative agencies such as the school board or the zoning board, thereby bringing fundamental issues of administrative law into play.
- The *Space Law Seminar* explores similar topics in the context of scientific and commercial uses of outer space.

Opportunities to Experience Administrative Law in Washington, D.C.

One of Georgetown Law's greatest assets is its physical proximity to all three branches of government. Through practicum and clinical offerings and externship placements, students can observe and participate in the creation, implementation, and interpretation of the law. The following experiential opportunities are examples of the countless ways to gain this first-hand view of Administrative Law through our experiential offerings:

- *Civ Tech: Digital Tools and Access to Justice Practicum* integrates classroom learning on how regulatory agencies work with hands-on collaboration with these agencies. As part of the experiential component, students develop apps that increase access to justice and/or improve the effectiveness of legal representation.
- In the *Public Interest Advocacy: Government Regulation of Food and Personal-Care Products* practicum, students utilize legislative and administrative materials as well as case law to become acquainted with the processes by which the federal government regulates food and personal-care products, and to critique both the statutory framework and the performance of FDA in carrying out its administrative duties. In their fieldwork, students are assigned to projects at the Environmental Working Group.
- *Policy Clinic (Harrison Institute for Public Law)* is a Fall-semester or year-long opportunity for students to serve legislators, attorneys general, regulatory agencies, citizen coalitions and Georgetown programs that support government needs. As their policy lawyers, clinic students analyze lawmaking authority, identify options for changing policy, help clients plan their strategy, and draft policy based on client choices. Students work in one or more project teams: (1) health and food policy (e.g., regulation and purchasing of school food, legal issues in health reform); (2) human rights and worker strategies (e.g., human rights and labor standards in government purchasing, employment policies of universities); (3) trade policy (e.g., regulation of services, foreign investor rights, subsidies, procurement); and (4) climate policy (e.g., adapting to sea level rise, drought, and urban heat effects through land use regulation, transportation planning, and funding of infrastructure).
- In the *Federal Legislation Clinic* students are prepared to work as "legislative lawyers." In addition to classroom instruction on the organization and operation of the federal legislative and executive branches, students participate in intensive field work involving

legislative research, preparation of written advocacy materials, and participation in hearings and other legislative encounters.

- Students have **participated as externs for academic credit** at a number of agencies and non-governmental organizations (NGO) working in the area of administrative law. Some externs participate in litigation before courts and agencies, help develop comments on agency rulemakings—or, if placed with an agency working on a rulemaking, receive, review, and analyze comments submitted in response to a proposed rule—and conduct research that informs strategic litigation and counseling decisions. Past externs have also contributed to agency and NGO efforts to shape legislation. As discussed above, students interested in a practice involving government regulation and administrative law should also choose a specific subject matter. To take one example, some of our past students interested in the regulation of the environment found externship placements at the **White House Council on Environmental Quality (CEQ)**, the **Environmental Protection Agency (EPA)** in both the Office of Criminal Enforcement and Office of Administrative Law Judges, as well non-profit organizations such as **Oceana** and the **Natural Resource Defense Council**. Students placed at CEQ helped staff advise agencies and the Executive Office of the President on how to apply environmental impact review requirements and also to develop and shepherd initiatives requiring coordination among multiethnic agencies.

Search Administrative Law, Legislation, and Governance Courses (https://curriculum.law.georgetown.edu/course-search/?cluster=cluster_1)

LAW 025 v00 Administrative Law ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 025 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20025%20v00)) J.D. Course (cross-listed) | 3 credit hours

This course considers the constitutional, statutory, and other legal limitations on what government agencies can do and how they can do it. What constraints govern the power of agencies to make law, decide cases involving private parties, and investigate citizens? How much "due process" must government agencies give citizens whose lives they affect; what limits has Congress imposed on the procedures for agency decision making; and to what extent can people call on courts to check what they regard as abuses of governmental power? These are among the questions addressed in the course, which draws together problems ranging from the legitimacy of New Deal institutions to the dramatic procedural innovations of recent federal administrations and problems created by renewed Congressional interest in the details of agency decision making.

Recommended: For Professor Nager's section: Prior or concurrent enrollment in Constitutional Law I: The Federal System.

Mutually Excluded Courses: Students may not receive credit for both this course and the first-year elective by the same name or the first-year course, Government Processes.

Note: NOTE FOR STUDENTS IN PROFESSOR KRISHNAKUMAR'S FALL 2024 SECTION: There will be a one-day take-home exam on Friday, December 6, 2024.

LAW 025 v06 Administrative Law ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 025 v06](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20025%20v06))
J.D. Course | 3 credit hours

This course is designed to introduce you to the core institutions and processes of the modern administrative state. You will come to understand the tremendous power exercised by administrative agencies as well as the significant constraints under which they operate. You will learn the procedures governing the key categories of administrative action; the doctrine governing judicial review of administrative action; and the doctrine evaluating the place of agencies within the Constitution's separation-of-powers framework.

Learning Goals: By the end of the semester, you should be able to:

- (1) Identify the legal framework (statutory, constitutional, doctrinal) that applies to a particular issue of administrative action;
- (2) Apply the relevant legal framework to a given set of facts;
- (3) Evaluate the merits of the legal framework against a variety of normative goals; and
- (4) Be conversant in contemporary debates about the administrative state and able to articulate and justify your views.

Mutually Excluded Courses: Students may not receive credit for this course and the upperclass course with the same title.

Note: This course is a first-year elective. First-year day students select an elective offered in the spring.

LAW 025 v08 Administrative Law ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 025 v08](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20025%20v08))
J.D. Course | 3 credit hours

Virtually all areas of law today involve a substantial element of administrative law. This course introduces you to the role of administrative agencies and how law and political factors shape their powers and work. This includes materials on how they are empowered and constrained by the Constitution, Congress, presidents, and the courts. We also study ways in which agencies generate law and develop policies. This class coverage includes, among other topics, materials on citizens' abilities to petition, shape, and litigate over agency actions; changing views of presidents' roles and powers over agencies; and statutory factors and doctrine shaping judicial review of agency law interpretation, reasoning, responsiveness, policy shifts, and engagement with science and facts.

Mutually Excluded Courses: Students may not receive credit for both this course and the first-year elective by the same name or the first-year course, Government Processes.

LAW 1611 v00 Administrative Law and Public Administration Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1611 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201611%20v00))

J.D. Seminar | 2-3 credit hours

Administrative law scholars have observed an increasing disconnect between the legal framework and doctrine governing agencies, on the one hand, and the way that the administrative state actually operates, on the other. For example, administrative law tends to concern itself with external sources of control over agencies, while in fact most of the work of the administrative state takes place in day-to-day internal operations.

In this seminar, we use administrative law as a jumping off point to study a complementary set of frameworks and practices that govern and explain the operation of the administrative state: those drawn from public administration and political science. Lawyers who understand these complementary tools will be better prepared to advise clients on their interactions with institutions in the administrative state; to work within the institutions of the administrative state themselves; and to design and reform those institutions in the first instance.

Learning goals:

By the end of the course, students will be able to describe and discuss the core insights of the texts we will read; to assess the merits of these insights; and to apply these insights to everyday situations relevant to the institutions of government in D.C. and beyond. Students enrolled for three credits will also have satisfied the Upperclass Legal Writing requirement by writing and revising 6,000-word paper analyzing and assessing a conflict, crisis, or controversy within the operations of a government institution using the lens of the tools we have studied. Students enrolled for two credits will have written a 4,000-word paper comparing and contrasting two different books using the lens of the tools we have studied.

Prerequisite: Administrative Law (1L elective or upper level course) or the 1L electives, Legislation and Regulation or Leg-Reg: Introduction to Congress and the Administrative State.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 1905 v00 Advanced Administrative Law Seminar – The Consumer Protection Agencies ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1905 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201905%20v00))

J.D. Seminar | 2 credit hours

The course's goal is to familiarize students with the challenges consumer protection agencies face. The course will focus on the Federal Trade Commission, the Consumer Financial Protection Bureau, and the Food and Drug Administration. The course will require significant readings about contemporary policy issues, and those readings will be the launching point for in-class discussions. Many of the readings will come from the Federal Register and the Administrative Conference of the United States; others will critique the work of one or more of the consumer protection agencies. During seminars, students will often engage in role-playing: some students will take on the role of senior agency officials, others will be lawyers for consumer groups that seeks to force the agency to take certain actions (regulatory or enforcement), or lawyers representing a company or trade association opposing regulation or to stave off enforcement actions.

Prerequisite: Administrative Law.

LAW 029 v00 Advanced Environmental Law: Climate Change (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 029 v00>)
(Project-Based Practicum)

J.D. Practicum (cross-listed) | 4 credit hours

In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professor. This project-based practicum course will focus on the evolving legal and policy developments concerning global climate change, and provide students the opportunity to engage in hands-on work with policymakers in addressing the issue. Students will participate in a two hour/week seminar and carry out ten hours/week of project work including regularly scheduled meetings with professor and Georgetown Climate Center attorney advisors.

SEMINAR: This seminar covers the current understanding of climate change science and impacts, international and domestic policy approaches, technological and adaptation responses, and legal and regulatory cases and developments. Class participation and attendance will be graded.

PROJECT WORK: Students will prepare papers and make presentations in class and to outside partners on topics being analyzed for state and local governments through the work of the Georgetown Climate Center of Georgetown Law (<http://www.georgetownclimate.org/>). Students work with the professors and advisors to develop professional-quality work products that can be shared with outside partners. The Center works with states and communities on crafting policy strategies to reduce emissions that contribute to climate change and to adapt to the consequences of climate change.

Prerequisite: Environmental Law. J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Mutually Excluded Courses: Students may not receive credit for this course and Climate Change Law and Policy Seminar. Students may not take another practicum course or a clinic at the same time as a project-based practicum course. Students may enroll in an externship at the same time as a project-based practicum course.

Note: This course may be suitable for evening students who can regularly attend class and participate in calls or meetings during the day as students interact with professors, advisors, and/or clients.

This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits for approximately ten hours of project work per week, for a minimum of 11 weeks. Both the seminar portion and the project work will be graded. Students who enroll in this course will be automatically enrolled in both the seminar and project components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar and project components. Regular and punctual attendance is required at all practicum seminars and students are required to devote the requisite number of hours to their project. If a student must miss seminar, project work, a meeting or a deliverable, he or she must speak to the professor as soon as possible (ideally beforehand) to discuss the absence or missed assignment. Unless the professor indicates otherwise, a student with more than one unexcused absence from the practicum seminar (out of 13 total seminar sessions), or one week of unexcused absences from the fieldwork or project work (out of a total of 11 weeks of fieldwork or project work), may receive a lower grade or, at the professor's discretion,

LAW 3144 v00 Advocacy in the Digital Age (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3144 v00>)

LL.M. Seminar (cross-listed) | 2 credit hours

Students who take this course will better understand stakeholder politics; federal legislative, regulatory, and enforcement processes; and the advocacy skills needed to achieve policy outcomes in the interrelated fields of technology, telecommunications, and media ("TTM"). Students will gain hands-on experience practicing technology advocacy. The course first reviews key issues in technology policy and advocacy, such as competition, content moderation, net neutrality, privacy, AI & bias, and cybersecurity.

Armed with the basics of current technology policy issues, students then learn advocacy tools to "make" technology policy. Students will review and draft collateral materials used for technology policy advocacy, including white papers, talking points, comments, "op/eds," earned media coverage, and more, gaining an appreciation for the differences from, and complementary relationship with, traditional legal materials and legal practice. Students will be introduced to the legislative process (committee hearings and markups, bicameral action, budget procedure); independent agency rulemaking and adjudication (comments, ex parte presentations, Administration and congressional input); relevant enforcement proceedings (Department of Justice and Federal Trade Commission merger review); and related advocacy in the courts (amicus briefs).

This is a skill-intensive course with writing assignments, workshops, presentations, peer support, and simulations. It will have a final assessment with a written and oral component. There are no prerequisite courses required. Classes will incorporate pre-class preparations and in-class skill-building exercises.

Mutually Excluded Courses: Students may not receive credit for both this course and Technology Policy and Practice.

Note: This course is only open to LL.M students admitted into the LL.M in Technology Law & Policy program or the Master of Law and Technology program.

LAW 1604 v00 Affordable Housing Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1604 v00>)

J.D. Seminar | 2-3 credit hours

The goal of this seminar is to expose you to the policy, law and practice concerning the provision and preservation of affordable housing and its relationship to personhood, to community, and to society as a whole.

Specifically, we will examine the problems caused by the absence of a sufficient number of safe, sanitary, decent, and affordable units for households of low and moderate income. We will look at aspects of federal and local housing policy from both a current and an historical viewpoint. We will place particular emphasis on issues of poverty and race. Your paper can examine any element of affordable housing regardless of whether it is covered in class.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 065 v02 Alternative, Complementary, and Integrative Medicine, The Legal Issues Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 065 v02>)

J.D. Seminar (cross-listed) | 3 credit hours

Alternative, Complementary, and Integrative Medicine ("non-traditional medicine") ("CAM") is the fastest-growing sector of American Health Care and is one of the fastest growing fields in the United States. Presently, at least 50 percent of Americans are using some form of alternative and complementary therapy such as acupuncture, nutritional supplementation, herbs, massage, yoga, chiropractic or homeopathy. According to the Journal of the American Medical Association in 1997, visits to alternative health care practitioners exceeded total visits to all conventional primary care physicians. The number of clinics and hospitals that integrate some modalities of CAM alongside conventional medicine is growing rapidly. The Institute of Medicine, a part of the National Academy of Sciences, has held recent conferences on the values of both CAM and Integrative Medicine. The NIH is using significant resources to fund research in this area.

This development, of course, is raising legal issues. There is a growing but still unsettled body of law on this subject. Some but not all CAM modalities are now licensed and regulated by at least some states. Federal regulatory bodies, such as the FDA and FTC are trying, within the limits of their statutory authority, to protect what they perceive to be the interests of the public. Yet, they come at the problem through conventional, rather than alternative, eyes. Conventional law is based upon protecting the public from purveyors of the proverbial "snake oil" frauds. And to an extent this law is being used to keep out alternatives to the established health-care modalities. This seminar studies the tensions, legal, economic, and social, of this struggle as it unfolds. This seminar covers several areas of law including administrative law, medical malpractice, informed consent, FDA/FTC law, licensure, among others. This seminar discusses the balancing of paternalism vs. individual rights. A paper meeting the upperclass legal writing requirement is required.

LAW 1107 v00 Analytical Methods (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1107 v00>)

J.D. Course (cross-listed) | 3 credit hours

Lawyers in every type of practice (corporate, litigation, government, public interest, etc.) routinely deal with problems that require a basic understanding of concepts and methods from economics and statistics. This course provides an introduction to these subjects and their application and relevance to law and legal practice. Topics covered include decision analysis, game theory, probability, and statistics. Grades will be based on a graded problem set and a take-home final examination. No prior background in economics or statistics is required; however, we will regularly use elementary algebra and geometry. Students with strong backgrounds in economics, mathematics, or statistics should consult with the professor before enrolling in the course.

Course Objective and Learning Outcomes: The objective of the course is to enhance students' ability to give sound legal advice and make effective legal arguments by introducing them to selected concepts and methods from economics and statistics that are relevant to numerous areas of law and legal practice. These concepts and methods include: decision trees, expected value, sensitivity analysis, risk aversion, present value; Nash equilibrium, game trees, backward induction, subgame perfection, moral hazard, adverse selection; probability, conditional probability, independence, Bayes' rule; descriptive statistics (including measures of central tendency and variability), hypothesis testing, confidence intervals, statistical significance, type I and type II errors, and regression analysis.

By the end of the course, I expect students to have a good understanding of these concepts and methods and to be able demonstrate a basic proficiency in applying them to: (i) unpack complex decisions of the kind that lawyers and their clients often encounter in litigation and transactions; (ii) analyze situations involving strategic interactions (i.e., situations where the outcome depends on the strategies and actions of multiple parties) of the kind that lawyers and their clients often encounter in litigation and transactions; and (iii) engage in probabilistic and statistical reasoning and evaluate probabilistic and statistical evidence of the kind that courts and lawyers often encounter in litigation.

LAW 050 v01 Aviation Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 050 v01>)

J.D. Course (cross-listed) | 2 credit hours

The course, taught by practitioners in the field, covers contemporary and cutting-edge aviation topics such as international commercial aviation, aviation security, and the integration of advanced aviation (i.e., drones and advanced air mobility aircraft) into the national airspace. The course material will encompass most aspects of aviation law, including the law of international civil aviation, the economic and safety regulation of air transportation, aircraft registration and certification, aircraft accidents, airport law, government immunity from tort liability, and airline liability for the carriage of passengers and cargo domestically and internationally under the Montreal Convention. Students are exposed to a range of materials, including cases, treaties, executive agreements, and regulations, with a view towards imparting practical skills that can be applied to any field of law.

Recommended: Administrative Law

Federal Courts

LAW 1620 v00 Campaigning for Public Office (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1620 v00>)

J.D. Seminar | 2 credit hours

This simulation course will provide students with the fundamentals of organizing, managing, and executing an effective campaign for political office, within a bipartisan context grounded in ethical public service. Each enrolled student must identify a local, state, or federal public office that they plan to run for (plans to run for this office can be tentative and prospective). Students will then learn campaign basics, message development and delivery, fundraising strategies, communication and media strategies, applicable campaign finance and election laws, and debate preparation. Students will prepare and give “stump” speeches and participate in a simulated candidate forum. Students will also develop policy platforms and learn how to assess and respond to the needs of a constituency and the public.

LAW 500 v00 Center for Applied Legal Studies (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 500 v00>)

J.D. Clinic | 12 credit hours

See the Center for Applied Legal Studies website (<https://www.law.georgetown.edu/experiential-learning/clinics/center-for-applied-legal-studies/>) for more detailed information about the clinic.

For registration-specific supplemental materials, please see the Center for Applied Legal Studies PDF (<https://georgetown.app.box.com/s/ncd1jhupnlm387tyr3j50g5lamcwhz/>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/0ehc9a8928jphteghs0uz7s60j9e5y88/>).

Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 528 v02 Civil Rights Clinic (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 528 v02>)

J.D. Clinic | 12 credit hours

Please see the Civil Rights Clinic website (<https://www.law.georgetown.edu/experiential-learning/clinics/civil-rights-clinic/>) for more detailed information about the program.

For registration-specific supplemental materials, please see the Civil Rights PDF (<https://georgetown.app.box.com/s/z690tob0d7z7oz0xdln9v8evejv6i7to/>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/0ehc9a8928jphteghs0uz7s60j9e5y88/>).

Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 1941 v00 Climate Change Law and Policy Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1941 v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

This seminar provides an introduction to issues of law and policy related to climate change. Areas of focus include U.S. legislation and regulations, subnational efforts (city, state, regional policies), international negotiations, private sector engagement and more. In addition to reviewing the legal and policy mechanisms for curbing emissions that cause climate change (e.g., market-based approaches, conventional regulations, information disclosure, voluntary actions, litigation), the seminar will cover opportunities to adapt to a changing climate and policy mechanisms to support climate resilience at a local, national and international scale. Ethical and equity considerations will be considered regarding climate change risks and responses, including potential use of technologies such as carbon capture and geoengineering. Grades will be based on class participation, written reflections and assignments related to readings, and, for students registered in the 3-credit section, a research paper that can satisfy the J.D. upper class legal writing requirement.

Learning Objectives:

Students will learn about a topic of immense importance to their personal and professional lives no matter what their chosen field given the significant impacts on our economy, geography and way of life from a rapidly changing climate. They will be conversant in the policy and legal strategies available to address climate-related risks as well as opportunities associated with a transition to cleaner energy. They will gain experience with critical thinking and have opportunities to provide written reflections on readings and through class participation. Students will participate in a negotiation exercise simulating international climate negotiations. They will exercise sound judgment in selecting a topic for their research paper, demonstrate organizational skills and timeliness in submitting early work products, and obtain and incorporate feedback in completing their final written product. They will have the opportunity to present research highlights succinctly and clearly, and to receive and share constructive feedback with classmates. Their final work product will be a full research paper that will demonstrate depth in one or more areas of climate change-related research, policy or law.

Mutually Excluded Courses: Students may not receive credit for this course and Advanced Environmental Law: Climate Change (Project-Based Practicum).

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 3078 v00 Commercial Space Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3078 v00>)

LL.M. Seminar (cross-listed) | 2 credit hours

This course will provide an overview of U.S. domestic legal regimes that govern commercial spaceflight activities, including those managed by the Federal Aviation Administration, Federal Communications Commission, Department of Commerce, U.S. Defense Department and State Department. The course will examine existing regulations and statutes as well as current discussions about changes to policy and law to address the evolving nature of the space industry and U.S. national space priorities. Examples include the Space Force, space traffic management, and oversight of non-traditional commercial activities in light of international treaty obligations.

Recommended: Prior or concurrent enrollment in administrative law, regulatory law or international law.

LAW 528 v01 Communications and Technology Law Clinic (IPR) (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 528 v01>)

J.D. Clinic | 10 credit hours

Please see the Communications and Technology Law Clinic (IPR) website (<https://www.law.georgetown.edu/experiential-learning/clinics/communications-technology-law-clinic-ipr/>) for more detailed information about the program.

For registration-specific supplemental materials, please see the Communications and Technology Law Clinic (IPR) PDF (<https://georgetown.app.box.com/s/33m1gfup0irzm1077b8rm7s9pzb4ed23/>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/0ehc9a8928jphateghs0uz7s60j9e5y88/>).

Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 1609 v00 Constitutional Interpretation Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1609 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Analyzing text is a deeply important part of legal practice in public law, whether statutory or constitutional law. It cuts across a wide variety of subject matter areas, from very basic aspects of the Constitution to any statutory topic imaginable. Whatever the subject matter, whether health care law, presidential emoluments, or internet privacy, certain problems of legal analysis recur. How should courts analyze legal texts? Where should judges go to look for meaning when the text is vague or ambiguous? Should texts be updated to reflect current norms? What does it mean to look for the drafter's intent? Should approaches toward statutory and constitutional text be symmetrical or not? This seminar will introduce students to these problems and provide essential skills for reading both constitutional and statutory text. Materials will be provided by the instructor or invited guests. Students will be graded on short reaction papers due every two weeks. *Given the theoretical nature of the topic, law review students are especially encouraged.*

LAW 1880 v00 Constitutional Issues in Corruption & Election Crime Enforcement (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1880 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

This course will explore constitutional limits on legislative and prosecutive efforts to prohibit corrupt conduct involving payments to public officials, excessive or prohibited campaign contributions and independent expenditures, fraudulent fundraising by SuperPACs, and false statements by government employees. Students will review the historical evolution of relevant statutes, applicable constitutional principles, and Supreme Court and lower court decisions addressing constitutional limits on legislative and enforcement efforts.

The course will be organized chronologically within specified topics. The primary topics will include: Constitutional Principles; Bribery & Extortion; Fraud & Misapplication; Election Crimes; and Constitutional Privileges. The topics will span several consecutive classes with relevant case law assigned as the primary reading material.

Prerequisite: Criminal Justice (or Criminal Procedure) and Constitutional Law I: The Federal System.

Recommended: Criminal Law.

LAW 1848 v00 Critical Issues Facing the Department of Justice: DOJ's Mission, the Rule of Law, Exercise of Discretion, Enforcement Policy Priorities, and Seeking Justice: Role of Defense Counsel (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1848 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

The Department of Justice is one of the most important and powerful executive branch departments in government. DOJ prosecutors make decisions that have a profound impact on the lives of individuals and the ongoing success of business entities. In this and recent, past administrations, the actions of DOJ have been the subject of intense public and congressional scrutiny resulting in difficult questions being raised as to the future role of the Department.

Drawing on my experiences as an Assistant U.S. Attorney, in senior leadership positions at DOJ (including Acting Deputy Attorney General, Chief of Staff to the Attorney General, and Deputy Assistant Attorney General in both the Civil and Criminal Divisions) and my work as a defense attorney in private practice, this course will focus on many, critically important issues confronted by the Department and defense bar. It will review significant roles played by DOJ including its responsibility as a prosecutorial and civil enforcement agency, as legal advisor to the President and government agencies, litigator to defend federal statutes, regulations and programs, and as policymaker in areas related to its mission. This course will consider DOJ's organizational structure, the importance of the rule of law, the senior leadership's decision-making process, and exercise of prosecutorial discretion, and the longstanding norms that guide DOJ's operations across a wide range of duties. Issues confronted by DOJ attorneys, in both civil and criminal arenas, many times present some of the most consequential legal and policy questions facing this nation.

This course will also consider the increasing criticism by political actors and the media that DOJ has been "weaponized" as well as the vital importance of DOJ acting with integrity and independence free of political influence in the face of this criticism. This will also include a discussion of the power of the President to direct the Attorney General to initiate a specific criminal investigation and prosecution as addressed in the July 1, 2024 Supreme Court decision in *Trump v. United States*.

This course, in part, will examine the principles of federal prosecution, the vital work of the Solicitor General's Office, the Office of Legal Counsel, the National Security Division, the role of DOJ in international affairs and the roles of DOJ law enforcement agencies including the FBI, DEA, ATF&E, and U.S. Marshal's Service. It will examine the unique role of the Attorney General as a member of the President's Cabinet including the White House Communications policy. This course will also review the line between enforcement policy driven by the President's agenda and a commitment to independent, objective law enforcement with a goal of seeking justice. Readings will include DOJ prosecutorial guidelines, policy memoranda, case law, Office of Legal Counsel opinions, speeches by DOJ's senior leadership and news articles.

Recommended: Criminal Law, Criminal Procedure, Constitutional Law

LAW 1551 v00 Decarbonizing the Energy Sphere: A Federal Regulatory Approach (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1551 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Burgeoning climate concerns, abetted by technological advances, have permitted new federal regulatory strategies to reduce carbon emissions in the energy sphere. Relying mostly on precedents less than four years old, this course will explore environmental policy involving wholesale energy sales, transmission of electricity, and transportation of natural gas. We will apply the legal framework of statutes organic to the Federal Energy Regulatory Commission as a starting point to examine incentives and impediments to new wind and solar generation and strategies such as carbon pricing. The operation and continuing relevance of the Public Utility Regulatory Policy Act in competitive wholesale markets will also be examined.

The course will further address how seemingly local concerns, such as rooftop solar, may implicate federal energy regulation and policy interests. Turning to pipelines, we will examine how National Environmental Policy Act, Clean Air Act, and Clean Water Act requirements affect authorization of new construction, applied concepts of environmental justice, law and policy regarding export of liquefied natural gas, and potential remedies for pipeline construction subsequently found to have been unlawfully authorized, among other topics.

Decarbonizing the Energy Sphere: A Federal Regulatory Approach will provide students the foundation to critically assess the balance of environmental values and ubiquitous consumer demands, such as reliability and affordability. Case readings will be paired with a policy text to undergird discussions of means within the broader investment and technological context to achieve environmental objectives. Our examination of policy options will be informed by consideration of a broad array of stakeholder interests. By gaining exposure to major environmental controversies in federal energy regulation, students will gain deep practical knowledge and develop insights into the formulation of decarbonization strategies.

To provide opportunities to apply course concepts and materials, students will participate during class time, and with ample advance notice, in oral argument and judging. By creating an outline in support of scenario-based legal positions and arguing for them in a supportive environment and reaching a determination in the context of a well-defined legal controversy, students will gain experience in the advocacy and evaluation of complex, contemporary legal issues where federal energy and environmental law intersect.

Recommended: Administrative Law.

LAW 969 v00 Derivatives Regulation (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 969 v00>)
LL.M. Seminar (cross-listed) | 2 credit hours

Derivatives, including virtual currencies, are a large, dynamic and rapidly evolving part of the world's financial markets. The size and importance of these markets alone would make derivatives regulation a worthy part of law school study, particularly for those interested in financial markets. Add to that a significant change in the regulatory framework on a scale unseen since the 1930's and it is clear that there has never been a better time to study the legal issues and operational challenges for market participants. This course will focus on the regulation of derivatives under the Commodity Exchange Act, as amended by Dodd-Frank, and as implemented by the Commodity Futures Trading Commission. This course is designed as a "Derivatives 101" equivalent, providing a broad overview of the regulation of derivatives. No prior knowledge of derivatives is required to succeed in this course. The course will include an in-depth look at the new regulatory requirements and issues with respect to (i) market transparency and integrity, such as preventing market manipulation, disruptive trading practices, and so-called excessive speculation; (ii) the increasing use of automated trading systems and high-frequency trading in commodity markets; and (iii) the interplay between Congress, the federal market regulators, and the entities subject to financial market regulation. Students will be presented with the same questions of law confronting attorneys advising entities trading in derivatives markets, regulators, and the courts.

LAW 1919 v00 Economic Justice in Infrastructure Regulation: Energy, Water, and Telecommunications (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1919 v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

Our nation's infrastructure abounds in justice failures. Consider:

- In Flint, Michigan, officials subjected thousands of families to lead-poisoned water.
- In Puerto Rico, Hurricane Maria crippled an electricity infrastructure long neglected by its government-owned utility, leaving thousands of families without electricity.
- Wildfires in Maui, arising in part from years of neglect by the utility, plantation owners, and government officials, have left thousands homeless.
- Water flooding in coastal Charleston, South Carolina disproportionately affects marginalized communities.
- Navajos lack reliable electric supply in most of their territory.

Common to each of these situations is economic regulation. One or more public bodies created, encouraged, tolerated, or ignored conditions that allowed private behavior, often business behavior, to produce these adverse outcomes. This course will diagnose the causes and design solutions. Among the big-picture questions:

- In the context of economic regulation, what is economic justice?
- Does our economic regulation of infrastructural industries produce economic injustice? If so, with which actors does fault lie?
- Does facially neutral statutory language—bland statutory commands such "just and reasonable rates," "consistent with the public interest," no "undue preference or advantage"—have non-neutral effects?
- Do constitutional principles—such as the protection of private property—affect economic justice?
- How do regulatory procedures, all influenced by conflicting interest groups, affect economic justice outcomes?
- Should economic regulation address justice? Or should it seek only to improve economic performance, leaving justice to other regulatory agencies or to political processes?
- For all these questions, what roles can lawyers play?

Recommended: Administrative Law.

LAW 1182 v00 Election Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1182 v00>) (Project-Based Practicum)

J.D. Practicum | 4 credit hours

In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. This project-based practicum course will focus on election law. Students will participate in a two hour/week seminar and carry out 10 hours/week of project work under the direction of the course professors.

SEMINAR: The seminar portion of this course will focus on voting rights law—including the Voting Rights Act, constitutional protections on the right to vote and redistricting law—and will also cover some related areas of law, including regulation of campaign finance. In the area of voting rights, the course will specifically examine the state of voting rights law and litigation in the wake of the 2013 Supreme Court decision in *Shelby County V. Holder*. The course will cover issues such as voter ID laws and other burdens on the right to vote, felon disenfranchisement, racial and partisan gerrymandering, and other voting-related topics based on current events. In the area of campaign finance, the focus will be on the law governing limits on contributions to candidates and the disclosure of funds contributed or spent to influence elections. Cases challenging these regulations as violative of the First Amendment have proliferated in the post-*Citizens United* world. Throughout the semester, students will be assigned several writing assignments that may include: complaints for potential federal lawsuits alleging violations of the Voting Rights Act and/or the United States Constitution; briefs or motions in pending voting rights cases; and other legal documents directly related to ongoing work in the voting rights and campaign finance fields. This practicum course will give students the opportunity, among other things to explore and weigh the governmental interests involved in voting and campaign finance restrictions against the rights those laws may infringe.

PROJECT WORK: Students in this practicum will have the opportunity to draft legal memos related to current election law matters. Assignments will be based on pending cases and matters, but will involve a wide range of election law issues raising important questions of constitutional and statutory interpretation.

Prerequisite: J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Recommended: Prior enrollment in Constitutional Law II.

Mutually Excluded Courses: Students may not concurrently enroll in this practicum course and a clinic or another practicum course. Students may concurrently enroll in this practicum course and an externship.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.

This practicum course is suitable for evening students who can attend seminar and participate in 10 hours/week of project work. This is a four-credit course. Two credits will be awarded for the two-hour weekly seminar and two credits will be awarded for approximately 10 hours of project work per week, for a minimum of 11 weeks. Both the seminar and the project work will be graded. Students who enroll in this course will be automatically enrolled in both the seminar and project components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar and project components. Default attendance rule for all practicum courses (unless

LAW 195 v05 Election Law: Voting, Campaigning and the Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 195 v05>)

J.D. Course | 3 credit hours

This course examines federal and state law regulating the conduct of elections and the financing of campaigns. Included are aspects of federal and state constitutional law on speech, association, and equal protection; and particularly problems of apportionment, gerrymandering, race-conscious districting under the Voting Rights Act, and barriers to voting. With respect to campaign finance, we consider how much and what kinds of legal regulation are constitutionally appropriate regarding parties, candidates, independents, political action committees, corporations, unions, and individuals.

LAW 1472 v00 Energy Law and Policy (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1472 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

This course will present the framework for the governance of energy production, distribution and use in the United States, and provide a foundation for future coursework on these subjects. While the course will focus primarily on U.S. law, it will address some international subjects and examples. Topics will include the evolving U.S. fuel mix and market dynamics, utility restructuring and grid modernization, roles of state and federal governments, the role of different policymakers and regulatory bodies in overseeing U.S. energy systems, relevant environmental laws, and emerging policy issues. There are no prerequisites, although experience with administrative law or environmental law would be beneficial.

Learning Objectives:

- Substantive expertise
 - The physical nature of the energy system (how it is produced, distributed, and used)
 - Common terminology and acronyms related to energy and its regulation
 - Key statutes and regulations applying to energy production, distribution and use, and key cases interpreting this legal framework
 - Current issues being debated in energy law
- Understanding of governance structure
 - The roles and responsibilities of different policymakers and regulators (e.g., economic regulators, environmental regulators, natural resource managers, legislators) and how they relate to each other
 - State and federal responsibilities in overseeing the energy system
- Legal and policy skills
 - How to explore questions of regulatory authority by state and federal agencies
 - How to write analytically about legal and policy questions

Recommended: [Administrative Law](#), [Environmental Law](#).

Mutually Excluded Courses: Students may not receive credit for this course and Energy Law.

LAW 2009 v01 Energy Markets in Transition ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 2009 v01](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%2009%20v01))

LL.M. Seminar (cross-listed) | 2 credit hours

Energy markets are transitioning rapidly toward a lower carbon future in response to federal and state initiatives and the sentiments of activists, consumers and investors. This transition is creating business opportunities and legal challenges not only for new entrants, such as the providers of renewable energy, energy storage and distributed energy resources, but also for incumbent market participants, such as utilities, pipelines, natural gas producers, independent power producers and large energy consumers. The course will focus on the economic regulation of physical energy markets by the Federal Energy Regulatory Commission (FERC), along with the interplay involving the Congress, federal and state regulators, market participants and other stakeholders. We will examine five main areas: (i) the foundational laws (the Federal Power Act and Natural Gas Act) and legal doctrines governing FERC's regulation of physical energy markets and the non-discriminatory transmission of electricity and natural gas by wire and pipe; (ii) the impact of restructuring wholesale electric power and natural gas markets pursuant to those laws; (iii) energy market enforcement and compliance policies, derived in large part from securities market regulation; (iv) what generation, transmission and pipeline infrastructure will be needed to ensure reliability and resilience as we transition to a lower carbon future; and (v) "hot topics" such as carbon pricing in organized wholesale electricity markets, the shale gas revolution, federal-state conflicts, pipeline and electric transmission infrastructure development and cost allocation, and integrating distributed resources and renewables. Students will gain an appreciation for the legal and market challenges confronted by market participants during this transition. One or more sessions will feature guest lecturers. There will be no final examination. Instead, each student's grade will be based on a final paper that takes a position on a key legal or policy issue and defends that position persuasively, several short quizzes during the semester, and class participation.

LAW 142 v02 Energy Problems Seminar: Climate Change and Other Energy Issues ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 142 v02](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20142%20v02))

J.D. Seminar (cross-listed) | 2-3 credit hours

This seminar considers economic, political, and legal aspects of current problems in the petroleum, natural gas, electrical, nuclear, coal and alternative energy industries with particular focus on global warming and the impact of climate change policies on energy use in the United States and abroad. In addition to the connection between global warming and energy, the seminar will examine: (1) the nexus between U.S. energy policy and Middle East wars and diplomacy; (2) the future of energy deregulation; (3) tensions between state and federal efforts to address energy issues; and (4) the problems and prospects of introducing new fuels and fuel sources, including nuclear, hydrogen, and renewables, into the U.S. and world economies. As these subjects sweep across the entire economy, they touch upon several fields of law: administrative law, antitrust, constitutional law, environmental law, oil and gas law, public utility regulation, and international law (both public and private).

Note: This seminar requires a paper. Students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the Upperclass Legal Writing Requirement. The 3 credit section is open to J.D. students only and non-degree students may not enroll.

LAW 528 v03 Environmental Law and Justice Clinic ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 528 v03](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20528%20v03))

J.D. Clinic | 10 credit hours

Please see the Environmental Law and Justice Clinic website (<https://www.law.georgetown.edu/experiential-learning/clinics/our-clinics/environmental-law-and-justice-clinic/>) for more detailed information about the program.

For registration-specific supplemental materials, please see the Environmental Law and Justice Clinic PDF (<https://georgetown.app.box.com/s/dz21lrvcnc7zvtivy2g6meoxsrn52ppk/>).

For information about clinic registration, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/0ehc9a8928jphateghs0uz7s60j9e5y88/>).

Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 193 v03 Federal Banking Regulation: Modern Financial Institutions and Change (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 193 v03>)

J.D. Course (cross-listed) | 4 credit hours

Banking Regulation today is at the cutting edge of federal power and regulatory experimentation. The financial collapse of 2008 was a near-death experience for federal banking regulators. We approach the subject with an intense focus on the dynamics of three critical pieces of the recent financial crisis: first, the development and growth of private markets for financial products; second, experimental regulatory strategies for controlling private risk taking and its effects on the integrated global financial system; third, the reemergence of areas of unique forms of hybrid power that combines private markets and government regulation.

This course examines the regulation of financial intermediaries. The stated goal of regulation is to ensure systemic stability and to pursue consumer protection. We will ask how well the balance between systemic stability and consumer protection had been maintained before the crisis of 2008. The course is devoted to federal regulation of banks, bank holding companies, financial holding companies and their affiliates. Topics include restrictions on activities of banks, holding companies and their affiliates, the history of and policy rationales for geographic restrictions on banking; special antitrust regulation of banks, debates about the role of capital adequacy requirements, community reinvestment requirements, bank supervision, and failed banks. With the market and legal changes of the past decade, the traditional market barriers between commercial banks and other financial institutions were largely dismantled. We will ask, did the federal response to the crisis produce a new paradigm for financial regulation? If it did not, why not?

The global financial crisis of 2008 provides a fertile laboratory for examining the fractured financial regulatory system, and the proposals for reform. The course will examine selected topics from the legislative agenda for reforming the financial regulatory system. These topics include among others, the role of subprime home mortgage lending and mortgage-backed securities in creating systemic risk, the consumer regulatory responsibilities of the Federal Reserve. We will identify some questions arising from the role of private credit rating agencies and securitizations in precipitating the financial collapse. and the competing claims of fairness, executive compensation and systemic risk, global financial responses.

The course begins with the basic overview of concepts applicable to financial intermediaries and ends with an assessment of the framework for future reform. We will pay special attention to the role of predatory consumer lending in sparking the collapse of banks. We will look at the fate of proposals to create a Consumer Financial Protection Agency, with independent rule making authority.

Mutually Excluded Courses: Students may not receive credit for both this course and Financial Services: Regulation in the Age of Disruption or Banking and Financial Institutions Regulation or Financial Regulation and Financial Crises.

Note: All students are expected to attend class regularly.

LAW 193 v05 Federal Banking Regulation: Modern Financial Institutions and Change (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 193 v05>)

J.D. Course (cross-listed) | 4 credit hours

Regulation of financial institutions is at the cutting edge of federal power and regulatory experimentation. The financial collapse of 2008 was a transformative experience for federal financial regulators, and shaped their approach to risk management for the next 15 years—until a series of bank failures in the spring of 2023 prompted fresh doubts about this approach.

This course examines the regulation of financial intermediaries. The stated goals of regulation is to ensure systemic stability and to pursue consumer protection. We will ask how well the balance between systemic stability and consumer protection had been maintained before the crisis of 2008, and whether post-crisis reform has done a better job. The course is devoted to federal regulation and supervision of banks, bank holding companies, financial holding companies and their affiliates, as well as asset management firms and so-called shadow banking activities. Topics include restrictions on activities of banks, holding companies and their affiliates, debates about solvency and liquidity requirements, financial inclusion mandates, international coordination, digital asset markets and crypto activities, bank failure management, and systemic risk.

Mutually Excluded Courses: Students may not receive credit for both this course and Financial Services: Regulation in the Age of Disruption or Banking and Financial Institutions Regulation or Financial Regulation and Financial Crises.

Note: All students are expected to attend class regularly.

LAW 530 v00 Federal Legislation Clinic (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 530 v00>)

J.D. Clinic | 10 credit hours

Please see the Federal Legislation Clinic website (<https://www.law.georgetown.edu/experiential-learning/clinics/federal-legislation-clinic/>) for more detailed information about the program.

For registration-specific supplemental materials, please see the Federal Legislation Clinic PDF (<https://georgetown.app.box.com/s/g2dpqqjk9hc5jehxk7kwkzj9hb52tz9l/>).

For information about clinic registration, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/0ehc9a8928jphateghs0uz7s60j9e5y88/>).

Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 1166 v00 Federal Litigation Practice: Litigating Challenges to Federal Agency Decisions (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1166 v00>)

J.D. Seminar | 3 credit hours

The majority of civil cases involving the federal government arise from challenges to agency decisions ranging from contractor selection by government procurement officials to project approvals by both civilian and military agencies under various regulatory schemes implementing the nation's laws, such as health, finance, and environmental laws. This class will provide students with the opportunity to learn in a variety of factual contexts how to litigate federal cases challenging agency decision-making on the administrative records prepared by agencies to support their decisions. Each class will focus on a particular stage in the litigation process. Students will be given reading and related litigation exercises that will be carried out in class. The class will culminate in filing a motion for summary judgment on the administrative record.

Over the course of this class, students will present three oral arguments to the professor, who will role-play as the presiding judge, based on briefing from real district court cases. The arguments will simulate as closely as possible real world federal court hearings. Some arguments will be recorded so that students may review their oral argument performance. Professor Jones will provide students with critique and feedback after each oral argument, with the goal of improvement by each student over time.

This class is designed for students who are interested in gaining practical experience in litigation for or against the federal government. Through this course, you should:

- Understand the basic stages of litigating federal cases involving federal agencies;
- Become familiar with key administrative law concepts and how those concepts apply in a litigation setting;
- Refine critical reading skills, including recognizing rules, facts, and analyses that are both helpful and harmful to your client's interests;
- Understand how crucial facts are in litigation, and how to tie those facts to a legal argument that benefits your client;
- Demonstrate an ability to translate detailed arguments presented in legal briefs to clear, concise, and persuasive oral arguments before the court;
- Gain experience presenting arguments orally in a formal, courtroom-like setting;
- Demonstrate an ability to engage in effective legal analysis and advocacy through polished, readable, and concise written product;
- Practice how to research, analyze, and write about legal issues under time constraints.

Prerequisite: Civil Procedure (or Legal Process and Society).

Recommended: Administrative Law.

Note: This course is only open to J.D. students.

Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

LAW 635 v00 Federal Money: Budget Process and Appropriations Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 635 v00>)

J.D. Course (cross-listed) | 3 credit hours

The federal budget is where the nation's priorities are expressed.

It allows the federal government to operate and shapes what the government will do. It is also an important source of revenue for state and local governments and thus affects their own policy choices. This course provides an introduction to the laws, rules, and practices that govern how the federal budget is put together and how the budget is executed. We will study both traditional "regular order" and contemporary realities. We will pay particular attention to sites of contestation and control with respect to the key institutional players of the legislative branch (including different committees within both the House and Senate, party leadership, the Congressional Budget Office, and the Government Accountability Office) and the executive branch (including the President, the Office of Management and Budget, agencies, and inspectors general). We will also study the role of the courts in appropriations law.

Note: No accounting or budget background is needed.

LAW 1631 v00 Federal Practice Seminar: Contemporary Issues (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1631 v00>)

J.D. Seminar | 2 credit hours

This seminar will explore selected topics in Civil Procedure, Federal Courts, and Administrative Law in depth. The seminar will focus on topics that have recently gained attention in the Supreme Court or that may arrive in the Supreme Court in the near future. Each class will relate to only one or two such topics. Examples of possible topics include nondelegation, federal preemption, arbitration clauses and the Federal Arbitration Act, personal jurisdiction, *Chevron* or other doctrines of deference to agencies, congressional power over Tribes and/or States, Dormant Commerce Clause limits on congressional power, class action scope and limits, and the major questions doctrine. Depending on the topic, we may read Supreme Court decisions, scholarly literature, or Supreme Court briefs. There will be one major writing assignment: a paper of approximately 20-25 pages in length that addresses a topic in civil procedure, federal courts, or administrative law. The grade in the course will be based substantially on the final paper, but may be adjusted upward or downward one-half grade based on class participation. We recommend but do not require completion of or simultaneous enrollment in Administrative Law or Federal Courts. (NB: This two-credit course does not fulfill the J.D. Writing Requirement.)

LAW 1844 v00 Federal Regulation of Biopharma: Commercial Considerations, Risk Identification and Mitigation ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1844 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201844%20v00))

J.D. Seminar (cross-listed) | 2 credit hours

This seminar provides an overview of the principal legal issues impacting the commercialization, sale and marketing of biopharmaceutical products. It:

- Provides an overview of the structure and operation of the biopharmaceutical industry, including manufacturers of innovator and generic products;
- Explores the principal laws governing the sale and marketing of biopharmaceuticals, including relevant portions of the Federal Food, Drug, and Cosmetics Act, the False Claims Act, and the Federal Anti-Kickback Statute;
- Explores how these laws create liability for both biopharmaceutical companies and their executives for the manner in which such companies price, report prices on, communicate about, and interact with regulators and health care providers about their products;
- Addresses industry-specific government investigations, risk assessment, and compliance efforts; and
- Concludes with a table-top exercise in which students role play a government investigation.

LAW 1514 v00 Federalism in Practice: The Role of Governors and State Executives in Advancing Public Policy ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1514 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201514%20v00)) (Fieldwork Practicum)

J.D. Practicum | 5 credit hours

In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This fieldwork practicum course explores the legal and practical dimensions of policy making at the state level, with a focus on the role of governors and other state executives (e.g., attorneys general, legislators, secretaries of state). Students will participate in a two hour/week seminar and also undertake 15 hours/week of fieldwork with the National Governors Association, National Association of Attorneys General, National Conference of State Legislatures, or other state and local stakeholder group.

SEMINAR: This seminar will provide an overview of the constitutional underpinnings of federalism and the legal frameworks applicable to policy development and implementation (e.g., in healthcare, homeland security, emergency response, infrastructure and transportation); case studies on the challenges and opportunities of federal, state, and local cooperation; and practical guidance on the operation of governors' offices and state agencies. It will also examine the role of the "Big Seven" associations in driving state and local interests at the federal level, and in facilitating the adoption of best practices across government. Students will be trained in written and oral communication for an audience of policymakers, and become skilled at distilling complex legal issues into actionable recommendations for executives. During the semester, students will hear from guest speakers who serve or have served in governors' offices and state agencies, or who otherwise offer unique insight and expertise in topical issues. By the end of the course, students will understand how "good" public policy (ethical and effective) happens in the real world and the practical ways in which research/science, politics, ideology, tradition, and the law help to shape it.

FIELDWORK: Depending on students' interests and the organization's needs, students may be placed in NGA's Center for Best Practices or one of the other "Big Seven" state/local associations, such as the National Conference of State Legislatures, National Association of Attorneys General, National District Attorneys Association, or Council of State Governments. Students will work with the organization's staff and state officials as they resolve legal questions and develop recommendations for state policymakers, such as: (1) writing a model cyber vulnerability disclosure policy for state agencies; (2) providing guidance on the legal implications of health reform; (3) constructing a model framework for addressing citizen privacy in homeland security policy; (4) updating legal and procedural guidance for governors' legal counsel; and (5) developing advocacy strategies for federal legislation that affects state interests.

Prerequisite: J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Recommended: No other courses are required, but background coursework in constitutional law, administrative law, and statutory interpretation may be helpful.

Mutually Excluded Courses: Students may not concurrently enroll in this practicum and an externship or a clinic or another practicum course.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.

This course is suitable for evening students who can attend the weekly seminar and conduct 15 hours of fieldwork/week during normal business hours. This is a five-credit course. Two credits will be awarded for the two-hour weekly seminar and three credits for approximately 15 hours

LAW 193 v01 Financial Services: Regulation in the Age of Disruption
(<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 193 v01>)

J.D. Course (cross-listed) | 2 credit hours

This two-hour lecture and discussion course covers regulation of financial services providers, from traditional banks to fintechs, cryptocurrencies, DeFi, stablecoins and other challengers. The course provides a grounding in money and payments and how banks are structured and regulated: the balance sheet, the role of insured deposits, and the purpose of capital and liquidity. We review regulations designed to promote safety and soundness, privacy and cybersecurity, consumer protection, and international consistency. We then examine how fintechs, cryptocurrencies, stablecoins and money market funds all attempt to disintermediate traditional banks, and the regulatory challenges they pose. We examine the 2007-09 Global Financial Crisis and the economic effects of the 2020 global pandemic, and the lessons learned from each. Grades in this course are determined by class participation and a final take-home examination.

Recommended: Prior or concurrent enrollment in Administrative Law and Corporations.

Mutually Excluded Courses: Students may not receive credit for both this course and Federal Banking Regulation: Modern Financial Institutions and Change, or the LL.M. course, Financial Regulation and Financial Crises.

Note: This course is part of the following graduate programs: Securities and Financial Regulation LL.M.

LAW 1744 v00 FinTech and Financial Democratization Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1744 v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

“Fintech” often refers to the use of modern technologies and novel methods in offering financial services. This burgeoning sector has significantly disrupted the financial marketplace, challenging the conventional roles of banks, other financial institutions, regulators, and policymakers. Legal scholars often evaluate how the novelties of Fintech fit or do not fit within existing legal regimes, and how such regimes should be modernized in response. Fewer scholars examine what might be the most transformative promise of Fintech – whether it does or can democratize the financial marketplace and how the law might facilitate (or frustrate) that aim. This seminar examines just this.

Seminar readings will illuminate the relationship between the financial marketplace and oft-marginalized communities and allow students to assess whether effective solutions to certain inequities lie in Fintech, fundamental policy reforms, or both. This course covers topics such as payment systems, credit markets, financial advising, savings, and security investing. It focuses on the U.S. marketplace, but will occasionally reference trends in international markets for comparative analysis. Readings are primarily drawn from legal, economic and sociological research, regulatory and legislative reports, cases, and popular news media.

The goal of this seminar is for students to develop views on the purpose and role of Fintech, the objectivity of financial markets and regulation, and whether financial democratization is a necessary or achievable aim for market providers. Students will further hone their critical analysis, research and writing, and public speaking skills.

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

NOTE: For the Fall 2022 semester, mandatory attendance rules will not be enforced for this course; students will not automatically be dropped or withdrawn upon missing a class session. Students who miss class due to COVID-19 symptoms, quarantine, isolation, or other disruptions should contact the professor(s). Regular attendance and participation in all class sessions is expected, and students may be withdrawn, at the request of the faculty, if absent without good cause. This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 1442 v00 Fintech Law and Policy ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1442 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201442%20v00))

J.D. Course (cross-listed) | 2 credit hours

Technology-driven disruption has upended many industries – retail, entertainment, transportation, to name just a few – and now we are seeing it redefine financial services. The rise of Fintech is perhaps the most interesting industry transformation to study from a legal perspective because of the way it impacts complex financial services regulations. Regulatory frameworks that were created decades ago are being challenged by the rise of Internet and mobile-driven financial services providers. This course will hone in on a few areas where the US financial regulatory structure is being challenged by technological innovation and may require fresh thinking.

Financial services can be broken down into three distinct subsectors: 1) Insurance; 2) Retail Banking; and 3) Investment/Advisory Banking. This course will focus on how technology is transforming both retail and investment/advisory banking. Retail banking law was designed for a world of brick and mortar banks that accepted deposits and leveraged those deposits to provide commercial and personal loans. Investment/advisory banking law was designed for a world of a relatively small number of sophisticated investors. This traditional schema is being transformed, rapidly.

The smartphone is replacing the retail bank as the method by which a small business or consumer conducts their day-to-day banking activity. A 2015 report by Goldman Sachs found that 33% of millennials do not think they will need a traditional bank in the next five years. In fact, 73% of millennials reported that they are more excited about new offerings in the financial services space from the likes of Google, Apple and Amazon.

Moreover, in the financial services industry lines are blurring – financial tech companies are expanding financial services ecosystems and traditional financial services companies are expanding their digital capabilities. New business models are being created that leverage the data and capabilities afforded by the Internet, and seemingly diverse industries ranging from telecom to traditional banks are competing over similar financial services activities.

Crowdfunding, mobile payments, online lending, robo-advisors, and Bitcoin are new phenomenon that challenge existing regulatory structures. The SEC, Treasury Department, Office of Comptroller of Currency, Financial Industry Regulatory Authority, Federal Deposit Insurance Commission, Federal Reserve Bank, Consumer Financial Protection Bureau, and Federal Trade Commission are just a few of the regulatory bodies that are increasingly exploring Fintech developments. Moreover, the courts have been faced with challenges to several federal and state laws that were written before modern technological innovations took hold and challenged existing concepts of Federalism. This class will focus in on these particular challenges, will question existing regulatory bodies, approaches and standards, as well as discuss the practicalities of alternative regulatory structures and rules.

The class will proceed in 4 parts. Part 1 will be an introduction to retail banking law and disruptions that are occurring due to Fintech. Part 2 will be an introduction to investment/advisory banking law and disruptions that are occurring due to Fintech. Part 3 will address cross-cutting horizontal disruptions. And, finally Part 4 will involve a high-level assessment of regulatory structures and approaches for Fintech. After this course, students should have a strong baseline knowledge of the myriad of legal and policy issues that exist in the Fintech arena.

LAW 1600 v01 Food Justice Law and Policy ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1600 v01](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201600%20v01)) (Fieldwork Practicum)

J.D. Practicum | 4 credit hours

Rules governing food and agriculture can have a dramatic impact on the welfare of farmers, food and farm workers as well as the price of food, access to healthy food, the fate of rural communities, the environment, and animal welfare. This is a fieldwork practicum course that has both 1) a two-credit graded seminar exploring food justice and policy issues and 2) a two-credit fieldwork placement. The fieldwork credits are mandatory pass-fail.

SEMINAR: This seminar portion of the course will advance the Law Center's institutional learning outcomes by covering the policies, rules, and laws that govern food and agriculture, including laws and regulations related to farm subsidies, farm stewardship, pesticide safety, food safety, food labeling, food and farm labor, and animal welfare. The extent to which these policies have discriminated against farmers of color and food and farm workers and limited access to healthy food choices will be a major theme of this practicum. Students will have pervasive opportunities to think critically about the law's claim to neutrality and its differential effects on subordinated groups.

FIELDWORK: In the fieldwork component of this course, students will be assigned to projects with the Environmental Working Group, the Environmental Defense Fund, the Center for Science in the Public Interest, Earthjustice, or other food, farm, worker, environmental justice, and animal justice organizations working on these issues. They will have an opportunity to learn how such institutions play a role in advancing food justice issues being debated in both the administrative and legislative processes, and in matters subject to litigation. Students must work 10 hours per week for 11 weeks for two credits.

Prerequisite: J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Recommended: Administrative law, as well as food and drug law, and environmental law-related courses, are recommended but not required.

Mutually Excluded Courses: Students may not concurrently enroll in this practicum and an externship, a clinic, or another practicum.

Note: This course is suitable for evening students who can commit to attending class and working 10 hours/week (during business hours) on site at their field placements.

This is a four-credit course. Two credits will be awarded for the two-hour weekly seminar and two credits for approximately 10 hours of fieldwork per week, for a minimum of 11 weeks, to be scheduled with the faculty. The fieldwork must be completed during normal business hours. The two-credit seminar portion of this practicum will be graded. The two credits of fieldwork are mandatory pass/fail. Students will be allowed to take another course pass/fail in the same semester as the field work. Students who enroll in this course will be automatically enrolled in both the seminar and fieldwork components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar and fieldwork components. Default attendance rule for all practicum courses (unless the professor indicates otherwise): Regular and punctual attendance is required at all practicum seminars and fieldwork placements. Students in project-based practicum courses are similarly required to devote the requisite number of hours to their project

LAW 1208 v00 Food Law Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1208 v00>)

J.D. Seminar (cross-listed) | 3 credit hours

This seminar introduces students to the laws and regulations that govern our food. The seminar will focus mostly, but not exclusively, on the federal regulatory framework for food. Topics will include the legal definition of food, rules on food labeling, standards for food safety, provisions for food security, and regulation of the environmental consequences flowing from the agricultural practices that produce our food. Beyond the law itself, we will consider the scientific, economic, and ethical principles implicated by legal decisions concerning food.

Mutually Excluded Courses: Students may not receive credit for this course and Food and Drug Law.

LAW 202 v00 Government Contracts (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 202 v00>)

J.D. Course (cross-listed) | 2 credit hours

This course analyzes the basic considerations in contracting with the federal government, including the sovereign's power to contract, the applicable statutes, regulations and executive orders, and sovereign immunity. Material covers methods of acquisition: sealed bidding or negotiation (competitive proposals); requests for quotations; Multiple Award Schedule (MAS) contracting; as well as the authority of government agents to contract. The materials also focus on the problems of contract performance, including changes; delays and suspensions of work; contract termination either for contractor default or for government convenience; and equitable adjustments and allowable costs. There is emphasis throughout the course on the practical as well as the substantive problems, including the dispute procedures before the boards of contract appeals and appeals to the U.S. Court of Federal Claims, as statutorily mandated by the Contract Disputes Act of 1978; extraordinary rights and remedies, including recovery for defective pricing and fraud; and bid protest proceedings before the agencies, Government Accountability Office (GAO), and the U.S. Court of Federal Claims. The course also includes a discussion of the changes to the government contracting process, to allow for "commercial item" contracting, as a result of the Federal Acquisition Streamlining Act of 1994 and the Federal Acquisition Reform Act of 1996.

Prerequisite: Contracts (or Bargain, Exchange, and Liability).

LAW 1028 v00 Health Care Fraud and Abuse Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1028 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

One-fifth of the U.S. economy centers around health care industry sectors. This seminar examines criminal, civil and administrative tools used by federal and state enforcement authorities to police the U.S. healthcare system. We will focus on cases brought under federal and state False Claims Acts (FCA), the Anti-Kickback Statute (AKS), Stark laws, Federal Food Drug and Cosmetic Act (FDCA), and Foreign Corrupt Practices Act (FCPA). The seminar provides a survey of the enforcement activities of the U.S. Department of Justice (DOJ), the Office of Inspector General at Department of Health and Human Services (OIG), and state Medicaid Fraud Control Units (MFCUs) in matters against pharmaceutical and medical device manufacturing companies, physicians, hospitals, clinical practices, nursing homes, laboratories, and others. The seminar materials thoroughly cover the statutes, safe-harbors, and regulations that govern the health care industry. We will also discuss risk mitigation strategies and compliance program best practices across industry sectors to provide insight into the impact enforcement has on (1) clinical decision-making, (2) costs to providers, payers, and patients, (3) patient safety, and (4) quality of care. In an effort to maintain a broad perspective with the diverse and frequently changing legal landscape in the area, in addition to the case book, materials discussed and presented in this course draw from news reports, trade publications, and U.S. government agency materials.

The class requires a paper of approximately 20-25 pages in length.

Recommended: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

LAW 3140 v00 Health Equity and Social Justice (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3140 v00>)

LL.M. Seminar (cross-listed) | 2 credit hours

This course will examine the social, legal, and economic systems in the United States that have precipitated health inequities for different populations throughout history. Students will develop an intense understanding of U.S. public health law and policy constructs and the varied social determinants of health that affect public health outcomes by exploring how past and current U.S. law and policy perpetuate disparities. This course will also explore how legal and policy reform can be utilized to promote health equity and eliminate injustices across populations. Topics covered in the course include health disparities in the U.S. among LGBTQ, immigrant, rural, and minority populations; substance use policy; maternal and child health; and environmental health. The course will utilize various learning modalities such as research review, discussion, case studies, and guest lecturers. By the conclusion of the semester, students will be equipped with tools to leverage the law to improve health outcomes and the skills necessary to become successful practitioners working at the intersection of public health administration and law.

LAW 627 v00 Health Justice Alliance Law Clinic ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 627 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20627%20v00))
J.D. Clinic | 10 credit hours

Please see the Health Justice Alliance Law Clinic website (<https://www.law.georgetown.edu/experiential-learning/clinics/health-justice-alliance-clinic/>) for more detailed information about the program.

For registration-specific supplemental materials, please see the Health Justice Alliance Law Clinic PDF (<https://georgetown.app.box.com/s/22tlc4jtqfdyhbl67hpy0apefekppz7w/>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/0ehc9a8928jphteghs0uz7s60j9e5y88/>).

Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 1793 v00 Housing Law and Policy Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1793 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201793%20v00))

J.D. Seminar (cross-listed) | 2-3 credit hours

In 1949, Congress enacted a broad Housing Act with the goal of providing “a decent home and a suitable living environment for every American family.” In this course we will examine the laws and policies that have both advanced and impeded the United States’ achievement of this goal.

While the course focuses on the effects of housing laws and policies on low-income households and communities of color, we examine these effects with sharp attention paid to the ways in which housing laws and policies have privileged higher income households and white communities. Through historical, sociological, political, and legal lenses, we examine housing law and policy holistically from Reconstruction to the present. Throughout the course, we will consider the role of affected communities in advocating for and/or resisting the laws and policies adopted.

Three broad themes animate this course. First, we consider the question of a “right to housing,” including the extent to which such a right has been recognized, and the ways in which the absence or recognition of such a right has influenced law and policy. Second, we discuss and debate the relative roles of the free market, regulation, and subsidization in expanding access to safe and affordable housing. Third, we study the centrality of race to housing law and policy in the United States, including the historical and present role of racism in shaping housing outcomes. Specific class topics include, among others, federal public housing and housing subsidies, exclusionary and inclusionary zoning, federal fair housing/antidiscrimination law, homeownership, homelessness, eviction, and substandard housing condition regulation. Across this range of topics, we will engage in both doctrinal and policy analysis.

Learning Objectives: By the end of this course, I hope you will be able to describe and discuss the major federal laws and policies that have shaped housing outcomes in the United States. I further hope that you will gain an understanding of the socio-political context in which such housing laws and policies developed, and that you will be able to describe the role of grassroots advocacy in pushing forward and/or resisting particular policies. Throughout this course, you will also gain a critical understanding of the role of race and racism in shaping housing law and policy.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 037 v00 Immigration Law and Policy ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 037 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20037%20v00))
J.D. Course (cross-listed) | 3 credit hours

This course will examine the U.S. immigration system through legal and policy perspectives. We will explore the source, scope and constitutional limits of congressional power to regulate immigration; the executive branch implementation of immigration legislation, particularly procedures for entry and removal, and the extent of, as well as constitutional constraints on, Presidential power; and the administrative and judicial review of executive branch action. Close attention will be paid to how membership laws and policies are established and implemented: What laws and policies govern U.S. citizenship? Who is eligible to become a legal immigrant? How are annual admissions numbers set? How and why are family and employment priorities created? How does the U.S. protect refugees? With respect to the arrival of unaccompanied children from abroad, we will consider the laws and policies that govern how the U.S. government treats them. Unauthorized migration will also be examined to understand why some migrants do not use the legal route into the U.S. and what laws and policies the U.S. has in place to deter such unlawful movements at the border and control unlawful presence in the interior. We will analyze the impact of the major 1996 immigration control legislation and its implementation, with particular attention to detention and removal. We will closely examine the role of the Justice Department's Immigration Courts, with special attention to access to justice issues. We will explore the extraordinary need for, and challenges of, immigration law reform, as well as the particular situation of the Dreamers, children without lawful immigration status brought to and raised in the United States by their parents. Finally, we will assess the various changes implemented by the Trump and Biden Administrations, particularly in connection with the treatment of asylum seekers at the U.S.-Mexico border, the resettlement of refugees from abroad, and the removal of unauthorized immigrants.

LAW 037 v02 Immigration Law and Policy ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 037 v02](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20037%20v02))
LL.M. Course (cross-listed) | 2 credit hours

This class will cover the constitutional and political framework for the U.S. Immigration System, enforcement and adjudication agencies, immigrants, nonimmigrants, removals and deportations, detention and bond, immigration hearings, judicial review, grounds for removal and inadmissibility, "crimmigration," immigration reform, "Chevron" deference, refugee and asylum status and other international protections. It will also include reading and analyzing major immigration cases like *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987) (well-founded fear) and *Matter of Kasinga*, 21 I&N Dec. 357 (BIA 1996) (female genital mutilation).

Mutually Excluded Courses: Students may not receive credit for both this course and National Security Law Through an Immigration Framework.

Note: Withdrawals are permitted up until the last class for this specific course.

LAW 1519 v00 Immigration Policy across the Branches ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1519 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201519%20v00))

J.D. Seminar | 2-3 credit hours

Who can enter the United States as a visitor or an immigrant? Who will get asylum? Who will wait in a detention center? And when, according to immigration laws passed by Congress, over ten million migrants in the United States are unauthorized, who will actually be deported? American immigration law is the product of presidential policy, Congressional command, and various discretionary decisions made by executive officials including immigration judges and Border Patrol officers. This course will examine the relationships between these various decision-makers. We draw on examples from immigration policy throughout the years—from the Chinese Exclusion Act to former president Trump's travel ban—to illustrate these issues. We also use case law from the Supreme Court, the Board of Immigration Appeals, and various federal circuits to understand how courts have evaluated these issues. Finally, secondary sources from historians and legal scholars help illustrate how various players the immigration system interact in practice. We will use this information to assess critiques of the immigration system and proposals for reform. These readings also introduce students to immigration related legal concepts including asylum, mandatory detention, and the use of the categorical approach to determining the significance of a migrant's criminal history. Students will develop a familiarity with immigration practice as well as a more nuanced understanding of the legal and political issues that vex immigration law scholars.

Learning Objectives:

- Develop a better understanding of the historic development of immigration law and policy.
- Become familiar with legal concepts concerning asylum, immigration detention, and executive power over admissions and removal.
- Understand different policy-making options and the tension between discretionary decision-making and compulsory enforcement.
- Appreciate the choices and limitations facing various decision-makers in the immigration context, as well as the experience of migrants and asylum seekers in the immigration system.
- Assess separation of powers concerns using examples from the immigration field.
- Make a nuanced assessment of popular news stories and debates about immigration law, paying special attention to the role of various decision-makers at play.
- Summarize and critically analyze various proposals for reform of the immigration adjudications, deportation proceedings, and the asylum process.
- Master a substantive legal issue related immigration by producing a paper and/or presentation on a legal debate in the area. Develop writing and presentation skills by participating in this exercise.
- Practice critical reading of law review articles and cases.

Recommended: Immigration Law and Policy.

Note: This course requires a paper. Students must register for the 3 credit section of this course if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 3145 v00 Indigenous Health Law and Access to Health Care
([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3145 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203145%20v00))

LL.M. Seminar (cross-listed) | 1 credit hour

This course will examine US treaties, court cases, and Congressional acts to explore what it means for the Right to Health to exist, the ways that right is recognized among indigenous peoples, and major shortfalls in achieving equity through these paths. American Indians and Alaska Natives (AIAN) experience serious health disparities in key morbidity/mortality indicators. AIANs are also a bell-weather subgroup in the US for unusual disease such as bubonic plague or the rapid dissemination of novel infectious disease such as happened among tribes in the covid-19 pandemic. In addition to risk and vulnerability that contribute to health disparities, sovereign nation status of the 574 federally recognized tribes in the US and the Indian Health Service that serves them are particular structures shown to mitigate despair and promote future well-being in remarkably difficult circumstances. There are unique laws, operations, and tensions that undergird these structures. Recent actions to strengthen treaty obligations and extend equity movements to indigenous peoples are gathering energy to address health and justice disparities.

This course focuses on the laws and systems foundational to access to care and health services for Indigenous peoples in the US. The course will include discussions on self-determination, sovereignty, funding, social determinants of health, inter-generational trauma and additional elements of Indigenous health law in the US and compare these to other Indigenous health systems particularly those in Canada, Australia and New Zealand.

The course is designed to provide practical skills for students interested in health equity and justice, Indigenous access to care, Indigenous health law, and policy implementation. The course illuminates, in particular, outcomes of shared American history and distinctive obligations, systems, and opportunities to address ethnic disparities.

Recommended: Administrative Law; Federal Indian Law.

LAW 1929 v00 Integrated Advocacy for Social Justice ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1929 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201929%20v00))

J.D. Seminar | 1 credit hour

Few social change organizations continue to rely as heavily on litigation as once was the case. Instead, even the primary litigation-oriented legacy groups such as the NAACP LDF and the ACLU have explicitly adopted multi-dimensional, integrated advocacy strategies, that draw on litigation, legislation, administrative and policy advocacy, as well as on a variety of strategic communication models, community organizing and non-state institutional targets. This course will introduce students to the core skills necessary for the integrated advocacy approach to lawyering for social justice.

The course will be built around a case study involving litigation of constitutional and/or statutory civil rights claims in an anti-discrimination case. The class will begin by collaborating on the outline of a litigation strategy to address the problem in the case study and then delve more deeply into the integration of multiple modes of advocacy using skills including mapping, media, and engagement with non-legal institutional venues. Students will gain experience in framing, the use of narrative, and consideration of different modes of legal work.

Note: UPPERCLASS WEEK ONE COURSE. This seminar will meet for one week only on the following days: Monday, January 6, 2025 through Thursday, January 9, 2025, 1:30 p.m. - 5:30 p.m. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar at lawreg@georgetown.edu. A student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from the Assistant Dean for Experiential Education. Withdrawals are permitted up until the last class for this specific course.

LAW 1931 v00 Integrated Advocacy for Social Justice (Week One Teaching Fellows) (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1931 v00>)

J.D. Seminar | 1 credit hour

Week One Teaching Fellows work with faculty to facilitate the first-year Week One simulation courses offered in January. Fellows will work in teams of two to six fellows for their specific Week One class. The description of the course is available on the Curriculum Guide here (<https://curriculum.law.georgetown.edu/course-search/?keyword=law%201929%20v00>). Teaching Fellows receive 1 pass/fail credit toward their Spring course load.

Teaching Fellows should expect to meet with their faculty for two full-day training sessions, one before the exam period in December, and the second on Saturday, January 4, 2025, to review course topics, goals, simulation structure, and receive training on their role throughout the course. Readings will be assigned.

Fellows then attend all of the classroom sessions during Week One and assist in facilitating discussion and small-group work of first-year students. For example, fellows may moot students as they prepare for a mock oral argument or client presentation, or play the witness in a key witness interview. Fellows also meet and consult regularly with faculty during the course to discuss student progress and course logistics.

At the conclusion of Week One, all fellows must complete a **6-8 page reaction paper** assessing how the course worked, overall student experience, and how the course could be improved (e.g., legal issues, factual issues, structure of exercise).

Mutually Excluded Courses: Students who are enrolled in a Spring semester clinic should determine when any clinical meetings will take place during Week One to ensure there will be no conflict with their responsibilities as a fellow. In addition, because of the significant responsibilities each Week One course requires, students enrolled in the Human Rights Advocacy in Action project-based practicum course may not concurrently enroll in a Teaching Fellow course.

Note: THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Interested students must complete the online Week One Teaching Fellows Application Form which will ask students to, among other items, identify the Week One courses for which they would like to serve as a Teaching Fellow. A resume and a 1-page statement of interest must be provided, as well. The Application Form will be made available to students no later than September 2024. If you have any difficulty accessing the application or have questions about the application process, email lawexp@georgetown.edu.

This course is open to upper-class J.D., LL.M., and S.J.D. students. J-1 international students must consult with an international student advisor before enrolling in this course. Please email lawcentervisa@georgetown.edu. UPPERCOURSE WEEK ONE COURSE. This course will meet on the following days: Monday, January 6, 2025 through Thursday, January 9, 2025 during the classroom meeting times for the course to which the fellow has been assigned. Additionally, teaching fellows will meet with their professors once in early December 2024 and once in early January 2025 (Dates TBD). Professors may schedule alternative and/or additional trainings as needed. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students. This course does **not** count toward the Experiential course requirement. ATTENDANCE AT ALL CLASS SESSIONS AND FELLOW TRAININGS IS MANDATORY. After accepting an offer, the student may drop the course ONLY with the permission of the professor. Permission is granted only where remaining enrolled in the course would cause significant hardship to the student.

LAW 2021 v00 International Oil & Gas Industry: Legal and Policy Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 2021 v00>)

LL.M. Seminar (cross-listed) | 1 credit hour

The scramble to secure steady supplies of inexpensive energy to generate electricity and to power industry and transport has defined much of the twentieth and, thus far, twenty-first centuries. Climate change and renewable energy (appropriately) dominate the discussion today, particularly in the developed world, but, absent a major unforeseen technological breakthrough, non-renewable sources such as oil and natural gas are still expected to meet the majority of the world's energy needs for decades to come (according to the US Energy Information Administration, 82% of energy consumed worldwide will still come from non-renewable sources in 2050).

The oil and gas industry lies at the intersection of global business, international law, geopolitics, the environment and particularly in the developing world, economic development. This seminar will address the international legal norms and public policy principles that have shaped, and continue to guide, this industry. It is designed for students interested in careers in energy, energy policy, project finance, international arbitration, environmental regulation or development – whether for a law firm, energy company, NGO, international organization or government – as well as students simply interested to learn more about an industry that impacts our daily lives in countless ways.

Note: FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

LAW 1813 v00 Keeping Government Honest: The Role of Inspectors General and Other Oversight Entities in Promoting Government Accountability (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1813 v00>)

J.D. Seminar | 2 credit hours

This course will explore the role and responsibilities of inspectors general and other government oversight entities in promoting accountability and effectiveness in government operations. Students will first examine the history of inspectors general, their mission, their legal authorities, and their relationships with their agencies and other branches of government. Students will also explore the role of other government oversight entities, such as the Office of Special Counsel, the Government Accountability Office, and congressional committees, in pursuing government accountability. Students will examine the relationship between inspectors general and these other entities, and the challenges in providing independent oversight of government operations. Students will hear from current and former inspectors general and leaders of oversight organizations, who will come to the second hour of the class to talk about the challenges they face, as well as the satisfaction and benefits of public service.

LAW 3172 v00 Law and National Security Space Operations (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3172 v00>)

LL.M. Seminar | 2 credit hours

This course explores the development of law (domestic and international) governing space operations generally, application of the law to present day national security activities, and emerging issues in national security space law. The course will address the impact of the UN space treaties to national security activities, international and domestic law governing national security space operations, the role of commercial space actors in conflict, and current issues in national security space law. It will also consider U.S. strategic competitors' (Russia and China) approaches to the law of space operations.

Mutually Excluded Courses: Students may not receive credit for both this course and LAW 406: Space Law Seminar.

LAW 199 v03 Law and Regulation of Drugs, Biologics and Devices (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 199 v03>)

J.D. Course (cross-listed) | 3 credit hours

This course explores the legal, regulatory and policy issues that shape the research, development, and commercialization of drugs, biologics, and medical devices in the United States. We will consider the history and role of federal regulation of medical technologies; legal and ethical issues in the development and testing of new therapies; managing incentives for innovation, including patent, regulatory and data exclusivity; tort liability and its function in the regulation of the life sciences industry; and other issues. We will explore these issues using real-world examples, including the government and industry response to the COVID-19 pandemic.

Recommended: Prior or concurrent enrollment in Administrative Law.

Note: This is a required course for the U.S. Health Law Certificate Food and Drug Law Certificate.

LAW 1289 v00 Law of Robots (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1289 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Robots, artificial intelligence, and autonomous systems have long been the realm of science fiction, but they are increasingly a part of contemporary life as well. Computers fly airplanes, write compelling text, play Jeopardy, drive cars, trade stocks, and fight in wars. Autonomous systems are no longer a thing of the future, but a fact of modern life, and Moore's Law suggests that these changes will increase not incrementally, but exponentially. This course will examine whether or when we need a Law of Robots to regulate these autonomous agents, or where it is more appropriate to reason by analogy and regulate these systems by existing statute, regulation, or common law. The course will examine emerging issues across the spectrum of tort law, property law, copyright law, the laws of war, laws of agency, and criminal law. The class will not be a survey of existing law, but instead an examination of how to regulate emerging issues in law – how to extrapolate and reason by analogy, in robotics and beyond. Paper required.

Recommended: Property (or Property in Time), Torts (or Bargain, Exchange and Liability), Copyright Law, and Criminal Law.

LAW 1017 v00 Leg-Reg: Introduction to Congress and the Administrative State (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1017 v00>)

J.D. Course | 3 credit hours

Most of your law school career, up until now, has been learning how to read cases. That can tend to make you think that courts are the center of the legal universe. Our constitution rejects that position. Courts were the least of the Founders problems: their job was to create a government where "we the people" control our rulers. That government includes two branches far more powerful than courts: the Congress and the Presidency.

Lawyers are leaders, and as leaders, no law student should leave law school assuming that only courts make or interpret law. Congress is often held in disrepute, but without it, we have no democracy. So, too, Presidents are often viewed with skepticism. We will learn about Congress and how it creates law and we will learn the basics of how the President executes the law through the "administrative state."

You should think of this course as foundational to almost every upper-level class—from tax to securities to environmental law. Not only will you learn about the basic institutions of our government, but you will learn a very important skill: *Reading statutes is the lifeblood of every lawyer's living—for a criminal lawyer, a bankruptcy lawyer, or an appellate lawyer, any lawyer. It is little known, but true, that the Supreme Court's docket is full of cases about statutes, more cases typically than ones resting on the Constitution.*

Reading statutes is a skill as basic as reading cases. This will require new analytic skills. Shifting from cases to statutes is not as easy as it looks. The analysis is more precise and requires new kinds of approaches, from analyzing legislative texts, to reviewing legislative evidence, to applying canons of construction. You will be briefing cases not to discover their "common law" rule, but their methods of analysis.

Note: This course is a first-year elective. First-year day students select an elective offered in the spring.

LAW 304 v06 Legislation (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 304 v06>)

J.D. Course | 3 credit hours

In the first-year curriculum, you are taught to “think like a lawyer.” Because of the predominance of common-law subjects in your first year, this means you are generally taught to think like a “common-law lawyer.” Moreover, you are taught to think this way at the same time that you are also trying to learn the doctrine in those particular areas.

In upper-level courses, however, you will likely turn from common law to law based in statutes and regulations. From tax law to the criminal code, virtually all of modern American law is based on materials produced by legislatures and agencies. Reading and interpreting these materials also requires you to “think like a lawyer,” but like a different lawyer—a “statutory lawyer.”

This course is about the method of statutory interpretation generally. You will not learn the doctrine of any specific type of law in this class. You will learn the process of how to approach a piece of statutory text, how to diagnose the interpretive problem in the text, and how to answer that problem. You will practice the observant reading of text; you will get a framework for breaking down and thinking about a legal question in any statutory case; and you will practice deploying interpretive tools to answer a question in the way that best “zealously advocates” for your client. This course will prepare you for summer legal work, as well as for upper-level courses that rely extensively on statutory law (such as tax, securities, environmental law, labor law, health law, copyright law, etc.)

The course has three overall goals:

- 1) To provide you with an understanding of the relationships among legislatures, courts, and agencies. The course will include some basic information on how legislation and regulations get created and on the ways in which power is shared in the “making of law.”
- 2) To teach you the full toolkit of statutory interpretation so that you can diagnose any interpretation question and bring the right tools to bear on answering that question. This toolkit includes elements of the plain text, canons of interpretation, analysis of intent and purpose, and deference to agencies. By unpacking and analyzing these tools used by courts in various decisions, you will learn how to wield them yourself in order to reach different results.
- 3) To expose you to the theoretical debates around statutory interpretation. The tools that a judge chooses to use often depend on the judge’s theoretical position on statutory interpretation. Starting with materials that will frame the theoretical debate early in the semester, you will return periodically to questions about theory as you become more proficient in the toolkit.

Mutually Excluded Courses: Students may not receive credit for both this course and the first year elective by the same name or the upperclass course, Statutory Interpretation.

LAW 304 v07 Legislation (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 304 v07>)

J.D. Course | 3 credit hours

Much of the “law” that lawyers work with is statutory. This course will examine both how legislatures go about doing their work (that is, legislative process) and how courts and others utilize legislative output (that is, statutory interpretation). We will begin with legislative process, focusing both on how laws are enacted and on the rules structuring legislative debate and behavior, including campaign finance regulation, lobbying regulation, the conduct of legislative oversight, and issues of “due process of lawmaking.” We will then devote substantial attention to theoretical and practical issues in statutory interpretation, including theories of interpretation generally, the canons of construction, and the use of legislative history.

Mutually Excluded Courses: Students may not receive credit for both this course and the first year elective by the same name or the upperclass course, Statutory Interpretation.

Note: Laptops may not be used during class sessions.

LAW 304 v08 Legislation (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 304 v08>)

J.D. Course | 3 credit hours

Lawyers spend a lot of their time analyzing – and sometimes drafting – statutes. In this class, we will focus on the actual process of how a bill becomes a law (e.g., legislative process) but also how those laws are reviewed by courts and other actors (e.g., statutory interpretation). Starting with legislative process, we will take a deep dive into how legislatures go about their work, including the procedural rules that govern debate, with an eye to how laws are enacted and the rules structuring legislative debate and conduct. In addition, the course will examine campaign finance and lobbying rules as well as the “due process of lawmaking.” Later in the course, we will turn to both theory and practice in statutory interpretation, including theories of interpretation generally, canons of construction, and the debate over legislative history. I plan to interweave some of my empirical observations from a career on Capitol Hill, on campaigns, as a lobbyist, and commentator on politics and policy.

Mutually Excluded Courses: Students may not receive credit for this course and the first year elective course by the same name.

Note: J.D. Students: Registration for this course will be open to Evening Division students only during the initial J.D. student registration windows. Full-time Day Division students will be able to add or waitlist this course beginning at 9:30 a.m. on Thursday, November 9, 2023.

LAW 304 v09 Legislation (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 304 v09>)

J.D. Course | 3 credit hours

This course is foundational to almost every upper-level class—from tax to securities to environmental law. Not only will you learn about the basic institutions of our government, but you will learn a very important skill.

Reading statutes is the lifeblood of every American lawyer's living—for a criminal lawyer, a bankruptcy lawyer, a public interest lawyer or an appellate lawyer, any lawyer. *It is little known, but true, that the Supreme Court's docket is full of cases about statutes and regulations, and these far, far outnumber constitutional cases.*

Most of your law school career, up until now, has been spent learning how to read cases to find the “common law” rule. This tends to focus you on courts. But democracy is made up of two other important institutions that are the primary lawmakers: Congress and the President.

This course focuses you on those entities as authors of statutes and regulations. We will learn key ways in which courts are different from the elected branches. And we will also learn an important skill every lawyer needs: reading statutes. Shifting from cases to statutes is not as easy as it looks, but it is essential to any practicing lawyer.

Mutually Excluded Courses: Students may not receive credit for this course and the upperclass course by the same name.

Note: This course is a first-year elective. First-year day students select an elective offered in the spring.

LAW 304 v10 Legislation (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 304 v10>)

J.D. Course | 3 credit hours

Today, statutes enacted by legislatures form an important part of nearly every area of law—from health law, to consumer law, to tax law, to criminal law—and much legal work involves closely reading and interpreting statutes. This course provides an introduction to the production and interpretation of statutes, with the overarching goal of improving students' ability to work with statutes in law school and their careers.

The course introduces the federal legislative process, the administrative state, and historical developments in American interpretive theory and practice. It also devotes significant attention to current developments in statutory interpretation—including the new textualism, originalism in statutory interpretation, the uses of linguistics in legal interpretation, and the major questions doctrine—and we will study several Supreme Court cases from 2017-2024. The course's main text is Manning & Stephenson eds., *Legislation and Regulation*, 4th Edition (Foundation Press 2021). Supplementary materials will be uploaded to Canvas.

Mutually Excluded Courses: Students may not receive credit for this course and the upperclass course by the same name.

Note: This course is a first-year elective. First-year day students select an elective offered in the spring.

LAW 1326 v00 Legislation and Regulation (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1326 v00>)

J.D. Course | 3 credit hours

Virtually all contemporary law involves statutes enacted by legislatures and regulatory law produced by administrative agencies. Whatever the body of law—securities, tax, anti-discrimination, telecommunications, consumer protection, intellectual property, employment, education, environmental, energy, labor, tax or criminal justice, to name a few—statutes and regulations provide much if not most of the law. Few constitutional law and federalism issues arise without a regulatory element. Facility with legislation and regulation is hence essential for any lawyer. This skills-focused class is designed to give you this critical foundation for upper level study and work as a lawyer.

The course starts with exploration of why legislation is enacted, the diversity of forms of regulation utilized in our laws, and how legislation and regulation relate to law created through the common law process. The course then breaks into three basic units, all of which examine legislation and regulation primarily (but not exclusively) through federal law. The first unit examines congressional process, reasons interpretive challenges with statutes arise, and the diversity of interpretive methods and strategies wielded in disputes over statutory meaning. The second unit turns to the pervasive role administrative agencies play in interpreting, implementing and enforcing statutes. This includes coverage of their procedural options, judicial review of agency process, reasoning, and responsiveness, as well as discussion of the role of cost-benefit analysis and White House review in the regulatory process. The last unit links the first two, examining statutory interpretation in the administrative state. The course closes with analysis of regulatory innovations, possible coverage of recent major regulatory developments, and review problems.

The class will use the Manning and Stephenson casebook, *Legislation and Regulation* (4nd edition) (2021) and supplemental materials. Class method will involve a mix of lecture, questions and answers (via volunteers, questions I'll direct at particular students, and questions students raise), and problem-based analysis.

Mutually Excluded Courses: Students may not receive credit for both this course and Administrative Law with Professor Heinzerling (LAWJ-1349). Students may take other sections of Administrative Law in the upperclass curriculum.

Note: This course is a first-year elective. First-year day students select an elective offered in the spring.

LAW 1739 v00 Legislation Colloquium: Advanced Topics in Statutory Interpretation (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1739 v00>)

J.D. Seminar | 2-3 credit hours

This colloquium provides an exciting opportunity for students to engage with the theoretical debates and methodology underlying the judicial interpretation of statutes. As students in the survey Legislation course learn, the tools that a judge chooses to use when construing a statute often depend on the judge's theoretical position on statutory interpretation. In this colloquium, we will explore in depth different scholarly takes on how courts should interpret statutes, including but not limited to critiques of the U.S. Supreme Court's current approach to statutory interpretation and suggestions for how that approach could be improved.

After roughly two introductory classes discussing the themes of the course, the professor will invite six outside legal scholars to present papers. For each presentation, some or all of the class will write short "reaction papers" analyzing the presenter's work. Students will also work on an independent research paper of their own involving a statutory interpretation topic of their choosing. Please note that the reading load for the course is significant, and students must be prepared for every class session – but it is also a rewarding and fun experience.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 324 v00 Maritime Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 324 v00>)

J.D. Course (cross-listed) | 2 credit hours

This course surveys various principles and aspects of admiralty and maritime law of the United States, including: the historical and constitutional bases for its existence; the admiralty and maritime jurisdiction of the courts; the substantive law of maritime contracts and maritime torts; the application of criminal law at sea; the laws governing carriage of goods and passengers by sea; the public order of the oceans at the national and international levels; protection of the marine environment; and federal-state maritime issues. Consideration is given not only to the current state of the law in these areas, but also to related U.S. government policies and international and comparative law issues.

LAW 3053 v00 Money Managers as Fiduciaries (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3053 v00>)

LL.M. Course (cross-listed) | 2 credit hours

Money Managers – investment advisers, broker-dealers and the like – serve an important role in not only the financial system of the United States, but also the financial operations of institutions and the financial lives of individuals. The amount of money overseen by those professionals is huge. A very significant segment of money managers, those subject to the oversight of the U.S. Securities and Exchange Commission ("SEC"), for example, advise individual and institutional clients (including mutual funds) having aggregate assets under management in excess of \$100 trillion.

This course focuses on an essential legal obligation placed on money managers in providing services to their clients and prospective clients: complying with a broad variety of fiduciary duties. The course begins with a consideration of the common law concept of a fiduciary and the manner in which the concept has become imbedded in U.S. federal laws applicable to money managers. The course then turns its attention to the connection between fiduciary duties and the concept of fraud as defined in, and interpreted under, the U.S. federal securities laws and how the concept has been employed and expanded by the SEC to, in essence, set standards for money managers registered under the U.S. Investment Advisers Act of 1940 (the "IAA").

The common law, the IAA, select sections of the U.S. Investment Company Act of 1940 (the "ICA"), and portions of the U.S. Employee Retirement Income Security Act of 1974, as amended ("ERISA"), will be the principal substantive provisions around which the course will be centered. A number of classes during the semester will be devoted to detailed study of fiduciary-related interpretations of consequence under the IAA, the ICA and ERISA articulated by courts in decided cases and by the SEC and the U.S. Department of Labor ("DOL"), which is responsible for the administration of the fiduciary provisions of ERISA, in published guidance, rules and enforcement actions.

The last two classes of the semester will be devoted to applying concepts learned over the first 11 classes in analyzing "hot fiduciary topics" of significant current interest in the U.S. money management business.

Note: First class attendance is strongly encouraged for all enrolled and waitlisted students.

LAW 1942 v00 Policy Advocacy Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1942 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

This seminar will explore methods, tools and skills used to conduct policy advocacy. It provides opportunities to learn about, discuss and practice skills essential to policy advocacy including actor mapping, legislative and regulatory lobbying, drafting oral and written comments, strategic communications, negotiation, forming successful alliances and more.

These skills will serve students in future work including those who want to use their legal education as a pathway to engaging in systemic policy change, whether that be in service of clients (including business, nonprofits, or public sector), and in understanding opportunities to inform and reform policy.

Students will have the opportunity to practice skills through in-class simulations and to develop a longer policy campaign strategy working in groups on topics of their choosing. Classes will include presentations with guests with relevant experience in government, think tanks and advocacy organizations. Grades will be determined by written submissions, class participation, and final projects and presentations.

Learning Objectives:

Students will better understand the policymaking process and relevant points and opportunities for intervention. They will gain experience with analytical and practical skills including developing strategy to inform policymaking as well as skills needed to weigh in with different policy and political actors including in Congress and the White House, with relevant agencies, with other influential actors and the media.

LAW 508 v02 Policy Clinic (Harrison Institute for Public Law) (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 508 v02>)

J.D. Clinic | 8 or 14 credit hours

Students in the Policy Clinic provide services to make democracy work several policy themes. Recent projects include:

- *Community equity* – Combat gentrification and displacement in low-income communities of color, develop a community support fund, develop a community resilience hub.
- *Health and food* – Organize a consortium to improve working conditions in university food supply chains, expand access to oral health services, reinvent a better food chain for institutions (universities, hospitals, schools, and shelters), analyze social determinants of health (housing, food security, etc.) for state health officials.
- *Labor and human rights* – Organize a consortium to improve working conditions in university food supply chains (same as health above), protect worker rights in global supply chains for the FIFA World Cup and other mega-sporting events.
- *Trade and climate* – Develop mutually supporting climate and trade policies, develop options for international cooperation on climate policies through “climate clubs,” recommend strategies to decarbonize steel production without violating WTO rules, and identify strategies for reducing greenhouse gas emissions while preserving manufacturing jobs.

Please see the Policy Clinic website (<https://www.law.georgetown.edu/experiential-learning/clinics/the-policy-clinic-climate-health-food-human-rights-and-trade-harrison-institute/>) for more detailed information about the program.

Learning outcomes for this clinic: Students are supervised, evaluated and graded on three skill sets, each of which has specific evaluation criteria in the Policy Clinic Operations Guide. (<https://www.law.georgetown.edu/wp-content/uploads/2022/04/2021-22-Policy-clinic-operations-8-12-21-v3.docx>)

1. *Management and professionalism* – includes “managing up” with supervision meetings, initiating self-evaluation, managing effort and deadlines, collaborating, and expectations in a professional culture.
2. *Analysis and strategy* – covers legal, policy and strategic analysis. It includes identifying issues that require analysis, learning the context efficiently, using diverse sources to avoid bias, explaining analytic methods, using a logical framework, and drawing conclusions that meet client needs.
3. *Communication, writing and speaking* – includes organizing documents and presentations, meeting audience needs for context and decision-making, relating analysis through stories and examples, presenting visual information, and editing for plain language, clarity, and English style.

Recommended: Legislation and Administrative Law. Also, for climate projects: Local Government Law; and for trade or human rights projects: International Law I, International Trade (various titles), World Trade Organization: Law, Policy and Dispute Settlement, and International Human Rights.

Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 408 v03 Poverty Law and Policy (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 408 v03>)
(Fieldwork Practicum)

J.D. Practicum | 8-10 credit hours

As a society, we strongly believe in certain myths about the adequacy and fairness of our legal system. Among those beliefs are that our laws and policies make the American dream available to everyone and provide an adequate safety net to prevent people from falling into the type of destitution we associate with less developed nations. We take pride in having a legal system that we believe is fair and treats people equally, regardless of income, race, and other characteristics.

The reality is that our legal system makes promises it does not keep. We do not have the laws and policies we need to protect the poor and other vulnerable groups, and the laws and policies we do have are often inadequate at best and pernicious at worst. The result is a system where the poor and other subordinated groups are too often left unprotected and routinely feel victimized by the government agencies charged with assisting them.

A key goal of this course is for students to examine poverty-related laws, policies, and programs and understand how and why our system so routinely fails to protect the most vulnerable members of our society. As part of this analysis, students will think critically about how and why those laws, policies, and programs have such detrimental impacts on vulnerable groups including people of color, women, children, individuals with disabilities, immigrants, and others. The class will explore the history of poverty policy and the evolution of safety net programs, both of which are inextricably intertwined with racism, gender discrimination, and bias toward certain groups. It will also examine key Supreme Court cases that shaped poverty law and policy, looking in particular at how the evolution of jurisprudence in the 1960s and 1970s dashed the hopes of anti-poverty advocates that the Court would establish the legal foundation required to truly protect the indigent. Throughout the course, we will also discuss the politics, the key leaders and thinkers, the noteworthy state and local innovations, and the data with an eye to understanding why our legal system repeatedly fails to live up to its promise, what innovations have been successful, and where we go from here.

SEMINAR: Classes in the fall will cover the definition of poverty, the history of antipoverty policy, welfare, work supports, and safety net issues. Spring classes will feature guest lecturers covering education, health, housing, homelessness, juvenile justice, and child welfare. Students will be involved in participatory exercises in the course of both semesters: in the fall, mock press conferences, testimony to Congress, and meetings with public officials; and in the spring, a group project on developing a plan for neighborhood transformation, using materials studied through the year. A final paper will be required. Students will earn four graded credits for the seminar (two credits each semester); one grade will be provided at the end of the year.

FIELDWORK: In the four, five, or six-credit, mandatory pass-fail, fieldwork portion of the practicum, students will work with a public interest law organization that deals with issues connected to poverty. Students may work for either 10 or 15 hours in both the fall and spring, 10 hours in the fall and 15 hours in the spring or vice versa, or 30 hours/week in one semester only. If students complete their fieldwork hours for this practicum entirely in one semester, they may be eligible to enroll in a clinic for the other semester. The host organization may work from either a national or a local perspective on issues connected to poverty. Placements might involve a focus on poverty per se or "poverty and..." e.g., civil rights, women, education, housing, health, juvenile and criminal justice, child welfare or immigration. Depending on the organization, activities at placements could include assisting lawyers with litigation and/or policy advocacy, including governments on all levels and in either the executive branch or the legislative. Students may propose and arrange their own placements; these must be approved by Professor

LAW 1803 v00 Practitioner's Perspective on Banking Structure and Regulation (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1803 v00>)

J.D. Course (cross-listed) | 2 credit hours

A real world, practitioner's perspective is critical to understanding the complexities of practice as a banking lawyer. The law governing the regulation and supervision of banks and their affiliates is constantly developing and is one of the most intricate and interesting areas of U.S. law. This two-hour lecture and discussion course is designed to provide students with the tools to develop a career in banking law and will explore a broad range of topics of interest to lawyers practicing banking law.

Key topics include an introduction to the U.S. regulatory agencies involved in the supervision and regulation of banks, the powers and activities of banks and their affiliates, the important role of Federal deposit insurance, and the special procedures for resolving a failed bank. In addition, the course will cover the special manner in which anti-trust laws apply to mergers and acquisitions involving banks and their affiliates, and review the process for chartering new financial institutions, such as fintechs and minority-owned depository institutions.

The course will emphasize the unique regulatory framework applied to banks and the importance of racial equity in our financial system, including a focus on the Community Reinvestment Act and the policy response to address historic inequities in financial services. The course will also explore a variety of hot topics in banking, such as digital currency, the rise of fintech companies, and the growing importance of environmental, social, and governance and other cutting-edge issues.

Recommended: Administrative Law; Corporations.

Note: This course will have a mid-term take-home exam.

LAW 960 v00 SEC Enforcement Process (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 960 v00>)

LL.M. Course (cross-listed) | 2 credit hours

This course examines all aspects of the SEC's enforcement process, from the opening of an investigation through its resolution, whether by settlement, litigation, or closure without enforcement action. We consider strategic considerations from both the SEC's and defense practitioner's perspective at every critical juncture of an investigation, including whether to self-report and cooperate, whether to assert and how to protect privileges, and how to engage with the SEC before, during, and after the Wells process. We also discuss the overlapping roles of federal and state criminal and civil regulatory authorities. We examine internal investigations, whistleblowers, the ethical obligations of counsel, and review the SEC's current areas of enforcement focus – insider trading, financial fraud, investment advisors, gatekeepers, Ponzi and pyramid schemes, and the Foreign Corrupt Practices Act. We survey the various contexts in which claims under the securities laws may be pursued, including litigation with the SEC and other regulators and class and derivative actions. We use important historical precedents as well as current SEC enforcement developments as the basis for class discussion.

Strongly Recommended: Previous or concurrent registration in Securities Regulation is strongly recommended.

LAW 950 v01 Securities and Financial Fraud Investigations (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 950 v01>)
LL.M Course (cross-listed) | 2 credit hours

The course is designed to provide a practical survey of a complex white-collar (securities, commodities, and other financial frauds) investigation from inception through the Wells process, civil and criminal charging decisions, and trial. Representing a public company, its officers, employees, or directors requires a thorough understanding of the tools and strategies employed by criminal prosecutors and civil regulators. We will consider a variety of common practice issues including managing concurrent SEC and DOJ investigations; structuring and conducting the internal investigation; responding to SEC document subpoenas; conducting witness interviews; and, the application of various privileges. The course will cover substantive legal issues related to securities fraud, market manipulation, cryptocurrency regulation, and the Foreign Corrupt Practices Act (FCPA), among others. Further, students will gain practical knowledge of the issues and opportunities arising through interaction and negotiation with the SEC and DOJ during the investigative process, and the strategic decisions of waiver and cooperation to achieve the optimal result for the client.

Recommended: Criminal Justice (or Democracy and Coercion) or Criminal Procedure or a course in White Collar Crime

LAW 406 v00 Space Law Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 406 v00>)
J.D. Seminar (cross-listed) | 3 credit hours

This seminar addresses the international and domestic laws governing outer space. Class discussion will include issues such as: liability for damage caused by space objects, use of outer space resources, rescue of astronauts and return of objects launched into outer space, environmental issues in outer space, and other more specific topics such as NASA and the International Space Station, commercial space operations, U.S. Government agencies involved in outer space, and the role of the United Nations in outer space.

Strongly Recommended: International Law I.

Note: Students may not withdraw from this class after the add/drop period ends without the permission of the professor.

Students may not receive credit for this course and LAW 3172: Law and National Security Space Operations.

LAW 410 v07 State and Local Governments in a Federal System: Laboratories of Democracy (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 410 v07>)

J.D. Seminar | 2-3 credit hours

States are the “laboratories of democracy” Supreme Court Justice Louis Brandeis said, and contemporary theories of localism argue that policy change can be driven by innovation at the municipal level. Given the gridlock in Congress, and a Supreme Court that has devolved a number of key choices, including political gerrymandering a reproductive freedom to the states, the role of state government, and of municipal governments in an intrastate federalism model, is increasingly salient. Each state has its own Constitution, its own court system, and its own legislative process. States and local governments enjoy substantial law-making and regulatory authority; bear significant responsibility for the financing and provision of most domestic public goods and services; and are key sites for political participation. This course surveys the legal environment, political values and policy debates that shape state and local governments in the United States. We will look at some specific case studies on the promise of state constitutions and challenges to innovation in state constitutional law as an alternative to U.S. Constitutional doctrine; consider the state separation of powers doctrines that govern interbranch conflict; examine how state governments substitute decisions for local choice; consider the opportunities and challenges of direct democracy approaches to policy innovation; and look at the impact of boundaries on who has access to public goods. After completing the course, students will be able to identify many of the key doctrinal principals and analyze how they apply to the socio-economic context of federalism and intrastate federalism today. The course will examine the role of governors and mayors as policymakers, and how horizontal federalism serves as a driver of national policy in areas including civil rights, immigration and climate change. The course also will challenge students to explore the tension between the historical movement toward greater local home rule and the modern trend to regional solutions. Finally, the course will enable students to exercise and develop skills of particular relevance to state and local decision-making: statutory interpretation, working effectively in groups, and understanding the dynamics and procedural context of state and local government proceedings.

Learning Objectives:

This course aspires to empower its students to:

- Recognize and apply several core legal doctrines that enable and constrain state governments and various local government entities.
- Describe how several prominent threads of American political theory have guided the historical development of state and local government law.
- Apply several constitutional principles and legal standards that regulate state and local government
- Explain the predominant funding mechanisms for state and local governments, and analyze how state and local policies can affect the viability of local government.
- Identify several state and federal policies that can impair the sustainability of local government; and federal policies that constrain the autonomy of states in performing their core functions.
- Develop and deliver principled arguments about how socio-economic policy issues relate to legal doctrine, intra-regional wealth, housing and land use policy and alternatives to local government.

Recommended: Although no prerequisites are required for this course familiarity with constitutional law, property law and administrative law are helpful.

LAW 1524 v00 Statutory Interpretation (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1524 v00>)

J.D. Course | 3 credit hours

This three-credit course, taught by a U.S. District Judge (and 1990 Georgetown University Law Center alumnus), provides instruction and in-class exercises in statutory interpretation, with emphasis in three areas:

1. **practice** (how it is done by courts, and by lawyers who advocate in court and before administrative agencies);
2. **theory** (how those practices are explained, both descriptively and normatively); and
3. **doctrine** (the textual and substantive canons of statutory construction).

Offered for several years at Boston area law schools by the judge, the course is designed to be both intellectually engaging and highly practical.

While much of the first year law school curriculum focuses on “common law reasoning” (identifying applicable judicial precedent and, if necessary, distinguishing the case at hand), most of modern law practice involves applying statutory law produced by the Congress and state legislatures, as well as administrative law in the form of rules and regulations. “Thinking like a lawyer” involves mastering the practices and doctrines of statutory interpretation.

This course covers those practices, the doctrines that govern them, and the theories that (purportedly) explain or justify them: purposivism, intentionalism, textualism, and pragmatism in its various forms.

You’ll learn some substantive law, but the class won’t focus on it. Instead you’ll encounter text, figure out the interpretive problems the text presents, and learn how courts, advocates and academics have approached those problems.

Learning Objectives:

The course has three overall goals:

1. Enabling you to recognize the “moves” undertaken by courts and advocates in interpreting statutes and regulations, and to make and oppose the arguments underlying those moves.
2. Mastering a reasonable number of canons of statutory construction (both textual and substantive), as well as other related tools such as “ordinary” and “plain” meaning, legislative intent, statutory purpose, and deference to administrative agencies.
3. Exposing you to the theoretical debates that inform and animate statutory interpretation. A judge’s theoretical understanding of statutory interpretation may affect the judge’s decision making and opinion writing (which are two different things) in statutory cases. This may help you form your own theoretical position on statutory interpretation, which may in turn inform your view of the origin, nature and functions of law.

Recommended: Administrative Law; Constitutional Law I: The Federal System.

Mutually Excluded Courses: Students may not receive credit for both this course and Legislation, or Lawmaking: Introduction to Statutory and Regulatory Interpretation, or The Regulatory State.

LAW 1784 v00 Statutory Interpretation (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1784 v00>)

J.D. Course | 3 credit hours

description forthcoming.

Note: This course is a first-year elective. First-year day students select an elective offered in the spring.

LAW 1867 v00 Systemic Racism, Colonialism, and Bankrupt Governments (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1867 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Are bankruptcy laws racist? Does systemic racism or colonialism lead local governments in the United States to go bankrupt? Or do local governments seek bankruptcy due to fiscal distress caused by macro-economic forces and governance failures in managing those forces? Using locations such as Puerto Rico and Detroit as focal point case studies, this seminar will examine these questions using a variety of primary and secondary sources including budgetary documents, enabling statutes, excerpted law review articles, and select judicial decisions in order to answer the key questions presented in this course. This course substantially advances Georgetown University Law Center Institutional Learning Objective 8 by getting students to think critically about municipal bankruptcy law’s claim to neutrality and its differential effects on subordinated groups, including African-Americans, citizens living in the U.S. territories, and retirees.

Course Goals/Student Learning Outcomes:

1. This course will substantially advance ILO 8 by requiring students to learn how political forces shape seemingly neutral bankruptcy laws so that, in application, such rules subordinate marginalized groups in favor of the powerful as part of the institutional design.
2. Students will develop cross-disciplinary competencies such as finance, government budget planning, macroeconomics, and apply them to legal problems.
3. This course will substantially advance ILO 8 because students will learn to compare and contrast how African American residents living in a large city are subordinated verses how communities living in territories experience subordination.
4. Students will learn about how concepts such as systematic racism and colonialism—both in its legacy forms and how it exists today—and wrestle with the application of those concepts to determine whether they have explanatory value to the questions presented and otherwise serve as useful axis for which to analyze governmental finance problems, as contemplated by ILO 8.

LAW 856 v00 Tax Practice and Procedure (Administrative Practice)
(<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 856 v00>)

LL.M. Course | 2 credit hours

Examines the administration and enforcement of the Internal Revenue Code, including types of guidance, preparation and filing of returns, audit procedures (including centralized partnership audit procedures), administrative appeals, deficiencies, assessments, closing agreements, collection, civil penalties applicable to taxpayers and practitioners, criminal tax penalties, interest, refund claims, statutes of limitations, and practice before the IRS.

Prerequisite: Federal Income Taxation.

LAW 1625 v00 Technology Policy and Practice (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1625 v00>)

J.D. Seminar | 2 credit hours

Discover what it means to "practice" technology policy through an innovative and experiential class using cutting-edge technology issues to teach practical writing, legal, legislative and policy making skills that can be applied to *any* legal and policy matter (e.g., competition, national security, health, tax policy).

Students can expect to leave with an understanding of key technology legal and policy issues while also being exposed to "skills of the trade" for legislative advocacy, including: persuasive advocacy for policy issues, formation of policy campaigns, legislative strategic planning, drafting of policy documents, and stakeholder politics. Specifically, students will develop practical legal and policy making skills, such as drafting talking points, writing testimony, creating a strategic legislative campaign, and learning the art of an elevator pitch. Students will learn skills that can help them pursue a wide-array of careers, from a law firm to the White House.

There is no prerequisite course required. Class will incorporate pre-class preparations and may also include in-class skill building exercises.

Learning Objectives:

Goals:

- Receive substantive knowledge of key policy issues related to technology.
- Develop skills for successful legislative advocacy and policy making with a focus on stakeholder perspectives and tech policy issues.
- Develop legislative strategy skills needed for planning and implementing legislative advocacy/policy campaigns.
- Develop oral and written skills specific to policy making.

Outcomes:

- Students will gain substantive knowledge of technology policy issues.
- Students will develop practical written advocacy skills through drafting advocacy papers, talking points and testimony to Congress.
- Students will develop practical written advocacy skills for drafting testimony from the perspective of a Congressperson or policy maker.
- Students will develop legislative strategy skills - such as how to coalition build, critically review a lobbying strategy plan, evaluate a media plan and other crucial aspects of policy campaign.
- Students will develop oral advocacy skills for delivering prepared testimony to Congress.
- Students will develop oral advocacy skills for delivering an elevator pitch.
- Students will develop oral advocacy skills for preparing and implementing an effective meeting for policy making.

Mutually Excluded Courses: Students may not receive credit for both this course and Federal Advocacy in Technology Law and Policy.

LAW 1944 v00 Telecommunications Law and Policy Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1944 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201944%20v00))

J.D. Seminar (cross-listed) | 3 credit hours

From net neutrality to spectrum policy to digital equity, telecommunications policy debates play a prominent role in American society. But understanding those debates requires familiarity with the industry's technological and economic characteristics as well as the governing law. To that end, this course will examine how federal regulation both responded to and shaped industry developments over the past several decades, as technological innovations have transformed how Americans communicate.

In the final classes, we will broaden our focus beyond the telecommunications industry to include "big tech" and the AI industry. Many of today's proposals for regulating Big Tech have deep—and often overlooked—parallels in the existing regulation of telecommunications providers. We will examine those analogies and discuss what the lessons from telecommunications regulation can teach policymakers as they address the broader tech and emerging AI environment.

Learning Objectives:

Students should come away from the course with a deep understanding of the law, economics, and technology of the telecommunications industry in particular and network industries in general. They will also gain a rigorous and nuanced understanding of key contemporary debates over net neutrality, spectrum policy, digital equity, and tech company market power.

Recommended: Administrative Law.

LAW 1099 v00 The Art of Regulatory War Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1099 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201099%20v00))

J.D. Seminar (cross-listed) | 2-3 credit hours

This seminar focuses on "the art of regulatory war." How can lawyers and other stakeholders working at the regulatory intersection of law and politics gain advantage, use their different sorts of legal artillery and strength, and push regulatory disputes and tool choices into venues, modes, and postures that favor their clients' interests and possibly broader policy goals? What changes are underway regarding the nature of regulation, attitudes about the role of the administrative state, and ways regulatory wars are fought?

Subject to adjustment in light of legal developments and student interest, the seminar meetings will be organized around a mix of case studies and cross-cutting regulatory topics. For Fall 2024, the seminar will have a substantial advanced administrative law and risk and environmental regulation focus, but with some materials focused more generally on regulatory disputes, methodologies and strategies, and the role of the administrative state. Topic-based classes will likely select from among the following: critiques of assumptions of regulatory overreach and empire building; federalism and preemption as doctrines and terrains shaping regulatory disputes; theories of regulation and regulatory reform proposals; recent presidential and agency deregulatory and policy change efforts and judicial and scholarly responses; debates and shifting doctrine regarding deference regimes, especially if the Supreme Court in 2024 substantially changes longstanding deference regimes; implications and critiques of the "major questions doctrine" as recently embraced by the Supreme Court; the shift to market-based and experimental "rolling rule" modes of regulation; and "sound science" and "bought science" and the problem of regulatory lying. Case study subjects will likely include a mix of the following: my own research into the 1971-85 battles over the multi-billion dollar Westway project defeated by a small number of citizens; climate change regulatory developments; and court, regulatory and legislative battles over protecting "waters of the United States" under the Clean Water Act.

Readings will include diverse materials to illuminate the art of regulatory war, including court decisions, briefs, legislative and regulatory materials, statutory provisions, and scholarship. Students will before each class submit a few brief comments or questions about the readings, with class discussion building on those areas of interest. Students will have broad latitude to develop related paper topics based on their own interests and goals. During the last few weeks of the semester, we will conclude with students sharing and leading discussion of their draft papers, with students critiquing each other's drafts. There are no seminar prerequisites, but students interested in administrative law, constitutional law, economic and risk regulation, environmental law, energy law, legislation, law and politics, law and economics, litigation and other areas of public law should find the material of interest.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 3134 v00 The Intersection of Employment and National Security Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3134 v00>)

LL.M. Course (cross-listed) | 1 credit hour

Federal employees and contractors safeguard our nation's most sensitive information and secrets. However, many do not consider that national security is a major consideration when employing civil servants or making decisions regarding their continued employment. As of 2017, over 4.3 million Americans possess a security clearance and even more have access to sensitive, unclassified information. Security clearances and suitability reviews assess the reliability, trustworthiness, and character of prospective employees.

Because security clearance and suitability adjudications often determine whether a person is hired - and in some cases, fired - they invoke the application of employment protections under laws such as Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act Amendments Act of 2008. The decision to deny employment based on a security clearance or suitability decision is considered an adverse action. While some actions are subject to judicial and/or administrative court review, others are not. Therefore, executive orders, federal regulations, and agency guidance are necessary to ensure that vetting is both thorough and fair. In the last decade, courts and agencies have grappled with issues ranging from discrimination to the stigmatization of mental health issues in security clearance and suitability adjudications.

This course will examine the intersectionality of national security issues and employment; specifically, how national security concerns shape vetting in federal employment from security clearances to suitability reviews. Moreover, it will serve as an introduction to understanding the interplay of federal case law, executive orders, federal regulations, and agency guidance in this area.

LAW 1526 v00 The Law of Autonomous Vehicles (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1526 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

Autonomous vehicles are roiling industries as diverse as retail, food delivery, trucking, and personal transportation. Although there is a rising consensus that autonomous, networked cars could save tens of thousands of lives, there is a similar consensus that they also will create tens of thousands of accidents that human drivers would not. Although the technology for autonomous vehicles is already on the roads, the law, ethics, and policy governing these machines is late evolving. This course will examine alternatives for regulating autonomous vehicles, including topics such as which parties should bear responsibility for the actions of autonomous vehicles, how theories of responsibility will change over time, as well as the appropriate modes and agencies of regulation. Paper required.

Recommended: Property (or Property in Time), Torts (or Bargain, Exchange and Liability), and Criminal Law.

LAW 1019 v00 The Law of Public Utilities: Bringing Competition to Historically Monopolistic Industries (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1019 v00>)

J.D. Seminar | 2-3 credit hours

Our major infrastructural industries—electricity, gas, telecommunications, transportation and water—were historically controlled by monopolies. Since the 1980s, efforts to introduce competition into these industries have met obstacles. Battles before legislative bodies, regulatory agencies and courts, at the state and federal levels, have produced a distinct body of law. That body of law—the law of introducing competition into historically monopolistic industries—is the subject of this course.

From the principles learned in the course, students have written papers on such diverse topics as renewable energy, internet, movie production, chicken slaughtering, student loans, pharmaceutical research, Uber, Flint's water crisis, utility corporate form, law school admissions, farms seeds and insecticide, Youtube, private space travel, rare minerals used in solar and wind facilities, Facebook, cloud storage, electric storage, and telemedicine at the VA. Some of these papers have made their way into professional journals or law journals.

Regardless of the industry or era, the regulation of infrastructural monopolies and their competitors has five common elements: its **mission** (to align business performance with the public interest); its **legal principles** (ranging from the state law on exclusive monopoly franchise to federal constitutional protection of shareholder investment); **policy flexibility** (accommodating multiple public purposes, from service reliability to environmental accountability to protection of vulnerable citizens); reliance on multiple **professional disciplines** (law, economics, finance, accounting, management, engineering and politics); and **formal administrative procedures**, such as adjudication and rulemaking.

Today, political challenges are causing policymakers to stretch regulation's core legal principles. Four examples of these challenges are: **climate change** (e.g., To what extent should we make utilities and their customers responsible for "greening" energy production and consumption?); **universal service** (e.g., Should we bring broadband to every home, and at whose cost?); **privacy** (How do regulators induce personal changes in energy consumption while protecting the related data from public exposure?); and **protection of our infrastructure from hackers, terrorists and natural catastrophes**.

Complicating these political challenges are two sources of constant tension: **ideology** (e.g., private vs. public ownership, government intervention vs. "free market"); and **state-federal relations** (e.g., Which aspects of utility service are "national," requiring uniformity; and which are "local," warranting state experimentation?).

This field has many jobs, as new issues emerge and as baby boomers retire. Lawyers play varied roles. They advise clients who are suppliers or customers of regulated services, represent parties before regulatory tribunals, advise those tribunals or their legislative overseers, and challenge or defend those tribunals on judicial review.

Note: The 3-credit Writing Requirement section of this course is restricted to J.D. students only. The 2-credit Paper section of this course is restricted to LL.M. students only.

LAW 1768 v00 The Temporal Dimensions of Governmental Powers Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1768 v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

This course will study the respective temporal reaches of, and restrictions on, the legislative, judicial, and executive powers of American governments.

It is almost universally now thought that “retrospective laws are . . . generally unjust . . . and . . . neither accord with sound legislation nor with the fundamental principles of the social compact.” Joseph Story, *Commentaries on the Constitution*, §1398 (3d ed. 1858). But legislatures nonetheless do sometimes enact retroactive laws, and sometimes for quite benign and legitimate reasons. Furthermore, judicial and executive adjudicatory actions have retroactive effects; and, as with retroactive legislation, some of those adjudicatory actions may establish the legal basis for retroactive restrictions on conduct about which the regulated persons did not have prior notice – such as when the adjudicators construct manifestly new, yet binding, interpretations of ambiguous laws (i.e., when they “make” or “declare” law that will serve as “precedent”). Concomitantly, although often thought of as necessarily being retroactive, judicial and executive adjudicatory powers are sometimes exercised with only future effects – such as when courts or agencies have declined to apply their new interpretations of law retroactively, or have awarded relief that has only prospective effects (e.g., an injunction, a writ of mandamus, a declaratory judgment).

This course will explore these temporal issues. We will examine what legally differentiates “prospective” from “retroactive” governmental actions. We will study the presumption that legislation looks forward, not backward, as well as several of the constitutional constraints on retroactive legislative actions. From there, we will explore both the content of and rationale for the contrasting presumption that judicial action is retroactive in perspective and effect; and we will study the controversy about whether and when a judicial decision announcing a new principle of law – such as a judicial decision overruling an interpretation of law announced in a prior decision – may properly be applied only to conduct or events occurring after the date of that judicial decision. Finally, we will examine whether and how temporal limitations apply in the context of the exercise of executive powers (state and federal) and, concomitantly, how the discretion of the executive and its agents is often temporally insulated – through limits on the writ powers, the doctrine of qualified immunity, etc. – when there is not yet “clearly established” law on an issue.

Our goal is to better understand how the temporal reaches of, and limitations on, the separate powers of government inform the Rule of Law and American constitutional democracy. Such an understanding is relevant and important not only to those who want to study the operation of government and the constitutional limitations on government, but also to those who on behalf of clients – private, public interest, or governmental – seek to influence the temporal application or imposition of new legal restraints.

Prerequisite: Constitutional Law I: The Federal System and Administrative Law.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 1782 v00 Theories of Statutory Interpretation Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1782 v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

This seminar will introduce students to the deeper theoretical questions and debates surrounding statutory interpretation: How should courts analyze statutory text? What interpretive tools should judges use to determine statutory meaning? Should those tools change when the text is vague or ambiguous? What role, if any, should legislative process materials or realities play in the interpretation of statutes? What is textualism and how has it changed over time? What are the most salient interpretive trends on the modern Supreme Court?

Students taking the two-unit version of the class will be graded on seven short reaction papers. Students taking the three-credit version must provide three reaction papers and satisfy the Law Center’s writing requirement. Given the theoretical nature of the topic, law review students are especially encouraged.

Learning Objectives: By the end of the semester, students in the course should understand and be able to evaluate the advantages and disadvantages of different interpretive methodologies and tools, such as corpus linguistics, legislative history, semantic canons, etc. They should also be able to describe and critique the U.S. Supreme Court’s current interpretive methodology. Last, students should have a strong understanding of how to use the different interpretive tools and canons to argue in favor of or against a particular statutory reading.

Strongly Recommended: A basic introductory course in Legislation is highly recommended, but not required.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 1600 v00 Toxic Chemical Law and Advocacy ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1600 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201600)) (Fieldwork Practicum)

J.D. Practicum | 4 credit hours

In a fieldwork practicum course, students participate in a weekly seminar and conduct related fieldwork at an outside organization focused on toxic chemical law. For example, have you ever wondered what is in the food and drink we consume besides the raw agricultural products such as coffee beans or milk? In this course, students will explore the how the Food and Drug Administration (FDA) under the Food, Drug, and Cosmetic Act, by the Environmental Protection Agency (EPA) under the Toxic Substances Control Act and other statutes, and the the Consumer Product Safety Commission (CPSC) under the Consumer Product Safety Act work together (or don't) to regulate toxic chemical products in consumer products that are consumed or used in the U.S. every day such as coffee, soft drinks and yogurt. Students will develop real-world lawyering skills such as fact gathering, legal research, drafting, developing guidance or advice, crafting advocacy strategy and more. Students will participate in a two hour/week seminar and also undertake 10 hours/week of fieldwork at the Environmental Working Group (EWG), a public-interest nonprofit that advocates on behalf of consumers, and other non-governmental organizations.

SEMINAR: The authority of the FDA, EPA and CPSC to regulate the safety of toxic chemicals in consumer products has evolved as the manufacturing of everyday products has become increasingly industrialized and affected by an array of new technologies that cause the food and drink we regularly consume to contain potentially harmful chemicals. This seminar will utilize legislative and administrative materials as well as case law to enable students to critically evaluate the processes by which the federal government regulates toxic chemicals in consumer products and compare and contrast regulatory schemes for different consumer products. The course will also touch on related topics such as the role of the Federal Trade Commission in the regulation of marketing trade practices related to chemicals in consumer products.

FIELDWORK: In the fieldwork component of this course, students will be assigned to projects at the Environmental Working Group or a similar non-governmental organization. They will have an opportunity to learn how such institutions play a role in representing consumer interests in product safety issues being debated in both the administrative and legislative processes, and in matters subject to litigation.

Prerequisite: J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Recommended: Administrative [law](#), as well as food and drug [law, and environmental](#) law-related courses, are recommended but not required.

Mutually Excluded Courses: Students may not concurrently enroll in this practicum and an externship, a clinic, or another practicum.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.

This course is suitable for evening students who can commit to attending class and working 10 hours/week (during business hours) on site at their field placements. This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits for approximately 10 hours of fieldwork per week, for a minimum of 11 weeks, to be scheduled with the faculty. The fieldwork must be completed during normal business hours. The two credit seminar portion of this practicum will be graded. The two credits of fieldwork are mandatory pass/fail. Students will be allowed to take another course pass/fail in the same semester as the fieldwork. Students who enroll in this course will be automatically

LAW 1837 v00 Washington DC: Law and Policy for the Capital City ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1837 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201837%20v00))

J.D. Seminar (cross-listed) | 1 credit hour

The District of Columbia has a unique position as the seat of the United States government. Because it is not a state, it does not have a voting representative in the U.S. Congress. It has limited powers of home rule, and did not even receive its current form of home rule until a 1973 Act of Congress. Its power remains limited even as to matters affecting entirely local interests. Indeed, Article I, Section 8 of the U.S. Constitution vests Congress with the power to exercise exclusive legislation in all cases over the District, and it has done so for matters ranging from budget control to marijuana sales. DC has non-voting representatives in each Chamber of Congress who did not have a staff, offices on Capitol Hill, or budgets, and a Delegate to the House of Representative who can participate in hearings, but does not have a vote. In some respects, DC is like a U.S. territory, and yet, unlike territories, it does not have a clearly designated path to statehood. For many reasons, the residents of the District of Columbia have repeatedly sought statehood primarily in order to have representation and to have autonomy over its own laws, budget, and constituency, and each time the effort has failed.

At the same time, within the narrow ambit of its home rule power, DC is a vibrant, thriving city. It has overall high income levels, with DC taxes paying the highest per capita income taxes in the nation. It has a population of over 700,000 residents, most of them full-time, larger than the population of two American states, and larger than the population of at least one state when it was admitted to the Union. That DC is a "transient city" is a myth. In fact, until recently, DC had a majority-Black population, and has for over a hundred years been a center of culture and education for Black residents, nurturing institutions like Howard University and the U Street corridor.

DC has a unitary school district, its own metropolitan transit system, and its own Mayor, an elected Attorney General, a city Council, and its own court system. The DC Council is the legislative body in DC made up of 13 members – 8 Councilmembers each of whom represent one of the eight wards in the District, 4 of whom represent the city "at large", and one Chairman. It has a unique system of sublocal governance through its Advisory Neighborhood Commissions (ANCs). It has a police department, and a National Guard, but, as we saw on January 6, the Mayor cannot call up the Guard in the same way other Governors can on their own accord. We have also seen how the police powers of DC are constrained by the relationship with federal property and federal law enforcement agencies in the district.

DC also faces challenges in developing housing and infrastructure. Because of deep disparities in income, it has been subject, in some areas, to rapid gentrification. At the same time, through its Master Plan, and by dint of the efforts of Councilmembers, the construction of affordable housing and limiting the exodus of longtime residents is a policy priority. DC has also distinguished itself as a best practice model in two areas: its pursuit of local climate policy, including a commitment to net-zero carbon use; and its efforts to distinguish itself as a world-class city, with subnational diplomacy and networks with mayors both in the US and globally.

In this class, we will look at the unique structure of DC government within the contexts of our federalist system its governance structure and institutions, and some of the policy challenges it faces. We will discuss the movement for DC statehood, including its historical and justice-related underpinnings. The class is taught by Professor Chertoff, who studies state and local government. Several guest speakers are expected.

The assessment for the class will be a final paper; it will be based either on an in-class exercise we will participate in, based on a current issue in D.C. policy of D.C federal relations, or a topic approved by the professor.

Recommended: Constitutional Law, Property Law and Administrative Law

Full-time and Visiting Faculty

Victoria A. Arroyo

William W. Buzbee

J. Peter Byrne

Josh Chafetz

Emily Chertoff

Vicki W. Girard

Lisa Heinzerling

Anita Krishnakumar

Jonathan T. Molot

Victoria Nourse

Eloise Pasachoff

Dave Rapallo

Tanina Rostain

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Kevin Tobia

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