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
experiential opportunities are examples of the countless ways to gain this creation, implementation, and interpretation of the law. The following and externship placements, students can observe and participate in the three branches of government. Through practicum and clinical offerings One of Georgetown Law's greatest assets is its physical proximity to all administrative Law in Washington, D.C.

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:

- **Civil 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 improves 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 (http://curriculum.law.georgetown.edu/course-search/?cluster=cluster_1)

**LAW 025 v00 Administrative Law** (http://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.
LAW 025 v06 Administrative Law (http://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 non-judicial mechanisms of agency control 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; and
3. Evaluate the merits of the legal framework against a variety of normative goals.

You should also (4) be conversant in contemporary debates about the administrative state and be 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 (http://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 this course and the first-year elective by the same name or the first-year course, Government Processes.

LAW 1349 v00 Administrative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201349%20v00)
J.D. Course (cross-listed) | 3 credit hours
There is no more fundamental course in law school than administrative law. This course introduces you to the modern administrative and regulatory state. You will come to understand both the tremendous power exercised by administrative agencies and the significant constraints (legal and political) under which they operate. You will learn to identify the design features that might make an agency constitutionally problematic, the factors that make one type of decision-making framework more appropriate than another, the prerogatives and limits of agencies in interpreting the statutes they are charged with administering, and agencies’ prerogatives and limits in adjudicating facts and exercising policymaking discretion. You will also learn to identify the factors that affect the availability and timing of judicial review of agency action.

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 electives, The Regulatory State or Legislation and Regulation, or Government Processes, or Legislation and Regulations: Law, Science, and Policy.

LAW 1349 v01 Administrative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201349%20v01)
J.D. Course | 3 credit hours
There is no more fundamental course in law school than administrative law. This course introduces you to the modern administrative and regulatory state. You will come to understand both the tremendous power exercised by administrative agencies and the significant constraints (legal and political) under which they operate. You will learn to identify the design features that might make an agency constitutionally problematic, the factors that make one type of decision-making framework more appropriate than another, the prerogatives and limits of agencies in interpreting the statutes they are charged with administering, and agencies’ prerogatives and limits in adjudicating facts and exercising policymaking discretion. You will also learn to identify the factors that affect the availability and timing of judicial review of agency action.

Mutually Excluded Courses: Students may not receive credit for both this course and the upperclass course by the same name or the first year electives, The Regulatory State or Legislation and Regulation, or Government Processes, or Legislation and Regulations: Law, Science, and Policy.

Note: This course is a first-year elective. First-year day students select an elective offered in the spring.
LAW 1611 v00 Administrative Law and Public Administration Seminar
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201611%20v00)
J.D. Seminar | 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.

This course is also a writing-intensive class that satisfies the Upperclass Legal Writing Requirement. To that end, each of you will devote a considerable amount of time this semester to developing a paper proposal about a conflict, crisis, or controversy within the operations of a government institution; researching your idea in depth; and both drafting and revising a substantial paper of at least six thousand words (exclusive of footnotes) that meets the different elements of the Writing Requirement. The last month of the semester will be devoted to workshopping these papers— that is, giving feedback to and receiving feedback from your colleagues.

Finally, as with every class in law school, this class provides an opportunity to deepen your professionalism. In your interactions with your colleagues and me in class, your communication with me in my office and in writing, and your work with other staff members in the Law Center to whom you may turn for research or writing assistance, each of you will have many chances to practice the collaborative, respectful, and diligent conduct that is the hallmark of the best of the legal profession.

Learning goals:

By the end of the course, students will be able to describe and discuss the core insights of the classic 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 will also have written a paper of publishable quality analyzing and assessing a conflict, crisis, or controversy within the operations of a government institution using the lens of the tools we have studied.

Prerequisite: Students must take one of the following courses: Lawmaking: Introduction to Statutory and Regulatory Interpretation or Legislation and Regulation or The Regulatory State or Administrative Law or Government Processes.

Note: THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Please email Professor Eloise Pasachoff (eloise.pasachoff@law.georgetown.edu) by 5:00 pm on Wednesday, October 6, 2021 a statement of interest that includes a statement about what recommended class, if any, you have taken.

LAW 029 v00 Advanced Environmental Law: Climate Change
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20029%20v00)
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 “clients” 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 professor and advisors to develop professional-quality work products that can be shared with outside “clients.” 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 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, may be withdrawn from the practicum course.
LAW 1336 v00 Advanced Legal Practice: Writing in the Legislative Sphere
(JD Seminar | 3 credit hours)
In this class, we will examine the inner workings of Congress and think through strategies for achieving policy goals through legislation. You will draft legislative language in a policy area of your choice and attempt to convince a legislator to support the bill by writing a policy brief supporting the new statute. By acting in the role of a lawyer on the Hill, you learn not only how to solve complex legal problems in a legislative context, but also to think critically about the role of the legislative branch and of a lawyer within that branch.

The course will take you through the nuts and bolts of the process of lawmaking, from introduction, to the Committee process, to passage. You will also be asked to think broadly about the role of a lawyer in Congress, the connection (or lack thereof) between legislative history and statutory interpretation, and the relationship between the legislative branch and the other power centers of American government.

But the main focus of this course is on the writing you will do. You will spend much of the semester researching the topic, drafting new statutory language to solve a problem in this area, and writing a policy brief to persuade the legislator to sponsor the bill. We will spend class time thinking through each stage of the writing process: from topic selection to research to legislative language to drafting. You will also have the opportunity to present your bill language and your arguments for sponsorship to a group of "legislators" (played by me and your classmates) who are considering sponsoring the bill.

Recommended: A basic course in Legislation or the 1L electives, Congressional Procedure & the Administrative State or Legislation and Regulation or The Regulatory State.

LAW 1604 v00 Affordable Housing Seminar
(JD Seminar | 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.

Specifcally, 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.

LAW 508 v01 Affordable Housing Transactions Clinic (Harrison Institute)
(JD Clinic | 14 credit hours)
Please see the Affordable Housing Transaction Clinic website (http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/HIHC) for more detailed information about the program.

For registration-specific supplemental materials, please see the Affordable Housing Transactions Clinic PDF (http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/clinic-applications/upload/Affordable-Housing-2017-FINAL.pdf).


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

LAW 065 v02 Alternative, Complementary, and Integrative Medicine, The Legal Issues Seminar
(JD 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 and 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, among others. A paper meeting the upperclass legal writing requirement is required.
LAW 1107 v00 Analytical Methods (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201107%20v00)
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 (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20050%20v01)
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 unmanned aircraft systems (i.e., drones) 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.

LAW 050 v00 Aviation Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20050%20v00)
J.D. Course (cross-listed) | 2 credit hours
This course encompasses most aspects of air transportation, including airport and air traffic control liability, air carrier liability in the carriage of passengers and cargo domestically as well as internationally under the Montreal Convention and economic and safety regulation of domestic and international air transportation. The course also includes contributions by practitioners in the field.
LAW 611 v17 Big Data, Face Recognition and the Limits of the Legislature: A Bill Negotiation Simulation [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v17]

J.D. Seminar | 1 credit hour

If you have ever taken advantage of basic government services, your personal information is part of a massive trove of data that local, state and federal agencies share with one another through a variety of overlapping networks, databases and bureaucratic collaboratives. This infrastructure has been built over the course of the last 20 years, for the most part without any oversight or accountability, let alone transparency to the public.

Some policymakers—pushed by civil rights advocates and grassroots organizations—have begun to try to check the exponential growth in government power that these technologies have made possible. Last year, the Washington Post reported that Immigration and Customs Enforcement (ICE) was running face recognition searches on Maryland’s driver information databases. Community groups, including one group represented by Georgetown’s own Federal Legislation Clinic, demanded that legislators take action.

In this course, students will simulate the actual bill negotiation that took place last year in the Maryland State legislature. Using a fact pattern based on what unfolded, but fictionalized to protect client confidentiality, students will assume coalition roles to broker, draft, amend, and advocate for their own privacy bill from the perspective of those assigned roles.

Learning Objectives:

Through this course, students will have the opportunity to:

• Learn the legal, political and technological frameworks around government use of face recognition.
• Gain a basic understanding of the databases, networks and information sharing partnerships that pervade government bureaucracy.
• Practice legislative drafting and bill amendment.
• Create a bill pitch and deliver it for feedback to a panel of advocates and academics with first-hand knowledge of the Maryland bill.
• Devise and execute a political strategy to build an advocacy coalition and navigate their bill through the legislature.
• Draft hearing testimony and participate in a mock committee hearing.

Note: This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only, who will enroll via the Live Registration process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, please see the Week One website [https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations]. Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by Monday, November 30, 2020 at 3:00 p.m. After that point, students must receive permission from both the course professor and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when remaining enrolled in the course would cause significant hardship for the student. Students who are enrolled but do not attend the first class session will be withdrawn from the course.

LAW 1351 v00 Business and Its Regulation (D.C. Advantage Practicum) [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201351%20v00]

J.D. Practicum | 9 credit hours

In a D.C. Advantage practicum course, students participate in a weekly seminar and work for 25 or 30 hours/week in a related placement they have secured themselves. This D.C. Advantage practicum course is designed to give students who are working in a placement related to business regulation the tools they need to succeed at work as well as insights about the impact of the regulation on business entities.

SEMINAR: This three-credit seminar will focus on a deep understanding of the legal, policy, societal, business and strategic aspects of regulation and its impact on entrepreneurs as well as established businesses in a wide variety of industries. The regulatory process and framework, the impact and cost of regulation on a series of general and specific stakeholders (both intended and unintended consequences), the enforcement of regulation and striking the right balance in the degree of the regulation of business will all be explored. The course will then focus on a series of industry-specific “drill-downs” that will examine how particular industries are regulated and the impact of their roles on day-to-day business operations. Guest speakers will include business leaders, regulators/in-house counsel at regulatory agencies and companies, accomplished regulatory lawyers and others involved in the federal and state regulatory framework.

FIELDWORK: Students in this program will work for 25 or 30 hours per week, for at least 11 weeks, in a public sector placement related to business regulation, and must be closely supervised by an attorney from that office. Students are responsible for finding their own placements, and must have the placement offer when applying to the program. They will earn 5 pass/fail credits for 25 hours of fieldwork or 6 pass/fail credits for 30 hours/week of fieldwork.

Prerequisite: Prerequisites: 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).

Required co-requisite: Every student taking a D.C. Advantage practicum must concurrently enroll in at least one additional course that relates to the fieldwork he or she will be doing.

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

This course is mutually exclusive with all other D.C. Advantage practicum courses and the externship program (that is, a student may do only one D.C. Advantage practicum while at Georgetown Law and may not do both a D.C. Advantage practicum and an externship during his or her time here.) Students who completed one externship before this rule went into effect (Fall 2016) may seek a waiver and are still eligible to take this course. Under no circumstances may participants in this course concurrently or subsequently enroll in an externship. This course is also mutually exclusive with the summer Business Law Scholars program.

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

Students must apply to this program through an online application that will be made available during the Fall 2016 semester. We will update this page with a link to the application as soon as it is available.

Students who enroll in this course will be automatically enrolled in both the seminar and fieldwork components and may not take either component separately. A student wishing to withdraw from the course 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 seminar and fieldwork sessions.
LAW 1620 v00 Campaigning for Public Office (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201620%20v00)
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.

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.

LAW 500 v00 Center for Applied Legal Studies (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20500%20v00)
J.D. Clinic | 10 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.


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

LAW 528 v02 Civil Rights Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20528%20v02)
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.


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

LAW 3078 v00 Commercial Space Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203078%20v00)
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 proposed 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) (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20528%20v01)
J.D. Clinic | 12 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://www.law.georgetown.edu/wp-content/uploads/2021/03/IPR-CT-Info-Sheet-2021-2022.pdf).


Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.
LAW 950 v01 Complex Securities Investigations (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20950%20v01)

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

The course is designed to provide a practical survey of a complex securities 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 the civil and criminal 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 the corporate privilege, attorney-client privilege, work product doctrine, and governmental privileges. The self-reporting and professional responsibility provisions of Sarbanes-Oxley and the SEC’s cooperation initiative present a variety of difficult practice issues that are critical to a lawyer’s fundamental responsibility to represent solely the client’s interests. 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 1017 v00 Congress and the Administrative State (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201017%20v00)

J.D. Course | 3 credit hours

Almost every course in law schools teaches students about courts. This course teaches about Congress, the President, and agencies, as well as courts. Using case studies, the course introduces students to the government as a whole—Congress, the President, and the Supreme Court—and how each institution fits into the constitutional scheme. Much of the course’s focus is statutory interpretation, teaching interpretive skills applicable to all statutes, whether civil rights or tax or securities law. This course also introduces students to the rules governing Congress (e.g., the filibuster) and how and whether these rules should affect how legislation is passed and how courts interpret statutes. Because much statutory interpretation occurs under the President’s watch, the course also introduces students to rules governing administrative agencies, and explains how courts apply special rules of statutory construction to agency regulations. Almost all the classes will also include participatory exercises, in which students and the instructor will be public actors resolving difficult issues of public lawmaking. Thus, we shall imagine how lobbyists, legislators, administrators, and judges approach issues in their distinctive ways—and how the constitutional structure of public lawmaking influences and constrains these actors. The exercises are designed to teach practical skills as well as public law reasoning and substantive knowledge.

The text for this course will be Statutes, Regulation, and Interpretation: Legislation and Administration in the Republic of Statutes by Professors Abbe Gluck, William Eskridge Jr., and myself.

The final examination in the course will be an eight-hour take-home examination.

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


J.D. Seminar | 1 credit hour

President Franklin D. Roosevelt called the Fair Labor Standards Act (FLSA) of 1938 “the most far-reaching, far-sighted program for the benefit of workers ever adopted in this or any other country.” The historic FLSA established the minimum wage, created a standard workweek, outlawed child labor, and instituted certain work safety protections for minors. Over eighty years later, many argue that the law is too rigid for today’s 21st-century workplace and the gig economy. Others contend that the law must be strengthened to better protect workers, many of whom face job insecurity; wage theft; or lack of health, retirement, and unemployment benefits. Most agree that the law needs to be updated – but how?

In this dynamic and realistic Week One simulation, students will prepare for and conduct a Congressional hearing on updating the FLSA. Working in teams, students will gain experience in the key components of preparing for and conducting a hearing including writing, delivering, and responding to opening statements, testimony, and questions. Students will play the roles of witnesses such as Department of Labor leadership, business leaders, worker advocates, and others, as well as Democratic and Republican Congressional Members of Congress/staff. Additional Members of Congress will be played by outside experts. Upperclass teaching fellows will help guide student preparation for the hearing and serve as Members of Congress in the simulation.

Note: This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only, who will enroll via the Live Registration process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, please see the Week One website (https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by Monday, November 29, 2021 at 3:00 p.m. After that point, students must receive permission from both the course professor and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when remaining enrolled in the course would cause significant hardship for the student. Students who are enrolled but do not attend the first class session will be withdrawn from the course.
There are many procedure courses in law schools. There is civil procedure, a required course. There is administrative procedure, widely seen as an important course. Congressional procedure does not receive enough attention in law schools. This course is an introduction to that procedure and its importance for lawyers and leaders. Today, we live in a Republic of Statutes. The common law, learned in the first year, has largely been supplanted by statutes at both the state and federal levels. To interpret statutes, whether one is in a court or an agency, or just reading the newspaper, one must understand the process by which the statute is made. One cannot intelligently read a trial transcript without understanding basic trial process. The same is true of statutes. The purpose of this course, then, is not to consider congressional procedure for its own sake, but as a means to understand difficult problems in statutory interpretation.

Mutually Excluded Courses: Students may not receive credit for this course and Legislation taught by Professor Nourse, Congress and the Administrative State or Congressional Procedure and Statutory Interpretation Seminar.

Note: J.D. students must register for the 3 credit section of the seminar 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 1101 v00 Consumer Advocacy: Public Health Regulation of Tobacco and Personal-Care Products (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201101%20v00) (Fieldwork Practicum) | 4 credit hours

In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This fieldwork practicum course will focus on federal regulation of tobacco and personal-care products by the Food and Drug Administration (FDA) under the Food, Drug, and Cosmetic Act and how public interest groups advocate greater protections for consumers. Students will participate in a two-hour/week seminar and carry out either 10 or 15 hours/week of fieldwork as interns with one of two national consumer and environmental health organizations: the Campaign for Tobacco-Free Kids or the Environmental Working Group. (Two pass/fail credits will be awarded for 10 hours/week of fieldwork, and three pass/fail credits will be awarded for 15 hours/week of fieldwork.)

SEMINAR: In the two-credit, graded, seminar portion of the practicum, students will utilize legislative and administrative materials as well as case law to become familiar with the processes by which the federal government regulates tobacco and personal-care products, and to critique both the statutory framework and FDA’s performance in protecting consumers. The 2009 Tobacco Act created a new regulatory regime very different from the FDA’s existing authority to regulate other products within its jurisdiction. Examination of the agency’s initial steps to carry out this responsibility provides a chance for students to understand how a federal agency responds to a legislative mandate requiring innovative action to address a major public health problem. On the other hand, FDA has minimal authority to regulate personal-care products, raising real concerns for consumer protection. The course will also touch on related topics such as the role of the Federal Trade Commission in the regulation of trade practices, the Freedom of Information Act, the legislative process and the interaction of federal and state regulation.

FIELDWORK: In the two- or three-credit, mandatory pass-fail, fieldwork portion of the practicum, students will work as interns with the Campaign for Tobacco-Free Kids or the Environmental Working Group on projects aimed at strengthening the legislative or administrative processes, or on matters in litigation, under the supervision of attorneys connected with these organizations. (Students who have completed this course will have priority consideration if they opt to apply for the year-long Toni Stabile Graduate Fellowship at the Environmental Working Group after graduation.)

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; Food and Drug Law-related courses.

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

Note: LL.M. students must seek professor permission to apply.

Evening students who work during the day are encouraged to reach out to the professors to determine whether this practicum course would be compatible with their schedules.

This is either a four or a five credit course, depending on the number of fieldwork hours/week. Two credits will be awarded for the two-hour weekly seminar and either two credits (for 10 hours/week) or three credits (for 15 hours/week) for the fieldwork. The fieldwork will be conducted over a minimum of 11 weeks, to be arranged with the faculty members. Students will have the ability to choose the credit option that best fits their schedules. However, the fieldwork must be completed during normal business hours. All students will initially be registered for a total of four
LAW 1182 v00 Election Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201182%20v00) (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 disenfranchise, 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 papers and/or briefs in 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.

LAW 195 v05 Election Law: Voting, Campaigning and the Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %20195%20v05)
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 (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201472%20v00)
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:

1. 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

2. 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

3. 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.
LAW 142 v02 Energy Problems Seminar: Climate Change and Other Energy Issues (http://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.

LAW 2009 v01 Energy Trading and Market Regulation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %202009%20v01)
LL.M Seminar (cross-listed) | 2 credit hours
Energy markets are dynamic and growing rapidly, creating new business opportunities and legal challenges not only for traditional energy companies such as utilities, pipelines, natural gas producers and independent power producers, but also for newer market entrants including investment banks, demand response providers, smart grid and renewable energy companies, storage providers, hedge funds, and large industrial and commercial consumers of natural gas and electricity. The course will focus on the economic regulation of physical energy markets by the Federal Energy Regulatory Commission (FERC), primarily the regulation of transmission, price and competition in the electric and natural gas markets. We will examine six main areas: (i) restructuring and deregulation under the Federal Power Act and Natural Gas Act; (ii) the current model of energy market enforcement and compliance derived, in large part, from securities market regulation; (iii) the legal, regulatory and market responses to ongoing challenges, including market based pricing, market structure and the prevention of market manipulation and market power abuse; (iv) foundational laws and policies governing energy markets and non-discriminatory transmission by wire and pipeline of the electricity and natural gas commodities; (v) "hot topics" such as carbon pricing in organized wholesale electricity markets, the shale gas revolution, the impact of subsidies for certain resources, pipeline and electric transmission infrastructure development and cost allocation, and integrating demand resources and renewables; and (vi) the constant interplay among Congress, federal and state energy regulatory agencies and market participants. Students will gain an appreciation for the legal and market challenges confronted by market participants. Some 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, two quizzes during the semester, and class participation.

LAW 528 v03 Environmental Law and Justice Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %20528%20v03)
J.D. Clinic | 12 credit hours
Please see the Environmental Law and Justice Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/institute-for-public-representation) for more detailed information about the program.


Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.
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 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 1631 v00 Federal Practice Seminar: Contemporary Issues (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201631%20v00)
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 representative proof in class actions, personal jurisdiction in federal court on extraterritorial claims, the standing of States, congressional power to create standing, the status of prudential standing, nationwide injunctions, Chevron deference, Auer deference, the major questions doctrine, the constitutional status of ALJs, and the constitutional status of independent agencies. 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 on the final paper, but that grade may be adjusted upward or downward one-half grade based on class participation.

Learning Objectives:
Develop and enhance analytical, writing, and oral argument skills associated with litigating on behalf of or against federal agencies.

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

Recommended: Administrative Law.

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

LAW 1631 v00 Federal Practice Seminar: Contemporary Issues (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201631%20v00)
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 representative proof in class actions, personal jurisdiction in federal court on extraterritorial claims, the standing of States, congressional power to create standing, the status of prudential standing, nationwide injunctions, Chevron deference, Auer deference, the major questions doctrine, the constitutional status of ALJs, and the constitutional status of independent agencies. 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 on the final paper, but that grade may be adjusted upward or downward one-half grade based on class participation.

Learning Objectives:
Develop and enhance analytical, writing, and oral argument skills associated with litigating on behalf of or against federal agencies.

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

Recommended: Administrative Law.

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

LAW 1514 v00 Federalism in Practice: The Role of Governors and State Executives in Advancing Public Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201514%20v00)
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 (Homeland Security & Public Safety Division) 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 to 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) identifying and analyzing novel legal issues raised by the deployment of the National Public Safety Broadband Network; (5) updating legal and procedural guidance for governors’ legal counsel; and (6) developing advocacy strategies for federal legislation that affects state interests. For the Fall 2021 semester, students are permitted to conduct their practicum fieldwork remotely.

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.
The global financial crisis of 2008 resulted in massive human suffering—9 million unemployed in the U.S. alone, and millions lost their homes. It also fundamentally altered financial regulation and American politics and reshaped social and economic dynamics—for example, the crisis led to the formation of the Tea Party, contributed significantly to political polarization and increased economic inequality.

In 2020, the coronavirus pandemic, which has caused even greater human suffering, triggered economic and financial consequences that almost led to another financial crisis. The reforms implemented after 2008, as well as the implementation of emergency programs used in 2008, were likely the reasons we did not have another financial crisis.

Why did the 2008 crisis happen? Why, throughout our history, have we periodically experienced financial crises? What does this history teach us about the adequacy of financial regulation, and whether regulatory failures contribute to financial crises?

We will begin by briefly reviewing the historical development of the United States banking industry, and the regulatory structure governing it, to get an appreciation of the economic and political forces that have shaped the regulation of our financial system. This will include reviewing past financial crises—the Panic of 1907 and the Great Depression and the responses to them, including the development of the Federal Reserve System, deposit insurance and other major reforms.

We will then focus on the 2008 financial crisis. We will examine the forces that produced the complex financial system of the early 21st century, including the rise of the shadow banking industry and the growth of derivatives. We will examine the response to the crisis, which included drawing on emergency powers that were first created by Congress in response to earlier financial crises, as well as new authorities created in response to the events of 2008. We will look at some of the difficult choices faced by government officials in responding to the crisis, as well as the role of individual accountability for behavior that contributed to the crisis. We will also examine the reforms implemented as a result of the crisis.

We will then turn to the pandemic, and look at its economic and financial consequences. Why was there a risk of another financial crisis? Did the reforms of 2008 help prevent a crisis? How was the government’s emergency response to the financial stresses similar to or different from the 2008 response?

Finally, having started the course with a look at the beginnings of the American financial system, we will end with what many predict is the future: cryptocurrencies and central bank digital currencies, the development of which has been accelerated by both the 2008 crisis and the pandemic. Will central bank digital currencies replace cash? If so, will they make our financial system more or less stable? Can they make it more inclusive?

The course will include sessions with guest speakers who have been responsible for some of the critical policy decisions that we will discuss.

**Strongly Recommended:** 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.
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.

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.

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 1208 v00 Food Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201208%20v00)
J.D. Seminar (cross-listed) | 3 credit hours
This seminar introduces students to the laws and regulations that govern our food. The seminar will primarily cover law at the federal level, including but not limited to such topics as the legal definition of food, rules on food labeling, standards for food safety, and regulation of genetically modified organisms. Beyond the law itself, we will consider the scientific, economic, and ethical principles implicated by legal decisions concerning food.

Prerequisite: Administrative Law or the first-year course, Government Processes, or the first-year electives, The Regulatory and Administrative State, Congress and the Administrative State, Legislation and Regulation, or The Regulatory State.

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.

LAW 1434 v00 Governing Automated Decisions (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201434%20v00)
J.D. Seminar | 2-3 credit hours
Many important decisions historically made by people are now made by computers. Software influences people’s life chances in a growing range of contexts, impacts access to basic rights, and mediates core mechanisms of justice. Algorithms control access to welfare and healthcare benefits, target citizens or neighborhoods for police scrutiny, inform bail and sentencing decisions, select taxpayers for IRS audit, and grant or deny immigration visas, among a growing list of other key decisions.

The legal standards and accountability mechanisms to govern decisions like these have not kept pace with changing technology. In this seminar, we will explore how automated decisions are made, the unique governance challenges that they pose, and the emerging suite of legal and policy responses to these new challenges. We will focus on automated decisions that wield state power, because it is in these decisions that the unmet need for public understanding, and democratic governance, is most acute.

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 202 v00 Government Contracts (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20202%20v00)
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; the problems of offer, acceptance, and consideration; 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 Public Law 85-804 requests; 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 1432 v00 Government Lawyering (D.C. Advantage Practicum) (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201432%20v00)
J.D. Practicum | 9 credit hours
In a D.C. Advantage practicum course, students participate in a weekly seminar and work for either 25 or 30 hours/week in a related placement they have secured themselves. This D.C. Advantage practicum is designed to teach law students to take their academic knowledge and adapt it to a practice of law in the federal government. Representing the government, either in litigation or in a regulatory or transactional practice, carries with it unique advantages and challenges. This course explores doctrinal topics from a government perspective and discusses some of the ethical challenges that face government lawyers. This course will give students a window into being a government lawyer, as well as enhance research, writing, and oral advocacy skills. Although the professor’s background and experience is largely in litigation, the class will cover topics that any government lawyer will face in his or her position.

SEMINAR: This seminar will focus on topics with which professionals working in government lawyering jobs must be familiar. Topics will include setting professional goals, identifying the government lawyer’s “client,” government privileges, cultural competence, Freedom of Information Act and the use of online communications in legal practice, ethics, litigating against the government, and work-life balance. Students will also produce a paper on a topic closely related to their fieldwork, and will present to the class on that topic. Students will earn 3 graded credits for the seminar.

FIELDWORK: Students in this program will work for either 25 or 30 hours per week, for at least 11 weeks, in a law-related government placement, and must be closely supervised by an attorney from that office. Students are responsible for finding their own placements, and must have the placement offer when applying to the program. They will earn either 5 pass/fail credits for 25 hours of fieldwork or 6 pass/fail credits for 30 hours/week of fieldwork.

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).

Required co-requisite: Every student taking a D.C. Advantage practicum must concurrently enroll in at least one additional course that relates to the fieldwork he or she will be doing.

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

This course is mutually exclusive with all other D.C. Advantage practicum courses and the externship program (that is, a student may do only one D.C. Advantage practicum while at Georgetown Law and may not do both a D.C. Advantage practicum and an externship during his or her time here.) Students who completed one externship before Fall 2016 (when this rule went into effect) are eligible to take this course. Under no circumstances may participants in this course concurrently or subsequently enroll in an externship.

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

Students must apply to this program through an online application that will be made available during the Fall 2016 semester. We will update this page with a link to the application as soon as it is available.

Students who enroll in this course will be automatically enrolled in both the seminar and fieldwork components and may not take either component separately. A student wishing to withdraw from the course will be withdrawn from both the seminar and fieldwork components.

Default attendance rule for all practicum courses (unless the professor has indicated otherwise): Regular and punctual attendance is required at all seminar and fieldwork placements. Students in project-based courses are responsible for finding their own placements, and must have the placement offer when applying to the program. They will earn either 5 pass/fail credits for 25 hours of fieldwork or 6 pass/fail credits for 30 hours/week of fieldwork.

LAW 1432 v01 Government Lawyering (Fieldwork Practicum) (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201432%20v01)
J.D. Practicum | 9 credit hours
In fieldwork practicum courses, students participate in weekly seminars and perform fieldwork at outside organizations. This fieldwork practicum course is designed for students who will be working for either 20, 25, or 30 hours/week in a government lawyering placement that they have secured themselves and who wish to take an intensive three-credit companion seminar on government lawyering. Every participating student must also enroll in an additional course that relates to the fieldwork s/he will be doing.

SEMINAR: Representing the government, either in litigation or in a regulatory or transactional practice, carries with it unique advantages and challenges. This course explores doctrinal topics from a government perspective and discusses some of the ethical challenges that government lawyers face. This course will give students a window into being a government lawyer, as well as enhance research, writing, and oral advocacy skills. Although the professor’s background and experience is largely in litigation, the class will cover topics that any government lawyer will face in his or her position. Students will produce a paper on a topic closely related to their fieldwork, and will present to the class on that topic. Students will earn 3 graded credits for the seminar. Attendance is mandatory at all class sessions.

FIELDWORK: Students will work for either 20, 25, or 30 hours per week, for at least 11 weeks, in a law-related government placement, and must be closely supervised by an attorney from that office. Students are responsible for finding their own placements, and must have the placement offer when registering for the course. They will earn either 4 pass/fail credits for 20 hours of fieldwork/week, 5 pass/fail credits for 25 hours of fieldwork/week, or 6 pass/fail credits for 30 hours/week of fieldwork/week.

1. Students can begin working toward their hours requirement (220, 275, or 330 hours over the semester) from the first day of regular, semester-long classes and must complete their hours requirement by the last day of classes.
2. Students must be fully eligible to start work at their field placement (i.e., security clearances and background checks complete) by the day before Add/Drop ends or they will be dropped from the course.

Students who enroll in this course will be automatically enrolled in both the seminar and fieldwork components and may not take either component separately. A student wishing to withdraw from the course will be withdrawn from both the seminar and fieldwork components.

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).

Mutually Excluded Courses: This course is mutually exclusive with all externship courses; that is, you may not do an externship before or after taking this course. This course is also mutually exclusive with all D.C. Advantage practicum courses.

Students may not concurrently enroll in this course and a clinic, fieldwork practicum, or other externship course.

Note: This course is open to JD students only.

Students are responsible for securing their own government lawyering field placements. Students must be closely supervised by a licensed attorney (or someone otherwise qualified to supervise). Students may not be compensated for the work at their placement, nor may students work on pro bono matters at a for-profit entity. The Office of Public Interest and Community Service (OPICS) is available, by appointment, to discuss

Administrative Law, Legislation, and Governance 19
LAW 1028 v00 Health Care Fraud and Abuse Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201028%20v00)
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 Statue (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 statues, 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 627 v00 Health Justice Alliance Law Clinic (http://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.


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

LAW 1603 v00 How to Regulate (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201603%20v00)
J.D. Course | 3 credit hours
Regulation is pervasive. But, governments routinely over-regulate in some areas, under-regulate in others, and also mis-regulate – by using solutions that really don’t “fit” the underlying problem, or cause more problems than they solve. When it comes to regulation, design details matter – and so does implementation. The result is that not all regulation is good – and some of it ranges from bad to awful. Simply stated, markets fail, but so does regulation. This course systematically evaluates these issues, using a wide array of real-world examples.

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

LAW 037 v00 Immigration Law and Policy (http://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 (http://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.

NOTE FOR THE SUMMER 2021 SECTION: This professor has committed to teaching this course from the classroom on campus. Students may participate in-person or remotely.

LAW 1519 v00 Immigration Policy across the Branches (http://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 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 223 v02 Insurance Law: Litigation and Regulation

J.D. Course (cross-listed) | 2 credit hours
This course focuses on the law of insurance, the insurance of business, and the business of insurance. Questions concerning property and casualty insurance, including insurance for mass torts, product liability, directors’ and officers’ liability, and natural disasters are examined. The obligations of insurance companies to conduct their business according to state and, to some extent, federal regulation and the law of insurance bad faith are explored. Particular types of coverages that will be studied include homeowners insurance, comprehensive general liability (CGL) insurance, excess and umbrella insurance, D&O insurance, and property insurance (including business-interruption/lost-profits insurance). Students will develop sophisticated skills in analyzing the applicability of insurance to complex loss situations, the duties of insureds and insurance companies, and the ethical questions faced by lawyers sometimes caught in between.

Note: The course does not address life, disability, or health insurance, or ERISA.

Learning Objectives:
In this course, you will learn:

1. Business context and objectives for insurance transactions.
2. How to parse and interpret insurance-policy language.
3. How property-casualty insurance responds to “real world” situations, involving losses to property including from natural disasters, mass tort claims, shareholder claims, and other situations.
4. How courts and law makers create incentives for insurance companies to act in positive ways. This includes questions of insurance company “bad faith” or good faith, the obligation of an insurer to accept a reasonable settlement offer from a plaintiff, obligations of insurers to provide lawyers to defend the insured and the ethical limits on the role of the lawyer, including when the lawyer is selected by the insured rather than the insurance company.
5. Through reviewing excerpts from briefs, students will gain a better appreciation of how to articulate insurance-law points and make appropriate argument.
6. The reading material introduces the wide variety of relevant sources that may assist lawyers, such as cases, articles/treatises, attorneys-general opinions, bar-association ethics opinions, and actual insurance policies.

Prerequisite: Torts (or Government Processes), Civil Procedure (or Legal Process and Society), and Contracts (or Bargain, Exchange, and Liability).

Recommended: Corporations.

LAW 2021 v00 International Oil & Gas Industry: Legal and Policy Seminar

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: NOTE FOR THE SUMMER 2021 SECTION: This professor has committed to teaching this course from the classroom on campus. Students may participate in-person or remotely.

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 1473 v00 Judicial Review and the Administrative State

This seminar will examine the origins, development, and present state of administrative law doctrines that are central to administrative law practice. It will focus on doctrines that require judges to defer to agency interpretations of statutes; that require judges to defer to agency interpretations of regulations; and that guide judicial inquiry into whether agency action is arbitrary and capricious under the APA. Students will read the decisions that gave rise to these doctrines, trace their impact, and consider important scholarly criticisms and defenses of these doctrines.

Grades will be based on class participation, weekly written responses to class readings, and a substantial paper. Class readings will be drawn from a reading packet for the seminar consisting of case decisions, scholarly articles, and excerpts from notable books by administrative law scholars.

The first goal of the course is for students to develop a firm understanding of key administrative law doctrines—how they work, how they were constructed, and why they constructed, as well as important critiques and defenses of them.

The second goal of the course is for students to learn to think, speak, and write critically, fluently, and insightfully about administrative law doctrines and the role of the courts in constructing them. Preparing a substantial research paper for the course will enable them to grasp the “why” behind an important administrative-law doctrine, as well as assess its impact and merits, and develop their skills in legal research and writing.

Prerequisite: Administrative Law or Government Processes or Legislation and Regulation.

LAW 199 v03 Law and Regulation of Drugs, Biologics and Devices

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 Food and Drug Law Certificate.

LAW 1289 v00 Law of Robots

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, 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, criminal law, and international 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 023 v00 Lawmaking: Introduction to Statutory and Regulatory Interpretation

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 a first summer of legal work, as well as for upper-level courses that rely extensively on statutory law (such as tax, securities, environmental law, labor 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 upperclass course by the same title or the first-year elective, The Regulatory State, or Legislation and Regulations: Law, Science, and Policy, or Statutory Interpretation.

LAW 023 v03 Lawmaking: Introduction to Statutory and Regulatory Interpretation

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 upperclass course by the same title or the first-year elective, The Regulatory State, or Legislation and Regulations: Law, Science, and Policy, or Statutory Interpretation. Students MAY receive credit for this course and Lawmaking and Statutory Interpretation Seminar.
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.)

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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 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 v08 Legislation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20304%20v08)
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 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 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.
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.

The course starts with exploration of why regulation is enacted, the diversity of forms of regulation, 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 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 (3rd edition) (2017) 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** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201739%20v00)

J.D. Seminar | 2 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.

**Prerequisite:** Legislation or the first year elective, Legislation & Regulation.

**LAW 1169 v00 Litigating at Regulatory Agencies: Roles, Skills and Strategies** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201169%20v00) (Project-Based Practicum)

J.D. Practicum | 5 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 (and in this case, an outside client). This project-based practicum course will focus on regulatory agency litigation. Students will participate in a two hour/week seminar and carry out 15 hours/week of project work under the direction of the course professor.

Regulatory litigation covers a diverse terrain: from mergers of telecommunications monopolies to benefits for the disabled; from market manipulation by banks to fraud by physicians. It occurs at hundreds of administrative agencies, federal and state, employing thousands of lawyers in diverse roles. They organize proceedings, shape and draft expert testimony, conduct discovery, present and cross-examine expert witnesses, write briefs, draft opinions, defend or attack commission decisions in court, bring or defend enforcement actions, and shape regulatory legislation. Despite this diversity, all regulatory litigation should achieve the same outcome: an agency decision that serves a statutorily-defined public interest and holds up in court. This practicum course teaches students how to be effective participants in regulatory litigation, both as advocates for parties and as advisors to decision-makers. We will address two major questions: (1) What skills are required? and (2) How can lawyers shape the regulatory litigation process to serve the public interest rather than parties’ narrow private interests? We will address these questions through a seminar component and a project component, each informing the other.

**SEMINAR:** The seminar component will study the complete record of a litigated proceeding; if possible, one pending during the semester. The spring 2015 and spring 2016 classes dealt with the proposed acquisition of the local electric utility Pepco by the holding company Exelon, reviewed by the D.C. and Maryland regulatory agencies. For each stage in the proceeding (application, interventions, discovery, pre-filed testimony, design of hearing procedures, cross examination, settlements, briefing, deliberations, order-writing and judicial review), students will critique actual filings, and prepare their own versions in a simulated context (e.g., preparing discovery questions, conducting cross examination and presenting oral argument during judicial review). Further, using examples from other regulatory proceedings, we will compare litigation procedures and practices, with attention to the centrality of the evidentiary record, parties’ and the agency's vulnerability to interest group pressures, procedural efficiency and fairness, and the tension between short-term gains and the long-term public interest. Other readings will give insights into the strengths and weaknesses of agency decision-makers—the knowledge of which is essential to litigation success. Practitioners will visit class to answer student questions about technique and strategy.

**PROJECT WORK:** The project component will consist of one or more of the following activities: (a) working directly with a regulatory litigator or decisionmaker in a pending regulatory action; (b) preparing for an agency client a 15:20 page analytical paper that offers solutions to some suboptimality in regulatory litigation procedure; and (c) observing and commenting on some aspect of a current adjudication at the Federal Energy Regulatory Commission (or other regulatory agency selected by the student), applying the skills and principles studied in class.

**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).

**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.
This course surveys the legal environment, political values and policy debates that shape local government in the United States. 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 today. Some of the topics for discussion include: (1) the forms and powers of the various types of local governments (e.g. cities, counties, and special districts); (2) the allocation of power between states and their local governments and the role of local governments in the federal system; (3) the pivotal role of local government in the regulation of private land use; (4) local sources of revenue and limits on borrowing; (5) recent trends in blight, suburbanization, sprawl and redevelopment; and (6) inter-local cooperation and regional governments. The course will also challenge students to explore the tension between the historical movement toward greater local control and the modern favor for “ smarter growth” and regional solutions. Finally, the course will enable students to exercise and develop skills of particular relevance to local decision-making: statutory interpretation, working effectively in groups, and understanding the dynamics and procedural context of local government proceedings.

Learning Objectives:

This course aspires to empower its students to:

• Recognize and apply several core legal doctrines that enable and constrain the existence of various local government entities.
• Describe how several prominent strains of American political theory have guided the historical development of local government law.
• Apply several constitutional principles and legal standards that regulate local government functions – for example, local taxation and expenditures, land use regulation, education, public safety and the other local services.
• Understand the menagerie local entities and appreciate how alternative forms of governance impact a lawyer’s ethical obligations.
• Explain the predominant funding mechanisms for local government, 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.
• Develop and deliver principled arguments about how socio-economic policy issues relate to legal doctrine, intra-regional wealth, sprawl and alternatives to local government.

Note: Although no prerequisites are required for this course, Professor Gardner strives to highlight connections between the material discussed in class and other substantive legal topics. Third- and fourth-year students will be encouraged to share learning from related courses – for example, civil procedure, constitutional law, administrative law, land use law and other legal subjects. In particular, this course will offer a meaningful segue leading to (and from) courses in land use and administrative law.

LAW 410 v04 Local Government Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20410%20v04)
J.D. Course | 3 credit hours
This course surveys the legal environment, political values and policy debates that shape local government in the United States. 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 today. Some of the topics for discussion include: (1) the forms and powers of the various types of local governments (e.g. cities, counties, and special districts); (2) the allocation of power between states and their local governments and the role of local governments in the federal system; (3) the pivotal role of local government in the regulation of private land use; (4) local sources of revenue and limits on borrowing; (5) recent trends in blight, suburbanization, sprawl and redevelopment; and (6) inter-local cooperation and regional governments. The course also will challenge students to explore the tension between the historical movement toward greater local control and the modern favor for “smarter growth” and regional solutions. Finally, the course will enable students to exercise and develop skills of particular relevance to local decision-making: statutory interpretation, working effectively in groups, and understanding the dynamics and procedural context of local government proceedings.

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• Apply several constitutional principles and legal standards that regulate local government functions – for example, local taxation and expenditures, land use regulation, education, public safety and the other local services.
• Understand the menagerie local entities and appreciate how alternative forms of governance impact a lawyer’s ethical obligations.
• Explain the predominant funding mechanisms for local government, 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.
• Develop and deliver principled arguments about how socio-economic policy issues relate to legal doctrine, intra-regional wealth, sprawl and alternatives to local government.

Note: Although no prerequisites are required for this course, Professor Gardner strives to highlight connections between the material discussed in class and other substantive legal topics. Third- and fourth-year students will be encouraged to share learning from related courses – for example, civil procedure, constitutional law, administrative law, land use law and other legal subjects. In particular, this course will offer a meaningful segue leading to (and from) courses in land use and administrative law.

LAW 3053 v00 Money Managers as Fiduciaries (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203053%20v00)
LL.M Course (cross-listed) | 2 credit hours
Money Managers – investment advisers, broker-dealers and the like – serve an important role not only in the financial system of the United States, but also the financial operations of institutions and the financial lives of individuals. Those managers today advise institutional and individual clients (including mutual funds) having aggregate assets under management well in excess of $70 trillion globally. This course focuses on the essential legal obligations placed on money managers in providing services to their clients and prospective clients: complying with a broad variety of fiduciary duties; meeting the terms and conditions of rules adopted by regulatory agencies; and avoiding engaging in fraudulent activities.

The course begins with consideration of the concept of a fiduciary and the manner in which the concept has become imbedded in the federal securities laws applicable to money managers. The course then turns its attention to the concept of fraud as defined in, and interpreted under, those securities laws and how the concept has been employed and expanded by the Securities and Exchange Commission (“SEC”) to set standards for money managers registered under the Investment Advisers Act of 1940 (the “Advisers Act”). The Advisers Act, the Investment Company Act of 1940 (the “1940 Act”) and portions of the Employee Retirement Income Security Act of 1974, as amended (“ERISA”) will be the principal statutory provisions around which the course will be centered. A number of classes during the semester will be devoted to detailed study of rules adopted by the SEC under the Advisers Act and the 1940 Act and by the Department of Labor under ERISA. At least three class sessions during the semester will be practical in nature, designed to enable students to assume the roles of legal practitioners advising money management firms facing various factual situations involving clients of those firms.

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

LAW 324 v00 Maritime Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20324%20v00)
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 (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203053%20v00)
LL.M Course (cross-listed) | 2 credit hours
Money Managers – investment advisers, broker-dealers and the like – serve an important role not only in the financial system of the United States, but also the financial operations of institutions and the financial lives of individuals. Those managers today advise institutional and individual clients (including mutual funds) having aggregate assets under management well in excess of $70 trillion globally. This course focuses on the essential legal obligations placed on money managers in providing services to their clients and prospective clients: complying with a broad variety of fiduciary duties; meeting the terms and conditions of rules adopted by regulatory agencies; and avoiding engaging in fraudulent activities.

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Note: First class attendance is strongly encouraged for all enrolled and waitlisted students.
LAW 508 v02 Policy Clinic (Harrison Institute for Public Law)  
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20508%20v02)
J.D. Clinic | 8 or 14 credit hours
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 explicit evaluation criteria in the clinical program design (https://www.law.georgetown.edu/experiential-learning/clinics/the-policy-clinic-climate-health-food-human-rights-and-trade-harrison-institute).

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. Research and analysis — covers legal, policy and strategic analysis. It includes identifying issues that require analysis, learning the context efficiently, using diverse sources to learn efficiently and avoid bias, explaining analytic methods, using a logical framework, and drawing conclusions or options that meet client needs.
3. Communication, writing and speaking — includes organizing documents and presentations logically, meeting audience needs for context in the introduction and for decision-making in the conclusion, relating analysis through stories and examples, presenting visual information, and using appropriate language in terms of editing conventions, clarity, tone, and jargon.

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  
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20408%20v03) (Fieldwork Practicum)
J.D. Practicum | 8-10 credit hours
In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This fieldwork practicum course is designed for students who wish to work for a public interest law organization that deals with issues connected to poverty. Students will participate in a two hour/week seminar (in both the fall and spring semesters) that focuses on the framework, history, and current issues related to American poverty. Students will also work for a public interest law organization that works on issues connected to poverty; students may work for either 10 or 15 hours/week in both the fall and spring or 30 hours/week in one semester only. In addition, students may work for 10 hours/week in the fall and 15 hours/week in the spring or vice versa.

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. 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 litigation and/or policy advocacy, including governments on all level and in either the executive branch or the legislative. Students may propose and arrange their own placements; these must be approved by Professor Edelman. Alternatively, Professor Edelman is available to assist in finding and setting up the placements. Depending on the number of hours worked, students will earn four, five, or six pass/fail credits for the fieldwork; one grade will be provided at the end of the year.

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).

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

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

This course may be suitable for evening students who can attend seminar and participate in fieldwork during business hours. Students who enroll in this course will be automatically enrolled in both the seminar and fieldwork components and may not take either component separately. A student wishing to withdraw from the course will be withdrawn from both the seminar and fieldwork components. Default attendance rule for all practicum courses (unless the professor otherwise specifies) is that if a student is not present for more than 20% of the seminars during the semester, he or she may be subject to failing the practicum.
LAW 1548 v00 Race and Democracy: Voting Rights in America

J.D. Course (cross-listed) | 3 credit hours
Race and Democracy: Voting Rights in America assesses the impact of white supremacy ideology on American Democracy. The course uses the struggle for Black voting rights as the primary framework for exploring this relationship.

Over the course of the term, students 1) develop a working knowledge of how the ideology of white supremacy has impacted voter registration, participation, and representation 2) acquire critical tools to identify, analyze, and dismantle narratives, policies, and practices rooted in the history of white supremacy and 3) develop an appreciation for the role social movements have played in both reinforcing and disrupting the structural and systemic barriers to a multiracial and multicultural democracy.

Recommended: There are no prerequisite requirements for this course, although courses in constitutional law can be helpful.

Note: NOTE FOR THE SUMMER 2021 SECTION: The professor will teach this course virtually via Zoom. Students may choose to participate from the classroom or via Zoom while the professor is participating remotely. Students who want to participate in person must be in the University's COVID testing protocol (https://www.law.georgetown.edu/covid-19-updates/message-from-the-dean-covid-health-protocols-enforcement-and-discipline) and follow all other safety measures.

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

LAW 1488 v00 Race and Voting Rights

J.D. Seminar (cross-listed) | 2-3 credit hours
This seminar will examine federal law and policy regarding voting rights, with a focus on requirements for equal treatment of racial, ethnic, and language minorities. Included are federal protections against racial discrimination and vote dilution under the constitution and Voting Rights Act; aspects of federal law on redistricting and racial gerrymandering; language assistance protections; the racial impact of state-law voter qualifications (including voter identification requirements, documentary proof-of-citizenship statutes, and felon disenfranchisement laws). Students in this seminar will engage with the constitutional, statutory, and doctrinal foundation for racial nondiscrimination in voting, and will also consider the application of that foundation to current legal and policy debates about voting rights and election participation.

Learning Goals
A. Develop an understanding of foundational legal principles. Students will gain a working understanding of voting rights law as it affects the opportunity for equal and nondiscriminatory participation by racial and ethnic minorities, including congressional authority to prohibit discrimination in voting, protection of minority interests in redistricting, regulation of voter qualifications and registration requirements, and protections for language minority groups.

B. Synthesize and apply foundational principles to contemporary problems in voting. In addition to studying the central legal principles established by the Constitution, federal statutes, and key Supreme Court cases, students in this seminar will also develop an understanding of how to synthesize those foundational sources and apply them to current legal debates regarding voter participation and access to the ballot.

C. Refine presentation skills. The class participation and research presentation requirements of this seminar will require students to develop their skills both in speaking about legal issues and in engaging in critical exchanges with classmates about legal issues.


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.
LAW 1607 v00 Race, Inequality and Progressive Politics: Voting Rights in America (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201607%20v00)
J.D. Course (cross-listed) | 3 credit hours
Race, Inequality and Progressive Politics: Voting Rights in America explores 1) the role of race and inequality in the evolving progressive vision of American democracy 2) lessons learned from successive backlashes to the progressive vision and 3) the implications of this history for the future of progressive politics in America. Tracking the historical evolution of progressive politics from 19th century Reconstruction to 20th century Civil Rights, this course locates the defining characteristics of American Progressive thought in an Ideology of Equality that consists of the following: 1) a critique of entrenched economic, political and social inequality 2) the reconstruction of government’s role in remedying inequality and 3) the development of a community-based, participatory democracy – a robust civil society supplementing the work of progressive government.

Learning Objectives and Methods: Over the course of the semester, students 1) develop a working knowledge of how race and inequality impact voter registration, participation and/or representation 2) acquire critical tools to identify and analyze dominant ideologies and narratives reinforcing inequalities and 3) explore innovative public policy and civil society solutions to the inequalities plaguing voting rights and electoral politics in American democracy.

LAW 896 v00 Regulated Money Management: Mutual Funds and Investment Advisers (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20896%20v00)
LL.M Course | 2 credit hours
This course is an introduction to the law and practice relating to two of the best known forms of money management in the United States: mutual funds registered with, and regulated by, the Securities and Exchange Commission; and investment advisers. The course focuses on the regulation of mutual funds and other investment companies under the Investment Company Act of 1940, and investment advisers under the Investment Advisers Act of 1940. The course begins by addressing important threshold questions of who or what is an investment company or investment adviser. The course then moves to an examination of the laws and policies applicable to: registration with, and regulation by, the SEC; disclosure to investors and clients; conflicts of interest faced by money managers; governance of funds and their managers; marketing practices of funds and money managers; fees, charged by funds and advisers; and other aspects of fund and adviser operations. Among the types of investment companies and advisory services that are discussed in the course are: closed-end funds, money market funds, exchange traded funds, private funds, asset allocation programs, and services to retirement plans. Throughout the semester, hot topics of the day including the asset management, business and investment management law are considered such as new legislation, (e.g., the Dodd-Frank Act,) important initiatives in fund disclosure, and potential misuse of material, non-public information.

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

LAW 1459 v00 Regulation and Deregulation in the Executive Branch Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201459%20v00)
J.D. Seminar (cross-listed) | 3 credit hours
Most federal regulation comes from the Executive Branch. Cabinet departments and agencies issues rules affecting everything from the environment to the workplace, from prisons to highways. Presidents issue executive orders initiating and rolling back areas of regulation. This seminar will address the authority behind such executive branch actions, the legal requirements they must meet, and the limits on their legal effects. It will address underlying constitutional, statutory, and institutional factors, as well as how potential changes to our regulatory system could affect what, when and how the Executive Branch can regulate. This course is open to all 2L, 3L and LLM students.
LAW 1019 v02 Renewable Energy, Internet, Uber: Bringing Competition to Historically Monopolistic Industries (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201019%20v02) (Project-Based Practicum)
J.D. Practicum | 5 credit hours

This course addresses regulatory efforts to bring competition to markets historically dominated by regulated monopolies, particularly in the electricity, gas, telecommunications and local transportation industries. Students will participate in a two hour/week seminar and carry out roughly 15 hours/week of project work for an outside client (usually a regulatory agency), under the direction of the course professor.

SEMINAR: In the field of public utility regulation, lawyers operate at the intersection of multiple professions (economics, finance, accounting, management, engineering and politics); jurisdictions (50 states and several federal agencies); and ideologies (e.g., private vs. public ownership, government intervention vs. "free market"). Regardless of the industry or era, public utility regulation has three common elements: its mission (to align corporate behavior with the public interest), its body of law (ranging from state law on monopoly franchises to federal constitutional protection of shareholder investment), and its flexibility (accommodating monopolistic and competitive market structures).

Today's policymakers are stretching traditional public utility law to address frontier problems, such as climate change (Should we require utilities and their customers to reduce and "green" energy production and consumption?); universal service (Should we bring broadband to every home?); homeland security (How vulnerable is utility infrastructure?); and privacy (Can regulators induce changes in personal energy consumption without expose personal consumption data?). A constant is state-federal tension over jurisdiction (e.g., Which aspects of utility service are "national," requiring uniformity; and which are "local," warranting state experimentation?). The public utility field employs thousands of lawyers in diverse roles.

The seminar component will cover (a) the backbone law (state and federal enabling statutes, constitutional law, antitrust law, contract and tort law, administrative law); and (b) the array of formal and informal procedures (notices of inquiry, rulemakings, contested cases, deliberative decision-making, appellate review) available to decision-makers and parties seeking to influence them.

PROJECT-WORK: Each student will work with a senior decision-maker or advisor within a state or federal regulatory agency, or a public interest group, to solve a frontier policy problem in utility regulation. Past projects have involved electric vehicles, solar energy deployment, broadband investment, revocation of public utility franchises, data privacy, wireline telephone rate structures, and service quality standards in a developing country's natural gas industry. Besides researching and solving substantive issues for the client, student papers and class discussions will address the lawyer's role in (a) integrating multiple professional disciplines; (b) maneuvering within multiple jurisdictions and fora; and (c) assessing and improving regulatory agencies' performance.

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).

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 Louis Fine (fine@law.georgetown.edu) to request admission.
This practicum course is suitable for evening students who can commit to attending the weekly seminars and participating in 15 hours of project work per week.
LAW 406 v00 Space Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20406%20v00)
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.

Recommended: Prior or concurrent enrollment in International Law I.

LAW 406 v01 Space Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20406%20v01)
LL.M Seminar (cross-listed) | 2 credit hours
This course will provide an overview of U.S. domestic and international law applicable to spaceflight activities. The focus will be on domestic licensing procedures and international treaty interpretation for launches, reentries, and other spaceflight activities.

Recommended: Prior or concurrent enrollment in International Law I.

LAW 1525 v00 Special Topics in Immigration (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201525%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This course will give students an in-depth look at rapidly developing areas in immigration law. Students will become familiar with the variety of adjudicators in the immigration system, navigating the relationship between Asylum Officers, Immigration Judges, the Board of Immigration Appeals, and the federal courts. We explore legal topics that often arise before these adjudicatory bodies, focusing on those that generate the most frequent—and complex—litigation. Specifically, we focus on detention and bond, corroboration requirements for asylum seekers, and “categorical approach,” under which adjudicators determine whether a criminal conviction renders a respondent removable and ineligible for relief. Students will also become familiar with constitutional challenges to immigration statutes or procedures as they appear in immigration courts and the extent of executive authority under the immigration laws. Finally, we introduce students to judicial review under the Immigration & Nationality Act, the immigration rule of lenity, and the role of deference doctrines in immigration cases.

This course also provides experiential training in the field of appellate immigration practice. Instead of writing a final paper or exam, students will participate in a moot court exercise. Each student will draft the pleadings and prepare arguments for an immigration-related case currently pending in a court of appeals. During this process, the professors provide each student with individualized feedback on her brief-writing and oral advocacy.

Learning Objectives:

Through this course, students will:

• Better understand judicial review under the immigration laws and the immigration adjudication procedures.
• Develop familiarity with asylum law, exclusion and removal grounds, and detention under the immigration laws.
• Gain knowledge of administrative legal practice, including concepts like administrative exhaustion requirements, administrative appeals procedures, and judicial review.
• Become familiar with appellate practice, including concepts like standard of review and findings of fact.
• Develop oral advocacy skills, including the ability to respond to present a legal argument and respond to questions from appeals judges.
• Prepare pleadings in an immigration case at the appellate level, including researching relevant caselaw and succinctly stating the facts of the case.

Recommended: Immigration Law and Policy.
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. 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. 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 today. Some of the topics for discussion include:

1. The allocation of power between states and their local governments and the role of state and local governments in the federal system;
2. Distinctions between state constitutions and the US Constitution in form and powers including elected judiciaries, legislative procedure, line item vetoes, direct democracy and fundamental rights;
3. The Tenth Amendment, cooperative and coercive federalism, and the role of states as a counterweight to federal power;
4. The pivotal role of local government in the regulation of private land use;
5. State and local sources of revenue, balanced budget provisions, and limits on borrowing;
6. Recent trends in blight, suburbanization, sprawl and redevelopment;
7. Federal pre-emption of state authorities, and the conflict between plenary state power and local autonomy; and
8. Inter-local cooperation and regional governments.

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 and 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 (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201524%20v00)

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.

Note: NOTE FOR THE SUMMER 2021 SECTION: The professor will teach this course virtually via Zoom. Students may choose to participate from the classroom or via Zoom while the professor is participating remotely. Students who want to participate in person must be in the University’s COVID testing protocol (https://www.law.georgetown.edu/covid-19-updates/message-from-the-dean-covid-health-protocols-enforcement-and-discipline) and follow all other safety measures.

LAW 856 v00 Tax Practice and Procedure (Administrative Practice) (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20856%20v00)

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 (formerly Taxation I).
LAW 1625 v00 Technology Policy and Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201625%20v00)

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 and having acquired “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, 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. Each class will incorporate pre-class preparations and an in-class skill building exercise.

Learning Objectives:

Goals:

• Receive substantive knowledge of legal issues related to technology issues.
• 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 Communications and Technology Policy: Advocacy in the Public Interest (Fieldwork Practicum).

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

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

This seminar will focus 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 or their clients’ interests and 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. Topic-based classes will likely select from among the following: critiques of assumptions of regulatory overreach and empire building; a class or two on federalism-linked subjects such as power federalism doctrinal shifts and presumptions, debate over the values and functions of preemption, and rationales for various federalism-utilizing allocations of authority; 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; the shift to market-based and experimental “rolling rule” modes of regulation; “sound science” and “bought science;” behavioral economics and regulatory design; and “impact” litigation strategies. 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 and legislative proposals and battles; regulatory responses to disasters; 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, congressional testimony, legislative and regulatory proposals, 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. 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: 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.

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

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.

Note: NOTE FOR THE SUMMER 2021 SECTION: The professor will teach this course virtually via Zoom. Students may choose to participate from the classroom or via Zoom while the professor is participating remotely. Students who want to participate in person must be in the University’s COVID testing protocol (https://www.law.georgetown.edu/covid-19-updates/message-from-the-dean-covid-health-protocols-enforcement-and-dicipline) and follow all other safety measures.

LAW 1526 v00 The Law of Autonomous Vehicles

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 will also 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 just 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

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, 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 L.L.M. students only.
This seminar will explore a range of legal and policy problems currently affecting American cities including housing and land use, concentrated poverty and racial segregation, expanded efforts to police crime, recent efforts to regulate harmful products (sugary drinks, tobacco, guns, unhealthy food), innovative efforts to encourage economic development, and strategies to expand social justice, among others. We will analyze the underlying social, economic, and political causes of these problems and the responses made by policymakers and courts. We will examine the limits of existing legal doctrines concerning local government powers at a time when local government units are being asked to take on more and more responsibility for improving society and regulating the conduct of citizens in local jurisdictions. Grades will be based on active participation in class discussion and a research paper. The last few weeks of the course will be devoted to student presentations of their research. Students seeking to use this course to satisfy the upper-level writing requirement must sign up for the three credit section.

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 J.D. Upperclass Legal Writing Requirement. The paper requirements of the 2-credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

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 will result in a withdrawal. Laptops and tablets are not allowed in the classroom.

This seminar, taught by a former law fellow, will expose students to some of the central legal documents and processes that govern administrative rulemaking proceedings. Over the course of the semester, students will advise a high-tech “client” throughout the lifecycle of a rule’s development, including participating in notice-and-comment proceedings and considering whether to appeal the agency’s decision. Students will engage with their clients, advise on key strategic decisions, and produce examples of the documents that are drafted by regulatory lawyers every day. Occasional guest speakers will provide students with special insight into the practice of administrative law.

Written work will consist of several short writing assignments to be completed between class sessions, as well as one longer assignment that students will draft over the course of the semester. Students will be evaluated on the quality of their written work and on class participation. Because the class meets only seven times over the course of the semester, attendance at each session is mandatory.

Prerequisite: Legal Practice: Writing and Analysis; concurrent or prior enrollment in Administrative Law. Students may contact the professor to discuss how they may meet the prerequisite with other prior or concurrent course work or experience.

Note: THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Students should email a short statement of their interest in the seminar to Professor Bonner at austin.bonner@gmail.com. Requests for permission to enroll will be reviewed on a rolling basis.

Limit: 10 students. This course is open to J.D. students only.

In the Spring 2016 semester, this course will meet on the following seven Wednesdays: 1/27, 2/10, 2/24, 3/16, 3/30, 4/13, and 4/27.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.