COMMUNICATIONS LAW

Broadly defined, the study of communications law encompasses the laws and regulations concerning the various means of communicating with the public (e.g., newspapers, radio, television, internet, and other mass communication media) and the mechanisms by which people communicate privately with each other (e.g., telephone, email, and cellular). Somewhat more narrowly, the study of communications law often focuses on the Communications Act of 1934, as amended, which authorizes the Federal Communications Commission (FCC) to license and regulate broadcast stations, to regulate (with local jurisdictions) the provision of cable television, and to oversee the rates, terms, and conditions under which common carriers (e.g., phone companies) serve the public.

Students interested in an overview of or introduction to communications law should take the survey course, Communications Law and Policy. The course examines the regulation of broadcasting, cable, wireline and wireless telephony, and broadband and internet communications, following the structure of regulation defined by the Communications Act of 1934 as amended over the years, particularly by the Telecommunication Act of 1996.

Students who want to examine some of these issues in more detail or who wish to explore related communications issues should take some of the more specialized courses and seminars such as:

- Communications Law: Law and Policy in the Internet Age
- Law of Cyberspace
- Free Press Seminar
- Information Privacy Law
- The practicum courses listed on the right may also be of interest.

Students interested in experiencing the practice of communications law have a unique opportunity to do so in one of the clinics -- the Institute for Public Representation (IPR). IPR’s Communications and Technology Law section practices in the area of public interest communications law. The goal of this practice is to make the communications media accessible, diverse, and responsive to the needs of all segments of the community. In the clinic, students represent advocacy, consumer, and civil rights organizations before the Federal Communications Commission and the federal courts. Some of the issues that students have worked on over the past several years include support of lower telephone rates for prison payphones, online public disclosure by broadcast studios of sponsors for political advertisements, media ownership rules, children's online privacy, low-power FM radio, access to telecommunications by persons with disabilities, and supporting robust network neutrality. Students in the clinic increase their substantive knowledge of communications law, and at the same time, have an opportunity to do a substantial amount of legal research, analysis and writing, interact with clients, and consider the professional responsibilities that arise in public interest law practice.

We recommend that students interested in communications law also take Constitutional Law II to gain a greater understanding of free speech issues, Administrative Law to understand how agencies such as the FCC operate, and Antitrust Law to learn how to analyze the industry structure issues that play a major role in communications law. Copyright Law also considers issues related to communications law.

Search Communications Law Courses (http://curriculum.law.georgetown.edu/course-search/?cluster=cluster_7)

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 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 policy-making 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 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 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 038 v01 Antitrust Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20038%20v01)
J.D. Course (cross-listed) | 3 credit hours
This course covers the major federal legislation in the field of antitrust law, with a primary focus upon governmental efforts to promote competition, including Sections 1 and 2 of the Sherman Act, and Section 7 of the Clayton Act. Emphasis is placed upon the growing role of economic analysis and other modern trends in judicial interpretation, with an emphasis on understanding the means by which courts determine whether unilateral and collaborative business conduct is pro-competitive or anticompetitive, regardless of the particular statutory provision at issue.

Mutually Excluded Courses: Students may not receive credit for both this course and Antitrust Economics and Law.

LAW 038 v50 Antitrust Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20038%20v50)
J.D. Course (cross-listed) | 3 credit hours
This course covers the major federal antitrust statutes and related federal agency guidelines, with a primary focus on government efforts to protect and promote competition through the Sherman Act, the Clayton Act, and Section 5 of the Federal Trade Commission Act. Emphasis is placed on the growing use of economic analysis and other modern trends in judicial interpretation of these statutes, and on recent case law addressing vertical and horizontal restraints, monopolization, and mergers.

Mutually Excluded Courses: Students may not receive credit for both this course and Antitrust Economics and 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/2020/03/IPR-CT-Info-Sheet-2020-Final-ACC.pdf).


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

LAW 1291 v00 Communications and Technology Policy: Advocacy in the Public Interest

J.D. Practicum | 4 credit hours

In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. In this course, students will learn from a seminar instructor with decades of experience in government (FCC, White House, Congress), non-profits, and the private sector. For fieldwork, students will work at a range of public interest advocacy organizations engaged in cutting-edge policy issues in Washington, D.C.

These days are to technology and telecommunications policy what the 1960s were to voting rights or the 1930s were to administrative law. Internet governance, privacy, cybersecurity, broadband adoption, competition policy and copy protection decisions at the FCC, FTC, Congress, and the Administration are having a lasting impact on the technology ecosystem. Consumer advocacy therefore is more critical than ever, while the tactics and strategy deployed by consumer advocates must be facile and creative in a rapidly changing political environment.

This fieldwork practicum course will focus on the aforementioned and related issues. Students will be exposed to legislation and rulemaking across a broad spectrum of actors including Congress, the White House, federal agencies, industry, public interest advocates, and the press. Students will participate in a two-hour/week seminar and carry out 10 hours/week of fieldwork at a number of participating non-profit, public interest advocacy groups, including Public Knowledge, Consumers Union, Common Cause, National Consumers League, Center for Democracy and Technology, and others (list subject to change).

SEMINAR: In the two-credit, graded, seminar portion of the practicum, students will examine the legislative, regulatory, and administrative policy-making process in communications and technology. With public policy rapidly evolving in the communications and technology sectors, legal practitioners must understand how such policy is made and can be influenced. Some case studies will be preceded by overviews of subject areas critical to such policy. Using case studies from the debates involving wireless spectrum allocation, open Internet, video competition, digital copyright protection, corporate mergers and consumer advocacy initiatives, students will learn how Congress, the White House, and the Executive branch shape policy directly impacting the technology and communications sectors. Students will also learn how public interest groups, corporate interests, political interest groups, and the press intersect to influence policy.

FIELDWORK: In the two-credit, mandatory pass/fail, fieldwork portion of the practicum, students will apply the concepts discussed in seminar to current debates in spectrum policy, open Internet policy, and video competition policy through a field placement at a participating advocacy organization. Students will work with seasoned practitioners and apply in real-world settings the advocacy tools discussed in the seminar.

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: Communications Law, Copyright Law, Antitrust Law.

Mutually Excluded Courses: Students may not concurrently enroll in this practicum and an externship or a clinic or another practicum course. Students may not receive credit for both this practicum and Technology Policy and Practice.

Students taking this practicum are not precluded from enrolling in the Institute for Public Representation: Communications and Technology Law clinic either before or after this course.

LAW 073 v02 Communications Law and Policy

J.D. Course | 3 credit hours

This course is intended to help students understand the policy issues that underlie the regulation of communications industries, become familiar with the fundamental approaches to communications regulation and judicial review of that regulation, and evaluate the successes and failures of recent reforms. The course will address regulation of broadcasting, cable, wireline and wireless telephony, and broadband and Internet communications. Sections begin with a brief history of communications regulation and discuss the fundamental legal and policy decisions that have evolved through the present day. The course seeks to understand in what instances the government should intervene in the marketplace. When intervention occurs, the course seeks to evaluate government’s most appropriate role in broadcast regulation, telephone regulation, wireless spectrum issues, cable television regulation and broadband regulation. We will discuss the powers of local, state, and federal regulators and attempt to identify the jurisdictional boundaries among them. The course explores the regulatory theory underlying the Communications Act of 1934 and the Telecommunications Act of 1996 and attempts to predict the regulatory models that should govern the 21st century.
Communications Law

LAW 200 v01 Communications Law: Law and Policy in the Internet Age
J.D. Seminar (cross-listed) | 2-3 credit hours
The advent of the Internet has spawned massive leaps in technology and the way Americans use communications services to reach that technology. This course examines how courts, legislatures, and regulatory agencies react to constant change in communications technologies. We will focus on specific technological advances to explore the way legal, economic, social, and technological forces shape and are harnessed by legal systems faced with challenges to the status quo. The course will draw on leading communications law cases, statutes, and FCC and FTC actions. Students will explore the legal and lobbying battles raging today in Washington and across the world that are fueled by technological change, in areas such as net neutrality, privacy, free speech and broadcast indecency, competition, and spectrum policy. We will try to focus in particular on questions currently before the courts, the FCC and Congress. The goal is to deepen each student’s understanding of major communications law topics, to determine if a comparison of these topics reveals a set of common legal, policy, and political reactions to technological change, and to provide future policymakers with the tools to respond to change more effectively.

The class will meet for two hours once per week. Grades will be based on class participation (25%) and a final paper/oral presentation (75%). There are no course prerequisites. While there is overlap with Communications Law and Policy on several issues, we cover different issues in total. For students with no communications law background, we will cover the basic background on the law and policy needed to understand the issues addressed.

Learning Objectives:

• Deepen each student’s understanding of major communications policy topics in dispute.
• Determine if a comparison of these topics reveals a set of common legal, policy, and political reactions to technological change.
• Provide future policymakers with the tools to respond to change more effectively.
• Provide insight to the role legal constraints play in policy debates and policy plays in legal challenges.
• Improve oral and written advocacy skills through writing and presenting an advocacy white paper.

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 080 v00 Computer Crime Law
J.D. Course (cross-listed) | 3 credit hours
Explores the legal issues that judges, legislators, prosecutors, and defense attorneys are confronting as they respond to the recent explosion in computer-related crime. In particular, the course considers how crimes on the Internet will challenge traditional approaches to the investigation, prosecution, and defense of crime that have evolved from our experience with crimes in physical space. Topics will include: the Fourth Amendment online, the law of electronic surveillance, computer hacking and other computer crimes, cyberterrorism, the First Amendment in cyberspace, and civil liberties online. Although much of this class involves computer and internet technology, no prior technical background or knowledge is required.

Mutually Excluded Courses: Students may not receive credit for both this course and Computer Crime Seminar or the graduate course, Global Cybercrime Law.

LAW 215 v00 Constitutional Law II: Individual Rights and Liberties
J.D. Course (cross-listed) | 4 credit hours
This course focuses primarily on the First, Fifth, and Fourteenth Amendments (free speech, due process, and equal protection) and the role of the Supreme Court as ultimate interpreter and guardian of the Bill of Rights.

Note for Professor Barnett’s section: As a way to understand the structure of current doctrines, Professor Barnett’s course will stress how and why the doctrines evolved from the Founding through the Civil War, Reconstruction, the Progressive Era, the New Deal, the Warren and Rehnquist Courts to the Roberts Court today. Coverage will include the Second and Ninth Amendments. Internet access on any device is not allowed during class; all laptop use is disallowed in Professor Barnett’s course.

Learning goals for Professor Spann’s section:
The primary goal of the course is to teach students how to manipulate the doctrinal rules and underlying policy considerations that govern the topics in the course, and to get students to confront the normative implications raised by such vast amounts of doctrinal indeterminacy.
LAW 1197 v00 Emerging Law Governing Digital Information
J.D. Seminar (cross-listed) | 2 credit hours
This course responds to the compelling need for lawyers to help companies navigate the rules for managing and governing digital information assets in the 21st century. Students will explore the growing portfolio of laws and regulations that control how digital information assets and systems are developed and maintained, as well as the impact of digital records on the ability of companies to operate within existing legal frameworks. Readings, discussions, and student contributions will illuminate the strategies required for navigating through legal, technology, and compliance risks. Both domestic and international legal materials will be examined, to enable the comparative challenges of global online business.

Topics include the structure and governance of information systems and markets; the corporate duties to preserve digital information; the regulation of information systems and networks; information sharing and security between the private and public sectors; and future trends in information governance.

The course is highly interactive, emphasizing in-class student analyses, rapid-fire group collaboration, and the use of innovative visual tools enabling students to navigate the complexity of legal and technology rules. In completing this course, students will have enhanced their abilities to work in diverse career tracks, including in-house compliance, risk management, and regulatory counsel roles.

The grade will be based on class preparation and participation, as well as a final take-home examination.

Prerequisite: Prerequisites: Contracts or Bargain, Exchange, and Liability (or for foreign-educated LL.M. students, Foundations of American Law, Introduction to U.S. Legal Methods or a Contracts equivalent course from the home country).

Recommended: One or more of Evidence, Commercial Law: Payment Systems, or Commercial Law: Sales Transactions.

No special technology background or experience is required; however, students will be expected to prepare and submit work electronically.

Note: Students in this course will be charged a course materials fee to cover commercial materials that the Law Center purchases at the faculty's request on behalf of enrolled students. This additional fee will be placed directly on a student's account on February 25, 2015. Students who drop the course will not be charged, but students who are approved to withdraw from the course after add/drop will not be refunded. Courses that start after the Spring add/drop deadline (January 20, 2015) have until the beginning of the second class session to drop the course.

LAW 196 v03 Free Press
J.D. Course | 2 credit hours
"Congress shall make no law . . .," the First Amendment commands, "abridging the freedom . . . of the press." But Congress, the Executive Branch, and the courts have promulgated a host of laws governing both print and electronic media. This survey of mass media law explores such current topics as prior restraints on publication, defamation, privacy, newsgathering liability, media liability for unlawful conduct of third parties, compelled disclosure of sources, and access to information. Practical aspects of representing media clients are examined along with public policy implications of existing legal doctrines and proposals for change. Much of the course is discussion-based, and students will be expected to make meaningful contributions to that discussion, with class participation forming the basis for one-third of the grade for the semester.

PLEASE NOTE: This course will not be offered during the 2020-2021 academic year. Please plan accordingly.


Mutually Excluded Courses: Students may not receive credit for both this course and the Free Press Seminar.

LAW 196 v02 Free Press Seminar
J.D. Seminar | 2 credit hours
"Congress shall make no law . . .," the First Amendment commands, "abridging the freedom . . . of the press." But Congress, the Executive Branch, and the courts have promulgated a host of laws governing both print and electronic media. This survey of mass media law explores such current topics as prior restraints on publication, defamation, privacy, newsgathering liability, media liability for unlawful conduct of third parties, compelled disclosure of sources, and access to information. Practical aspects of representing media clients are examined along with public policy implications of existing legal doctrines and proposals for change.


Mutually Excluded Courses: Students may not receive credit for both this seminar and the course, Free Press.
This course examines "information privacy," an individual's right to control his or her personal information held by others. The aim of the course is to understand how courts and the Congress seek to protect information privacy as new technologies and new institutional practices emerge. The course traces the origins of the right to information privacy in American law; through Constitutional law, tort law, and modern statutory law. Case studies of landmark privacy legislation illustrate how expectations of privacy are translated into legal frameworks. The course looks at recent controversies involving domestic surveillance, identification systems, social network sites, DNA databases, locational privacy, and drones. The course also considers the impact of the European data protection law, new business practices and investigative techniques, and the availability of cryptography and other Privacy Enhancing Technologies on the future of privacy law in the United States. Guest speakers include leading privacy officials from government and practitioners from the private sector. More information is available at the Privacy Law and Society website.

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

This course provides an introduction to information privacy law both on the books and on the ground. Topics covered include the common law, constitutional, and statutory foundations of U.S. information privacy law; information privacy compliance, enforcement, and regulatory practice; international approaches to information privacy law; philosophical bases for privacy protection; and "privacy by design."

In addition to the final take-home exam, there might be a mid-term take-home exam.

This course serves as an introduction to the field of "information privacy law." The goal of the course is to equip students with the vocabulary, legal toolkit, and contextual knowledge to enter the practice of law in this rapidly-expanding practice area. The course will trace the development and meanings of privacy in American law from the famous 1890 Harvard Law Review article "The Right to Privacy" by Samuel Warren and Louis Brandeis to the modern problems of privacy in the information age. Particular emphasis will be placed upon modern policy problems involving privacy, including privacy and the media, Fourth Amendment law, national security and government surveillance, health privacy, Internet privacy, FTC regulation, emerging technologies and the problems caused by government and private-sector databases. The focus of the course is on US law, but we will necessarily examine the internationalization of the field, including the European General Data Protection Regulation (GDPR) and the "Right to Be Forgotten." Attendance and participation are essential. Please note that laptop computers are not permitted in class. There will be a timed modified closed-book final exam.

Note: Please note that laptop computers are not permitted in class.
LAW 1019 v02 Renewable Energy, Internet, Uber: Bringing Competition to Historically Monopolistic Industries

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 exposing 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.
These rapid changes lead to numerous legal questions: What is the “free press” in an era when journalists are pushed to amass clicks? Who is a journalist when access to publication technology has been democratized? Are reporter shield laws still relevant when technology allows the government to covertly spy on journalists? Does law have a role to play in combatting so-called “fake news”? Can and should the First Amendment (or other law) protect the press from being squeezed by technology platforms? More generally, what is law’s role in protecting journalists, the press, or the journalistic process? This course aims to encourage deep thinking, discussion, and writing about the answers to these questions.

Among the learning objectives for this course are: developing an understanding of how the law conceives of the press, journalists, and the audience for news; determining what legal questions arise as a result of how technology is impacting the press; creatively considering whether and how law can address these questions; improving legal research techniques as well as the ability to closely read and analyze both scholarly work and legal authorities; developing, organizing, and writing a seminar paper that is not merely descriptive but sets forth a thesis and defends it; and refining the ability to give and receive feedback as we workshop drafts.
LAW 1019 v00 The Law of Public Utilities: Bringing Competition to Historically Monopolistic Industries (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201019%20v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
Our major infrastructural industries—electricity, gas, telecommunications, transportation and water—were historically controlled by monopolies. Since the 1980s, efforts to introduce competition into these industries have met obstacles. Battles before legislative bodies, regulatory agencies and courts, at the state and federal levels, have produced a distinct body of law. That body of law—the law of introducing competition into historically monopolistic industries—is the subject of this course.

From the principles learned in the course, students have written papers on such diverse topics as renewable energy, internet, movie production, chicken slaughtering, student loans, pharmaceutical research, Uber, Flint’s water crisis, utility corporate form, cloud storage, electric storage, and teledicine 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: 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 1517 v00 The New EU Privacy Law—The GDPR: Background, Development and Consequences (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201517%20v00)
J.D. Seminar | 1 credit hour
The General Data Protection Regulation of the European Union went into force in May 2018. The GDPR is the most comprehensive privacy law ever enacted and it will have immediate impact on firms and consumers all around the world. This course provides an intensive introduction to the GDPR, drawing on the text of the Regulation, background materials, and related EU law developments. The course explores the development of privacy law in the modern democratic state, assesses the strengths and weaknesses of the Regulation, and examines the challenges ahead for implementation and compliance.

Learning Objectives:
The aim of this class is to provide:

- A general understanding of the historical and political circumstances that gave rise to the adoption of the GDPR
- A general understanding of the provisions of the General Data Protection Regulation
- A general understanding of current developments related to the GDPR
- A focused understanding of key provisions in the GDPR, including collective actions, data protection impact assessments, algorithmic transparency, the role of supervisory authorities, and the creation of the European Data Protection Board
- An introduction to related legal frameworks, including the Council of Europe Convention 108 (The ”Privacy Convention”), the OECD Privacy Guidelines, and the OECD AI Guidelines
- A brief introduction to regulatory theory, “ratcheting up,” and the “California/Brussels effect”
- Authoritative reference materials that will aid students as they undertake future work on the GDPR, including Rothenberg, Privacy Law Sourcebook, which includes the text of the GDPR and related material and the web site for Privacy Law and Society - privacylawandsociety.org (https://privacylawandsociety.org)

Recommended: Information Privacy Law.

Note: Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
LAW 1371 v00 Writing for Practice: Administrative Law

J.D. Seminar | 1 credit hour

The ability to write effective professional documents is one of a lawyer's most important skills. This one-credit seminar is designed to help students develop this skill. The seminar will build upon the principles learned in the first-year Legal Research and Writing course by providing instruction in drafting legal documents typical to the particular area of law that is examined in the larger, substantive course associated with the seminar. This writing intensive seminar has been developed by an adjunct professor working in collaboration with the full-time faculty member teaching the larger course. Students should expect to write several documents common in the given practice area, such as client letters, legal research memoranda, motions, or responses. At least one document will require both an initial and final draft. The professor will provide individualized feedback on each writing assignment. In addition to the practical legal writing skills taught, students will also learn more generally about the demands and concerns of regulatory practice.

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.

Full-time Faculty

Anupam Chander

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