

Legislation & Regulation 7188 J1
OHJD (Online Hybrid JD) Fall 2025
Tuesdays- 6:30 – 8:10 p.m. EST

Professor: Cynthia Lewis (she/her)
Vice Dean for Faculty and Professor of Law
clewis@vermontlaw.edu
802-831-1444 (office)
818-321-1105 (mobile)

Teaching Assistant: Sierra Baumgardner
OHJD Class of 2027,
OHJD Senator
SierraBaumgardner@vermontlaw.edu

Cynthia's Office hours: Friday Coffee Hour – 11:00 a.m. – 12:00 p.m. EST
Sunday Happy Hour – 5:00 – 6:00 p.m. EST
And by appointment

Sierra's Office hours: TBD

Description: This course introduces you to legislation and regulation and the role each plays in the administrative state. We find ourselves in a remarkable time to study the role of each branch of government. You will learn to navigate modern U.S. government institutions and processes, with a particular emphasis on understanding the methods and scope of authority of the different branches and levels of government. Your study begins with legislation and includes: the legislative process; statutory text and purpose; theories of statutory interpretation; and canons of statutory construction. You will examine the constitutional framework defining the relationship between Congress, regulatory agencies, and the President. Your focus will move to the regulatory process including: the delegation of authority; the Administrative Procedure Act; notice and comment rulemaking; and other agency actions.

Learning Outcomes: Students who successfully complete this course will:

- Demonstrate knowledge of the separation of powers within the constitutional structure of the US legal system,
- Demonstrate knowledge the legislative and regulatory processes and the role of each

in the regulatory state,

- Distinguish among the various theories of statutory interpretation and become proficient in identifying and applying canons of statutory construction, and
- Demonstrate knowledge of role and function of administrative agencies and how agency action is implemented.

Required Text: Linda D. Jellum, *The Legislative Process, Statutory Interpretation, and Administrative Agencies*, 2nd edition, Carolina Academic Press, 2021.

Additional materials will be posted to the course Canvas page as needed.

Additional Texts and Study Aids (not required):

The West Academic Study Aids database has loads of material available in all subject areas. Please visit <https://libguides.vermontlaw.edu/databases> and look for West Study Aids. Use your VLGS login if prompted for a password.

Scalia and Garner, *Reading Law: The Interpretation of Legal Texts*.
Thomson/West, 2012.

Current Events: In addition to scheduled readings and discussions, students will identify and share important legislative, regulatory, executive, and judicial updates from federal, state, and local government using the *Discussions* tab available on Canvas. This will give us a chance to apply what we learn to what we read in the news.

Agencies: You will be assigned to monitor a federal agency and provide agency updates during the last third of the course.

Expectations: Students must be prepared for class, be prompt in attendance and be ready to participate with cameras on. Classes will include lecture, group work and discussion. I will call on non-volunteers as well as volunteers. Some questions and roles will be pre-assigned. Please respect your colleagues and your professor acknowledging the differing opinions of your colleagues and refraining from side discussions and other disruptions.

Attendance: Attendance is required and counts toward class participation. Students who are absent from twenty (20%) percent of the regularly scheduled classes or who fail to complete required hours for other work shall be automatically withdrawn from the course with a grade of F-Wd. Students are responsible for monitoring their own compliance with this policy.

Please refer to the Vermont Law School Academic Regulations II(A)(1) in the *VLGS 2025-2026 Student Handbook* for details.

Grading: Grades will be based on class professionalism and preparation (20%), timed midterm (20%), and the closed-book final exam (60%).

Class professionalism and preparation will be based on the following components:

1. Attendance – required – see above.
2. Classroom discussion – meaningful.
3. Professionalism – Upholding VLGS Oath and Better Community Statement
4. Group work and presentations

Class Website: <https://vermontlaw.instructure.com/courses/3018>

Class Schedule: See the attached List of Readings and Discussion.

(Subject to minor changes.).

(Last updated 8/19/2025 – cl and sb)

Class Calendar – Readings and Discussion

Class meets virtually on Teams on **Tuesdays from 6:30 p.m.– 8:10 p.m. EST.**

Residential Week – September 4 – 7, 2025, Burlington, Vermont

Class	Date	Class Topic	Reading Assignment	Other
1	8/26	Course Overview, Legislative Process	Jellum, pg. 3-29; 31-54; 69-77.	Prepare “No Vehicles in the Park” hypothetical, pg.24- 29.
	9/2 9/4	No Class Welcome to Burlington!		
2	Friday 9/5 Residency 9:45 - 11:00 a.m.	Separation of Powers <i>INS v. Chadha</i>	Jellum, pg. 79-100. Justice Sotomayor’s Dissent in <i>McMahon v.</i> <i>New York</i> (available on Canvas)	
3	Saturday 9/6 Residency 9:15 - 10:30 a.m.	Separation of Powers Statutory Interpretation <i>King v. Burwell</i>	Jellum, pg. 103-118	
	9/7	Safe Travels home		
4	9/9	Canons – Intrinsic Plain Meaning <i>Smith v. United States,</i> <i>Watson v. United States</i> <i>Muscarello v. United</i> <i>States,</i> Canons – Intrinsic Technical Meaning <i>Nix v. Hedden,</i> <i>St. Clair v.</i> <i>Commonwealth,</i> <i>O’Connor v. Oakhurst</i>	Jellum, pg. 121-145; 148-156; 159-166.	Prepare Problem 4A, pg. 145-148

5	9/16	Theories of Statutory Interpretation: Textualism and Purposivism <i>State ex rel. Kalal v. Circuit Court of Dane County,</i> <i>State v. Courchesne</i> Theories of Statutory Interpretation: Intentionalism <i>United Steelworkers v. Weber</i>	Jellum, pg. 191 – 207, 209 – 228; 228-253.	Prepare Problem 6B, pg. 249 - 253
6	9/23	Canons – Intrinsic <i>Mayor of Lansing v. Michigan PSC, Regina v. Ojibway,</i> <i>United States v. Marshall, Public Citizen v. DOJ, Green v. Bock Laundry, United States v. Locke</i>	Jellum, pg. 269 – 282, 287-297, 300-311, 313-318.	
7	9/30	Canons – Intrinsic Latin Day! <i>Yates v. United States</i> Review	Jellum, pg. 319 – 328, 336 – 338, 346 – 349, 358 – 365, 367 –368, 374 - 375	
8	10/7	60-minute Midterm	In Class	
	10/14	No Class – Fall Recess		
9	10/21	Canons - Extrinsic Harmonizing Statutes, Federal Preemption	Jellum, pg. 451 – 458, 461-481, 495-496, 499-505, 520-533.	Prepare Problem 10B, pg. 469-474.

		<i>Williams v. Kentucky,</i> <i>Morton v. Mancari,</i> <i>Pulkkinen v. Pulkkinen</i> Canons – Extrinsic Legislative History		
10	10/28	Canons – Extrinsic Legislative Purpose <i>Heydon’s Case;</i> <i>Ohio Division of Wildlife</i> <i>v. Clifton; Church of the</i> <i>Holy Trinity v. United</i> <i>States</i> Canons – Policy Based Constitutional Avoidance, Rule of Lenity, NLRB v. Catholic <i>Bishop of Chicago;</i> <i>McNair v. State</i> (both) Clear Statement Rules <i>Florida Dept. of Revenue</i> <i>v. Piccadilly Cafeterias,</i> <i>Burch v. Secretary HHS</i>	Jellum, pg. 551 – 566, 609-627, 640 - 658	Prepare Problem 12A, pg. 561.
11	11/4	Introduction to Agencies: Rulemaking <i>Franklin v. Mass</i> Introduction to Agencies: Adjudication	Jellum, pg. 691-696, 699-718	Agency Assignments Prepare Problem 16, pg. 714-718
12	11/11	Delegation and Nondelegation <i>Gundy v. United States</i>	Jellum, pg. 719 - 739	
13	11/18	Agencies: Legislative Oversight <i>TVA v. Hill</i>	Jellum, pg. 753 - 784	

		Agencies: Executive Oversight and Role of Executive Orders <i>EO 12866</i>		
14	11/25	Agencies: Judicial Review of Agency Decisions <i>Skidmore v. Swift</i> <i>Chevron v. NRDC</i>	Jellum, Supplement, Available on Canvas ,	
		Happy Thanksgiving		
15	12/2	Post <i>Chevron</i> <i>Loper Bright Enterprises v. Raimondo</i> Review Linear Approach	Jellum, Supplement Available on Canvas	Discuss Problem 21
	TBD	Final Exam		