

Cover Sheet: Request 10094

LAW6XXX Statutory Interpretation

Info

Process	Course New Ugrad/Pro
Status	Pending
Submitter	Dampier,Tanya tdampier@law.ufl.edu
Created	2/26/2015 12:25:47 PM
Updated	3/3/2015 10:03:06 AM
Description	This course focuses especially on statutory interpretation by courts, but also covers the process of statutory enactment by legislatures and statutory implementation and enforcement by executive branches. The course materials include statutes, appellate decisions, and commentary from the relevant legal and political science literature.

Actions

Step	Status	Group	User	Comment	Updated
Department	Approved	LAW - Juris Doctor	Inman, Rachel		3/3/2015
College	Approved	LAW - College of Law	Flournoy, Alyson Craig		3/3/2015
University Curriculum Committee	Pending	PV - University Curriculum Committee (UCC)			3/3/2015
Statewide Course Numbering System					
Office of the Registrar					
Student Academic Support System					
Catalog					
College Notified					

Department Name and Number			
<p>Recommended SCNS Course Identification</p> <p>Prefix ___ ___ ___ Level ___ Course Number ___ ___ ___ Lab Code ___</p> <p>Full Course Title _____</p> <p>Transcript Title (please limit to 21 characters) _____</p>			
Effective Term and Year		Rotating Topic <input type="checkbox"/> yes <input type="checkbox"/> no	
Amount of Credit ___	Contact Hour: Base ___ or Headcount ___		S/U Only <input type="checkbox"/> yes <input type="checkbox"/> no
Repeatable Credit <input type="checkbox"/> yes <input type="checkbox"/> no If yes, ___ total repeatable credit allowed			
Variable Credit <input type="checkbox"/> yes <input type="checkbox"/> no If yes, ___ minimum and ___ maximum credits per semester			
Course Description (50 words or less)			
Prerequisites		Co-requisites	
Degree Type (mark all that apply) <input type="checkbox"/> Baccalaureate <input type="checkbox"/> Graduate <input type="checkbox"/> Professional <input type="checkbox"/> Other _____			
Category of Instruction <input type="checkbox"/> Introductory <input type="checkbox"/> Intermediate <input type="checkbox"/> Advanced			

Rationale and place in curriculum

Department Contact	Name	Phone	Email
College Contact	Name	Phone	Email

All UCC1 forms and each UCC2 form that proposes a change in the course description or credit hours must include this checklist in addition to a complete syllabus. Check the box if the attached syllabus includes the indicated information.

Syllabus MUST contain the following information:

- ☐ Instructor contact information (and TA if applicable)
- ☐ Course objectives and/or goals
- ☐ A topical outline (at least tentative) of subjects to be covered
- ☐ Required and recommended textbooks
- ☐ Methods by which students will be evaluated and their grades determined
- ☐ Policy related to class attendance
- ☐ Policy related to make-up exams or other work
- ☐ Statement related to accommodations for students with disabilities
- ☐ Information on current UF grading policies for assigning grade points

It is recommended that syllabi contain the following information:

1. Critical dates for exams and other work
2. Class demeanor expected by the professor (e.g., tardiness, cell phone usage)
3. UF's honesty policy
4. Contact information for university counseling and mental health services

The University's complete Syllabus Policy can be found at:

<http://www.aa.ufl.edu/policy/SyllabiPolicy.pdf>

Statutory Interpretation Syllabus 1.21

Professor Mark Fenster

fenster@law.ufl.edu and 273-0962

Holland Hall 376

Class: M & W, 10-10:50, Room 360

Office Hours: T, 10-noon, W, 2-3; & by appointment

Materials

- 1) LINDA D. JELLUM & DAVID CHARLES HRICIK, MODERN STATUTORY INTERPRETATION: PROBLEMS, THEORIES, AND LAWYERING STRATEGIES (2d ed. 72009).
- 2) Course handouts and periodic supplements, generally available at course TWEN site.

Course Objectives

The law is increasingly defined by legislative enactments. Legislators, legislative staff, and lobbyists spend much of their time struggling to negotiate and draft statutes, which judges, administrators, and attorneys then spend a significant amount of time attempting to interpret. This course focuses especially on statutory interpretation by courts, but also covers the process of statutory enactment by legislatures and statutory implementation and enforcement by executive branches. The course materials include statutes, appellate decisions, and commentary from the relevant legal and political science literature. By taking either the two- or three- hour course, the students will gain significant experience reading statutes closely, will understand how and why statutes are imperfectly drafted and how they are interpreted by attorneys, administrators, legislators, and judges, and will learn how to formulate and develop arguments in support of or against particular interpretations.

Evaluation

There will be a three-hour final exam for this course. It is scheduled (by the law school) for 8:30 AM on Monday, Dec. 3. The final exam will be open-book (you may bring any assigned material and any material you have created), and will be based on the lectures, class discussions, and assigned materials (whether discussed in class or not). I am not yet certain how the exam will be distributed it will either be by TWEN or Examsoft.

In-class participation is a vital aspect of this course, and may be factored into the final calculation of your grade. After the first day of class, I will begin taking volunteers and assigning students to present classes for the next day's readings. Everyone will get at least one turn. I expect that those pre-assigned for cases will engage in serious preparation and have a thoroughgoing knowledge of the facts, statutes, result, and reasoning in the case they have been assigned.

Class Attendance Policy

I will have a class list at the front of the classroom at the beginning of each period; you should initial your name in the appropriate box if you are familiar with the readings under discussion and prepared to engage in a discussion if I call on you. If you do not sign in for 6 or more of our regularly scheduled classes, your grade for the semester will be lowered. Conversely, I reserve

the right to increase your final grade for superior classroom participation, both when I call on you and for voluntary participation.

To be “prepared” you must have read the assignment and have made a good faith effort to think through the materials. (Obviously, those who have prepared for the cases they were assigned are prepared and should sign in.) You do not have to have perfect answers to the questions I might pose, but you must be willing to discuss the assigned reading (and prior readings) and work through the questions with the class. If you do sign up as prepared, I call on you, and in my opinion you are not prepared, I reserve the right to lower your final grade an additional point. Also, if you have someone else sign you in and you are not present, I will consider it a violation of the honor code as well as dock your final grade. Please sign up before class begins. You may not sign in if you arrive late for class.

Use of Computers in Class

I expect and encourage the use of computers in class. I will not, however, tolerate the use of computers for activities unrelated to the class (e.g., e-mail, instant messaging, web surfing, game playing, shopping). I reserve the right to call on people who I sense are engaging in unauthorized computer use during class, and to lower their final grades, even if they have not signed in as present and prepared.

Class Cancellation Policy

Class is canceled on the day before Thanksgiving, November 21. At this time, I do not anticipate cancelling any other classes, but if that changes, I will schedule a makeup class at a mutually agreeable time. I will endeavor to give as much warning as possible about a cancellation, and will not take attendance at any full make-up classes.

Policy Related to Make-up Exams or Other Work

The law school policy on delay in taking exams can be found at <http://www.law.ufl.edu/students/policies.shtml#12>.

Statement Related to Accommodations for Students with Disabilities

Students requesting classroom accommodation must first register with the Office of Disability Resources. The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.

Information on Levin College of Law Grading Policies

The Levin College of Law grading policy is available at: <http://www.law.ufl.edu/students/policies.shtml#9>.

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Point</u>	<u>Grade</u>	<u>Point</u>
A (Excellent)	4.0	C+	2.33	D-	0.67
A-	3.67	C (Satisfactory)	2.00	E (Failure)	0.0
B+	3.33	C-	1.67		
B (Good)	3.00	D+	1.33		
B-	2.67	D (Poor)	1.00		

Student Course Evaluations

Students can provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will receive notice of the specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Readings

Class #	Date	Assignment	Topic
<u>Legislative Process</u>			
1.	8/20	3-12 supplemental reading (see adjoining box to the right)	Legislative Process 1. You may read one or both of the following: The Senate's account of the legislative process (http://www.senate.gov/legislative/common/friefing/Senate_legislative_process.htm) or The House's account (an edited version of which is available in the Course Materials page of the TWEN site)
2.	8/22	19-31, handout on TWEN site	Legislative Process 2 (handout titled "Theories of Legislation and the Legislative Process," in Course Materials page)
<u>Overview of Interpretation</u>			
3.	8/27	33-51	Sources and Approaches
4.	8/29	51-65	Debates and Disagreements
5.	9/5	65-72	Case of the Speluncean Explorers
<u>Statutory Text and Its Limits</u>			
6.	9/10	73-92	Plain and Technical Meanings
7.	9/12	93-109	Absurdity & Ambiguity
8.	9/17	115-120, 126-137	Punctuation
<u>Textual Canons</u>			
9.	9/19	137-144, 149-160	Grammar & Canons 1
10.	9/24	161-172	Canons 2
11.	9/26	172-181, 183 n.3-184 (Problem 6-3; PW Ventures v. Nichols, 533 S.2d 281 (Fla. 1988))	Canons 3
<u>Components</u>			
12. & 13.	10/1 & 10/3	184-216	Canons 3 / Components: Titles and Preambles
<u>Legislative History/Acquiescence</u>			
14.	10/8	221-234	Legislative History (1)
15.	10/10	234-252	Legislative History (2)
16.	10/15	253-270	Post-Interpretation Legislative Silence (1)
17.	10/17	270-288	Post-Interpretation Legislative Silence (2)
<u>Conflicts of Time & Jurisdiction</u>			

18.	10/24	317-335	Judicial Interpretations from Other Jurisdictions
19.	10/29	342-361	Prospective Effects and Retroactivity
<u>The Role of (Federal) Administrative Agencies</u>			
20.	10/31	507-525	Chevron Deference and Its Scope
21.	11/5	525-542	Chevron's application and the agency-judicial relationship
<u>Class Visit (1): The Drafting Process</u>			
22.	11/7	TBA	Visit of Commissioner Hawkins and former City Attorney Radson
<u>Statutory Interpretation Before the US Supreme Court (Oct. 2012 term)</u>			
23.	11/14	11 th Cir. Decision and oral arg. transcript	Lozman v. City of Riviera Beach, 649 F.3d 1259 (11 th Cir. 2011)
24.	11/19	Fed. Cir. Decision, & scotusblog preview and recap	Bornes v. United States, 626 F.3d 574 (Fed. Cir. 2010)
<u>Class Visit (2): The Judicial Process</u>			
25.	11/26	In re: Cassell, 688 F.3d 1291 (11 th Cir. 2012); Myers v. Toojay's Management Corp., 419 B. R. 51 (M. D. Fla. 2009)	Visit of Senior U.S. District Court Judge Terrell Hodges (M.D. FL
<u>Exam Review</u>			
26.	11/28	TBA	Review Problem