

Antonin Scalia Law School at George Mason University
Legal Practicum — Regulatory Comments — LAW 300-001
Spring 2023, Mondays 8:10 - 10:10 PM
2 Credits -- Writing Course
David Zorn

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I will teach students to effectively influence the U.S. federal rulemaking process. I will explain

- a) the way that the federal regulatory process works,
- b) the role that public comments play in agency decision making,
- c) the practical strategies for writing comments that are more likely to alter regulatory decisions, and
- d) the content and style of writing that is best suited to this aspect of administrative law.

Students are expected to learn to

- a) persuasively communicate views in writing;
- b) deliver written assignments that have only rare errors of grammar, mechanics, and usage;
- c) clearly explain meaningful concepts; and
- d) improve written text.

Assignments and Grading: No group work. All assignments graded on the Scalia curve.

- Brief editing and writing (20% total, **each due 11:59 PM on the Friday after it is assigned**). Ten, brief editing/writing assignments to practice improving text and communicating clearly. **Late work on these assignments will not be accepted.**
- Substantive editing of a regulatory comment (35%, **due 11:59 PM, 3/10**). Use the techniques and knowledge learned in the course to improve an assigned comment on a significant regulatory action.
- Writing a comment on a federal rulemaking (45%, **due 11:59 PM, 4/24**). Use the techniques and strategies learned in the course, including specifying how the rule should be changed.

Late penalty: one letter grade for the first 24 hours; after that, zero credit for the assignment.

Class participation will not be a factor in grading.

General References (there are no required texts):

- ★ Belin, "[How to Edit College Essays Fast.](#)" Writers per Hour, March 14, 2022.
The most important material from this course to read for your career. Excellent, general-editing advice. Apply their advice; do not hire them for your Scalia Law courses.
- ★ [The Writing Center at Georgetown University Law Center](#). Excellent, concise instruction on writing.
- Carey, [The Federal Rulemaking Process: An Overview](#). Congressional Research Service (CRS), 2013.
- Carey, [Cost-Benefit and Other Analysis Requirements in the Rulemaking Process](#). CRS, 2014.
- Cole, [An Introduction to Judicial Review of Federal Agency Action](#). CRS, 2016.
- Eisner, [Rulemaking Requirements](#). Department of Transportation, 2011.
- Garvey, [A Brief Overview of Rulemaking and Judicial Review](#). CRS, 2017.

Schedule of Classes

1/23	<ul style="list-style-type: none"> • Course Overview • Overview of Effective Writing 	<ul style="list-style-type: none"> • Texas A&M, Writing; and • The Writing Center at GULC, Persuasive Writing
1/30	<ul style="list-style-type: none"> • Efficient and Meaningful Editing • Wise Use of Artificial Intelligence • Overview of an Effective Regulatory Comment 	<ul style="list-style-type: none"> • The Writing Center at GULC, The Home Stretch: Revising and Polishing the Scholarly Paper; and • George Mason Writing Center, Online Resources for Improving Grammar and Word Choice in Writing
2/6	<ul style="list-style-type: none"> • Overview of Informal Rulemaking 	<ul style="list-style-type: none"> • Balla & Dudley, Stakeholder Participation and Regulatory Policymaking in the United States; and • Reg Map or updated, more complex version
2/13	<ul style="list-style-type: none"> • Comment Evaluation and Response Process 	<ul style="list-style-type: none"> • USDA, Evaluation of Public Comments on CWD Program Standards; and • EPA, Clean Water Rule Comment Compendium - Mass Mailing Campaigns
2/20	<ul style="list-style-type: none"> • Effective Writing Style 	<ul style="list-style-type: none"> • The Writing Center at GULC (WCGULC) Ten Rules of Grammar and Usage that You Should Know; • WCGULC, Crafting Mid-Level Organization; • WCGULC, Concise is Nice; • WCGULC, Guiding Legal Readers Through Your Legal Document; • WCGULC, Tips for Effective Organization; and • WCGULC, Tips for Effective Punctuation in Legal Writing
2/27	<ul style="list-style-type: none"> • Individual Consultation on Summarizing and Analyzing Comments 	
3/6	<ul style="list-style-type: none"> • Requirements for Rulemaking 	<ul style="list-style-type: none"> • Carey, 2013; and • Eisner
3/20	<ul style="list-style-type: none"> • Strategizing Content • Effective Writing Style for Administrative Policy 	<ul style="list-style-type: none"> • Kodapanakkal, et al., "Moral Frames are Persuasive and Moralize Attitudes; Nonmoral Frames are Persuasive and De-Moralize Attitudes"; and • George Mason Writing Center, Improving Cohesion
3/27	<ul style="list-style-type: none"> • Opportunities and Common Vulnerabilities in Rulemakings 	<ul style="list-style-type: none"> • Shapiro, When Will They Listen?; and • Williams, Regulations Checklist: Common Pitfalls in Regulations
4/3	<ul style="list-style-type: none"> • Professional Writing 	<ul style="list-style-type: none"> • The Writing Center, UNC-CH (WCUNC), Commas; • WCUNC, Sentence Patterns; • WCUNC, Semi-colons, Colons, and Dashes
4/10	<ul style="list-style-type: none"> • Federated Federal Government 	<ul style="list-style-type: none"> • Sunstein, "The Office of Information and Regulatory Affairs"; and • Copeland, Federal Rulemaking: The Role of the Office of Information and Regulatory Affairs
4/17	<ul style="list-style-type: none"> • Individual Consultation on Writing Comments 	
4/24	<ul style="list-style-type: none"> • Overview of the Regulatory Landscape 	