

## Public Comments ff

**James Broughel**

7 mos ago

I'm not an attorney but to me this sounds unconstitutional. Isn't the common law something most people agree is a desirable feature of the U.S. system of governance? I agree that judges can go too far, but I don't believe we've reached that point. If anything judges may be too passive with respect to deferring to agency decisions and not making enough hard calls themselves. And where do you draw the line about what constitutes "judge-made laws"? It's an interesting proposal but a lot of details ... [Read More](#)

Like 2



**Jim Tozzi**

7 mos ago

The Multidisciplinary Management of the Administrative State DIRECTORY THE REPOSITORY: Memorialization of Comments

<https://www.thecre.com/forum8/?p=5075> Please visit the Exchange at

<https://www.thecre.com/forum8/?p=6778> The Common Law Initiative

<https://www.thecre.com/forum8/?p=6435> Center for Regulatory Effectiveness

[https://www.thecre.com/forum8/?page\\_id=1942](https://www.thecre.com/forum8/?page_id=1942)

Like



**William Resh**

7 mos ago

Jim, I'm happy to sign on to this. ACUS should be leading the effort to make many functions of government informed by multiple disciplines. I believe that many current members of ACUS who have legal background would agree with this sentiment. But, it needs to be expressed with intentionality. Thank you for articulating that! Best always, Bill Resh

Like



**Richard Brooks**

7 mos ago

This is a very creative idea. It may overlap with the the work of the American Law Institute and it is true that some state legislatures have evaluation units which evaluate the results of legislation and sometimes these evaluations touch on common law issues and even if they don't, their experience may be relevant to assessing some of the concerns expressed by other commentators. Of course, the proposal raises interesting jurisprudential issues as well, including the issue of the relation betw... [Read More](#)

Like



**Upstanding Person**

7 mos ago

The members of Congress are too busy to even consider something like this. There are 535 members of Congress and about 5 more sometime voting members from DC, Guam, USVI, etc. and they have constituencies of about 750,000 people, which is simply too many to tend to. Originally, the house districts were supposed to be 30,000 people. Grasp this, we should have about 11,000 members of Congress in the House. The Senate needs to expand as well 2 per state. Then they would have the ability to consider... [Read More](#)

Like



**Tatiana Neroni, J.D.**

7 mos ago

The constitutional principle of separation of powers requires that judges do not make law, that is an exclusive power delegated by the People to legislators only, without giving legislators authority to re-delegate this power to anybody else - administrative "agencies" or judges. If a given law is so unclear to an average person that it requires interpretation by "experts", such as judges, the law is unconstitutional and must be changed by legislators so that everybody understands without additional interpretations what the law means in order to abide by it. People delegate to judges only their authority to apply the law the way it is written by legislators to facts of particular cases judges are reviewing, in order to make decisions, not to change that law by their own interpretations. So, judge-made "law" is not a legitimate law in the US, no matter its "traditions", it violates the US Constitution and Constitutions of individual states, the only legitimate law is that made by legislators, and only when such laws are made in such a way that it does not violate the federal and (if state law) state Constitutions and is clear on its face for understanding of average people, non-lawyers. There is an ancient Roman saying - *abusus non tollit usum* - no matter how "well grounded in tradition" abuse of power is, it is still abuse of power.

Like



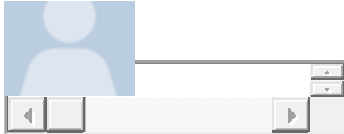
**Dr. Venkateshwarlu N**

7 mos ago

In India judge made law also called as Judicial interpretation and if it is little serious you can call it as judicial activities. When there is no proper codified law judiciary enter

in to fill the gaps , this kind of things will happen when society thinks in different war or otherwise more expectations from the existing society The common-law system of creating precedents is sometimes called stare decisis (literally, “to stand by decided matters”). This system of stare decisis is sometimes ... [Read More](#)

Like



**Jim Tozzi**

[7 mos ago](#)

SUGGESTION In filing your comments feel free to address the issues raised in the parent of the paper to the left of this post at <https://www.thecre.com/forum8/?p=6435> titled "The Common Law Initiative" RETENTION POLICY See <https://www.thecre.com/forum8/?p=5075> The information contained herein will be made available on a permanent basis to Members of Congress and Officials within the Executive Branch. To this end, this website will be open for public comments for the foreseeable future and th... [Read More](#)

Like 1

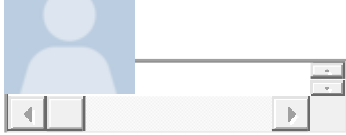


**Jim Tozzi**

[8 mos ago](#)

The parent document is available on the following link:  
<https://www.thecre.com/forum8/?p=6435> Third-Party Recognition  
[https://www.thecre.com/forum8/?page\\_id=1942](https://www.thecre.com/forum8/?page_id=1942) Employment  
[https://www.thecre.com/ombpapers/OMB\\_Officials.htm](https://www.thecre.com/ombpapers/OMB_Officials.htm)

Like 1



**Jim Tozzi**

8 mos ago

My career has focused on the development and implementation of a regulatory review program in the Executive Office of the President of the United States. I am now turning my attention to developing a mechanism which the Congress could use to review judge-made common law. The additional challenge in the second endeavor is that unlike the first endeavor which was focused on an economic review, the current work is focused on a multidisciplinary review.