

## Third Symposium

### Participants

- [ndeeds](#)
- xClose



---

[Jim Tozzi](#)

---



---

[Jacquelyn N'Jai](#)  
University of Pittsburgh, Alumnus, School of Education

---



---

[Jason MacLean](#)  
Lakehead University, Faculty Member, Faculty of Law

---



---

[Chuck McCutcheon](#)

---



---

[Subur Harahap](#)

Institut Bisnis Nusantara, Faculty Member, Management

---



---

[Jim Tozzi](#)



---

[Archie Morris](#)

Bowie State University, Faculty Member, Management, Marketing and Public Administration

---



---

[jeffrey lubbers](#)

American University, Faculty Member, Washington College of Law

---



---

[ikoel Jacob](#)

---



[syed zubair ahmed](#)

---



[Junelyn Pagunsan](#)

---



[Carolina Rudnick](#)

---



[Prince Semevo](#)

---



[yaregal demesie](#)

Bahir Dar University, Graduate Student, Law

---



---

[Buddhi Chauhan](#)

O.P. Jindal Global University, Faculty Member, Global Library

---



---

[Steph Sychuan](#)



---

[Ion Arhiliuc](#)



---

[PHILLIP G. BEVANS](#)

York University, Department Member, Osgoode Hall Law School

---



---

[Mohamma Wahab](#)

---



---

[Austin Kamanga](#)

---



---

[Dawn Reeves](#)

---



---

[James Duffy](#)

---



---

[Apostle Geoffrey Kolatau](#)

---



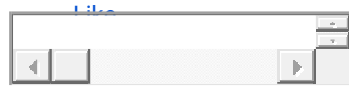
[Jim Tozzi](#)

# Discussion

**Jim Tozzi**

[2 mos ago](#)

We appreciate your interest in the Common Law Initiative. Shortly we will provide you with our recommend plan for proceeding and will request your comments. Here is a link to our current action plan: <https://www.thecre.com/forum8/?p=7806> Those of you who continue to feel more comfortable in sharing your views with us privately please feel free to message me or in the alternative contact us at [tozzi@thecre.com](mailto:tozzi@thecre.com). Record of Public and Non-Public Submissions <https://www.thecre.com/forum8/?p=7746>



**ikoel Jacob**

[3 mos ago](#)

Judge made law has progressively led to enactment of statutory law or otherwise based on the recommendations of judicial judgements. Needless to mention, the judges interpretation of laws has become a roadmap for aligning all parliament made laws to be in concurrence with the Constitutions. However, some commonwealth jurisdictions have always questioned the judgements that declare laws unconstitutional as an outright subversion of the roles of parliament in making laws. There needs to be a serious discourse between the judicial and parliamentary system on common ground of understanding between the two arms of government.

[Like](#) Annotation: Page 2



**Jim Tozzi**

[3 mos ago](#)

This is an excellent opener for the symposium; very substantive and addresses a broad spectrum of topics.

[Like](#)





**Jim Tozzi**

3 mos ago

PLEASE NOTE Challenging the Major Questions Doctrine

<https://www.thecre.com/forum8/?p=7806> In reading the articles in the document to left it is necessary to double click on the links to open them. Alternative routing:

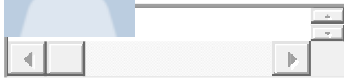
<https://www.thecre.com/forum8/?p=7414> A Succor for Chief Justice Roberts

<https://www.thecre.com/forum8/?p=7672> Program Summary

<https://www.thecre.com/forum8/?p=7644> Permanent Record of this Symposium

<https://www.thecre.com/forum8/?p=7746>

Like



Follow SSRN:



## U.S. ADMINISTRATIVE LAW eJOURNAL

Vol. 11, No. 64: Nov 16, 2022

**WILLIAM F. FUNK, EDITOR**

Professor of Law, Lewis & Clark Law School  
[funk@lclark.edu](mailto:funk@lclark.edu)

Browse ALL abstracts for this journal

Links:

[Subscribe ~ Unsubscribe](#) | [Distribution](#) | [Adv](#)

## Table of Contents

### **The Common Law Initiative: Congressional Review of Judge-Made Law - A Progress Report**

Jim J. Tozzi, Center for Regulatory Effectiveness

### **The Foreign Affairs Function and the APA**

Stephen Migala, *affiliation not provided to SSRN*

## Regime Change

Cristina Rodriguez, Yale Law School

[^top](#)

# U.S. ADMINISTRATIVE LAW eJOURNAL

## "The Common Law Initiative: Congressional Review of Judge-Made Law - A Progress Report"

**JIM J. TOZZI**, Center for Regulatory Effectiveness  
Email: [btozzi1@cox.net](mailto:btozzi1@cox.net)

Over the past fifty years considerable progress has been made in developing a process whereby the President can exercise oversight of the courts, the Common Law Initiative is a formative step to fill this void. This report is a summary of Public comments: <https://www.thecre.com/forum8/?p=7644>

## "The Foreign Affairs Function and the APA"

**STEPHEN MIGALA**, *affiliation not provided to SSRN*

Federal agency rulemaking is governed by the requirements of the Administrative Procedure Act (APA), which means it can take months or even years. However, a longstanding exception to those APA requirements called the "foreign affairs" exception has been increasingly challenged by litigants. Between these growing disputes, and a recent intra- and inter-circuit split is slowly emerging over the meaning of "foreign affairs." But history and context for this source, development, and contemporaneous understandings.

## "Regime Change"

**Harvard Law Review, Vol. 135, No. 1, p. 1, 2021**  
**Yale Law School, Public Law Research Paper Forthcoming**

**CRISTINA RODRIGUEZ**, Yale Law School  
Email: [cristina.rodriguez@yale.edu](mailto:cristina.rodriguez@yale.edu)

In this Foreword, I take October Term 2020 — a Term of transition — as an occasion to explore both the process and the constitutional, interpretive, philosophical, and policy commitments with another. Given the occasion, I focus on the transition that represents. Indeed, our current political transition confronts us with a central tension of our legal order, between the democratic imperative that our institutions help effectuate rather than impede the political will reflected in election results.

My basic claim will be that we ought not rush to treat disruption and change as shocks or aberrations that must be corrected by legitimate reinterpretations of law that, in turn, will help give rise to a new political regime. More generally, we should value and pursue. Valuing and pursuing these forms of change are justified, ultimately, because they help to sustain and advance our political order. Moments of transition do not purport to advance the rule of law but that in fact inhibit the evolution of our political order. Moments of transition are agonistic struggle perpetuated not just by courts, but also by political actors. The concept provides a ready-made framework for democratic development.

[^top](#)

## About this eJournal



This area contains content regarding administrative procedure, including rulemaking and adjudication procedures, and Presidential power. It generally does not include agency specific regulatory issues.

*Editor: **William F. Funk**, Lewis & Clark Law School*

## **Submissions**

To submit your research to SSRN, sign in to the [SSRN User Headquarters](#), click the My Papers link on left menu and

## **Distribution Services**

If your organization is interested in increasing readership for its research by starting a Research Paper Series, or sponsoring

## **Distributed by**

Legal Scholarship Network (LSN), a division of Social Science Electronic Publishing (SSEP) and Social Science Research

## **Advisory Board**

U.S. Administrative Law eJournal

WILLIAM R. ANDERSEN  
University of Washington School of Law

MICHAEL R. ASIMOW  
Dean's Executive Professor of Law, SANTA CLARA LAW SCHOOL , Santa Clara University - School of Law

HAROLD HASTINGS BRUFF  
University of Colorado Law School

RONALD A. CASS  
Honorable Ronald A. Cass, Chairman, Center for the Rule of Law, Honorable Ronald A. Cass, Esq., Cass & Associates

RONALD M. LEVIN  
Washington University in St. Louis - School of Law

RICHARD J. PIERCE  
George Washington University Law School

SUSAN ROSE-ACKERMAN  
Henry R. Luce Professor of Jurisprudence, Law School and Department of Political Science, Emeritus, Yale Law School

EDWARD L. RUBIN  
Dean, Vanderbilt University - Law School, Vanderbilt University - Department of Political Science

PETER H. SCHUCK  
Simeon E. Baldwin Professor Emeritus of Law and Professor (Adjunct) of Law, Yale University - Law School

SIDNEY A. SHAPIRO  
University Distinguished Professor of Law, Wake Forest University School of Law

CASS R. SUNSTEIN

Robert Walmsley University Professor, Harvard Law School, Harvard University - Harvard Kennedy School (HKS)

[^top](#)

Links: [Subscribe to Journal](#) | [Unsubscribe](#) | [Join Site Sub](#)

## Subscription Management

You can change your journal subscriptions by logging into [SSRN User HQ](#). **Questions?** Please visit the [SSRN Support](#)

## Site Subscription Membership

Many university departments and other institutions have purchased site subscriptions covering all of the eJournals in the first checking to see if your institution currently has a site subscription.

To do this please click on any of the following URLs. Instructions for joining the site are included on these pages.

- [Accounting Research Network](#)
- [Cognitive Science Network](#)
- [Corporate Governance Network](#)
- [Economics Research Network](#)
- [Entrepreneurship Research & Policy Network](#)
- [Financial Economics Network](#)
- [Health Economics Network](#)
- [Information Systems & eBusiness Network](#)
- [Legal Scholarship Network](#)
- [Management Research Network](#)
- [Political Science Network](#)
- [Social Insurance Research Network](#)
- [Classics Research Network](#)
- [English & American Literature Research Network](#)
- [Philosophy Research Network](#)

If your institution or department is not listed as a site, we would be happy to work with you to set one up. Please contact [SSRN Support](#)

## Individual Membership (for those not covered by a site subscription)

Join a site subscription, request a trial subscription, or purchase a subscription within the SSRN User Headquarters: [SSRN User HQ](#)

## Financial Hardship

If you are undergoing financial hardship and believe you cannot pay for an eJournal, please send a detailed explanation to [SSRN Support](#)