

EXAM ID: \_\_\_\_\_

**FINAL EXAMINATION  
LEGISLATION AND REGULATION  
LAW 6209 – Section 13 (Jackson) – Siegel  
Spring 2026**

**INSTRUCTIONS**

1. This is an open book examination. You may use any written materials that you have brought with you to the exam. “Written” materials include materials that are handwritten, typewritten, printed, or published, and, to the extent permitted by the school’s examination procedures, materials stored on your electronic device prior to the start of the exam. You may retype text from written materials into your exam answer (including by cutting and pasting, if the exam software permits it). However, during the exam, it is forbidden to access the Internet, to consult any other person directly or indirectly, or to make use of an artificial intelligence program.
2. You have **THREE HOURS** to complete the exam. The exam consists of **two** instructions pages and **seven** exam pages. Make sure you have all the pages.
3. There are **FOUR QUESTIONS**. All students must answer all questions. Recommended times for the questions are:  
  
Question 1: 45 minutes  
Question 2: 45 minutes  
Question 3: 55 minutes  
Question 4: 35 minutes
4. **WORD LIMIT:** For exams prepared using exam software, you must turn on the software’s “word count” feature. **Your answers are limited to a total of 4200 words for the entire exam.** A penalty will be applied to exams that exceed the word limit.
5. Do not put your name anywhere on your answers. Use your Exam ID. Do not write “Thank you for a great class” or anything similar on your exam. If you are writing your answers by hand, remember to *write legibly*.
6. If, with regard to any question, you think additional facts are needed to answer the question, state clearly what facts you think are missing, make a reasonable assumption about the missing facts, and answer the question based on your assumption. Do not change the given facts.

7. Using good judgment, address all the issues presented and assigned by the questions, even if your answers to some issues would, in real life, eliminate the need to address other issues.
8. Unless otherwise specified, assume all events described in the questions occurred in the United States and answer all questions on the basis of current law. Unless otherwise specified, explain your answers to all essay questions.
9. Good luck.

## QUESTION ONE

Federal labor laws, including the National Labor Relations Act of 1935 (“NLRA”) and the Labor-Management Reporting and Disclosure Act of 1959 (“LMRDA”), govern the relationships among employers, employees, and labor unions. The NLRA provides that covered employees have the right to be represented by a labor union. If such employees choose to be represented by a labor union, their employer must attempt to negotiate a collective bargaining agreement (“CBA”) with the union governing the employees’ terms and conditions of employment. A CBA is typically a lengthy agreement that specifies employees’ job duties, hours of work, rates of pay, benefits, holidays, and similar matters.

The LMRDA regulates internal union matters. Among other things, the LMRDA provides\*:

### **§ 414. Right to copies of collective bargaining agreements.**

Every labor union shall, on request by any employee, provide the employee with a copy of any collective bargaining agreement made by the union that governs the terms and conditions of that employee’s employment. Every labor union shall maintain at its principal office, and shall permit any member of the union to inspect, every collective bargaining agreement made by the union with any employer.

Ping, an employee of the Hilton hotel chain, is a member of UNITE, a labor union that represents many hotel workers. Ping’s terms and conditions of employment are covered by a CBA between UNITE and Hilton. Ping knows that UNITE also represents workers at other hotel chains such as Marriott and Sheraton, and she has heard that the CBAs that UNITE has negotiated with these other chains are better than UNITE’s CBA with Hilton. She informs UNITE that she will visit UNITE’s principal office to review its CBAs with other hotel chains. UNITE informs her that she is welcome to do so, but that she will not be permitted to copy or take photos of these other CBAs.

Ping sues UNITE in federal district court and asserts that UNITE’s restrictions are contrary to the LMRDA. She seeks an order requiring UNITE to permit her to use her cell phone to take photos of the CBAs it has with hotel chains other than Hilton. UNITE contends that the LMRDA gives Ping no right to do that.

There is no dispute as to the relevant facts, so both sides move for summary judgment and make all appropriate arguments. Among other things, the parties call attention to the following other provisions of the LMRDA:

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\* The language of the LMRDA has been altered for exam purposes. Ignore any outside knowledge that you may have regarding the statute and accept the language that is provided here.

**§ 401. Purpose.**

The purpose of this Act is to ensure that labor unions respect the rights of employees and adhere to the highest standards of responsibility and ethical conduct.

**§ 411. Constitution and bylaws of labor unions.**

The constitution and bylaws of every labor union shall provide the union's members with equal rights to nominate and vote for candidates for the union's president and other officials. Every labor union shall maintain at its principal office, and shall permit any member of the union to inspect and copy, its constitution and bylaws.

You are the law clerk to the federal judge who is handling the suit. Your judge asks you to write a memorandum discussing and evaluating the arguments of the parties and concluding with a clear recommendation as to which side should be granted summary judgment.

**Write the requested memorandum.**

## QUESTION TWO

[This question involves an issue of state law. For purposes of this question, assume that the state's principles of statutory interpretation are similar to those articulated by the U.S. Supreme Court in cases we studied this term.]

David, a lawyer, represents Paula, a citizen of Ohio, in a lawsuit in Ohio state court. Although Paula has a strong case, David bungles the suit so badly that Paula loses.

Two and a half years later, Paula sues David in Ohio state court for malpractice. Malpractice is a tort under Ohio law. David moves to dismiss Paula's suit on the ground that the suit was brought outside the applicable statute of limitations.

Ohio's statute of limitations provides, in relevant part:

- (a) Tort Actions.
  - (1) Except as provided in paragraph (2) below, no action for a tort may be maintained unless it is brought within three years after the cause of action accrues.
  - (2) No action for malpractice may be maintained against a physician, surgeon, psychiatrist, dentist, nurse, or other provider of professional services unless it is brought within two years after the cause of action accrues.

Paula asserts that her case against David is covered by the three-year limitations period provided in paragraph (a)(1) of the statute. David asserts that the case is subject to the two-year limitations period of paragraph (a)(2). The parties agree that these are the only provisions of Ohio law relevant to the limitations period for the case.

The limitations statute was amended 10 years before the events giving rise to Paula's suit against David. Prior to the amendment, paragraph (a)(2) contained the word "medical" between "professional" and "services." While the statute had this former wording, the highest court of Ohio, in a malpractice action against a nutritionist, held that a nutritionist who gave a client general dietary advice (as opposed to advice with regard to a particular disease or condition that requires a special diet) was not a "provider of professional medical services" within the meaning of paragraph (a)(2) as it was then worded, because providing general dietary advice is not a "medical service." The court therefore held that the case against the nutritionist was subject to the three-year limitations period of paragraph (a)(1).

Shortly after that decision, the Ohio legislature amended paragraph (a)(2) of the statute to

delete the word “medical.” A legislative report accompanying the amendment stated: “The purpose of this amendment is to ensure that paragraph (a)(2) is not judicially restricted in a way that wrongly deprives providers of professional services of the benefit of its shorter limitations period.”

You are the law clerk to the trial judge who is handling Paula’s malpractice suit against David. Both sides make all appropriate arguments with respect to David’s motion to dismiss. Your judge asks you to write a memorandum discussing and evaluating the arguments of the parties and concluding with a clear recommendation as to whether David’s motion should be granted or denied.

**Write the requested memorandum.**

### QUESTION THREE

The White House is the official residence of the President of the United States. It is located in President's Park, a federal park administered by the National Park Service (the "Park Service") in Washington, D.C.

In July 2025, President Donald Trump announces plans to build a "State Ballroom" on the grounds of the White House. In October 2025, at the direction of the President, the East Wing of the White House is demolished and work begins on a ballroom to be built in its place. The National Trust for Historic Preservation (the "National Trust") sues the President, the Park Service, and other federal officials in federal district court and claims that the defendants lack authority to build the proposed ballroom.

The defendants move to dismiss on numerous preliminary grounds, such as that the National Trust is not a proper plaintiff to bring the suit, that judicial review of the ballroom project is not available, and so on, but the district court denies this motion, and you should ignore these issues.

A key issue in the case is whether the defendants have the legal authority to order that the ballroom be built. With regard to that issue, the parties note the following:\*

The U.S. Constitution gives Congress the power "[t]o exercise exclusive Legislation in all Cases whatsoever, over . . . the Seat of the Government of the United States" [that is, over the District of Columbia]. U.S. Const., art. I, § 8. It also gives Congress the power "to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." *Id.* art. IV, § 3. The Constitution also provides that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." *Id.* art. I, § 9. The defendants do not contend that any provision of the Constitution gives the defendants authority to order the building of the ballroom.

A federal appropriations statute passed in 2024 authorizes the President to spend up to \$3 million for "the care, maintenance, repair, alteration, refurnishing, improvement, air-conditioning, heating, and lighting (including electric power and fixtures) of the Executive Residence at the White House."

The estimated cost of the proposed ballroom is \$400 million. The defendants plan to have this cost paid by privately donated funds. A federal statute authorizes the Secretary of the Interior to "accept money donated for the purposes of the National Park Service." 54 U.S.C. § 101101.

A federal statute passed in 1912 provides that "[a] building or structure shall not be erected on any reservation, park, or public grounds of the Federal Government in the District of Columbia

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\* The wording of some relevant statutes has been changed for exam purposes. Ignore any outside knowledge that you may have regarding the statutes and accept the language provided here.

without express authority of Congress.” 40 U.S.C. § 8106. The defendants assert that this statute was intended to prevent *private* parties from building on federal land in D.C. without congressional authorization. The defendants provide historical evidence that in the early 20<sup>th</sup> century private parties built numerous shacks, sheds, and other structures on federal land in D.C. without permission.

On several prior occasions, Congress authorized changes to the White House by specific legislation. For example, in 1949, Congress passed “An Act To Provide for a Commission on Renovation of the White House,” which created an executive branch Commission and authorized it to “supervise and approve all construction plans and work necessary for remedying the unsafe conditions now existing in the White House and for its modernization.”

In 1966, Congress passed a statute directing the Administrator of the General Services Administration (a federal agency) to “plan, design, and construct an official residence for the Vice President of the United States in the District of Columbia.”

Some construction on the White House grounds has taken place without any congressional authorization, including a pool built at the order of President Gerald Ford in 1975 and a tennis pavilion (pictured below) built at the order of President Trump in 2019. No court challenge was ever brought with regard to these projects.

Both sides make all appropriate arguments based on the above facts. You are the law clerk to the federal district judge considering the case. Your judge requests that you write a memorandum discussing and evaluating the arguments of the parties and concluding with a clear recommendation as to whether the judge should determine that the defendants have the legal authority to order the building of the proposed ballroom.

**Write the requested memorandum.**



White House Tennis Pavilion

## QUESTION FOUR

You are the Legislative Director for Senator Gus Goodman. Another Senator introduces a bill called the “Major Questions Doctrine Abolition Act.” The bill provides:

**The major questions doctrine is abolished. In determining whether a federal statute confers on a federal agency a power claimed by the agency, a court shall use the ordinary process of statutory interpretation. The court shall determine that the statute confers the claimed power if (and only if) that is the best interpretation of the statute. Regardless of the nature of the claimed power, the court shall not apply a rule of statutory interpretation that provides that unless the statute *clearly* confers the claimed power, the court shall determine that the statute does not confer the claimed power.**

Senator Goodman requests that you write him a memorandum that evaluates this bill. Your memorandum should explain what the likely effects of the bill would be, discuss how courts might respond to it, and evaluate whether the bill is a good or a bad idea. If you think the bill could be improved by any relevant amendments that Senator Goodman could offer to it, you should mention those, or you may recommend that he support it as is or that he just oppose the whole thing. Senator Goodman is not an expert on statutory interpretation or administrative law and could therefore benefit from a brief explanation of what the bill is about, but the main focus of your memorandum should be your evaluation of the bill from a policy perspective.

**Write the requested memorandum.**

**END OF EXAM**

