

# Separation of Powers & Federalism

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Spring 2026

LAW6936-27604

2 Credits

## Professor

James Uthmeier  
Florida Attorney General

## Email

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## Course Overview

This course is an advanced seminar examining the structure of U.S. government and the innerworkings and tensions between the political branches of government. The course will cover contemporary and constitutional questions related to the division of authority between Congress, the Executive Branch, and the Judiciary.

Students will study the concepts foundational to the ratification of the United States Constitution and the views of the American Founders. The Course will provide students with a deep understanding of the authorities granted to the respective branches of government, as well as the limits, checks, and balance of powers. Students will discuss and debate topics on foreign affairs and national security, war powers, emergency powers, congressional appropriations and oversight, appointment and removal of executive agency staff, impeachment, and legislative presentment and veto powers, to name a few. The seminar will also look at remedies available to aggrieved branches of government, and the role of litigation and the judiciary in solving inter-branch conflicts.

In addition to analyzing the horizontal frictions associated with separation of powers, this course will also provide an in-depth overview of the vertical tensions related to federalism, and the inter-functioning of federal and state law. Students will dive into topics of federalism as they unpack issues dealing with states' rights, preemption, delegated and shared authorities, and the division of power between federal and state governments as established by the U.S. Constitution. The course will pay special attention to recent court decisions on the limits of federal regulatory power and federal court jurisdiction. Students will analyze the implications of federal government overreach, including legal challenges.

Having previously served in high-level executive branch and legislative staff roles at the federal level, as well as key positions in Florida state government serving as the Governor's General Counsel and Chief of Staff, and now as a member of the Florida Cabinet, Professor Uthmeier will

highlight real-life examples of separation of powers and federalism at work. In-class exercises will simulate class deliberations on concepts fundamental to the exercise of government, as well as the practical applications for law students and attorneys.

The course will be structured to provide a broad base of information for students seeking opportunities to serve as lawyers in federal or state government, as well as those students interested in increasing their knowledge of the workings of our government.

### **Course Topics**

Below is a general outline of course topics:

- Introduction / Founding / Structural Constitution
- Constitutional branches of government and their granted powers
- Legislation / Signing Statements / Departmentalism
- Appropriations / Impoundment / Congressional Oversight
- Unitary Executive Theory
- Emergency Powers / War Powers / Foreign Affairs
- Executive Orders / Proclamations
- Executive Privilege
- Executive Appointments and Removals
- Presentment and Veto Power
- Take Care Clause / Execution of Laws / Executive Discretion
- Judicial Appointments / U.S. Supreme Court nominations
- Supremacy Clause and Federal Preemption

### **Course Objectives**

The course will provide students with a better understanding of the branches of government and how they interact, check, and challenge each other. Students will learn about the founding ideas that went into the design of our government, and foundational principles that ensure balance and division of powers critical to the longevity of well-functioning American government. Students will also learn about states' rights, and

how the federal and state government systems work together. Students will analyze legal conflicts and potential remedies that occur when branches of government overstep authority. This class will aim to provide students with helpful tools for government lawyering, so that students will become better prepared to succeed in government counsel positions or as litigants adverse to government agencies. Students will become better citizens and practitioners as they gain a deeper understanding of the constitutional authorities and responsibilities of American government and its officeholders.

### **Reading Assignments**

The course is taught with materials selected by the professor rather than a textbook. Assignments and materials will be communicated electronically on the Canvas system on a weekly basis. Students are expected to check each week to identify the reading materials. There is no assigned reading for the first class. Students are encouraged to seek any clarification in class or by email:

[james.w.uthmeier@gmail.com](mailto:james.w.uthmeier@gmail.com)

### **Class Participation**

Students should be prepared for each class, having read the assigned materials and prepared to discuss questions presented on the material. Students are expected to participate in discussion which may impact your final grade.

### **Grading**

Students' grades are based on a final exam paper which will test knowledge and critical thinking skills on topics from the semester.

### **Office Hours**

Professor Uthmeier will be available for out-of-class office hours from 4-5pm on Mondays, prior to class, as well as immediately following class. Additional meeting times may be scheduled upon request.

### **University Attendance Policy**

Excused absences include documented illness, deaths in the family and other documented crises, call to active military duty or jury duty, religious holy days, and official University activities. These absences will be accommodated in a way that does not arbitrarily penalize students who have a valid written excuse. Consideration will also be given to students whose dependent children experience serious illness.

### **Academic Honor Policy**

All students must abide by the law school's Academic Honor Policy.

### **Academic Success**

Your academic success is a top priority of The University of Florida. University resources to help you succeed include tutoring centers, computer labs, counseling and health services, and services for designated groups, such as veterans and students with disabilities. Please check with your advisor to learn more.

### **ABA Out-of-Class Hours Requirements:**

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. Each weekly class is approximately 2 hours in length, requiring at least 4 hours of preparation.

### **UF Levin College of Law Standard Syllabus Policies:**

Other information about UF Levin College of Law policies can be found at this [link](#).

### **UF Academic Policies and Resources:**

Other information about UF academic policies and resources can be found at [this link](#).