

LEGISLATION

(PUB 7510.A)

MONDAYS, 5:25-8:10

PROFESSOR DAVID P. HALL, ESQ.

SYLLABUS

I. Overview

This course has three components: theory, practice, and writing. The first component, a more traditional theoretical component based on textbook readings and Socratic lectures, focuses on the composition, organization, and legislative process of legislative bodies and the extent and limits of legislative powers vis-a-vis the executive and judicial branches of government.

The second component is intended to provide insight into legislative legal practice from different perspectives and includes guest lectures from fiscal staff, members of the Vermont General Assembly, and lobbyists.

The third component, comprising roughly half the substantive work of the course, involves legislative research and drafting. Each week features a drafting assignment, which may include a memorandum of law to legislative clients and legislative bill drafting. The drafting assignments increase in complexity over the course of the semester. Only three of the drafting assignments are graded, but students can submit their work each week for comments and individual feedback. Finally, several classes in the second half of the semester involve mock legislative committee practice and mock floor exercises.

Assigned readings are from “*Legislative Law and Statutory Interpretation: Cases and Materials*”, Otto J. Hetzel, Michael E. Libonati and Robert F. Williams, LexusNexis, 4th edition (2008). Some assignments are from “*Legal, Legislative, and Rule Drafting in Plain English*”, Robert J. Martineau and Michael B. Salerno, Thompson/West (2005). Other assigned readings and materials will be handed out or available electronically at the Westlaw TWEN course web site or other web sites, specifically that of the Vermont Legislature at www.leg.state.vt.us.

II. Drafting Exercises, Exams, and Grading

Your grade for the course is based on three graded drafting assignments, class participation, and a final exam. The final exam for the course is take-home. All materials will be made available electronically through TWEN, and may be submitted electronically to me via email.

Grading:

50% on the graded drafting assignments:

10% - first graded drafting assignment

15% - second graded drafting assignment

25% - third graded drafting assignment

35% on the two-hour final exam

15% on class participation, including attendance

III. Classes and Assignments

Class 1

Hetzel – Chapter 1, pp. 1-13; 16-24; 81-86

Martineau – Chapter 1

Drafting Exercise 1 - Draft a bill amending Vermont law to add a new holiday “Not My President Day” to be celebrated on the third Tuesday in February

Class 2

Hetzel – Chapter 3, pp. 101-102; 116-119; 132-136; 136-154

Martineau – Chapters 10; 14

Drafting Exercise 2

Class 3

Hetzel – *optional* background reading - Chapter 3, pp. 164-202

Hetzel – Chapter 4, pp. 205-227; 283-287

Martineau – Chapters 3, 11, 13

Drafting Exercise 3

Class 4

Guest Lecture – Lobbying, Lobbyists, and Effective Advocacy

Adam Necrason, Esq. and Rebecca Ramos, Esq.

Necrason Group

Class 5

Hetzel – Chapter 4, pp. 246-272

Martineau – Chapters 5-7

Drafting Exercise 4

Class 6

Hetzel – Chapter 5, pp. 341-362

Martineau – Chapter 8, sections A-F (pp. 53-64)

***** *First Graded Drafting Assignment***

Due by Beginning of Class ***

Class 7

Hetzel – Chapter 6, pp. 377-387; 398-403; 406-418

Martineau – Chapter 8, sections G-P (pp.64-75)

Drafting Exercise 5

Class 8

Hetzel – Chapter 7, pp. 453-479

Martineau – Chapter 9

Drafting Exercise 6

Class 9 – November 5

Guest lecture – Members of the Vermont General Assembly

Class 10

Hetzel – Chapter 7, pp. 479-492; 516-525

Drafting Exercise 7

Class 11

Guest Lecture – Revenue, Appropriations, and Budgeting Process

Steve Klein, Esq., Chief Fiscal Officer, Vermont General Assembly

→ Reading materials to be distributed

Class 12

Hetzel – Chapter 7, pp. 564-577; Chapter 8, pp. 585-599

****** Second Graded Drafting Assignment***

Due by Beginning of Class***

Class 13

Hetzel – Chapter 8, pp. 600-626; 644-646;

Drafting Exercise 8

Class 14

Hetzel – Chapter 9, pp. 653-667; 706-718

Drafting Exercise 9

FINAL EXAM – Take Home – Due on Close of Exam Period

****** Third Graded Drafting Assignment Due with Final Exam ******