

LEGISLATION

(PUB 7510.A)

TUESDAYS, 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 participation by 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. Most weeks feature a drafting assignment, which may include a memorandum of law to legislative clients and legislative drafting of bills or amendments. 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, classes later in 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. Grading; Objectives and Outcomes

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 final exam

15% on class participation, including attendance

Objectives

The purpose of this course is to develop practical knowledge and skills that can be directly applied in the legislative process. Students who successfully complete this course will gain a firm understanding of, and build legal skills to participate, in lawmaking, including:

- Identifying the steps in the legislative process from the origination of a bill concept through enactment and understanding when and how to participate effectively in the development of legislation
- Understanding the relative distribution of lawmaking power and identifying appropriate and effective means of effecting legal change in the legislative, executive, and judicial branches
- Understanding the function of, and developing writing skills necessary to draft, memoranda, bills, amendments, and other documents used in the legislative process
- Understanding and applying theories of statutory interpretation and construction
- Understanding and developing skills to assume the roles of various participants in the legislative process, including legislative staff, members, and advocates

III. Classes and Assignments

Class 1 – August 31

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

Martineau – Chapter 1

→ *Drafting Exercise 1*

Class 2 – September 7

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

Martineau – Chapters 10; 14

→ *Drafting Exercise 2*

Class 3 – September 14

Hetzel – Chapter 4, pp. 205-227

Martineau – Chapters 3, 11, 13

→ *Drafting Exercise 3*

Class 4 – September 21

Guest Lecture – Lobbying, Lobbyists, and Effective Advocacy

Adam Necrason, Esq. and Rebecca Ramos, Esq.

Necrason Group

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

Due by Beginning of Class ***

Class 5 – September 28

Hetzel – Chapter 4, pp. 246-272

Martineau – Chapters 5-7

→ *Drafting Exercise 4*

Class 6 – October 5

Hetzel – Chapter 5, pp. 341-362

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

→ *Drafting Exercise 5*

Class 7 – October 19

Guest Panel – Working Inside the Process

→ *Drafting Exercise 6*

Class 8 – October 26

Hetzel – Chapter 6, pp. 377-404

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

→ *Drafting Exercise 7*

Class 9 – November 2

Guest Lecture – Revenue, Appropriations, and Budgeting Process

→ Reading materials to be distributed

Class 10 – November 9

Hetzel – Chapter 7, pp. 453-479

Martineau – Chapter 9

→ *Drafting Exercise 8*

Class 11 – November 16

Guest Panel – Members of the Vermont General Assembly

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

Due by Beginning of Class***

Class 12 – November 23

Hetzel – Chapter 7, pp. 479-492

→ *Drafting Exercise 9*

Class 13 – November 30

Hetzel – Chapter 8, pp. 585-604

→ *Drafting Exercise 10*

Class 14 – December 7

Hetzel – Chapter 8, pp. 604-612; 644-651;

→ *Drafting Exercise 11*

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

→ ***** *Third Graded Drafting Assignment***

Due with Final Exam ***