

Legislation

Contact info: gordon.n.merrick@gmail.com; (207) 408-3086

1. Overview

This class aims to prepare you for the role of legislative counsel as well as the Legislative Clinic offered by Vermont Law and Graduate School. To do this, the course will be broken into three primary sections: 1) What is the Role of the Legislative Counsel; 2) Structure of Legislatures; and 3) the Legislative Process.

2. Logistics

2.1. Classes

Classes will take place on Tuesdays, 5:25 to 8:10 in **TKTK** beginning on August 30, 2022 and ending on December 6, 2022. Each class will have 15-25 minutes of break time. There are two extra class sessions built into the schedule, as this is my first time teaching the course and expect unexpected hiccups with the course schedule. If classes are canceled due to weather, assignments are expected to be submitted within 24 hours of the original due-date. Before the week's presentations we will discuss current events pertaining to legislation law in the United States Congress and the Vermont General Assembly for approximately 15 minutes.

2.2. Technology in the Classroom

We will be using the Kahoot platform for the weekly class quizzes, so please bring your laptops to class to be used at least for this portion. Taking notes on your computer is perfectly acceptable, but, in the absence of an emergency, please refrain from checking or responding to messages during the class. This will also be a very small class so every student will be expected to meaningfully participate every week and doing so can be difficult with the distractions that come along with having your computer in front of you.

2.3. Books

- 2.3.1. "American Legislative Practice", Sean J. Kealy, West Academic Publishing (2021).
- 2.3.2. "Legislative Law and Process: in a nutshell, 3rd ed.", Jack Davies, West Academic Publishing (2007).
- 2.3.3. "Plain English for Drafting Statutes and Rules", Robert J. Martineau and Robert J. Martineau Jr., LexisNexis (2012).

2.4. Grading

15% participation/weekly quizzes; 15% presentations; 20% drafting exercises; 50% final exam

2.4.1. Participation

This will be a true law school, socratic method course with cold-calling. Due to the small size and limited meetings of the class, expect to be called on every class. Reading assignments have been paired down to the need to know, with anything outside of need to know being optional. Although the total page counts of each assignment seem substantial at first, that's mainly because we are only meeting once a week, and one of the textbooks is novel-sized! Every week that doesn't fall on your presentation there will be a short 5-question quiz on the reading that is designed to guide the discussion.

Because this is a once-a-week course, you will have one (1) excused absence with discretion to grant another one (1) before having your participation score penalized.

2.4.2. Presentations

Every week, we will start with a 5-10 minute weekly presentation from a student on a piece of legislation they find interesting, where it is in the legislative process, and if they think it will pass, either in this session or in coming sessions. If you need help selecting a piece of legislation, let me know!

2.4.3. Drafting Exercises

Each week, beginning in October, you will have a short drafting exercise due at the beginning of each class. These exercises will primarily be from the Martineau book, but will have some from the Kealy book as well. If you read this sentence, please send me an email. You can either choose to draft your legislation in the Vermont General Assembly style or the Federal Congressional style, but you must commit to one format for the entire semester.

2.4.4. Final Exam

The final exam will consist of a take-home exam that will be "open" for 9 hours, or a standard work day with an hour-long break. It will be geared towards a "bar-esque" exam, consisting of three sections. First, an MPT-inspired section of one (1) closed-universe research and drafting project. Second, an MEE-inspired section of two (2) 1-page writing prompts. Lastly, a section of multiple-choice questions.

The goal of the entire course will be to prepare you for this single "day-in-the-life" simulation of a Legislative Counsel.

3. Class Schedule

3.1. Class Overview: August 30, 2022

Reading: Kealy, 85-93 (9); Davies, 1-14 (14); Martineau & Salerno, 2-15 (14)

Assignments due: Any diet restrictions emailed to me, signing up for weekly presentation, read through syllabus, discuss goals for the class.

Class discussion: class norms, review syllabus, goals of the class, general flow of each class, begin exploring role of the legislative counsel

3.2. Role of the Legislative Counsel

3.2.1. September 6, 2022: *Advocate vs. Counsel Roles*

Reading:

Assignments due: Begin looking for a piece of legislation to track and research over the semester.

Class discussion:

3.2.2. September 13, 2022: *Oversight Role*

Reading:

Assignments due

Class discussion:

3.2.3. September 20, 2022: *Research*

Reading:

Assignments due: Provide an outline of your understanding of your tracked bill as it is initially introduced using the distributed rubric.

Class discussion:

3.2.4. September 27, 2022: *Ethics*

Reading:

Assignments due:

Class discussion:

3.2.5. October 4, 2022: *Drafting*

Reading:

Assignments due:

Class discussion:

3.2.6. October 11, 2022: Indigenous Peoples Day

Reading:

Assignments due:

Class discussion:

3.2.7. October 18, 2022: (Remote Lecture) Guest Lecturers on Role of the Legislative Counsel

3.3. Structure of Legislatures:

3.3.1. October 25, 2022: (Remote Lecture) *What is a Legislature and What Gives it Power?*

Reading:

Assignments due:

Class discussion:

3.3.2. November 1, 2022: *Organization of US Legislatures: Members, Leadership, Committees*

Reading:

Assignments due:

Class discussion:

3.4. Legislative Process:

3.4.1. November 8, 2022: *Creating a Bill*

Reading:

Assignments due:

Class discussion:

3.4.2. November 15, 2022: *Committee Process*

Reading:

Assignments due:

Class discussion:

3.4.3. November 22, 2022: *Floor Process*

Reading:

Assignments due:

Class discussion:

3.4.4. November 29, 2022: *Conference and Presentment*

Reading:

Assignments due:

Class discussion:

3.5. Extra Day Built In:

3.5.1. December 6, 2022:

3.6. Final Exam Due by December 21, 2022