

State and Local Government Law

Law 585-3

Fall, 2025

Class sessions: Thursdays, 4:30pm-7:00pm

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OR join online: https://teams.microsoft.com/l/meetup-join/19%3ameeting_MDY0OTJkN2ItNTZhZC00ZDI3LWFlOTEtOTVmZWY1MzUxNTE%40thead.v2/0?context=%7b%22Tid%22%3a%22d57a98e7-744d-43f9-bc91-08de1ff3710d%22%2c%22Oid%22%3a%22f6a7d122-fef4-4ef3-a956-fea7c8a9c1d7%22%7d

Textbook: There will be no textbook for this course. We will be using a variety of free, accessible sources. I also recommend staying in touch with an Illinois media source – the local NPR station WSIU at 91.9 fm is a decent, free option. Because we do not have a textbook, you will have a great opportunity to start reading like a lawyer instead of a law student. That means start learning to judge what parts of the reading have value to you and what parts you can skim over. This also means don't be scared by reading assignments that look large.

What you can expect to learn: State and local governments are incredibly important to our lives. They offer to educate everyone, pave our roads, put out fires and keep us safe. This semester we'll tackle what powers these governments have and where the powers come from. We'll try to figure out who participates and why.

But mostly what I want you to learn is how to be engaged in state and local government, how to advise clients about engagement in these governments, and how to advise those who have an official role in these governments. You will get a chance to polish your writing and presentation skills.

Attendance: Be here and be engaged, whether it's online or in person. I will try to make sure that class time is valuable to you. If you miss more than six classes, you will not be allowed to take the final.

Grading: Your grade will be based on the following:

A presentation about a local government unit	15%
A written assignment about state law	15%
A presentation based on your written assignment	15%
A final exam	55%

D2L: Keep posted on news, assignments, any changes in the syllabus and other good stuff through D2L.

Office hours: In addition to our class, I have Property on Mondays and Wednesdays from 3:00pm to 4:15. Outside of those times I am the classic nerd, working in my office. So stop by any time. If you want to reserve some time, feel free to schedule an appointment.

Recording class sessions: I'll be recording and posting the class sessions. Keep in mind that the recoding quality is pretty low, so if you know you will be out, have a friend take notes for you.

Final exam: The final exams this semester will be held between December 2 and December 12.

Workload expectations: You might not have thought about how much work you will put into each class, but the American bar Association has! The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), "a "credit hour" is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time." This is a three credit hour class, and through the magic of academic calculation, that's 150 minutes for each of our class session. Overall your reading, research, writing and class sessions should take an average of nine hours each week. This guideline seems pretty smart to me.

Yikes! Stress! The University and the School of Law recognize that there are lots of potential stressors in your life. Here is some information on a campus-wide effort to be there to support you: The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or siucares@siu.edu, <http://salukicare.siu.edu/index.html>. At the School of Law, Associate Dean Angela Upchurch is also available to help students access university resources. Her email is aupchurch@siu.edu.

Disabilities and accommodations: I want everyone in this class to succeed. If a disability is challenging you, here is some information about how to seek accommodations: SIU Carbondale is committed to providing an inclusive and accessible experience for all students

with disabilities. The Office of Access and Accommodations coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact OAA immediately at 618-453-5738 or <https://access.siu.edu>. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty.

Tornado much? Emergency Procedures. We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit: <http://emergency.siu.edu/>.

Drafty draft schedule: I'll keep posting updates as things develop.

- August 21 Course introduction. federal/state/local – how it all works together
Assignment: Pick a person in state or local government who you admire or want to know more about. Be ready to tell us what interests you about this person.
Read:
- New York v US, 505 U.S. 144 (1992)
 - ACORN v Edgar, 56 F.3d 791 (1995)
 - Lorillard Tobacco v Reilly, 533 U.S. 525 (2001)
 - <https://19thnews.org/2024/12/democrats-state-legislatures-anti-trump-firewall/#:~:text=In%202025%2C%20Democrats%20will%20hold%20trifectas%20in%2017%20states%20%E2%80%94%20meaning,people%20and%20those%20seeking%20abortions.>
 - <https://thehill.com/homenews/campaign/5428571-midterms-redistricting-battleground/>
- August 28 State v local – the big showdown
Guest: still waiting on confirmation from my best target here
Read: State v local powers – who rules? Consider policing.
- Kalodimos v Morton Grove 103 Ill. 2d 483 (1984)
 - State ex rel Brnovich v Tucson 242 Ariz 588 (2017)

September 4 Counties

Guest: Jackson County Treasurer Liz Stevenson at 4:30

Read:

- <https://www.jacksoncounty-il.gov/ArchiveCenter/ViewFile/Item/224>
(read up through page 11, glance at the rest)
- <http://www.nvnaco.org/wp-content/uploads/History-and-Overview-of-County-Government-n-the-U.S.-NACo.pdf>

September 11 Schools

Guests: Illinois State Representative Katie Stuart 4:30 – 5:00

Mary Beth Goff – Unity Point Principal

Read:

- <https://www2.illinois.gov/sites/P20/Documents/Reports/CFC%20FINAL%20REPORT%2006.29.12.pdf> (Classrooms First report)
- <https://www.nprillinois.org/education-desk/2017-09-07/illinois-issues-the-man-with-the-education-reform-mission> (Andy Manar and funding reform)
- <https://www.isbe.net/Documents/EBF-Basics.pdf>
- <https://csgwest.org/2023/12/07/decoding-school-funding-formulas/>
- <https://www.pgpf.org/article/how-is-k-12-education-funded/>
- <file:///C:/Users/SIU850005732/Downloads/2025.04.16%20Educating%20Illinois%20Volume%20III%20FINAL.pdf>
- Rose v Council for Better Education, Inc, Kentucky Supreme Court, 79 S.W. 2d 186 (1989).

September 18 Cities and other local governments – and TIF districts.

Guest: Jeff Doherty, former Carbondale City Manager and former Carbondale City Council member

Read:

- <https://www.civicfed.org/blog/civic-federation-supports-efforts-lower-barriers-township-consolidation>
- https://www.civicfed.org/sites/default/files/local_government_consolidation_and_unfunded_mandates_task_force_final_report.pdf (read exec summary through p 29 and anything else that interests you)
- <https://cityofedwardsville.com/DocumentCenter/View/729/TIF-4-Ten-Year-Status-Report>
- 65 ILCS 5/11-74.4-1 et seq. Illinois Tax Increment Financing. It's huge, so browse

September 25 reports on the local government meetings you attended

- October 2 The Illinois budget
 Guest: still working with my first choice person here
 Read:
- file:///C:/Users/SIU850005732/Downloads/2024.11.15%20CTBA_FY%202025%20Enacted%20GF%20Budget%20FINAL.pdf
 - file:///C:/Users/SIU850005732/Downloads/Modernizing%20Illinois'%20Sales%20Tax_2025-03-19.pdf
- October 9 Redistricting
 Guest: Jim Nowlan, former Illinois legislator, executive aide, and author
 Read:
- <https://www.brennancenter.org/our-work/research-reports/gerrymandering-explained>
 - <https://www.brennancenter.org/our-work/research-reports/extreme-maps>
 - <https://www.brennancenter.org/our-work/research-reports/extreme-maps>
 - McCombie v Illinois State Board of Elections, 2025 IL 131480, Illinois Supreme Court, 2025
- October 16 Judiciary – how we pick judges
 Guest: still working on this one
 Read:
- https://www.tdrlawfirm.com/wp-content/uploads/2021/12/Judicial_Selection.pdf
 - <https://www.brennancenter.org/our-work/research-reports/buying-time-2024-illinois>
 - <https://www.brennancenter.org/our-work/analysis-opinion/special-interest-spending-soars-illinois-high-court-race>
 - Seifert v Alexander, 608 F3d 974, 7th Cir., 2010
- October 23 Ethics and crimes
 Guest: still working on this one
 Read:
- Hooker v. Illinois State Board of Elections, 2016 IL 121077 Illinois Supreme Court, 2016
 - 5 ILCS 420/1 et seq – browse
 - Politics in Small Town Illinois: Is it similar to Chicago and Illinois State Government?
https://paulsimoninstitute.siu.edu/_common/documents/whats-in-the-water/water-illinois/gard-hamilton.pdf

- Lessons Learned: What the successes and failures of recent reform efforts tell us about the prospects for political reform in Illinois, https://opensiuc.lib.siu.edu/cgi/viewcontent.cgi?article=1037&context=ppi_papers (long but so worth it)

October 30 Conferences w/ groups about presentations

November 6 Initiatives, referenda, campaigns and elections

Read:

- Illinois Constitution, Article VII, section 11
- <https://www.stlpr.org/government-politics-issues/2024-05-02/illinois-weighs-ranked-choice-voting-initiative-for-2028-election-cycle>
- <https://www.reformforillinois.org/referendum-reform/>

November 13 Presentations on Open Meetings and FOIA

November 20 Presentations on SEIs and AFRs