

Syllabus
Legislative and Administrative Processes, Section 2
Law 513A
Spring, 2020

Class sessions: room 206
11:00apm – 12:15pm, Wednesdays and Fridays

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Textbook: *Legislation and Regulation: Statutes and the Creation of Public Policy*, Fifth Edition, Eskridge, Frickey, Garrett and Brudney, (West, 2018), ISBN 978-1-62810-173-7.

What you can expect to learn: In your first semester of law school we loaded you up with common law, and by now you have a good handle on that process. In this course we will learn about making and using the rest of our law: statutes and regulations. Knowing how these processes work will help you understand the law in many other courses you take here, but even more important, it will be vital to your practice of law. Knowing how the law is made will help you work with the law, and help you know how to change it.

So where does this get you? Here are the top ten tricks I would like you to be able to do by the end of the semester:

10. Understand the process of making a statute.
9. Understand the process of making a regulation.
8. See how statutes and regulations can be intertwined.
7. Learn canons of interpretation. Boom!
6. Use those canons.
5. Use linguistic tools to interpret law.
4. Use legislative history to interpret a statute.
3. Know who has what powers and limits in making laws.
2. Identify how you can influence the making of a regulation.
1. Plan a strategy to amend a law or make a new one.

What else do you want to learn? Let me know. While I'm not new to these topics, I am new to teaching this course, and I'm up for shaping it to make it work for everyone.

Attendance: Be here, it's what you paid for. I work hard to make sure class time is valuable to you. And 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 short statutory advocacy paper 10%,
- a paper and presentation about a governmental meeting 10%
- a mid-term exam 25%, and
- a final exam worth 55% of your grade.

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

Office hours: This semester, in addition to our class, my other classes are on Tuesdays and Thursdays from 1:30 to 2:45pm. Stop by any other time, including after class. If you want to reserve some time, feel free to schedule an appointment.

Recording class sessions: As a general rule, I will not allow audio or video recording in class except by the school for accommodation of disabled students. My sense is that you will be more likely to participate in and learn from the class if you are not worried that someone else is recording you. If there are special circumstances that you believe require recording, please talk with me.

Final exam: The final exam in this class will be on Tuesday, May 5, at 8:15am.

Workload expectations: Even if you haven't thought about this, the American Bar Association has. The ABA's 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, so the assigned reading and out of class preparation should take you about three hours for each class session or six hours for the week. Bottom line, the ABA expects that you will spend a total of nine hours per week on this class. You know that I don't always agree with those in authority, but 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) 453-5714, or siucares@siu.edu, <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

Disabilities: I want everyone in this class to succeed. If a disability is challenging you, here is some information about how to seek accommodations: Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. <http://disabilityservices.siu.edu/>. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.

Tornado much?: Emergency Procedures. Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety's website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

Tentative schedule:

This is the target schedule for readings for the semester. I expect it will change some over the course of the semester. As those changes are made I will post the revised schedule on D2L. The songs noted with each assignment have almost no educational value. ☺

- January 15 No reading assignment from the book. But come to class ready to talk about one law that has been in the news. No limits except that you should have a link to the article or story available to you for our conversation.
- January 17 **Making one law** 1-37, Oughta Be a Law, Lee Roy Parnell
- January 22 **Implementation and interpretation** 61-105, My Interpretation, Big K.R.I.T.
- January 24 **Elections** 117-132 Choose me, FRosTydaSnowMann
- January 29 **More elections** 132-171 Choices, George Jones
- January 31 **Campaign finance** 207-217, 235-255 Money, Cardi B
- February 5 **Sausage making** 272-306 Scare me, Kenny Chesney

February 7 **Protective devices** 306-327 Protect Me, New Kingston

February 12 **What process?** 346-365 Overdue, Metro Boomin

February 14 **Skip the legislature?** 367-387 Can We Skip That?, the Dells

February 19 **Finding meaning, and limits** 443-475 Take it to the Limit, The Eagles

February 21 **Theories of statutory interpretation** 477-97 My Theory, YORY

February 26 **Legal process theories** 497-503, 530-551 Classic, MKTO

February 28 day off to accommodate public meeting attendance – I'll explain

March 2-6 mid-term week

March 13-15 Spring Break – Yay! Vacation, The GoGos

March 18 **Another era?** 551-567 Era, MC Kresha

March 20 **What's up now?** 568-593 What's up? 4 Non Blondes

March 25 **Some economic theories** 613-629 Econo-Me-Oh-My, Tom Chapin

March 27 **Doctrines of interpretation** 643-647, 657-690 Bad Case of Loving You (Doctor, Doctor), Robert Palmer

April 1 **Lenity** 690-712 Gentle on My Mind, Glen Campbell

April 3 **Constitutional avoidance** 712-748 Avoid Me, UPPER-X

April 8 **Legislative history** 776-811 House History, Layup

April 10 **Other legislative bits** 829-840, 859-866 Bits and Pieces, the Dave Clark Five

April 15 **Implementation** 891-899, 936-941, 948-960, 996-1000, Make It Work, Ne-Yo

April 17 **Agencies rule!** 1073-1105 Secret Agent Man, Johnny Rivers

April 22 **Chevron issues** 1105-1124 Like My Chevy, Quincy Wong

April 24 **States?** 1146-1166 The State We're In, Chemical Brothers

May 5 final exam, 8:15am