

Syllabus
State and Local Government Law
Law 585-3
Spring, 2022

Class sessions: Tuesdays and Thursday, 11:00am-12:15pm, room 164

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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 newspaper, or a good free online alternative, Juice, produced by Crain’s Chicago Business. 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. Along the way we’ll get to review some of what you have learned in previous classes. Not a bad thing.

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 also get a chance to polish your writing skills on documents designed to be useful.

Attendance: Be here, it’s what you paid for. I will try to make sure that class time is valuable to you. If you have to be out of the building you can zoom in to class. 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 factors:

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| A draft ordinance | 15% |
| A document addressing a legislative proposal | 15% |
| A presentation about a local government unit | 15% |
| Class participation | 10% |
| A final exam | 45% |

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 11:00 to 12:15. 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: Who knows what will be happening with covid, but it's fair to anticipate that some folks will have to miss classes. Because of that 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 exam in this class will be held in May, but the schedule has not yet been set.

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, meaning we will spend two 75 minute blocks of time together most weeks. The rules of the school of law allow us to forego several class sessions to allow you more time for research, writing, and conferences. 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, 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 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. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to insure 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. Upon completion of

a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations. Accommodation [request](#) and [renewal](#) forms can be found here.

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/>.

Assignment for January 11, 2022: Select one person who is or was engaged in state or local government. Be ready to describe, to the extent you can, how this person got engaged in government, what the person has done, and what you like or do not like about that person. Put some thought into what you would like to learn this semester. I have the semester planned, but I can adjust and incorporate other things you might want to learn as well.

Drafty draft schedule: I'll keep posting updates as I line up readings and speakers.

January 11 Course introduction. federal/state/local, challenges for democracy
Assignment: for the 11th, pick some person within state or local government who you admire or want to know more about. Be ready to tell us what interests you about this person.

January 13 Power and control in the federal/state/local system, and challenges for democracy.
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://www.nbcnews.com/nightly-news/video/supporters-of-jan-6-attack-on-capitol-shift-focus-to-local-politics-130051141661>

January 18 & 20 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)
Thursday speaker:
Sheila Chalmers Currin, Village President Matteson, Ill

January 21 make-up class for January 27
Illinois State Bar Association Continuing Legal Education
The Legislative Process in Illinois
<https://www.isba.org/cle/path?pathPage=%2Fisba%2Fcourses%2F37725%2Fwebinars%2F26471>

- January 25 Counties
<http://www.nvnaco.org/wp-content/uploads/History-and-Overview-of-County-Government-n-the-U.S.-NACo.pdf>
 Thursday speakers:
 Liz Hunter, Jackson County Treasurer
 Delio Calzolari, Cook County Forrest Preserve attorney
- January 27 no class today (I'm getting together with my law school study group!)
- February 1 & 3 Schools – follow the money
<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)
 Thursday speakers:
 Melissa Goymerac, lawyer, mom, fighting school closing
 Lynne Haeffele, former director of the Center for the Study of Educational Policy at ISU
- February 8 & 10 Lots of other districts – follow the power
https://www.civicfed.org/sites/default/files/local_government_consolidation_and_unfunded_mandates_task_force_final_report.pdf
 (read exec summary through p 24 and anything else that interests you)
<https://www.civicfed.org/inventory> (summary and anything that interests you)
 Thursday speaker:
 Kathy Renfro, recently retired director of the Carbondale Park District
- February 15 & 17 The state – starting with the money
<https://www.civicfed.org/sites/default/files/issuebrief-graduatedincometax.pdf>
<https://www.ctbaonline.org/reports/impending-fiscal-cliff-fy-2025>
<https://www.ctbaonline.org/reports/illinois%E2%80%99-continued-disinvestment-higher-education>
 Thursday speaker:
 Ralph Martire, Exec. Dir. Center for Tax and Budget Accountability
- February 22 & 24 State executive powers – they can really do that?

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| March 1 & 3 | State legislature – not exactly DC Thursday speaker: Jay Curtis, SIU law grad, lobbyist |
| March 8-10 | Spring Break! |
| March 15 & 17 | State judiciary how we pick judges |
| March 22 & 24 | Reports on local government meetings |
| March 29 & 31 | Economic development |
| April 5 & 7 | Ethics |
| April 12 & 14 | Initiatives and referenda, and redistricting |
| April 19 & 21 | Campaigns and elections |
| May ? | final exam |