

**INTERNATIONAL LEGISLATIVE DRAFTING INSTITUTE
CURRICULUM
JUNE 13-24, 2011**

Monday June 13

- 8:00 - 9:00** Registration and Continental Breakfast in Tulane's Multi-Purpose Room
- 9:00 - 10:15** Welcoming Remarks: Loyola and Tulane Law Schools—Room 151
Introduction and Overview of Institute: David Marcello
- 10:15 - 10:30** Break
- 10:30 - 12:00** David Marcello and Phil Knight: "Comparison of U.S. Bicameral Legislative Enactment Process with the Parliamentary System"—This lecture will discuss the parliamentary system and state-federal legislative enactment procedures, how they relate to the drafting process, and what can be learned by a comparison of the two approaches.
- 12:00 - 2:00** Welcoming Lunch: Orientation
- 2:00 - 2:30** Tour of Tulane Facilities: Meet in Room 151 for Walking Tour of Tulane Law School
- 2:30 - 5:30** Bus Tour of New Orleans
- 5:30 - 7:00** Welcoming Reception: The Iberville Suites

Tuesday June 14

- 9:00 - 10:15** David Marcello: "Getting Started: An Overview of Legislative and Administrative Drafting"—How does the drafter facing a blank page decide where to begin writing? Each draft moves through steps and stages, which will be analyzed. Similarities and differences between drafting legislation and agency regulations will be described.
- 10:15 - 10:30** Break
- 10:30 - 10:45** "Introduction to Bill Drafting Exercises"—Participants receive a concept paper and an explanation of the weeklong drafting exercise.
- 10:45 - 12:00** Idella Wilson: "Formulary Introduction"—This lecture explains the use of a formulary or office manual as a repository of acquired wisdom in standardizing good drafting practice. Participants will receive an introduction to copies of various drafting manuals that can be used as models in producing a formulary for use in their own legislative offices.
- 12:00 - 1:00** Lunch

- 1:00 - 2:00** Phil Knight: "Technology for Drafting"—Information technology provides many valuable tools that can make life easier for the drafter. In addition to the many internet based tools for research and co-operative work, there are software tools that can assist the drafter at every stage of the drafting process. This presentation will demonstrate new tools for getting instructions, researching, outlining, writing and editing, review and revision, and tracking and delivery of a Bill.
- 2:00 – 2:15** Break
- 2:15 – 2:45** "Introduction to Library Resources"—Participants will receive a tour of the law library and introduction to its international collections.
- 2:45 – 3:15** "Introduction to Computer Lab"—Participants will receive an orientation to the use of computers within the law school and instructions on how to access the Internet, e-mail, and various legislative databases. Tulane Law School Library, 4th Floor Computer Lab
- 3:15 – 4:00** "Free Time for Use of Computers"—Participants will be able to more thoroughly familiarize themselves with the computer lab, to check and send emails home, or to conduct research.

Wednesday June 15

- 9:00 – 9:50** David Marcello and Idella Wilson: "Plain Language Drafting-Part I"—Even complex ideas can be expressed in an unambiguous manner. This lecture will demonstrate how active voice, base verbs, present tense, and singular number can be used to enhance clarity and readability in drafts of proposed legislation or agency regulations.
- 9:50 - 10:00** Break
- 10:00 - 10:50** David Marcello and Idella Wilson: "Plain Language Drafting Part I" [Continued]—This lecture discusses the use of short sentences, attention to the placement of words, and choice of words as techniques in achieving clarity and readability in drafts.
- 10:50 – 11:00** Break
- 11:00 – 12:00** David Marcello and Idella Wilson: "Plain Language Drafting-Part II"—Gender-neutral drafting, language quirks, and the proper placement of conditions, exceptions, and lists in a draft are examined.
- 12:00 - 2:00** Lunch: Participants' Roundtable Introductions—Multipurpose Room
- 2:00 - 3:00** "Bill Drafting Exercise Workshop"—We will review and discuss participants' outlines of a proposed bill. We will then distribute a draft of proposed ethics legislation and ask participants to revise it in the next phase of the drafting exercise.
- 3:00 - 3:15** Break

3:15 - 4:30 Phil Knight: "Constitutional Drafting"— How do the challenges faced by a constitutional drafter differ from the challenges facing any other drafter? Professor Knight will draw upon his experiences in several constitutional drafting projects, including South Africa, to address issues of policy development, representational democracy, and the balance between flexibility and stability in the organic law of nations.

Thursday June 16

9:00 - 10:15 John Strylowski: "Regulatory Drafting"—This presentation deals with the organization and drafting of administrative and regulatory instruments, structuring complex provisions, use of pronouns, question-and-answer organizational strategies.

10:15 - 10:30 Break

10:30 - 12:00 John Strylowski: "Regulatory Drafting" [Continued]—Presentational matters include such topics as the use of tables and graphic presentations, tabulation, provisos and conditions, type size, boldface and italics, and staggered indentation of paragraphs.

12:00 - 1:00 Lunch

1:00 - 2:30 David Marcello and Idella Wilson: "Plain Language Drafting-Part III"— Topics include definitions, appropriations, effective dates, marginal notes, tables of content, purpose clauses, repealer and severability clauses.

2:30 - 8:30 Jean Lafitte National Park and Boutte's Restaurant (Optional): This popular outing has become an Institute tradition. Participants travel to Jean Lafitte National Park, where they view a half-hour film about Louisiana swamp life, then walk some of the trails that wind alongside the lush, moss-draped bayous. Participants continue the trip to Boutte's Restaurant where they feast on a variety of local seafood.

Friday June 17

9:00 - 10:15 Idella Wilson: "Creating an Agency, Board or Commission"—In creating an agency, board, or commission, what is the entity's authority? How should the members be selected or appointed and by whom? What are the responsibilities of the new entity? What enforcement mechanisms should be included? Should a sunset provision be added?

10:15 - 10:30 Break

10:30 - 12:00 "Bill Drafting Exercise Workshop"—We will review and discuss participants' revisions of a "model" bill.

12:00 - 1:00 Lunch

- 1:00 – 1:30** Week One Evaluations
- 1:30 - 2:30** Donald Revell: "Bilingual or Multilingual Drafting"—Some jurisdictions draft in two or more languages, which presents a special problem for drafters. This lecture will examine techniques for assuring consistency between drafts of legislation prepared in different languages.
- 2:30 - 2:45** Break
- 2:45 - 3:45** Roundtable Discussion with U.S. Rep. Cedric Richmond—This is an opportunity for participants to exchange views and information with a member of the United States Congress about the various aspects of the legislative process.

Monday June 20

- 9:00 - 10:30** Steve Maher: "Agency Rulemaking Under the Administrative Procedure Act"—The APA provides a useful model for public participation and comment on proposed agency regulations. A subsequent roundtable discussion will consider how the agency rulemaking process might be adapted for use in parliamentary and other jurisdictions.
- 10:30 - 10:45** Break
- 10:45 – 12:00** "Shu-Yi Oei: "Drafting Tax Legislation"—Different countries adopt very different tax laws, but some principles apply across jurisdictions. Are tax laws "fair"? Are they relatively easy for government personnel to administer? Are the laws self-executing, or do they need supporting regulations for their implementation? What "incentives" do policy makers want to build into tax laws for such purposes as economic development, social engineering, or other objectives? How can the revenue-generating potential of these laws be evaluated, and how "efficient" are they in generating revenue with minimal costs of collection? How are tax laws enforced?
- 12:00 - 1:00** Lunch
- 1:00 - 2:30** Matt Frumin: "Drafting Election Laws"—A timely presentation addresses laws regarding voter registration, ballot security, promulgation of election results, and post-election challenges.
- 2:30 -2:45** Break
- 2:45 – 4:00** Roundtable Discussions (Concurrent Sessions)
- 1) Steve Maher: "APA Rulemaking in a Parliamentary Jurisdiction"—Participants will discuss how notice and comment rulemaking procedures might be adapted for use in a parliamentary jurisdiction.
Room 157

- 2) Matt Frumin: "Election Laws"—An opportunity for participants to discuss election law challenges in their jurisdictions and how principles of the earlier lecture may be applied. Room 151

Tuesday June 21

- 9:00 - 10:15** Robert Stumberg: "Drafting for Compliance with GATT, NAFTA & Other International Trade Agreements"—Professor Stumberg will discuss the role of drafters in achieving compliance with trade agreements.
- 10:15 – 10:30** Break
- 10:30 – 12:00** Frayda Bluestein: "Drafting Sunshine Laws"—Governmental transparency laws allow the public to observe the deliberations of public bodies and to examine public documents. The Open Meetings Law and the Public Records Act are our two principal "sunshine" laws, shedding light on governmental operations. This presentation will focus on effective strategies for assuring public access to public information.
- 12:00 - 1:00** Lunch
- 1:00 - 2:15** Melanie Verzwylt: "Drafting Utility Regulatory Laws"—Many jurisdictions assign responsibility for regulating utilities to an autonomous body that exercises control over public utilities and their rates and services. These regulatory commissions also exercise significant law-making powers, whether through the promulgation of rules and regulations (rulemaking) or pursuant to fact-finding (adjudicatory) procedures. This presentation will examine the constitutional authority granted to the Louisiana Public Service Commission and the anatomy of a rulemaking before the Commission
- 2:15 - 2:30** Break
- 2:30 – 4:00** Larry Bagneris: "Human Relations Commission"—The Executive Director of New Orleans' Human Relations Commission describes how diverse residents of the city create a forum in which local racial and ethnic conflicts are addressed through techniques of persuasion and education.

Wednesday June 22

- 8:00** Board Buses for Field Trip to Louisiana Legislature in Baton Rouge
- 9:15 – 9:30** Arrival in Baton Rouge and Photograph on Capitol steps
- 9:30 - 11:15** Tour Legislative Committee Meeting Room—Explain seating arrangements of legislators and staff, public's opportunity to speak, posting of notice and agenda, audiotapes, House Caucus Offices
- 11:15 – 12:00** Tour House and Senate Chambers—Demonstration of electronic voting and recognition of members, presence of public in gallery, media

coverage, system for lobbyists' and citizens' input, and access to legislators at sides of chamber.

12:00 - 12:30 Senate Briefing Room—View LEAN videotape of actual committee hearing.

12:30 - 1:30 Lunch

1:30 – 3:00 "Administration of Governmental Ethics Laws"—What mechanisms can the government use to monitor and evaluate the ethical implementation of governmental programs? This presentation by representatives of the Louisiana Ethics Administration will describe different approaches to encourage efficiency, combat corruption, and assure fiscal accountability in the actions of public officials.

3:15 - 5:00 Board Buses and Return to New Orleans

Thursday June 23

9:00 - 10:30 Bruce Feustel: "Drafting Criminal Penalties"—Drafting penal provisions differs significantly from drafting civil provisions. This presentation will discuss creation of a criminal offense, appropriate punishment provisions, and the role of discretion in sentencing.

10:30 – 10:45 Break

10:45 – 12:00 Susan Hutson: "Monitoring Police Conduct"—Some jurisdictions establish an entity responsible for reviewing police policies and procedures, their investigations and databases. The entity also looks at how public complaints are sustained, how many are not, what type of discipline is issued, how often, and whether it is appropriate discipline.

12:00 - 1:00 Lunch

1:00 - 2:30 Ky Luu: "Drafting Disaster Laws"—When the unexpected happens, no one has time to draft new laws in response. Consequently, drafters must think ahead and prepare legislation to assist in relief and recovery efforts. This presentation will examine international efforts to fashion effective legal responses when disaster strikes.

2:30 - 2:45 Break

2:45 – 4:00 Adam Babich: "Environmental Regulation of Air, Water, and Waste"—The Director of Tulane's Environmental Law Clinic, Professor Adam Babich, will review the differing terminology and enforcement mechanisms in environmental laws that regulate air and water quality and the disposal of solid waste. The presentation will consider the roles of courts and administrative agencies and the proper balance of statutes and regulations in achieving safeguards against environmental depredations.

Friday June 24

- 9:00 - 10:15** Lou Geiszl: “Demonstration of ADR Mechanisms”—Alternative dispute resolution (ADR) mechanisms enable jurisdictions to resolve conflicts quickly and economically. This presentation uses role-play to illustrate different ADR strategies, such as negotiation, conciliation, mediation, arbitration, settlement conference, and other devices.
- 10:15 - 10:30** Break
- 10:30 - 11:30** Lou Geiszl: “Interest-Based Negotiation”—This presentation will take participants beyond the “positions” advanced by parties in a negotiation to examine the parties’ deeper “interests” and demonstrate how interest-based negotiations develop new opportunities for amicable resolution of disputes.
- 11:30 - 12:00** Week Two Evaluations and Exit Survey
- 6:00 - 8:00** Graduation Reception