

**INTERNATIONAL LEGISLATIVE DRAFTING INSTITUTE**  
**PRELIMINARY CURRICULUM**  
**JUNE 14-25, 2010**

**Monday June 14**

- 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 157  
Introduction and Overview of Institute: David Marcello
- 10:15 - 10:30** Break
- 10:30 - 12:00** "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 157 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 15**

- 9:00 - 10:15** "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** "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** "Internet Research"—The Internet is an extraordinarily valuable legal research tool in the increasingly interconnected global community. Legislative drafters enjoy access to many useful databases through the Internet. This presentation will demonstrate how participants can access and use numerous websites.
- 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 16**

- 9:00 – 9:50** "Plain Language Drafting"—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** "Plain Language Drafting" [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** "Plain Language Drafting" [Continued]—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** "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?

**Thursday June 17**

- 9:00 - 10:15** "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** "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** "Special Considerations in Drafting"—Topics include definitions, appropriations, effective dates, marginal notes, tables of content, purpose clauses, repealer and severability clauses.
- 2:30 - 7:30** 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 18**

- 9:00 - 10:15** "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.
- 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** Roundtable Discussions (Concurrent Sessions)

1) "Establishing a Plain Language Movement"—John Strylowski describes the U.S. government's plain language movement and discusses how other countries might organize a similar initiative. Room 151

2) "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. Room 157

**2:30 - 2:45**

Break

**2:45 - 4:00**

"Environmental Advocacy Around the World"—Ordinary people can defend their environment. Starting in the United States, this idea has traveled the planet at warp speed, carrying protections for threatened environments and new notions of justice and democracy. These environmental actions have created a new bundle of public rights and hope for a more sustainable world.

## **Monday June 21**

**9:00 - 10:15**

"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.

**10:15 - 10:30**

Break

**10:30 - 12:00**

"Drafting Election Laws"—A timely presentation addresses laws regarding voter registration, ballot security, promulgation of election results, and post-election challenges.

**12:00 - 1:00**

Lunch

**1:00 - 2:00**

Roundtable Discussions (Concurrent Sessions)

1) "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) "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

**2:00 - 2:15**

Break

**2:15 - 3:30**

"Drafting Criminal Penalties"—Drafting penal provisions differs significantly from drafting civil law provisions. This presentation will discuss creation of a criminal offense, appropriate punishment provisions, and the role of discretion in sentencing.

## Tuesday June 22

- 9:00 - 10:45** Panel: "Managing a Drafting Office"—Quality control in a drafting office is a function of good management. This presentation will describe intake procedures, confidentiality, team drafting, and other means for assuring a high-quality product at the end of the drafting process. Our panel of experts will respond to questions from participants regarding management and training issues in a legislative drafting office.
- 10:45 - 11:00** Break
- 11:00 – 12:00** "Parliamentary Drafting Instructions"—Parliamentary systems rely on drafting instructions to bridge the gap between policy makers and legislative drafters. Thus, the quality of drafting instructions bears an important relationship to the quality of legislation produced by drafters. This presentation will consider how drafters and policy makers can collaborate to improve the quality of parliamentary drafting instructions.
- 12:00 - 1:00** Lunch
- 1:00 - 2:15** "Transparency"—This session describes statutes that guarantee citizen access to the documents and deliberations of public bodies as a means of enhancing public participation in government.
- 2:15 - 2:30** Break
- 2:30 – 4:00** "Drafting for Compliance with GATT, NAFTA & Other International Trade Agreements"—This presentation will discuss the role of drafters in achieving compliance with trade agreements.

## Wednesday June 23

- 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** Panel: "Preparation of a Fiscal Note"—Legislative bodies need accurate fiscal information when they consider proposed legislation. This presentation will describe the preparation process for fiscal notes accompanying proposed legislation as well as the preparation of fiscal and economic impact statements to accompany proposed agency regulations.

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

**Thursday June 24**

**9:00 - 10:30** "Creating Effective National Human Rights Institutions"—This session introduces the field of international human rights law and the state obligations that flow from it. Among other things, international law requires the creation of effective national human rights institutions. Accordingly, attention will be given from a legislative point of view to the elements needed for the effective functioning of national human rights institutions and the task of investigating alleged human rights violations.

**10:30 - 10:45** Break

**10:45 - 12:00** "Governmental Code of Ethics"—This session will describe how a statutory Code of Ethics can use such devices as disclosure, registration, recusal, and prohibition to regulate conduct and penalize impropriety by public officials.

**12:00 - 1:00** Lunch

**1:00 - 2:00** "The Role of Technology in Publishing and Distributing the Law"—Legislative drafters who codify, publish, and distribute the law rely heavily on electronic publishing programs to help them accomplish these tasks. These programs offer public access to important legislative documents and provide quick ways to locate and use legislative information. In this session, we will examine Folio Views, Adobe Acrobat, and NXT 3. All three programs offer full-text search-and-retrieval, hypertext linking, personalization features (such as the ability to create notes and bookmarks), document security, and Internet accessibility.

**2:00 - 2:15** Break

**2:15 – 3:15** "Drafting Alternative Dispute Resolution Laws"—This session will discuss legislation and regulations to establish alternative dispute resolution systems for state agencies, the judiciary, and other entities.

**3:15 – 4:00** Participants' Roundtable Session—This is an opportunity for participants to exchange views and information among themselves about various aspects of their jurisdictions (i.e. drafting practices, legislative process, management issues).

**Friday June 25**

- 9:00 - 10:15** “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** “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: World Trade Center, Plimsoll Club, Galvez Room