INTERNATIONAL LEGISLATIVE DRAFTING INSTITUTE: CURRICULUM
JUNE 15-26, 2015
PRELIMINARY

Monday June 15

8:00 - 9:00 Registration and Continental Breakfast in Tulane's Multi-Purpose Room

9:00 - 10:15 Welcoming Remarks: Tulane Law School—Room 151
Introduction and Overview of Institute: David Marcello

10:30 - 12:00 "Comparison of U.S. Bicameral Legislative Enactment Process with the Parliamentary System”—This lecture discusses 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: Sheraton Hotel

Tuesday June 16

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 Exercise"—Participants receive 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 - 2:15  
This presentation provides participants with an overview of relevant modern digital technologies and legal doctrines. They will obtain an overview of both network technologies and software applications that utilize networks.

2:15 – 2:30  
Break

2:30 – 3:00  
"Technology for Drafting-Part I"—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 cooperative work, software tools can assist the drafter at every stage of the drafting process. This presentation demonstrates new tools for getting instructions; researching, outlining, writing and editing; review and revision; and tracking and delivery of a Bill.

3:00 – 3:30  
"Introduction to Library Resources"—Participants will receive a tour of the law library and introduction to its international collections and after the tour will go to the Computer Lab.

3:30 – 4:30  
"Introduction to Computer Lab"—Participants may go directly to the Computer Lab where they will receive an orientation to the use of computers within the law school and instructions on how to access the Internet. They will then have free time on the computers to check and send emails home, or to conduct research.
Tulane Law School Library, 4th Floor Computer Lab

Wednesday June 17

9:00 – 9:50  
"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  "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  "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 - 1:30  Lunch: Participants’ Roundtable Introductions—Multipurpose Room

1:30 – 1:45  Video: Ted Talk on Plain Language

1:45 - 2:15  "Bill Drafting Exercise Workshop"—We will review and discuss participants’ outlines of a proposed bill. We will then distribute ethics legislation and ask participants to revise it in the next phase of the drafting exercise.

2:15 - 2:30  Break

2:30 - 3:45  "Constitutional Drafting"—How do the challenges faced by a constitutional drafter differ from the challenges facing any other drafter? Professor Knight draws upon his experiences in several constitutional drafting projects, including South Africa, to address policy development, representational democracy, and the balance between flexibility and stability in the organic law of nations.

3:45 -4:00  Break

4:00- 4:30  "Technology for Drafting-Part II

Thursday June 18

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
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<th>Time</th>
<th>Session</th>
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<tr>
<td>10:30 - 12:00</td>
<td>&quot;Regulatory Drafting&quot; [Continued]—Presentational matters include such topics as the use of &quot;if-then&quot; tables, graphic presentations, tabulation, provisos and conditions, type size, boldface and italics, and staggered indentation of paragraphs.</td>
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<td>12:00 - 1:00</td>
<td>Lunch</td>
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<td>1:00 - 2:30</td>
<td>&quot;Plain Language Drafting Part III&quot;—Topics include definitions, appropriations, effective dates, marginal notes, tables of content, purpose clauses, repealer and severability clauses.</td>
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<td>2:30 - 8:30</td>
<td>Jean Lafitte National Park and the Bayou Barn Restaurant: 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 lush, moss-draped bayous. Participants continue the trip to the Bayou Barn where they feast on a variety of local seafood.</td>
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**Friday June 19**

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<th>Time</th>
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<td>9:00 - 10:15</td>
<td>&quot;Bilingual or Multilingual Drafting&quot;—Some jurisdictions draft in two or more languages, which presents a special problem for drafters. This lecture will examine techniques for assuring consistency and quality in drafts of legislation prepared in different languages.</td>
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<td>10:15 - 10:30</td>
<td>Break</td>
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<td>10:30 – 11:00</td>
<td>&quot;Bill Drafting Exercise Workshop&quot;—We will review and discuss participants’ revisions of ethics legislation.</td>
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<td>11:00 - 11:45</td>
<td>&quot;Technology for Drafting-Part III&quot;</td>
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<td>11:45 – 12:00</td>
<td>Week One Evaluations</td>
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<td>12:00 - 1:00</td>
<td>Lunch</td>
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<td>1:00 - 2:15</td>
<td>&quot;Drafting Tax Legislation&quot;—Different countries adopt very different tax laws, but some principles apply across jurisdictions. Are tax laws &quot;fair&quot;? Are they relatively easy for government personnel to administer? Are the laws self-executing, or do they need supporting regulations for their implementation? What &quot;incentives&quot; 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 &quot;efficient&quot; are they in generating revenue with minimal costs of collection? How are tax laws enforced?</td>
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<td>2:15 - 2:30</td>
<td>Break</td>
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2:30 – 3:30  “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.

3:30 - 3:45  Break

3:45 – 4:45  “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.

Monday June 22

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. The lecture also covers 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 - 2:30  “Drafting Criminal Penalties”—Drafting penal provisions differs significantly from drafting civil laws. This presentation will discuss creation of a criminal offense, appropriate punishment provisions, and the role of discretion in sentencing.

2:30 - 2:45  Break

2:45 - 4:00  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
Tuesday June 23

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

1) “Human Trafficking”—This is a highly volatile, modern form of slavery and organized crime, which is difficult to control. Both international organizations and national governments have drafted legislation to assist victims and prevent the phenomenon from spreading. This presentation will consider how action plans and new laws can combat human trafficking on an international, national, and regional level.

2) “Parliamentary Drafting Instructions”—Parliamentary systems rely on drafting instructions to bridge the gap between policy makers and legislative drafters. 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.

10:15 – 10:30  Break

10:30 – 12:00  “Working with Members”—This presentation will offer tips for drafters in building a strong working relationship with the members of legislative bodies, drawing upon the presenter’s many years of experience as an international legislative trainer and consultant.

12:00 -1:00  Lunch

1:00 - 2:30  “Legislative Policy Development”—Where do legislative ideas originate and how is policy developed? This presentation examines various actors in the policy development process, including legislative members, legislative drafters, agency or ministry personnel, “think tanks,” academics, citizens, civil society organizations, and other policy makers. What is the drafter’s proper role in policy development? How do text and policy interact with each other?

2:30 - 2:45  Break

2:45 - 4:00  “Drafting for Compliance with GATT, NAFTA & Other International Trade Agreements”—The professor will discuss the role of drafters in achieving compliance with trade agreements.

Wednesday June 24

8:00  Board Buses for Field Trip to Louisiana Legislature in Baton Rouge

9:30 – 10:00  Arrival in Baton Rouge and Photograph on Capitol steps
10:00 - 11:30  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.

11:30 – 12:30  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.

12:30 - 1:30  Lunch

1:30 – 3:00  Panel: "Fiscal and Ethical Accountability Mechanisms"—What mechanisms can the legislative and executive branches use to monitor and evaluate the implementation of governmental programs? A presentation by representatives of the Legislative Fiscal Office and Legislative Auditor, 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 25

9:00 - 10:15  “Drafting Sunshine Laws”—Governmental transparency laws allow the public to observe the deliberations of public bodies and to examine public documents. State open meetings laws and the federal Freedom of Information Act (FOIA) 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.

10:15 – 10:30  Break

10:30 - 12:00  “Codification Agencies”—Some jurisdictions establish a single agency responsible for codification of laws. Such agencies may have authority to make technical corrections in statutes. They also often undertake comprehensive law revision projects.

12:00 – 1:00  Lunch

1:00 – 2:30  “Drafting Agricultural Legislation”—This presentation offers an overview of the subject matters that fall under the umbrella of “agricultural legislation” at the national level. This includes legislation addressing various agricultural inputs (such as seeds, pesticides) as well as resources (land, water, fisheries, forests) and sanitary and phytosanitary measures (animal health, plant health, food safety). The presentation will review the international context in which agriculture-related laws are drafted, and will touch on some of the
reasons countries choose to amend or draft new legislation on agriculture.

2:30 - 2:45  Break

2:45- 4:00  “Drafting Environmental Law”—The presentation 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.

7:15-10:00  Zydeco Night at Rock ‘n’ Bowl: A special outing added to help celebrate the Institute’s 20th Anniversary at a New Orleans institution: food and beverages, bowling, and great music. Put on your dancing (or your bowling) shoes.

Friday June 26

9:00 – 10:15  “Drafting Arbitration Statutes”—Arbitration occupies an important niche in the spectrum of Alternative Dispute Resolution (ADR) mechanisms, exhibiting many of the formalities of judicial process but empowering parties to choose their decision maker and allowing them to follow procedures that facilitate speedier resolution of their disputes. This presentation addresses some of the challenges drafters face in preparing a system of laws to enable arbitration.

10:15 - 10:30  Break

10:30 - 11:45  “Global Failure of ‘Justice’ Systems: Causes and Consequences” — Why do so few national justice systems provide fairness, predictability, and impartiality? How can we make better use of the resources supplied through international aid programs? What conditions are required to operate a successful system of justice?

11:45 - 12:00  Week Two Evaluations

6:00 - 8:00  Graduation Reception: Plimsoll Club, 11th floor of the Westin Hotel, Canal Place