COURSE DESCRIPTION

Legislative and Administrative Advocacy examines how bills become law and how agency rules are promulgated. Each student will research and draft a proposed bill or agency regulation on behalf of a client group, present it in a mock hearing, and write a research paper. Grades are based in equal proportions on the draft of an instrument, mock hearing, and research paper; there is no examination. Class meetings will cover legislative and administrative research methodologies, drafting techniques, constitutional restrictions, and public access to information. We plan to invoke a rule penalizing students for lack of preparation or excessive unexcused absenteeism.

LEARNING GOALS AND OBJECTIVES

Students will learn techniques of plain language drafting. They will learn how to apply plain language drafting principles in researching and developing a legislative or administrative initiative from the earliest conceptual or "idea" stage to its completion as an instrument, either a bill or a rule. Students will learn about the legislative enactment and administrative rulemaking processes: how a bill becomes law and how agency regulations are promulgated under the Administrative Procedure Act. Students will learn how to read statutory language and agency regulations directly, without the interpretive intermediation of judicial opinions or scholarly articles. They will study "Sunshine" laws governing access to public information and will learn about constraints on advocacy exerted by codes of governmental ethics and the rules of professional responsibility. They will gain insights into the role of lobbyists and the "interest analysis" that informs their representation of clients in the legislative and administrative processes. Students will enhance their oral advocacy skills in a mock hearing presentation and will learn how to marshal research in producing a final paper.

CLASSES AND ASSIGNED READINGS

August 20-Class 1: Introduction; Distribution of Topics

RESEARCH AND DRAFTING

August 22-Class 2: "Getting Started"

- Dickerson, The Fundamentals of Legal Drafting, Chapter IV

August 24- DUE DATE: Research Plan and Sign up for Conferences

August 27-Class 3: Drafting Techniques

   Readings:
   - Wydick, Plain English for Lawyers, Chapters 1-9 text only, no exercises

   Assignment # 1:

August 27- August 31: Student Conferences on Research Plan
August 29- Class 4: Format of Bills and Rules; Research Methodologies

Readings:
- La. Const., Art. III
- Senate Bill 214
- Example Notice of Intent
- LSA R.S. §§ 1:1-11,13,15; and 24:175-177

August 31- DUE DATE: Drafting Exercises

September 3 LABOR DAY HOLIDAY

LEGISLATION

September 5- Class 5: Enactment Process

Readings:
- PAR Website: Guide to the Louisiana Legislature http://www.la-par.org/guide_laleg1.cfm
- La. Constitution Art. III
- How a Bill Becomes a Law

September 10- Class 6: Constitutional Restrictions on the Legislative Enactment Process

A. Title and Object –Art. III, § 15(A)
   - “Sufficiently Descriptive” Title
   - “Single Object”

Readings:

B. Public Purpose/Prohibited Transfers

Readings:
- La. Constitution Art. VII. § 14
- Bd. of Dirs. of Indus. Dev. Bd. of City of Gonzales, La, Inc. v. All Taxpayers, Property Owners, Citizens of City of Gonzales, 938 So.2d 11, 16-27,2005-2298 (La. 9/6/06)

September 12- Class 7: Constitutional Restrictions on the Legislative Enactment Process

(Continued)

Local and Special Legislation Art III, §§ 12-13

Readings:
- State v. Labauve, 359 So. 2d 181 (1978)
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- State v. DiLosa, 848 So.2d 546 (La. 2003)
- State v. Stirgus, 437 So.2d 249 (1983)
- Polk v. Edwards, 626 So.2d 1128, 1132-37 (La. 1993)

September 14 - DUE DATE: Preliminary Draft of Legislation & Sign-up for Conferences
(Note: remember to save all drafts to submit along with the research paper)

September 17-21 - Student Conferences Reviewing Preliminary Drafts

MUNICIPAL PROCESS

September 17 - Class 8: Introduction to Municipal Process: Revision of the Comprehensive Zoning Ordinance; Guest Speaker: Bob Becker

Readings:
- “Principles of a New Comprehensive Zoning Ordinance” (see http://www.nolamasterplan.org/)
- ‘Runaway Discretion: Land Use Decision Making in New Orleans” (see http://www.bgr.org/reports/runaway-discretion-land-use-decision-making-in-new-orleans/)

September 19- Class 9: Zoning Laws (continued)

Readings:
- “How to Read the Draft Zoning Text and Maps“ (See http://www.nolamasterplan.org/documentsandrresources.asp#C3)
- “A New Comprehensive Zoning Ordinance for New Orleans” (See http://www.nolamasterplan.org/documentsandrresources.asp#C3)

AGENCY RULEMAKING

September 24 - Class 10: Administrative Procedure Act- Rulemaking

Readings:
- La.APA §§ 951-54, 968
- La. Constitution Article IV §§1, 5, 20; Article VI § 44; Article XII §14
- State v. Rodriguez, 379 So. 2d 1084 (La. 1980)
- Buras v. Board of Trustees of Police Pension Fund, City of NO, 367 So.2d 849 (La. 1979)
- Delta Bank & Trust Co. v. Lassiter, 383 2d 330 (La. 1980)

September 26- Yom Kippur
October 1 - Class 11: Administrative Procedure Act: Adjudication and Division of Administrative Law

Readings:
- La. APA, §§ 955-962, 968-72
- Wooley v. State Farm Fire and Cas. Ins. Co., 893 So.2d 746, 767-70, 2004-882 (La. 1/19/05)

PUBLIC PARTICIPATION

October 3; Class 12: Lobbyist Presentation and Analysis

October 5, DUE DATE: Revised Draft of Legislation or Regulation

October 8-12: TULANE FALL BREAK

October 15- Class 13: Lobbyist Presentation and Analysis

October 15-19: Student Conferences Reviewing Revised Drafts

October 17 - Class 14: Public Access to Information

Readings:
- La. Const. Art XII, Sec. 3
- Public Records Act, R.S. 44:1 et seq.

October 22 - Class 15: Advocacy and Public Participation

Readings:
- ABA Model Rules §1.0 - 1.2, 1.4, 1.6, 1.7, 1.9, 3.1, 3.3 - 3.5, 3.9, 6.4, 7.6, 8.2, 8.4(e)(j)
- Summary of Lobbying Laws

ETHICS

October 24- Class 16: Ethical Constraints

Readings:
- Georgia Gulf Corporation v. Board of Ethics for Public Employees, 694 So.2d 175 (La. 1997)
- Summary of Ethics Laws

October 29 - Class 17: T.B.A.
October 31 - Class 18: Wrap-Up Class

**November 2 DUE DATE: Distribution Draft of Legislation or Regulation**

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**December 3- DUE DATE: Research Paper:** Research paper must include the final draft (clearly indicated) of the legislation or rule. Also include all earlier drafts in chronological order. Further instructions on the research paper will be given and discussed in class.