I. Overview

This course will focus on the composition and organization of state legislatures and the U.S. Congress, legislative procedure, and the interpretation of statutes. The course will also explore the extent and limits of legislative powers vis-a-vis the executive and judicial branches of the federal and state governments.

Assigned readings are from “Legislative Law and Statutory Interpretation: Cases and Materials”, Otto J. Hetzel, Michael E. Libonati and Robert F. Williams, LexusNexis, 4th edition (2008). Some assignments are from “Legal, Legislative, and Rule Drafting in Plain English”, Robert J. Martineau and Michael B. Salerno, Thompson/West (2005). Other assigned readings and materials will be handed out or available electronically at the Westlaw TWEN course web site or other web sites, specifically that of the Vermont Legislature at www.leg.state.vt.us.

II. Class Schedule and Weekly Assignments

Classes will meet Monday evenings from 5:30 pm to 8:00 pm, beginning August 29 and ending December 5. Please note that the class is not scheduled to meet on September 5 or October 10. There will be one additional class meeting on Wednesday, November 2.

This course has both a legal theory component and a legal skills component—legislative writing—each of which are reflected in the weekly assignments. Most weeks you will have a reading assignment from Hetzel and Martineau and will have a drafting exercise to prepare prior to class.
We will discuss the reading assignment from roughly 5:30-6:30, take a short break, and spend the remainder of the class covering the drafting exercise or have an in-class legislative exercise.

The materials you will need for the drafting exercise each week will be posted to TWEN, and include fact and legal research memoranda, bills, amendments, committee presentations, etc. I welcome you to submit your weekly drafting exercise to me for editing and comments. Other than the graded drafting assignments, these weekly drafting exercises are not graded, but historically students have learned a great deal from the feedback. If you email me your drafting exercise before Monday, I will try to get it back to you with edits and comments by the beginning of class.

III. Drafting Exercises, Exams, and Grading

Your grade for the course is based on three graded drafting assignments, class participation, and a final exam. The final exam for the course is take-home. I will make it available to you as soon as the school allows and it will be due back the last day of the exam period. All materials will be made available electronically through TWEN, and may be submitted electronically as well.

**Grading:**

50% on the graded drafting assignments:

- 10% - first graded drafting assignment
- 15% - second graded drafting assignment
- 25% - third graded drafting assignment

35% on the two-hour final exam

15% on class participation, including attendance
IV. Classes and Assignments

Class 1 – August 29

*Hetzel* – Chapter 1, pp. 1-6; 8-13; 16-24; 81-86

*Martineau* – Chapter 1

*Drafting Exercise 1* – Legal research for memo and bill to client per drafting request

*** September 5 - Labor Day Break – No Class ***

Class 2 – September 12

*Hetzel* – Chapter 3, pp. 101-102; 116-119; 132-136; 136-154

*Martineau* – Chapters 10; 14

*Drafting Exercise 2* – Memorandum and draft bill

Class 3 – September 19

*Hetzel* – *optional* background reading - Chapter 3, pp. 164-202

*Hetzel* – Chapter 4, pp. 205-227; 283-287

*Martineau* – Chapters 3, 11, 13

*Drafting Exercise 3* – Memorandum and draft bill

Class 4 – September 26

*Hetzel* – Chapter 4, pp. 246-272
Martineau – Chapters 5-7

*** First Graded Drafting Assignment
Due by Beginning of Class ***

Class 5 – October 3
Hetzel – Chapter 5, pp. 341-362
Martineau – Chapter 8, sections A-F (pp. 53-64)
Drafting Exercise 4 – fact and legal research for mock House committee roles; prepare testimony and committee questions and answers
Mock House committee hearing

*** October 10 – Fall Break – No Class ***

Class 6 – October 17
Hetzel – Chapter 6, pp. 377-387; 398-403; 406-418
Martineau – Chapter 8, sections G-P (pp.64-75)
Drafting Exercise 5 – Committee amendment based on committee hearing

Class 7 – October 24
Hetzel – Chapter 7, pp. 453-479
Martineau – Chapter 9

*** Second Graded Drafting Assignment Due by Beginning of Class ***
Class 8 – **Wednesday**, November 2

*Guest Lecture – Revenue, Appropriations, and Budgeting Process*

*Steve Klein, Esq., Chief Fiscal Officer, Vermont General Assembly*

→ Reading materials to be distributed

Class 9 – November 7

*Guest Lecture – Lobbying, Lobbyists, and Effective Advocacy*

*Adam Necrason, Esq. and Rebecca Ramos, Esq.*

*Necrason Group*

Class 10 - November 14

*Hetzel* – Chapter 7, pp. 479-492; 516-525

*Drafting Exercise 6* – fact and legal research for mock Senate committee roles; prepare testimony and committee questions and answers

*Mock Senate committee hearing*

Class 11 – November 21

*Hetzel* – Chapter 7, pp. 564-577; Chapter 8, pp. 585-599

*Drafting Exercise 7* – senate committee amendment based on mock committee hearing;
**Class 12 – November 28**

*Hetzel* – Chapter 8, pp. 600-626; 644-646;

*Drafting Exercise 8 – Memo; Rules of the Vermont Senate;*

*Mock Senate floor exercise*

**Class 13 – December 5**

*Hetzel* – Chapter 9, pp. 653-667; 706-718

*Drafting Exercise 9 – Memo for conference committee; prepare conference committee roles*

*Mock conference committee*

*** Third Graded Drafting Assignment Due with Final Exam ***

**FINAL EXAM – Take Home – Due back December 23**