

**SRJS 630—Advanced Advocacy: Legislative Policy  
Syllabus <sup>1</sup>**

Professor: [George Mader](#)  
E-mail: [george.mader@unlv.edu](mailto:george.mader@unlv.edu)  
Phone: (702) 895-5415

Class meets: [Wednesdays 5:30-8:15 p.m.](#)

**COURSE DESCRIPTION:**

This course, cross-listed with the UNLV Boyd School of Law, covers the practice and theory of legislative processes, advocacy in the legislative context, and judicial interpretation of statutory law. We will address these topics both in general and within the context of Nevada's 2009 ongoing legislative session. After some introduction to the material, the course will be hands-on: students will write memos and position papers on legislative issues; they will select a policy issue, draft legislation, and advocate for enactment. If possible we will arrange for students to present their work to a panel of legislators, legislative counsel, or other practitioners in legislative policy.

**Required Texts:**

William N. Eskridge, Jr., Philip P. Frickey & Elizabeth Garrett, *Legislation And Statutory Interpretation* (Foundation Press 2d ed. 2006).

Robert J. Maritneau & Michael B. Salerno, Legal, Legislative, and Rule Drafting in Plain English (Thomson/West 2005)

Additional required reading will be on reserve or on Westlaw.

**Course Objectives and Design:**

Class will meet once each week for 2.75 hours and you will also spend additional time working on legislative projects, meeting online with the professor or working online with each other. We will use TWEN, the electronic course package developed by West Publishing that allows you to do online research using Westlaw. In this course, you will:

- read about and discuss various theories of representation and legislative process and learn about the electoral and legislative structures that influence the drafting of legislation
- learn about the theories of statutory interpretation and the role of courts in interpreting statutes and how to apply this knowledge when drafting legislation
- learn the precedential value of the various sources that compose the legislative history and agency interpretation of enacted laws
- learn the importance of both legal and non-legal research to support and analyze legislative proposals
- learn the basic principles of drafting and a process for drafting legislation and other documents
- learn more about the psychology of persuasion and the components of persuasive discourse, both written and oral
- develop research skills using both legal and non-legal sources
- draft proposed legislation or amendments to existing law using plain, clear and concise language
- write persuasive and informative papers to educate and persuade lawmakers on various legislative issues including "talking points," summaries of legislation, press releases and other documents to help bill sponsors promote legislation
- develop a bibliography of sources and resources that will assist with future drafting tasks

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<sup>1</sup> This syllabus may be revised at any time based on the needs of the class.

## **GRADES**

Class Participation	20%
Small Assignments	25%
Major Project	40%
Presentation of Major Project	15%
MPT (Law Students Only)	P/F

### **Class Participation**

Often, preparation for class will include not only readings but also research, writing and drafting tasks. Class will feature in-class work and discussion that depends on those tasks. You will be expected to come to each class session prepared to contribute to the work and discussion that takes place in class.

### **Small Assignments**

Some written and/or oral assignments, smaller than the Major Project, will be required. One "Small Assignment" will be writing a memorandum that examines an issue or potential legislation in the context of existing public policy and law. Other "Small Assignments" may include shorter exercises in statutory interpretation, exploration of legal process theory, and research assignments.

### **The Major Project**

The Main Project for this course counts for 55% of your grade (written form = 40% of grade, oral presentation = 15% of grade). You will design a piece of legislation (or, if appropriate, legislation plus regulatory scheme). You will research an issue for potential legislation (or significant revision of existing legislation) and, using the insights, skills, and background obtained over the course of the semester, draft a statutory scheme to address the issue. This will be done in the form of a bill that in the real world would be presented in a state legislature or Congress. To write a satisfactory bill, students will need to consider, as background, issues of constitutionality (state and federal), federalism (including preemption and the Supremacy clause), and statutory interpretations techniques that might be used on the legislation, as well as the full range of practical, process, and policy concerns that face legislation.

Students will orally present, as well as write, their proposed legislation. If possible, we will arrange for students to present their pieces of legislation to a panel of legislators, legislative aids, or other practitioners in legislative policy.

## **COURSE POLICIES**

**Attendance:** Attending class is important, particularly given that we meet so infrequently --- missing once is missing a week of class. Attendance will be included in the Class Participation portion of your grade, and may also affect your grade collaterally (if, for instance, your absence means your assignment is not submitted on time). Absence may result in your being dropped from the course. If you know in advance that you will miss a class, please let me as far in advance as possible.

**Document Format:** All written work product must conform to style guidelines to be distributed in class. In most instances, you will be required to submit assignments in both hard copy and electronic format.

**Timeliness:** You must turn in assignments on time. There will be stiff penalties for late work. Do not expect exceptions. Assignments are due at the beginning of class, unless otherwise indicated.

**Communication:** I will use e-mail and to communicate important information between class meetings. You are responsible for any information conveyed via email; you must check your e-mail and the TWEN site regularly.

Collaboration, Plagiarism & Academic Honesty: You will often be allowed to work with your colleagues on exercises and assignments, **but any work product you submit must be your own**, unless I direct otherwise. Of course, plagiarism, whether from another student or from any other source, is prohibited. Law students, see the Boyd School of Law Code of Honor and Professional Responsibility, which is included in the Student Policy Handbook and available on the law school web page. Graduate students, see the University Code of Conduct and Policies in the UNR General Course Catalog.

## UNIVERSITY POLICIES

Academic Misconduct: Academic integrity is a legitimate concern for every member of the campus community; all share in upholding the fundamental values of honesty, trust, respect, fairness, responsibility and professionalism. By choosing to join the UNR community, students accept the expectations of the Academic Misconduct Policy and are encouraged when faced with choices to always take the ethical path. Students enrolling in UNR assume the obligation to conduct themselves in a manner compatible with UNR's function as an educational institution.

An example of academic misconduct is plagiarism: "Using the words or ideas of another, from the internet or any source, without proper citation of the sources."

### Students with Disabilities:

The Disability Resource Center (DRC) coordinates all academic accommodations for students with documented disabilities. The DRC is the official office to review and house disability documentation for students, and to provide them with an official Academic Accommodation Plan to present to the faculty if an accommodation is warranted. The DRC strongly encourages faculty to provide accommodations only if and when they are in receipt of said plan. Faculty should not provide students accommodations without being in receipt of this plan.

### Disability Accommodation:

UNR complies with the provisions set forth in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, offering reasonable accommodations to qualified students with documented disabilities. Any student with a disability needing academic adjustments or accommodations is requested to speak with me or contact the Disability Resource Center (Thompson Building, Suite 101), as soon as possible to arrange for appropriate accommodations

### Copyright & Fair Use:

The University requires all members of the University Community to know and follow copyright and fair use requirements. You are individually and solely responsible for violations of copyright and fair use laws. The University will neither protect nor defend you nor assume any responsibility for employee or student violations of fair use laws. Violations of copyright laws could subject you to federal and state civil penalties and criminal liability, as well as disciplinary action under University policies.

## **TOPICS AND ASSIGNMENTS**

Class sessions will be a combination of discussions on the reading, in-class exercises, guest speakers, and work sessions during which you will work or get feedback on your written and oral assignments. To participate fully, you must complete assigned readings and research, writing and drafting tasks.

We will cover:

- (1) the practice and theory of legislative processes
- (2) advocacy in the legislative context
- (3) judicial interpretation of statutory law.

We will address these topics both in general and within the context of Nevada's 2009 ongoing legislative session.

After some introduction to the material, the course will be hands-on. You will:

- (1) write a memo or position paper on a legislative issue
- (2) select a policy issue, draft legislation, and advocate for enactment (both orally and in writing).