

Legislative Process
Spring 2009
Professor Carolyn Shapiro

COURSE INFORMATION

CONTACT INFORMATION

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This course provides an overview of the theories, doctrines, and practice involved in passing and interpreting statutes. We will focus primarily on federal law, but there will be some discussion of state law and practice. We will also consider the roles of many different actors in the political, legislative, and judicial process, including the legislature, the executive (President or Governor), the judiciary, and executive branch agencies charged with implementing or enforcing statutes.

COURSE MATERIALS

The casebook for the class is Eskridge, Frickey & Garrett, *Cases and Materials on Legislation* (4th ed. 2007). There will also be some handouts of assigned readings, problems, and practice exam questions. These handouts may be distributed via internet links, Westlaw cites, or downloadable copies from my website; through the bookstore; by e-mail; or in class. In general, I try to distribute the handouts in the way calculated to cost you the least money. Some of these handouts are listed on the syllabus; some are not. I often add handouts as warranted by current events.

We will be reading excerpts from Justice Breyer's book, *Active Liberty*, which is available in the bookstore. Inexpensive copies are also available on-line at sites like www.half.com. I have also asked the library to put at least one copy on reserve. We will be reading only a relatively small portion of the book, so you may find that you can make do with the reserve copy or by sharing with a classmate.

You are also required to bring a copy of the United States Constitution with you to class. ***When the reading from the casebook refers to a particular constitutional provision, you should read that provision, even if it does not appear on the syllabus.*** There is a copy of the Constitution in Appendix A of the casebook. It can be helpful to have an additional copy, however, for ease of reference. There are numerous resources, on-line and in print, for free copies of the Constitution. On-line resources include

<http://www.usconstitution.net/const.html>
http://www.archives.gov/national-archives-experience/charters/constitution_transcript.html
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_documents&docid=f:hd051.110.pdf

For a helpful supplement, you might consult Eskridge, Frickey & Garrett, *Legislation and Statutory Interpretation* (2d ed. 2006). Several copies are on reserve in the library. It should also be available through the bookstore. This book is not required.

OFFICE HOURS, APPOINTMENTS, AND COFFEE WITH THE PROFESSOR

I encourage you to ask me about things that you did not understand in class or in the reading and to talk to me about ideas or topics that interest you. Because I do not have formal office hours, the easiest ways to arrange this are for you to speak to me after class or to make an appointment to see me. You should also feel free to knock on my door without an appointment, to call, or to e-mail. Unless otherwise specified by you, I will assume that I can forward to the rest of the class any e-mail you send me related to the substance of the class.

In order to get to know you, I am inviting all of you to join me for coffee in groups of 4-6. The times and dates for coffee along with sign up sheets will be posted outside my office. If for some reason, you are not able to make any of the available times, please let me know. You are not required to come to coffee. It is entirely optional.

SCHEDULING

The class ordinarily meets on Tuesdays from 1:55 to 3:30 and on Fridays from 12:50 to 2:15 in room 520. There is no class on Tuesday, January 20. Instead, we will meet on Thursday, January 22 from 12:50 to 2:05 in Room 590. This is during the regularly scheduled time for Professor Tarlock's Property class, which will not be meeting on those days.

In addition, we will meet on Thursday, February 5 from 12:50 to 2:05 in Room 590, a day when Professor Tarlock's class will not be meeting. This class is to make up for the "missing" Friday class in the Academic Calendar.

Finally, on Friday, April 3, we will meet from 10:00 to 11:25 in Room 590. We will not meet at our regular class time on that day. For those of you in Professor Dickler's writing section, I have coordinated with her, and she will not be holding class that day.

GRADING

Your grade will be based primarily on a final examination. However, attendance and participation critical to understanding the material. The best way to develop an understanding of law and the legislative process is through discussion and argument. In addition, class participation can help your grade. It can also hurt you, if you miss class (see below for attendance policy), can't or won't participate, or are repeatedly unprepared.

Regular attendance is required. I will pass around a sign-in sheet at the beginning of each class. You are entitled to 3 absences (for any reason) with no effect on your grade. You do not need to let me know when or why you are missing class for those 3 absences. However, additional absences are unlikely to be excused unless all prior absences were for compelling reasons. I will expect that you have done the assigned reading and are prepared for class.

There may also be a few written assignments. These assignments will not be graded. They will, however, count towards your class participation. Failure to complete an assignment, to turn it in on time, or to make a good faith effort on an assignment will be noted.

The final exam will be open book and in-class on Monday, May 11, at 1:15 pm. For the final exam, you will be responsible for all assigned reading, whether or not we discussed it in class, and for all material covered in class discussion and lectures, even if it was not covered in the assigned reading. However, the exam will emphasize the material that I view as important, and you will be able to tell what I think is important by coming to class.

TEACHING ASSISTANT

Our teaching assistant is Tyler Murphy. His e-mail address is tmurphy@kentlaw.edu.

For course announcements and for other useful information please consult the course website accessible from <http://www.kentlaw.edu/faculty/cshapiro/classes/>.