

Hi, this is Chris Micheli - a principal with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law in its Capital Lawyering program. Welcome to Part 1 of Teaching the Lawmaking in California course.

As part of its effort to enhance its Capital Lawyering program, U.o.P. McGeorge School of Law offers a number of courses to train aspiring lawyers who plan to work in and around California state government. One such course is the Lawmaking in California class - a course which covers the fundamental components of the legislative process as well as discussions of the rulemaking process and avenues of direct democracy.

The Lawmaking in California course is an integral part of McGeorge's overall curriculum in its Capital Lawyering concentration. After students take the required Introduction to Capital Lawyering class, this course, Lawmaking in California and the California Lobbying and Politics course are next in sequence. With students usually participating then in the popular Legislative and Public Policy Clinic where all of their coursework is put to the test.

So let's start with a course overview of the Lawmaking in California class. The topics covered in this course include legislative procedure, bill drafting and analysis, legislative history and intent, advocacy, relationships with the Executive Branch, and the powers and limits of the Legislative Branch of California state government.

Students in this class learn about statutory and regulatory lawmaking and they develop important legal skills of research, analyzing, and writing by having practical experience in drafting legislation and bill analyses.

This course is taught in downtown Sacramento at the State Capitol, rather than on the law school campus, as this provides students with the feel of the practice of Capital Lawyering. The course runs fourteen consecutive weeks and it meets once per week in the evening for two hours.

It begins right after the work day concludes so that guest speakers in and around the State Capitol can easily make class presentations. This course exposes students to numerous aspects of the legislative process and the making of statutory law and its increasingly critical role in our legal system.

This course also prepares students who want to continue their studies in the legislative arena by participating in the Legislative and Public Policy Clinic. This course relies heavily on class discussion with guest speakers bringing their expertise and insights into the topics covered each evening.

This course is particularly unique. We believe it's one of only a handful of law school courses that are dedicated specifically to forms of lawmaking here in the state of California. While regulatory process and direct democracy are briefly covered in two separate class sessions, the bulk of this course focuses on the state legislative process and the influences over that process.

There was a prior version of this course, it had been titled "Legislative Process Strategy and Ethics" and it was intended to expose law students to the practical world of politics in the lawmaking process. Changes from the previous iteration of this course included the addition of a close to 600-page reader that's full of substantive information that can readily be used as a reference guide for anyone working in or around the legislative and/or regulatory processes.

Both a midterm and final exam were created and added, as well as the written projects. As a result of these substantial changes, the course was changed from a Pass/Fail basis to a graded class. The course is intended to provide a great deal of substantive material and practical knowledge so that a student who successfully completes this course, along with the California Lobbying and Politics class and the Legislative and Public Policy Clinic, can work in and around the State Capitol almost immediately. This class also qualifies as a practicum at McGeorge School of Law.

What are the course materials? This course does not use a standard textbook. Instead it uses a reader, which is written and compiled by Professors Chris Micheli and Diane Boyer-Vine. The reader provides students with the essential background to participate in their class discussions and consider the case studies that will be used during the semester.

The reader is comprised of two volumes of materials. In regards to this two volume reader, most recently called Materials and Cases on Lawmaking in California, the professors' hope that it will serve in the future as a reference guide for students, something that the course graduates will keep on their credenza or bookshelf at their job in and around the State Capitol. Some of the material may need to be updated on occasion, but most of the material is not likely to change much so that it will be a future benefit to the students.

Several of the guest speakers provide additional written materials for the students to utilize. They receive examples of all types of bills, budget materials, and other relevant documents that can be used as reference guides in the future.

The course does have exams. There's a graded midterm exam - worth 20% of the final grade - as well as a final exam at the end of the course which is also worth 20% of the final grade.

Each exam covers half of the course. The exams consist of multiple choice, true/false, and short essay questions. The midterm is given in the second hour of the seventh class and lasts just one hour. It covers the first half of the course. The final exam is given during exam week after the conclusion of classes. It lasts 90 minutes and it covers the second half of the class.

We have found that true/false, multiple choice, and short essay questions allow us to adequately test the information from class. All exam questions are clearly in the written

materials. They're discussed during the appropriate class sessions, and they are of a nature that would be expected to be known.

The exam questions are intended to ensure that students know and understand the salient points from the respective class sessions and topics. They essentially test what students should derive from the topics covered during the class sessions. Although graduates of the class will not have the same practical work experience as those working under the Capitol dome, they will have been exposed to many of the common issues and scenarios that experienced individuals will have over a number of years working in and around the state Capitol.

There's also bill and amendment drafting project, as well as a bill analysis drafting project. So the first one is the bill and amendment drafting project, which is the first written assignment. It requires that a bill and two substantive amendments to that bill be drafted. We explain that this first task is to draft a bill on a topic of a student's choosing. The bill shouldn't exceed ten pages and the bill has to be an Assembly Bill or Senate Bill, and must follow exactly how a bill is introduced in the California Legislature.

The purpose of this first writing assignment is to provide an opportunity to participate in one of the most important roles of a legislative lawyer, that is, drafting bill and amendment language. Students must first decide upon a state public policy issue that they want to address by legislation. Then they have to research that issue and decide upon what type of statutory language is needed - adding new code sections, or amending or repealing existing code sections. Then the hard part comes, drafting the actual bill text.

Although an entire class period is spent with the Chief Deputy Legislative Counsel who walks students through all of the possible versions of bill drafts and amendments, the drafting will fall upon the student.

The second issue is to draft a substantive amendment to address one or more opposition concerns that could be raised with the original bill. There is also required, a drafting of an urgency clause and a justification for why the bill should take effect immediately as an urgency statute. The students are required to combine both of these amendments into a second draft of the bill.

In evaluating the bill and amendment drafting project, the professors look for accuracy in the bill language, that the bill format is followed. That the rules of statutory construction are kept in mind, and that the language is easily understood for the reader.

That concludes the first part of our look at the Lawmaking in California course.