

Hi this is Chris Micheli, Principal with the Sacramento Governmental Relations firm of Aprea and Micheli and an Adjunct Professor at McGeorge School of Law with its Capital Lawyering Program. Today is Part 2 of our podcast covering the Lawmaking in California course.

Our second drafting project is that of the bill analysis. A few weeks after completing the bill and amendment drafting project, the students will switch hats and become committee consultants as they prepare a lengthy policy committee analysis of their drafted bill in its amended form.

The second writing assignment is to research and write an analysis of the amended bill. Significant thought and analysis will go into this writing assignment which also must be done in an objective manner, similar to the bill and amendment drafting project. An entire class period is spent with the staff director of a legislative committee from either the Senate or the Assembly who shares insights on how to research and write a thorough bill analysis that could be relied upon by Legislators and their staff to make a decision about how to vote on a bill and by practitioners who could understand what was intended by those voting to enact the bill's provisions.

Similar to the bill and amendment drafting project, the hard work, naturally comes with drafting the actual bill analysis that's limited in page length but that it is expected to be thorough and demonstrate a clear understanding of how and why to analyze legislation. In evaluating the bill analysis drafting project, the professors look for the students following the format for a policy committee bill analysis. In writing a clear and concise explanation of the bill's provisions, analyzing the measures provisions and providing an independent description of the arguments that would likely be posed for and against this bill.

On the topic of student participation in the class, the course is interactive and student participation is crucial to their learning experience. The students final grade may be increased or decreased by a third as the participation components of the grade is designed to enhance their learning experience. As well as their oral participation and advocacy skills, attendance and class participation are an integral part of this course in order to facilitate learning by the students. Regardless of whether there's a small number of students in a seminar room or a large classroom filled with dozens of students, the quality and quantity of student participation is necessary for success in a course such as this.

Through the professor's use of the Socratic Method, of teaching, lecturing, sharing perspectives among participating students in class discussions, students will be called

upon to apply their knowledge and utilize their critical thinking and analysis skills. And the professors assess the student's ability to apply knowledge and critical thinking skills. The professors will also assess the student's ability to identify and understand key concepts in substantive law and procedure that are reviewed and discussed in the readings and class sessions. Finally the professors will assess the student's communication skills, including effective listening and critical reading as well as interpersonal speech and oral advocacy.

Guest speakers also play a critical role in this course. They're always leading experts in their fields and they have extensive experience and key insights to share with the students to gain exceptional insight in particular aspects of California state government. Critical readings are provided to the students in advance of the classes so that they're exposed to the key issue for the relevant class discussions each week and they can engage in valuable and meaningful interactions with these guest speakers.

So let's look at an overview of the weekly class sessions.

The first class deals with the course overview, the syllabus, and begins in earnest with views on the Legislature and the lawmaking process. The learning objective is to gain a high level understanding of representative democracy and how legislators and legislatures are viewed in America. The purpose is to understand where this course fits into the McGeorge Capital Lawyering program and then to understand views of legislatures in general.

The second class is the first one on the legislative process which covers the legislative calendar and the committee system. There are two guest speakers, generally, a committee secretary or assistant and either the Senate or Assembly Bill Referral Consultant. We examine the Assembly and Senate legislative processes. The learning objective is to understand legislative rules that apply to bills and amendments moving through the legislative process. This class focuses on bill introductions, amendment deadlines, and rules that relate to bill referrals and the committee process.

The third class deals with the legislative powers and limits, reviewing Constitutional provisions and relevant case law. The class speaker is the former Chief Deputy Legislative Counsel and this class involves a thorough examination of the legislative branch of California state government. The learning objective is to understand the scope of the powers of the legislative branch Vis a Vis the judicial and executive branches. Also we review the scope of legislative power as it relates to the people's power of initiative and referendum.

The fourth class returns to the legislative process, this time examining floor sessions and legislative publications. The Secretary of the Senate and the Chief Clerk of the Assembly are the usual guest speakers. The learning objective is to understand legislative rules which apply to bills and amendments moving through the legislative process. This session focuses on the floor process and will introduce students to various legislative publications that are useful to working effectively in the California legislative process.

The fifth class then turns to drafting bills and amendments. This class period is spent with the current Chief Deputy Legislative Counsel. The purpose is to gain an understanding of bills and amendments and specific drafting rules used by the Legislative Counsel's office. The learning objective here is to understand the basic tools of drafting legislation in California from initial inception of an idea through preparation of the text of a measure and amendments to that particular measure.

The sixth class concerns the drafting of bill analyses and includes as its guest speaker a long-time Policy Committee Staff Director from the Senate or Assembly. The learning objective is to understand how a bill analysis is prepared and used in the committee process. The class also focuses on the committee consultant's role in this process.

The seventh class examines statutory research and legislative intent by examining general rules of statutory interpretation as well as relevant case law that guide judges. The guest speaker is a retired Appellate Court Justice who examines these issues from the vantage point of the judiciary. The learning objective in this class is to understand how legislative intent is determined and what may be used to establish legislative intent.

The eighth class is focused on the role of the lobbyist in the legislative process. The Senior Policy Advocate for the California Chamber of Commerce is the featured guest speaker for this class. The learning objective is to define what the role of a lobbyist is in the legislative process and the pros and the cons of lobbying activities in a democracy.

The ninth class is focused on ethics in the legislative process. The guest speaker is either the Senate Ombudsperson (Transcribers Note: An Ombudsman is an official who is charged with representing the interests of the public by investigating and addressing complaints of maladministration or a violation of rights) or the Chief Counsel to the Assembly Committee on Ethics. The learning objective is to understand the laws and the rules regulating the conduct of legislators and legislative staff in conducting their business in the legislative process.

The tenth class is focused on the media's role in the legislative process. The featured speakers have been current and former Capitol Press Corps members as well as the Lieutenant Governor's Chief of Staff. The learning objective is to understand the media's role in the legislative process and this class includes discussion about how news organizations determine what issues to cover at California's Capitol.

The eleventh class is focused on working with the Governor's administration. The featured speaker is a Deputy Legislative Secretary in the Governor's office and the learning objective is to understand the Governor's role in the legislative process.

The twelfth class is focused on the state budget process. Here there featured speaker is the Budget Director for the Assembly Speaker and the learning objective is to understand California budget process from introduction of the Governor's budget in January through the subcommittee hearings, the May Revise, and final enactment of the budget in June.

The thirteenth class is focused on the state rulemaking process. Here the featured speaker is a team member of the California Office of Administrative Law. The learning objective of this class is to understand the intersection between statutory enactments and rules promulgated to implement those statutes. The class is intended to provide students with a basic understand of the structure of California's rulemaking process.

The fourteenth and final class is focused on forms of direct democracy, which is the initiative and referendum processes here in the state of California. The main learning objective of this class session is to understand the scope of the initiative powers in comparison to the power of the California Legislature.

I hope you enjoyed the second part of looking at the Lawmaking in California course. Thanks for joining.