Course: Course Name Legislation  
LAW Code 748  
Section Number 512

Course Instructors:

Bruce P. Martin, Esq.  
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Guest Lecturers:

Deadra W. Daly, Esq., Ethics Counsel, Maryland General Assembly  
Patrick H. Roddy, Esq., Rifkin, Weiner, Livingston, Levitan & Silver, LLC  
The Honorable Samuel I. (Sandy) Rosenberg, Maryland House of Delegates  
The Honorable Robert A. Zarnoch, Judge, Maryland Court of Special Appeals

Days/Time: Wednesday, 6:15-9:00 p.m.  
Location: ROOM AL-204

Course Description:

This course focuses on Maryland statutory law, including the arrangement of statutes; the Maryland General Assembly legislative process, procedure and organization; and ethics and lobbying in the Maryland General Assembly. It also delves into methods of interpretation and application of statutes. There also is a significant “practical component” of this course, consisting of a study of principles and techniques of the code revision process and practical problems in legislative drafting, which culminates in a legislative drafting assignment.

Course Materials (all posted on TWEN):

William Statsky, Legislative Analysis & Drafting (1984); Legislation Handouts (2015); cases; law review articles, all as listed below.
**Course Concepts and Goals**

This course will introduce the student to the world of law-making and to law-interpreting. It focuses on the role that each branch of government plays in both of these areas and how the legislative and political processes shape and sometimes distort the end-product. The course tries to benefit all students, not just aspiring legislators and legislative lawyers, by 1) fostering a sharper understanding of statutory texts; 2) enhancing tools and techniques of statutory construction; 3) developing the skill of deciphering legislative purpose from the history of enactments and other sources; and 4) improving drafting and stylistic skills.

**Grades:**

The final grade will consist of:

1) a two-part take-home drafting assignment (50%); and
2) a closed-book final exam (50%).

Also factored into the grade will be good attendance and class participation.

**Assignments/Participation:**

Students are expected to complete all reading assignments and to participate in class discussion.

**Attendance:**

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowable class absences permitted in the law school’s Attendance Policy may be compelled to withdraw from the course or barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of WA (withdrawal due to excessive absences) or a grade of WF.

**Computers and Other Electronic Devices**

Students may use laptop computers and mobile devices for class-related purposes only.

**Class Cancellation**

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should check the University of Baltimore web page or call the University's Snow Closing Line at (410) 837-4201. If the University is not closed, students should presume that classes are running on the normal schedule.
Academic Integrity

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another’s book or study materials without consent; unapproved multiple submissions; material misrepresentation of one’s academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports.

Disability Policy

If you are a student with a documented disability who requires an academic accommodation, please contact Karyn Schulz, Director of the Center for Educational Access at 410-837-4775 or via email at kschulz@ubalt.edu.

SYLLABUS

CLASS #1 - August 19, 2015: Overview to the Course and the Legislative Process

- Introduction and Ground Rules
- Introduction to the Legislative Process

Legislative Analysis and Drafting, Second Edition (“Text”)
Written by William P. Statsky:
  Chapter 1, pages 1-15
  Chapter 5, pages 75-82


CLASS #2 - August 26, 2015: The Legislative Process

- Organization of the General Assembly
- How a Bill Becomes Law
  Handouts 1 and 2
- How to Read a Bill
  Handouts 3, 5-8
  Handout 4: Maryland General Assembly website (not on TWEN)
CLASS #3 - September 2, 2015: The Legislative Process and Statutory Interpretation

Resolutions
Handout 9
*Moran v. La Guardia*, 270 N.Y. 450 (1936)

Theories of Statutory Construction at the Federal Level
*Gentiva Healthcare Corp. v. Sebelius*, 723 F.3d 292 (D.C. Cir. 2013)

CLASS #4 - September 9, 2015: Statutory Interpretation

Theories of Statutory Construction in Maryland
Chapter 1, pages 15-21
Chapter 12, pages 151-154
Chapter 6, pages 83-95
*Kaczorowski v. City of Baltimore*, 309 Md. 505 (1987)

CLASS #5 – September 16, 2015: Statutory Interpretation and Revision


CLASS #6 - September 23, 2015: Statutory Interpretation & Miscellaneous Legislative Topics

Review for Legal Sufficiency
Handouts 10 and 11
Article III, Section 29 of the Maryland Constitution

Preemption, Severability, Amendment Rejection
Handout 29

Assignment 33, pages 87-88
CLASS #7 – September 30, 2015: Statutory Interp. and Revision (cont’d)

How the Code is Organized
Handouts 13, 14, 15, 16, 17, 18, and 19

Introduction to Revision
Code: Art. 2B, §16-303
§10-206 of the State Government Article

Prepare for Role Play – Handout 12

CLASS #8 - October 7, 2015: Statutory Interp. and Revision (cont’d)

Intrinsic Aids
Text: Chapter 3, pages 35-42
Extrinsic Aids
Handouts 20 and 21
Text: pages 97-123

CLASS #9 - October 14, 2015: Statutory Interp. and Revision (cont’d)

Revision of the Annotated Code of Maryland
Revisor’s Notes and Revision Style
Handouts 22, 23, and 24
Text: Chapter 3, pages 35-42
Text: Chapter 13, pages 155-160

CLASS #10 - October 21, 2015: Statutory Interpretation

Strict Construction, Loose Construction, Scalia's Destruction
Chapter 8, pages 125-131
Statutes and Civil Remedies
Handout 30
Erie Insurance Co. v. Chops, 322 Md. 79 (1991)

Guest Instructor – Judge Robert A. Zarnoch, Court of Special Appeals

CLASS #11 – October 28, 2015: Statutory Interp. and Revision (cont’d)

Drafting and Style
Chapter 9 (pages 133-138)
Chapter 10 (pages 139-142)
Chapter 14 (pages 161-192)
Handouts 25 and 26
Assignment 43, page 140
Take Home Assignment: Drafting and Revision (due November 11, 2015)
CLASS #12 – November 4, 2015: Statutory Interpretation & Miscellaneous Legislative Topics

The Executive’s Role in the Legislative Process and Administrative Construction
Handout 28
Legislative Veto

Guest Lecturer: Patrick H. Roddy, Esq., Rifkin, Weiner, Livingston, Levitan & Silver, LLC

Retroactive and Prospective Operation of Statutes
Chapter 11, pages 143-149
State Commission on Human Relations v. Amecom Division, 278 Md. 120 (1976)
Landgraf v. USI Film Products, 511 U.S. 244 (1994)

CLASS #13 - November 11, 2015: Miscellaneous Legislative Topics

Guest Lecturer – The Honorable Samuel I. (Sandy) Rosenberg, Maryland House of Delegates

Referendum, Initiative, and Constitutional Amendments
Bayne v. Secretary of State, 283 Md. 560 (1978)

Take Home Assignment Due

CLASS #14 – November 18, 2015: Miscellaneous Legislative Topics – Legislative Ethics - Budget and Fiscal Legislation

Legislative Ethics Reading Assignment: General Assembly Ethics Guide, pages 1-29

Guest Lecturer: Deadra W. Daly, Ethics Counsel, Maryland General Assembly

Budget and Fiscal Legislation
Bayne v. Secretary of State, 283 Md. 560 (1978)
Handout 27 - Maryland Budget Glossary
Art. III, §52 of the Maryland Constitution

Final Examination: December X, 2015