

LEGISLATION -- SPRING 2020

Professor Tiefer

Course: Legislation
LAW 748

Instructor: Charles Tiefer
Via: dthompson@ubalt.edu
Arrange office hour visits TuTh 5:00 – 6:15

Schedule: Schedules are available through MyUB

Location: Room assignments are available through MyUB

Course Description: Approximately two-thirds of the course covers the following: methods of interpretation, application, and arrangement of federal and state statutes; legislative procedure mainly in the federal Congress, and also in the state legislature; and legislative organization and other legislative topics.

Course Materials

Found in TWEN (or else provided by e-mail)

Grading

Grading will consist of a combination of (1) a final exam, and (2) a graded midterm. There will be recognition for class participation.

Preparation

You will need to be prepared for class if you wish to understand the material and to participate. If you are not prepared to discuss the day's reading, please PUT A NOTE on the desk in front of class, before the start of class, with your name and "unprepared," no more. That will be honored, and I do not plan to inquire as to the reason why, or want to hear it.

I may pick a fraction of the class to be the "heavy hitters" for a particular day. These simply have to master the scheduled assignment. On such a day, while the "heavy hitters" will be called upon the most, everyone is invited and expected to participate.

Attendance Policy:

The School of Law expects all students to attend class regularly. An attendance sheet will be distributed at the beginning of each session. A student who has more than five (5) unexcused absences will not be permitted to turn in the final exercise. An absence may be excused if caused by illness or genuine family emergency, or similar events outside the student's control. If you expect more than 2 absences, then when you wish an absence "excused," please give me a note.

Computers: Students may use laptops in class. They will NOT be able to access their notes when they use the laptop for their final exam.

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 visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, 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 School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

Title IX Sexual Misconduct and Nondiscrimination Policy:

The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

Disability Policy:

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

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Professor Tiefer ASSIGNMENTS

Topic, Readings	Pages
1. Intro. to Statutory Interpretation Md Classified Employees Assn. King v. Burwell (majority)	1, 7-11
2. Classic Legislative Text Classic Plain Meaning: Caminetti, Price	17, 21
3. Purposivism - introduction Waters; Baker; Richardson	50, 56, 57
4. Purposivism Weber. Chisom	28-34, 58
5. Textualism: Marshall King v. Burwell (dissent)	63, 11-16
6. Textualism continued Dictionaries: Taniguchi Locke, Hill	81, 87, 94
7. Textual Canons Goldman, Price (again), Manger Whole Act Rule (a separate PDF)	99, 21, 112
8. Textual Canons continued Breslin, Reier (surplusage); Heffernan (ejusdem)	116, 126, 138
Midterm -- Graded	
9. Substantive Canons. McBoyle, Deville, Oglesby	145, 147, 153
10. Substantive Canons. Retroactivity – State Ethics Landsgraf Avoid constitutional issues? Bishop of Chicago	171, 177, 188

11. Special texts: Incorp.by reference – Hanrahan, Boitnett; “Including” – Housing v. Bennett	193,203,208
Midterm	
12. Legislative Process and History Use of legislative history: “Cocktail Party,” Runkles; Kaczarowski	227,244,254
13. Overview of Process Polarized Congress, Chart Md Classified Employees (again); Weber (again) Moore	400—407, 435, 1-6, 34-49, 262
14 Committees: Intro to Legis, ACA Western Communications, Briggs	437-8, 440-441, 505-508, 511-514 280, 283
15. Committee’s cont’d: Circuit City (dissent) Bilder, Blanchard Act of Congress	538-558, 559-566 292-295, 299
16. House floor: Intro to Legis, Polarized, ACA	443-445, 509-510 402-403, 411-412 103-123, 292-295, 296, 299
17. House Floor, Cont’d (D.C. Appro.) Rule-Contents	600-603 (Handout)
18. Senate floor. Intro. To Legis, Weber (Rehnquist again), Self-Ref, Porten Sullivan, Polarized	38-40, 443-445, 403-405 37-38, 312-316

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| 19. | Senate Floor, Continued
North Haven, Polarized, ACA | 317, 412-413, 416-417,
445-446
515-516, 520-523, 519-523 |
| 20 | Cuba Bill – Congressional Record
Wilderness II | 605-615, 327-332 |
| 21. | Conference: Polarized
Sec’y of the Interior v. Calif.; Delmarva Power
“Conference Committee | 445-446, 322
Twen “Last
Conference”p.1,38-39 |
| 22 | Conference. Continued: Polarized | 405-406, 418-433, PDF 34-5 |
| 23 | Interpreting Appropriations. Robertson, TVA
Preterm | 333. 336, 338 |
| 24 | Appropriations. SJC Appro | 14-22
Twen “Conference, Ping-pong
& Budget” |