INTERNATIONAL LEGISLATIVE DRAFTING INSTITUTE: CURRICULUM
JUNE 5-16, 2017

Monday, June 5

8:00 - 9:00  Registration and Continental Breakfast in Tulane's Multi-Purpose Room

9:00 - 10:15  Welcoming Remarks: Tulane Law School—Room 151
Introduction and Overview of Institute: David Marcello

10:30 - 12:00  David Marcello and Phil Knight: "Comparison of U.S. Bicameral Legislative Enactment Process with the Parliamentary System"—This lecture discusses the parliamentary system and state-federal legislative enactment procedures, how they relate to the drafting process, and what can be learned by a comparison of the two approaches.

12:00 - 2:00  Welcoming Lunch: Orientation

2:00 - 2:30  Tour of Tulane Facilities: Meet in Room 151 for Walking Tour of Tulane Law School

2:30 - 5:30  Bus Tour of New Orleans

Tuesday, June 6

9:00 - 10:15  David Marcello: "Getting Started: An Overview of Legislative and Administrative Drafting"—How does the drafter facing a blank page decide where to begin writing? Each draft moves through steps and stages, which will be analyzed. Similarities and differences
between drafting legislation and agency regulations will be described.

10:15 - 10:30 Bill Drafting Exercise: Explanation

10:30 - 10:45 Break

10:45-12:00 Idella Wilson: "Formulary Introduction"—This lecture explains the use of a formulary or office manual as a repository of acquired wisdom in standardizing good drafting practice. Participants will receive an introduction to copies of various drafting manuals that can be used as models in producing a formulary for use in their own legislative offices.

12:00 - 1:00 Lunch

1:00 - 2:30 David Marcello and Idella Wilson: 'Plain Language Drafting Part I'—Even complex ideas can be expressed in an unambiguous manner. This lecture will demonstrate how active voice, base verbs, present tense, and singular number can be used to enhance clarity and readability in drafts of proposed legislation or agency regulations.

2:30 - 2:45 Break

2:45 - 3:30 Phil Knight: “Technology for Drafting-Part I”—Information technology provides many valuable tools that can make life easier for the drafter. In addition to the many internet-based tools for research and cooperative work, software tools can assist the drafter at every stage of the drafting process. This presentation demonstrates new tools for getting instructions; researching, outlining, writing and editing; review and revision; and tracking and delivery of a Bill.

3:30 - 4:30 “Introduction to Library Resources & Computer Lab”—Participants will receive a tour of the law library and introduction to its international collections and after the tour will go to the Computer Lab where they will receive an orientation to the use of computers within the law school and instructions on how to access the Internet. Tulane Law School Library, 4th Floor Computer Lab.

Wednesday, June 7

9:00 - 9:50 David Marcello and Idella Wilson: "Plain Language Drafting Part I" [Continued]—This lecture discusses the use of short sentences, attention to the placement of words, and choice of words as techniques in achieving clarity and readability in drafts.

9:50 - 10:00 Break
10:00 - 10:50  David Marcello and Idella Wilson: “Plain Language Drafting Part II”—Gender-neutral drafting, language quirks, and the proper placement of conditions, exceptions, and lists in a draft are examined.

10:50 - 11:00  Break

11:00 - 12:00  "Bill Drafting Exercise Workshop"—We will review and discuss participants' outlines of a proposed bill. We will then distribute ethics legislation and ask participants to revise it in the next phase of the drafting exercise.

12:00 - 1:30  Lunch: Participants' Roundtable Introductions—Multipurpose Room

1:30 - 2:45  Phil Knight: “Constitutional Drafting”—How do the challenges faced by a constitutional drafter differ from the challenges facing any other drafter? Professor Knight draws upon his experiences in several constitutional drafting projects, including South Africa, to address policy development, representational democracy, and the balance between flexibility and stability in the organic law of nations.

2:45-3:00  Break

3:00 - 3:45  Phil Knight: “Technology for Drafting-Part II”

3:45 - 4:30  Group Meeting

**Thursday, June 8**

9:00 - 10:15  John Strylowski: “Regulatory Drafting”—This presentation deals with the organization and drafting of administrative and regulatory instruments, structuring complex provisions, use of pronouns, question-and-answer organizational strategies.

10:15 - 10:30  Break

10:30 - 12:00  John Strylowski: "Regulatory Drafting" [Continued]—Presentational matters include such topics as the use of “if-then” tables, graphic presentations, tabulation, provisos and conditions, type size, boldface and italics, and staggered indentation of paragraphs.

12:00 - 1:00  Lunch

1:00 - 2:30  David Marcello and Idella Wilson: “Plain Language Drafting Part III”—Topics include definitions, appropriations, effective dates, marginal notes, tables of content, purpose clauses, repealer and severability clauses.
Laura Neuman: “Drafting Sunshine Laws”—Governmental transparency laws allow the public to observe the deliberations of public bodies and to examine public documents. State open meetings laws and the federal Freedom of Information Act (FOIA) are our two principal "sunshine" laws, shedding light on governmental operations. This presentation will focus on effective strategies for assuring public access to public information.

Zydeco Night at Rock ‘n’ Bowl: A special outing added to help celebrate a New Orleans institution: food and beverages, bowling, and great music. Put on your dancing (or your bowling) shoes.

Friday, June 9

Keith Schulz: The Director of Democracy, Governance, and Rights will explain how the U.S. Agency for International Development (USAID) allocates funding to support a global framework for development. A principal USAID strategy involves drafting new laws that will promote sustainable development goals in recipient countries. USAID development goals and funding are important to recipient countries, but agency objectives are sometimes poorly understood by the drafters who must implement their country’s commitments in new legislation. This presentation is intended to fill the knowledge gap. Mr. Schulz will also discuss the Open Government Partnership, laws governing financial transactions, and other matters important to the success of USAID-funded initiatives.

Bruce Feustel: “Drafting Criminal Penalties”—Drafting penal provisions differs significantly from drafting civil laws. This presentation will discuss creation of a criminal offense, appropriate punishment provisions, and the role of discretion in sentencing.

Bill Drafting Exercise: Ethics Commission (Small groups)

Bill Drafting Exercise Review

Week One Evaluations

Break
3:30 – 4:30  U.S. Representative Cedric Richmond—This is an opportunity for participants to exchange views and information with a member of the United States Congress about the various aspects of state and federal legislative processes.

Monday, June 12

9:00 - 10:15  Steve Maher: “Agency Rulemaking Under the Administrative Procedure Act”—The APA provides a useful model for public participation and comment on proposed agency regulations. The lecture also covers how the agency rulemaking process might be adapted for use in parliamentary and other jurisdictions.

10:15 - 10:30  Break

10:30 – 12:00  Bruce Feustel: “Legislative Policy Development”—Where do legislative ideas originate and how is policy developed? This presentation examines various actors in the policy development process, including legislative members, legislative drafters, agency or ministry personnel, “think tanks,” academics, citizens, civil society organizations, and other policy makers. What is the drafter’s proper role in policy development? How do text and policy interact with each other?

12:00 - 1:00  Lunch

1:00 - 2:30  Machelle Lee Hall: “Drafting Environmental Laws”—The presentation will review the differing terminology and enforcement mechanisms in environmental laws that regulate air and water quality and the disposal of solid waste. The presentation will consider the roles of courts and administrative agencies and the proper balance of statutes and regulations in achieving safeguards against environmental depredations.

2:30 - 2:45  Break

2:45 - 4:15  Jessica Vapnek: “Drafting Agricultural Legislation”—This presentation offers an overview of the subject matters that fall under the umbrella of “agricultural legislation” at the national level. This includes legislation addressing various agricultural inputs (such as seeds, pesticides) as well as resources (land, water, fisheries, forests) and sanitary and phytosanitary measures (animal health, plant health, food safety). The presentation will review the international context in which agriculture-related laws are drafted, and will touch on some of the reasons countries choose to amend or draft new legislation on agriculture.
**Tuesday, June 13**

9:00 - 10:15  Donald Revell: “Parliamentary Drafting Instructions”—Parliamentary systems rely on drafting instructions to bridge the gap between policy makers and legislative drafters. The quality of drafting instructions bears an important relationship to the quality of legislation produced by drafters. This presentation will consider how drafters and policy makers can collaborate to improve the quality of parliamentary drafting instructions.

10:15 – 10:30  Break

10:30 – 12:00  Bruce Feustel: “Working with Members”— This presentation will offer tips for drafters in building a strong working relationship with the members of legislative bodies, drawing upon the presenter’s many years of experience as an international legislative trainer and consultant.

12:00 -1:00  Lunch

1:00 – 2:00  Donald Revell: "Bilingual or Multilingual Drafting"—Some jurisdictions draft in two or more languages, which presents a special problem for drafters. This lecture will examine techniques for assuring consistency and quality in drafts of legislation prepared in different languages.

2:00 – 2:15  Break

2:15 – 4:00  Pat Merloe: "Drafting Election Laws"—A timely presentation addresses international standards and frameworks for election laws, drafting election laws that comport with these standards in the areas of voter eligibility, voter registration systems and procedures, structure of election administration, and ensuring equal access to the ballot.

**Wednesday, June 14**

8:00  Board Buses for Field Trip to Louisiana Legislature in Baton Rouge

9:30 - 10:00  Arrival in Baton Rouge and Photograph on Capitol steps

10:00 - 11:30  Tour Legislative Committee Meeting Room—Explain seating arrangements of legislators and staff, public’s opportunity to speak, posting of notice and agenda, audiotapes, House Caucus Offices.

11:30 - 12:30  Tour House and Senate Chambers—Demonstration of electronic voting and recognition of members, presence of public in gallery,
media coverage, system for lobbyists' and citizens' input, and access to legislators at sides of chamber.

12:30 - 1:30  Lunch

1:30 - 3:00  Panel: "Impact Assessment"—What mechanisms can the legislative and executive branches use to evaluate the impact of proposed governmental programs? A presentation by representatives of the Legislative Fiscal Office and other impact assessment specialists will describe different approaches to anticipate the revenue, fiscal, and broader social implications of actions by public officials.

3:15 - 5:00  Board Buses and Return to New Orleans

Thursday, June 15

9:00 - 10:30  Mohamed Mattar: “Human Trafficking”—This is a highly volatile, modern form of slavery and organized crime, which is difficult to control. Both international organizations and national governments have drafted legislation to assist victims and prevent the phenomenon from spreading. This presentation will consider how action plans and new laws can combat human trafficking on an international, national, and regional level.

10:30 - 10:45  Break

10:45 - 12:00  Mohamed Mattar: “Human Trafficking”—Continued

12:00 - 1:00  Lunch

1:00 - 2:30  Frank Emmert: “Global Failure of ‘Justice’ Systems: Causes and Consequences” —Why do so few national justice systems provide fairness, predictability, and impartiality? How can we make better use of the resources supplied through international aid programs? What conditions are required to operate a successful system of justice?

2:30 - 2:45  Break

2:45 - 4:00  Akisha Townsend Eaton: “Animal Welfare Legislation”—This presentation will focus on types of animal welfare legislation and how it is important to other major areas of law: illegal wildlife trafficking in the larger context of the rule of law; animals outside the agricultural context impacting public health legislation; animal-human conflicts in areas in which habitats are in close proximity affect public safety laws; and animal welfare provisions as a component in successful natural disaster mitigation.
**Friday, June 16**

**9:00 - 10:15** Imre Szalai: “Alternative Dispute Resolution (ADR) Mechanisms”—ADR mechanisms enable jurisdictions to resolve conflicts quickly and economically. This lecture will describe different ADR mechanisms (e.g., mediation, arbitration), explain basic principles of ADR, discuss important statutory supports for ADR (e.g., confidentiality protections), and consider how ADR skills might be applied in legislative and administrative practice.

**10:15 - 10:30** Break

**10:30 - 11:30** Imre Szalai: “Alternative Dispute Resolution (ADR) Mechanisms”—Continued

**11:30 - 12:00** Week Two Evaluations

**6:00 - 8:00** Graduation Reception at Westin New Orleans Canal Place-Riverbend Terrace