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**INTERNATIONAL LEGISLATIVE DRAFTING INSTITUTE:  
CURRICULUM  
JUNE 12-23,  
2023**

**Monday, June 12**

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| <b>8:00 - 9:00</b>   | Registration and Continental Breakfast in Tulane Law School's Multi- Purpose Room: 6329 Freret Street  |
| <b>9:00 - 10:15</b>  | Welcoming Remarks: Tulane Law School—Room 151<br>Introduction and Overview of Institute: David Marcello  |
| <b>10:15 – 10:30</b> | Break  |
| <b>10:30 - 12:00</b> | 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. |
| <b>12:00 - 2:00</b>  | Welcoming Lunch: Orientation   |
| <b>2:00 - 2:30</b>   | Tour of Tulane Facilities: Meet in Room 151 for Walking Tour of Tulane Law School  |
| <b>2:30 - 5:30</b>   | Bus Tour of New Orleans  |
| <b>5:30 - 7:00</b>   | Manager's Reception at Homewood Suites   |

## **Tuesday, June 13**

- 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** "Introduction to Library Resources"—Participants will receive a tour of the law library and introduction to its international collections.
- 3:30 – 4:30** Phil Knight: "Technology for Drafting"—Information technology provides many valuable tools that can make life easier for the drafter. Internet-based tools are constantly evolving to assist the drafter at every stage of the drafting process, with intriguing new possibilities offered by AI tools. This presentation demonstrates new tools for getting instructions; researching, outlining, writing and editing; review and revision; and tracking and delivery of a Bill.

## **Wednesday, June 14**

- 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

<b>10:00 - 10:50</b>	David Marcello and Idella Wilson: "Plain Language Drafting Part II"— Gender-neutral drafting, language quirks, and the proper placement of conditions, exceptions, and lists are examined.
<b>10:50 – 11:00</b>	Break
<b>11:00 – 12:00</b>	"Bill Drafting Exercise Workshop"—We will review and discuss participants' outlines of a proposed bill. We will then distribute a draft of proposed ethics legislation and ask participants to revise it in the next phase of the drafting exercise.
<b>12:00 - 1:30</b>	Lunch: Participants' Roundtable Introductions—Multipurpose Room
<b>1:30 – 2:30</b>	Pius Perry Biribonwoha: "Africa Colloquium of Legal Counsel to Parliaments"—This former Director of Legal and Legislative Services for the Parliament of Uganda now serves in the executive branch as the Deputy Solicitor General. He has also served as President of the Africa Colloquium, a coordinated response among parliamentary legal counsels to the legislative branch's need for legal advice rendered independently of the executive branch. He will recap the origins of the Colloquium and describe its work during the past decade.
<b>2:30-2:45</b>	Break
<b>2:45 - 4:00</b>	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.

#### **Thursday, June 15**

<b>9:00 – 10:45</b>	Amy Bunk: "Regulations in Plain Language Drafting"—This presentation deals with the organization and drafting of administrative and regulatory instruments, structuring complex provisions, the use of pronouns, and question-and-answer organizational strategies.
<b>10:45 - 11:00</b>	Break
<b>11:00-12:00</b>	Sharonda Williams: "Drafting Open Meetings Laws"—The right of citizens to observe the deliberations of government is essential to maintenance of democratic systems. We cannot hold government accountable for what we cannot see. This presentation will consider statutory and constitutional protections for open government.
<b>12:00 - 1:00</b>	Lunch

- 1:00 - 2:30** Melissa Schmidt: "Public Records Act"—Public Records Acts require that the written and digital communications of public officials be disclosed in response to requests from the press and public. But surely there must be exceptions, so how are those lines to be drawn? And surely compliance won't always be perfect, so what enforcement mechanisms are necessary? This speaker will address these and other questions about drafting state public records laws.
- 2:30 - 2:45** Break
- 2:45 – 3:45** David Marcello and Idella Wilson: "Plain Language Drafting Part III"— Topics include definitions, appropriations, effective dates, marginal notes, tables of content, purpose clauses, repeal and severability clauses.
- 7:30-9:30** Zydeco Night at Rock 'n' Bowl: This special outing celebrates a New Orleans institution: food and beverages, bowling, and great music. Put on your dancing (or your bowling) shoes.

### **Friday, June 16**

- 9:00 - 10:30** Herb Larson: "International Law and Corporate Misconduct"—This presentation will consider how nations can enforce international norms against multinational corporations and will address specifically the U.S. Foreign Corrupt Practices Act.
- 10:30 - 10:45** Break
- 10:45 – 12:00** Bill Drafting Exercise: Ethics Commission (Small groups)
- 12:00 - 1:00** Lunch
- 1:00 – 2:30** 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.
- 2:30 – 2:45** Break
- 2:45 – 4:00** Susan Hutson: "Police Accountability"—The former Independent Police Monitor for the City of New Orleans and current elected Sheriff of Orleans Parish will draw upon her years of experience in remarks

about laws and regulations that subject policing to transparency and accountability.

**4:00 – 4:15**

First Week Evaluations

**Monday, June 19**

**9:00 - 12:00**

Barrie Sander: "Regulating Online Platforms"—Once hailed as beacons of democracy, online platforms such as Facebook, YouTube and TikTok, now find themselves credited with its decay. Amidst a growing number of public controversies, social media companies are now facing a global techlash, characterized by rising anxieties over the corrosive effects of their platforms, which have been used to incite violence, spread hate speech, and promote disinformation around the world, underpinned and driven by an extractive business model that mines personal data for profit. As governments become more alive to the societal challenges posed by online platforms, this session will ask what role governments should play in their regulation.

**12:00 - 1:30**

Lunch

**1:30 - 3:00**

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; equal access to the ballot; and ensuring ballot security.

**3:15 – 3:30**

Break

**3:30 - 4:45**

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.

**Tuesday, June 20**

**9:00 – 10:15**

David Marcello: "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

<b>10:30 - 12:00</b>	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.
<b>12:00 – 1:00</b>	Lunch
<b>1:00 – 2:15</b>	Kathleen Allen: "Administration of Governmental Ethics Laws"—What mechanisms can the government use to monitor and evaluate the ethical implementation of governmental programs? This presentation by the Administrator of the Louisiana Board of Ethics will describe different approaches to encourage efficiency, combat corruption, and assure fiscal accountability in the actions of public officials.
<b>2:15– 2:30</b>	Break
<b>2:30 – 4:00</b>	Idella Wilson: "Creating an Agency, Board or Commission"—New legislation to create agencies, boards and commissions must address several issues: What entity should be given authority? How should members be selected or appointed and by whom? What are the responsibilities of the new entity? What enforcement mechanisms should be included? Should a sunset provision be added?

### **Wednesday, June 21**

<b>8:00</b>	Board Buses for Field Trip to Louisiana Legislature in Baton Rouge
<b>9:30 – 10:00</b>	Arrival in Baton Rouge and Photograph on Capitol steps
<b>10:00 - 11:30</b>	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.
<b>11:30 – 12:30</b>	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 while in session.
<b>12:30 - 1:30</b>	Lunch
<b>1:30 – 3:00</b>	Legislative Auditor's Office
<b>3:15 - 5:00</b>	Board Buses and Return to New Orleans

**Thursday, June 22**

- 9:00 - 10:30** Mohamed Mattar: "Binding Rules and Guiding Rules in Drafting Human Trafficking Legislation."—This is a highly volatile, modern form of slavery and organized crime that 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** Machel 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.
- 12:00 – 1:00** Lunch
- 1:00 – 2:30** Bessie Daschbach: "Perspectives on ESG"—Guidelines, rules, and legislation on Environmental, Social, and Governance (ESG) policies are emerging with increasing frequency around the world and at every level of government. Some measures address what falls within ESG (such as investment funds, products, or processes). Others deal with how businesses might employ ESG, or they may require that businesses disclose their use of ESG. Still others, particularly at the U.S. state level, prohibit public bodies or private entities from relying on ESG factors at all. By looking at examples of different guidelines, rules, and legislation, this presentation considers characteristics each set, pitfalls that may accompany them, and how they might be managed to create a workable framework for ESG.
- 2:30 – 2:45** Break
- 2:45- 4:00** Lauren McHugh Rocha: "Drafting Judicial Rules"—Courts sometimes perform a quasi-legislative function when promulgating judicial rules that govern interactions among judges, lawyers, litigants, and witnesses. Courts exercise supervisory powers that also find expression in writings other than judicial opinions. This speaker's presentation is informed by her 15 years of experience as General Counsel to the Louisiana Supreme Court.

**Friday, June 23**

<b>9:00 – 10:15</b>	Lou Gieszl: "Demonstration of ADR Mechanisms"—Alternative dispute resolution (ADR) mechanisms enable jurisdictions to resolve conflicts quickly and economically. This presentation uses role-play to illustrate different ADR strategies, such as negotiation, conciliation, mediation, arbitration, settlement conference, and other devices.
<b>10:15 - 10:30</b>	Break
<b>10:30 - 11:45</b>	Lou Gieszl: "Interest-Based Negotiation"—This presentation will take participants beyond the "positions" advanced by parties in a negotiation to examine the parties' deeper "interests" and demonstrate how interest-based negotiations develop new opportunities for amicable resolution of disputes.
<b>11:45 - 12:00</b>	Week Two Evaluations
<b>6:00 - 8:00</b>	Graduation Reception