

Dear Students in Law 515, sections 1, 2, and 3:

Welcome to Cleveland-Marshall and the study of law!

Your first term in law school includes the course ***Legislation and the Regulatory State***, generally known as **LegReg**. Here you will learn what powers and duties our governments – Federal and State -- exercise in their lawmaking, statutory interpretation, and enforcement functions. Further, you will learn how the various levels and entities of government interact, structured by both constitutional and statutory law. You will discover how administrative agencies are created and vested with power, and what limits to that power exist, among other intriguing topics.

Obviously, the substantive issues that the legislative and regulatory institutions handle are infused with political controversy (e.g., whether and how to restrict firearm possession from mentally unstable people and children) and sometimes scientific controversy (such as how best to attain clean drinking water or safe toys free from toxic chemicals). Often, fierce partisan and ideological commitments drive legislative positions on issues of the day.

But the tasks we will undertake in our law class differ substantially from the roles of legislators and agencies. We must take care to focus on learning the ***important legal frameworks and doctrines***, as well as the ***processes and methods*** (delineated by our law and practices) by which our institutions decide ***which issues*** to address and ***how to use governmental powers*** to redress vexing environmental, health, economic, educational, military/national security, civil rights, technological, and other problems. These crucial points are generally **ideologically neutral**. For instance, the process of introducing and passing a bill so that it can be enacted into law is basically the same regardless whether some consider the proposed law to be “conservative” or “liberal,” or whether your preferred political party supports or opposes it.

The process of learning how to think and act as a lawyer means that although we will be reading judicial opinions and other materials that will entice you to consider them as political issues on which you might indulge your ideological viewpoint, you must discipline yourself not to fall into that way of thinking. If you lapse into ideological thinking, you will undoubtedly miss important legal points and skills. After all, we are training you to “think like a lawyer.”

Thus, as you study the materials, though you will invariably be irritated or delighted with how the governmental apparatus handled a particular issue on which you have developed a personal position, I ask that you not allow yourself to be distracted by your agreement or disagreement with the outcome. Rather, ***you must focus on the processes and doctrine*** you are to be studying -- which largely apply across the board irrespective of the issue or the positions of political parties and interest groups. If you can ***bracket your political affiliations for now***, later on you can add back in your personal civic assessment of any issue to reflect your principled political commitments. Then you will be able to wear different hats when you turn to evaluate legislative and regulatory issues – the lawyer’s and the citizen’s – rather than only the latter.

In preparation for your first Leg-Reg class, please, from now until the beginning of Orientation:

1. Read some newspapers: at least one **national**, such as the *New York Times*, *Washington Post*, or *Wall St. Journal*, PLUS a **local** newspaper such as the *Plain-Dealer* or *Crain’s Cleveland Business*.
2. Start listening or watching -- at least occasionally-- a news program such as National Public Radio's *All Thing's Considered* or *Morning Edition*, or an evening national news program of a major channel such as CBS, NBC, ABC, etc.

Written assignment I: After listening to some of these programs or reading several newspapers, in bullet format, identify at least 3 problems or issues that focused on some problematic governmental activity, or a need for new or improved governmental action at any level of government (Federal, State or local). Keep citation information as best you can (E.g., NPR, Morning Ed, 8/14, Fracking- pollution of local well water in PA and OH, possibly caused by fracking). You should ID a minimum of 3 different problems, and preferably at least one at each level of U.S. government. Your bullets should be in complete sentences but relatively brief. No more than 1 page will be accepted. Format guidelines are below.

Assignment 2: Develop some background on two areas of contested public policy by watching some films. These are documentaries with a point of view that generally represents the underlying empirical facts correctly, even though viewers (including you) may reasonably disagree on how grave the problem is and what solutions should be undertaken by government. The problematics:

- a. What kind of chemicals (or genetic modifications) should our law permit the food and cosmetics industries to use, and what degree (measurable levels) of human and environmental safety should these companies be required to satisfy in order to market their products?
- b. What can/should be done to protect U.S. election systems from hacking and to preserve the American citizens' constitutional right to choose our elected officials with authentic elections that accurately reflect the voters' choices?

Watch 3 films to develop this background:

- a. *The Story of Cosmetics* <http://storyofstuff.org/movies/story-of-cosmetics/> (7 minutes)
- b. *Food, Inc.*, a film on Netflix & on YouTube, and perhaps elsewhere.
<https://www.netflix.com/watch/70108783?trackId=13752289&ctx=0%2C0%2C9c37169a-4a40-444f-97f1-ad3e26264010-6695207>
- c. *Hacking Democracy* <https://www.youtube.com/watch?v=M7W7rHxTsH0> (a chunk of this was filmed in Cleveland)

You will shortly have some written assignments that focus on these films.

If you have time, additional films you might view before beginning law school include:

Financial Industry regulation/ "meltdown"

-- *The Big Short* (can stream from various sites)

-- *Inside Job* (Trailer: <https://www.youtube.com/watch?v=anI524HB-4k>; full length film available many places)

Environmental - Global Warming

-- *An Inconvenient Truth* (Netflix & other locations: <https://www.netflix.com/search/Inconvenient%20Truth>)

-- *Who Killed the Electric Car?* Trailer: <https://www.youtube.com/watch?v=vRnUY6V2Knk>

-- *The 11th Hour* (with Leonardo diCaprio) – streaming in various locations

The format of the first written assignment: Typed, proportional font 11-12 pt; 1" margins all around; line spacing of 1.5 lines; cite to any reference material; place the course name **Leg-Reg**, **Date**, and **your name** on the top line, with "HW 1." Bring the assignment (hard copy) to the first class. Total length: 1 - 1.5 pages. Print on one side only.

Final guidelines for the first class: You do *not* need to bring in the casebook for the first class; we will not use it. Please do bring a notebook (spiral or loose-leaf) in which you plan to take notes for the term. You will *occasionally* be allowed to use your laptops, but such use will be atypical, not common. Bring writing instruments to every class, through December. Any student with a disability whose accommodation is to allow typing of all notes and tests needs to pursue that request through the appropriate offices, preferably before school begins. In our first class, we will permit only paper/pen notes - as you will see when you arrive.

The assignment for our second class will be distributed in our first class meeting with our Syllabus.

Please also take care to sign up for Westlaw and TWEN as per the Library's Orientation directions without delay, as class materials will be posted there. TWEN functions similar to Blackboard.

I look forward to meeting you and to introducing you to the exciting world of Leg-Reg Law!

--Professor Hoke

August 4, 2016