

## STATE AND LOCAL GOVERNMENT LAW

Spring 2015

Credits: 3

Time: 2:30 – 4:00 p.m. Mon/Wed.

Location: TBA

### **Professor Kellen Zale**

University of Houston Law Center

Email: [kbzale@central.uh.edu](mailto:kbzale@central.uh.edu)

Phone: 713.743.0325

Office: BLB-128

**Overview and Course Goals:** While much of law school focuses on federal law, state and local law affects people more directly and concretely. States and local governments have substantial law-making and regulatory authority in areas as diverse as education policy, civil rights, tax law, land use and environmental issues. In addition, states and local governments are responsible for the financing and provision of most public services, and are the locus of much political participation by voters. This course examines both the law governing the powers of states and local governments and the actual content of state and local laws and policy. The course will also consider the relationships among various levels of government. The objectives of the course are to gain a foundation in the substantive law driving state and local government operations and decisions, and to develop an understanding the political, ethical and policy issues related to the subject matter.

**Required Text:** Richard Briffault and Laurie Reynolds, *CASES AND MATERIALS ON STATE AND LOCAL GOVERNMENT LAW* (West, 7<sup>th</sup> ed. 2009). Additional required readings will be posted on the course website (Blackboard). Students are responsible for all assignments listed on the syllabus below, whether it is in the casebook or on Blackboard.

**Course Website:** Please check Blackboard regularly for assignments and other updates related to the course. You can log on through the UH website (<http://www.uh.edu/blackboard/>).

**Grading:** The final grade will be primarily based on a three-hour, in-class, open book essay exam.

**Participation:** Classes will be a combination of lecture and discussion. Students are expected to be prepared for every class. Any student is welcome to volunteer or ask questions at any time, but for purposes of class discussion, I will use an on-call system. Students will be called on to present cases and to comment on the issues we are discussing. If you are unprepared, you may let me know before class and I will not call on you that day; you may do this twice during the semester before it will affect your grade. Repeated absences or lateness may also be taken as evidence of lack of preparation. Final grades may be modified up or down by one level (i.e., from a B to a B+ or A to A-) based on class participation.

**Attendance:** An attendance log will be silently passed around each class; initial the log to mark your attendance. Falsifying attendance violates the Law Center's Honor Code. Pursuant to Law Center's policy, you must attend at least 80% of the classes (though you should strive to attend every class). If you miss more than 20% of the classes, I reserve the right to take appropriate disciplinary action, consistent with the Law Center's policies. If a class must be cancelled, a make-up class will be scheduled, consistent with the Law Center's policies.

**Office Hours:** TBA. If you would like to meet at another time, please email or call to schedule an appointment.

**Use of Technology:** Computers are permitted, but should only be used for note-taking purposes. I reserve the right to treat violations of this policy as lack of preparation. Please ensure all other electronic devices (cell phones, etc.) are in silent mode or turned off during class.

**Accommodation:** If you have a disability and require an accommodation, please contact the Center for Students with Disabilities.

**Course Structure:** Below is an outline of the topics to be covered during the semester. Because it is difficult to predict how far we will get in every class, the schedule is subject to adjustment as course progresses. Additional supplemental material may also be posted on the course website that you will be responsible for. You will be given notice of any changes or supplemental materials in class and/or via the course website.

**Syllabus – Topics to be Covered:**

- Introduction to State and Local Gov't Law
- Theories of Local Gov't
- State Constitutions
- Direct Democracy
- Local Gov't in the American Constitutional Order
- Local Gov't Formation and Boundary Changes: Incorporation, Annexation
- Special Districts
- State-Local Relations
- State Power and its Limits
- Scope of Local Power
- Home Rule
- Preemption
- Interlocal Relations: Regional Issues, Fiscal Inequality, Interlocal Cooperation
- State and Local Finance
- Borrowing and Debt Limits
- Municipal Bankruptcy
- Business of Local Gov't: Service Delivery, Public Employment Issues
- Federalism: 14<sup>th</sup> Amendment, Spending Power, Preemption