

School of Planning, Public Policy and Management



**University of Oregon
Department of Planning, Public Policy and Management**

PPPM 418 / 518 : Introduction To Public Law - Fall 2019 -- CRN#: 15158 / 15171

Time: Tuesday and Thursday 6:30 - 7:50 PM

Location: 144 HEDCO Education Building, 1655 Alder Street

Instructor: Daniel Stotter - dstotter@qwestoffice.net

Office Hours: By Appointment

Course Description: This course provides an introduction to government and public interest law, state and federal constitutional law, civil rights, land use, environmental law, access to public records, public hearings and public meetings, constitutional law, citizen suits, criminal prosecution, legislation and initiatives, local government law, and practical pre-law skills in legal research. In addition, this class will also provide information on local, state and federal public law careers in the legislative, government agency, lobbying, and public interest sectors.

Course Objectives / Learning Outcomes

- 1. Prepare and submit a public records request to a government agency utilizing the Freedom of Information Act (FOIA) or state public records laws.**
- 2. Review and document a local government quasi judicial land use decision, and learn the requirements for public meetings under Oregon's Open Meeting law.**
- 3. Obtain an overview of working in various sectors of government and public interest law.**
- 4. Learn civil, criminal, and appellate court procedures.**
- 5. Learn legal research skills, and an introduction to legal citation skills for legal documents.**
- 6. Obtain an understanding of the differences between local government law, state law, and federal law, including the role of codes, regulations, and legislation / statutes within the public law sector.**

SCHEDULE

- 10/1 Introduction to Public Law and Overview of Course**
- 10/3 Public Records - Freedom of Information Act & the Oregon Public Records Act**
- 10/8 Federal, State & Local Courts**
- 10/10 Legal Research, Citations & Pleadings**
- 10/15 Public Hearings & Public Meetings**
- 10/17 Land Use + Guest Lecture: Rafael Sebba**
- 10/22 Civil Litigation: Introduction to the Rules of Civil Procedure**
- 10/24 Criminal Procedure & Appellate Procedure**
- 10/29 Midterm**
- 10/31 Local Government Law**
- 11/5 Suing the Government: Citizen Suits and Tort Claims + Guest Lecture: Lauren Regan**
- 11/7 Criminal Prosecution + Guest Lecture: David Logan**
Land Use Assignment Due
- 11/12 Agency Rules & Regulations**
- 11/14 Legislation & Initiatives**
- 11/19 Civil Rights + Guest Lecture: Marianne Dugan**
- 11/21 Working for Public Interest Organizations + Guest Lecture: Killian Doherty**
Public Records Assignment Due
- 11/26 Environmental Law + Guest Lecture: Doug Quirke**
- 11/28 No Class - Thanksgiving**
- 12/3 State & Federal Constitutional Law**
- 12/5 Working for Local, State & Federal Government + Guest Lecture: A.J. O'Connell**
Graduate Student (PPM 518) Assignment Due
- 12/10 Final Exam 7:15 PM (19:15)**

Course Evaluation Information

* **Midterm - 10/29/18** (20% of grade)

* **Final Exam- 12/10/18 7:15 PM** (19:15) (30% of grade)

* **Land Use Hearing Assignment - Memorandum Due 11/7/19** (20% of grade)

Grading will be based equally upon, content, organization, and quality of memorandum, including spelling, punctuation, grammar, and the professional look of written assignment.

* **Public Records Request Assignment - Memorandum Due 11/21/19** (20% of grade)

Grading will be based equally upon conformance with assignment instructions for both the public records request and memorandum, including content, organization, and quality of written material, including spelling, punctuation, grammar and the professional look of written product.

* **Attendance** (10% of grade) - Students will be assigned a letter grade based on their classroom attendance. Students will be allowed a total of three unexcused absences per term without penalty, with a half grade deduction for the course attendance grade for every unexcused absence thereafter. Absences are considered excused only by written approval from instructor. Prior instructor approval is required for all excused absences, except for emergency / extraordinary circumstances..

Note: All Graduate Students taking this course as PPPM 518 have an additional two page written memorandum assignment that is due 12/3/19, and will receive a handout describing this assignment the first week of class. This will replace the attendance requirement as 10% of the course grade.

Class participation

Students are expected to have obtained, read, and retained the readings for each week, and to come to class prepared to discuss their content.

Classroom Environment

In order to create a classroom in which students are comfortable expressing their opinions and perspectives, I ask that students please approach the readings and others' contributions with both an open mind and a willingness to question one's own assumptions and biases.

Documented Disabilities

Students who have a documented disability and anticipate needing accommodations in this course should make arrangements to see the instructor as soon as possible. They should also request that the Counselor for Students with Disabilities send a letter verifying the disability.

Professional Practice

This course is a core course in the PPPM undergraduate pre-professional degree program. As such, students are expected to behave in a professional manner at all times.

1. Students should treat each other and the instructor with the same professional courtesy and respect expected in a workplace.

2. All communications relating to this course and all work turned in for this course should reflect professional standards in tone, presentation, formatting, and spelling.
3. The classroom is a place of focused learning. This requires that students arrive on time, stay until the end of the class period, do not disrupt the class by leaving the room temporarily, and refrain from non-learning activities. Students who fail to adhere to these guidelines will be asked to leave for the remainder of the class session.
4. I expect all course assignments to be completed using a computer / word processor.

Academic Misconduct

You are expected at all times to do your own work. Copying content from other students and submitting it as your own work is grounds for failing the class. The University Student Conduct Code (available at conduct.uoregon.edu) defines academic misconduct. Students are prohibited from committing or attempting to commit any act that constitutes academic misconduct.

Plagiarism

Students should properly acknowledge and document all sources of information (e.g. quotations, paraphrases, ideas) and use only the sources and resources authorized by the instructor. If there is any question about whether an act constitutes academic misconduct, it is the students' obligation to clarify the question in advance with the instructor.

Make up Exams: Final Exam

Students must take the final exam to receive a grade in the course. The date and time for the final exam will not be changed to accommodate scheduling conflicts. Final exams will not be given early under any circumstances. A make up final exam can only be scheduled, with written instructor authorization, due to serious illness or for a family emergency.

Inclusion Statement

The Department of Planning, Public Policy and Management values inclusion. We are committed to equal opportunities for all faculty, staff and students to develop individually, professionally, and academically, regardless of ethnicity, heritage, gender, sexual orientation, ability, socio-economic standing, cultural beliefs and traditions. We are dedicated to an environment that fosters awareness, understanding, and respect for diversity. If you feel excluded or threatened, please contact your instructor or department head. The University Bias Response Team is also a resource that can assist you. For more information see <http://bias.uoregon.edu/index.html> or call 541-346-2037.

Sexual Harrassment

Any student who has experienced sexual assault, relationship violence, stalking, and/or sexual harassment may seek information and help at <https://safe.uoregon.edu>. A student can also call 541-346-SAFE, UO's 24 hour hotline to be connected to a counselor.

READING LIST FOR INTRODUCTION TO PUBLIC LAW (FALL 2019)

Readings for Week 1 (10/1 & 10/3)

1. Read the following sections found at the FOIAdvocates website:

www.FOIAdvocates.com

* Introduction to FOIA: What Can FOIA Do For You? (excluding section on “Recent Amendments to FOIA”)

* How To Make an Information Request

* FOIA Appeals & Litigation

2. Read the Oregon Public Records Act - ORS 192.311 - 192.431

See: <https://www.oregonlaws.org/ors/192.311>

Note: You only need to read the limited portion of this link that pertains to Inspection of Public Records - ORS 192.311 to 192.431.

Readings for Week 2 (10/8 & 10/10)

Peter Martin “Introduction to Basic Legal Citations” (2017)

Read only the following sections found at: <http://www.law.cornell.edu/citation/>

Note: Links are on left side of web page.

What & Why (read only the following section): * Purposes of Legal Citations

How to Cite (read only the following 3 sections):

* Judicial Opinions

* Constitutions & Statutes

* Agency & Executive Materials

Readings for Week 3 (10/15 & 10/17)

1. Oregon Public Meetings Law ORS 192.610 - 192.710

<http://www.open-oregon.com/laws/oregon-public-meetings-law/>

(Read only from the start of ORS 192.610 through ORS 192.710)

2. Quasi Judicial Land Use Hearings Statute - ORS 197.763

<http://www.oregonlaws.org/ors/197.763>

3. **Families For A Quarry Free Neighborhood v. Lane County (LUBA No. 2011-051)**

<http://www.oregon.gov/LUBA/docs/opinions/2011/11-11/11051.pdf>

Readings for Week 4 (10/22 & 10/24)

No readings this week.

Readings for Week 5 (10/29 & 10/31)

City of Eugene v. Lee, 177 Or App 492, 34 P2d 690 (2001)

<https://caselaw.findlaw.com/or-court-of-appeals/1404781.html>

Readings for Week 6 (11/5 & 11/7)

1. Read ORS 30.275 - Notice of Claim

<http://www.oregonlaws.org/ors/30.275>

2. Read ORS 30.269 (Limitations on Actions)

<http://www.oregonlaws.org/ors/30.269>

Readings for Week 7 (11/12 & 11/14)

Land Use Board of Appeals (LUBA) Rules of Procedure For Appeals

Read (only) Division 10: OAR 661-010-0000 to 661-010-0075

http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_661/661_010.html

Readings for Week 8 (11/19 & 11/21)

Texas v. Johnson, 491 U.S. 397 (Note: read only majority opinion by Justice Brennan)

http://www.bc.edu/bc_org/avp/cas/comm/free_speech/texas.html

Readings for Weeks 9 (11/26)

NEPA Summary by Mike Ahrens pages 1-4

<http://www.delalbright.com/access/nepa.htm>

Readings for Weeks 10 (12/3 & 12/5)

1. U.S. Const Bill of Rights

<http://topics.law.cornell.edu/constitution/billofrights>

2. U.S. Const. Art. I - III

[http://memory.loc.gov/cgi-bin/query/r?ammem/bdsdcc:@field\(DOCID+@lit\(bdsdccc0802\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/bdsdcc:@field(DOCID+@lit(bdsdccc0802)))

3. Oregon Constitution: Article 1 - Bill of Rights

<http://bluebook.state.or.us/state/constitution/constitution01.htm>