This seminar will explore the growing role of private sector lawyers and non-lawyers in the creation and implementation of federal policy. The immense size and scope of the federal government and the increasing pace of regulation within the American economy has made the role of contract lobbyists more omnipresent and structured that ever before. In short, with a trillion and a half tax dollars collected and redistributed every year, there are a lot of winners and losers associated with this collection and redistribution. The regulatory tinkering with the rules associated with participating in the 11 trillion dollar US economy also produces winners and losers, sometimes on a vast scale. This seminar will explore the myths and the realities of promoting federal policy positions for private industry.

**General Course Analysis**

Success in this course will require you to reorient your focus away from the courts and towards Congress and the Executive Branch. You will need to learn about the legislative and regulatory processes, as well as the institutional roles played by various figures in Washington, ranging from high level elected leaders such as the President and the Speaker of the House, down to Congressional staff members, career bureaucrats, and political appointees. It will also be important for you to be aware of the purely political aspects of the legislative process and how that affects policy outcomes.

Instead of poring over appellate decisions, you will need to familiarize yourself with the Congressional Record, Congressional Committee Reports, the U.S. Code, the Code of Federal Regulations (C.F.R.), the Federal Register, Federal Election Commission (FEC) reports, as well as other official publications that follow the development of the law and public policy.

I hope that as a result of this class, you will learn more about an important dimension of the legal profession – namely the creation of new law, and not just the interpretation of existing law.
Assignment

You will be asked to assume the role of a Washington lawyer-lobbyist and prepare a memo for the senior partner at your firm, on a legislative or regulatory topic of your choosing. The only limitation is that it must be a real issue, currently pending in Washington. You may not use a hypothetical scenario of your own creation.

In your memo, you will be expected to do something that Washington lobbyists have to face everyday: There is a particular piece of legislation, or other executive or Congressional action that is of great concern to a client of your firm. In order to assist the client, your firm’s senior partner will need your advice and counsel on how to deal with this challenge. Among the things that your senior partner will want to know are:

- What form does the legislation, regulation, or other executive or legislative action take? For example, is it an amendment to an appropriations bill, a proposed rule, or a newly introduced piece of legislation?
- How does this legislation or regulation affect the client, whether it be a company, association, or interest group?
- Which officials in which particular agencies are the key decision makers?
- Which members of Congress or Senators, along with committees and subcommittees on Capitol Hill have jurisdiction over the issue?
- What is the state of play on the issue – What are the political, regional, and personal dynamics and how does that affect your chance of success?

Examples of potential clients include:
- Major corporations such as Boeing, Intel, Citibank, or Coca-Cola;
- Unions such as the Teamsters, UAW, or AFL-CIO;
- Advocacy groups such as the NRA, Sierra Club, or ACLU;
- Education, research, or non-profit institutions such as the University of Alabama, Juvenile Diabetes Research Foundation, or the Mayo Clinic;
- Industry or Trade groups such as the Chamber of Commerce, American Trial Lawyers Association, or the U.S. Telecom Association;
- Foreign Governments.

A few issues to consider include:
- Congressional action to limit EPA authority;
- Cybersecurity legislation granting the government authority to take over the internet;
- Federal Surface Transportation Reauthorization;
- Sequestration;
- Any topic you and I mutually agree upon.

I will expect an in-depth, scholarly analysis of the issues and a savvy analysis of the political landscape.
Required Reading

Daily Publications: every day

Political Blogs: regularly
Morning Fix, The Insiders, FiveThirtyEight, RedState, Huffington Post, TPM (Talking Points Memo), Mike Allen Playbook

Books:
The Almanac of American Politics 2012
By Michael Barone, et. al.

Statutes:
Citizens United v. FEC (understand effect it had on McCain Feingold)

Useful Websites


http://thomas.loc.gov – Commonly known as “Thomas,” this is the website for Congress. It has a wealth of information regarding legislation, committee information, votes, and the Congressional Record.

www.house.gov and www.senate.gov – The House and Senate websites contain detailed information on their respective members. In addition, they serve as gateways to Congressional Committees, some of whom have excellent websites with information about committee hearings, schedules, and mark-ups. They also have a wealth of information about law-making in general and a glossary of legislative terminology.

www.fec.gov – The Federal Election Commission (FEC) has a lackluster website, but it does have some useful resources regarding recent FEC rulings, as well as their regulations.

www.opensecrets.org – This website is run by the Center for Responsive Politics, a liberal interest group devoted to greater regulation and limitations on political fundraising. This is a
useful website because it allows you to easily search for campaign contributions to various elected officials.