

Course Syllabus

Policy, Politics, and Crafting a Better Law *Keith Fernandez*

Spring 2025
LAW 6930-16949
360 Holland Hall

CLASS SYLLABUS AND POLICIES:

Required Course Materials: No textbook is required for this course. Any materials needed are available for free online or will be provided by the instructor.

Description of the Course and Course Objective and Learning Outcomes:

The goal of this course is to provide students with a real-world understanding of how laws are made, the pressures policymakers face, and the tradeoffs they engage in. In this course, students will analyze four different pieces of legislation, learn about the political environments that fostered them, tradeoffs that policymakers had to face, tactics that they employed, and discuss how and why policymakers made favorable or unfavorable decisions based on the information at hand. Importantly, we will spend a significant amount of time discussing how external factors - stakeholder groups, the media, voters, and others - influence the final outcome of the legislative process. We will conclude this course with a virtual discussion with a former federal policymaker.

By the end of this course, students will be able to demonstrate an understanding of:

1. The considerations and pressure policymakers face during the legislative process.
2. How policymakers leverage the political environment, stakeholder and voter participation, and legislative tactics to achieve positive outcomes.
3. What drives policymakers to make specific legislative choices.
4. How policymakers reconcile legislative tradeoffs and tactics with political reality to achieve the best possible result.
5. How we can improve policymaking and, consequently, individuals' interaction with the legal system by crafting thoughtful legislation.

This course is one credit hour. Please note that ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in class instruction. It is expected that you will spend two hours preparing for every hour of in class instruction.

Office Hours: I will be available by appointment.

I also encourage you to call or email me if you are having difficulties with, or simply want to clarify your understanding of, any of the materials covered in the reading or in class. My number is (954) 260-9893 and my email is keith.fernandez1@gmail.com.

Class Schedule: This is a compressed course. We will meet:

Monday, January 6th to Thursday, January 8th, 2025 from 9:30am to 12:30pm.
Friday, January 10th, 2025 from 9:30am to 11:00am.

Course Format: This course will be primarily discussion-based, with lectures and questions from the instructor. Frequent classroom participation is a requirement of this course and students may be called on to take on the role of policymakers as part of our discussions

COURSE POLICIES

Attendance: This is a compressed course. Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting and is mandatory. A student who fails to meet the attendance requirement will be dropped from the course. The law school's policy on attendance can be found at [here](#).

Etiquette: Communication Courtesy: All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions, chats and in class discussions. Please do not disparage or discourage others' views and participations.

Readings: All readings are required unless otherwise stated. However, I have endeavored to select easy to read and understand selections that provide a flavor of the political environment. When readings are updated, this will be communicated in Canvas and with an updated syllabus and direction as to their status as required or recommended.

Guest Speakers: All discussions with guest speakers will be held under Chatham House rules (off the record). Discussion will be moderated by the instructor with the opportunity for pre-submitted questions and brief student Q&A.

Participation and Class Activities: This is designed to be an interactive and informal course where students will need to adopt the perspective of a policymaker, interest group, or other relevant player as assigned by the instructor. Students are encouraged to focus their preparation on evaluating the tools the policymaker had at their disposal and how best to use them, not necessarily restructuring policy (unless it would more likely lead to passage/success). Students are encouraged to bring in other sources other than the assigned but must share it in Canvas at least 12 hours before class.

Canvas: There will be occasional, short discussion prompts on Canvas based on the reading materials. Prompt submission (12 hours before the start of class) is required. Please email the instructor with any extenuating circumstances. Details of class activities will also be detailed on Canvas prior to the course commencing. Like classroom discussion, responding to prompts on Canvas will count toward a student's participation grade.

Final exam: The final exam will be a no longer than ten-page paper analyzing tradeoffs policymakers made to achieve their outcomes. Papers can focus on alternative tradeoffs policymakers could have made, policymakers' astuteness or misreading of the political environment in pursuit of their goals, or evaluate policymakers' decision-making and legislative or political tactics in shaping a law. Papers do not have to be based on the readings and students are encouraged to consult the instructor in selecting a topic.

UNIVERSITY POLICIES

Observance of Religious Holidays

UF Law respects students' [observance of religious holidays](#).

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.
- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

University Policy on Academic Misconduct

UF students are bound by The Honor Pledge, which states: “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: ‘On my honor, I have neither given nor received unauthorized aid in doing this assignment.’” The Honor Code (<https://sccr.dso.ufl.edu/students/student-conduct-code/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor.

University Policy on Accommodating Students with Disabilities

Students requesting accommodation for disabilities should register first with the Office of the Dean of Students (<https://www.dso.ufl.edu/drc/>). The Office of the Dean of Students will provide documentation to the student who then must provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking quizzes or exams. Because accommodations are not retroactive, students should contact the Office of the Dean of Students as soon as possible in the semester for which they are seeking accommodation.

Academic honesty: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Law Honor Code located [here](#). The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments.

Class Recordings

All classes will be recorded via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will work with faculty to determine when students may have access to these recordings, and the recordings will be password protected. It is the student’s responsibility to contact the Office of Student Affairs as soon as possible after an absence.

Online Course Evaluations: Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

GRADING POLICIES

Grading: This class is graded. You will be graded based on a final paper due on January 18th. 30% of the class grade includes participation, which is designed to spur active yet respectful discussion.

The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

The law school grading policy is available [here](#).

EXAM DELAYS AND ACCOMMODATIONS:

The law school policy on exam delays and accommodations can be found [here](#).

COURSE SCHEDULE

Day	Date	Topic	Guest Speaker	Class Activity	Reading
Day 1	January 6th, 2025	Introduction and FL Constitutional Amendments: <ul style="list-style-type: none"> Article I § 16(b) 	N/A	From bill to amendment: how much do the voters want and should you give it to them?	<ul style="list-style-type: none"> FL Constitution Article I § 16(b) Further reading TBA
Day 2	January 7th, 2025	The Civil Rights Act of 1964	Mark K. Updegrave, President and CEO, LBJ Foundation (via Zoom)	(Post-guest speaker) Policy wins at a political cost: who really pays the price?	<ul style="list-style-type: none"> Robert Loevy's The Civil Rights Act of 1964 Ch. 6 -8 and 11 (provided by instructor) Public Law 88-325 Further recommended readings TBA
Day 3	January 8th, 2025		Ana Carbonell, former Chief of Staff, retired Rep. Lincoln Diaz-Balart (tentative)	Legislative tactics: how and when to use every tool at your disposal.	<ul style="list-style-type: none"> Lincoln Diaz-Balart, The Nicaraguan Adjustment and Central American Relief Act (NACARA) Unreleased book preview (provided by instructor). The Nicaraguan Adjustment and Central American Relief Act or NACARA (Title II of Pub. L. 105-100 Patrick E. Caldwell, NACARA: Minotaur or Midas, 53 S.M.U. L. REV. 1559 (Summer 2000). Statement by the President, 11/14/97
Day 4	January 9th, 2025	PEPFAR and term paper discussion	Hanna Johnson, Program Manager, Global Policy, George W. Bush	Broad coalitions and forecasting 20 years later: does	<ul style="list-style-type: none"> Public Law No: 108-25. PEPFAR overview - KFF

			Presidential Center	Bono really matter?	<ul style="list-style-type: none"> • PEPFAR Legislation - KFF • Bush White House Policies in Focus: PEPFAR • George W. Bush. Lazarus Effect, Decision Points. (provided by instructor) • Ilene Leventhal, PEPFAR: Preaching Abstinence at the Cost of Global Health and Other Misguided Relief Policies, 24 TEMP. INT'L & COMP. L.J. 173 (Spring 2010). • Pelosi and Ros-Lehtinen remarks on PEPFAR's 20th Anniversary, 2:26:50 - 2:40:50 • PEPFAR Oral History – recommended • PEPFAR Beyond 2030 - recommended
Day 5	January 10th, 2025	Policymaker discussion and wrap-up	<p>The Honorable Ileana Ros-Lehtinen, former Member of Congress and Florida legislator.</p> <p>The Honorable Dexter Lehtinen, author of FL Constitutional amendments, former state</p>	N/A – Q &A	<ul style="list-style-type: none"> • Female Representatives on Their Retirement from Congress, 2022 – recommended • Discussing Legislative Effectiveness with former Rep. Ileana Ros-Lehtinen, 2024 - recommended • Former U.S. Attorney Dexter Lehtinen on his landmark 1988 lawsuit to protect the Everglades, 2017 - recommended

			legislator and U.S. Attorney for the Southern District of Florida.		<ul style="list-style-type: none"> • U.S. and Florida Settle Suit on Everglades Water, 1991 - recommended
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Disclaimer: This syllabus represents my current plans and objectives. Those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected.