State and Local Government Law

Course 91-815

Instructor: Toni Pellegrini

Office Hours: Will attempt to accommodate students’ schedules.

Course Overview

“Studying local government law requires thinking about the organization of American government: how much decentralization of power is possible – and desirable - in the United States?

Decentralization has always been a controversial topic in American political life. Many people, both on the right and the left of the American political spectrum, argue that decentralization of power is an essential - and increasing threatened - ingredient of political freedom. Genuine democratic self-government, they claim, is possible only on a local level because only local government is close enough to its constituents to permit their participation in the decisionmaking that affects their lives. Moreover, only local government can tailor its policies to the needs and desires of a particular community. Others, however, defend the long-standing effort in the Unites States to increase the power of the state governments over cities and to increase the power of the federal government over both states and cities. Centralization, they contend is necessary to regulate the effects of local decisionmaking on outsiders, to minimize conflicts between local policies, to overcome inter-jurisdictional inequity and to prevent the invasion of minority rights.

Local government law is one of the ways in which the legal system resolves this debate between the proponents of decentralization and centralization.” Gerald E. Frug, Local Government Law, 3rd Edition, Introduction, p. v.

This course focuses on relationships between:

- Cities and states and between cities and the federal government
- Neighboring cities
- Cities and their citizens
Course Objectives

The objectives of the course are to:

- Provide students of public policy with an awareness and understanding of the implications of local government law principles on executive decisionmaking regardless of whether the decisionmaking occurs in the public, non-profit or private sectors; and

- Challenge students as future policymakers to consider what, if anything, can (and should) be done to change the balance of power among federal, state and local governments.

Course Requirements and Assignments

A casebook, consisting primarily of court opinions, is the primary text. Students are expected to read assigned materials, prepare summaries of court opinions contained in the text and come to class prepared to discuss the same. In addition each week individual students will be assigned primary responsibility for analysis of one or more court opinions. A topical outline of assigned text materials is attached. It provides a concise overview of the material covered and includes corresponding weekly reading and case assignments.


Student Evaluation

Evaluation will include two take home essay examinations, one at mid-term and the other at the course’s completion. In keeping with the course objectives, the exam questions will require an understanding of legal principles and their application in specific factual contexts. In addition, the analysis and presentation of individually assigned cases, class attendance, preparation and participation will also be used in arriving at final grade and will be weighted as follows:

- Midterm Examination 30%
- Final Examination 30%
- Analysis and Presentation of Individually Assigned Cases 30%
- Class Attendance, Preparation and Participation 10%