**Tentative Syllabus**

**ON LINE VERSION**

 **Local Government Law**

**Course # 6531, Sec. # 65JL, Class # 25220**

 **SPRING 2020**

 **Little**

**Class #** **Topic Page Nos. Readings Constitutional and Statutory Supplement**

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3 State-County Traditional 1-21 Art. 2 and 3, Fla. Const.

4 State-Municipal Traditional 21-32 Art. III §§10, 11 Ch.125 and 166 Fla. Stat.

5 Municipal Home Rule 35-49 Art. VIII §2 Fla. Const.

6 County Home Rule/Other 55-66 Article VIII §1

7 Regionalism 66-74 Art. 2, 3 and 8 Fla. Const.; Ch.125, 166. Fla. Stat.

Chapter 2

8 Organization & Reorganization 75-87 Art.8 Fla. Const.; Ch.165, 171 Fla. Stat.

9. Ditto 87-96 ditto

Chapter 3

10 Public Service 115-139 Art.1 §§1-6, 9, 24 Fla. Const.; Am. 1 and 14, US Const.

11 ditto 139-153 ditto

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14 Ethical Rules & Common Law

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16 Constitutional Torts 191-206 Am 14, US Const.; 42 USC §1983

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17 Law Making Process 223-233 Fla. Stat. §§ 125.66,

166.041 Fla. Stat.

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18 Propriety Operations 243-259 Ch. 180 Fla. Stat.

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EXAMINATION DATE: April 30, 2020

## Academic honesty:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at http://www.dso.ufl.edu/students.php.

## Grading information and grading scale:

The College ‘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 at: http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9.

## Accommodations:

Students requesting accommodation for disabilities must register with the Disability Resource Center (http://www.dso.ufl.edu/drc/). Once registered, students will receive an accommodation letter must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

## Attendance

ABA policies require you to attend class regularly. In this on-line course you are expected to view all 28 video class sessions and posted materials.

## Workload/class preparation and the 2:1 out of class/in class requirement (ABA Standard 310):

You should spend approximately 2 hours or more reading the assigned materials and preparing for each 50 minute class.

## \Learning Outcomes:

After completing this local government law course , students should be able to:

1. Describe the constitutional and statutory foundations of the Florida counties and municipalities and be knowledgeable of their sources and limits of power, including basic taxing powers.

2. Be familiar with requirements, authorities, and risks of public service as elected and appointed officials and public employees. Understand the obligations of local governments to their officials and employees.

3. Be familiar with liabilities and limitations on liability of local governments in tort and contractual disputes.

4. Know how to challenge the validity of local government decisions and demonstrate an understanding of the procedural rules and statutes that govern the process of litigation of civil lawsuits in federal court;

5. Be aware of procedural difficulties that lawyers confront when litigating for or against local governments.

 **HOW THINGS ARE DONE**

Attendance: Regular attendance is required.

Grading: Performance on the final examination is ordinarily the only basis for the assignment of grades.

ADDENDUM. CUSTOMARY AND TRADITIONAL

 CONDUCT AND DECORUM IN THE UNITED

 STATES DISTRICT COURT

(A) The purpose of this addendum is to state for the guidance of those heretofore unfamiliar with the traditions of this United States district court certain basic principles concerning courtroom conduct and decorum. These standards are minimal and not all-inclusive. They are intended to emphasize and supplement, not supplant or limit, the ethical obligations of counsel under the Code of Professional Responsibility or the time honored customs of experienced trial counsel.

(B) When appearing in this United States district court, all counsel and all persons at counsel table should conduct themselves in the following customary and traditional manner:

(1) Stand as court is opened, recessed or adjourned.

(2) Stand when the jury enters or retires from the courtroom.

(3) Stand when addressing, or being addressed by the court.

(4) Address all remarks to the court, not the opposing counsel.

(5) Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.

(6) Refer to all persons, including witnesses, other counsel and the parties, by their surnames and not by their first or given names.

(7) Counsel should request permission before approaching the bench; and any document counsel wishes to have the court examine should be handed to the clerk.

(8) Unless opposing counsel has previously been shown exhibits, any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.

(9) In making objections, counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the court.

(10) In examining a witness, counsel shall not repeat or echo the answer given by the witness.

(11) Offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.

(12) In opening statements and in arguments to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue, shall not read or purport to read from deposition or trial manuscripts, and shall not suggest to the jury, directly or indirectly that it may or should request transcripts or the reading of any testimony by the reporter.

(13) Counsel shall admonish and discourage all persons at counsel table from making gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time.

(14) Smoking, eating, food and drink are prohibited in the courtroom at any time.

In re The Florida Bar

73 So.3d 149, (Fla. 2011)

Recognizing the importance of respectful and civil conduct in the practice of law, we therefore revise the Oath of Admission to The Florida Bar as set forth below. New language is indicated by underscoring.

OATH OF ADMISSION

I do solemnly swear:

I will support the Constitution of the United States and the Constitution of the State of Florida;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ, for the purpose of maintaining the causes confided in me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval;

*To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications;*

I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God.

(Italics added; clauses added 2011)

HEART OF LEGAL ETHICS - CANDOR TO THE COURT

The heart of all legal ethics is in the lawyer's duty of candor to a tribunal. [FN5 See R. Reg. Fla. Bar 4‑3.3(3) (“A lawyer shall not knowingly ... fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel....”).] It is an exacting duty with an imposing burden. Unlike many provisions of the disciplinary rules, which rely on the court or an opposing lawyer for their invocation, the duty of candor depends on self‑regulation; every lawyer must spontaneously disclose contrary authority to a tribunal. It is counter‑intuitive, cutting against the lawyer's principal role as an advocate. It also operates most inconveniently‑that is, when victory seems within grasp. But it is precisely because of these things that the duty is so necessary.

Although we have an adversary system of justice, it is one founded on the rule of law. Simply because our system is adversarial does not make it unconcerned with outcomes. Might does not make right, at least in the courtroom. We do not accept the notion that outcomes should depend on who is the most powerful, most eloquent, best dressed, most devious and most persistent with the last word‑or, for that matter, who is able to misdirect a judge. American civil justice is so designed that established rules of law will be applied and enforced to insure that justice be rightly done. Such a system is surely defective, however, if it is acceptable for lawyers to “suggest” a trial judge into applying a “rule” or a “discretion” that they know‑or should know‑is contrary to existing law. Even if it hurts the strategy and tactics of a party's counsel, even if it prepares the way for an adverse ruling, even though the adversary has himself failed to cite the correct law, the lawyer is required to disclose law favoring his adversary when the court is obviously under an erroneous impression as to the law's requirements.

Farmer, J., *Forum v. Boca Burger, Inc.*, 788 So.2d 1055 (Fla. 4th DCA 2001), cited approvingly in *Boca Burger, Inc. v. Forum*, 912 So.2d 561 (Fla. 2005) which affirmed in part and reversed in part the district court’s decision.

Too many members of the Bar practice with complete ignorance of or disdain for the basic principle that a lawyer's duty to his calling and to the administration of justice far outweighs‑and must outweigh‑even his obligation to his client, and, surely what we suspect really motivates many such inappropriate actions, his interest in his personal aggrandizement.

*Rapid Credit Corp*., 566 So.2d 810, 812 n. 1 (Schwartz, C.J., specially concurring), cited approvingly in *Boca Burger, Inc. v. Forum,* 912 So. 2d 561, 573 (Fla. 2005).