

COURSE CONCEPT · LAW SCHOOL ADJUNCT SEMINAR · COMPANION TO "THE LAWYER AS BUILDER"

Engineering the Delivery Layer

Model Legislation & Standards for Usable Law

A drafting seminar. Students take a place where good law reaches the public through a broken tool — or no tool at all — and draft the instrument that fixes it at the source: a model statute or administrative directive, the technical standard it points to, and the legislative memo that moves it. Here the build is the rule, not the app.

WHY NOW

Its companion course teaches students to build the tool. This one teaches the higher-leverage move: build the rule that makes the state ship the tool. We can teach it honestly because the proof already exists. Washington delivers its child-support guideline through a free calculator that needs no account, runs in the browser, shows its own safety math, and prints the worksheet a parent files. Most states don't — not because they can't, but because no one made delivery part of the job. The gap is a choice, and a choice can be legislated away.

The stakes are not cosmetic. By federal law a state's guideline figure is a rebuttable presumption — the number a court starts from. So a calculation the public cannot reach, or cannot audit, isn't a convenience problem. It is the law itself, delivered or not delivered. Students learn to write the delivery into the statute.

FORMAT

CREDITS

2-credit drafting seminar

CADENCE

Weekly evening session

GRADED ON

A drafted instrument, not an exam

THE DIAGNOSTIC — HOW GOOD LAW FAILS ON DELIVERY

Students learn to name the failure before they draft the fix. Four recurring modes, drawn from a fifty-state survey of official tools: **the wall** (a mandatory account to compute one number); **no tool at all** (the state points you to a search engine); **help that isn't help** (two look-alike worksheets, the distinction in a tooltip); and **the hidden prerequisite** (a tax-style affidavit you must finish first). Against these, a benchmark: Washington sets the floor (usable, free, no account, prints the form); open, auditable, owned-not-rented sets the ceiling.

THE SPINE — THE DOCTRINE

- **Administrative procedure & rulemaking.** Where a delivery mandate lives — statute, agency rule, court rule — and how it gets made.
- **Open records & open data.** Mandating machine-readable schedules and source-available tools as public infrastructure.
- **Language access & the ADA / Section 504.** Accessibility as a legal requirement, not a nicety.
- **UPL at the system level.** When the state's own tool delivers legal information at scale, where is the line.
- **Procurement & build-vs-buy.** Why "a vendor and a budget" produced the black boxes, and how to write a standard that doesn't.

CAPSTONE

Each student or team ships a drafting package aimed at a real audience — a legislative committee, an agency, or a bar access-to-justice commission:

- A **model bill or administrative directive** mandating usable delivery of a chosen body of law.
- The **technical standard** it incorporates by reference — free, no account, client-side, fileable-form output, the governing rule cited per line, schedules published machine-readable, the tool reviewed on the same clock as the numbers.
- A **one-page legislative memo** that makes the case and anticipates the objections.

WHAT THE SCHOOL GETS

- Experiential credits from genuine legislative-drafting work, the skill most clinics can't offer.
- A current law-and-policy offering with real doctrinal weight.
- Drafts a state legislature or bar commission could actually take up — with the school's name on them.

WHAT I'D NEED

A faculty sponsor, a room, and a slot. I bring the curriculum, the fifty-state delivery survey as the diagnostic dataset, and Washington as the worked model of a state that got it right. It pairs naturally with "The Lawyer as Builder," but stands on its own.

Taylor C. Berger, Attorney

TCB Law, PLLC · Oxford, MS
taylor@tcblaw.org · csg.tcblaw.org