

Energy, Environmental, and Natural Resources Law Clinic

Fridays 9:00am - 10:25am
Room 180

Fall 2018 Semester Syllabus

EENR Law Clinic Staff

During the Fall semester, the day-to-day operation of the EENR Law Clinic will be managed by:

Jay Jerde
Special Assistant Attorney General
Wyoming Attorney General's Office
jay.jerde@wyo.gov
(307) 777-7841

Temple Stoellinger
Assistant Professor
tstoelli@uwyo.edu
(307) 766-6450

You also will work directly with attorneys in the Wyoming Attorney General's Office Water and Natural Resource Division on clinic project work that has been assigned to the Division.

The Classroom Component

The classroom component of the Clinic will provide an overview of key aspects of federal court litigation practice in cases involving energy and natural resources issues. The classroom component consists of classroom instruction and two experiential learning assignments.

Classroom Instruction — Classroom instruction will consist of a series of instructional lectures addressing topics relevant to the litigation of administrative

record review cases in federal court and natural resources or environmental litigation in state court.

As background for these lectures, you will be asked to complete five short research assignments to find materials associated with the lecture/or you will be provided with materials. The materials will include: published cases, law review articles, excerpts from treatises, court rules, and/or other relevant materials. You are expected to complete the research assignment and the reading before each class and to actively participate in classroom discussions. In addition to the reading materials, you may be given sample documents or other reading materials before or during class that are relevant to the topics being discussed in class.

Experiential Learning — This semester you will complete two experiential learning assignments. The second assignments will be based on an administrative record arising from a case actually litigated in federal court. An electronic copy of the administrative record will be made available to you. The assignments this semester will be:

- Assignment # 1 – draft a comment letter
- Assignment #2 – draft a motion to intervene and accompanying court documents

For each assignment, you will complete a first draft of the assignment with minimal direction from the instructor. After completing the first draft, you will receive verbal and/or written feedback on the assignment, either individually or as a class, from one or more of the instructors. You then will be required to revise their assignment based upon the feedback you receive and resubmit the assignment.

The meetings to provide verbal feedback on assignments may be scheduled before or after the regularly scheduled class time, or at some other suitable time during the week.

The Clinical Practice Component

The clinical practice component of the Clinic will provide you with the opportunity to work with attorneys from the Water and Natural Resources Division of the Wyoming Attorney General's Office on cases involving the State, State agencies, or State officials.

You will be assigned to work with two attorneys in the Water and Natural Resource Division for the Fall semester. Those two attorneys will provide you will clinic work throughout the semester. Professor Stoellinger and Jay Jerde will work with the attorneys to coordinate the assignment of project work to you.

Additionally, you will be asked to spend half a day with each of the two attorneys in Cheyenne. The purpose of the half day sessions is to provide you with an opportunity to work directly with the attorneys as they meet with agency clients, attend hearings, and perform other day-to-day tasks.

You must complete a minimum of 125 hours of clinical practice work during the Fall semester. You will be given written guidelines that outline the procedure to be followed in completing Clinic projects.

Any written work product that is done in connection with a Clinic project first must be submitted to Professor Stoellinger and Jay Jerde for their review. **You should consider the written work you submit to them to be the final work product.** In other words, when you submit a document, you should believe that it is complete and capable of being given to a client or filed in a court or tribunal. After they have reviewed the document and you have edited the document in accordance with their editorial comments, you then will submit the document to the designated attorney in the Attorney General's Office for additional review. The deadlines for submitting written work for the initial review and to the Attorney General's Office will be established at the project assignment meeting.

As a part of the clinical practice component, you must participate in a group discussion session called "rounds" three times during the semester. For each session of rounds, you will have 15 minutes to discuss the work you have done on the Clinic project assigned to you and to answer questions about the project from the group. Each rounds session will be held in Cheyenne. Following the rounds, the Attorney General's Office will provide a brief overview of an interesting component of natural resource litigation.

You will be required to participate in a Wyoming Oil and Gas Conservation Commission (OGCC) hearing during the fall semester. During the OGCC hearing you will present a contested case and then you will be asked to attend an examiner hearing. You will also be asked to prepare the order for the contested case following the hearing. The OGCC meets the second Tuesday of every month. You will need to travel to Casper the Monday before the scheduled hearing to meet with Eric

Easton and to prepare for the hearing. Please note that this will likely create a class conflict so plan accordingly.

You may count the time you spend on class assignments, rounds & the skills development session (but not research assignments) toward your clinical practice work.

General Information

Time Reporting — During the semester, you must submit weekly time reports via WyoCourses. To this end, you will be given password access to the electronic timekeeping program used by the Attorney General’s Office. You shall not use the electronic timekeeping program for any purpose other than keeping track of time spent working on Clinic/class matters.

Your time reports must account for all of the time you spend working on matters involving the Clinic. The specific requirements for the content of the weekly time reports will be provided to you before the first time report is due. The time period for each weekly report will be 12 a.m. Monday through 11:59 p.m. on the immediately following Sunday. Time reports for a specific week must be submitted no later than 5 p.m. of the Wednesday of the immediately following week. For example, the time report for the week of August 27 through September 2, 2018, would be due no later than 5 p.m. on Wednesday, September 5, 2018.

Grading — Student performance in the Clinic will be assessed using an A-F grading system. You will receive a final letter grade of A-F for the semester. The final letter grade for the semester will be based on the following scale:

A	= 90% - 100%
B	= 80% - 89%
C	= 70% - 79%
D	= 60% - 69%
F	= Less than 60%

The final letter grade for the semester will be based upon your performance in the following categories:

Class assignments (2 assignments total; 25% of the final semester grade) — For each class assignment, you will receive an A-F letter grade; for each assignment,

60% of the grade on each assignment will be based on the first draft of the assignment and 40% of the grade will be based on the final draft of the assignment.

Research Assignments (5 research assignments; 15% for the final semester grade. For each research assignment, you will receive an A-F letter grade based upon the quality of your assignment).

Weekly time reporting (15 reports total; 5% of the final semester grade) — For each weekly report, you will receive an A-F letter grade based upon the timeliness and quality of the report.

Clinic projects (55% of the final semester grade) — For each clinic project, you will receive an A-F letter grade based upon the following factors: project development and implementation; the quality of oral and/or written advocacy; effort; and demonstrated professionalism.

Rounds (3 rounds sessions total; 10% of the final semester grade) — For each session of rounds, you will receive an A-F letter grade based upon the overall quality of your progress report about your project and on your participation in the discussion during the session. **Attendance at the rounds sessions is mandatory. If you cannot attend a rounds session, you must notify Professor Stoellinger as soon as possible before the scheduled time for the session to discuss why you cannot attend and whether the absence will be excused. If you have an unexcused absence from a rounds session, then you will receive 0% for this portion of the final semester grade.**

Late Assignments/Missed Assignments — You will receive a 25% reduction in your final grade for the assignment for any late assignments. If you fail to turn in an assignment, you will receive an Incomplete for the class until you do so.

Office Hours and Class Communication — Clinic staff will not have established office hours. If you would like to meet with any member of the staff regarding a classroom assignment, clinical practice project, or any other Clinic-related matter, you can make arrangements to do so with the particular attorney or professor.

If you have questions about any aspect of the Clinic, you may contact Jay Jerde or Professor Stoellinger via telephone, email or before or after class.

The Clinic has an assigned office in the library on the second floor of the College of Law. The office will be the Clinic Director's Office, but will also be

available for your use for computer research, meetings, conference calls, and other Clinic related work. The Student Director for the Clinic will manage the day-to-day operations of the Clinic office.

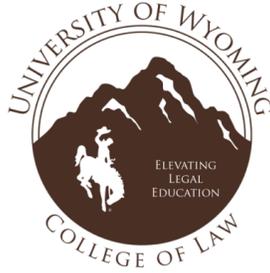
The instructors reserve the right to modify the syllabus and/or class schedule. If a modification is made, we will communicate that modification to the students.

Class Attendance — In accordance with the College of Law Attendance Requirement and American Bar Association requirement of regular and punctual attendance, you must attend at least 75% of the class meetings. The instructors will take attendance and enforce this requirement.

Academic Honesty — The College of Law Honor Code and the University of Wyoming Code of Conduct apply to this course. You are expected to be familiar with the requirements of both Codes and to adhere to them at all times. Failure to do so may subject you to severe sanctions including but not limited to possibly failing this course, and/or dismissal from the University.

The College of Law Honor Code and the UW Code of Conduct are available for review on the College of Law website on the “Current Student Resources” page under the heading of “Forms and Handbooks.”

If you have a physical, learning, sensory or psychological disability and require accommodations, please let Professor Stoellinger, Jay Jerde, or the Associate Dean for Student Affairs know as soon as possible. You will need to register with, and provide documentation of your disability to, University Disability Support Services (UDSS) in Student Education Opportunities, room 330 Knight Hall. For more information see: <http://uwadmnweb.uwyo.edu/UDSS/>



Energy, Environmental, and Natural Resources Law Clinic Fall 2018 Semester

Class and Assignment Schedule

August 31
9:00 – 1:00*

EENR Law Clinic Bootcamp

(Temple Stoellinger, Jay Jerde, Eric Easton, Tim Crawford)

* Lunch Provided

September 7

Drafting Public Comments

(Temple Stoellinger)

Due: Research Assignment #1
Assignment # 1 Distributed

September 14
Cheyenne
8:00 – 12:00

Rounds 1, AG's Office Presentation, Clinic Work Session

(Jay Jerde, Temple Stoellinger, Water & Natural Resource Division Clinic Project Supervisors)

September 21 **Clinic Work Time**

Due: Draft /Assignment #1

September 28 **Reviewing an Administrative Record**

(Temple Stoellinger)

Due: Research Assignment #2

October 5 **Rounds 2, AG's Office Presentation, Clinic Work**
Cheyenne **Session**

9:00 – 12:00

(Jay Jerde, Temple Stoellinger, Water & Natural
Resource Division Clinic Supervisors)

October 12 **Federal Civil Procedure in Natural Resource**
Litigation

(Temple Stoellinger)

Due: Final/Assignment #1

Due: Research Assignment #3

Assignment #2 Distributed

October 19 **Motion Practice**

(Temple Stoellinger)

Due: Research Assignment #4

October 26 **Attend the Landscape Discussion on Energy
Law and Policy Conference**

Due: Draft/Assignment #2

November 2 **Rounds 3, AG's Office Presentation, Clinic Work
Cheyenne** **Session**
9:00 – 12:00

(Jay Jerde, Temple Stoellinger, Water & Natural
Resource Division Clinic Supervisors)

November 9 **Clinic Work Time**

November 16 **Pleading Practice**

(Temple Stoellinger)

Due: Research Assignment #5
Due 11/20: Final/Assignment #2

November 22 **No Class – Thanksgiving Week**

November 30 **TBD**
