



## Energy, Environmental, and Natural Resources Law Clinic

Fridays 9 a.m. to 10:15 p.m. Jury Deliberation Room

### Fall 2016 Semester Syllabus

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#### Clinic Staff

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

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

Temple Stoellinger  
Assistant Professor  
[tstoelli@uwyo.edu](mailto:tstoelli@uwyo.edu)  
(307) 766-6450

The following attorneys in the Water and Natural Resource Attorneys will participate in the EENR Clinic during the fall semester.

James Kaste Deputy Attorney General <a href="mailto:james.kaste@uwyo.edu">james.kaste@uwyo.edu</a>	Mike McGrady Supervising Attorney <a href="mailto:mike.mcgrady@wyo.gov">mike.mcgrady@wyo.gov</a>
Erik Petersen Senior Assistant Attorney <a href="mailto:erik.petersen@wyo.gov">erik.petersen@wyo.gov</a>	Chris Brown Supervising Attorney <a href="mailto:chris.brown@wyo.gov">chris.brown@wyo.gov</a>
Eric Easton Senior Assistant Attorney General <a href="mailto:eric.easton@wyo.gov">eric.easton@wyo.gov</a>	Andrew Kuhlman Senior Assistant Attorney General <a href="mailto:Andrew.kuhlman@wyo.gov">Andrew.kuhlman@wyo.gov</a>
David DeWald Senior Assistant Attorney General <a href="mailto:David.DeWald@wyo.gov">David.DeWald@wyo.gov</a>	Elizabeth Morrisseau Assistant Attorney General <a href="mailto:Elizabeth.morrisseau@wyo.gov">Elizabeth.morrisseau@wyo.gov</a>

## **The Classroom Component**

The classroom component of the Clinic will provide you with a practitioner's view of key aspects of federal court litigation practice in cases involving energy and natural resources issues. The classroom component consists of classroom instruction, experiential learning assignments, skills development sessions, a case study, and a guest lecture.

**Classroom Instruction** — Classroom instruction will consist of a series of instructional lectures addressing how to draft various pleadings and other documents typically filed in an administrative record review case in federal court and natural resources or environmental litigation in state court

As background for these lectures, you will be asked to complete small **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 four experiential learning assignments. The 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 – locate specific documents in the administrative record
- Assignment # 2 – draft a petition for review of administrative action
- Assignment # 3 – draft an answer to a complaint
- Assignment # 4 – complete court documents assignment

For Assignment # 1, you will complete the assignment with minimal direction from the instructor. After completing the assignment, you will receive feedback on the assignment as a class from one or more of the instructors.

For Assignment #2 #3, and #4, 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 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 on Friday morning, or at some other suitable time during the week.

**Skills Development** — One class this semester will be a skills development session. The session will focus on oral advocacy. You will be asked to make an oral presentation on specific legal subject to the class and answer questions posed by the instructor(s) and the other students in the class. The presentation will be eight minutes in length.

**Case Study** — For the case study, James Kaste will provide an overview of a series of cases challenging several versions of the National Park Service rule intended to govern the use of snowmobiles in Yellowstone and Grand Teton National Parks. James will discuss the policy, procedural, and strategic aspects of these cases.

**Guest Lecture** — For one class during the Spring semester, a practicing attorney or attorneys from Wyoming or another state in the Rocky Mountain region who has a law practice that focuses on energy, environmental, or natural resources issues will speak to the class about their practice.

### **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 must complete a minimum of 250 hours of clinical practice work over the course of two semesters. You will be given written guidelines that outline the procedure to be followed in completing Clinic projects. You are expected to complete at least 100 hours of clinical practice work by the end of the semester. In

completing a Clinic project, you likely will work directly with at least one attorney from the Wyoming Attorney General's Office in addition to one or more of the supervising attorneys listed above.

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 to her for her review, 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 her 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" four 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 no more than two hours long and will be scheduled the week before the session will be held. Professor Stoellinger will lead the discussion during rounds.

### **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 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 29 through September 4, 2016, would be due no later than 5 p.m. on Wednesday, September 7, 2016.

**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 (4 assignments total; 30% of the final semester grade) — For each class assignment, you will receive an A-F letter grade; for Assignment #2, #3, and #4, 50% of the grade on each assignment will be based on the first draft of the assignment and 50% of the grade will be based on the final draft of the assignment.

Research Assignments (9 research assignments; 5% for the final semester grade. For each research assignment, you will receive an A-F letter grade based upon the quality of your assignment).

Skills development sessions (1 sessions; 5% of the final semester grade) — For the skills development sessions you will receive an A-F letter grade based upon the quality of your performance.

Weekly time reporting (15 reports total; 10% 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 (40% 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 (4 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 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.

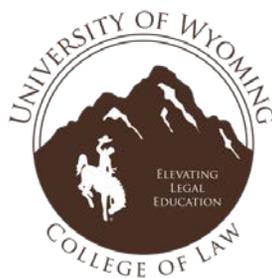
**Class Attendance** — In accordance with the College of Law Attendance Requirement and American Bar Association requirement of regular and punctual attendance, you must attend at least 75% of the class meetings. The instructors will take attendance and enforce this requirement.

Each class session will be 75 minutes in length. You are expected to be in the classroom and prepared to start class promptly at 9 a.m., without exception.

**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://uwadmweb.uwyo.edu/UDSS/>***



**Energy, Environmental, and Natural Resources Law Clinic**  
**Spring 2016 Semester**

**Class and Assignment Schedule**

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**August 29** EENR Clinic Bootcamp

9:45 – 5:00 (Cheyenne)

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**September 9** Ethics and Professionalism  
(Chris Brown)

**Due: Administrative Record Assignment**

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**September 16** Litigation Rules  
(Jay Jerde)

**Due: Research Assignment**

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**September 23** How to Draft Public Comments  
(Elizabeth Morrisseau)

**Rounds (date and time TBD)**

**Due: Research Assignment**

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**September 30** How to Review an Administrative Record  
(Erik Petersen)

**Due: Research Assignment**

**Due: Petition for review assignment**

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**October 7** How to Draft a Complaint and a Petition for Review

(Mike McGrady)

Due: Research Assignment

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**October 12**                      Guest Lecture – Brad Nielson and David Lawrence

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**October 14**                      How to Draft a Motion to Intervene & a Motion to  
Transfer Venue (Mike McGrady)

2016 Landscape Discussion on Energy Law and Policy in  
the Rockies, UW Conference Center (Hilton)

Due: Research Assignment

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**October 21**                      Case Study  
(James Kaste)

Rounds (date and time TBD)

Due: Answer Assignment

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**October 28**                      How to Draft an Answer & a Motion to Dismiss  
(Andrew Kuhlman)

Due: Research Assignment

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**November 4**                      How to Draft An Affidavit and a Declaration  
(David DeWald)

Due: Research assignment

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**November 11**                      How to Draft a Motion for PI and Response to a Motion  
for PI (Erik Petersen)

Rounds (date and time TBD)

Due: Research Assignment

Due: Court Documents Assignment

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**November 18**

Summary Judgment Procedure v. Olenhouse Procedure  
(James Kaste)

Due: Research Assignment

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**November 25**

No Class – Thanksgiving Week

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**December 2**

Oral Advocacy Skill Session

Rounds (date and time TBD)

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