



Energy, Environmental, and Natural Resources Law Clinic

Thursdays 9:35-10:50 Room 180

Spring 2018 Semester Syllabus

Clinic Staff

During the Spring 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
(307) 777-7841

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

The classroom component of the Spring semester will be taught by Jay Jerde as well as by a number of different guest lecturers/attorneys who specialize in matters involving energy, environmental, and/or natural resources law. In addition, the following attorneys from the Water and Natural Resources Division of the Wyoming Attorney General's Office also will teach a few classes during the semester:

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| Eric Easton Supervising Attorney General eric.easton@wyo.gov | Chris Brown Supervising Attorney General chris.brown@wyo.gov |
| Abigail C. Boudewyns Senior Attorney General abigail.boudewyns@wyo.gov | Michael Armstrong Assistant Attorney General michael.armstrong1@wyo.gov |

The Classroom Component

During the Spring semester, the classroom component of the Clinic will provide you with an overview of: (1) the state administrative hearing process in Wyoming; (2) the energy, environmental, and natural resources state law regulatory schemes administered by the State of Wyoming; and (3) the Wyoming State Legislative process. The classroom component of the Clinic will consist of classroom instruction, experiential learning through one simulated exercise assignment, one skills development classes, a case study, and a guest lecture on the general practice of natural resource law.

Classroom Instruction — Classroom instruction will consist of a series of lectures addressing the state administrative hearing process in Wyoming, and the energy, environmental, and natural resources state law regulatory schemes administered by the State of Wyoming. The lectures primarily will provide a broad basic overview of these topics along with practical practice pointers.

As background for these lectures, you will need to read published cases, law review articles, excerpts from treatises, and/or other relevant materials. The reading materials for a particular class will be provided to you within a reasonable amount of time before that class. You are expected to complete the assigned 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 — During the Spring semester, you will complete one simulated exercise class assignment. For this assignment, each student will be paired with another student and, for each pair, one student will draft a motion and the other student will respond to that motion. During the last week of classes for the semester, each pair of students will present oral arguments on their respective motions and responses to a panel of three to five judges. The motions and responses will be based on an administrative record arising from a legal challenge. The assignment will be based on the administrative record distributed during the first semester.

Skills Development — During the Spring semester, you will participate in one skills development classes on oral advocacy which will prepare you for the final oral advocacy assignment.

Case Study — For one class during the Spring semester, Chris Brown from the Wyoming Attorney General’s Office will provide an overview of the *Montana v. Wyoming* case, an original action currently pending before the United States Supreme Court.

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 125 hours of clinical practice work by the start of the spring 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 Jay Jerde for his review. **You should consider the written work you submit to be the final work product.** In other words, when you submit a document to him for his review, you should believe that it is complete and capable of being given to a client or filed in a court or tribunal. After he has reviewed the document and you have edited the document in accordance with his 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. Jay Jerde will lead the discussion during rounds.

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 January 22 through January 28, 2018, would be due no later than 5 p.m. on Wednesday, January 31, 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:

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| 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 (1 assignment total; 35% of the final semester grade) — For the class assignment, you will receive an A-F letter grade; 50% of the grade on each assignment will be based on the first draft of the assignment and 30% of the grade will be based on the final draft of the assignment and 20% of the grade will be based on your oral argument.

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

Weekly time reporting (14 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 (50% 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; 5% 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 Jay Jerde 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 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 9:30 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 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
Spring 2018 Semester
Class and Assignment Schedule

January 18 Rulemaking, Abigail Boudewyns

January 25 Contested Case Proceedings, Chris Brown & Michael
Armstrong

Rounds: Tuesday, Jan. 23, 9:35-10:50, Room 180

February 1 Contested Case Proceedings, Chris Brown & Eric
Easton

Assignment: Draft motions assigned

February 8 Wyoming Legislative Process, Jay Jerde

February 15 Industrial Sitting Act, Luke Esch

February 22 Department of Interior Statutes and Case Law, Phil Lowe, U.S. DOI, Rocky Mountain Regional Solicitor's Office

Deadline: First drafts of motion due

Rounds: Friday, February 23, in Cheyenne. This Round will include a tour of the Wyoming Legislature.

March 1 Wyoming Environmental Quality Act, Nancy Vehr

Feedback: Comments on first drafts/motion

March 8 Wyoming Water Law, Jason Robison

Deadline: Final drafts of motion due

March 15 Spring Break

March 22 Wyoming Oil and Gas Conservation Commission, Eric Easton

Assignment: Response to motion assigned

Rounds (March 20, 9:35 -10:50, Room 180)

March 29 Case Study, Chris Brown

April 5 Wyoming Game and Fish, David Willms & Bill Brinegar (Game Warden)

Deadline: First drafts of response due

April 12

Skills Session — Oral Advocacy, Jay Jerde

Feedback:

Comments on first drafts/response

April 19

Guest Speaker(s), Karen Budd-Falen and/or Bailey Schreiber, Wyoming County Commissioners Association

Deadline:

Final drafts of response due

April 26

Oral Arguments on Motions
