



College of Law

Office of the Attorney General

ENERGY, ENVIRONMENTAL, AND NATURAL RESOURCES LAW CLINIC 2023-2024

SPRING 2024 SYLLABUS (FEBRUARY 20, 2024)

Professor: Kipp Coddington
Faculty Advisor
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Office Hours: By appointment

Clinic Meetings: Fridays, 10-11:45 am
Law 180

Credits: 3 credits

Clinic Location: The Energy, Environmental, and Natural Resources (EENR) Law Clinic will effectively be operated from Professor Coddington's office in Hill Hall. Along with many other clinics, the EENR Law Clinic also has space (e.g., a desk and a computer) in the UW Annex (406 S. 21st Street), Room 5. Tim Dean Crawford, Director of Experiential Learning, is located in Annex Room 42 and can assist with student access to both the Annex itself and Room 5.

Clinic Website: <https://www.uwyo.edu/law/experiential/clinics/eenr-law-clinic.html>

COURSE MATERIALS

Students will locate the reading materials for each class when they complete the assigned research project before the class, so there are no required or recommended course materials.

WYOCOURSES

WyoCourses is required for the EENR Law Clinic. Because there is no formal/conventional textbook, all of your readings and assignments will be posted here. WyoCourses provides the opportunity to have all course materials in one place that is accessible to everyone. Assignments and announcements will be posted to

WyoCourses. As part of the requirements for the EENR Law Clinic, you are expected to check and use this site regularly. Verify your UW email as it will be utilized for any posted announcements.

COURSE OVERVIEW

The EENR Law Clinic works directly with the Wyoming Attorney General’s (AG) Office -- to include attorneys from the Water and Natural Resources Division – on energy, environmental, and natural resources law matters involving the State of Wyoming, state agencies, or state officials. Work in the past has included drafting motions in nationally significant natural resource federal court cases, assisting in agency adjudicative and administrative hearings, and more.

MISSION STATEMENT

Through the EENR Law Clinic, the University of Wyoming College of Law and the Wyoming Attorney General’s Office collaborate to provide third-year law students with classroom instruction, simulated experiential learning exercises, and supervised legal practice experience to prepare them to practice law in the public or private sector in the areas of energy, environmental, and natural resources law.

COURSE OBJECTIVES & LEARNING GOALS

The EENR Law Clinic’s goals are to provide:

- A classroom and work environment that will encourage students to transition from an academic performance mentality (where a high letter grade provides an incentive to perform quality work) to a professional practice mentality (where the desire to provide ethical and professional legal representation to the client provides the incentive to perform high quality work).
- A classroom and work environment that will encourage students to develop professional responsibility and professional accountability in the practice of law.
- A classroom and work environment that will encourage students to develop self-directed learning skills and problem-solving skills relevant to the practice of law.
- A classroom and work environment that will encourage students to develop lawyering skills, communication skills, and time management skills relevant to the practice of law.
- Students with a basic understanding of how to litigate an administrative record review case in federal court.
- Students with a basic understanding of Wyoming regulatory law in the subject areas of carbon management law, environmental law, oil and gas law, water law, and wildlife law.

EENR LAW CLINIC SPRING 2024 SCHEDULE

| Date | Topic(s) | Class Assignment | Due |
|-------------|---|---------------------|---------------|
| January 19 | Second Semester Kick-Off | Class Assignment #1 | March 8, 2024 |
| January 26 | Wyoming Carbon Management Law | | |
| February 2 | Wyoming Oil & Gas Conservation Commission | | |
| February 9 | Off | | |
| February 16 | Monetizing Environmental Attributes | | |
| February 23 | Rounds/Legislature in Cheyenne (1:30 pm to 4:30 pm); Note: there may also be a lunch in Cheyenne, too | | |

| Date | Topic(s) | Class Assignment | Due |
|----------|-----------------------------------|---------------------|----------------|
| March 1 | Responsibly Sourced Gas | | |
| March 8 | Wildlife Law | Class Assignment #2 | April 26, 2024 |
| March 15 | Spring Break: No class | | |
| March 22 | Rounds in Cheyenne (time TBD) | | |
| March 29 | Wyoming Environmental Quality Act | | |
| April 5 | Wyoming Water Law – Reba Epler | | |
| April 12 | Off | | |
| April 19 | Rounds in Cheyenne (time TBD) | | |
| April 26 | Guest Lecture | | |

ATTENDANCE & PARTICIPATION POLICY

This course requires regular attendance, participation and hour keeping.

There are two required attendance-related requirements per University and/or ABA policy: (1) minimum total hours; and (2) Friday class attendance.

Minimum Total Hours Requirement. There is a minimum time commitment of 150 hours for the semester. With a minimum time commitment of 150 hours and thirteen weeks of classes in the spring, students thus are expected to devote approximately 10-15 hours per week to the EENR Law Clinic. Time in class and work on Class Assignments count toward required hours, as does travel time (if required). If you reach 150 hours prior to the end of the semester, you are required to continue to attend EENR Law Clinic classes each Friday and complete both Class Assignments until the end of the semester; if you fail to do so you will fail the course.

It is expected that at least 85 hours of the 150-hour total will be dedicated to project work – i.e., actual legal work assigned by the Office of the Attorney General.

You will account for your time by recording it weekly with an electronic timekeeping system used by the Attorney General’s Office. You will be given a password to access to the electronic timekeeping system. You shall not use the electronic timekeeping system 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 EENR Law 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 to Professor Coddington no later than 5 p.m. of the Wednesday of the immediately following week. The weekly time reports must be submitted to Professor Coddington via email as a pdf attachment to the email.

For example, the time report for the week of February 12, 2024, through February 18, 2024, would be due no later than 5 p.m. on Wednesday, February 21, 2024.

If you submit one time report after the applicable deadline, you will be notified and asked to submit the report immediately. **If you submit a second time report late, you will be docked a letter grade for the final semester grade for the Clinic.**

Friday Class Attendance Requirement. In addition to the Minimum Total Hours Requirement discussed above, attendance at all Friday classes is required unless excused by Professor Coddington.

NOTE TAKING

As part of developing critical professional skills, all students are required to take notes during the classroom instruction periods each Friday. Notes may be taken in any form – e.g., electronic, handwritten. The notes must be submitted to Professor Coddington by 1 pm MT after each class ends.

Project Work

During the semester the Attorney General’s Office will assign projects to you – these projects will be legal work that otherwise would be done by the attorneys in the Water and Natural Resources Division of the Attorney General’s Office. For each project, an attorney from the Water and Natural Resources Division will supervise your work. When a project is assigned to you, you must make arrangements to meet with the attorney who will supervise the project (in person or by video or telephone) as soon as possible to discuss the project.

After you have met with the attorney, you must send an email to the attorney (and copied to Professor Coddington) summarizing your understanding of the expectations for the project, including any deadlines associated with the project. When you have completed a project, you must notify Abigail Boudewyns (abigail.boudewyns@wyo.gov) to request another project. The general rule is that no student will be assigned to work on more than one project at a time. There are exceptions, however. For example, you may be asked to participate in a hearing before the Wyoming Oil and Gas Conservation Commission even though you have another project assigned to you. You also may be asked to do a short turn-around project even though you are already working on another project.

For the semester, you must complete a minimum of 85 hours of project work. In addition to your work on the project, you should count time spent on the initial project meeting, any subsequent meetings or discussions with the supervising attorney, any travel required for the project, and the all of the rounds sessions and travel time for the rounds sessions as time spent on project work.

Your project work will count as 50% of your final grade for the semester. For each project, you will be evaluated on the following criteria: (1) your initiative in completing the project (i.e., did you complete the project without the need for much guidance from the supervising attorney and did you meet all deadlines); (2) the quality of the work product completed for the project; (3) the effort you put forth in working on the project; (4) your professionalism in completing the project; and (5) your communication with the supervising attorney and Professor Coddington (if any) during the project (i.e., did you timely respond to any emails or other inquiries regarding the project, did you keep the supervising attorney apprised of your progress on the project).

Class Assignments

During the semester, you will complete two Class Assignments and report your findings in writing in the form of an intra-office memorandum. Each Class Assignment will be assigned to all of the students in the Clinic. **You shall not consult with or work with any other Clinic student on the projects – in other words, all of the work on the projects must be your own.** The start dates and due dates for each project are noted in the schedule above. You will submit only a final draft for each Class Assignment and will be graded on that final draft. Each Class Assignment will be graded based upon the cogency of the writing, the depth and quality of the research, and the quality of the formatting for the legal citations in the memorandum.

Rounds

As a part of the project work for the semester, 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. The specific date for each rounds session is noted in the schedule above. Jay Jerde will lead the discussion during rounds. Time spent doing the rounds sessions and traveling to and from the rounds sessions counts as project work hours.

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, you will receive 0% for this portion of the final semester grade.

ASSESSMENT & GRADING

Clinic students are assessed throughout the semester for the development of critical thinking and problem-solving skills, class participation (including effective verbal communications), completion of both Class Assignments (including effective written communications), Rounds participation, time submission and note taking. Students must demonstrate commitment to these activities.

The following table presents how each activity will impact the final grade.

| Activity | % of Final Grade |
|------------------------------|---------------------------------|
| Projects for the AG's Office | 50% |
| Class Assignments (2) | First CA: 15% Second CA: 15% |
| Class Participation | 5% |
| Rounds Participation | 5% |
| Note Taking | 5% |
| Time Submission | 5% |

Grade percentage ranges follow:

- 90%-100% = A
- 80%-89% = B
- 70%-79% = C
- 69% and below is Fail

Grades will not be curved which means that we will not rank students to curve-fit a high-to-low ranking. Nothing precludes all students from obtaining A's, C's or what have you.

Any of the following events will result in a grade deduction:

- Submission of a second time report late (unexcused): one letter grade deduction;
- Late for class for a second time (unexcused): one letter grade deduction; and/or
- Late for class for a third time (unexcused): an additional letter grade deduction -- and escalating linearly thereafter

Either of the following events will result in an automatic failing grade:

- Failure to meet the “Minimum Total Hours Requirement” (i.e., at least 150 total hours for the semester, including at least 85 hours of project work);

- Failure to meet “Friday Class Attendance Requirement”;
- Failure to complete both Class Assignments; and/or
- Failure to continue to attend EENR Law Clinic classes each Friday until the end of the semester after meeting the “Minimum Total Hours Requirement.”

OTHER INFORMATION

Westlaw

For online legal research students must use the AG Westlaw account, passwords for which have already been distributed to each student.

The License You Practice Under/Rule 9

At times you may be required to appear before a court, commission or other legal/regulatory body in a representative capacity. In those scenarios: (1) you will likely be practicing under the license of a licensed attorney and anything you do in that capacity will be pursuant to that authority; and (2) you may not act without approval because doing so runs the risk of compromising the attorney’s license. This applies to everything from sending an email to drafting pleadings or papers for filing.

The EENR Law Clinic reserves the right to deny or withdraw your approval to practice on another attorney’s license at any time we become concerned about your capacity to act in accordance with application laws and regulations, including those governing the conduct of attorneys. If this occurs, you will be responsible to complete assigned tasks but will not be allowed to engage in live-client representation in any way.

Tim Dean Crawford will continue to assist with all required Rule 9 paperwork.

Critical Ethical Issues: Confidentiality & Competence/Emailing

All EENR Law Clinic email communications, incoming and outgoing, must use the State of Wyoming email address; each student will be assigned such an address. NEITHER University-issued personal email addresses NOR other personal email accounts may be used in any circumstance for correspondence relating to your case work. This includes sending agenda forms, discussing the cases with your clinic colleagues, communicating with the opposing side/the court, or sending quick questions to the Student Director or Faculty Director. A violation of this rule will be considered a violation of confidentiality and, consequently, a violation of the Rules of Professional Conduct. You will be provided an email inbox within the UWLSP account in which you can store case-related messages and correspondence.

Disabilities

If you have a physical, medical, learning, sensory or psychological disability and require accommodations, please let me know as soon as possible. You will need to register with, and provide documentation of your disability to the College of Law administration and University Disability Support Services in Room 330 Knight Hall. Additional details can be found at: <http://www.uwyo.edu/udss/>.

Academic Honesty

The University of Wyoming College of Law is built upon a strong foundation of integrity, respect and trust. All members of the University community have a responsibility to be honest and the right to expect honesty from others. Any form of academic dishonesty is unacceptable to our community and will not be tolerated. The College of Law Honor Code AND the University of Wyoming’s Academic Dishonesty Policy apply to the EENR Law Clinic. You are expected to be familiar with these requirements 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. A

copy of the honor code can be found at <http://www.uwyo.edu/law/current/resources/forms.html>. Additional information regarding academic honesty is described in University Regulation: UW Regulation 2-114 "Procedures and Authorized University Actions in Cases of Student Academic Dishonesty."

Travel

From time to time you may be required to travel to Cheyenne to meet with AG attorneys, attend hearings or engaged in related activities. Travel time counts towards your 150-hour minimum and should be recorded. Such travel should be conducted with vehicles leased from UW Fleet Services (<https://www.uwyo.edu/fleet/index.html>). At the appropriate moment contact Professor Coddington for more information.

Use of AI/Large Language Models

Law students may not submit any work product containing prose that was created or composed by a generative artificial intelligence (GAI) program (such as ChatGPT and Google Bard and including both free and enterprise-grade software), unless: (1) explicitly authorized by an instructor within a course or as part of a research assignment; and (2) properly attributed with appropriate citation(s).

Even when a student personally formulates and refines a prompt to generate prose through GAI, the GAI response does not qualify as the student's own work product. "Work product" includes (and is not limited to—be sure to clarify if you have questions) class assignments, exam responses, publishable pieces, scholarship essays, moot court competition briefs, memorandums, and any other written material that the reader would ordinarily assume to have been written by a person, not by a GAI program. Remember that repeating ideas or paraphrasing language from a source without providing attribution to that source is plagiarism.

Moreover, law students are discouraged generally from using GAI without specific authorization and guidance from an instructor or other law school professional. The material generated by ChatGPT and similar programs may be incomplete, biased, and/or wrong. At present, GAI is prone to hallucinations:

<https://cybernews.com/tech/chatgpts-bard-ai-answers-hallucination/>. (See this cautionary tale of a lawyer who relied on ChatGPT to write a brief and ended up facing sanctions:

<https://www.forbes.com/sites/mollybohannon/2023/06/08/lawyer-used-chatgpt-in-court-and-cited-fake-cases-a-judge-is-considering-sanctions/?sh=258f46377c7f>). If you are wondering about appropriate use of GAI for a specific purpose in a particular context, please reach out to the relevant law school professional for guidance.

Diversity Statement

The University of Wyoming values an educational environment that is diverse, equitable, and inclusive. The diversity that students and faculty bring to class, including age, country of origin, culture, disability, economic class, ethnicity, gender identity, immigration status, linguist, political affiliation, race, religion, sexual orientation, veteran status, worldview, and other social and cultural diversity is valued, respected, and considered a source for learning.

Title IX Statement

UW faculty are committed to supporting students and upholding the University's non-discrimination policy. Under Title IX, discrimination based upon sex and gender is prohibited. If you experience an incident of sex- or gender-based discrimination, we encourage you to report it. While you may talk to a faculty member, understand that as a "Responsible Employee" of the University, the faculty member MUST report information you share about the incident to the university's Title IX Coordinator (you may choose whether you or anyone involved is identified by name). If you would like to speak with someone who may be able to afford you privacy

or confidentiality, there are people who can meet with you. Faculty can help direct you or you may find info about UW policy and resources at <http://www.uwyo.edu/reportit>.

You do not have to go through the experience alone. Assistance and resources are available, and you are not required to make a formal complaint or participate in an investigation to access them.

Covid-19 Policies

During a pandemic, you must abide by all UW policies and public health rules put forward by the City of Laramie (or by Natrona County if at UW-Casper), the University of Wyoming and the State of Wyoming to promote the health and well-being of fellow students and your own personal self-care. Please review our current policy. As with other disruptive behaviors, we have the right to dismiss you from the classroom (Zoom and physical), or other class activities if you fail to abide by these COVID-19 policies. These behaviors will be referred to the Dean of Students Office using the UWYO Cares Reporting Form for Student Code of Conduct processes.

Clinic Behavior Policy

Treat your presence in the clinic as you would a job. Act professionally, arrive on time, pay attention, complete your work in a timely and professional manner, and treat all deadlines seriously. You will be respectful towards you classmates and instructor. Spirited debate and disagreement are to be expected in any classroom and all views will be heard fully, but please always behave civilly and with respect towards one another. Personal attacks, offensive language, name-calling, and dismissive gestures are not warranted in a learning atmosphere. As the instructor, I have the right to dismiss you from the classroom, study sessions, electronic forums, and other areas where disruptive behavior occurs.

Syllabus is Subject to Change

The information and schedule contained in this syllabus, other than the grade and absence policies, may be subject to change with reasonable advanced notice, as deemed appropriate by the professor. Substantive changes made to the syllabus by the professor during the semester shall be communicated in the learning management system, other electronic means, or in class to students with reasonable notice.

END