



Energy, Environmental, and Natural Resources Law Clinic

Fridays 9 a.m. to 12 p.m.
Cheyenne or College of Law Room 180

Course No. 6933-01
3 credit hours

2020 Spring Semester Syllabus

The Energy, Environmental, and Natural Resources Law Clinic is hybrid legal clinic that provides third year students with the opportunity to learn about the practice of law in the areas of energy, environmental, and natural resources law. During the fall semester (the practicum semester), the students are taught practical legal skills through classroom instruction and simulated, experiential learning exercises. During the spring semester (the clinical practice semester), the students work with attorneys in the Wyoming Attorney General's Office on energy, environmental, and natural resources legal matters involving the State of Wyoming.

Mission Statement

Through the Energy, Environmental, and Natural Resources Law Clinic, the University of Wyoming College of Law and the Wyoming Attorney General's Office will 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.

Goals

- To provide a classroom environment 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).
- To provide a classroom environment and work environment that will encourage students to develop professional responsibility, professional accountability, and self-reliance.
- To provide a classroom environment and work environment that will encourage students to develop self-directed learning skills and problem solving skills relevant to the practice of law.
- To provide a classroom environment and work environment that will give students the opportunity to develop useful lawyering skills, professional skills, and time management skills relevant to the practice of law.
- To provide students with a basic understanding of how to litigate an administrative record review case in federal court.

Clinical Practice Semester — Structure

The spring semester of the Clinic has four primary components: Clinic project work; a case study; “shadowing”; and rounds.

Clinic Project Work (116 hours including travel time)

During the semester, you will be assigned work to do for the various client agencies of the Water and Natural Resources Division. The nature of the work will depend on what work needs to be done during the semester. In addition to other projects assigned to you, you must appear at least once before the Wyoming Oil and Gas Conservation Commission (WOGCC) during the semester.

For each Clinic project, you will be supervised by, and work directly with, an attorney from the Water and Natural Resources Division. You are expected to complete each Clinic project by the deadline set by the attorney. When you have

completed a project and closed the project file, you will be assigned another project to complete. Given the limited number of opportunities to appear before the WOGCC, you likely will have a WOGCC project and another Clinic project assigned at the same time at some point in the semester.

You must complete at least 116 hours of project work (including travel time) during the semester. **All of your project work hours must be completed by May 1, 2020.** There are no exceptions to these requirement. The orientation class on January 24, 2020, will count towards your Clinic project work hours.

During the spring semester, unanticipated learning opportunities may present themselves. For example, there may be a federal court hearing in Cheyenne involving an energy, environmental, and natural resources matter and we may ask all of the Clinic students to attend the hearing. Any time spent on such opportunities will count towards your Clinic project work hours.

The Case Study (15 hours including prep time and travel time)

During the semester, you will attend three case study sessions (each session will be 2.5 hours in length). During these sessions, Erik Petersen and Jay Jerde will provide an overview of the grizzly bear delisting case that currently is pending before the Ninth Circuit Court of Appeals. They will discuss the pertinent procedural aspects of the case, the substantive legal issues raised by the parties, and the practical legal considerations involved in the case. You will be provided with documents filed in the case for you to review before each session. The case study sessions will be held in Cheyenne and the College of Law.

“Shadowing” (5 hours including travel time)

During the semester, you will “shadow” an attorney from the Water and Natural Resources Division for half a day as they do their job. You will be assigned to an attorney and will coordinate with that attorney to determine when you will accompany them as they do their work.

Rounds (14 hours including travel time)

You must participate in a group discussion session (called “rounds”) three times during the semester. The rounds sessions will be held in Cheyenne. In each rounds session, 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. For two of the rounds sessions, an attorney from the Water and Natural Resources Division may give a presentation on a subject relevant to the Clinic or to the practice of law generally. For the rounds session scheduled on February 21, we will discuss your projects and then tour the State Capitol building and observe the Wyoming Legislature while it is in session.

Jay Jerde and one or more of the attorneys from the Water and Natural Resources Division will supervise the rounds sessions. Attendance at the rounds sessions is mandatory. If you cannot attend a rounds session due to an unavoidable conflict, 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 a grade of “Unsatisfactory” for the final semester grade for the Clinic.

Clinic Staff

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

Throughout the semester you will work with the following attorneys from the Water and Natural Resources Division of the Wyoming Attorney General’s Office:

Deputy Attorney General

James Kaste
james.kaste@wyo.gov
(307) 777-3535

Attorney Supervisors

Chris Brown
chris.brown@wyo.gov
(307) 777-3406

Erik Petersen
erik.petersen@wyo.gov
(307) 777-3539

Senior Assistant Attorneys General

David DeWald
david.dewald@wyo.gov
(307) 777-7823

Matt VanWormer
matt.vanwormer@wyo.gov
(307) 777-6199

Assistant Attorneys General

J. D. Sater
jd.sater@wyo.gov
(307) 777-3537

Casey Kurnath
caitlin.kurnath@wyo.gov
(307) 777-7819

You also will work with the following attorney when you complete your WOGCC project:

Eric Easton
Senior Assistant Attorney General
eric.easton@wyo.gov
(307) 265-2225

General Information

Total Hours Worked — To receive three credit hours for the Clinic, you must complete at least 150 hours of work (on Clinic project work, the case study, shadowing, and rounds as described in the Clinic Practice Semester — Structure section above) between January 24, 2020, and May 1, 2020.

Time Reporting — During the semester, you must submit weekly time reports to Jay Jerde. 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 February 3, 2020, through February 9, 2020, would be due no later than 5 p.m. on Wednesday, February 12, 2020. The weekly time reports must be submitted to Jay Jerde via email (jay.jerde@wyo.gov) by the 5 p.m. on Wednesday deadline, with the weekly time report as a pdf attachment to the email.

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 receive a grade of “Unsatisfactory” for the final semester grade for the Clinic.**

Grading — Student performance in the Clinic will be assessed using an S/U/I grading system.

Office Hours and Clinic Communication — Clinic staff will not have established office hours. If you would like to meet with any of the attorneys regarding a Clinic-related matter, you can make arrangements to do so with the particular attorney. If you have questions about any aspect of the Clinic, you may contact Jay Jerde via telephone (307-777-7841), e-mail (jay.jerde@wyo.gov). **You must use your University assigned student email address for all email communications involving the Clinic or Clinic-related business.**

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 Clinic meetings. **On days that we hold meetings, you are expected to be in the assigned room and prepared to start the meeting promptly at the designated time, without exception.**

Classroom Behavior Policy — At all times, treat your enrollment 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. Be respectful towards your classmates and the attorneys you are working with. As the Clinic supervisor, I have the right to dismiss you from meetings and other areas where disruptive behavior occurs.

Electronic devices such as mobile phones should be set to silent. Laptops are allowed for note-taking purposes. No video or audio recording during meetings is allowed to protect the privacy of your fellow students.

Ethics and Academic Honesty — As an intern in the Clinic, you will be authorized to engage in the limited practice law under the supervision of an attorney from the Wyoming Attorney General’s Office as provided in Rule 9 of the Rules Governing the Wyoming State Bar and the Authorized Practice of Law. In addition, when completing project assignments for the Clinic, you must follow the Wyoming Rules of Professional Conduct for Attorneys at Law.

The College of Law Honor Code and the University of Wyoming Code of Conduct apply to this Clinic. 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, receiving a grade of “Unsatisfactory” in 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” – <http://www.uwyo.edu/law/current/resources/forms.html>

Student Support — If you have a physical, learning, 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, University Disability Support Services (UDSS) in SEO: Room 109 in Knight Hall | 766-6189 TTY: 766-3073.

Substantive Changes to the Syllabus — This syllabus is a guide. All deadlines, requirements, and course structure is subject to change if deemed necessary by the faculty supervisor. You will be notified verbally or via email of any changes to the content of this syllabus.

EENR Law Clinic

Spring 2020 Schedule

January 24	Orientation Class (3 hrs)	College of Law
January 31	Clinic Work Time	
February 7	Case Study (2.5 hrs)	Cheyenne
February 14	Clinic Work Time	
February 21	Rounds + Legislature (2-3 hrs)	Cheyenne
February 28	Clinic Work Time	
March 6	Case Study (2.5 hrs)	Cheyenne
March 13	Clinic Work Time	
March 20	Spring Break	
March 27	Rounds (2-3 hrs)	Cheyenne
April 3	Clinic Work Time	
April 10	Case Study (2.5 hrs)	College of Law
April 17	Clinic Work Time	
April 24	Rounds (2-3 hrs)	Cheyenne
May 1	Guest Lecture	College of Law or Cheyenne (TBD)