

# SEMINAR ENVIRONMENTAL LAW TOPICS

Professor McCubbin  
Fall 2019

Office Hours:  
Monday and Wednesday 3 to 4 PM

## COURSE OVERVIEW AND REQUIREMENTS

### **Required Textbook:**

Richard C. Wydick and Amy C. Sloan, *Plain English for Lawyers* (6th ed. 2019)

**Course Description:** This is a senior writing seminar focused on “environmental law”. We will interpret that phrase broadly to cover energy issues, natural resources management, food and safety issues or other related topics, with this caveat: You must research and write about a legal issue involving action by a federal agency under a federal statute.

The purpose of a seminar – unlike most of your other law school classes – is not merely to teach you some substantive information but to improve your researching, writing and analytical skills. You will be required to conduct research on a legal topic and to write multiple drafts of a paper on that topic. You will also be required to participate in editing exercises during class; to edit other students’ papers on your own time; and to make an oral presentation on your topic.

**Paper Requirements:** By the end of the semester, you will produce a 25-30 page paper. We are lawyers, not scientists, so your paper must address a legal issue, although of course scientific or technical information may come into play in your paper. I will be happy to help you think of an issue on which to write. You should start by considering the list of possible topics and the list of research resources that are posted on TWEN under “Research and Writing Materials”.

**Due Dates and Grading:** The grade in this class will be based on the items listed below. In addition to the graded components, a student must complete all other course

requirements in a manner judged satisfactory by the professor in order to receive credit for this course.

1. Meeting with Professor to Discuss Possible Topics: **Wednesday, August 21**  
(ungraded)

On the first Wednesday of the semester, I will meet with each of you individually to discuss your preliminary thoughts about possible topics.

2. Rough Outline and Brief Annotated Bibliography: **Wednesday, August 28**  
(ungraded)

The rough outline and bibliography should be 3-5 pages altogether. For the details, see the assignment for Wednesday, August 28, posted on TWEN under “Weekly Assignments”.

3. First Draft – Background Section: **Monday, September 16** (25% of grade)

This should be a good, solid draft of 10-12 pages that sets up the topic you are addressing. It should clearly lay out the factual background and the governing legal framework, but it will not present the arguments and counter-arguments yet.

To keep track of your sources, you should use rough citations in this draft, but they do not have to be in proper Blue Book or ALWD format yet.

4. Peer Editing Exercise: **Monday, September 23** (10% of grade)

Each of you will be required to read and give constructive feedback on another student’s background section.

5. Second Draft – Full, “Neutral” Version: **Monday, October 14** (25% of grade)

This full draft will (1) improve the writing of the background portions of your paper presented in the first draft; and (2) go on to present the arguments and counter-arguments on the question. This draft should be 25-30 pages.

This is a “neutral” or even-handed draft. That means the arguments section should not take one side of the issue or the other, and instead it should show the

different positions with relatively equal force. The arguments have to be written well enough to demonstrate good, careful analysis of the issues, but your writing does not have to be beautiful since you are going to revise the arguments section at the next step.

To keep track of your sources, you should use rough citations in this draft, but they do not have to be in proper Blue Book or ALWD format yet.

6. Third Draft – Advocacy for One Side: **Wednesday, October 30** (ungraded)

Your next step will be to take the neutral presentation of arguments and counter-arguments from your second draft and change that into an argument for one side or the other. To do this, you will rewrite the arguments portion of the second draft to put different emphases or spins on the points. (In class, we will discuss some techniques for doing this.)

On this day, you will bring your new arguments section (and only that section) to class, to swap with a student for a peer editing exercise.

7. Peer Editing Exercise: **Wednesday, November 6** (5% of grade)

Each of you will be required to read and give constructive feedback on the arguments portion of another student's paper.

8. Oral Presentations: **Wednesday, November 13, thru Wednesday, November 20** (10% of grade)

Each student will be required to do one short oral presentation (10-15 minutes) about her paper. All other students will be expected to listen carefully and ask the presenter questions about the topic. We will have three class sessions to cover all the oral presentations, so two or three students will go each day.

9. Final Version: **Friday, December 13** (25% of grade)

The final version will incorporate the revised arguments section from your third draft and any comments on those arguments you receive from me or your peer editor. It should be 25-30 pages, with accurate citations and clean writing.

**Assignments:** For each week of classes, I will post the assignments on TWEN by

Friday of the prior week and often much earlier than that. The assignments for the first two weeks are now posted under “Weekly Assignments”.

**Class Participation:** Each student will be expected to actively participate in class discussions.

**Class Attendance:** Because this is a writing-intensive course, I will periodically give you time off from some classes to work on your research and writing. You will only be permitted four (4) absences during the semester. I make no exceptions for any type of excused absence. For each absence after the fourth, your final course grade will be reduced by 0.2 points.

Attendance will be taken daily. Your signature on the attendance sheet constitutes a representation that you have read the assigned material and are prepared to discuss it in an intelligent fashion. If you are unprepared for class but would like to take an absence and still sit in on class (“note out”):

1. do not sign the attendance sheet; and
2. leave me a note on the lectern before class begins with your name and the date.

**Tardiness:** You are expected to arrive on time to class. If you enter class after I have begun lecturing, do not sign the attendance sheet. A day on which you arrive late will count as one of your absences.

**Classroom Etiquette:** Occasionally we may discuss difficult policy or legal issues about which reasonable people can have differing views. Accordingly, I ask you to give respect to each other’s opinions, listen with an open mind, and think critically about your own point of view and that of others.

**Ban on Plagiarism:** Plagiarism is a violation of the SIUC Student Code of Conduct and is strictly forbidden for all written work submitted in this course, including the outlines. A violation of this rule will be treated severely, including, if warranted, a grade of “F” for the course and referral for academic misconduct. The ban on plagiarism does not mean that you have to have a cite for every single idea or sentence in your paper; on the contrary, some of the paper should be your own thinking, and in class we will further discuss this fine line between proper attribution and original thinking.

**Workload Expectations:** ABA Standard 310 expects that your work for this course outside the classroom, including your reading for class, your work on graded or ungraded exercises, and your research and writing of the various draft and final papers, will equate to twice as much time as we actually spend in the classroom. Please keep that expectation for out-of-class work in mind as we proceed through the semester.

**Recording Policy:** All sessions of this course will be recorded and available to you for review. You are prohibited from recording the class yourself in any manner, and doing so is a violation of the Honor Code.

**Meeting with me Outside Class:** Feel free to drop by my office (Room 258) at any time during the day except on Monday and Wednesday mornings, when I am preparing for and teaching this class and another.

No appointment is necessary, but if you want to make sure I am available, it is best to send me an email ahead of time. You may also communicate with me through TWEN or regular e-mail (mccubbin@siu.edu).

**Emergency Procedures:** As required by the campus-wide SIU administration, I am providing the following information:

Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at [www.bert.siu.edu](http://www.bert.siu.edu), Department of Safety's website [www.dps.siu.edu](http://www.dps.siu.edu) (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. **It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency.** The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

**Disability Support:** Disability Support Services (DSS) provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS

services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. See: <http://disabilityservices.siu.edu/>. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.

**Saluki Cares:** The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or [siucares@siu.edu](mailto:siucares@siu.edu), <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is [judiray@siu.edu](mailto:judiray@siu.edu), and her phone number is (618) 453-3135.