

SEMINAR (LAW 590)

CLIMATE CHANGE, ENERGY, AND ENVIRONMENTAL LAW

Professor McCubbin
Fall 2021

SYLLABUS

Class Time:

Tuesdays and Thursdays 1:30 to 2:45 PM
Room 251

Office Hours:

Tuesdays and Thursdays 3 to 4 PM
Room 258 (my office) or via Zoom

Required Textbook: Richard C. Wydick and Amy C. Sloan, *PLAIN ENGLISH FOR LAWYERS* (6th ed. 2019). We will also read other materials that will be posted on TWEN.

Course Description: This is a senior writing seminar focused on climate change, energy, and environmental law. The purpose of a seminar – unlike most of your other law school classes – is not to teach you a substantive area of the law. Rather, the purpose is to improve your skills in research, writing, and analysis.

You will be required to conduct research on a legal topic and to write multiple drafts of a paper on that topic. By the end of the semester, you will submit a final paper of 25-30 pages. You will also be required to participate in editing exercises during class; to edit other students' papers; and to make an oral presentation on your topic.

Topics for Papers:

You will choose your own topic with my input. You can write about any topic loosely related to climate change, energy, or environmental law. That broad category could also cover natural resources management, food and agricultural issues, or other health and safety topics.

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. One of the

goals of this seminar is to teach you how to write about federal governmental actions. So I generally prefer a topic that touches on some type of federal regulation or statute, although there is some flexibility on that.

I will meet with each of you individually during the second week of the semester to help you identify a topic for your paper. You should start by considering the list of possible topics and the list of research resources that will be 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 to receive credit for this course.

1. Meeting with Professor to Discuss Possible Topics: **Tuesday, August 24**
(ungraded)

In the second week of the semester, I will meet with each of you individually to discuss your preliminary thoughts about possible topics (likely by Zoom).

2. Rough Outline and Brief Annotated Bibliography: **Tuesday, August 31**
(ungraded)

The rough outline and bibliography should be 3-5 pages altogether. There will be detailed instructions in the assignment for Tuesday, August 31, posted on TWEN under “Weekly Assignments”.

3. First Draft – Background Section: **Tuesday, September 14** (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.

Formatting instructions for the font, line spacing, and the like will be posted separately.

4. Peer Editing Exercise: Tuesday, September 21 (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: Tuesday, October 12 (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 present both sides of your legal issue, first presenting one side, and then presenting the other. The two sides do not have to have an equal number of pages. You can give a page or two extra to the side you favor, but you have to give enough attention to the opposing side so as to demonstrate your ability to critically analyze the issues.

The arguments have to be written well enough to demonstrate good, careful analysis of the issues, but your writing does not have to be perfect 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.

Formatting instructions for the font, line spacing, and the like will be posted separately.

6. Third Draft – Advocacy for One Side: Thursday, October 28 (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: **Thursday, November 4** (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: **Tuesday, November 9 & 16, and Thursday, November 18** (10% of grade)

Each student will be required to do one short oral presentation (10-15 minutes) about your 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 10** (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.

Formatting instructions for the font, line spacing, and the like will be posted separately.

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 four weeks are now posted under "Weekly Assignments."

Tardiness: You should make every effort to arrive on time to class. Doing so is courteous and professional. However, I recognize that sometimes life just gets in the way, so if you end up being a bit late, come into class quietly, and see me afterwards to explain what happened.

Class Attendance: Attendance will be taken daily. You are allowed to sign the attendance sheet only if you did the assigned work and are prepared to discuss it. If you are in class but you did not do the assigned work, you will be marked as absent.

Because this is a writing-intensive course, I will periodically give you time off from some classes to work on your research and writing. For scheduled classes, you will only be permitted four (4) absences during the semester. For any absence after that, you will be subject to Law School Rule III.5(g), which calls for a grade reduction or other penalties.

Noting Out of Class: If you would like attend a class session without being called on, you may note out, as follows:

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.

A day of noting out counts as one of your absences.

Independent Work: The work you submit in this course, whether graded or ungraded, must be strictly your own, with no input from anyone other than the professor, with these two caveats: You are allowed to get assistance with your research from the Law Librarians. Also, periodically I will allow you to collaborate with other students as, for example, in class exercises or peer editing assignments.

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 reflect your own thinking, and in class we will further discuss this fine line between proper attribution and original

thinking.

Recording Policy: You are prohibited from recording this class 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 Tuesday and Thursday 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 email (mccubbin@siu.edu).

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 as the classroom component of the course. Please keep that expectation for out-of-class work in mind as we proceed through the semester.

Expectations for Proper Classroom Behavior:

- When you apply to take the bar, the bar examiners ask faculty about the honesty and integrity of our students, so you should strive for proper behavior in the classroom and beyond.
- Occasionally in this course we may discuss difficult policy or legal issues about which reasonable people can have differing views. You should 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.
- Your behavior in the classroom, including the use of your laptop, should not be distracting to me or other students.
- All SIUC students should engage in safe behaviors to avoid the spread of COVID-19.

If, in my judgment, you do not meet these expectations, I can take various steps to remedy the situation, including having a private conversation with you, putting you in a particular seat in the classroom, banning you from using your phone or laptop, or withdrawing you from the course altogether.