

**Law 353: Environmental Law Centre Clinic**  
**Fall Term, 2011**

**Course Description and Syllabus**

<b>Course Name:</b>	Law 353 - Environmental Law Clinic
<b>Unit Value:</b>	1.5 or 2.0 (negotiable with instructor according to assumed workload; must be confirmed in writing by the Add/Drop date)
<b>Hours per week:</b>	3 classroom hours (Tuesdays 6-9pm) plus attendance at Board and other workgroup and committee meetings
<b>Instructor:</b>	Professor Calvin Sandborn ( <a href="mailto:csandbor@uvic.ca">csandbor@uvic.ca</a> )

**Objectives:**

1. gain an appreciation of the theory and practice of public interest lawyering
2. acquire basic law office and case management and planning skills
3. develop legal interviewing, research, analysis, writing and oral advocacy skills by working with clients involved in public interest environmental law issues or disputes
4. gain practical experience working in a non-profit sector setting and a basic familiarity with associated legal and practical obligations and responsibilities including financial control, liaison with funders and clients, and reporting to the Board
5. become familiar with a range of public interest environmental law issues, players and clients, and with the strategies and opportunities for using the legal and political system to advocate on behalf of the environment

**Methodology:**

In-class seminar; small group work; clinical work with clients; student presentations

**Materials:**

Readings available either in the ELC Classroom or online (see: <http://www.elc.uvic.ca/clinic/course-materials.html>)

**Assignments:**

Intake Memo & File Opening Form  
Retainer letter  
Project Outline  
Media Release  
Draft of Final Project  
Final Project, Transfer Memo, Closing Letter and Exit Memo

**Due date:**

Sept 23 (by 9am)  
Sept 30  
Oct 28  
Nov 18  
Nov 25  
Dec 16

**Evaluation:**

Students will be evaluated on a pass-fail basis. This evaluation will be ongoing throughout the term and involve an assessment of their performance on:

- skills exercises (memo to Board; client interview; retainer letter; EAB hearing; media release)
- a major project (e.g. memo, factum or other work product approved by the instructor as the student's major term project)

## **Introduction**

### **Week One –Sept 13, 2011**

- Instructor will provide overview of the Clinic, the ELC, and course expectations
- Discussion regarding conflict of interest procedures and confidentiality
- Signing of confidentiality agreements
- ELC Administrator to introduce office and file administration procedures
- Discussion of course scheduling and requirements including readings
- Overview of past and pending research initiatives; identification of potential research project areas for this term (to be continued and finalized through to week three)
- Overview of skills development:
  - conducting a client interview
  - drafting an intake memo and presenting it to the ELC Board
  - drafting retainer letter
  - drafting a press release
  - presenting a brief to the Environmental Appeal Board

#### **READINGS:**

1.1 Professional Conduct Handbook:

Chapters 5, 6 and 7: [http://lawsociety.bc.ca/publications\\_forms/handbook/chapter-05.html](http://lawsociety.bc.ca/publications_forms/handbook/chapter-05.html)

## **Office Procedures and Client Interviews**

### **Week Two – Sept 20, 2011**

- Discussion and assignment of term cases/projects
- Interview skills instruction and practice

#### **READINGS:**

2.1 Golini, Ronald. "Interviewing, Counseling, Negotiating"; ([www.rongolini.com/Interviewing.html](http://www.rongolini.com/Interviewing.html))

2.2 Sheer, Avrom. Ch 1-4 (pp 1-12; 17-30; 42-59; 72-75; 86-95; 107-110) *Client Interviewing for Lawyers* 1986

**Assignment Due: Intake Memo & File Opening Form Sept 23, 2011 (9am)**

## **ELC Board Meeting (6 to 8:30 pm) \*\*\* Room 152\*\*\***

### **Week Three – Sept 27, 2011**

- Students to present intake memos for ELC Society Board approval (memos to be prepared according to course template; at meeting, students provide Board with verbal overview and answer questions)

**Assignment Due: Retainer Letters Sept 30, 2011**

## **Overview of Canadian Environmental Law and Policy**

### **Week Four – Oct 4, 2011**

- Instructor will provide an overview of the main principles, concepts and institutions of environmental law and policy
- Discussion of environmental law clinic models, approaches and challenges

#### **READINGS:**

- 4.1 Elgie, Stewart. Ch 8 (pp 185-213) "Environmental Groups and the Courts: 1970-1992" *Environmental Law and Business in Canada*
- 4.2 Tollefson, Chris. (pp 175-195) "Advancing an Agenda? A Reflection on Recent Developments in Canadian Public Interest Environmental Litigation" 51 U.N.B.L.J. 2002
- 4.3 Price, Matt. (pp 2-16) "Greening the Beaver: Power, Profit, and the Canadian Dream"
- 4.4 Visit PIEL websites including [www.ecojustice.ca](http://www.ecojustice.ca), [www.earthjustice.org](http://www.earthjustice.org), [www.wcel.org](http://www.wcel.org)

## **Freedom of Information Overview**

**Week Five—Oct 11, 2011**

- Overview of Freedom of Information (FOI) requests and BC's *Freedom of Information and Protection of Privacy Act*

### **READINGS:**

6.1 *A Citizen's Guide to FOI, How to Get Government Records*

## **Working with Environmental and Community Organizations**

**Week Six—Oct 18, 2011**

- Potluck event with guest clients
  - environmental and conservation movement politics and players
  - the lawyer-client relationship; lawyer's role in campaigns

### **READINGS:**

- 5.1 Buchanan, Ruth & Trubek, Louise G. (pp 687-719) "Resistances and Possibilities: A Critical and Practical Look at Public Interest Lawyering." 19 *Review of Law and Social Change* 1992
- 5.2 Lopez, Gerald P. (pp 315-323) "An Aversion to Clients: Loving Humanity and Hating Human Beings" 31 *Harvard Civil Rights-Civil Liberties Law Review* 1996

## **Working with First Nations**

**Week Seven—Oct 25, 2011**

- Consideration of the particular challenges and opportunities of working with First Nation organizations and communities

### **READINGS:**

- 7.1 Taiaiake, Alfred. (pp 1-20, 41-65) *Peace, Power and Righteousness: An Indigenous Manifesto*. Oxford University Press 1999
- 7.2 Ross, Rupert. Ch 3 and 5 (pp 52-55, 101-130) *Returning to the Teachings*. Viking/Penguin 1996

## **Administrative Hearings: Rules and Strategy**

**Week Nine—Nov 1, 2011**

- Discussion of rules, tactics and strategies in administrative advocacy. Preparation for the advocacy exercise.

### **READINGS:**

- 8.1 Sandborn, Calvin. (pp 1-18) "Administrative Hearings" (Summarized from *Administrative Hearings Manual*. New England Training Consortium 2000)
- 8.2 EAB Procedure Manual: [http://www.elc.uvic.ca/clinic/readings/EAB\\_Proc\\_Manual\\_2011.pdf](http://www.elc.uvic.ca/clinic/readings/EAB_Proc_Manual_2011.pdf)

## **Advocacy Exercise: Office of the Environmental Appeal Board**

**Week Ten—Nov 8, 2011**

Will conduct moot of the facts contained in *TBA*

**READINGS:** *TBA*

## **Individual Interviews**

**Nov 15, 2011**

Students work on their ELC projects and meet with instructor and program administrator for individual file reviews.

**Assignment Due: Media Release Nov 18, 2011**

## **Working with Media**

**Week Eleven—Nov 22, 2011**

Review media rules and ethical, practical and strategic issues:

- workshop of student press releases by professional journalist
- media skills
- accessing information
- strategizing on how to work with the media

### **READINGS:**

10.1 Brown, David. (pp 283-325) "What Can Lawyers Say in Public?" 78 *The Canadian Bar Review* 1999 (also available on the Law Society of BC webpage under Practice Resources:

[http://www.lawsociety.bc.ca/practice\\_support/articles/docs/WhatToSayInPublic.pdf](http://www.lawsociety.bc.ca/practice_support/articles/docs/WhatToSayInPublic.pdf)

10.2 Ura, Michael. "Making the News: A Guide to Using the Media" West Coast Environmental Law Association website: <http://www.wcel.org/wcelpub/5122.html> ("Introduction", "What is News", "How News is Made" and "Tools for Using the Media")

10.3 Pattison, Holly. How to Write a Media Release

10.4 Brandes, Oliver. Using the Media to Reform the Law

**Assignment Due: DRAFT of Final Project Nov 25, 2011**

## **Transition Potluck Event**

**Week Twelve—Nov 29, 2011**

- project presentations
- discussion of transition to next session
- future projects and prospects and lessons learned

**Assignment Due: Final Project, Closing Letter & Exit Memo Dec 16, 2011**

## Key Points Summary

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1. This is a pass-fail course
2. There will be no exam
3. The requirements are:
  - Attendance at all twelve classes is mandatory, excusable only for medical, family or similar pressing reasons. Permission to miss a class should be obtained ahead of time from either the instructor or the Associate Dean. Unexcused absences may be grounds for failure;
  - Class preparation based on assigned readings (online and by handout);
  - Satisfactory completion of case/project memorandum or brief on a subject to be determined in consultation with the instructor;
  - Satisfactory completion of skills development assignments (*e.g.*, client interview; intake memo; retainer letter; waiver; advocacy moot, press release, transition memo or closing letter)
  - Satisfactory maintenance of the legal file on the case, with comprehensive recording of time devoted to case.

**NB: Both the client and instructor must be satisfied with the project before the student receives a grade. Note also that all assignments and all correspondence pertaining to legal issues or information MUST be approved by the instructor BEFORE being sent to the client.**

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**Calvin Sandborn** is available on campus most days. Email him at [csandbor@uvic.ca](mailto:csandbor@uvic.ca) or call 250-472-5248. Calvin's office is LIB 284.

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**Holly Pattison**, ELC Paralegal Program Administrator, can be contacted at [elc@uvic.ca](mailto:elc@uvic.ca), 250-721-8188 or visit Room LIB 288.

For examples of projects and other ELC work, see our website at [www.elc.uvic.ca](http://www.elc.uvic.ca).