

**Law 353: Environmental Law Centre Clinic**  
**Spring Term, 2012**

**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 Chris Tollefson ( <a href="mailto:ctollef@uvic.ca">ctollef@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:**

Except where otherwise noted, readings are available online

**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:**

Jan 20 (by 9am)

Jan 27

Feb 24

Mar 23

Mar 30

Apr 20

**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 –Jan 10, 2012**

- 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:
  - o conducting a client interview
  - o drafting an intake memo and presenting it to the ELC Board
  - o drafting retainer letter
  - o drafting a press release
  - o presenting a brief to the Environmental Appeal Board

## **Office Procedures and Client Interviews**

**Week Two – Jan 17, 2012**

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

**Assignment Due: Intake Memo & File Opening Form Jan 20, 2011 (9am)**

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

**Week Three – Jan 24, 2012**

- 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 Jan 27, 2012**

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

**Week Four – Jan 31, 2012**

- 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

## **Freedom of Information Overview**

**Week Five – Feb 7, 2012**

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

## **READING WEEK**

**Feb 13-17, 2012**

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

**Week Six – Feb 21, 2012**

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

## **Working with First Nations**

**Week Seven – Feb 28, 2012**

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

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

**Week Eight – Mar 6, 2012**

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

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

**Week Nine – Mar 13, 2012**

Will conduct moot of the facts contained in *TBA*

## **Individual Interviews**

**Week Ten – Mar 20, 2012**

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

**Assignment Due: Media Release Mar 23, 2012**

## **Working with Media**

**Week Eleven – Mar 27, 2012**

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

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

## **Transition Potluck Event**

**Week Twelve – Apr 3, 2012**

- 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.
  - Final papers/projects submitted must be of satisfactory quality, and must be submitted no later than the deadline set by the instructor, unless the instructor grants prior approval for delayed submission. Failure to comply will result in a grade of F.

**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.**

**Regulations:** Students should obtain and review all regulations and policies contained in the University of Victoria Calendar, 2010-2011 (“U Vic Calendar”), both generally and specifically for the Faculty of Law. The Undergraduate Academic Regulations of the UVic Calendar set out the University’s expectations about attendance and assignments (<http://web.uvic.ca/calendar2010/FACS/UnIn/UARe/index.html>).

**Classroom Climate:** An inclusive, respectful, and diverse classroom environment is crucial to our work in this course. To ensure that all class members feel welcomed and equally able to contribute to class discussions, both I as instructor and you as students must endeavour to be respectful in our language, our examples, and the manner in which we conduct our discussions. We have both an ethical and legal obligation to support this kind of environment (see the University’s Discrimination and Harassment Policy ([http://www.uvic.ca/shared/shared\\_usecc/docs/policies/GV0205\\_1150\\_.pdf](http://www.uvic.ca/shared/shared_usecc/docs/policies/GV0205_1150_.pdf)), and the Faculty is committed to promoting, providing and protecting a positive, supportive and safe learning and working environment for all its members. If you have any concerns about the climate of the class, please contact me.

**Academic Integrity:** As part of the academic community of both the Faculty of Law and the University as a whole, academic integrity is centrally important in the work of faculty and students. Please consult the University Calendar for policies respecting paraphrasing, plagiarism, and cheating. If you have any concerns or questions, or require clarification, do not hesitate to drop by my office or to send me an e-

mail. The policy on academic integrity can be found on the web at the following address:  
<http://web.uvic.ca/calendar2010/FACS/UnIn/UARe/PoAcI.html>.

**Students with a Disability:** If you have any type of disability, there are support systems, resources, and accommodation actions available to you. If you wish to access any of these supports, resources or accommodations, I encourage you to contact the Associate Dean or the Resource Centre for Students with a Disability (<http://rcsd.uvic.ca/about.html>) and I would be more than happy to work with you to ensure your success in this course.

**Accommodation of Religious Observances:** The University of Victoria and the Faculty of Law have policies guaranteeing accommodation for those students who are unable to participate in a class or an aspect of the course owing to a religious holiday. If you will be missing a class, know that you will be unable to complete an assignment or exam, or otherwise require accommodation on account of a religious holiday please speak with me so that we can work out some satisfactory form of accommodation.

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**Calvin Sandborn's** email address is [csandbor@uvic.ca](mailto:csandbor@uvic.ca) or call 250-472-5248. Calvin's office is LIB 284.  
**Chris Tollefson's** email address is [ctollef@uvic.ca](mailto:ctollef@uvic.ca). His office is 235 and the phone is 250-721-8170.  
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**Mark Haddock's** email address is [mhaddock@uvic.ca](mailto:mhaddock@uvic.ca) His office is LIB 286 and the phone is 250-721-8180.  
**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).