



## Memorandum

**Date:** December 16, 1997  
**To:** [Seminar Students]  
**From:** John-Mark Stensvaag  
**Re:** *Citizen Enforcement of Environmental Laws Seminar*

I am delighted that the eight of you have signed up for the Citizen Suit seminar. This memo addresses some preliminary matters.

### Enrollment

Please note that you will not be allowed to drop the course after the first class session on Friday, January 16, because that is when you will be given your first clients. If any one of you is thinking of dropping before then—leaving a spot for one of the people on the waiting list—please make all of our lives a lot easier by giving us plenty of warning. You may call me at home on this or any other detail concerning the course: 319-338-0524.

### What the Class is Like

I haven't had the chance to speak to each of you about what the course is like. You should know that each two-person student "team" will be required to submit 12 written assignments over a 13-week period beginning on January 28 and ending on April 22. Although the papers vary in length, they have been approximately 8 to 20 pages each in previous years. Each paper will be due by 11:00 p.m. on Wednesday; most of them must be simultaneously "served" on opposing counsel by the same deadline. After I have reviewed the papers and provided my written comments, the papers will be returned to you at or shortly before our Friday class. You will be given directions for the next assignment by the end of our class period each Friday. Thus, the labor intensive task of drafting and submitting papers must be accomplished between 1:30 p.m. each Friday and 11:00 p.m. on the succeeding Wednesday. The pay off is that there is no final exam in the course. I enclose a draft copy of this year's seminar assignment calendar so that you can get the feel of how the course works.

### Teams and Teammates

If you would like to find a teammate by speaking to classmates who have signed up for the course, you may do so and let me know how you have paired up. I realize, however, that finding a teammate can be awkward. If you are unable to contact one another for that purpose or don't land a teammate, just let me know and I'll draw up the remaining pairs. You can tell me about your chosen pairings as soon as you wish. I'd like to have all the pairings known before we have our first meeting, so please get the information to me no later than Tuesday of the first week of class (January 13th).

### **Readings**

There will be no formal assigned text for the class. You will almost certainly want to have the paperback set of *Selected Environmental Law Statutes* that we used for the Environmental Law course. Any version from approximately 1992 or later should be fine. If you tossed your prior copy, I hope you can track down a used copy at the ISBA bookstore. Let me know if you encounter a problem on this.

One good resource for understanding the issues and strategy concerns in citizen suits is M. AXLINE, ENVIRONMENTAL CITIZEN SUITS, a treatise that I am putting on reserve in the library. At some point early in the semester, you will want to read through the work, which runs to approximately 300 pages or so. You will never be tested on it, so read it for background and to help you see what you must look out for once you have been given your clients. At various stages in the course, you will probably return to the treatise for more specific guidance.

### **Computerizing the Course**

The seminar will be “computerized” through the electronic submission and “serving” of documents. Although you may not yet realize this, each of you may easily obtain an e-mail account at the university. You may send and receive e-mail with this account either on one of the student work stations in the library or from your home computer with a dial-up modem. Word processing documents (prepared with WordPerfect or with MicroSoft Word), can be transferred quickly and accurately between e-mail users. All documents in the course will be submitted to me and “served” on the other members of the class electronically. Compliance with the deadlines will be measured by the time at which the electronic submission was sent. If glitches occur, documents will be served and delivered on computer disks.

### **Closing Pep Talk**

For what it is worth, I envision the course as a hands-on, problem-solving enterprise, in which you will undertake the highly practical steps of deciphering environmental permits and monitoring reports, planning your strategy, and preparing and filing your complaint, answer, and various motions, all while keeping track of your billable hours. The “team” feature is designed to make it more fun and more educational by helping you to learn from one another, just as you will do with fellow attorneys throughout your professional lives.

I wish each of you a richly-deserved, pleasant winter break, and look forward to seeing you in January.

JMS:me

Enclosure