

Teaching a megacourse: adventures in environmental policy, team teaching and group grading

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The four authors discussed ways to teach together in various combinations a twelve-credit, two-semester-plus-summer-internship course that would include all the material taught in State and Local Government, Environmental Law and Administrative Law, and significant dollops from Advanced Legal Research, International Law, and Economics. They set out with four goals: providing significant practical experience which would introduce students to something more like the practice of law than the typical law school class; breaking the course material out of the conceptual boxes imposed by the traditional curriculum; having more than one teacher in the classroom at a time to ensure that half-baked theories would not go unchallenged or even unnoticed; and having more fun.

They chose as our focal points two problems, one for each semester. By focusing the course on the problems rather than on the law, they made the students see that the substantive regulation is only one of the tools lawyers use to resolve environmental issues. Lawyers must also understand who the actors are, what the actors' various interests might be, what the institutional actors' powers and authorities are and how the actors may use laws and procedures seemingly unrelated to environmental law.

The authors also assigned advanced legal research exercises during both semesters to give the students a chance to practise their skills outside the simulations. Finally, they assigned an individual research paper. By making research training part of our course, they hoped to get the students to realise the connections between research skills and substantive law.

In the fall, we assigned students to teams representing different parties in an administrative proceeding to site a low-level nuclear waste facility. We obtained most of the actual record of the proceeding. Students were asked to prepare a brief memo to their client outlining the proposed legal strategy, a prehearing brief and a posthearing brief. In addition, the student teams participated in a mock hearing. The spring exercise concerned student-conducted negotiations. Students submitted logs of the negotiators' time and a memo describing their negotiations strategy.

The authors used class time, not to discuss the simulations, but to teach students tools which they could use to solve the problems they would encounter in the simulations.

They created a schedule of lectures which would immediately introduce the students to the background substantive law covered by our first problem (state and local government law and environmental law), followed by a series of guest lectures by people involved in siting locally undesirable land uses - mainly nonlawyers - to give a client's perspective. Also included in this section were field trips to two generators of low-level nuclear waste to reinforce the client perspective.

At the end of the semester more theory was introduced, in the hope that it would give students some tools for considering the larger public policy issues raised by the first semester's problem. Since the simulations gave students the opportunity to synthesise and apply the substantive knowledge they learned in the course, the theory lectures were designed primarily to convey information.

After two years the decision was made to retire the course. The high institutional cost means that it cannot be offered annually and it is a significant commitment of resources to assign four teachers to a two-semester class with fewer than twenty students.

However, valuable lessons were learnt. The same ends were achievable with less expenditure of the teachers', the students' and the school's resources. Simulation is an excellent teaching tool for environmental law, especially when the simulation is tied to theory, the factual record is rich and complex, and the end product is graded. When these conditions are met, simulations give the students, over traditional classroom methods, an on-the-ground appreciation of the interaction of facts and law and how the two do not always meet, a centre of gravity for theory and a chance to practise research, writing and oral advocacy at a stage more advanced than their first year.

Although the lectures attempted to put the simulation in context, equally important to the big picture were the guest lectures and field trips. Those outside experiences offered a breath of reality that a classroom-only simulation misses and forced the students to communicate with nonlawyers. Furthermore, team teaching is better than going it alone, although it takes work.

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