

Excerpt from Renewable Energy Reader Teacher's Manual
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Appendix 17

Assignment Packet & Guidelines for Seminar Papers

The ultimate goal is to produce a publication quality paper and to learn a lot of substance both by writing your own paper and by closely reading and critiquing other students' work. There will be no final exam, so your class participation and your work on your seminar paper and your classmates' seminar papers will determine your grade as indicated below. The early part of the semester will constitute a survey of Energy Law to help you choose a topic for your paper, and the latter part of the semester will consist of seminar paper presentations and critiques.

Course Grade:

The course grade will have five components:

- | | |
|---|-----|
| 1) General class participation all semester | 10% |
| 2) Resume, Topic Ideas, Outline, and Presentation Version of your Seminar Paper & Defense and discussion of your paper in class | 10% |
| 3) Presentation and discussion of a classmate's paper | 10% |
| 4) Written comments on other classmates' Seminar Papers | 10% |
| 5) Final Seminar Paper | 60% |

Recommended texts re writing seminar papers:

Elizabeth Fajans & Mary R. Falk, Scholarly Writing for Law Students (Thomson West 4th ed. 2011)(It is also OK to use the 3rd ed. 2005.)

Eugene Volokh, Academic Legal Writing (Foundation Press 3rd ed. 2007)

ENERGY LAW—SPRING 2011

ASSIGNMENT PACKET

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About this packet:

This packet contains some general information about seminar papers and instruction sheets for each of the assignments in this course. I have set up separate drop-boxes for the assignments on TWEN so that you can submit them electronically in addition to submitting the paper copies as outlined in each of the instruction sheets. The course grade will be allocated as set out on the syllabus and as indicated below.

Due dates and late submissions: Each assignment is due at the date and time indicated in the instruction sheet. Because classmates will be relying upon your work, it is important that you meet these deadlines. Late submissions will result in points deducted, and if late enough, can cause you to fail the course. I reserve the right to determine if a late submission is excused and require that in all cases, if you are not going to turn in an assignment on time, you notify me in writing *before* the assignment is due.

Honor Code: The course is designed to provide you with significant assistance in preparation of your Seminar Paper: I will mark your outlines and drafts, and your classmates will provide you with oral and written comments. Aside from this input, any written work you submit must be yours alone without assistance such as outside sources, coaches, or editors (the sole exception is that you may seek help from the Sturm College of Law Writing Clinic if times are available). As I will be evaluating the work for your grade, it also is important that you properly quote and cite all sources you use. Please consult the law school Honor Code and talk to me if you have any questions.

1) General Class Participation (10% of course grade):

This component of the grade is described in the Course Syllabus & Policies available on the course TWEN page under “Syllabus.” Here is what that document says:

This course is a cooperative, discussion-oriented venture that will not work if I can not count on regular attendance and participation. You are expected to be prepared when called upon and to voluntarily make *quality* contributions to classroom discussion.

The syllabus on the course TWEN page will set out assigned readings for each class session, including materials linked to internet sites. You will be responsible for the assigned readings unless I have specifically announced otherwise both in class and on the course web page. We may have guest speakers throughout the semester, and your class participation grade also will depend upon your reading and engaging fully with the materials and discussion presented by these guests.

Because learning to articulate thoughts orally is an important skill for every lawyer, I will call upon each of you sometime during the semester to help you develop that skill. Although I will call on everyone, students who are interested in earning full classroom participation credit ultimately have the responsibility for volunteering in class. Furthermore, speaking frequently does not necessarily guarantee that you will receive full credit for class participation. In order to receive credit, students must make thoughtful and relevant classroom contributions to the issue under discussion.

Out of respect for your fellow students, please turn off your cell phones, pagers, text messengers, Blackberries, and other devices while in class. Also, it is disruptive to check e-mail or surf the Internet, *so during class, laptops may be used only for class-related purposes.*

Students who fail to follow these guidelines or who are unprepared, late, absent, or disruptive may be asked to leave the class or lose whatever classroom credit they might have earned during the semester. The penalties may not apply to students who offer me valid explanations for their lack of preparation or to students who offer me valid excuses for their absence *by email prior to class.* However, under ABA standards, you may fail the course if you miss more than twenty percent of the class sessions.

2) Resume, Topic Ideas, Outline, Presentation Version of your Seminar Paper, & Defense and discussion of your paper in class (10% of course grade):

What follows are separate assignment sheets for the five parts of this component of the grade:

- (1) Introduction Card and Resume (already submitted);
- (2) Topic Ideas;
- (3) Detailed Outline;
- (4) Presentation Version of your Seminar Paper; and
- (5) Defense of your Seminar Paper.

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Assignment—Topic Ideas

Purpose: The majority of your grade in the course will be based on your Final Seminar Paper. You have broad discretion in choosing a topic related to Energy Law, but it is important that you pick something that is manageable and that achieves the goals of the course. This assignment will allow me (1) to guide you in choosing an appropriate topic; (2) to schedule a date for the presentation of your paper; and (3) to assign a classmate to lead that presentation.

Due date: Beginning of class on Tuesday, February 17, 2011.

Submission information: Please submit a hard copy of this sheet to me at the beginning of class. Please also submit the assignment on TWEN.

Format: Please use this sheet as a template.

FULL NAME:

SCHEDULING PREFERENCES: I will randomly schedule the presentations so that you are not presenting your classmate's paper during the same day or week that your paper is being presented. Please indicate below if you have any scheduling considerations that make a particular week especially problematic for you. I cannot guarantee a date or time, but if you have a conflict, I will do my best to accommodate your needs.

TOPIC IDEA: Be as specific as you can be, but it is o.k. if you just use one or two words at this point and narrow the topic more later in the semester. You may list more than one topic, but if you do so, please number them in order of your priority of preference. Also include a preliminary list of source materials and tentative ideas that you plan to explore in your research and writing.

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Assignment—Detailed Outline of Seminar Paper

Purpose: A Detailed Outline is one of the best ways to flush out your ideas and to get organized. This outline should be for your own benefit but also should be specific enough to help me give you guidance and to provide the classmate who is assigned your paper with enough information to begin preparing for the presentation.

Due date: Beginning of class on Thursday, Feb. 24, 2011.

Submission information: Please prepare two hard copies of this assignment. Before class begins on March 1, hand in one copy to me and give the student who will be presenting your paper the other hard copy. Please also submit the assignment on TWEN.

Format:

- Although there is no maximum page limitation for the Detailed Outline, the minimum is 5 pages.
- The Detailed Outline must present logically and concisely your arguments and analysis, indicating your major sources of support.
- The Detailed Outline must be more than research notes strung together. It must have a thesis, if only on a trial basis. Ideally, when you are done with your

outline, you can say to yourself, “I’m done with my paper, now I just have to write it.”

- If you give me sketchy material, I won’t be able to help you. I may have to reduce your grade and ask you to redo it before I give you comments.
- You may present the outline as headings with draft text of complete sentences or just use words and phrases. The preferred structure is the Harvard Outline Form.

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Assignment—Presentation Version of Seminar Paper

Purpose: Although you will be receiving feedback on the Presentation Version of your Seminar Paper, you should not consider it a “draft.” The Presentation Version should be as final as you can make it at this point (papers presented earlier aren’t expected to be as polished as those presented later). If the Presentation Version is in a near-final form, the class discussion will be richer, and your classmates and I can give you more detailed feedback.

Due date: Beginning of class exactly one week before your scheduled presentation. Points will be deducted from the final grade for any papers that are so late they interfere with your classmate’s ability to present them.

Submission information: Please prepare two hard copies of this assignment. In the class exactly one week before our scheduled presentation, hand in one copy to me and give the student who will be presenting your paper the other hard copy. In addition to submitting it in the TWEN assignment drop box, you also must post it in the section of TWEN called “Seminar Papers” so that all of your classmates can read it and prepare their critiques.

Format: Although there is no maximum page limitation for the Presentation Version, the minimum is 10 pages of double-spaced text. Single-spaced endnotes should be in addition to and come after the text.

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Assignment—Defense of your Seminar Paper

Purpose: Communication is a critical skill, and too often writers believe they have communicated their ideas simply by presenting them in a method that makes sense to themselves. These writers forget that communication is not the message intended, but the message the audience actually receives.

I have structured this seminar to have another classmate present your Seminar Paper so you will have the benefit of not only seeing whether your paper successfully communicated your ideas to that classmate but also whether the remainder of the class is receiving your message as well.

The oral presentation of your Seminar Paper should allow you to test and clarify your ideas. By involving the entire class in the discussion, you will have the benefit of all of your classmates' insights and perceptions.

Due date: In class on the day a classmate presents your Seminar Paper.

Submission information: This assignment is oral and does not require any written submission.

Format: Although one of your classmates will be primarily responsible for presenting your Seminar Paper on the date assigned, you will be expected to participate for about 5 minutes of the class by discussing, clarifying, and defending your paper as the discussion allows.

3) Presentation and discussion of a classmate's Seminar Paper (10% of course grade):

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Assignment—Presentation and discussion of a classmate's Seminar Paper

Purpose: To improve your oral communication skills and to broaden your understanding of Energy Law topics beyond the one you chose for your Seminar Paper, you will be responsible for presenting the Seminar Paper of one of your classmates based on the Presentation Version he or she made available to you one week in advance ("Classmate's Paper").

Due date: The day that you are assigned to present your Classmate's Paper. The schedule of presentations will be posted by mid-February.

Submission information: Although most of this presentation will be oral, you must prepare at least one visual as part of this assignment. The visual may be in the form of a handout, a PowerPoint, or other form you may discuss with me beforehand. Please bring any hard copies you wish to distribute in class and submit the visual on TWEN at least one hour before the class.

Format: The primary form of this assignment will be an oral presentation to the entire class of your Classmate's Paper. You should gauge your presentation to take up the time assigned (I anticipate 2 presentations per class, so approximately 35 minutes for each). You may be penalized if your presentation is significantly shorter than that time, so prepare sufficient variety and depth of materials to fill the time.

You should expect to cover the following in your session: (1) The thesis of your Classmate's Paper; (2) Relevant background information; (3) Constructive feedback on the strengths and weaknesses of your Classmate's Paper; (4) Suggestions for the final version of the paper; and (5) Some interaction with the entire class on the materials you present. To receive the maximum credit for your presentation of your Classmate's Paper, you should not only describe what the author has written but also add your own work in the form of outside data, additional graphics, and restructuring suggestions. Also it is important to engage the class and to elicit class participation.

Remember that throughout this class our goal is to provide constructive feedback, so avoid any *ad hominem* attacks on your Classmate's Paper. Instead, try to present legitimate concerns with the information, logic, or presentation and provide suggestions for improving.

You should figure that the classmate whose paper you are presenting may have up to 5 minutes of the presentation time to respond to your comments. There is no expectation that you coordinate with this classmate before the class session, but you may do so if you wish.

4) *Written comments on all other classmates' Seminar Papers (10% of course grade):*

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Assignment—Written Comments on other classmates' Seminar Papers

Purpose: The research and writing process in this class will be very interactive. By reading other students' Presentation Versions, you will learn about different areas of Energy Law beyond the one you chose for your Seminar Paper. Also, by providing feedback to your classmates through this Written Comments assignment, you will learn critical reading skills and have additional opportunities to improve your writing.

Due date: Any student who is not presenting a paper or defending his or her own paper in one of the presentation sessions after spring break will be responsible for submitting at the beginning of class a short written critique of the seminar papers being presented on that day. I will distribute the schedule once the presentation schedule is set.

Submission information: Please submit the assignment on TWEN and also prepare one hard copy of this assignment. Give the hard copy to the student whose Seminar Paper is being presented that day. The author must keep all of the hard copies and include them in the final portfolio at the end of the semester. Do NOT give me a paper copy of the critiques at each class. I will be

looking at the portfolio versions at the end of the semester. However, to be sure I have a complete set of your critiques, please submit a cumulative electronic copy on TWEN at the end of the semester.

Format: Your Written Comments should be at least one full single-spaced page providing the following information:

- 1) Discussion of the strengths of the paper;
- 2) Discussion of the weaknesses of the paper; and
- 3) Constructive suggestions for the final version of the paper.

Your feedback must be substantive but may also give suggestions about organization, style, and mechanics. For some ideas about how to approach this assignment, *see* Elizabeth Fajans & Mary R. Falk, Scholarly Writing for Law Students, pages 164-84 (3d ed. pp. 153-71).

If you marked up a hard copy of the Presentation Version in preparation for your critique, you may give this to the author if you think it would be helpful, but you are not required to do so.

Remember that throughout this class our goal is to provide constructive feedback, so avoid any *ad hominem* attacks on your Classmate's Paper. Instead, try to present legitimate concerns with the information, logic, or presentation and provide suggestions for improving.

5) Final Seminar Paper (60% of course grade):

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Assignment—Final Seminar Paper

Purpose: The goal of this course is for you to learn substance by writing your own scholarly Seminar Paper that is of publication quality. The paper must be the product of original research and must go through the stages set out in the previous assignments. Although your Presentation Version should represent your best effort, expect to devote substantial time to additional research and rewriting based on the feedback you receive from my comments and from your classmates and me in the session focused on your paper. *See* Fajans & Falk, Scholarly Writing for Law Students, pages 80-103, 125-143 (3d ed. pp 74-96, 117-52).

Due date: The electronic and paper submissions must be made on TWEN and submitted to the faculty support personnel in Suite 455 by 4:00 P.M. on Wednesday, May 5. Points will be deducted from the final grade for every hour after this submission deadline.

Submission information: The final version of the Seminar Paper must be submitted electronically on TWEN by the date and time given above. In addition to the electronic version, please submit a folder with each of the following:

- 1) The final version of the Seminar Paper (in exactly the form submitted on TWEN —attempts to make any revisions after the deadline will be considered Honor Code violations);
- 2) The Presentation Version of the Seminar Paper marked up with my comments;
- 3) The Detailed Outline marked up with my comments;

4) All classmate critiques of the Presentation Version.

Format: Please make sure your name is on the first page of your Seminar Paper. The pages should be double-spaced, 12-point text, printed on both sides of the paper if possible. Each page should be numbered at the bottom right-hand corner of the page. You also should provide internal headings within the body of the paper.

Graphics: I encourage graphics in your papers. To avoid any confusion about the use of graphics and the page limits, however, you must put all graphics at the end of your paper, after your endnotes. Then, just label them and refer to them in the text (e.g., Illustration 1).

Length: Your Seminar Paper must be at least 10 pages in length. All citations should be included as single-spaced endnotes in addition to and after the text. A longer paper is no guarantee for a better grade, and the maximum page limitation is 30 pages unless you have petitioned for (and I have approved) additional pages at least two days before the due date. You will be graded on organization, style, and mechanics, as well as substance. Therefore, addition pages will not add anything if the writing is not clear and concise.

Reminders: Leave time to edit. “I have only made this letter longer because I have not had the time to make it shorter.” Blaise Pascal, (1623-1662) *Lettres provinciales*.

“You know that I write slowly. This is chiefly because I am never satisfied until I have said as much as possible in a few words, and writing briefly takes far more time than writing at length.”

Karl Friedrich Gauss (1777-1855)

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About Seminar Papers¹

In addition to my comments here, I suggest you consult the following book for general suggestions about how to research and write a seminar paper for a law class: Elizabeth Fajans & Mary R. Falk, *Scholarly Writing for Law Students* (4th ed. Thomson West 2011). Relevant reading assignments are indicated in the course syllabus and on these assignment sheets. This book is listed under the recommended texts for the course, and the Westminster Law Library has copies available on reserve for your use. You also may wish to consult Eugene Volokh, *Academic Legal Writing* (Foundation Press 3rd ed. 2007).

I will provide written feedback on the Detailed Outlines and Presentation Versions of your Seminar Paper as well as schedule office hours to discuss these with you as the timing allows. Finally, the reference librarians and the Writing Clinic are happy to provide help as they can.

¹ Many thanks to one of my mentors, Hiroshi Motomura of UCLA, for the initial template for this “About Seminar Papers” portion of the assignment.

General Information

The focus of your work in the course will be a Seminar Paper due at the end of the semester. This Seminar Paper, along with the assignments leading up to it, satisfy the law school's Upper-Level Writing requirement. Here is some general information about Seminar Papers to provide guidance.

I. Success in writing a seminar paper requires you first to consider the reasons for doing it.

A. It forces you to consider legal problems in a broader perspective and greater intellectual rigor—and thus to learn material in greater depth—than is possible in either a traditional course or a clinical or experiential setting.

B. It makes you a better “writer,” which I would define to extend beyond mere wordsmithing to the subtleties of converting ideas into expression and communication.

C. It is satisfying, enjoyable, and even fun.

II. Select a topic carefully, in a way that balances focus with flexibility, and then continually rethink that topic as you go.

A. Choose a topic in the area of Energy Law. Within that area, find a paper topic that is interesting and important enough to be worth your time and effort, yet something you can fully research and analyze in one semester and a minimum of 10 pages.

B. Familiarize yourself with the basic issues in the topic area. Locate and read the key articles and cases. You may need to explore several topic areas before you find one that will work.

C. A paper might discuss an important recent development, or analyze an area of law more generally (but make sure it is manageable in scope). A paper might seek to influence legal developments by suggesting reform, or by supplying a new framework for analysis of the topic.

D. Your work must be original, but don't avoid topics just because others have already addressed them. What counts is not being the first to write on a topic, but rather bringing your own original thoughts to bear on it. Often it is worthwhile to contribute a fresh perspective, especially in light of significant recent events.

E. Remember that any paper worth doing will be complex enough that your topic will be subject to constant adjustment and redefinition as you make progress. If, when you start, you can predict everything that you will read and write, your topic is probably too simple.

F. A good topic is flexible; it can expand, contract, or refocus as your work proceeds. In this sense, it is a direction of travel, not a fixed destination.

G. A good topic can present a meaningful challenge while remaining manageable in scope; typically this means that the topic is narrow enough to be manageable, yet deep enough to be meaningful.

H. Pick a topic that you care about; otherwise, you will lack the commitment to do a topnotch job.

I. You can get ideas for topics from many sources; these include course materials, current happenings (esp. significant new cases), and general books.

J. A good topic is internally balanced in several ways, esp. as between law and policy, and as between the descriptive and the normative.

K. A good paper need not make more than one original point.

L. Avoid topics that depend on events beyond your control (e.g., decisions in pending cases), or that pose practical obstacles to research (e.g., field work in Afghanistan).

III. Develop a reasonable schedule that balances progress with reflection and allows you to meet your other commitments.

A. Writing a good paper will take more time than you might estimate at first, especially the drafting and redrafting.

1. One reason for this is that it is difficult to anticipate the many areas for improvement that will become evident to you in later stages of the project, either through your own assessment or through the suggestions of others.

2. Another reason is that ideas for improvement will typically come to you during periods of “soak time” between active research and writing.

B. Assess your schedule carefully (week-by-week and for the entire semester) and block out time to work on the paper.

C. The research process is done most efficiently if blended with the writing process; the combined process should minimize “warm-up” time and maximize “writing fluency.”

1. It is hard to separate the research and writing phase cleanly; assume that your thesis will evolve and that your conclusions will have been unpredictable in retrospect.

2. Take notes by recording thoughts in a form usable in the draft rather than by taking “notes” as such; these recorded thoughts become your footnotes.

3. Writing footnotes as you go with full cites in proper form (including pinpoint citations to specific pages) avoids duplication of work.

4. Use footnotes (and text) to record rough thoughts and reminders to yourself; place brackets around rough material and unread sources as an embedded “to-do” list.

D. File written sources so you can retrieve them quickly, e.g., place all cases and secondary sources in separate folders (electronic or paper).

E. Start with rough outlines and fill them in selectively; keep everything in one document.

1. Some drafting as you go, e.g., mock introductions, helps you periodically crystallize your thoughts and guards well against over-research, but don't wordsmith too early (since that can be a way of putting off what you need to do).

2. Read just enough in your sources that you start to see repetition.

3. It is a good idea to separate the creative from the critical stages of your writing and to use your time according to your strength at the time. For example, if you are having trouble getting started, just write freely getting as many ideas down on

the page as you can. Then at another time you can come back and improve it through editing. Some tasks may work better for you at different times of the day, so get to know your habits, strengths, and weaknesses.

4. Avoid foolish consistency of method; you can stay fresh by alternating research and technical work with deep thought, depending on what your mood allows or requires.

F. Your very first draft (as opposed to the Presentation Version for seminar discussion) should be very rough or even embarrassing.

1. If you can clearly see the end at the beginning, the project probably is not worth it; have faith that you will succeed in the end, even if in an unexpected way.

2. Organizing the pieces into a coherent whole is often the most intellectually demanding—but also the most rewarding—part of writing.

3. Much of a good article is simple exposition; much of an idea is in the telling.

G. Think about what you would do to finish the draft in one week; you won't always do those things first, but this will help you set work priorities.

H. For the draft that you submit for the Presentation Version, concentrate on what will maximize the value of the suggestions that you will get; if necessary, defer those revisions that won't help others give you valuable feedback; compare "discussion quality" with "final draft quality."

IV. Get help from other seminar participants.

A. Talk to them about your ideas; ask for suggestions.

B. Listen carefully while your paper is being discussed.

1. You might want to record the session, so that you can participate without worrying about taking notes.

2. While discussion may occasionally go off on a tangent, you can still listen for ways to improve the paper.

3. Some possible areas of improvement will emerge as explicit suggestions.

4. For other suggestions, you will need to read between the lines; for example, listen for readers' confusion or misunderstanding, and try to pinpoint the cause.

C. Consider meeting individually with your discussant to get further feedback before or after the class on your Presentation Version.

D. Don't take constructive criticism personally, and don't get discouraged if the suggestions seem overwhelming in number or content.

I. As long as you leave enough time for revisions, they are always easier and more satisfying than earlier stages of the process.

II. Don't follow suggestions blindly; think seriously about them; reject them if you have a good reason for doing so.

III. Suggestions consist of two parts: a perceived problem and a proposed

solution; you will often decline the proposed solution, but if you do so, don't assume that the problem does not exist—just find a solution that is better.

IV. Be skeptical of suggestions that really propose material or revisions for papers that are different from the paper that you have actually set out to write.

IV. Keep a healthy overall perspective on the process.

A. Think again about the reasons for writing a seminar paper.

B. Combine and balance motivation drawn from how others will perceive your work with motivation drawn from the joy of pure craft.