

**APPELLATE ADVOCACY (For Extramural Contest Participants)**  
**Fall 2009 – Friday, 10 a.m.-11:50; Rm. 122**

**Textbooks:** Berry, *Effective Appellate Advocacy*, 3d ed. (2003)  
Scalia & Garner, *Making Your Case: The Art of Persuading Judges* (2008)

**\*Friday, Aug. 21, 2009 – Lecture Class #1** – Introduction – Rules Governing Preparation of Appellate Briefs – FRAP, Supreme Court Rules, Moot Court Contest Rules. Pre-Argument Sections of the Brief: Statement of Issues or Questions Presented; Statement of the Case and Statement of Facts (discuss differing FRAP and S.Ct. approaches).

*Reading: Effective Appellate Advocacy*, pp 1-13, 30-45,46-58, 65-79, 84-102; Supreme Court Rules 24 & 34 at pp. 227-229 239-240; skim sample briefs at pp. 309ff. (in back of book); *Making Your Case*, pp. 82-97

**\*Friday, Aug. 28, 2009 – Lecture Class #2** -- The Argument.—Discussion of summary of argument and argument; writing style and editing points

*Reading: Effective Appellate Advocacy*, pp. 102-132; re-skim sample briefs at pp. 309ff.; *Making Your Case*, pp. 1-82, 97-137

**Friday, Sept. 4, 2009** – Individual Team Meetings  
**Friday, Sept. 11, 2009**—Individual Team Meetings

**\*Friday, Sept. 18, 2009 – Lecture Class #3** -- Oral Argument Class for Students Doing early semester arguments – Discuss Oral Argument Techniques and Preparation; View and Critique Video of Moot Court contest(s)

*Reading: Effective Appellate Advocacy*, pp. 133-199; *Making Your Case*, pp. 137-205.

**Friday, Sept. 25, 2009** – Individual Team Meetings/Practice Contest Arguments  
**Friday, Oct. 2, 2009** – “  
**Friday, Oct. 9, 2009** – “  
**Friday, Oct. 16, 2009** –  
**Friday, Oct. 23, 2009** –  
**Friday, Oct. 30, 2009** – Individual Team Meetings/Practice Contest Arguments  
**Friday, Nov. 6, 2009** - “  
**Friday, Nov. 13, 2009 or Fri. Nov. 20, 2009** – Contest debriefings and discuss final assignments

\* Dates of Lectures 1-3 may be shifted to suit contest schedules. Other times will be used as needed for practice arguments and meetings.

## Appellate Advocacy – Fall Semester '09

### Assignment Checklist

Below are the required components of the course as they relate to computation of each student's final grade. Weights may be altered with prior notice.

**1. Final Contest Brief (40%) \_\_\_\_\_**

*Each member of the team preparing the brief will be assigned the same grade, unless contest rules require team members to work separately on different parts of the brief, in which case grades will be based on sections prepared individually by each student.*

**2. First Practice Argument (15%) \_\_\_\_\_**

**3. Second Practice Argument (25%)**

*Each student will participate in a minimum of two faculty-judged practice arguments before the contest.*

**4. Critique of Another Team's Brief (10%) \_\_\_\_\_**

*Each student will be assigned to prepare a 3-5 page critique of another team's brief, utilizing the criteria discussed in class and in the assigned readings. Due dates will be staggered in order not to interfere with contest preparation. Each student will provide a copy of the completed critique to both the instructor and to the authors of the subject brief.*

**5. "Class Participation" (10%) – This includes various non-graded but essential course components, in particular:**

\_\_\_\_ Participation in prebriefing meeting with instructor to discuss contest rules and other matters.

\_\_\_\_ Submission of outline of contest brief per schedule agreed to at prebriefing meeting.

\_\_\_\_ Submission of rough draft of brief per schedule.

\_\_\_\_ Submission of contest post-mortem.

*(After the contest, each student, or a team jointly, must submit a report on the contest to include at least (1) results achieved by the team; (2) assessment of caliber of the judges and other contestants; (3) assessment of quality of arrangements made by the hosting organization; and (4) recommendations re future participation and advice for future participants. These evaluations will be compiled and made available to future years' students.)*

\_\_\_\_ Participation in scheduled class sessions, including mootings of other teams.