Introduction:
The course will focus on the practical aspects of appearing before the Federal Circuit. It will discuss the history of the Federal Circuit, the purpose of its creation, its jurisdiction, and rules of practice. It will include brief writing and oral argument. In addition, the course will discuss the practical inner-workings of the Federal Circuit.

Course Materials:
We will not use a casebook for this course. Rather, we will use materials collected by us on the various topics that we will cover. We will provide a copy of the materials to each student during the first class.

Class Schedule:
All classes (except for one) will meet in Hazel Hall (Room 123) from 6:00 to 7:50 PM on Mondays. One class will be held at the Federal Circuit (as noted below). Please note that there will be no class on January 16th, March 12th, or April 9th. In addition, we may have conflicts with out-of-town travel. We will always warn in advance and will get a substitute, if possible.

Class Attendance:
The Law School’s regulations require regular and punctual attendance. As such, we will take attendance every class and will expect regular attendance. Obviously, there may be instances when you will have to miss class. We ask that you inform one of us in advance that you will be missing a class (to the extent you know).

Grade:
There will be no exam in this course. Rather, your grade will be based on your writing ability and oral advocacy skills, as those are the two things that make one a good advocate before the Court. Your writing ability will be judged by the briefs you submit (we will discuss this more during class); your oral skills will be judged through the oral argument, as well as class participation. Specifically, the grade will be broken down as follows:

- Briefs: 70%
- Oral Argument: 20%
- Class Participation: 10%

Syllabus:
Please see attached.
# FEDERAL CIRCUIT PRACTICE SEMINAR (LAW 437)

## SPRING 2012

<table>
<thead>
<tr>
<th>Topic</th>
<th>Date</th>
<th>Assignment</th>
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<tbody>
<tr>
<td><strong>I. Introduction/Background</strong></td>
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<tr>
<td>A. About the Court</td>
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<tr>
<td>B. History/Purpose/Creation of the Federal Circuit</td>
<td>January 9</td>
<td>Read R19-R75</td>
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<td>C. Types of cases heard by the Federal Circuit</td>
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<td>Skim R1-R18</td>
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<td>D. State of the Court</td>
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<tr>
<td><strong>II. Practical Aspects of Appearing Before the Federal Circuit</strong></td>
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<tr>
<td>A. Overview of an appeal (from filing to decision)</td>
<td>January 23</td>
<td>Read R76-R130B</td>
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<td>o How are cases decided?</td>
<td>Read Rule 32.1</td>
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<td>B. Binding precedent on the Federal Circuit</td>
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<tr>
<td>o Precedential v. Non-Precedential Opinions</td>
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<td>o Regional v. Federal Circuit Law</td>
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<td><strong>III. Pre-Appeal Procedures</strong></td>
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<tr>
<td>A. Preserving Issues for Appeal</td>
<td>January 30</td>
<td>Read Rules 3, 38 &amp; R131-R172</td>
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<td>o Rule 3 – Notice of Appeal</td>
<td>Skim R173-R278</td>
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<td>B. What Issues to Appeal</td>
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<td>o Law v. fact</td>
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<td>o Standard of review</td>
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<td><strong>IV. Motions Practice &amp; Federal Circuit’s Mediation Program</strong></td>
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<td>o Rule 27 – Motions and Responses</td>
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<td>Read Rule 27 &amp; Handouts on Motions Practice &amp; Mediation</td>
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<tr>
<td><strong>V. Briefing a Case Before the Federal Circuit</strong></td>
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<tr>
<td>A. Review Problem for Moot Appeal</td>
<td>February 6</td>
<td>Review problem, conduct research, and be prepared to discuss issues</td>
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<td>o Review facts/issues</td>
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<td>o Assignments - Appellants/Appellees</td>
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</table>
### B. Techniques for Drafting Opening Briefs

### C. Review Sample Briefs

### D. Federal Circuit Rules
- Rule 28 – Briefs
- Rule 30 – Appendices
- Rule 31 – Filing and service of briefs
- Rule 32 – Form of briefs, appendices, & other papers

- February 13
  - Read R279-R295 & the Rules mentioned under the Topics Tab
  - Skim Sample Briefs

### E. Guest Lecture on Writing Briefs

- February 20
  - Detailed Outlines for Briefs due on February 24th at 6 P.M.

### F. Conferences to discuss outlines for briefs

- February 27
  - Come prepared to ask any questions about briefing

### VI. Oral Argument Before the Federal Circuit

#### A. Basics of Oral Argument before the Federal Circuit

- March 5
  - Read Rule 34 & R296-R299

#### B. Guest Lecture on Oral Arguments

- March 19
  - None

#### C. Review and Discuss Briefs/Issues of a Case to be Heard During The April Term

- March 26
  - Read briefs and be ready to discuss issues raised

#### D. Observe Oral Argument at the Federal Circuit
  (Note - This class will be held at the Federal Circuit)

- Week of April 2
  - Continue to work on brief

#### E. No Class This Week - Briefs Due

- April 9
  - Briefs due on April 11th at 6 P.M.

### VII. Oral Arguments

- Oral arguments will be judged by attorneys who practice before the Federal Circuit, former law clerks, and/or judges

- April 16
  - Prepare for oral argument

- April 23

### VIII. Miscellaneous Topics

#### A. Emergency appeals & petitions for extraordinary writs

- If we have time

#### B. Petitions for rehearing