

LRWA III - Appellate Writing

****PLEASE NOTE: THE FIRST WEEK SESSION OF THIS COURSE WILL BE A LARGE GROUP CLASS TAUGHT BY DEAN ATKINS. Sections 098-09 and 098-10 will meet Thursday, August 22 at 8:10pm. All other sections will meet Friday, August 23 at 5:30pm.****

In this two-credit course, you will refine your persuasive writing skills by writing two complete appellate briefs. You will work on a single case, first as counsel for appellant and then as counsel for appellee. You will conduct legal research and draft briefs as you would in practice. We expect you to behave professionally, demonstrating responsibility and initiative in your class sessions, individual meetings, and written assignments.

At the conclusion of this course, you should:

- understand how to comply with the Federal Rules of Appellate Procedure and local rules;
- effectively research and think critically about legal issues;
- effectively choose and frame legal arguments in the appellate context;
- understand and recognize various persuasive writing techniques;
- apply persuasive writing techniques in writing appellate briefs; and
- effectively critique and edit your own work and the work of others.

Textbook

The required textbook for this course is Joan M. Rocklin et al., An Advocate Persuades (Carolina Academic Press) (Second Edition), the same book you used in your LRWA II course. You also need access to the Federal Rules of Appellate Procedure. We expect you to follow the Bluebook citation rules for practitioners in your written work product.

TWEN

Please register on TWEN for **two TWEN pages**:

- LRWA III Appellate Writing (All Students),
- Your section's TWEN page ("LRWA III Appellate Writing ([Professor Name])").

You are responsible for knowing all information posted on the two TWEN pages throughout the semester. You may not join the TWEN page of a section that is not yours. Your section's TWEN page is where you will submit assignments. It is also where your professor will communicate with you regarding requirements specific to your section. A list of section is on page 3 of this syllabus. The course calendar begins on page 4 of this syllabus.

Collaboration & Use of Artificial Intelligence

All projects this semester are individual projects. You may not request or accept editing or proofreading assistance from any person except at the express direction of your professor or the director of the program.

You may freely discuss with others the record in the case, legal research techniques and results, caselaw, statutes, secondary sources, and how the law applies to the facts of our case. The legal

substance of the assignments is fair game for discussion – and discussion is encouraged – but your written work product must be yours alone.

Use of Extractive Artificial Intelligence tools such as Lexis, Westlaw, Bloomberg, FastCase, HeinOnline, and similar legal research databases is allowed. To the extent that these services include enhanced Generative AI research tools, you may use those for research.

Use of electronic spelling and grammar check tools integrated into Microsoft Word is allowed.

Use of Generative Artificial Intelligence tools such as ChatGPT, Gemini, Claude, CoCounsel, Cecilia, Logikbot, Harvey, Lexis AI, LawDriod Copilot, and Spellbook for the purposes of drafting your written work product is prohibited. You may not use these or similar tools to write any part of your submitted projects. During the semester we will discuss the use of Generative AI by lawyers in practice. The Director may authorize the use of a particular tool during the course for a particular purpose. Any such authorization will be communicated in class and in writing via TWEN.

Written Assignment Requirements & Naming Conventions

For each written project, you must submit a Microsoft Word (.doc/.docx) file conforming to all requirements of the project memo. **Each must include the following information**, centered as a header on a single line on every page and using the same font as the body of your project: [Semester Identification] [Instructor Name] [Project Number] [AGN]. For example, a student submitting the Final Appellant’ Brief (P3) in Prof. Atkins’s section would use the following:

Fall 2024 Atkins P3 637A92V

For **all** submissions, **use this same header text to name your file**. All submissions must contain page numbers on each page in the same font as the body of the project.

Failure to comply with these requirements will be reflected in your grades.

AGN Requirements and Grading

Your research report is graded on an “Expanded Pass/Fail” basis. All other projects are graded on a six-point scale, for which you will use Anonymous Grading Numbers (AGNs). AGNs must be exactly seven characters, must not form a discernable word or phrase, and must not form a discernable pattern when viewed in combination with your other AGNs. **You must create and submit your AGNs for all projects using the link provided on the All Students TWEN page before 6:00 pm on Friday, September 6.**

You will also be graded on your professionalism throughout the semester. The professionalism evaluation includes: your completion of and performance on in-class or out-of-class assignments and course projects; indices of preparation, attention, and focus during class and in your written work product; and interaction with classmates and your professor during class.

It also includes your interactions with your professor, the director of the program, or any other administrator outside of class. The chart below lists the graded projects and their weight.

Description	Grading Method	Weight
P1 - Presentation of initial research results and follow up communication	Expanded Pass/Fail	5%
P2 - Draft Partial Appellant's Brief (Issue Statements; Statement of the Case, Point Headings)	0-6 point scale	15%
P3 - Final Appellant's Brief (Issue Statements, Summary of the Argument, Statement of the Case, Full Argument)	0-6 point scale	25%
P4 - Draft Partial Appellees' Brief (Issue Statements, Statement of the Case, Point Headings)	0-6 point scale	15%
P5 - Final Appellees' Brief (Issue Statements, Summary of the Argument, Statement of the Case, Full Argument with appropriate cover, tables, and certificates)	0-6 point scale	35%
Professionalism	0-6 point scale	5%

Appellate Writing Sections

Day	Time	Section Number	Professor	Room
Tuesday	9:50am	98-01	Atkins	
Tuesday	4:00pm	98-02	Figueroa	
Tuesday	6:05pm	98-03	Levy	
Wednesday	8:30am	98-04	Wright	
Wednesday	9:50am	098-05	Barnes	
Wednesday	6:05pm	098-06	Warren	
Thursday	9:50am	098-07	Hemmer	
Thursday	6:05pm	098-08	Martinez	
Thursday	8:10pm	098-09	Wagstaff	
Thursday	8:10pm	098-10	Robins	
Friday	8:45am	098-11	Pusateri/Crosswell	

Course Calendar

This course calendar lists the general weekly class topics and class assignments applicable to all sections, which are subject to change during the semester. Any changes will be communicated to you via TWEN. In addition, each section may have additional class assignments or may change the order of topics at the discretion of the Professor. You are responsible for knowing your section-specific requirements.

Class Week/ Due Date	Assignments to be Completed Before Class	In Class Topics
<p>First Week</p> <p>Combined Sessions:</p> <p>August 22 (sections 098-09 and 098-10)</p> <p>August 23 (all other sections)</p>	<p>Read: Fall 2024 Syllabus & Appellate Writing Rules (on TWEN)</p> <p><u>An Advocate Persuades</u>, Chapter 9</p> <p>Fed. R. App. P. 3, 4, 10, 11, 28, 32 & related local rules</p> <p>The Record (on TWEN beginning August 12)</p> <p>P1 – Initial Research Project Memo (on TWEN beginning August 12)</p> <p>P2 – Draft Appellant’s Brief Memo (on TWEN beginning August 12)</p>	<p>Introduction to Appellate Writing</p> <p>Appellate Procedure</p> <p>Our Case</p> <p>Research</p> <p>Writing Process, Time Management, and Technology</p>
<p>Second Week</p> <p>Week of August 26</p>	<p>Read: Week 2 Reading (posted on TWEN)</p> <p>Be prepared to discuss how the briefs use (or do not use) <i>logos</i>, <i>pathos</i>, and <i>ethos</i>. (If you need a refresher on these concepts, please review <u>An Advocate Persuades</u>, Chapter 1 which was assigned last semester.)</p> <p>Read: <u>An Advocate Persuades</u>, Chapter 4 Themes for Persuasive Arguments</p>	<p>Appellate Strategy</p> <p>Rhetoric Theme Framing</p> <p>Our case</p> <p>Issue Statements Point Headings</p>

Third Week Week of September 2	Students meet individually with their instructor to discuss their research and their appellate strategy. *Because the school follows a Monday schedule on 9/4, professors and students in Wednesday sections will need to arrange alternate times for their meetings.*	
Fourth Week Week of September 9	Read: Week 4 Reading posted on TWEN	Storytelling Statement of the Case
Fifth Week Week of September 16	Read: Week 5 Reading posted on TWEN	Persuasive Techniques Correct and complete attribution Understanding and incorporating feedback
Sunday, September 22 – Draft Brief Due	Submit your Draft Partial Appellant’s Brief before 11:00 p.m. on Sunday, September 22.	
Sixth Week Week of September 23	Read: Week 6 Reading posted on TWEN P3 – Final Appellant’s Brief Project Memo	Persuasive Techniques Summary of the Argument Effective use of AI in brief writing and editing
Seventh Week Week of September 30	Read: Week 7 Reading posted on TWEN <u>An Advocate Persuades</u> , Chapter 11 Listen: Oral Arguments – links posted on TWEN	Counterargument techniques in briefs Oral advocacy
Eighth Week Week of October 7	Students meet individually with instructors to discuss feedback on their draft brief.	

Sunday, October 13 – Final Brief Due	Submit your Final Appellant’s Brief before 11:00pm on Sunday, October 13.	
Ninth Week Week of October 14	Read: Week 9 Reading posted on TWEN P4 – Draft Appellees’ Brief Project Memo (On TWEN) P5 – Final Appellees’ Brief Project Memo (On TWEN)	Appellee briefs Techniques for effective response briefs
Sunday, October 20 Appellant’s Brief Released		
Tenth Week Week of October 21	Read: Appellant’s brief Week 10 Reading posted on TWEN	Discussion of Appellant’s brief Persuasive Techniques
Eleventh Week Week of October 28	Students participate in their section’s oral argument.	
Sunday November 3, Draft Brief Due		
Twelfth Week Week of November 4		Review of persuasive techniques Professional formatting and other formalities
Thirteenth Week Week of November 11		Professor’s Choice
Sunday, November 24 Appellee’s Brief Due	Appellees’ Brief Due before 11:00 p.m. November 24.	