

## **LRWA III - Appellate Writing**

In this two-credit course, you will refine your persuasive writing skills by writing two appellate briefs. You will work on a single case, first as counsel for appellant and then as counsel for appellees. You will conduct legal research and draft briefs as you would in practice.

As in practice, good time management is critical success in this course. We expect you to behave professionally, demonstrating responsibility and initiative in your class sessions, individual meetings, and written assignments. We encourage you to begin your research immediately. The sooner you start your research and thinking, the sooner you can start writing and the better your written work will be.

The list of sections is on page 4 of this syllabus. The course calendar, which includes assignments and topics for each week, begins on page 5.

### **Learning Outcomes**

At the conclusion of this course, you should be able to:

- thoroughly 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;
- effectively critique and edit your own work and the work of others;
- create and follow a realistic brief-drafting schedule;
- understand and comply with the Federal Rules of Appellate Procedure and local rules.

### **Textbook & Reading Material**

The textbook for this course is the same book used in LRWA II, Joan M. Rocklin et al., An Advocate Persuades (Carolina Academic Press) (Second Edition), although the number of textbook reading assignments is limited. You are expected to have read most of the book during LRWA II. If you are new to Scalia Law, you may need to review the previously assigned chapters. A list of those is provided on Canvas.

Most of the reading required by this course consists of the case file and the secondary sources, cases, and statutes found in your own research.

Additional required reading will be posted for you on Canvas.

You are also expected to have access to the Federal Rules of Appellate Procedure, the applicable local court rules, and the practitioner's citation rules from the Bluebook.

We also recommend the following as resources:

- Richard Wydick & Amy Sloan, Plain English for Lawyers (7th ed. 2024) (or any earlier edition) (electronic version free through Lexis Study Aids)
- Bryan A. Garner, The Winning Brief (3d ed. 2014)
- Ross Guberman, Point Made (2d ed. 2014)

## Canvas

The syllabus, rules, and all other course material is posted on Canvas. You are responsible for knowing all information posted on Canvas throughout the semester. Your section's Canvas page is where you will submit assignments. It is also where your professor will communicate with you regarding requirements specific to your section.

## Collaboration & Use of Artificial Intelligence

All projects this semester are individual projects. 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**. Accordingly, 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.

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 and brainstorming.

You may use spelling and grammar check tools integrated into Microsoft Word.

Use of Generative Artificial Intelligence tools such as ChatGPT, Cecilia, Claude, CoCounsel, Logikbot, Harvey, 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. **A violation of this rule is a violation of our academic standards and violators will be subject to disciplinary action.**

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 for a particular purpose. Any such authorization will be communicated in class and in writing via Canvas.

## 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**, 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's Brief (P3) in Prof. Atkins's section would use the following:

Fall 2025 Atkins P3 637A92V

**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 Canvas before 6:00 pm on Friday, September 5.**

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 quizzes, 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 various graded aspects of this course.

| Description                                                               | Grading Method     | Weight |
|---------------------------------------------------------------------------|--------------------|--------|
| P1 - Presentation of initial research results and follow up communication | Expanded Pass/Fail | 5%     |
| P2 - Draft Partial Appellant's Brief                                      | 0-6 point scale    | 15%    |
| P3 - Final Appellant's Brief                                              | 0-6 point scale    | 25%    |
| P4 - Draft Partial Appellee's Brief                                       | 0-6 point scale    | 15%    |
| P5 - Final Appellee's Brief                                               | 0-6 point scale    | 35%    |
| Professionalism                                                           | 0-6 point scale    | 5%     |

### Appellate Writing Sections

| Day       | Time    | Section Number | Professor | Room |
|-----------|---------|----------------|-----------|------|
| Tuesday   | 9:50am  | 098-001        | Atkins    |      |
| Tuesday   | 9:50am  | 098-011        | Kolaitis  |      |
| Tuesday   | 6:05pm  | 098-007        | Levy      |      |
| Tuesday   | 6:05pm  | 098-008        | Green     |      |
| Wednesday | 9:50am  | 098-002        | Barnes    |      |
| Wednesday | 9:50am  | 098-003        | Hemmer    |      |
| Wednesday | 6:05pm  | 098-013        | Martinez  |      |
| Wednesday | 6:05pm  | 098-014        | Gore      |      |
| Thursday  | 9:50am  | 098-004        | Bayram    |      |
| Thursday  | 6:05pm  | 098-012        | Perry     |      |
| Thursday  | 8:10pm  | 098-009        | Wagstaff  |      |
| Thursday  | 8:10pm  | 098-010        | Robins    |      |
| Friday    | 10:30am | 098-005        | Driscoll  |      |
| Friday    | 1:50pm  | 098-006        | Branch    |      |

## 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 Canvas. 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. **We encourage you to begin your research immediately.**

| Class Week                              | Reading and Drafting Assignments to be Completed Before Class                                                                                                                                                                                                                                                         | In Class Topics                                                                                                                                      |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| First Week<br><br>Week of<br>August 18  | <b>Read:</b><br>Syllabus<br><br>Rules<br><br><u>An Advocate Persuades</u> , Chapter 9<br><br>Fed. R. App. P. 3, 4, 10, 11, 28, 32 & related local rules<br><br>The record in our case, <i>Landry v. Virginia Valley University</i><br><br>P1 - Initial Research Project Memo<br><br>P2 – Draft Appellant’s Brief Memo | Introduction to Appellate Writing<br><br>Appellate Procedure<br><br>Our Case<br><br>Research<br><br>Writing Process, Time Management, and Technology |
| Second Week<br><br>Week of<br>August 25 | <b>Read:</b><br>Week 2 reading packet provided on Canvas<br><br><u>An Advocate Persuades</u> , Chapter 4<br>Themes for Persuasive Arguments                                                                                                                                                                           | Appellate Strategy<br><br>Rhetoric – Logos, Pathos, Ethos<br>Theme<br>Framing<br><br>Our case<br><br>Issue Statements<br>Point Headings              |
| Third Week                              | Students meet individually with their instructor to discuss their research and their appellate briefing strategy. Students should bring work product                                                                                                                                                                  |                                                                                                                                                      |

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| Week of<br>September 1                                                                                                                      | reflecting their research and their preliminary argument outline. *Because the school follows a Monday schedule on September 3, professors and students in Wednesday sections will need to arrange alternate times for their meetings.* |                                                                                           |
| Fourth Week<br><br>Week of<br>September 8                                                                                                   | <b>Read:</b><br><br>Week 4 reading packet provided on Canvas                                                                                                                                                                            | Storytelling<br><br>Statement of the Case                                                 |
| <b>Sunday, September 14 – Draft Due</b><br>Submit your Draft Partial Appellants’ Brief <b>before 11:00 p.m.</b> on Sunday, September 14.    |                                                                                                                                                                                                                                         |                                                                                           |
| Fifth Week<br><br>Week of<br>September 15                                                                                                   | <b>Read:</b><br><br>P3- Final Appellant’s Brief Project Memo<br><br>Week 5 reading packet provided on Canvas                                                                                                                            | Persuasive Techniques in writing appellate arguments                                      |
| Sixth Week<br><br>Week of<br>September 22                                                                                                   | <b>Read:</b><br>Week 6 reading packet provided on Canvas                                                                                                                                                                                | Persuasive Techniques<br><br>Argument and counter argument<br><br>Summary of the Argument |
| Seventh Week<br><br>Week of<br>September 29                                                                                                 | Students meet individually with their instructor to discuss their appellant’s brief.                                                                                                                                                    |                                                                                           |
| Week of<br>October 6                                                                                                                        | <b>CLASSES DO NOT MEET</b>                                                                                                                                                                                                              |                                                                                           |
| <b>Sunday, October 12 – Final Appellant’s Brief Due</b><br>Submit your Final Appellant’s Brief <b>before 11:00pm</b> on Sunday, October 12. |                                                                                                                                                                                                                                         |                                                                                           |
| Eighth Week<br><br>Week of<br>October 13                                                                                                    | <b>Read:</b><br>Week 8 reading packet provided on Canvas                                                                                                                                                                                | Appellee briefs<br><br>Techniques for effective response briefs                           |

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|                                                                                                                                                                                 | P4 - Draft Appellees' brief Project Memo<br><br>P5 – Final Appellees' brief Project Memo | Oral argument<br><br>Using AI in practice                                            |
| Ninth Week<br><br>Week of October 20                                                                                                                                            | <b>Read:</b><br><br>Appellant's Brief                                                    | The arguments in the case<br><br>Appellees' strategy                                 |
| Tenth Week<br><br>Week of October 27                                                                                                                                            | <b>Read:</b><br><br>Week 10 reading packet provided on Canvas                            | Appellate Arguments                                                                  |
| <p style="text-align: center;"><b>Sunday November 2 – Draft Appellees' Brief Due</b><br/> Submit your Draft Appellees' Brief <b>before 11:00 p.m.</b> on Sunday, November 2</p> |                                                                                          |                                                                                      |
| Eleventh Week<br><br>Week of November 3                                                                                                                                         | In class oral arguments                                                                  |                                                                                      |
| Twelfth Week<br><br>Week of November 10                                                                                                                                         | <b>Read:</b><br><br>Week 12 reading packet provided on Canvas.                           | Review of persuasive techniques<br><br>Professional formatting and other formalities |
| Thirteenth Week<br><br>Week of November 17                                                                                                                                      |                                                                                          | Professor's Choice                                                                   |
| <p style="text-align: center;"><b>Tuesday, November 25 Appellee's Brief Due</b><br/> Submit your Appellee's Brief <b>before 11:00 p.m.</b> Tuesday, November 25.</p>            |                                                                                          |                                                                                      |