

LRWA III - Appellate Writing

In this advanced persuasive writing course, you will review a case record, conduct independent legal research, build arguments, and write two appellate briefs – first as appellant’s counsel and then as appellees’ counsel. Start your research now – the earlier you begin, the stronger your writing will be. Always bring a pen and a notebook/pad/paper to class.

Learning Outcomes

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

- thoroughly research and think critically about legal issues on behalf of a client;
- 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 persuasive writing work and the work of others;
- create and follow a realistic and efficient brief-drafting schedule that results in timely submission of well-crafted legal briefs;
- 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), but 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 or did not keep up with the reading last semester, you should review the following previously assigned chapters: 1, 2, 3, 5, 6, 7, 8, 10, 11 for familiarity.

Most of the reading required by this course consists of the problem case file and the secondary sources, cases, and statutes found in your own research. Additional required reading – typically articles or excerpts from briefs to be discussed in class – will be posted on Canvas.

You must follow the Federal Rules of Appellate Procedure, the applicable local court rules, and the practitioner’s citation rules from the Bluebook in your written assignments.

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

All course materials are posted on Canvas—check it regularly. You also submit assignments through Canvas.

Collaboration & AI Policy

All graded 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 arguments 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 writing, editing, or proofreading assistance from anyone – including artificial intelligence – except at the express direction of your professor or the director of the program. However, you may use Microsoft Word’s built-in spelling and grammar check tools. If you have other spelling and grammar check tools you wish to use, please discuss them with your professor before using them.

During the semester, we will discuss how lawyers use Generative Artificial Intelligence in practice. Here are the rules about AI in this course:

- Standard legal research platforms (Lexis, Westlaw, Bloomberg, Fastcase, HeinOnline, etc.) are permitted, including any built-in AI research or brainstorming tools.
- You may also use Generative Artificial Intelligence tools such as ChatGPT, Gemini, Claude, CoCounsel, Harvey, LawDroid, Copilot, and Spellbook **to brainstorm and assist in your research and thinking** about the problem, with the admonition that these tools often provide incorrect or hallucinated information and are not particularly well-suited for initial research tasks.
- You **may not** use Generative Artificial Intelligence tools to draft or 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.**
- If you have questions about the appropriate use of AI, discuss it with your professor or the director of the program.

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 and this syllabus.

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] [Anonymous Grading Number]. For example, a student submitting the Final Appellant’s Brief (P3) in Prof. Atkins’s section would use the following:

Fall 2026 Atkins P3 637A92V

Use this same header text to name your file.

All submissions must contain page numbers on each page other than the cover 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 draft brief meeting 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,
- not form a discernable word or phrase,
- 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 submission form link provided on Canvas before 6:00 pm on Friday, September 4. You should receive a confirmation email from “Forms Response Receipts” after submitting. If you do not see a confirmation email, check your spam/junk folder. If you did not receive a confirmation email, try to submit again and be sure you click on the “Submit” button at the bottom of the form.

You will also be graded on your professionalism throughout the semester. The professionalism evaluation includes: your timely 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 - Draft brief meeting and follow up	Expanded Pass/Fail	5%
P2 - Partial Appellant’s Brief	0-6 point scale	15%
P3 - Final Appellant’s Brief	0-6 point scale	25%
P4 - 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	9:40am	098-001	Atkins	
Tuesday	4:00pm	098-002	Bowles	
Tuesday	6:05pm	098-003	Bryant	
Tuesday	6:05pm	098-004	Talcott	
Tuesday	6:05pm	098-005	Levy	
Tuesday	6:05pm	098-006	Latimer	
Wednesday	9:40am	098-007	Barnes	
Wednesday	1:50pm	098-008	Cohen	
Wednesday	6:05pm	098-009	Martinez	
Wednesday	6:05pm	098-010	Crudo	
Thursday	9:40am	098-011	Driscoll	
Thursday	9:40am	098-012	Fiorino	
Thursday	9:40am	09-014	Bayram	
Thursday	6:05pm	098-013	MacRae	
Thursday	8:10pm	098-017	Wagstaff	
Thursday	8:10pm	098-018	Perry	
Thursday	8:10pm	098-019	Brooker	

Course Calendar

This course calendar lists the 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	To be Completed Before Class	Class Topics
First Week Week of August 17	Read: The syllabus and rules The record in our case (and start your research) The memos for Projects 1, 2, and 3 <i>An Advocate Persuades</i> , Chapter 9 <u>Appellate Briefs and Appellate Practice</u> Fed. R. App. P. 3, 4, 10, 11, 28, 32 & related local rules	Introduction to Appellate Writing Appellate Procedure Our Case Research The Brief Writing Process, Time Management, and Technology
Second Week Week of August 24	Read: Week 2 readings provided on Canvas <i>An Advocate Persuades</i> , Chapter 4 <u>Themes for Persuasive Arguments</u> (You are presumed to have read the following chapters already: 1 <u>The Nature of Persuasion</u> , 3 <u>Organizing Persuasive Arguments</u> , and 6 <u>Refining Persuasive Arguments</u> . If you have not, do so.) Bring to Class: Your initial research results. Be prepared to discuss specific cases and secondary sources you found and their impact on the client's appellate strategy.	Appellate Strategy Rhetoric – Logos, Pathos, Ethos Theme & Framing Our case, including your initial thoughts on the strengths and weaknesses of appellant's potential arguments based on your research. Issue Statements Point Headings
Third Week	Read: Week 3 readings provided on Canvas	Storytelling Statement of the Case

Class Week	To be Completed Before Class	Class Topics
Week of August 31	(You are presumed to have read <u>An Advocate Persuades</u> , Chapter 10 <u>Statements of Fact and of the Case</u> . If you have not, do so.)	Our case and your research
Fourth Week Week of September 7	Project 1 Draft brief meeting Students meet individually with their instructor to discuss their research and their draft brief. Students should bring work product reflecting their research and their draft as it stands. **Because the school observes a Monday schedule on Wednesday, individual meetings for Wednesday sections may take place outside of the regular class time.**	
Sunday, September 13 – Draft Due Submit your Partial Appellant’s Brief (P2) before 11:00 p.m. on Sunday, September 13.* *We recognize that this is the weekend of Rosh Hashanah. If you observe the holiday and require an extension, please contact Professor Atkins.		
Fifth Week Week of September 14	Read: Project 3 memo Week 5 readings provided on Canvas (You are presumed to have read <i>An Advocate Persuades</i>, chapter 5 <u>Drafting Persuasive Arguments</u> and chapter 6 <u>Refining Persuasive Arguments</u>)	Persuasive Techniques in writing appellate arguments
Sixth Week Week of September 21	Read: Week 6 readings provided on Canvas <i>An Advocate Persuades</i>, <u>Appendix C</u>	Persuasive Techniques Argument and counter argument Summary of the Argument
Seventh Week Week of September 28	Students meet individually with their instructor to discuss their appellant’s brief. Bring your draft to the meeting.	

Class Week	To be Completed Before Class	Class Topics
Week of October 5	CLASSES DO NOT MEET	
Sunday, October 11 – Final Appellant’s Brief Due Submit your Final Appellant’s Brief before 11:00pm on Sunday, October 11.		
Eighth Week Week of October 12	Read: Week 8 readings provided on Canvas Memos for Projects 4 and 5 (You are presumed to have read <i>An Advocate Persuades</i>, chapter 11 <u>Oral Argument</u>. If you have not, do so.)	Appellee briefs Techniques for effective response briefs Oral argument Using AI in practice
Ninth Week Week of October 19	Read the Appellant’s Brief and conduct additional research of your own	The arguments in the case Appellees’ strategy
Tenth Week Week of October 26	Read: Week 10 readings provided on Canvas	Appellate Arguments
Sunday November 1 – Draft Due Submit your Partial Appellees’ Brief before 11:00 p.m. on Sunday, November 1		
Eleventh Week Week of November 2	In class oral arguments	
Twelfth Week Week of November 9	Read: Week 12 readings provided on Canvas.	Review of persuasive techniques Professional formatting and other formalities
Thirteenth Week Week of November 16	Professor’s Choice	

Class Week	To be Completed Before Class	Class Topics
	Tuesday, November 24 Appellee's Brief Due Submit your Appellee's Brief before 11:00 p.m. Tuesday, November 24.	