APPELLATE ADVOCACY WORKSHOP FALL 2015 SYLLABUS

Adjunct Professor Nancy S. Forster

I. Required Texts and Materials:

Ross Guberman, Point Made. How to Write Like the Nation’s Top Advocates (2d ed.)
Maryland Rules (Relevant rules will be posted on TWEN)

II. Course Overview:

Appellate Advocacy Workshop combines a substantive review of key appellate litigation doctrines concerning appellate jurisdiction, standards of review, harmless error, waiver and other topics, with an advocacy component including effective brief writing and persuasive oral argument. The course will consider each stage of the appellate litigation process, beginning with a general overview and moving to the anatomy of an appellate brief and concluding with oral argument. The purpose of the course is to develop legal analysis skills, learn effective and persuasive writing skills and develop effective oral advocacy skills.

III. Grades:

The final brief will constitute 50% of your grade; the draft brief 10%, the oral argument 30% and class participation 10%.

IV. Attendance:

Timely attendance in all classes is required. If you have a valid reason for missing any class, please notify me by e-mail before class.

V. Timeliness of Assignments:

All written assignments must be submitted by the deadline noted in the syllabus or otherwise announced in class.

VI. Contact Information:

I can be reached in my office at 410-685-6000 or by e-mail at nsforster@gmail.com. Please note the ‘s’ between by first initial and last name in the e-mail address and make sure it is included so that I will receive your e-mail.
VII: Classes and Assignments:

August 17, 2015:

Course overview and introduction to appellate practice and appellate courts.

1. Should I appeal?
   a. Ethical and tactical concerns

2. Can I appeal?
   a. Appealability, appellate jurisdiction, the final judgment rule and its exceptions; preservation and waiver.

3. Filing the appeal.
   a. Direct vs. discretionary appeals.

August 24, 2015:


1. Issue Spotting
2. Discussion of Lindsey Case
3. Assigning sides: Appellant/Appellee
4. Standards of Review
5. Prejudicial error vs. Harmless error
6. Plain error

August 31, 2015:

Read Beazley, Chapter 3. Read and outline Terry v. Ohio, 392 U.S. 1

1. Discussion of student analyses of Terry v. Ohio
2. Legal Research:
   a. Rules of Statutory Construction
   b. In-state vs. Out-of-state
   c. Secondary sources
   d. Extra-legal sources

September 7, 2015: No class. Labor Day
September 14, 2015:

Read Beazley, Chapter 9. Bring outline of Lindsey case to class.

1. Getting started.
   a. What rules apply to briefing?
   b. Brief requirements.
   c. Proper citations
   d. Citing the appellate record.

2. What is the issue in the Lindsey case?

3. Writing the Question[s] Presented.
   a. On direct appeal.
   b. On discretionary appeal.

4. Writing the Statement of the Case and Statement of Facts

September 21, 2015:


1. Begin research on Lindsey issue[s] and bring questions about legal research to class.

2. Writing a Persuasive Argument
   a. Argument structure.
   b. Dealing with bad facts.
   c. Dealing with and distinguishing cases that hurt.
   d. Public Policy arguments.
   e. Anticipate Opponent’s argument.
   f. Drawing a line in the sand.
   g. Why should the court care?
   h. Analogizing Client’s Case to Supportive Case law.

September 28, 2015:

1. Writing a Persuasive Argument continued
   i. Colorful words
   j. Tone
   k. Figures of speech and metaphors
   l. Analogies and examples
m. Sentence structure  
  n. Use of quotes  
  o. Logical extensions of Opponent’s argument.

**October 5, 2015:**

Bring draft of Lindsey Argument[s] to Class for discussion.

**October 12, 2015:**

Further discussion of draft argument[s].

**October 19, 2015:**

Read Beazley, Chapter 13. Draft Lindsey Brief due.

1. Oral argument  
   a. Purpose  
   b. Format  
   c. Strategy  
2. Do’s and Don’t’s

**October 26, 2015:**

Practice Oral Argument and Critiques (entire class). Schedule individual conferences.

**November 2, 2015:**

Final Brief in Lindsey due.

No class. Individual student conferences.

**November 9, 2015:**

No Class. Individual student conferences continued.

**November 16, 2015:**

Oral Arguments (select students)

**November 23, 2015:**

Oral Arguments (select students)