

Appellate Advocacy Workshop

LAW 803-511

Professor Gilda Daniels

Law Center, Room 1012

410-837- 4607

E-mail: geldaniels@ubalt.edu

Website: www.gildadaniels.com

I. Purpose of the Course

The Appellate Advocacy Workshop (AAW) follows the sequence of courses offered to enhance student skills in legal analysis, writing and research. This course will function as a small law firm that specializes in appellate advocacy. We will monitor an active case on remand from the United States Supreme Court. The class will have an opportunity to attend an appellate argument, draft an appellate brief and prepare an oral argument. The AAW course's aim is to teach skills that are essential to you throughout your legal career, both as a student and as a lawyer. In past courses you presented the strengths and weaknesses of your client's position in a written memorandum. In other courses, you focused on persuasive writing and oral advocacy with a trial motion or brief. In this course, you will be asked to write an appellate brief.

In addition to learning the area of constitutional/civil rights law, you will spend classroom time developing skills in legal analysis and effective written communication. The AAW course is designed to teach you to understand, analyze, and apply legal authority and to communicate the results of that analysis in writing. In this course, you should concentrate on developing and demonstrating the following skills:

- Ability to frame the facts clearly, fairly, accurately, and also favorably to your client
- Ability to find the law applicable to the case, whether helpful or unhelpful to your client
- Ability to read cases closely, synthesize them, and form an understanding of the applicable law
- Ability to develop an accurate and coherent legal argument favorable to your client, through application of your research to the facts of the case
- Ability to communicate your legal argument in writing, clearly, concisely, systematically, and persuasively
- Ability to present your memoranda and brief in the form required by the appropriate Rules, AWLD or The Bluebook
- Ability to distill your written legal argument into a 12-minute oral argument

- Ability to deliver your oral argument in a way that conveys your client's strong points, addresses the judge's questions about the weak ones, and preempts or responds to opposing counsel's argument

II. Course Policies

A. Reading Materials

Mary Beth Beazley *A Practical Guide to Appellate Advocacy*, (4th Ed., 2014).

The readings in this course will come primarily from the text and documents placed on the TWEN site. Reading assignments in addition to those from the required textbooks will appear in the "Course Materials" page. You'll first need to register your password, by going to www.lawschool.westlaw.com, and then clicking "TWEN" at the top of the page. It will then ask you to enter your Westlaw password. When you register, please be sure to include your University of Baltimore email address. This is the address I will use for any announcements, and you should regularly check that account. If you're having trouble registering or adding this course on TWEN, you should contact Westlaw for help. If the trouble persists, please let me know.

B. Major Assignments and Due Dates

AAW is a three-credit course that requires you to complete a major writing assignment and oral argument. There will be no in-class exam. All writing assignments are due as indicated on the syllabus. In addition to the above written assignments, you will also participate in an ungraded practice motion oral argument and a graded appellate oral argument. The date for your oral argument is also noted in the syllabus below. Assigned required readings and homework, including annotated outlines, are also indicated on your syllabus. These assignments are important to your development as they will help you to understand and participate in class discussions, and to build the necessary foundation to complete the larger written assignment. Required readings and assignments are to be completed *before* the corresponding class.

C. Timeliness

Papers must be submitted by the deadline as stated in this syllabus or otherwise announced. Effective use of time is one of the important skills taught by this course; as lawyers, you will often be faced with filing deadlines. If a serious illness or emergency prevents timely submission of your work, notify me **before the assignment is due**.

D. Grading

Your course grade will be computed as follows:

Appellate Brief (draft and final brief)	60%
Appellate Oral Argument	30%
Class Participation	10%

III. Course Expectations

American Bar Association Accreditation Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work per week for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

A. Classroom Policies

Preparation and Participation. It is imperative that students learn to think on their feet and clearly articulate their views. Explaining your perspective is a valuable way to better understand the material. Accordingly, I will call on students throughout the semester. This is not intended to frighten or embarrass you, but instead to help you improve your communication skills and make sure that everyone in the class participates in discussions. If you are called upon, you are expected to answer. Please come prepared to discuss the cases and materials that have been assigned. Volunteers are welcome. I will, however, randomly call on students to ensure that everyone participates and develops the reasoning and oral presentation skills that are essential to lawyering.

Laptop Use. Laptop use is permitted in class on the condition that it is confined to course-related functions only. If evidence of abuse emerges, internet access in the classroom will be discontinued. I also reserve the ability to call for “laptop free” days.

B. Attendance

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours

Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

Class attendance is mandatory. I expect everyone to attend class each day and to arrive on time. Walking in after class has begun is disrespectful to your fellow students. Attendance is recorded on a sign-in sheet that is circulated at the beginning of each class. It is your responsibility to ensure that your attendance is properly recorded. .

1. Excessive absences. The University of Baltimore School of Law allows a maximum of two (2) absences. Absences due to observance of religious holidays are not included in this policy. ***If you are deemed absent from class more than five times, you will be dropped from the course with a failing grade, and will not be allowed to take the final exam.***

If you contact me to tell me that you are ill, your car broke down, or a loved one had surgery, I always like to hear from you. Please do not hesitate. However, I do not have the authority to excuse an absence—whether for the above-listed or any other reasons—and I have no discretion in this regard. It is your responsibility to monitor your absences, and if you anticipate missing more than five classes, you are strongly advised to contact Dean Sloan regarding the possibility of withdrawal before it is too late to do so.

2. Class Cancellation. If I must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

C. Academic Integrity

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. [Reference to School of Law Honor Code, https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm]

D. Title IX Sexual Harassment and Sexual Misconduct Policy

The University of Baltimore's Sexual Harassment and Sexual Misconduct policies are compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the University any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

E. Disability Policy

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services at 410-837-5623 or via email at lmetzger@ubalt.edu.

F. Individual Responsibility for Completing Assignments

The Honor Code applies to this class, as with every other. Accordingly, your work must be your own. Failure to abide by the above rules may result in a violation of the student Honor Code, failure of this course, or both.

SYLLABUS

Class 1	<p>INTRODUCTION TO APPELLATE ADVOCACY WORKSHOP (AAW)</p> <p>Topics:</p> <ul style="list-style-type: none">• Course Overview• Introduction to Appellate Advocacy <p>Reading Assignment:</p> <ul style="list-style-type: none">• Beazley, Chapter One, <i>Introduction</i>• AAW Appendix (TWEN)• <i>Appellate Fruit Salad and Other Concepts: A Short Course in Appellate Process</i>, 35 U. Balt. L. Rev. 43 (2005)(TWEN)
----------------	--

Class 2	<p>INTRODUCTION TO APPELLATE ADVOCACY</p> <p>Topics:</p> <ul style="list-style-type: none"> • The Decision to Appeal • The Standard of Review • Amicus Briefs • Introduction to the Appellate Brief Problem <p>Assignment:</p> <ul style="list-style-type: none"> • Beazley, Chapter Two, <i>Appellate Jurisdictions and Standards of Review</i> • Review TWEN materials, with a focus on the case law
Class 3	<p>Introduction to Substantive Area</p> <ul style="list-style-type: none"> • Redistricting Law • Constitutional Law Standard • Amicus Briefs <p>Reading Assignment:</p> <ul style="list-style-type: none"> • Brennen Center for Justice, <i>A Citizen's Guide to Redistricting</i> (TWEN) • <i>League of United Latin American Citizens v. Perry</i> (LULAC), 548 U.S. 399 (2006); • <i>Vieth v. Jubelirer</i>, 541 U.S. 267 (2004)
Class 4	<p>Brief Writing</p> <ul style="list-style-type: none"> • Creating an Abstract of the Record • Planning Your Research • Executing Your Research Plan <p>Reading Assignment:</p> <p>Beazley, Chapter 3, <i>Before You Write</i></p>

