

UNIVERSITY OF BALTIMORE SCHOOL OF LAW

SUMMER 2017

Course: Appellate Advocacy Workshop (3)
LAW 803

Instructor: Professor Adam Lippe
410-960-4568
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Days/Time: Tuesday and Thursday 6-9pm (May 15th thru June 29th)

Location: Room assignments are available through MyUB.

Course Description:

Development of the art of appellate advocacy, including lectures and moot court practice; preparation of appellate briefs; presentation of oral arguments; visits to appellate courts for observation of oral arguments. Fulfills either upper-level advocacy or workshop upper-level writing requirement.

Course Materials:

The necessary course materials will be available on the course TWEN page. You can access those and download the transcript, court's ruling and related articles. The recommended texts below are on reserve in the library.

1. Antonin Scalia, Bryan A. Garner, *Making Your Case, The Art of Persuading Judges*, (1st ed., Thomson, West Publishers); and
2. Richard C. Wydick, *Plain English for Lawyers* (4th ed., 1998 Carolina Academic Press).

Student Learning Outcomes:

The AAW course's aim is to teach skills that will be 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 law, which is criminal procedure focusing in on the 4th, 5th and 6th Amendment, 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

Responsibilities:

A. Major Assignments and Due Dates

AAW is a three-credit summer semester 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 by **10 pm** on the due date, to be sent via email to: adamlippe@hotmail.com. The due dates for your major writing assignments are as follows:

Draft Brief: **Friday, June 15th**

Final Brief: **Friday, June 29th**

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:

Appellate argument: **Tuesday, June 26th or Thursday, June 28th**

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. Formal requirements

The assignment involves a case originally filed in federal court. For the Appellate Brief assignment you will be appealing the district court's disposition on the Motion Memorandum to the federal appellate court.

Where not otherwise indicated, and for drafts that you turn in, you must use Times New Roman font, in 12 to 14 point, and double-space your document. Use margins of at least one inch on all sides (full justify). **Keep a copy of all assignments handed in; you are responsible for providing a copy upon request.**

D. 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**.

E. Grading

Your course grade will be computed as follows:

Draft Brief	10%
Appellate Brief	50%
Appellate Oral Argument	30%
Class Participation	10%

Standard grading percentages apply:

A	100-90
B	89-80
C	79-70
D	69-60
F	under 59

Course Expectations:

American Bar Association Standards for Law Schools 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 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.

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

Course Website:

This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.)

Class Cancellation:

If class is cancelled, 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.

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 School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

Title IX Sexual Misconduct and Nondiscrimination Policy:

The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is 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>.

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 lmetzger@ubalt.edu.

Schedule ... see below!

Schedule

<p>Class 1 Tuesday May 22nd</p>	<p>INTRODUCTION TO PERSUASIVE WRITING AND MOTION PRACTICE</p> <p>Topics:</p> <ul style="list-style-type: none"> • Course Overview • Introduction to Persuasive Writing and Oral Advocacy • Introduction to the Appellate Brief Assignment = 4th Amendment, Search Warrants = 5th Amendment, Use and Derivative Use Immunity <p>INTRODUCTION TO APPELLATE ADVOCACY</p> <p>Topics:</p> <ul style="list-style-type: none"> • The Decision to Appeal • The Standard of Review • Introduction to the Appellate Brief Problem <p>Assignment:</p> <ul style="list-style-type: none"> • TWEN materials, with a focus on the case law
<p>Class 2 Thursday May 24th</p>	<p>DEVELOPING THE THEORY OF THE CASE</p> <p>Topics:</p> <ul style="list-style-type: none"> • From the General to the Specific, understanding the case law • Organizing Your Legal Argument <p>Assignment:</p> <ul style="list-style-type: none"> • Briefing the Case Law • Picking a Side • Developing Policy Arguments
<p>Class 3 Tuesday May 29th</p>	<p>ORGANIZING THE LEGAL ARGUMENT</p> <p>Topics:</p> <ul style="list-style-type: none"> • Outlining • Drafting Effective Thesis Headings • Drafting a Persuasive Legal Argument • Case Synthesis Review
<p>Class 4 Thursday May 31st</p>	<p>WRITING THE LEGAL ARGUMENT – OUTLINING (1)</p> <p>Topics:</p> <ul style="list-style-type: none"> • Drafting Effective Thesis Headings • Drafting a Persuasive Legal Argument • Case Synthesis Review • Legal Analysis Organization / Group Review of the 4th Amendment Issue <p>Assignment: Our Case Memo ... Review and begin digesting</p>
<p>Class 5 Tuesday June 5th</p>	<p>WRITING THE LEGAL ARGUMENT – DRAFT BRIEF</p> <p>Topics:</p> <ul style="list-style-type: none"> • Discussion of Relevant Case Authority • Identifying the Strengths and Weaknesses of the Argument on Appeal • Organizing and Drafting the Legal Argument • Making a Procedural Checklist • Legal Analysis Organization / Group Review of the 5th Amendment Issue <p>Assignment: work on the Draft Brief due June 12th at 10pm</p>
<p>Class 6 Thursday</p>	<p>STRUCTURE OF THE DRAFT BRIEF</p> <p>Topics:</p>

June 7th	<ul style="list-style-type: none"> • Polishing and Editing the Draft Brief • Citing Effectively • Making a Procedural Checklist • Preparing for Oral Argument <p>Assignment: work on the Draft Brief due Friday, June 15th, 10 pm</p>
Class 7 Tuesday June 12th	<p>STRUCTURE OF THE FINAL BRIEF</p> <p>Topics:</p> <ul style="list-style-type: none"> • Parts of the Appellate Brief • Drafting the Question Presented and Statement of the Case • Case Theory and Statement of Facts Review • Citing the Appellate Record • Legal Analysis Organization / Group Review of the Policy Considerations <p>Assignment: work on the Draft Brief due Friday, June 15th, 10 pm</p>
Class 8 Thursday June 14th	<p>PREPARING FOR ORAL ARGUMENT</p> <p>Topic: Oral Argument Discussion and Argument Practice</p>
Friday June 15th	DRAFT BRIEF due by 10 pm
Class 9 Tuesday June 19th	NO CLASS (STUDENT CONFERENCES, TBA)
Class 10 Thursday June 21th	NO CLASS (STUDENT CONFERENCES, TBA)
Class 11 Tuesday June 26st	ORAL ARGUMENT (selected students)
Class 12 Thursday June 28th	ORAL ARGUMENT (selected students)
Friday June 29th	FINAL BRIEF due by 10 pm

end