

ADVANCED APPELLATE ADVOCACY II

SPRING 2023 SYLLABUS

COURSE INFORMATION

Class Time: Tuesdays, 3:30 p.m. to 5:20 p.m.

Class Location: F-108

Contact Information:

Instructor

Professor Harvey Sepler

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V.P. of AAA II

Joshua Schulster

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COURSE SUMMARY

This Course is designed to refine the advocacy skills of students who will soon represent the law school in national moot court competitions. This Spring, with the assistance of other professors, guest speakers, and members of the Moot Court Board, we will provide students with *individualized instruction* – both as to their writing skills and oral argument presentation. Briefs written for national or state moot court competitions or submitted for this class will not satisfy the law school's writing requirement. You are one of 27 students to have made it onto the *Charles C. Papy, Jr., Moot Court Board* this year. Congratulations! Now let's win some competitions!

COURSE REQUIREMENTS

Showcase Rounds: In past years, AAA II has hosted the final practice rounds for most of our spring competitors. This year, we will be continuing this tradition by hosting in-person final practice rounds open to the general Miami Law audience. Additionally, a small team of AAA II students will be assigned to each Showcase Round. These teams will host a short presentation for our audience on the night of the Showcase Round, and assist with logistical matters that arise, like advertising or bailifing the round.

Intra-Class Competition: For those students *not* competing in the spring, you and a partner will participate in the Intra-Class Competition (ICC), which will offer substantive brief writing and oral argument experiences. Using a modified moot court problem, you will submit sections of an appellate brief that will be reviewed either by your classmates or by select 3L Board Members. Ultimately, you will submit a mini-brief. Feedback will be given to you after each submission. Following the mini-brief, there will be an oral argument competition spanning the final classes of the semester, the final round of which will be held in-person as a Showcase Round.

Assignment Completion: All assignments must be completed in accordance with the dates prescribed in this syllabus or as announced in class. They must be the product of each student's own research, legal analysis, and writing. **Absent pre-arranged exceptions, late assignments will not be accepted.**

Attendance Policy: Attendance at each class session is mandatory. If at the start of the semester you know that you will not be able to attend a session, you should contact Professor Sepler and Joshua Schulster immediately

so arrangements can be made. If a circumstance arises that will cause you to miss a class, please contact Joshua Schulster to inform him of your absence. In either case, you also need to complete the Absence Notification Online Form for a formally excused absence.

GRADING

This is a two-credit, pass/fail course that contributes to the skills requirement for graduation. Grading is based on preparedness for and participation in class as well as the timeliness and quality of your written or oral presentations. There are no honors grades, but the top student(s) will receive awards as allowed by the Registrar's Office.

COURSE MATERIALS

There is one required text for the course (posted in full on the course TWEN site, <https://lawschool.westlaw.com/twen/>). We have listed supplemental readings that provide additional guidance for brief writing and oral argument. In addition, we will post materials that are relevant to the Showcase Rounds featured in our class and other competitions that the school is participating in. Everyone is expected to review those materials when they are posted.

REQUIRED TEXTS

Gaubatz, John T. and Mattis, Taylor, *The Moot Court Book: A Student Guide to Appellate Advocacy*

Posted on the class TWEN site. No need to purchase.

RECOMMENDED TEXTS

ROSS GUBERMAN, *POINT MADE* (2d ed., 2014)

Hailed by litigators and judges as one of the more informative and entertaining texts on legal writing, *Point Made* provides an almost scientific analysis of the best appellate briefs. As an expert in both legal writing and grammar, Guberman synthesizes fifty writing techniques for lawyers based on the writing of fifty top advocates and provides clear examples of the techniques in action.

ISBN: 9780199943852

Available: for purchase, on loan, or online via the Library's Catalog

DAVID C. FREDERICK, *THE ART OF ORAL ADVOCACY* (3d ed., 2019)

A hidden gem among advocates with a glowing foreword by Justice Ruth Bader Ginsburg, *The Art of Oral Advocacy* offers a well-organized and insightful look at what it takes to persuade judges at any stage of litigation. Frederick synthesizes his many decades as an appellate litigator, including dozens of cases in front of the Supreme Court, to offer readers detailed breakdowns on how to prepare, practice, and execute flawless oral arguments.

ISBN: 9781683281795

Available: for purchase or on loan

OTHER RECOMMENDED TEXTS

LARRY L. TEPLY, *SUCCESSFULLY COMPETING IN U.S. MOOT COURT COMPETITIONS* (2014)

ISBN: 9780314281814

Available: for purchase, on loan, or online via West Academic Study Aids

ANTONIN SCALIA & BRYAN A. GARNER, MAKING YOUR CASE: THE ART OF PERSUADING JUDGES (2008)

ISBN: 9780314184719

Available: for purchase or on loan

BRYAN A. GARNER, LEGAL WRITING IN PLAIN ENGLISH: A TEXT WITH EXERCISES (2001)

ISBN: 9780226284187

Available: for purchase or on loan

GENERAL POLICIES

Class Recordings: Students are expressly prohibited from recording any part of this course. Meetings of this course might be recorded by the University. Any recordings will be available to students registered for this class as they are intended to supplement the classroom experience. Students are expected to follow appropriate University policies and maintain the security of passwords used to access recorded lectures. Recordings may not be reproduced, shared with those not enrolled in the class, or uploaded to other online environments. If the instructor or a University of Miami office plans any other uses for the recordings beyond this class, students identifiable in the recordings will be notified to request consent prior to such use.

Disability & Accommodation: If a student has a disability, or suspects that he or she may have a disability, please contact Jessie Howell, Director of Accessibility, for information about available opportunities, resources, and services. Her phone number is 305-284-4551, and her email address is access@law.miami.edu.

Title IX: The University of Miami seeks to maintain a safe learning, living, and working environment free from all types of sexual misconduct including but not limited to: Dating Violence, Domestic Violence, Sex- or Gender-Based Discrimination, Sexual Assault (including Sexual Battery), Sexual Exploitation, Sexual Harassment, and Stalking. For additional information about the University's efforts to prevent, stop, and address sexual misconduct, including resources and reporting options, please visit www.miami.edu/titleix or contact the University's Title IX Office at titleixcoordinator@miami.edu.

Intellectual Property: The course professor is the copyright owner of the courseware. Specifically, pursuant to the University's Policy on Inventions, Intellectual Property, and Technology Transfer, "courseware" includes: course syllabi, assignments, assessments, and/or other materials that are first created and made available to students as part of the educational curriculum at the University.

CALENDAR OF EVENTS AND ASSIGNMENTS

The following is a tentative calendar of events and assignments due. This is subject to change based on several factors, including speaker and competitor availability. Absent pre-arranged exceptions, **all assignments must be uploaded to TWEN or otherwise submitted to Joshua Schulster by 10 am EST.**

Class	Date	Events	Assignments Due
1	1/17	<ul style="list-style-type: none"> Instructor and V.P. introductions and syllabus overview <i>“The Problem Dropped, Now What?”</i> 	<u>Student Information Survey</u> due 1/17
2	1/24	<ul style="list-style-type: none"> <i>“The Best Brief”</i> with MCB Executive VP Matthew Shalna 	Partner Selection for ICC
3	1/31	<ul style="list-style-type: none"> <i>“Researching the Problem & Summary of the Argument”</i> with Susan Bennett Tulane Practice Round ICC Problem Release 	Review ICC Problem Packet
4	2/7	<ul style="list-style-type: none"> National Appellate Advocacy Competition Showcase Round Spong Practice Round 	ICC Fact Summary
5	2/14	<ul style="list-style-type: none"> <i>“Advanced Brief Writing”</i> with Professor Sepler Brief Writing Q&A with Professor Sepler 	ICC Fact Summary Peer Feedback ICC Argument Outline
6	2/21	<ul style="list-style-type: none"> <i>“Preparing for Oral Arguments and Competition Travel”</i> with Erica Adams 	ICC Argument Section
7	2/28	<ul style="list-style-type: none"> <i>“How to Write a Bench Brief”</i> with MCB President Bailey Beauchamp 	ICC Argument Peer Feedback
8	3/7	<ul style="list-style-type: none"> In-Class Oral Argument Skills Session 	ICC Mini Brief Due
9	3/14	<ul style="list-style-type: none"> Spring Break -- NO CLASS 	Prepare ICC Oral Arguments
10	3/21	<ul style="list-style-type: none"> Intra-Class Competition: Preliminary Rounds 1 & 2 	Refine/Practice Oral Arguments
11	3/28	<ul style="list-style-type: none"> Intra-Class Competition: Preliminary Rounds 3 & 4 	Refine/Practice Oral Arguments
12	4/4	<ul style="list-style-type: none"> Intra-Class Competition: Semi-Finals 	
13	4/11	<ul style="list-style-type: none"> Showcase Round: <i>Intra-Class Competition Final Round</i> 	
14	4/18	ICC Brief Feedback	