

**APPELLATE ADVOCACY**  
**Spring 2020**

**Class Meetings:**

Friday 4:00-5:00 PM Room 417

**Professors:**

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**Introduction:**

*Appellate Advocacy* is a practical course designed to enrich students' understanding of the appellate process. It focuses on the theory and practice of appellate advocacy with specific emphasis on the preparation of appellate briefs and the presentation of oral arguments. Through a series of lectures, demonstrations, and a class tournament, which simulates an appeal to the Supreme Court of Texas, students develop the skills to advocate in an appellate setting.

Students are required to write an appellate brief and to present oral argument in a hypothetical appeal to the Supreme Court of Texas. Students are paired together in teams to participate in a tournament format, although accommodations can be made for those unable to participate on the specific days the tournament's oral argument rounds are held.

## **Materials:**

### ***The TWEN Site***

The course TWEN site facilitates the exchange of materials that will be used throughout the course. The site is entitled Appellate Advocacy Documents. You will access the TWEN site through WESTLAW. If you have not received your WESTLAW number, check with the WEST Representative in the Library.

Here are some of the most significant aspects of the pages:

- Syllabus
- Problem, Rules, and Team Information
- Class Powerpoints
- Sample Brief Components
- Sample Winning Briefs (full briefs)
- Web Links (with a video of an oral argument)
- Other Helpful Information (sample brief ballot, word version of sample brief to use for formatting, powerpoints regarding specific brief sections, and differences between state brief rules and federal brief rules)

### ***Required Texts***

Texas Rules of Appellate Procedure (accessible on Supreme Court of Texas website)

Texas Rules of Form: The Greenbook (Texas Law Review Ass'n et al. eds., 14th ed. 2018)

The Blue Book: A Uniform System of Citation (Columbia Law Review Ass'n et al. eds., 20th ed. 2015)

## ***Suggested Texts***

Ross Guberman, *Point Made: How to Write Like the Nation's Top Advocates* (Oxford University Press 2011)

Sam Leith, *Write to the Point: A Master Class on the Fundamentals of Writing for Any Purpose* (The Experiment, LLC 2018)

Steven D. Stark, *Writing to Win: The Legal Writer* (Broadway Books 2000)

## **Syllabus:**

### ***CLASS 1 – January 24***

*Led by Dean Treece and Professor Galloway*

Introduction to the Appellate Advocacy course. Discuss structure of course and tournament. Distribute competition rules.

*Reading for next week:*

Competition Rules

Texas Rule of Appellate Procedure 55.2(d), (g)

TWEN site – Review sample fact statements under the Sample Brief Components tab.

### ***CLASS 2 – January 31***

*Led by Professor Galloway*

Assignment of sides to competition teams.

First lecture on brief writing. Discuss strategy to begin working on moot court problem, including identifying issues and how to research them. Discuss fact statements, their function, and the strategy in telling your client's story.

*Reading for next week:*

TWEN site – Review sample point headings under the Sample Brief Components tab.

### ***CLASS 3 – February 7***

*Led by Professor Galloway*

Complete time-preference form for class competition.

Assignment of sides to competition teams.

Second lecture on brief writing. Discuss strategy of the argument section, including the formation of an overall thesis for argument and supporting reasons, the wording of point headings, and the function of an introductory section.

*Reading for next week:*

Competition Problem (will be emailed to you and posted to TWEN site on February 4th)

### ***CLASS 4 – February 14***

*Led by Dean Treece*

Class Demonstration by the South Texas teams competing in McGee National Civil Rights Moot Court Competition in St. Paul, Minnesota. After observing arguments on both sides of an appeal to the Kansas Supreme Court, the students will have an opportunity to discuss the effectiveness of and the strategy employed in the presentations.

*Reading for next week:*

Texas Rules of Appellate Procedure 55.2, 55.3

TWEN site – Review sections for sample questions presented, sample summaries of arguments, sample standards of review, sample conclusions under the Sample Brief Components tab.

## **CLASS 5 – February 21**

*Led by Professor Galloway*

Third lecture on brief writing. Discuss strategy for the remaining sections of the brief, including the questions presented, summary of argument, standard of review, and conclusion. Discuss levels of editing to polish the brief.

*Suggested reading for next week:*

TWEN site – Watch sample oral argument video under the Web Links tab.

## **CLASS 6 – February 28**

*Led by Dean Treece and Professor Galloway*

Class Demonstration by the South Texas teams competing in ABA National Appellate Advocacy Competition regional in Boston. After observing arguments on both sides of an appeal to the United States Supreme Court, the students will have an opportunity to discuss the effectiveness of and the strategy employed in the presentations.

## **CLASS 7 – March 6**

*Led by Dean Treece*

First lecture on oral argument.

## **CLASS 8 – March 20**

*Led by Dean Treece*

Second lecture on oral argument.

## **CLASS 9 – March 27**

*Led by Dean Treece*

Third lecture on oral argument.

## **Class Tournament:**

Students are required to submit an appellate brief by Tuesday, March 3, 2020. Students are required to participate in two preliminary rounds of the oral competition, which will be held on April 3, 4, and 6, 2020. Students will submit time preferences to avoid conflicts with the scheduling of the two oral-argument rounds. For more specific information about the tournament, refer to the competition rules.