**APPELLATE ADVOCACY § S Spring 2018**

Law 5793, Section 1540; 2 credits

Time: Monday and Wednesday, 3:00 – 3:50

285B Holland Hall

**Mary Adkins, Master Legal Skills Professor**

**Office Location:** 318 HOL (in NW corner area of third floor)

**Phone:** 352-273-0880

**Email:** **adkinsm@law.ufl.edu**

**Office Hours:**

Mondays, 1:00 – 3:00 p.m.

Tuesdays, 9:15 – 11:00 a.m., 2:15 – 3:30 p.m.

Wednesdays, 2:15 – 3:00 p.m.

You may also make an appointment with me for another time. Before major writing assignments are due, I will expand my office hours and announce what the extras are. During weeks that I require everyone to meet with me, I will also expand my office hours and announce them. I have created sign-up sheets on TWEN by which you may make a reservation during office hours. However, please note that you should navigate to the date you want: the TWEN sign-up sheets begin at the beginning of the semester.

**Required textbooks:**

Rambo and Pflaum, *Legal Writing By Design*, 2nd Edition (Carolina Academic Press: 2013).

*The Bluebook: A Uniform System of Citation*, 20th Edition (Harvard Law Review Ass’n: 2015).

*Core Grammar for Lawyers* (software), by Carolina Academic Press (for post-test during first week of class only).

**Course Objectives**

The primary objective of this course is for you to learn how to construct a thorough legal argument and express it effectively and persuasively in writing. An additional objective is for you to learn how to perform effectively in presenting oral argument in support of your legal position.

Upon completion of this course, you should be able to

· Apply a lawyer’s ethical and professional standards in the context of written and oral advocacy.

· Demonstrate an understanding of the basic appellate process and fundamental appellate concepts, including the decision to appeal.

. Demonstrate an understanding of appellate standards of review of trial court decisions.

 · Use effective techniques of persuasion.

· Develop a theme and integrate that theme into your argument.

· Frame a legal issue to persuade a court to rule in your favor.

· Present a compelling account of all relevant facts.

· Write a persuasive argument, supported by credibility, logic, the law, and a commanding narrative.

· Use effective organizational techniques.

· Demonstrate an understanding of the importance of adhering to appellate procedural rules and formatting requirements for submitting appellate briefs to a court.

· Edit and proofread a persuasive legal document.

· Prepare and effectively present an oral argument in support of your legal position.

Our goal is to prepare you to be a thinking advocate.

**Assessment**

Your grade will be determined as follows: Writing Assignment #1 counts 5%; Writing Assignment #2 counts 5%; Writing Assignment #3 counts 20%; Writing Assignment #4 counts 5%; your Oral Argument counts 5%; and Writing Assignment #5 counts 60%. In addition, to pass the class you must satisfactorily complete the Core Grammar post-test with at least 85% correct by the end of the first week of Spring Semester.

**Class attendance policy**

Attendance is mandatory. It is impossible to pass the class with more than 6 absences, whether excused or not. If you must be absent, please notify me ahead of time, as an attorney would notify a judge if he or she had to miss a hearing. Although this class does not have a final exam, the University policy is that I provide the following exam-delay policy:

<http://www.law.ufl.edu/student-affairs/current-students/academic-policies#12>.

**Classroom policy on computers**

You are adults. You are also human beings as susceptible to distraction as anyone else. Because laptop screens are bright and can (if you are off-task) contain moving images, your misuse of them in class will distract your neighbors. Because of this, and because studies have shown that we retain more information when we physically write our notes, I would prefer you not use your laptops in class. However, I am not forbidding your use of them in class, as we will be using them actively in class several times this semester. If I discover you are using a laptop, phone, tablet, or other device in a way that distracts you or your classmates, I will deduct 2 points per episode from your final grade.

**Late policy**

If you turn in a writing assignment or completed citation workshop exercise late, and have not received prior permission from me, your FINAL GRADE will be lowered by one step (for example, B+ to B) for every 48 hours each paper is late. If you have an emergency, you must contact me at your earliest opportunity to obtain a special arrangement. I do not guarantee that I will allow any special arrangement or late submission of work absent a true emergency. This is the same accommodation you would provide to your partner, judge, or client. Your professional career starts now.

If you have a religious holiday that falls on a class date or assignment due date, please contact me BEFORE that holiday to make arrangements. It is the University’s policy to accommodate religious holidays, and I honor that policy.

**Statement on Honor Code**

Academic honesty and integrity are fundamental values of the University community and essential to the honorable practice and professional of law. Please be sure that you understand the UF Student Honor Code at http://www.dso.ufl.edu/students.php.

**Class Preparation Time**

You should expect to spend, on average, approximately two hours preparing for every hour of class. Because this is primarily a writing class, you will find that the workload will vary, being heavier during periods when you are preparing a writing assignment.

**Statement related to accommodations for students with disabilities**

Students requesting classroom accommodation must first register with the Disability Resource Center (352-392-8565, [www.dso.ufl.edu/drc/](http://www.dso.ufl.edu/drc/)) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to UF Law’s Office of Student Affairs when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

**Information on UF Law grading policies**

Grade Points Grade Point Grade Point

A (Excellent) 4.0 C+ 2.33 D- 0.67

A- 3.67 C (Satisfactory) 2.00 E (Failure) 0.0

B+ 3.33 C- 1.67

B (Good) 3.00 D+ 1.33

B- 2.67 D (Poor) 1.00

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

# **Student Course Evaluations**

Students can provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will receive notice of the specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Please consult the Class Calendar, below, for daily assignments.

**Class Calendar**

Adkins, Appellate Advocacy Section S, Spring 2018

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Date  | Day of Week | Time | Event | Description | Assignment |
| Jan. 8 | Mon | 3:00 p.m. | Class | Intro to Appellate Advocacy & persuasive writing | Read text ch. 13 |
| Jan. 10 | Wed. | 3:00 p.m. | Class | Standards of Review; Anatomy of the Brief | Read ch. 14 & 16 |
| Jan. 13 | Sat. | 11:59 p.m. | Core Grammar | Complete the Post-Test with at least 85% correct. |  |
| Jan. 15 | Mon. |  | No Class | Holiday |  |
| Jan. 17 | Wed. | 3:00 p.m. | Class | Your Record on Appeal | Read Record on Appeal, posted in “Course Materials” link on TWEN; also read Amendment IV to the U.S. Constitution and 4 cases to be announced |
| Jan. 22 | Mon. | 3:00 p.m. | Class | Review of Record and Applicable Law | Read cases to be assigned by TA group, to be announced |
| Jan. 24 | Wed. | 3:00 | Class | Review of Record and Applicable Law, continued | Read cases to be assigned by TA group, to be announced |
| Jan. 29 | Mon. | 3:00 p.m. | Class | Review of Record and Applicable Law, completed | Read cases to be assigned by TA group, to be announced |
| Jan. 31 | Wed. | 3:00 p.m. | Class | Statement of Case and Facts | Read ch. 15 |
| Feb. 2 | Friday | 9:00 a.m. | Court | Attend Maguire Moot Court Competition |  |
| Feb. 3 | Sat. | 10:00 p.m. | WA#1 | **Due:** Statement of Case and Facts | Description is posted |
| Feb. 5 | Mon. | 3:00 p.m. | Class | Questions Presented | Read ch. 17 |
| Feb. 7 | Wed. | 3:00 p.m. | Class | Argument Headings | Read ch. 18  |
| Feb. 12 | Mon. | 3:00 p.m. | Class | The Argument: Macro (Outlining) | Read ch. 20, particularly § 20.5 |
| Feb. 13 | Tue. | 7:00 p.m. | WA#2 | **Due:** QP, Argument Headings, Argument Outline | Description is posted |
| Feb. 14 | Wed. | 3:00 p.m. |  Class | The Argument: Micro (writing) | Review ch. 20 |
| Feb. 19 | Mon. | 3:00 p.m. | Class | Introduction to Oral Argument | Read ch. 22 if time |
| Feb. 21 | Wed. | 3:00 p.m. | No Class | No Class |  |
| Feb. 26 | Mon. | 3:00 p.m. | Class | Settlement Conferences |  |
| Feb. 28 | Wed. | 3:00 p.m. | Class | Argument/WA#3 Final Q&A |  |
| Mar. 1 | Thur. | 10:00 p.m. | WA#3 | **Due:** Revised SOCF, QP, Headings, and Argument | Description is posted  |
| Mar. 3 - 10 |  |  |  | Spring Break! |  |
| Mar. 12 | Mon. | 3:00 p.m. | Class | Summary of the Argument | Read ch. 19 |
| Mar. 14 | Wed. | 3:00 p.m. | Class | From Brief to Oral Argument (or guest speaker) |  |
| Mar. 16 | Fri. | 10:00 p.m. | WA#4 | Summary of the Argument |  |
| Mar. 19-23 |  | 2-hr block, after-noon or evening | First-round Practice Orals | Rehearsal for final orals: 10 minute argument against your opponent with questions from your TAs. |  |
| Mar. 19 | Mon. | 3:00 p.m. | Class | The Argument: Review and Questions; review of writing issues, if any | Review ch. 20 and what you have of your argument & outline |
| Mar. 21 | Wed. | 3:00 p.m. | Class | The “Other Parts of the Brief” | Read ch. 21 |
| Mar. 25 | Sun. | 10:00 p.m. | WA#4 | **Due:**  “Other parts of the brief” | Description is posted |
| Mar. 26 | Mon. | 3:00 p.m. | Class | What to Expect in Final Orals  |  |
| Mar. 28 | Wed. | 3:00 p.m. | No Class |  |  |
| Apr. 2 - 13 |  |  | Meet w/ Prof. Adkins | Extra office hours |  |
| Apr.2 -13 |  | Be-tween 6:30 & 8:30 | Final Orals | Your final oral will be scheduled ONE of these nights (subject to judge availability) for a 30-minute period. Oral argument nights will avoid religious holidays. |  |
| Apr. 2 | Mon. | 3:00 p.m. | Class | Common Issues in Drafts; Better Writing Exercises | Read ch. 31 & 32. |
| Apr. 4 | Wed. | 3:00 p.m. | No Class |  |  |
| Apr. 9 | Mon. | 3:00 p.m. | Class | Common Issues and Q & A |  |
| Apr. 11 | Wed. | 3:00 p.m. | No Class |  |  |
| Apr. 16 | Mon. | 3:00 p.m. | Class | Last class: oral argument reflections; Q&A re final brief |  |
| Apr. 19 | Thurs.  | 10:00 p.m. | WA#5 | **Due**: Final Brief | Description is posted |