

APPELLATE ADVOCACY
LAW 5793 – § 1393 (2 credits)
Pflaum
377 Holland Hall
(352) 273-0885
pflaum@law.ufl.edu

SYLLABUS - Spring 2018

Required Texts

- Legal Writing by Design (second edition) (Text)
by Tracy Rambo and Leanne Pflaum
- TWEN course
- The Bluebook - Twentieth Edition

Reading Assignments, Writing Assignments

Course Structure: All of our writing assignments this semester stem from a case involving a seizure of drugs from a tent in a national forest. Half of you will represent the United States, and half will represent the Defendant. Your complete brief is due in April.

Your task is to address the issues raised and to write a compelling argument for your client, then present your argument orally to the court. Our law clerk has already done the research and I have listed the relevant cases and other authorities in these materials and on the TWEN site. On the TWEN site you will be able to link to the cases on Westlaw.

You must stay current on all reading and assignments as our pace will be much faster than it was last semester. Complete reading assignments by the date indicated and be prepared to discuss in class. Some assignments are lengthy, so plan accordingly. The course calendar includes the dates of all class meetings, required lectures, conferences, and oral arguments. All cases for your brief should be read by Monday of the sixth week of classes; some will need to be read before that for in-class discussions, so follow the assigned case readings indicated on this syllabus.

Mixed in between these assignments will be conferences with your Teaching Assistant and with me, in-class exercises, short writing exercises, in-class demonstrations, and oral argument presentations.

Because of time constraints, I will not discuss administrative and grading policies (covered in the Course Materials). You are responsible for reading and following all policies and for keeping up with assignments.

Here's a list of the assignments we'll do this semester:

ASSIGNMENT	BRIEF DESCRIPTION
📄 WA # 1	Analyzing the record on appeal. Due Jan. 17.
📄 WA # 2	Statement of the Case and Facts. Due Jan. 24.
ICW Bluebook Exercise # 10	Prior and subsequent case history. Due 5 pm, Fri., Feb. 2
📄 WA # 3	Table of Authorities for the brief. Due Feb. 5.
📄 WA # 4	Initial portions of the brief, including the Caption page, Table of Contents (including argument headings), Table of Authorities, Opinion Below, Jurisdiction, Constitutional Provision, and Question(s) Presented. Due Feb. 12.
ICW Bluebook Exercise # 13	Signals. Due 5 pm, Fri., Feb. 16.
📄 WA # 5	Peer review of argument section. In class, Feb. 21.
📄 WA # 6	A polished version of your complete argument section. Due Feb. 28.
ICW Bluebook Exercise # 9	Comprehensive Core Exercises. Due 5 pm, Fri., March 30.
📄 WA # 7	The final brief. Due April 18.

Here's a list of the oral arguments you must attend.

Mini-oral argument	Week of March 12 – date and time TBA
Practice oral argument	Between March 19 - 30 (evening, Monday - Friday) TBA
Final oral argument	Between April 2 - April 13 (evening, Monday - Friday) TBA

WEEK ONE

Monday Class 1
1/8 Introduction to Appellate Advocacy

- READ:
- ☞ Text: Chapters 13 and 14.
 - ☞ TWEN
 - ☞ Course Materials: Calendar, Syllabus, and Course Policies and Requirements
 - ☞ Record on Appeal – read and decide whether to represent Defendant or the United States.
 - ☞ List of Authorities: *Katz* case.
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Wednesday Class 2
1/10 The Record on Appeal (ROA)

- READ:
- ☞ Text: Sample briefs, chapters 36, 37, 38.
 - ☞ TWEN
 - ☞ Course Materials: Writing Assignment # 1 – Analyzing the ROA. Be prepared to discuss the Record for WA #1.
 - ☞ List of Authorities: *Oliver* and *Cameron* cases.

ASSIGN: ☞ *Writing Assignment #1* - due in class 4, Wednesday, January 17.

WEEK TWO

Monday No class (MLK Holiday)
1/15

Wednesday Class 3
1/17 The Record on Appeal; review of Writing Assignment #1
Writing a Persuasive Statement of the Case and Facts (SOF).

- READ:
- ☞ Text: Chapter 15.
 - ☞ TWEN
 - ☞ Course Materials: Writing Assignment # 2 – SOF.
 - ☞ List of Authorities: *Nishi* case.

BRING TO CLASS ☞ *Writing Assignment #1: Analyzing the Record on Appeal*
Completed acknowledgment and address sheets.

ASSIGN: ☞ *Writing Assignment # 2 -- SOF* due in class, Wednesday January 24.

WEEK THREE

Monday Class 4
1/22 Preparing the Table of Authorities (TOA) and updating case law.

READ: ☞ TWEN
☞ Course Materials: Writing Assignment # 3.
☞ List of Authorities: *Sandoval* and *Cleator* cases.

Wednesday Class 5
1/24 Persuasive Legal Analysis: Rule formulation, explanation, and rule application.
• “In Class” Exercise #1

READ: ☞ Text: Chapter 20; review chapter 6, particularly § 6.3(d) on how to address and deal with a harmful case.
☞ TWEN
☞ Course Materials: “In Class” Exercise #1 - be prepared to discuss in class.
☞ List of Authorities: *Gooch* and *Ruckman* cases.

SUBMIT: ☞ *Writing Assignment # 2 at the beginning of class.*

WEEK FOUR

Monday Class 6
1/29 Preparing the Table of Authorities; standards of review

READ: ☞ Text: Chapter 16; chapter 21 (§ 21.3)
☞ TWEN
☞ Course Materials: Writing Assignment # 3.
☞ List of Authorities: *Kelley* and *Rigsby* cases.

ASSIGN: ☞ *Writing Assignment # 3 - TOA - due in class, Monday February 5.*

Wednesday Class 7
1/31 Persuasive Legal Analysis: Rule formulation, explanation, and rule application.
• “In Class” Exercise # 2

READ: ☞ Text: Chapters 23, 27 (review).
☞ TWEN
☞ Course Materials: “In Class” Exercise #2 - be prepared to discuss in class.
☞ List of Authorities: *Amezquita* and *Dias* cases.

Friday
2/2

Attend Moot Court competition – Time/location TBA
✍ Complete and submit ICW Bluebook Ex. #10: Due at 5 pm.

WEEK FIVE

Monday
2/5

Class 8
Initial portions of the brief : Caption page; Tables; Opinion Below; Jurisdiction; Constitutional Provision Involved, and Questions Presented.

READ: ✍ Text: Chapter 21, and review chapters 36, 37, 38 for formats.
 ✍ TWEN
 ✍ Course Materials: Writing Assignment # 4.
 ✍ List of Authorities: *Greenwood and Pottinger* (pages 1553-73) cases.

ASSIGN: ✍ *Writing Assignment # 4 -- initial portions of the brief*, due in class, Mon. Feb. 12.

SUBMIT: ✍ ***Writing Assignment # 3 at the beginning of class.***

ATTEND: Conference with TA on WA## 1, 2, 3, & 4 this week - day and time tba.

Wednesday
2/7

Class 9
The brief -- Question(s) Presented; Argument headings.
 • “In Class” Exercise #3

READ: ✍ Text: Chapters 17, 18.
 ✍ TWEN
 ✍ Course Materials: “In Class” Exercise #3 - be prepared to discuss the exercise in class.
 ✍ List of Authorities: *Thomas and Mooney* (up to “II” on page 161) cases.

All remaining authorities (*Stoner, Parizo, and Botelho*) should be read by Monday, Feb. 12.

ASSIGN: Settlement conference – classes 10 and 11.

WEEK SIX

Monday
2/12

Class 10
Theory of the case; Settlement conference.

READ: ✍ TWEN
 ✍ Course Materials: WA # 5 Peer review; WA # 6 (Argument).

ASSIGN: ✍ *Writing Assignment # 5 - argument*; due in class, Wed. Feb. 21, for peer review.

SUBMIT: ✍ ***Writing Assignment # 4 -- initial portions of the brief.***

Wednesday Class 11
2/14 Theory of the case; Settlement conference continued.

READ: 📖 Text: Chapters 28-33 (review).
📖 Course Materials: Citation refresher for Writing Assignments, page 37

ASSIGN: ✍ *Writing Assignment # 6 -- argument*; due Wed. Feb. 28 in class.

Friday
2/16 ✍ Complete and submit ICW Bluebook Ex. #13: Due at 5 pm.

WEEK SEVEN

Monday Class 12
2/19 Finalizing the Argument; Q & A

ATTEND: This week – Conference with TA on WA # 4 and WA # 5 - day and time tba.

REMINDER: ✍ *Writing Assignment # 5 -- argument section of the brief*, due in class, Wed. Feb. 21 for peer review.

Wednesday Class 13
2/21 Peer review – print out and bring your complete argument section to class (WA # 5).

WEEK EIGHT

Monday Class 14
2/26 Finalizing the Argument section; Q & A.

READ: 📖 TWEN
📖 Course Materials: Writing Assignment # 7 (pages 40 through 56).

Wednesday Class 15
2/28 Mini-oral argument and TA Demo.

SUBMIT: ✍ ***Writing Assignment # 6 at the start of class.***

WEEK NINE

March 5 - March 9
SPRING BREAK
No class



WEEK TEN

Monday Class 16 – Guest speaker
3/12 Oral argument

READ: ☞Text: Chapter 22.

ATTEND: *5 minute mini-oral argument this week. Time and place TBA.*

Wednesday Class 17
3/14 Practice oral argument and TA Demo.

WEEK ELEVEN

Monday Class 18
3/19 Lexis training – bring laptop

ATTEND: *Practice Oral Argument – March 19 - 30, date, time (evening) and place TBA*

Wednesday Class 19
3/21 Summary of Argument; Conclusion; Certificate of Service.

READ: ☞Text: Chapter 19; review Chapter 21, §§ 21.7 and 21.8.

ASSIGN: ✍ *Writing Assignment # 7. Due in class, Wednesday April 18.*

WEEK TWELVE

Monday Class 20
3/26 Westlaw training - bring laptop

ATTEND: **Conferences this week.**

ATTEND: *Practice Oral Argument – March 19 - 30, date, time (evening) and place TBA*

Wednesday Class 21
3/28 Citation; Q & A.

Friday Complete and submit ICW Bluebook Ex. # 9
3/30 Due 5 pm.

WEEK THIRTEEN

Monday Class 22
4/2 Guest speaker.

ATTEND: **Conferences this week.**

ATTEND: *Final Oral Arguments - April 2 - 13, date, time (evening) and place TBA*

Wednesday No class
4/4

WEEK FOURTEEN

Monday No class
4/9

ATTEND: **Conferences this week.**

Final Oral Arguments - April 2 - 13, date, time (evening) and place TBA

Wednesday Class 23
4/11 Oral Argument; Finalizing the brief, Q & A.

READ: ☞Text: Chapter 24 (review).

WEEK FIFTEEN

Monday Class 24
4/16

Wednesday Class 25
4/18

SUBMIT: 📎 *Writing Assignment # 7 - FINAL BRIEF in class. Attach the evaluated WA# 6.*

WEEK SIXTEEN

Monday No class
4/23

COURSE POLICIES, REQUIREMENTS, AND ASSIGNMENTS

Appellate Advocacy Objectives and Learning Outcomes

The primary objective of this course is to teach you how to construct a thorough legal argument and express it effectively and persuasively in writing. An additional objective is to teach you 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.
- Demonstrate an understanding of the basic appellate process and fundamental appellate concepts, including the decision to appeal.
- Edit and proofread a persuasive legal document.
- Prepare and effectively present an oral argument in support of your legal position.

Appellate Advocacy is designed to build on the principles you learned last semester in Legal Writing and Legal Research. My goals are to help you with all of the above so that you complete the course thinking, writing, and speaking like lawyers, and produce an appellate brief which you will be proud to use as a writing sample.

Although there are a lot of rules regarding the format for the writing assignments and standards of professionalism, I can assure you that they are not hypothetical or contrived for our class. Actual court rules regarding written briefs are even **more** stringent than mine (I'll show you an order from the First District Court of Appeal commanding an attorney to resubmit a brief conforming to the appellate rules, or risk having the brief stricken). And, in the competitive atmosphere of the actual practice of law, those who have high standards of professionalism are going to fare far better than those who don't.

Keep in mind that this is a class in **ADVOCACY**. In that respect it is a bit different from other courses. I want us to have a lively exchange of ideas, and I encourage you to participate. I want you to argue with me, and with each other (in an entirely civilized manner, of course).

HONOR CODE:

- [1] In **every** aspect of this course -- i.e., from written assignments, to oral arguments, to meetings with me and your teaching assistants, to class attendance -- you are **strictly bound** by the Honor Code (i.e, all rules, codes, regulations, policies of the University and of the College of Law regarding student conduct (academic and otherwise), as well as the policies set forth below).
- [2] Be especially careful not to plagiarize. Paraphrasing or quoting from, for example, the Record on Appeal, a case, or a law review article without properly acknowledging the source or including quotation marks where such marks are appropriate constitutes plagiarism for the purpose of this course. Any paper evidencing plagiarism will automatically receive a failing grade. Please also be aware that it is no defense to plead either ignorance of what constitutes plagiarism or lack of intent to plagiarize. If you are using the exact language of original text, set the entire passage you have quoted inside quotation marks, with the citation following the closing quotation mark. What is within the quotation marks should be identical to the original, and any changes should be indicated by brackets ([]), and any omissions (except those occurring at the beginning of a sentence) denoted by ellipsis (. . .). If you are paraphrasing an idea, you must also cite to the original source. (This not only avoids plagiarism, it also gives your position more credence by showing that an authority has supported your view.)
- [3] Unless I tell you otherwise, you may not read another student's work-product, and you may not allow another student or any person to read or in any way review your work-product. **All work in this course must be your own.** This means, for example, that you must do your own research, writing, and proofreading. You may not read the written work of another student, (former or present student), nor may you allow another student (former or present student) to read your written work, unless I give you permission to do so. Giving any of your work-product to another student, or allowing that student to read your work-product, without my permission, violates the collaboration policy as much as taking work-product from another student does. Please be aware that you are responsible for protecting the privacy of your work-product. Therefore, if you share your computer with another student and the two of you turn in virtually similar work, both of you have violated the honor code, and will both fail the course.
- [4] "Work-product" includes all written work done by you during the course, whether created in the context of an assignment or not. Work-product thus includes, for example, a list of cases, table of contents, cover page, sections of your brief, and any portion of any assignment.
- [5] Every assignment is subject to these provisions.
- [6] Please submit to me in writing any questions you may have regarding these policies. I will give you a written response to your questions.

GRADING POLICIES: Appellate Advocacy is graded by letter and is subject to the mandatory grade distribution and mandatory curve established by the College of Law.

Your final grade in the course will be determined by:

1. Final brief – 80%

2. Participation in class and at all oral argument sessions; satisfactory work on all assignments (see Course Expectations below); and compliance with course policies and class expectations – 20%.

An "A" final brief is excellent. The argument is persuasive, well-reasoned, and well-supported by authorities. The writing style is concise, clear, and generally free of format and citation errors.

UF Law letter grades and point equivalents:

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Point</u>	<u>Grade</u>	<u>Point</u>
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:

<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies>

Course Expectations

I expect you to:

- [1] satisfactorily and timely complete all writing and citation assignments;
- [2] attend and demonstrate preparedness in class; writing conferences; and oral presentations; and
- [3] demonstrate professionalism.

What this means:

Satisfactorily complete assignments

The goals of all assignments in this course are to teach you the principles of and give you practice in developing legal writing skills. I want you to use the assignments to practice writing techniques, to learn from your teaching assistants and my feedback, to learn from your strengths and weaknesses and to improve.

For some assignments, I may provide to you a checklist of my expectations for the project and will use the checklist to aid me in assessing the quality of your work. I will evaluate your performance based on the effort you demonstrate in doing the best work that you can on each assignment, the effort you demonstrate in applying the principles discussed in the assigned reading and during our class meetings, and the effort you demonstrate in revising your work.

Timely complete assignments

As it is in law practice, time management is a critical component of our class. Just as clients, senior partners, and judges expect work to be submitted timely, I expect your work to be submitted no later than the specified deadline. If you worked for me as a law clerk and you submitted an assignment after the deadline, without excuse, I'd likely fire you and definitely would not offer you a permanent position in the firm. Therefore, I will not accept such conduct in this course.

I will not review *ungraded* assignments if not submitted by the deadline; they will be considered to be unsatisfactory. Your final grade will be lowered one level (e.g. B to B-) for each ungraded assignment submitted after the deadline. *Graded* assignments will be lowered one level (e.g. B to B-) for every day or portion of a day that the assignment is late.

I will excuse late submissions only in limited emergency situations. In the event of an emergency involving serious illness (yours, a close friend's or a family member's), accident or a complete computer breakdown (i.e., the hard drive crashes), please call me, email me or see me as soon as possible. Under these circumstances, I will delay the deadline for your paper to give you enough time to deal with the emergency. Bottom line: Meet all deadlines. If you know you can't, let me know as soon as possible. I am far more likely to grant extensions of time when contacted before the assignment is due, rather than after the deadline.

ABA Requirements regarding Attendance and Participation

The American Bar Association has strict requirements about minimum hours of class attendance and participation.

Attendance: The ABA suggests that anything in excess of 15% absences should render a student ineligible to receive credit for a course. Thus, excessive absences (defined for this course as a combined total of 5 or more unexcused absences from required class meetings, writing conferences, oral argument sessions, workshops, and mandatory special events) will result in failure of the course. Your final grade in the course may be lowered one level (e.g. B to B-) for each unexcused absence.

Participation: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" (a 2 to 1 ratio) of in-class instruction. (For these purposes, 50 minutes equals 1 hour of in-class instruction, but an out-of-class hour must be 60 minutes). Appellate Advocacy has 2 "classroom hours" of in-class instruction each week, requiring at least 4 hours of preparation outside of class. Accordingly, you will have about 60 pages of reading each week, and to fully comprehend the concepts presented, you should spend at least one hour on every 10-15 pages of reading. Essentially, it is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.

Excessive absences will result in failure of the course. Your final grade in the course may be lowered one level (e.g. B to B-) for each unexcused absence.

Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that can be found at:
<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

Demonstrate preparedness in class

You are responsible for the information contained in all TWEN postings, handouts and assigned reading. I expect that you will have completed the reading assignments and that you will participate in class. I will call on students during class and expect them to be prepared. I also expect that you will be prepared to participate during in-class group exercises. This is not a lecture course. I will not use our valuable class time to reiterate what you've read. Instead, I will use class meetings to give you practice using the skills and applying the principles covered in the assigned reading. Our class meetings will have value to you only if you come prepared to participate.

I understand that sometimes things will complicate your life and that you may not be prepared for a particular class session. If you are unprepared to participate in a class session, please let me know before class begins, and I will not call on you that day. Do not, however, make a habit of this.

Unpreparedness may result in the lowering of your final grade.

Demonstrate preparedness in writing conferences

You will be required to meet with me to confer about your work in the course. I expect that before a writing conference you will have reviewed all comments written on your paper by your teaching assistant and by me. I expect that you will have reviewed all portions of our text and course materials relevant to the revisions you'll need to perform. I expect that you will come to the conference with specific questions for your teaching assistant and me about your work and how to improve it.

Unpreparedness may result in the lowering of your final grade.

Demonstrate professionalism

In three short years you will be representing clients in matters affecting their liberty, their lives, and their property. Now is the time to start taking this responsibility seriously. With this in mind, I expect that you will conduct yourself in this course as an ethical, honorable member of the legal profession.

Although I do not expect that you, as a first-year law student, will possess the skills necessary to produce sophisticated legal analysis, I do expect that you have the ability and maturity to approach your work with diligence. I expect you to produce work that exhibits a professional quality. It must conform to all format requirements and must be carefully proofread. When preparing an assignment for this course pay attention to detail as you would if you were a law clerk or practicing attorney preparing a document for review by a senior partner or by a client. Just as an employer or client would not accept sloppy work from you, I will not accept such work in this course.

Any paper containing excessive, distracting typographical, format and/or citation errors is unsatisfactory, and may result in the lowering of your final grade. Please remember that it may take you at least 3 hours to print out your complete brief, and it will take you at least an additional 2-3 hours to properly proofread it. You must check for format, citation, and typing errors, and be certain that all cites (including pincites) and quotes are accurate. This means you cannot wait until

the day before the assignment is due to begin finalizing your work. *Bottom line:* As you did in Legal Writing, proofread your work carefully and you won't have any problem here.

An *initial* brief barely containing any analysis (regardless of the page length) or *containing an argument section less than 10 full pages (to the bottom of page 10)* or more than 13 pages, is unacceptable. A paper barely containing any analysis is one which, for example, relies on only 3 to 4 cases, and/or fails to address all major issues. *Bottom line:* If your brief lacks analysis, you've really given me nothing to grade, and as a consequence, your final grade in the course may be lowered one level (e.g., B to B-).

A final brief that is turned in late may result in your final grade in the course being lowered one level (e.g. B to B-). A late paper is one handed in after the time it is due. Again, I will excuse late submissions only in limited emergency situations. In the event of an emergency involving serious illness (yours, a close friend's or a family member's), accident or a complete computer breakdown (i.e., the hard drive crashes), please call me, email me or see me as soon as possible. Under these circumstances, I will delay the deadline for your paper to give you enough time to deal with the emergency. I am far more likely to grant extensions of time when contacted before the assignment is due, rather than after the deadline.

A *final* brief containing cites to headnotes, to the opinion's syllabus, or other errors demonstrates a lack of credibility (such as excessive misquotes or failure to indicate quoted material). *Bottom line:* Check your cites and quotes carefully.

Any assignment or any paper (in whole or in part) undertaken, completed, or written in violation of the Honor Code (see specific policies set forth above), or in violation of any rule, code, regulation, or policy of the University and/or the law school regarding academic conduct, will receive a failing grade, and the student will receive a failing grade in the course.

You may not resubmit an assignment Unless you are instructed otherwise, you may not submit or resubmit an assignment or paper after the time the assignment is due.

Handouts and course reading You are responsible for the information contained in all handouts, TWEN posts, and assigned reading.

Responsibilities to other classes As attorneys you will be responsible for many clients at the same time. When you are engaged in a big project involving one client, you must still attend to the legal affairs of your other clients. Likewise, when you are engaged in preparing an assignment for Appellate Advocacy, you still must attend, and complete the work for, your other classes.

ACCOMMODATION FOR STUDENTS WITH DISABILITIES:

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting accommodations. Students with disabilities should follow this procedure as early as possible in the semester.

COURSE EVALUATIONS:

Students are expected to 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 be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

OFFICE HOURS: My office hours are posted on the TWEN site. If you would like to meet with me, please make an appointment on the TWEN site using the sign-up sheets, or contact me to meet at a different time. My e-mail address is: pflaum@law.ufl.edu

A NOTE ABOUT COMPUTERS: You assume the risks of the technology you use in completing your writing assignments. Therefore, you must make certain your computer, printer, etc. are in proper working order in advance of all deadlines.

If you are using a computer, you should print out a hard copy of your work-in-progress so that your work will not be lost if your lose the information on your disk. I'm more likely to be sympathetic to a computer problem if you have an almost complete assignment to show me. If you're using a hard drive, please make certain you are backing-up the information on a disk, or email your document to yourself periodically. Also, make certain you turn off the "right justification" feature. Failure to do so will result in spacing errors -- a particular concern with citations. Do this for each document you produce. (Many times students write their briefs in segments and save those segments under different files. Please make certain that if you do this, you turn the right justification off for each file. Otherwise, when you merge the files, parts of your brief may be right justified.)

Reasonably foreseeable computer failures, errors, and the like do not constitute a satisfactory excuse for handing in a late paper. Allow sufficient time to be prepared for the worst. Also, if you have any questions regarding the size of the typeface or font you plan to use for your papers, please discuss it with me at least a week prior to the deadline. Generally, you will follow the same format requirements as to type size, spacing, etc. as for your Legal Writing course. Please note that all "format" requirements are strictly enforced.

IMPORTANT NOTE ABOUT COMPUTER USE:

This semester you may use information technology in class (laptop, tablets, iPads, etc., but no cell phones).

A special note about proofreading: Please make certain that you proofread the actual, hard copy of your work. Some people are in the habit of proofreading "on the computer screen." BEWARE . . . far too many people have "proofed" on-screen, printed out the work, handed in the assignment and then, to their horror, discovered that they had submitted the **wrong** document, or had errors that didn't show up on the screen, but did on the hard copy. **ALWAYS PROOFREAD THE HARD, STAPLED COPY.** (Proofing the final, stapled version helps to ensure that you've got the right information, and that your pages are in the right order and not upside down.)

GENERAL INFORMATION, BASED ON FREQUENTLY ASKED QUESTIONS:

- [1] There is no exact number of cases you need to use in your brief. In our class, as well as in practice, you need to use as many cases as it takes to write a well-reasoned, persuasive argument, as well as cases “on point.” Be certain you address the cases discussed by the lower court, cases that are favorable to your client, and any cases you know the other side will rely upon. (You probably cannot, however, address our topic sufficiently with only 6 or 7 cases.)
- [2] Thirteen pages is the maximum you are allowed for the argument section of your initial and final brief. If you have a problem meeting the page limitations, please come see me **in advance** of turning in the assignment, and maybe I can suggest ways to cut it down.
- [3] Even if you do not do well during oral arguments, you will neither fail the course nor have your grade lowered.
- [4] You may not submit a revised version of your brief even if, after handing in your initial or final brief, you find that you've made a lot of errors. However, if you discover that this has occurred, please advise me as soon as possible.
- [5] I do not consider lowering your grade by one level (e.g., B to B-) a harsh penalty for excessive typos, misquotes, and other such errors. When clients entrust you with their case, they are counting on you to represent them in a competent and professional manner. They are counting on you not to do anything which might damage their position before the court. If you represent them with a brief which contains numerous typos and other errors, you have not represented them in a competent and professional manner, and you may have severely damaged their case. Once you lose your credibility with the court by handing in a sloppy brief, you rarely, if ever, can get the court to trust you again. Your reputation and your client's case, suffer. Moreover, some courts will reject non-conforming briefs, and even dismiss an appeal on that basis. I'll show you some opinions from appellate courts berating attorneys for sloppy briefs, and even assessing fees against some of them.
- [6] It is not your Teaching Assistant's job to call to your attention all or most of the format, citation, quotation, and/or other errors in your papers. You, and you alone, are responsible for such errors. Your Teaching Assistant and I are here to help guide you through the course, by reviewing your written work and trying to point out organizational and analytical problems. Your TA and I will try to answer questions regarding use of cases and facts, tactics, persuasion, and the general form of your argument. However, the final responsibility for the paper is yours.
- [7] Your Teaching Assistant cannot do the following:
 - excuse absences from class or other required meetings;
 - grant any extensions of time or excuse any late paper;
 - grant any extensions or deletions of page length;
 - alter any course or assignment requirement;
 - give advice regarding the Honor Code; or
 - tell you what grade you will or might receive in the course.
- [8] If you don't get along with your Teaching Assistant, please see me immediately and I'll reassign you to another TA -- no questions asked.

[9] The format requirements call for all papers to have an inch margin on the top, bottom, and sides. You should measure the bottom margin from your text, not from the page number. There should be an inch margin between the bottom of the page and the text, with the page number half-way between the two. Thus, set the bottom margin at .5, not one inch.

[10] If you want to emphasize a word or phrase, underline it; don't use italics or bold.

FORMAT REQUIREMENTS: Every jurisdiction (each state and the federal courts) has its own rules concerning the form and content of an appellate brief. (E.g., Rule 9.210 of the Florida Rules of Appellate Procedure; Federal Rules of Appellate Procedure with Eleventh Circuit Rules.) In practice, you will need to consult the rules of appellate practice before drafting a brief. For this course, the following rules govern the form of all writing assignments, including the initial and final briefs. That includes underlining, not italicizing case names. These requirements, which were the same for our Legal Writing course, are strictly enforced.

All assignments must be typewritten with black ink, double-spaced (not space and one-half), on opaque (not glossy), white, 8 ½ x 11 inch paper, with one-inch (bottom, top, left, right) margins. Do not align or justify the right margin. Each page should be numbered (center, bottom). The bottom margin should be one inch from the last line of the text, not from the page number. Type must be in Courier New 12 point font. All print must be legible (not too light). If you are using a computer or word processor, use the same font and the same type-size throughout your paper. Indent paragraphs either 5 or 6 spaces consistently. Skip 2 spaces between each sentence. Skip 2 spaces between each sentence and a citation sentence. All citations must be in proper *Bluebook* format. You may either italicize or underline your case names in your citations. Whichever method you use, please be consistent, and use the same method for your citation signals. All papers must be bound in the upper left corner with a staple. Do not use paper clips, special folders, or binders. A signed cover page (format set forth below) must be stapled to the front (in the upper left corner) of all assignments.