Appellate Advocacy § S
LAW 5793, Class # 15904
Spring 2020
Instructor: Timothy McLendon
Tuesdays & Thursdays, 3:00 PM
Holland Hall, Room 382

SYLLABUS

Professor: Timothy McLendon
Office: 320 Holland Hall (on the 3rd floor at the far west of the building, in the office suite of the Center for Governmental Responsibility)
Telephone: (352) 273-0835
E-mail: mclendon@law.ufl.edu

Office Hours: Mondays, 9.30-10.30am
Wednesdays, 9.30-11.30am
Thursdays, 4.00-4.30pm
and always by appointment.

*The Bluebook: A Uniform System of Citation* (20th ed., 2016).
Additional Course Materials available on TWEN

Course Objectives:
This course is designed to help students learn how to read, think, and write like an appellate lawyer. The course build upon the foundation students received last semester in legal research and writing, using this to become effective persuasive writers. Together we will dissect and analyze your client’s case and will practice applying cogent legal arguments to support your client’s position. Students will then have the opportunity to argue their case in an appellate court format.

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

**Grading:**

30% Participation (includes successful and timely completion of all assignments, in class exercises, and oral argument presentations)
70% Final Appellate Brief

**Grade Values for Conversion**

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<th>Letter Grade</th>
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The law school grading policy is available at: [http://www.law.ufl.edu/students/policies.shtml#9](http://www.law.ufl.edu/students/policies.shtml#9)

**Policy regarding late submission of assignments:**

If you turn in a writing assignment, 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. There is no guarantee that I will allow any special arrangement or late submission of work absent a true emergency. This is the same professionalism you would be expected to provide to your law partner, a judge, or a 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 of Florida’s policy to accommodate religious holidays, and that policy will be honored.
Attendance:
We will take attendance during each class period. You are permitted to miss two classes without penalty. Your participation grade may be lowered due to additional unexcused absences. Missing more than six classes will result in a failing grade in the course. Excessive tardiness may also result in a grade penalty.

Class Participation:
Students are expected to complete all readings prior to class. Your readings are outlined in the syllabus. Additional readings may be assigned during the semester and posted to the TWEN site.

Your participation grade is based on not only in class participation, but also on your successful completion of all assignments. Each assignment will be evaluated for completeness, accuracy and timeliness.

This 2-credit course complies with ABA Standard 310. 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.

Other Policy Statements:

A. Policy related to Make-up exams or other work.
The law school policy on delay in taking exams can be found at: http://www.law.ufl.edu/students/policies.shtml#12.

B. Statement regarding accommodations for students with disabilities.
Students with disabilities seeking accommodations should first register with the UF Disability Resource Center (tel: 352-392-8565, www.dso.ufl.edu/drc/) with appropriate documentation. After registering, students will receive a letter to give to the instructor when requesting any accommodations. Students with disabilities should follow this procedure as early as possible in the semester.

C. 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, and students will be informed when they are open. Summary results of these assessments are available to students at: https://evaluations.ufl.edu/results/.

D. Academic Misconduct.
Academic honesty and integrity are fundamental values of the UF community. Students should be sure that they understand the UF Student Honor Code at http://www.dso.ufl.edu/students.php.
Overview of Major Assignment Deadlines:
January 28  Writing Assignment #1 [Cover Page, Question Presented & Jurisdictional Statement]
February 6  Writing Assignment #2 [Outline of Argument]
February 27  Writing Assignment #3 [Entire draft of Argument & Conclusion]
March 17  Writing Assignment #4 [Statement of Case & Facts]
March 23-27  Practice Oral Arguments (dates subject to change)
March 31  Writing Assignment #5 [Summary of Argument]
April 2-7  Final Oral Arguments (dates subject to change)
April 7  Writing Assignment #6 [Table of Contents & Table of Citations]
April 20  Final Brief Due

Class Schedule:
Classes will generally meet Tuesdays and Thursdays at 3:00pm in Room 382 Holland Hall. Note: This is a tentative syllabus - assigned readings and assignment due dates may change.

Outline of the Course:

Tuesday, January 14, 2020
Discuss:  Overview of course; format & structure of appellate briefs

Thursday, January 16, 2020
Discuss:  Standards of Review; jurisdiction of district court & appellate court

Tuesday, January 20, 2020
Read:  U.S. Const. amend. IV; Mapp v. Ohio; Katz v. United States; Oliver v. United States; United States v. Ruckman
Discuss:  Facts in the Record; Exclusionary Rule under Fourth Amendment; assigned cases
Thursday, January 22, 2020
Read: Edwards text, ch. 21 (pp. 316-325); United States v. Sandoval; Amezquita v. Hernandez-Colon; United States v. Gooch; United States v. Wilson; People v. Hughston
Discuss: Question Presented; assigned cases

Tuesday, January 28, 2020
Writing Assignment #1 due (Cover Page, Question Presented & Jurisdictional Statement)
Read: State v. Mooney; People v. Nishi; State v. Cleator; Pottinger v. City of Miami; Kelly v. State; Stoner v. California; State v. Dias
Discuss: Question Presented; assigned cases

Thursday, January 30, 2020
Read: Edwards text, ch. 20-21
Discuss: Outlining Argument; Structure of Appellant’s and Appellee’s arguments

Tuesday, February 4, 2020
Writing Assignment #1 returned
Read: Edwards text, ch. 19 (pp. 273-79); ch. 21 (pp. 310-15).
Discuss: Argument Headings

Thursday, February 6, 2020
Writing Assignment #2 due
Read: Gary Gaffney, Drafting an Effective Appellate Brief, 67 Fla. B.J. 43 (Oct. 1993) (on TWEN)

Friday, February 7, 2020
Attend Maguire Moot Court Competition before Florida Supreme Court justices.
Time TBA
Tuesday, February 11, 2020
Read: Edwards text, ch. 20 (review); Raoul G. Cantero, *Three Simple Ways to Improve Your Briefs*, 85 FLA. B.J. 31 (Feb. 2011) (on TWEN)
Discuss: Argument structure

Thursday, February 13, 2020
Read: Edwards text, ch. 24 (oral argument)
Discuss: Introduction to oral argument

Tuesday, February 18, 2020
Writing Assignment #2 returned
Read:
Discuss: Common issues & problems with Writing Assignment #2; substance & organization of Argument

Thursday, February 20, 2020
Read: Edwards text, ch. 23 & Record on Appeal
Discuss: Questions & Answers re Writing Assignment #3 (Draft Argument & Conclusion); writing & editing tips

Tuesday, February 25, 2020
TA Oral Argument Demonstration
Discuss: Oral argument; Questions & Answers re Writing Assignment #3 (Draft Argument & Conclusion)

Thursday, February 27, 2020
Writing Assignment #3 due (draft argument & conclusion)
Read: To be assigned

Monday, March 2 – Friday, March 6, 2020       SPRING BREAK
Monday, March 9 – Friday, March 13, 2020
Mini-Orals  Set up with your TA groups

Tuesday, March 10, 2020
Read:  Edwards text, ch. 22
Discuss:  Statement of Case and Facts

Thursday, March 12, 2020
Read:  Edwards text, ch. 19
Discuss:  Summary of Argument

Tuesday, March 17, 2020
Writing Assignment #3 returned
Writing Assignment #4 due (Statement of Case & Facts)
Discuss:  Common issues & problems with Writing Assignment #3

Tuesday, March 17 – Tuesday, March 24, 2020
Individual Conferences – sign up on TWEN

Thursday, March 19, 2020  No Class

Monday, March 23 – Friday, March 27, 2020
Practice Oral Arguments (with TA groups)

Tuesday, March 24, 2020
Read:  To be assigned
Discuss:  Practice Oral Arguments

Thursday, March 26, 2020
Discuss:  Writing Assignment #5 (due on April 4); Questions & Answers re oral argument
Thursday, April 2 – Tuesday, April 7, 2020
Prepare & Present – Final Oral Arguments
Your final oral argument will be scheduled on one of these nights (subject to judge availability) for a 30-minute period

Tuesday, March 31, 2020
Writing Assignment #4 returned
Writing Assignment #5 due (Summary of Argument)
Discuss: Common problems & issues with Writing Assignment #4; Question & Answers re final oral argument

Thursday, April 2, 2020
Discuss: Citation issues & argument headings; Writing Assignment #6 (due on April 11)

Tuesday, April 7, 2020
Writing Assignment #5 returned
Writing Assignment #6 due (Table of Contents & Table of Citations)
Discuss: Common problems & issues with Writing Assignment #5; citation issues; Questions & Answers re final brief

Thursday, April 9, 2020
Writing Assignment #6 returned
Discuss: final editing tips; citation issues

Tuesday, April 14, 2020
Discuss: oral argument reflections; Questions & Answers re final brief; course evaluation
Thursday, April 16, 2020  No Class

Monday, April 20, 2020
FINAL BRIEF due on TWEN by 11.59pm