

## LRWA III - Appellate Writing

Welcome to Appellate Writing. In this two-credit course, you will refine your persuasive writing skills by writing two appellate briefs. You will work as appellate attorneys on a single case, first as counsel for appellants and then as counsel for appellee. You will start by conducting legal research and reporting your results to your professor. You will then draft portions of the appellants' brief which you will incorporate into a full appellants' brief. Your final project is a full appellee's brief.

We expect you to behave professionally, demonstrating responsibility and initiative in your class sessions, individual meetings, and written assignments. Please carefully read this syllabus and the Appellate Writing Rules.

At the conclusion of this course, you should:

- understand the Federal Rules of Appellate Procedure and Fourth Circuit Local Rules for appealing a federal case;
- write appellate briefs that comply with the Federal Rules of Appellate Procedure and Fourth Circuit Local Rules;
- effectively research and think critically about legal issues;
- effectively choose and frame legal arguments in the appellate context;
- understand and recognize various advanced persuasive writing techniques;
- apply advanced persuasive writing techniques in writing appellate briefs; and
- effectively critique and edit your own work and the work of others.

### Class Logistics

All sections will meet in person, although some individual meetings may be carried out virtually. All students are responsible for completing all assignments. The chart on page 4 lists each section and its meeting day and time.

### Reading and Out-of-Class Assignments

The required textbook for this course is Joan M. Rocklin et al., An Advocate Persuades (Carolina Academic Press) (Second Edition).

You also need the Federal Rules of Appellate Procedure and the Fourth Circuit Local Rules, both of which are available for free online. Finally, you are expected to follow the Bluebook citation rules for practitioners in your written work product.

The course calendar in this syllabus lists assigned reading and other out-of-class requirements for each week for all sections. Individual professors may assign additional reading, videos, or out-of-class activities. **You are expected to complete each assignment in advance of the class for which it is assigned** unless instructed otherwise by your professor.

## TWEN

Please register on TWEN for **two TWEN pages**:

- LRWA III Appellate Writing (All Students),
- Your section's TWEN page ("LRWA III Appellate Writing ([Professor Name])").

**You are responsible for knowing all information posted on the two TWEN pages throughout the semester. You may not join the TWEN page of a section that is not yours.** Your section's TWEN page is where you will contribute to online discussion, take quizzes, and submit assignments. It is also where your professor will communicate with you regarding requirements specific to your section.

### Restrictions on Collaboration & Use of Generative Artificial Intelligence

All writing projects this semester are individual projects. You may not request or accept editing or proofreading assistance from any person except at the express direction of your professor or the director of the program.

You may freely discuss with others the record in the case, legal research techniques and results, caselaw, statutes, secondary sources, and how the law applies to the facts of our case. The legal substance of the assignments is fair game for discussion – and discussion is encouraged – but your written work product must be yours alone.

Use of Extractive Artificial Intelligence tools such as Lexis, Westlaw, Bloomberg, FastCase, HeinOnline, and similar legal research databases is allowed.

Use of electronic spelling and grammar check tools integrated into Microsoft Word is allowed.

Use of Generative Artificial Intelligence tools such as ChatGPT, CoCounsel, Cecilia, Logikbot, Harvey, LawDriod Copilot, and Spellbook is prohibited. You may not use these or similar tools to research or to write any part of your submitted projects. During the semester we will discuss the use of Generative AI by lawyers in practice. The Director may authorize the use of a particular tool during the course for a particular purpose. Any such authorization will be communicated in writing via TWEN.

### Written Assignment Requirements & Naming Conventions

For each written project, you must submit a Microsoft Word (.doc/.docx) file conforming to all requirements of the project memo. **Each must include the following information**, centered as a header on a single line on every page, using the same font as the body of your project: [Semester Identification] [Instructor Name] [Project Number] [AGN]. For example, a student submitting the Final Appellant' Brief (P5) in Professor Bayram's section would use the following header:

For projects submitted without AGNs, use your last name in place of the AGN.

For **all** written submissions, **use this same header text to name your file**. All written submissions must contain page numbers on each page in the same font as the body of the project.

Failure to comply with these requirements will be reflected in your grades.

### **AGN Requirements and Grading**

Some projects are graded on an “Expanded Pass/Fail” basis. All others are graded on a six-point scale, for which you will use Anonymous Grading Numbers (AGNs). AGNs must be exactly seven characters, must not form a discernable word or phrase, and must not form a discernable pattern when viewed in combination with your other AGNs. **You must create and submit your AGNs for all projects using the link provided on the All Students TWEN page before 6:00 pm on Friday, September 8.**

You will also be graded on your professionalism throughout the semester. The professionalism evaluation includes: your completion of and performance on in-class or out-of-class assignments and course projects; indices of preparation, attention, and focus during class and in your written work product; and interaction with classmates and your professor during class. It also includes your interactions with your professor or the director of the program outside of class. The chart below lists the various graded aspects of this course.

Description	Grading Method	Weight
P1 - Presentation of initial research results and follow up report	Expanded Pass/Fail	5%
P2 - Draft Issue Statements	Expanded Pass/Fail	5%
P3 - Draft Point Headings	Expanded Pass/Fail	5%
P4 - Draft Partial Appellant’s Brief (Issue Statements; Partial Argument)	0-6 point scale	15%
P5 - Final Appellant’s Brief (Issue Statements, Statement of the Case, Full Argument)	0-6 point scale	25%
P6 - Draft Partial Appellee’s Brief (Statement of the Case and Point Headings)	Expanded Pass/Fail	5%
P7 - Final Appellee’s Brief (Issue Statements, Statement of the Case, Full Argument with appropriate cover, tables, and certificates)	0-6 point scale	35%
Professionalism	0-6 point scale	5%

### Appellate Writing Sections

Day	Time	Section Number	Professor
Tuesday	9:50am	98-01	Atkins
Tuesday	1:50pm	98-02	Bayram
Tuesday	6:05pm	98-03	Figueroa
Tuesday	6:05pm	98-04	Levy
Tuesday	8:10pm	098-05	Iyengar
Wednesday	9:50am	098-06	Barnes
Wednesday	9:50am	098-07	Hemmer
Wednesday	1:50pm	098-08	Cohen
Wednesday	6:05pm	098-09	Bryant
Wednesday	6:05pm	098-10	Warren
Wednesday	8:10pm	098-11	Green
Thursday	8:30am	098-12	Peyton
Thursday	8:45am	098-13	Pusateri/Crosswell
Thursday	6:05pm	098-14	Bokat-Lindell
Thursday	8:10pm	098-15	Robins
Thursday	8:10pm	098-17	Perry
Thursday	8:10pm	098-18	Wagstaff

## Course Calendar

This course calendar lists the general weekly class topics and class assignments applicable to all sections, which are subject to change during the semester. Any changes will be communicated to you via TWEN. In addition, each section may have additional class assignments or may change the order of topics at the discretion of the Professor. You are responsible for knowing your section-specific requirements.

<b>Class Week/ Due Date</b>	<b>Reading and Drafting Assignments to be Completed Before Class</b>	<b>In Class Topics and Exercises</b>
Week of August 21	<p><b>Read:</b> Syllabus &amp; Rules (on TWEN)</p> <p><u>An Advocate Persuades</u>, Chapter 9, section 9.2: Appellate Practice</p> <p>Fed. R. App. P. 3, 4, 10, &amp; 11 &amp; related local rules</p> <p>The Record (on TWEN)</p> <p>P1 - Initial Research Project Memo (on TWEN)</p> <p><b>Post:</b> Introduce yourself to your professor and your classmates with a post in the discussion forum on your section's TWEN page.</p> <p><b>Draft &amp; Submit:</b></p> <p>A memo to the file summarizing the case.</p>	<p>Introduction to Appellate Writing</p> <p>Appellate Procedure</p> <p>Our Case</p> <p>Research</p> <p>Time Management</p>
Week of August 28	<p><b>Read:</b> P2 - Issue Statements Project Memo (on TWEN)</p> <p>The secondary sources, cases, and statutes found in your research</p> <p><b>Draft:</b></p>	<p>Devising an Appellate Strategy</p> <p><b>Exercise:</b> Report on your research, the substantive legal issues involved in the case, and your plan for brief drafting.</p> <p><b>Submission:</b></p>

	<p>Notes for reporting on your research including a summary of elements/inquiries relevant to each issue with relevant cases.</p> <p>A work plan for completing your appellate brief.</p> <p>Your professor will let you know where, when, and how this class meeting will occur.</p>	<p>Each student must follow up in writing in a manner determined by the professor. The follow up should summarize the discussion and detail the agreed upon next steps. If reporting via email, use the required header for assignments as the subject line of your email.</p> <p>Professors will set the deadline for submission for their sections.</p>
<p>Week of September 4</p>	<p><b>Read:</b> Fed. R. App. P. 28 &amp; 32 and associated local rules</p> <p><u>An Advocate Persuades</u>, Chapter 9, section 9.3: Constructing Appellate Briefs Chapter 1: The Nature of Persuasion Chapter 6: Refining Persuasive Arguments</p> <p>Sample Briefs posted on TWEN</p> <p>P3 - Point Headings Project Memo (on TWEN)</p> <p><b>Draft:</b> Issue statements for both issues on appeal. Bring two printed copies to class unless directed otherwise.</p>	<p>Persuasive Briefs</p> <p>Issue Statements</p> <p>Point Headings and Argument</p> <p>Writing Process – Outlining and Drafting</p> <p><b>Exercise:</b> Peer editing of issue statements</p> <p><b>Project Submission:</b> Students must submit draft issue statements on via TWEN in accord with the deadline set by their professor.</p>
<p>Week of September 11</p>	<p><b>Read:</b> <u>An Advocate Persuades</u>, Chapter 4 Themes for</p> <p><u>A Lawyer Writes</u>, Chapter 7, section 7.3 (on TWEN)</p>	<p>Argument</p> <p>Theory and Theme</p> <p><b>Exercise:</b> Peer editing of point headings.</p>

	<p>P4 - Draft Brief Project Memo (on TWEN)</p> <p>Sample Briefs (on TWEN)</p> <p><b>Draft:</b> Point headings for both issues on appeal. Bring two printed copies to class unless directed otherwise.</p>	<p><b>Project Submission:</b> Students must submit point headings via TWEN in accord with the deadline set by their professor.</p>
<p>Week of September 18</p>	<p><b>Read:</b> <u>An Advocate Persuades</u>, Chapter 7 Editing Persuasive Arguments</p> <p>Effective Drafting materials (on TWEN)</p> <p><b>View:</b> Editing Tips &amp; Tricks</p>	<p>Editing Process</p> <p>Understanding and incorporating feedback</p> <p>Persuasive Techniques</p> <p>Correct and complete attribution</p> <p><b>Exercise:</b></p> <p>Debate Write in</p>
<p><b>Sunday, September 24 – Draft Brief Due</b></p>	<p>Submit your Draft Partial Appellants’ Brief <b>before 11:00 p.m.</b> on Sunday, September 25.</p>	
<p>Week of September 25</p>	<p><b>Read:</b> Sample Briefs posted on TWEN</p> <p>P5 - Final Appellants’ Brief Project Memo</p> <p><u>An Advocate Persuades</u>, Chapter 11 Oral Argument</p>	<p>Summary of the Argument</p> <p>Oral Advocacy preparing for and delivering oral argument</p>
<p>Week of October 2</p>	<p><b>Read:</b> <u>An Advocate Persuades</u>, Chapter 10 Statement of Fact and of the Case</p>	<p>Statement of the Case</p> <p><b>Exercise:</b></p>

	<p>Sample Briefs posted on TWEN</p> <p><b>Draft:</b> Statement of the Case</p>	<p>Peer review of draft Statement of the Case</p> <p>Debate</p>
Week of October 9		Individual Meetings– students meet individually with instructors to discuss feedback on their draft brief.
<b>Sunday, October 15 – P5 Due</b>	Submit your Final Appellants’ Brief <b>before 11:00pm</b> on Sunday, October 16.	
Week of October 16	<p><b>Read:</b></p> <p>Appellate Practice materials posted on TWEN</p> <p>P6 - Draft Appellee’s brief Project Memo (On TWEN)</p>	<p>Real World Appellate Practice</p> <p>Oral Advocacy continued</p>
<b>Sunday, October 22 Appellants’ Brief Released</b>		
Week of October 23	<p><b>Read:</b></p> <p>The Appellants’ Brief P7 – Final Appellee’s Brief Project Memo (on TWEN)</p> <p><b>Draft:</b> Summary of legal arguments made in appellants’ brief on each issue identifying misstatements and inaccuracies of fact and law in target brief.</p>	<p>Introduction to Appellees’ Brief</p> <p>Substantive discussion of the Appellants’ brief and Appellees’ arguments.</p>
Week of October 30	<b>Draft:</b>	<b>Exercise:</b> Peer review

	P6 - Statement of the Case and point headings for Appellees' brief	<b>Project Submission:</b> Students must submit a draft Statement of the Case and point headings for the Appellee's brief via TWEN in accord with the deadline set by their professor.
Week of November 6	<b>Watch:</b> TOA/TOC Videos  <b>Draft:</b> Bring your draft Appellee's brief on your laptop/tablet for in class work	Technological tips and tricks  Review of persuasive techniques  Professional formatting and other formalities
Week of November 13		Professor's Choice
<b>Wednesday, November 22 Appellee's Brief Due</b>	P7 Appellee's Brief Due <b>before 11:00 p.m.</b> November 22.	