

**Appellate Advocacy**  
**Fall 2012—University of Houston Law Center**  
**Course #5344 Section #12569**

**Course Description**

This course consists of three components: class presentations (lectures, discussions, video recordings); writing assignments; and oral arguments. The course focuses on the use of audience-driven communication techniques in an appellate court context. The objectives of this course are to teach the substantive law of appellate law in a comprehensive manner, to consider ethical and professional questions related to appellate law, and to teach the analytical and practical skills necessary to the practice of appellate law. All students must present several oral arguments, complete an appellate brief to a Texas court of appeals and a petition for review to the Supreme Court of Texas, and rewrite assignments as directed. There is no final exam.

Usually, the first half of class will be spent on oral arguments by the students and critiques by the faculty. The remaining half of class will be devoted to class presentations by the faculty members or special lecturers. Regular attendance for the full class time is important.

**Class Logistics**

Time & Place            August 27, 2012—December 3, 2012  
                                 Mondays, 4:30-7:30 p.m.,  
                                 BLB 4 (tentative)

Adjunct Professors    Randy Roach will supervise the entire course.  
                                 rroach@roachnewton.com

Writing assignments will be graded by some combination of the adjunct professors. Oral arguments will be graded by some combination of the professors.

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Office hours            We don't have an "office" at the law school, but are eager and available to answer your questions and discuss the class, jobs, internships, etc. Please email to set up a time to meet in person or via telephone.

## Text Books

*Recommended:*

*The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 18th ed. 2005).

*The Greenbook: Texas Rules of Form* (Texas Law Review, 11th ed. 2008 or 12th ed. 2010).

Additional readings will be posted on Online Court Discussions Board at <http://www.law.uh.edu/student/boards.html>.

## Grading

Final grades will be equally based on a writing assignment grade and an oral argument grade. Grades are assigned to the writing assignments and to each oral argument on a 100 point scale. At the end of the course, a raw score is computed for each of the two components: writing assignments and oral arguments. The oral argument score is calculated by an average of each student's oral argument grades. The written assignment grade is calculated as follows:

Assignment	Fraction of Total Writing Grade
Outline for Appellate Brief	1/6
Appellate Brief	1/3
Rewrite of Appellate Brief	1/6
Petition for Review	1/3

The writing and oral argument raw scores are compared to others in the section, and the two raw scores are then averaged. The final grades are subject to the law school's mandatory average and a 1/3 of a letter grade alteration may be made based on facts like class participation, improvement, and attendance.

## Writing Assignments

The writing assignments, and their due dates, are listed on the Writing Assignment Syllabus. All written assignments shall be turned in by 4:30 p.m. on the day designated by one of the following two methods: (1) by hand to any of the adjunct professors, or (2) by e-mail in PDF format to Professor Davis. Late filings will be excused only by the granting of a Motion for Extension of Time, prepared in compliance with the applicable Texas Rules of Appellate Procedure, and filed no later than 4:30 p.m. on the day the assignment is due in the same manner that a written assignment may be filed. Motions submitted in proper form will be automatically granted for one week. *Motions for Extension of Time are not allowed for the assignment regarding Table of Contents and Outline of Argument.* No more than one motion for extension will be granted during the semester. If a motion for extension is not filed and granted, late assignments are penalized 1/3rd of a letter grade per day.

## Oral Arguments

You will give 3 - 5 graded oral arguments during the semester, depending on the size of the class. These will be observed, critiqued, and graded by the adjuncts. Some, if not all, arguments will be recorded.

**Exams:** None.

### Due Dates for Writing Assignments:

ASSIGNMENT	DATE ASSIGNED	DUE DATE	DATE RETURNED
Table of Contents and Outline of Argument for Appellate Brief (including Issue Presented)	Sept. 10	Sept. 24	Oct. 1
Appellate Brief	Sept. 10	Oct. 22	Nov. 5
Rewrite	Nov. 5	Nov. 12	Nov. 19
Petition for Review	Nov. 5	Dec. 3	After Grading Period

## Class Schedule

Date	Subject
Aug. 27	*Course Introduction *Course Objectives: Helping the Court Do its Job
Sept. 3	Labor Day—No Class
Sept. 10	*Outlining & Organizing an Appellate Argument *Issue Presented
Sept. 17	*Journalism & Persuasive Legal Writing *Oral Argument I—Argument in the Court of Appeals
Sept. 24	*Student Oral Arguments (no assigned subject, no grade) *Reader's Expectations <b>Table of Contents/Argument Outlines Due</b>
Oct. 1	*Student Oral Arguments I—Group A *Drafting a Statement of Facts
Oct. 8	*Student Oral Arguments I—Group B *Judicial Perspective on Briefs and Oral Argument *Oral Argument II—Some Advanced Concepts
Oct. 15	*Student Oral Arguments II—Group A *Writing Briefs in the Court of Appeals *Revising Your Brief <b>Review Texas Rules of Appellate Procedure 9, 38 before this class</b>
Oct. 22	*Student Oral Arguments II—Group B *Oral Argument Viewing <b>Briefs Due</b>
Oct. 29	*Student Oral Arguments III—Group A *Applying Persuasive Legal Writing and Oral Advocacy Techniques in Other Contexts (includes critical reading of opinions)
Nov. 5	*Student Oral Arguments III—Group B *Comments about First Briefs
Nov. 12	*Student Oral Arguments IV—Group A *Petitions for Review <b>Rewrites Due</b>
Nov. 19	*Student Oral Arguments IV—Group B *TBA
Nov. 26	*Make-Up Oral Arguments *TBA
Dec. 3	*Career Possibilities in Appellate Law <b>Petitions for Review Due</b>