

Appellate Advocacy
Fall 2017—University of Houston Law Center
Course #5344 Section # 21146

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 three oral arguments and complete an appellate brief to a Texas court of appeals and a petition for review to the Supreme Court of Texas. Regular attendance for the full class time is important. There is no final exam.

Class Logistics

Time & Place	August 21, 2016—November 27, 2016 Mondays, 4:30—7:30 p.m. BLB 4 (tentative)
Adjunct Professors	Randy Roach, who will supervise the entire course. rroach@roachnewton.com (adjunct professors) Writing assignments and oral arguments will be graded by some combination of the adjunct professors.
Office hours	We do not have an office at the law school, but we are available to answer your questions and discuss the class, jobs, internships, etc. Please e-mail to set up a time to meet in person or via telephone.

Textbooks

Recommended:

The Bluebook: A Uniform System of Citation (Harvard Law Review Ass'n et al. eds., 20th ed. 2015).

The Greenbook: Texas Rules of Form (Texas Law Review, 13th ed. 2015).

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 for the writing assignments are on a 100 point scale and weighted as follows:

Assignment	Fraction of Total Writing Grade
Outline for Appellate Brief	1/5
Appellate Brief	2/5
Petition for Review	2/5

Students may complete an optional rewrite of the Appellate Brief. The rewrite will be scored independently from the original Appellate Brief, and the two scores will be averaged together (weighted 1/3 rewrite, 2/3 original brief) to produce the final score for the Appellate Brief.

Students will submit a draft of the petition for review that will not be graded. Detailed feedback on the draft will, however, be provided in time for use on the graded petition for review.

The oral argument score is calculated by an average of each student's oral argument grades. The number of points available for oral argument grades increases as the semester progresses. The first argument is worth a maximum of 80 points, the second 90 points, and the third 100 points. The three oral argument grades are averaged to produce a cumulative oral argument grade for the semester.

At the end of the course, the cumulative writing assignment grade and a cumulative oral argument grade are averaged, weighted equally. The resulting raw score is compared to the other students in the class and assigned a letter grade based on the Law Center's mandatory average. A 1/3 of a letter grade alteration may be made based on class participation, improvement, and attendance.

Writing Assignments

The writing assignments, and their due dates, are listed below. 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. Late filings will be excused only by the granting of a Motion for Extension of Time, prepared in compliance with the 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 graded oral arguments during the semester on the same problem. These will be observed, critiqued, and graded by some combination of the adjunct professors.

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 Issues Presented)	Aug. 21	Sept. 18	Sept. 25
Appellate Brief	Aug. 21	Oct. 9	Oct. 23
Optional Rewrite	Oct. 23	Oct. 30	Nov. 6
Draft Petition for Review	Oct. 23	Nov. 6	Nov. 13
Petition for Review	Oct. 23	Nov. 27	After Grading Period

Class Schedule (tentative)

Date	Subject
Aug. 21	*Course Introduction *Course Objectives: Helping the Court Do Its Job
Aug. 28	*Identifying Legal Issues & Creating a Legal Research Plan *Outlining & Organizing an Appellate Argument *Introduction to Class Problem
Sept. 4	Labor Day holiday
Sept. 11	*Journalism & Persuasive Legal Writing *Issue Presented Lecture and Exercise
Sept. 18	*Reader's Expectations *Drafting a Statement of Facts Table of Contents/Issues Presented/Argument Outlines Due
Sept. 25	*Writing Briefs in the Court of Appeals *Writing a Summary of the Argument *Revising Your Brief Review Texas Rules of Appellate Procedure 9, 38 before this class
Oct. 2	*Oral Argument I—Argument in the Court of Appeals *Oral Argument Viewing & Discussion
Oct. 9	*Oral Argument II—Some Advanced Concepts *Oral Argument Viewing & Discussion Appellate Briefs Due
Oct. 16	Student Oral Arguments I
Oct. 23	*Oral Argument Viewing & Discussion Student Oral Arguments II—Group A
Oct. 30	*Judicial Perspective on Briefs and Oral Argument *Comments about First Briefs Student Oral Arguments II—Group B Optional Rewrites Due
Nov. 6	*Standards of Review Student Oral Arguments III—Group A Draft Petition for Review Due
Nov. 13	*Petitions for Review Student Oral Arguments III—Group B
Nov. 20	*Lecture TBA Make-Up Oral Arguments
Nov. 27	*Career Possibilities in Appellate Law Petitions for Review Due