

Writing for Criminal Defense  
 Student Syllabus  
 Spring 2014  
 Tuesday and Thursday  
 4:00 – 5:20

Professor Jani Maselli  
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Week One Introduction  January 20 January 22	How to use the codes Research refresher	Ungraded writing assignment
Week Two Pretrial Motions  January 27 January 29	Strategy Drafting	First Assignment
Week Three Dispositive motions  February 3 February 5	Motions to Suppress	
Week Four Trial Motions  February 10 February 12	Creating Issues Trial Research Prep	
Week Five Trial/Preservation Error/Written Objections  February 17 February 19	Evidence Refresher	First Assignment Due

<p>Week Six</p> <p>Post trial – motions in the trial court</p> <p>February 24</p> <p>February 26</p>	<p>The Post-Mortem</p> <p>What happened?</p>	<p>Second Assignment</p>
<p>Week Seven</p> <p>Motions for new trial</p> <p>March 3</p> <p>March 5</p>	<p>Investigation and the law</p>	<p>Second Assignment Due</p>
<p>Week Eight</p> <p>Direct Appeals</p> <p>March 17</p> <p>March 19</p>	<p>How to read a record</p>	<p>Third Assignment</p>
<p>Week Nine</p> <p>Direct Appeals</p> <p>March 24</p> <p>March 26</p>	<p>What the COA's are looking for</p>	
<p>Week Ten</p> <p>Brief writing</p> <ul style="list-style-type: none"> <li>- persuasion</li> <li>- strategy</li> </ul> <p>March 31</p> <p>April 2</p>	<p>Typography for Lawyers</p> <p>Looks matter</p>	
<p>Week Eleven</p> <p>Petitions for Discretionary Review</p> <p>April 7</p> <p>April 9</p>	<p>Understanding the differences between a brief and a PDR</p>	<p>(Issues Due)</p>
<p>Week Twelve</p> <p>Litigating in the CCA</p> <p>April 14</p>	<p>Knowing your CCA</p>	<p>(Statement Facts Due)</p>

April 16		
Week Thirteen The Supremes  April 21 April 23	Going to the Show	(Detailed outline due)
Week Fourteen Writs  April 28 April 30	Difference between a brief and a writ	Third Assignment Due

Course Description: This is an upper level class intended to help students become more proficient, efficient, and effective at researching, analyzing legal issues, and composing and organizing written documents in criminal cases.

It will build on concepts learned in your first year writing class and will help students to refine and further develop problem solving, factual investigation and drafting skills.

Book - The Winning Brief : 100 Tips for Persuasive Briefing in Trial and Appellate Courts by Bryan A. Garner  
Hardcover: 800 pages  
Publisher: Oxford University Press; 3 edition (May 1, 2014)  
Language: English  
ISBN-10: 0199378355  
ISBN-13: 978-0199378357

### Assignments

There will be three graded writing assignments throughout the semester. The final brief will account for 50% of your grade. The other writing assignments will each account for 25% of your final grade.

### Absences

We have 28 classes. You must attend 80% of the classes or your grade will be lowered by one level. Since this class requires we work together as a “firm,” your presence and participation is necessary not just for yourself, but for your colleagues.

### Assignments Due

On the date an assignment is due, it is timely if presented printed out, stapled, and to me by 4:15 p.m. of the due date. It is not timely if presented after 4:15 p.m. on the due date. It is not timely if emailed to me on the due date.

If the assignment is presented within 24 hours from its due date and time, a reduction of 20% of the points earned will be deducted. If the paper is presented within one week of the due date, there will be a 50% deduction in points. After one week, the paper will not be accepted and a grade of 0 for that assignment will be assigned.

Real and true emergencies will be taken into consideration.

### Participation

This is not a class where you can sit back and take notes, although there will be times when that is required. This will be interactive with your colleagues. We will research together and write separately. We will present our findings to the class. We will edit our colleagues' papers.

### Goal

By the end of the semester, you should have a notebook of motions and briefs to use as either writing samples or in future practice.

We will act as attorneys meeting real world problems every day. As future attorneys, rarely will your client ever present himself with his issue squarely insular and written as “Question Presented.” This class will challenge you with writing effectively for the client when the answer is not always easily determined.