

APPLIED APPELLATE ADVOCACY CLASS SYLLABUS

Welcome to Appellate Advocacy, the companion class to the Moot Court Team. Our goals in this class are to help prepare you not only for competition but also for litigation practice. The class is separated into two parts: written advocacy and oral advocacy.

Written Advocacy Instructor: Angela Odensky

Oral Advocacy Instructor: John Thomas Foster

Class Time: Thursdays at 6pm. Attendance is mandatory.

Class Texts: *Legal Writing in Plain English*, Bryan Garner; and
Point Made: How to Write Like the Nation's Top Advocates, Russ Guberman
(Both Textbooks are available to rent from the Blakely Advocacy Center.
Ask your Executive Chair for details.)

Also bring the final draft of a completed appellate brief. 2Ls may bring their LSS brief; 3Ls may bring their LSS brief or competition brief from last year.

The class will be evaluated on Pass/Fail, Good Faith Effort system. Please note that simply turning in a product does not indicate a Good Faith Effort. For the Written Advocacy portion, a Good Faith Effort is demonstrated by turning in a product that attempts to incorporate the writing and editing techniques discussed in class.

For instance, one requirement of your written product will be a "Questions Presented" section that is drafted in the "Deep Issue" style, to be explained in class. If you turn in a brief that does not incorporate the "Deep Issue" style for your "Questions Presented," I can only assume you were not paying attention and did not put forth a Good Faith Effort.

WRITTEN ADVOCACY GOALS

Fall 2015

Global Editing

This class will focus on editing a brief you have already written. Rather than reinventing the wheel, we are going to make it the best wheel on the market. **Your final product will be your original draft, i.e. the one that you turned in to your LSS professor or the competition, with your changes tracked using the Tracked Changes function in Word.**

Class 1: Read *The Theme*, Part 1, Russ Guberman's *Point Made*, pgs. 1 – 45 and *Legal Writing in Plain English* Sections 21 -23 (pages 69-81)
Incorporate these strategies into the brief you brought to class. Use the techniques to

rewrite your Questions Presented and Summary of the Argument.

Class 2: Read *The Tale*, Part 2, Russ Guberman's *Point Made*, pgs. 47 – 89. Incorporate the strategies from the book in the brief you have already written. Use the techniques to rewrite your fact section.

Class 3: Read *The Meat*, Part 3, Russ Guberman's *Point Made*, pgs. 91 – 186. Incorporate the strategies from the book in the brief you have already written. Use the techniques to rewrite your argument section.

Class 4: Read *The Words*, Part 4, Russ Guberman's *Point Made*, pgs. 187 – 221 and *Legal Writing in Plain English* Sections 24 – 30 (pgs. 81-105). Incorporate the strategies from the book in the brief you have already written. Consider topic sentences, paragraph structure, signposting.

Class 5: Read *The Words*, Part 4, Russ Guberman's *Point Made*, pgs. 223 – 300, and *Legal Writing in Plain English* Sections 5 – 20 (pgs. 24 – 65). Incorporate the strategies from the book in the brief you have already written. Consider these techniques in each section.

Class 6: Read *The Close*, Part 5, Russ Guberman's *Point Made*, pgs. 301 – 312. Reread your new draft. Fine tune with proofreading for errors.

Class 7: Exchange briefs for peer editing. Please note that when the partner at your firm requests you to review a draft, they generally want you to make it better. That is what I expect from everyone in this class. You will have all read the techniques to be used and can offer suggestions and critiques to your classmates. Honest and thorough criticism is the best you can possibly offer your classmates.

APPLIED APPELLATE ADVOCACY SPEAKING SCHEDULE

Fall 2015

CONTACT:

Email: jtfoster@texasbriefs.com

Office Hours: After class

GOAL:

The goal of this class is to improve your oral advocacy skills through limited lecture and large class discussions.

CLASS GRADING:

In order to receive credit you must come to each class prepared to speak. That does not mean I expect you to have all the answers. I expect you to attempt to answer the questions asked and to present your argument with a good faith effort. Answering: “Sorry, I am not prepared” is unacceptable. The class will be discussion based and you will only get out of it what you put into it. Just keep that in mind.

Lesson 1: DEVELOPING A PLAN OF ATTACK

- a. Outlines: Different Approaches
- b. Determining which approach works for you and avoiding picking a style because it seems easy
- c. Creating the “point”
- d. Class Discussion: How do you prepare? Be prepared to discuss and answer questions on your approach.
- e. After Class Handout: Introduction Template

Lesson 2: INTRODUCTIONS

- a. Discussion on identifying the issue and developing the “conclusion” for the introduction.
- b. Class Discussion: Be prepared to give your introduction and to articulate the “point” of your argument
- c. After Class Handout: Template for Argument Skeleton

Lesson 3: PARTS OF AN ARGUMENT

- a. Introduction: Strong statement about your position
- b. Middle: How do we stack law, facts, conclusions, and other information in a way that is understandable?
- c. End: Concluding strong.
- d. Class Discussion: Be prepared to discuss your Argument Skeleton
- e. After Class Handout: Survey on Questions

Lesson 4: QUESTIONS

- a. How to analyze the question
- b. How to formulate your initial position. Are you Pro or Con?
- c. Thinking through the question

- d. Class Discussion: Be prepared to answer questions I ask for the problem
- e. After Class Handout: Create three sample questions for the other side

Lesson 5: QUESTIONS AND ARGUMENTS

- a. Class Discussion: Be prepared to give your argument and answer my questions
- b. After Class Handout: Hand out of the “Three Conclusions”

Lesson 6: QUESTIONS: ODDS AND ENDS and CONCLUSIONS

- a. Cold Panels
- b. Questions from Left Field, Right Field, and from the Pitch
- c. Softballs
- d. Questions leading you down the Rabbit Trail.
- e. Concluding
- f. Class Discussion: Be prepared to give one of the three conclusions

Lesson 7: QUESTIONS COMMENTS AND/OR CONCERNS?

- a. Optional
- b. Can serve as a make-up class will be held 45 minutes before the November 19, 2015 class and 45 minutes after the November 19 class
- c. I will answer any questions, comments and/or concerns you may have about Oral Advocacy