

Appellate Advocacy Course Policies and Syllabus
Seton Hall Law School, Weekday J.D. Program
Fall 2026

APPELLATE ADVOCACY COURSE POLICIES

A. The Appellate Advocacy Program at Seton Hall Law School

All 2L day students are required to take Appellate Advocacy. Appellate Advocacy is a graded, two-credit course and is limited to sixteen students per section. The course is designed to build upon the legal research, analysis, writing, and oral argument skills taught in the first year Introduction to Lawyering course. Lawyering students wrote and argued a trial level brief. Appellate Advocacy students will revisit, refine, and elevate persuasive writing and oral argument skills in an appellate court setting. In Appellate Advocacy you will work both independently and collaboratively with your professor and other students as you engage in the process of appealing or defending against an appeal of current, relevant legal issues.

A note about the efficacy and importance of upper-level writing courses: every attorney needs the ability to conduct research, synthesize complex legal issues, write persuasively, and revise work product to satisfy the person for whom they write. Seton Hall requires multiple courses where students can hone those critical career skills. Future litigators and transactional attorneys alike must be able to convince others—judges, clients, colleagues, or adverse parties in a transaction—that their position is the correct one, and students should embrace every chance in law school to practice these essential persuasive skills.

Director: Professor Lara Pennington is the Director of Appellate Advocacy. She is available to discuss all issues pertaining to your class, your professor, your TA, or any other aspect of the Appellate Advocacy Program. Professor Pennington's office is Room 510.

E-Mail: lara.pennington@shu.edu
Cell phone: (973) 214-8147

B. Course Materials

All materials posted on your class page on CANVAS.

Required Resources:

- (1) THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION 22ND ED. and
- (2) Ross Guberman, POINT MADE (2nd ed. 2014)

C. Assignments

Students must complete all assignments referred to in the syllabus: writing an appellate brief (including an outline, a draft, a conference, and a final brief), practicing oral argument in class, delivering a final oral argument to a panel of judges, and providing a summary/analysis of an appellate court argument.

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Brief:

You will complete three written assignments for the brief:

First, you will outline your argument. Your outline should include at least (i) draft point headings and (ii) support for your arguments in the form of *full citations* to the authorities you plan to use and facts from the record on appeal that impact your analysis for each section. The outline is not graded, but your TA and your professor will review and may provide comments or direction.

Second, you will draft a first version of a complete appellate brief. Your professor will review your first version of the brief and provide written feedback, and your TA will check your citations for both form and substantive accuracy. The first version will be graded on a ten-point scale and will be the subject of discussion—including a defense of the authorities you chose and the writing and editing techniques you used—in an individual conference between you and your professor.

Third, you will draft a final brief. The brief should be double-spaced and written in 12-point Times New Roman or Century Schoolbook font with 1-inch margins. The final brief will be graded on a forty-point scale. The final graded brief must be organized into the sections listed below. Only the sections in **bold** count towards the page requirements of *not fewer than sixteen pages and not more than twenty-one pages*. Briefs below the minimum page count will lose points for failure to adhere to course procedural rules. Briefs beyond the maximum limit will also lose points for failure to adhere to course procedural rules, and professors will not consider substantive material in pages beyond the page limit, which will also affect points earned on the brief.

- Cover page
- Table of Contents
- Table of Authorities
- **Question(s) Presented**
- **Statement of Subject Matter and Appellate Jurisdiction**
- **Standard of Review**
- **Statement of Case** (Procedural History)
- **Statement of the Facts**
- **Summary of the Argument**
- **Argument** (including Point Headings)
- **Conclusion**

You *must* submit (1) digital copy of your final brief to your professor via their SHU email account in Word format (*not* pdf).

Oral Argument:

Each student must argue at least one moot (formal practice rounds of oral argument) before a TA, classmates, and your professor. During mooting, you will receive feedback to assist you in improving

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your legal argument and/or oral argument skills. You will lose professionalism points if you do not deliver the moot arguments as required by your professor.

Each student is then required to participate in a final oral argument on the day designated in the syllabus. Students with an unavoidable or religious conflict should alert their professor and the faculty director as soon as possible—ideally during the first week of classes.

Your oral argument will be individually delivered against an opponent (another student in your class assigned by your professor). The oral argument will be graded on a forty-point scale. The graded round of oral argument will take place before a panel of attorneys serving in the role of appellate court judges. To best mimic a real appellate argument, the Appellate Advocacy program recruits Seton Hall Law alumni and other New Jersey attorneys to serve as an appellate panel of judges, and they volunteer their time, so the final argument is held on a weekend to accommodate their schedules. In preparation to serve as judges, volunteers read the Bench Memorandum prepared by the Appellate Advocacy Executive Board, but they do not read individual student briefs.

During the final oral argument, attorney judges will provide feedback based upon their own experiences. However, your professor, who will observe each oral argument, will determine your grade for oral argument. Students may not attend the graded round of other students. No outside guests are permitted at the final oral argument.

Oral Argument Attendance Form:

Each student is also required to view an appellate argument before the Superior Court of New Jersey, Appellate Division; the New Jersey Supreme Court; the United States Court of Appeals for the Third Circuit; the United States Supreme Court; or any other appellate court. **This requirement must be fulfilled by Class 9.** Once this requirement has been completed, you should complete the “Oral Argument Attendance Form” (available on Canvas), submit it to your professor via email, and be prepared to discuss the argument in class.

You may complete this requirement by watching an appellate argument in-person or online. Students may find oral arguments to view on court websites (preferred) or even YouTube.

For the New Jersey Supreme Court’s webcasts, please see:

<https://www.njcourts.gov/courts/supreme/supreme-court-webcast>

For the New Jersey Appellate Division’s livestream, please see:

<https://www.njcourts.gov/courts/appellate/appellate-livestreams>

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D. Grading

Appellate Advocacy is a graded, two-credit course. Professors must adhere to a mandatory curve for the course. The average grades for each section must fall between a 3.2 and a 3.4 GPA.

Final grades are assessed as follows:

- *Draft brief: 10 points*
- *Final brief: 40 points*
- *Final oral argument: 40 points*
- *Professionalism: 10 points*

Outlines and the practice rounds of oral argument do not receive letter grades, but failure to complete one or both or to meaningfully participate in one or both will affect your professionalism grade.

The following factors are considered in grading draft and final briefs:

- Organization of brief and submission of all required sections;
- Quality of the legal research (students are expected to research well beyond the authorities cited in the Record on Appeal);
- Quality of writing (grammar, sentence structure, clarity, precision, etc.);
- Originality and persuasiveness of facts and legal argument;
- Ability to explain orally to your professor the research and writing choices you made;
- Adherence to rules in THE BLUEBOOK: UNIFORM SYSTEM OF CITATION 22ND ED.; and
- Adherence to procedural rules, including timeliness of submissions

The following factors are considered in grading oral argument:

- Effective organization of oral argument, including presentation of an introduction and a roadmap;
- Receptivity to and adeptness in answering questions from the judges;
- Professionalism and demeanor toward the court and oral argument opponent;
- Persuasiveness of oral argument;
- Demonstration of knowledge of the case and its governing authority; and
- Quality of oral argument presentation.

The following factors are considered in grading your professionalism:

- In-class participation;
- Timely submission of all assignments, class attendance, and conference attendance;
- Professional and timely communication with your professor;
- Professional interactions with peers in class and during required assignments; and
- Adherence to Seton Hall's Honor Code.

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Late Policy:

Unapproved late submissions receive a ten percent reduction in point value if received between one minute and twelve hours late (between 11:01 p.m. and 11:00 a.m.). Another ten percent of the full points allotted to the assignment will be deducted if the submission is received between twelve hours and one minute late to twenty-four hours late (between 11:01 a.m. and 11:00 p.m.). A ten percent reduction every twelve hours will continue until the assignment is received by your professor. This means that a submission that is three minutes late receives the same point value deduction as a submission that is eleven hours late.

This policy is in place to reinforce timely submission habits and professionalism. Of course, your professor may grant an extension for extenuating circumstances and to comport with any required accommodation. Students must ask in advance of the time the assignment is due, communicate why an extension is necessary, and request how much time they need to complete the assignment.

Best Briefs and Best Oral Arguments:

Each professor will select the Best Brief Author for each side and the Best Oral Advocate for each side in their section. After the end of the semester, the students selected will receive a letter from the Dean notifying them of their selection. Please note that a “Best” award does not guarantee you an A for either your final brief or final oral argument; rather, a “Best” award indicates that you delivered the best performance when compared to those students arguing the same side as you on your brief or oral argument.

Final graded briefs will be returned to you. Communication from your professor will identify your grade for your final brief, as well as your grade for your final oral argument and professionalism.

E. Faculty

Appellate Advocacy classes are taught by adjunct faculty. Professors follow the syllabus and teaching guide prepared by the Faculty Director, but their individual schedules may require slight changes in class times and/or presentation of materials. Professors prepare and deliver lectures, make comments on the briefs and practice rounds of oral argument, meet with students in conferences, assign final grades, and select best oral advocates and best brief authors. Adjunct faculty do not have regular office hours. Your professor will give you a telephone number and their Seton Hall email address where they can be reached.

F. Appellate Advocacy Executive Board

The Appellate Advocacy Executive Board is comprised of third-year day and third- or fourth-year weekend students who have successfully completed the Appellate Advocacy course and who have demonstrated strong writing and oral advocacy skills. The student Appellate Advocacy Director, **Matthew Prior**, is responsible for the administrative functions of the Appellate Advocacy Weekday

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sections. He can be reached at matthew.prior@student.shu.edu. The Appellate Advocacy Board Office is located in the student lounge area.

Each Executive Board Member will be assigned to a section as a teaching assistant (TA). During the first class of the semester, your TA will explain their role in your class and tell you how best to contact them.

G. Attendance & Punctuality

Attendance and punctuality for all class meetings and lectures is mandatory. Seton Hall Law's mandatory attendance policy for skills classes requires each student to attend all classes. Day students are allowed only two unexcused absences during a semester. If a student has more than two unexcused absences, they may be administratively withdrawn from the course. *No excused absences are permitted.* An absence for any reason, including late registration and job interviews, counts towards the maximum absences allowed. You are responsible for monitoring your attendance and remaining aware of the number of absences you have for the course. You are also responsible for finding out what you missed in class. Your professor will take attendance each class using both a sign-in sheet and their own attendance tracker.

If you are participating through approved remote learning, you are expected to attend all scheduled classes with your video on, unless illness prevents you from turning on your video. Without permission from Student Services, attending class remotely via telephone or teleconferencing will not be sufficient to be marked present in class.

Please see <https://law.shu.edu/policies/class-attendance.html> if you have any questions regarding the attendance policy.

You must advise your professor via email of an absence as early as it can be anticipated and, in the case of approved remote learning, if you are unable to turn on your video due to sickness. If you do not notify your professor prior to class, your professionalism grade may be affected.

H. Student Code of Conduct

The Seton Hall Law School Student Code of Conduct (Honor Code) governs all aspects of this class. For specific information concerning the Honor Code, please refer to:
<https://law.shu.edu/documents/Honor-Code.pdf>

I. Collaboration

The work you do in this class will require you to collaborate with classmates—discussing ideas with your classmates and learning to work together is an important part of the law school experience, and in practice, lawyers often work in teams and collaborate on written work. Nonetheless, to ensure that all students are evaluated solely on their own work product, this course imposes clear limits on

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collaboration when it comes to your written work. The following rules apply for all Appellate Advocacy work, unless otherwise directed for a particular in-class assignment:

- You may not turn in anyone else's work as your own.
- You may discuss the assignments and your research on the assignments with your classmates. You may not, however, look at another student's written work on an assignment or show your written work on an assignment to another person (this includes friends, family members, etc.), unless directed to read another student's work as part of peer critique.

J. Artificial Intelligence (AI) Use Policy

This Artificial Intelligence (AI) Use Policy governs the use of AI tools in the Appellate Advocacy course at Seton Hall School of Law. This policy was created using input from members of the New Jersey judiciary and New Jersey legal community and comports with New Jersey's Rules of Professional Conduct and Seton Hall University's School of Law Honor Code.

Policy Rationale

As AI tools become increasingly integrated into the practice of law, this policy is designed (1) to provide a basic understanding of the capabilities and limitations of AI tools; (2) to provide practical guidance about responsible student use of AI to help students develop professional competence and ethical compliance in this important emerging technology; and (3) to meet the pedagogical goals of the law school learning environment.

Effective legal writing is a learned professional skill that develops through repeated practice. Before lawyers can competently evaluate, edit, or critique AI-generated legal writing, they must first learn how to produce thorough, accurate, and persuasive legal writing themselves. Students and lawyers alike develop deep knowledge of the subject matter on which they are writing only when they do the work themselves.

Students who rely on AI to draft legal documents bypass the very learning process that this course is designed to teach. By requiring students to perform their own drafting, the course helps students develop the judgment, analytical rigor, writing proficiency, and revision skills necessary for professional legal practice. Once students have mastered these foundational skills, they will be better equipped to recognize weaknesses, inaccuracies, omissions, and misleading reasoning in AI-generated work.

Permitted Uses of AI

AI Tools are allowed—and even encouraged—in this course for the specific, limited purposes listed in this section. Please keep in mind that all generative AI programs are not trained the same way, so some are better than others at certain tasks. For example, tools like ChatGPT or Claude do not have access to the wide array of case law that Lexis or Westlaw have, so the risk of AI hallucinations is higher with those non-legally trained tools.

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Seton Hall School of Law offers the use of generative AI tools in the form of Lexis Protégé and Westlaw CoCounsel, and these AI tools may be utilized for the limited purposes of

- Learning about the areas of law involved in the appeal;
- Reviewing summaries of cases, statutes, or authorities;
- Researching authorities to support the brief writing process;
- Creating the initial outline of your appellate brief.

External AI sources (e.g. ChatGPT, Claude, Gemini, CoPilot, etc.) can also provide useful strategies and management of the assignments in this course outside of the legal context. These AI tools can be utilized for the limited purpose of

- Assisting with time management, project planning, or task organization to help students plan their schedule and meet deadlines;
- Brainstorming potential research terms or prompts that could be used in acceptable Lexis or Westlaw searches;
- Preparing for oral argument by asking for sample oral argument questions or using an audio function to practice presentation.

Students remain responsible for independently verifying the accuracy of any information obtained from AI tools. AI-generated research strategies, legal authorities, factual assertions, and explanations may be incomplete, inaccurate, or fabricated. An essential part of using generative AI responsibly and ethically is vigilant review of all information produced by artificial intelligence. You may be asked to disclose the AI tools you used and provide a copy of your chat logs for those tools.

Prohibited Uses of AI

Students may not use AI for the purposes of

- Loading the Record on Appeal into any AI program for any purpose¹;
- Drafting any portion of any section of any brief (the first, final or any other version) or drafting any other written submission, whether or not that submission is graded;
- Rewriting, editing, revising, or proofreading writing that will be submitted for course credit (you are permitted to use internal word processing tools that highlight spelling or grammar mistakes; however, you are prohibited from having generative AI edit, scrub, or revise your written work);
- Copying and incorporating verbatim summaries of cases, statutes, or authorities into submitted work; and
- Drafting any assignment or portion of an assignment that is intended to assess the student's own writing ability.

¹ Just as you would not load an entire client file into a generative AI program, here you may also not do so; however, you may create prompts about your client's situation within the permitted uses in the previous section.

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All submitted written work must reflect the student's own analysis, organization, and written expression. If you are unsure whether a particular use of AI is allowed, talk to your professor or TA before proceeding.

Environmental and Ethical Considerations

Although this policy is in primarily place to ensure that student AI use does not undermine essential pedagogical goals and replace critical thinking skills, we also encourage students to consider that overreliance on AI may contribute to [increased electrical and water usage](#), [replication of original work](#) without author permission, and/or inadvertent incorporation of [implicit biases](#).

As you assess your use of AI functionalities, please keep in mind that reducing unnecessary AI use aligns with Seton Hall's commitments to sustainability, equity, and restorative justice. [This link](#) provides more information about the potential environmental and ethical issues surrounding generative AI.

Violation of This Policy

If fabricated or non-existent citations (hallucinations) are found in a student's work, the school will presume that improper use of AI has occurred. The burden will be on the student to demonstrate otherwise.

Violation of this policy may be considered academic dishonesty and will be handled according to course policies and the University's academic integrity procedures.

This policy may be rescinded, amended and supplemented as the AI landscape evolves and as other university policies change.

K. Plagiarism

Violations of the rules directly cited above on working with A.I. may also be considered plagiarism. Plagiarism is the use of another's ideas or expressions without proper attribution. In this course, it is plagiarism to use phrases or ideas that are not your own or that result from the work and effort of other students or editors—human or otherwise. Plagiarism is a serious offense and any student found guilty of plagiarism will be subject to severe penalties under the Seton Hall Code of Student Conduct. *See* <https://law.shu.edu/documents/plagiarism-memo.pdf>

If you are a student registered with DSS with an AI accommodation, please speak with the program director about your needs. The Appellate Advocacy program reserves the right to change this policy at any time.

L. Chosen/Preferred Name and Pronoun

Please let your professor know if you prefer to be called on in class using a nickname or chosen name and/or would like to share with your professor your pronouns by email before the first day of class. Your professor will do their best to use preferred or chosen names and pronouns.

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M. Sensitivity

We may discuss some sensitive topics in this course, so it is especially important that we show civility and respect to one another. Your professors aim to create an environment where everyone feels safe, valued, and respected. This course, and life beyond this course, is better if we communicate and collaborate across differences without making assumptions about other people's experiences, opinions, values, and priorities. It is thus imperative that we all recognize and respect the following:

- Some colleagues may be personally familiar with the kinds of difficult situations presented in the materials we will read for or discuss in class.
- Some colleagues may be personally familiar with the kinds of individual and structural biases reflected in the materials we will read or discuss.
- Active listening requires intentional focus on understanding others' views (as compared with focusing on formulating your response as another person is speaking).
- Embracing space for comfortable silence provides colleagues with the opportunity to gather their thoughts before responding and creates an atmosphere that is more conducive to encouraging everyone to share their ideas.

You are welcome, to the extent that you feel comfortable, to share personal experiences that are relevant to class conversations. If those experiences are from professional settings, be conscientious about confidentiality and other aspects of professional responsibility.

As we examine challenging and complicated issues, your professors encourage you to make arguments that may conflict with your own normative views. The goal is to discuss and explore ideas without attribution of those ideas to the speaker, and certainly without personal judgment. If you have concerns about particular topics, please speak with your professor or the faculty director.

N. Inclusive Language

Please be mindful in your choice of language, especially in how we characterize people as individuals and in groups. While there is no definitive guide (for example, preferred terms within a particular identity group can vary), the American Psychological Association has created "[Inclusive Language Guidelines](#)" (pdf [here](#)) that explain various word choices.

In the course of your readings, you might encounter names that you are unsure how to pronounce. This article does an excellent job of explaining how to respectfully clarify pronunciation and why this is so important: [*If You Don't Know How to Say Someone's Name, Just Ask*](#) (Ruchika Tulshyan, Harvard Business Review).

O. Disability Support & Counseling Services

Disability Support: If you have, or think you might have, a disability that requires an accommodation, please contact the University Office of Disability Support Services ("DSS") at (973) 313-6003 or visit the Getting Started portion of their [website](#). All accommodations must be sought through and approved by DSS. DSS will make every effort to accommodate documented disabilities

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of every kind. The deadline for submitting applications (including reports from physicians, psychologists and other professionals) to DSS to establish eligibility for exam accommodations for the Fall semester is on or about November 1st, on or about April 1st for the Spring semester, and on or about July 1st for the Summer session. This deadline ensures that the documentation review process will be completed, and accommodations will be in place in time for final exams. For more information on navigating this process as a law student, please speak with Dean Cascarano.

Counseling Services: Short-term professional counseling is available through Counseling and Psychological Services (CAPS) to support enrolled students. The best way for Law school students to schedule an initial assessment for counseling services is to contact CAPS at 973.761.9500. After hours and on weekends, students experiencing a psychological emergency should call 973.275.4357 to speak directly with a professional mental health counselor. Additional resources can be found [here](#)

P. Electronic Devices

Professors may ask you to put away phones, laptops, and tablets during classroom time or ask you to use electronic devices for specific activities. Additionally, professors may rely on technology for both remote and live instruction to optimize interactive exercises. Students should be prepared with necessary technology for each scheduled class but should also be prepared with paper and a pen or pencil to take notes. Of course, professors will ensure that students receive all necessary accommodations in conformity with their DSS accommodation letter.

We will use Microsoft Teams for class sessions if necessary. Your one-on-one conference with your professor may also be conducted virtually through the online platform of your professor's choice. If you are an approved remote learner, you will participate in all class activities virtually through Microsoft Teams.

Q. Recording of Class

Students may not record classes without the express permission of the professor. Professors are not required to record class and will not do so without direction from the Faculty Director pursuant to the recording policy currently in place at the law school.

See <https://www.shu.edu/policies/classroom-recordings-seton-hall-law-school.html>

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Appellate Advocacy Student Syllabus

Course Learning Outcomes:

Upon completion of this course, students should be able to:

- Perform advanced legal research and analysis concerning an issue that is currently creating a circuit split among the federal courts.
- Identify the proper standards of review in an appellate dispute.
- Outline an appellate legal argument that contains synthesized rules and proper citation.
- Analyze and arrange legal arguments in a draft brief that meets the needs of legal readers.
- Explain writing choices and substantive legal argument in a one-on-one conference.
- Prepare an individually prepared, well-written appellate brief using persuasive writing techniques, relevant legal authorities, and proper citation.
- Deliver a clear, concise, and persuasive oral argument before a panel of attorneys in an appellate courtroom setting.
- Work collaboratively with their professor and peers, engage in peer critique, and receive and implement constructive feedback in a professional manner.

Required Texts/Reading:

- THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION 22ND ED.
- ROSS GUBERMAN, POINT MADE (2ND ed. 2014)²
- All materials posted in your class CANVAS page

Other Resources You Might Want to Use:

Podcasts:

I Am The Law:

- Episode 37—Appellate Lawyer: Telling a Court They Got It Wrong
- Episode 86—The Appeal of Appellate Law: Oral Advocacy, Puzzles, and Knowing When to Quit
- Episode 131—Understanding the Appeal: Supreme Litigation from First Draft to Oral Argument

² Hard copies available at the Bookstore in limited quantities or through Amazon.

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How I Lawyer:

- #003: Raffi Melkonian—Texas Appellate Litigator and #Appellate Twitter Dean
- #036: Carl Cecere—Appellate Lawyer and Solo Practitioner
- #080: Paresh Patel—Appellate Federal Public Defender
- #081: M.C. Sungalia—California Appellate Lawyer & Portia Project Podcast Host
- #103: Panel Opinion—Paths to Becoming an Appellate Lawyer
- #127: Michelle Kallan—Appellate Partner and Former Virginia Solicitor General

The Portia Project:

- Episode 157: Best of the Portia Project: Judges' Top Tips On Brief Writing
- Best of the Portia Project Part II: Brief Writing and Oral Argument Tips

Blog: The Appellate Advocacy Blog: <https://www.appellateadvocacyblog.com>

Important Dates: Note that all written assignments are due on or before the dates and times listed below. If an assignment is **received** after the designated time, the assignment will be considered late, which may affect your professionalism grade.

- Brief Outline Due: **Sunday, September 13, 2026 @ 11 pm**
- First Version of Brief Due: **Sunday, October 4, 2026 @ 11 pm**
- Student/Professor Conferences: **October 19-29, 2026**
- New Jersey Appellate Division visit to Seton Hall: **November 4, 2026**
- Final Brief Due: **Sunday, November 15, 2026 @ 11 pm**
- Final Oral Argument for all sections: **Sunday, November 22, 2026**

You must be available on oral argument day—please tell your professor immediately if you have an unavoidable or religious conflict. Your conflict must be approved by the faculty director for a make-up argument to be scheduled.

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INTRODUCTION TO THE SYLLABUS

Welcome to Appellate Advocacy! To follow the course and be aware of what is required of you, you will need to carefully read (1) Fall 2026 Calendar; and (2) Appellate Advocacy Course Policies and Student Syllabus (this document).

Faculty expect you to know this information and will not spend significant time reviewing it. Your professor will try to avoid schedule changes, but it may sometimes be necessary, and your professor or TA will notify you about any schedule changes by email and/or CANVAS announcement. Please note that assignments may be added or changed as the semester progresses. Your professor will let you know as soon as possible of any changes in class topics. In addition to your in-class meetings, you will have out-of-class exercises and conferences. When these are scheduled, your professor will work with you to arrive at a mutually convenient schedule. All assignments listed on this syllabus must be completed on or before the date listed in this document.

CLASS SCHEDULE, WEEKLY OBJECTIVES, AND ASSIGNMENTS

CLASS 1 (AUGUST 25-27): INTRODUCTION TO APPELLATE ADVOCACY AND APPELLATE COURTS; GETTING TO KNOW YOUR RECORD ON APPEAL

Objectives and goals for Class 1:

- Understand the structure and purpose of the course.
- Discuss ethical AI usage in this course and in appellate practice.
- Understand the structure of the appellate court system.
- Discuss the purpose of brief writing and oral argument in the appellate courts.
- Evaluate whether you have jurisdiction to appeal your case.
- Identify the proper standard(s) of review for your case.
- Determine whether issues have been preserved for appeal.
- Become familiar with your Record on Appeal.

Preparation for Class 1:

- Read the Record on Appeal and be prepared to discuss the facts and procedural posture of the appeal in class.
- Read *How Appeals Work* (posted on CANVAS).
- Read *The Ten Commandments of Writing an Effective Appellate Brief* (posted on CANVAS).
- Read *Identifying and Understanding Standards of Review* (posted on CANVAS).
- Read *How to Use AI But Steer Clear of Hallucinated Cases* (posted on CANVAS)
- Review Narrated PowerPoint posted on CANVAS (“Jurisdiction, Issue Preservation, and Standard of Review”).
- Watch [Bloomberg Law documentary](#) on Supreme Court Argument

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CLASS 2 (SEPTEMBER 1-3): STARTING YOUR RESEARCH AND PRACTICING ORAL ARGUMENT

Objectives and goals for Class 2:

- Identify a research plan and start Research Homework
- Deliver short oral argument and answer questions defending your position.

Preparation for Class 2:

- Prepare 90-second oral argument based on the topic assigned by your professor.
- Re-read record on appeal (a couple of times) and begin preliminary research.

CLASS 3 (SEPTEMBER 8-10): RESEARCH WORKSHOP WITH LIBRARIANS:

Objectives and goals for Class 3:

- Use AI effectively as a research tool
- Understand the iterative nature of the research process.
- Create search strings.
- Craft searches multiple ways to return the most relevant results.
- Evaluate search results.
- Search for relevant legislative history to make statutory interpretations and policy arguments.
- Distinguish between legally significant/collateral and helpful/harmful facts.
- Begin a “case chart” with key information from the cases you will use in your brief.
- Understand the large-scale structure of your brief.
- Create historical research trail

Preparation for Class 3:

- Conduct more preliminary research based on Record on Appeal.
- Review librarian professors’ research video *Legal Research Refresher* (posted on CANVAS).
- Read *Research and Planning* (posted on CANVAS).
- Read Sample Outline.
- Begin drafting your brief outline.

OUTLINE DUE VIA EMAIL TO YOUR PROFESSOR BY SUNDAY, SEPTEMBER 13, AT 11:00 P.M.

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CLASS 4 (SEPTEMBER 15-17): REVIEWING PARTS OF AN APPELLATE BRIEF; FINDING YOUR THEME; RESEARCH GROUPS

Objectives and goals for Class 4:

- Understand the various parts of an appellate brief and what each part requires.
- Review and learn to draft
 - a cover page
 - table of contents
 - table of authorities for your brief
 - question(s) presented
 - a statement of the case
 - a summary of the argument
 - point headings for brief
 - umbrella paragraphs
 - effective thesis sentences
 - a conclusion
- Begin developing your theme.
- Exchange research ideas in small groups and/or present a case to the class and argue why it is important for your client.

Preparation for Class 4:

- Read *Sections of an Appellate Brief* (posted on CANVAS).
- Read *Brief Reflection Guidelines* (posted on CANVAS).
- Read *Theme & Theory* (posted on CANVAS).
- Read Guberman Part One: The Theme p. 1-45, and The Meat 92-110.
- Continue research for brief.
- Prepare a list of *at least* 10 cases you plan to use in your brief.
- *If required by your professor:* Be prepared to present to the class one key case
- Optional (but encouraged) small-group Lexis Advanced Research Training with Heather Whyte-Kattas—dates and times will be sent via Announcement.

CLASS 5 (SEPTEMBER 22-24): FINDING YOUR NARRATIVE VOICE IN THE STATEMENT OF FACTS; CREAC REFRESHER; TA BRIEF REVIEW

Objectives and goals for Class 5:

- Understand how to tell your client's story in an appellate brief.
- Revisit the CREAC format you learned in Lawyering and flex it for appellate writing.
- Review an Appellate Advocacy brief in class with your professor and TA.

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Preparation for Class 5:

- Read Guberman Part Two: The Tale p. 47-89 and Part Three: The Meat p. 111-162.
 - Read *Legal Storytelling Article* (posted on CANVAS).
 - Review Pre-class PowerPoint on CANVAS (“CREAC Review”).
 - Review your professor’s comments on your outline.
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CLASS 6 (SEPTEMBER 29-OCTOBER 1): FINALIZING THE BRIEF; CITATIONS AND EDITING

Topics and goals for Class 6:

- Learn citations to the Record on Appeal.
- Use parentheticals correctly and effectively in an appellate brief.
- Implement strategies for editing your brief.
- Appreciate the importance of proofreading your brief.
- Address anything you need to know before the draft is due.
- Understand conference procedure

Preparation for Class 6:

- Read Ross Guberman article: *The Best Briefs* (posted on CANVAS).
 - Read Guberman Part Three: The Meat pp.162-179 and skim Part Four: The Words.
 - Review these resources on polishing your brief:
 - *Formatting and Proofreading Tips* (posted on CANVAS).
 - *Grammar and Style Tips* (posted on CANVAS).
 - *Citation Tips* (posted on CANVAS).
 - Review Pre-class PowerPoint on Citation.
 - If requested by your professor, bring a copy of your draft brief to class, and/or bring in a hard copy section of your brief to edit in class
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BRIEF DRAFT DUE BY SUNDAY, OCTOBER 4, BEFORE 11:00 P.M.

When directed by your professor, exchange drafts with your assigned partner

FALL BREAK OCTOBER 5-9, 2026

NO CLASSES

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CLASS 7 (OCTOBER 13-15): ORAL ARGUMENT AND PUBLIC SPEAKING SKILLS
BACKGROUND MATERIAL; PARTNER BRIEF REVIEW

YOU WILL NOT MEET IN THE CLASSROOM THIS WEEK

PROFESSORS ARE REVIEWING YOUR DRAFTS THIS WEEK, AND YOU ARE REVIEWING YOUR ASSIGNED PARTNER'S BRIEF THIS WEEK AND BEGINNING TO LEARN ABOUT PRESENTING AN ORAL ARGUMENT.

Objectives and goals for the week of Class 7:

- Learn the importance of body language, poise, delivery, cadence, and tone when speaking.
- Reminder to view an online or in-person oral argument on your own and submit Oral Argument Attendance Form by your regularly scheduled class time in class 9.
- Engage in peer review of another student's draft

Work in lieu of class time during week of Class 7:

- Listen to podcast How I Lawyer Episode #054: Panel Opinion—Oral Argument Techniques from Judge Patricia Millet, Joe Palmore, and Prof. Tiffany Wright.
- Read *Oral Argument Reflection Guidelines* (posted on CANVAS).
- Read *Duke Law Tips on Oral Advocacy* (posted on CANVAS).
- Read *Oral Argument Tips* (posted on CANVAS).
- Begin preparation of oral argument.
- Prepare comments on your assigned partner's draft brief and return by Monday, October 19th at 9:00 a.m.
- *Optional:* Review video series *Good with Words: Speaking and Presenting* by Prof. Patrick Barry (University of Michigan Law)
<https://libguides.law.umich.edu/goodsentences/videos/speaking-videos>
Please note this video series is directed at many different kinds of public speaking, so the advice Prof. Barry provides does not always translate to a formal appellate argument (e.g. do not walk out from behind the lectern!), but he does speak to many concepts that will help you improve speaking clearly and compellingly in front of a judicial audience.

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STUDENT/PROFESSOR CONFERENCES TAKE PLACE BETWEEN OCTOBER 19-29

*****YOU WILL ALSO HAVE CLASS DURING THE CONFERENCE WEEKS*****

- Conference time to be scheduled by your professor.
 - Review comments provided by professor on first version of brief and generate questions for discussion with professor during conference.
 - Prepare to discuss substantive writing choices with your professor
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CLASS 8 (OCTOBER 20-22): INTRODUCTION TO ORAL ARGUMENT AND CONFERENCES

Objectives and goals for Class 8:

- Learn how to present your oral argument including
 - Fielding questions from an appellate court.
 - Delivering a persuasive rebuttal.
 - Observing professional standards of conduct.
 - Appreciating the necessity to be candid with the court, especially about weaknesses in your arguments and adverse authority.
 - Planning the appropriate attire for appearing in an appellate court.
- Begin to prepare outline of oral argument.

Preparation for Class 8:

- Be prepared to discuss the materials from week 7.
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CLASS 9 (OCTOBER 27-29): WATCHING ORAL ARGUMENT/PRESENTING INTRODUCTION

Objectives and goals for Class 9:

- View an online or in-person oral argument on your own and submit Oral Argument Attendance Form.
- Discuss effective and ineffective oral arguments
- Present the first 2-3 minutes of your own oral argument
 - Properly introduce yourself before a panel of appellate court judges.
 - Explain the procedural posture of the appeal
 - Introduce your theme
 - Deliver a roadmap that grabs the attention of your listeners.
 - Begin your first substantive point

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Preparation for Class 9:

- Prepare and submit Oral Argument Attendance Form with accompanying analysis. Be prepared to discuss in class your reactions to the oral argument you viewed.
- Complete outline of your own argument.
- Prepare beginning of your oral argument
 - May it Please the Court
 - Procedural request
 - Theme
 - Roadmap
 - Transition
 - 60 seconds of substantive argument

**The New Jersey Appellate Division will hear arguments at Seton Hall on
November 4, 2026, from 9:30 a.m.-12:30 p.m.**

Arguments will also be live streamed on the New Jersey Appellate Division website

Attending to watch attorneys deliver oral argument before an appellate panel of judges is excellent preparation for your graded oral argument

CLASSES 10, 11 AND 12 (NOVEMBER 3-19): ORAL ARGUMENT MOOTS

Objectives and goals for Classes 10, 11 and 12:

- Organize and prepare your complete oral argument.
- Create a list of questions that may be asked by the judges during oral argument.
- Begin to prepare answers to anticipated questions.
- Moot your oral argument in front of a panel of judges (your professor, TA, and peers).
- Answer questions from the bench in a clear, concise, and persuasive manner.
- Engage in oral argument peer critique.

Preparation for Classes 10, 11 and 12:

- Prepare oral argument to present in class during Classes 10, 11 or Class 12. The date of your moot(s) will be assigned by your professor.
- Prepare questions to ask peers if called on to serve as a judge during oral argument practice rounds.

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FINAL BRIEF DUE VIA EMAIL TO YOUR PROFESSOR ON OR BEFORE
SUNDAY, NOVEMBER 15, 2026, BY 11:00 P.M.

EXCHANGE FINAL BRIEFS WITH YOUR FINAL ARGUMENT PARTNER
WHEN DIRECTED TO DO SO BY YOUR PROFESSOR

CLASS 13 (SUNDAY, NOVEMBER 22): MANDATORY GRADED ORAL ARGUMENT

Goal for Class 13:

- Deliver an effective oral argument before a panel of attorneys/judges in an appellate court setting.

Preparation for Class 13:

- Practice, practice, practice!