

Appellate Advocacy Course Policies and Syllabus Seton Hall Law School, Weekday J.D. Program Fall 2024

COURSE POLICIES

A. Description of the Program

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 an issue that is currently creating a circuit split among the federal courts.

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.

B. Course Materials

All materials posted on your class page on CANVAS.

Required Resources:

THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION

Ross Guberman, POINT MADE (2nd ed. 2014)¹

C. Assignments

Students must complete all assignments referred to in the syllabus: writing an appellate brief (including an outline, a draft, 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.

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

¹ Hard copies available at the Bookstore in limited quantities or through Amazon.

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from the record on appeal that impact your analysis for each section. The outline is not graded, but 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 appellate brief and provide written feedback. The first version will be graded on a ten-point scale and will be the subject of discussion 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 font with 1-inch margins. The final brief will be graded on a fifty-point scale. The final graded brief must be organized into the sections listed below. Only the bolded sections 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 (a formal practice round of oral argument) before a member of the Appellate Advocacy Moot Court Board, classmates, and your professor. During this moot, you will receive feedback to assist you in improving your legal argument and/or oral argument skills.

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, the student director of the Appellate Advocacy Program, and the faculty director as soon as possible—ideally during the first week of classes.

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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 thirty-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 Moot Court 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.

Oral Argument Attendance Compliance 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 your class time during the week of Class 9. Once this requirement has been completed, you should complete the “Oral Argument Attendance Compliance 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.

You may also fulfill this requirement by attending the New Jersey Appellate Division arguments at Seton Hall; the date for the in-person arguments will be announced by your professor.

For the New Jersey Supreme Court’s webcasts, please see:
<https://njcourts.gov/public/webcast.html>.

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: 50 points*
- *Final oral argument: 30 points*
- *Professionalism: 10 points*

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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;
- Effective, persuasive presentation of facts;
- Originality and persuasiveness of the legal argument;
- 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.);
- Adherence to rules in THE BLUEBOOK: UNIFORM SYSTEM OF CITATION; and
- Adherence to procedural rules, including timeliness of submissions.

The following factors are considered in grading oral argument:

- Effective presentation of an introduction and a roadmap;
- Organization of oral argument;
- 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;
- Timely class 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.

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.

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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 during the day.

F. Appellate Advocacy Moot Court Board

The Appellate Advocacy Moot Court Board is comprised of third-year day and 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, **Jessica McGloin**, is responsible for the administrative functions of the Appellate Advocacy Moot Court Board. She can be reached at jessica.mcglain@student.shu.edu. The student Assistant Director, **Casey Morrison**, also supports the program, and she can be reached at casey.morrison@student.shu.edu. The Moot Court Board Office is located in the student lounge area.

Each Board Member will be assigned to a section as a teaching assistant. During the first class of the semester, your Board Member 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. Please note that Seton Hall Law's mandatory attendance policy for skills classes requires each student to attend all classes. Student may have 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. 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.

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Please see <https://law.shu.edu/Students/academics/policies/Attendance.cfm> 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/docsnoncommonspot/policies/honor-code.pdf>

I. Appellate Advocacy Policy on the Use of A.I.

Students are not allowed to use advanced automated tools (artificial intelligence such as ChatGPT) on assignments in this course without instructor permission obtained in advance. Unless given permission to use those tools by your professor, each student is expected to complete each assignment without substantive assistance from others, including automated tools. This does not include research conducted by Lexis AI or Westlaw Precision.

Since writing, analytical, and critical thinking skills are part of the learning outcomes of this course, all writing assignments should be prepared by the student. Developing strong competencies in this area will prepare you for a competitive workplace. Therefore, AI-generated submissions are not permitted and will be treated as plagiarism in accordance with the Seton Hall University School of Law Honor Code.

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.

J. 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.

K. 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

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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 or discuss.
- 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.

L. 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).

M. 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:

<https://www.shu.edu/disability-support-services/getting-started.cfm>.

All accommodations must be sought through and approved by DSS. DSS will make every effort to accommodate documented disabilities of every kind. The deadline for submitting applications

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(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 and on or about April 1st for the Spring semester. 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 973.761.9500 to speak directly with a professional mental health counselor. Additional resources can be found here: <https://www.shu.edu/counseling-psychological-services/index.cfm>.

N. Electronic Devices

The Appellate Advocacy Program may rely on technology for both remote and live instruction to optimize interactive exercises. Students must be prepared with necessary technology for each scheduled class and other activities. This will require a fully charged computer with camera and microphone and any other technology you deem necessary to participate.

We will use Microsoft Teams for class sessions as 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.

O. 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://law.shu.edu/technology/policies/classroom-recordings.html>

P. 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

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Appellate Advocacy Student Syllabus

Required Texts/Reading:

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

Other Resources You Might Want to Use:

Jonah Perlin, How I Lawyer: A podcast dedicated to learning about the legal profession by learning from the stories of those who do it.

- #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 Appellate Advocacy Blog: https://lawprofessors.typepad.com/appellate_advocacy/

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 8, 2024 @ 11 pm**
- First Version of Brief Due: **Sunday, October 6, 2024 @ 11 pm**
- Oral Argument Attendance Compliance Form with accompanying analysis: before Class 9
- Student/Professor Conferences: Week of Class 9
- Final Brief Due: **Sunday, November 10, 2024 @ 11 pm**
- Final Oral Argument for all sections: **Sunday, November 17, 2024**

You must be available on your designated 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.

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

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Introduction to the Syllabus

Welcome to Appellate Advocacy! The course description, goals, and policies are included in the Appellate Advocacy Policies that are posted on CANVAS. To follow the course and be aware of what is required of you, you will need to carefully read (1) Fall 2024 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, OBJECTIVES, AND ASSIGNMENTS

CLASS 1 (AUGUST 19-22)

INTRODUCTION TO APPELLATE ADVOCACY AND APPELLATE COURTS

Topics and goals for Class 1:

- Understand the structure and purpose of the course.
- 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.
- Understand how to select the issue(s) to appeal.
- Determine whether issues have been preserved for appeal.

Preparation for Class 1:

- Read the Record on Appeal and be prepared to discuss the 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).
- Review Narrated PowerPoint posted on CANVAS (“Jurisdiction, Issue Preservation, and Standard of Review”).

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CLASS 2 (AUGUST 26-29) RECORD WORKSHOP:

GETTING TO KNOW YOUR RECORD ON APPEAL AND PRACTICING ORAL ARGUMENT

Topics and goals for Class 2:

- Diving into the record on appeal to identify key facts and a research plan
- Deliver short oral argument and answer questions defending your position.
- Start Research homework.

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 2³-5) RESEARCH WORKSHOP:

RESEARCHING FOR AN APPELLATE BRIEF/ PREPARING YOUR OUTLINE

Topics and goals for Class 3:

- 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.
- Use AI effectively as a research tool
- Create historical research trail

Preparation for Class 3:

- Conduct more preliminary research based on Record on Appeal.
- Complete pre-class assignment and submit to your professor and the librarian professor at least 48 hours prior to Class 3.
- 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.

³ Monday, September 2nd is Labor Day. Students in Prof. Pirro’s class should attend another research class. Dates and times for classes also writing on your issue will be provided on the first day of class.

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OUTLINE DUE VIA EMAIL TO YOUR PROFESSOR BY SUNDAY, SEPTEMBER 8, 2024, AT 11:00 P.M.

**CLASS 4 (SEPTEMBER 9-12) DRAFTING WORKSHOP:
DRAFTING PARTS OF AN APPELLATE BRIEF AND FINDING YOUR THEME**

Topics and goals for Class 4:

- Understand the various parts of an appellate brief and what each part requires.
- 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.

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.
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CLASS 5 (SEPTEMBER 16-19) LEGAL STORYTELLING WORKSHOP AND RESEARCH GROUPS: YOUR NARRATIVE VOICE IN THE STATEMENT OF FACTS AND EXCHANGING RESEARCH IDEAS

Topics and goals for Class 5:

- Understand how to tell your client’s story.
- Learn about citations to the Record on Appeal.
- Present a case to the class and argue why it is important for your client.
- Exchange research ideas in small groups.

Preparation for Class 5:

- Read Guberman Part Two: The Tale p. 47-89.
- Read *Legal Storytelling Article* (posted on CANVAS).
- Recommended Resource: *Simple Tools for Telling Stories in Your Legal Writing*:
https://lawprofessors.typepad.com/appellate_advocacy/2019/04/storytelling-short-and-dirty.html
- Review your professor’s comments on your outline.
- Continue research for brief.
- Prepare a list of *at least* 10 cases you plan to use in your brief.
- Be prepared to present to the class one key case, which will be assigned by your professor.
- Optional (and encouraged) small-group Lexis Advanced Research Training with Heather Whyte-Kattas—she will contact students with dates and times.

CLASS 6 (SEPTEMBER 23-26): CREAC REFRESHER WORKSHOP

Topics and goals for Class 6:

- Apply the CREAC format you learned in Lawyering at the appellate level.
 - Revisit the CREAC legal writing formula
 - Learn how to flex CREAC for appellate writing
- Review an Appellate Advocacy brief in class with your professor and TA.

Preparation for Class 6:

- Read Guberman Part Three: The Meat p. 111-162.
 - Review PowerPoint on CANVAS (“CREAC Review”).
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CLASS 7 (SEPTEMBER 30-OCTOBER 3): EDITING WORKSHOP: FINALIZING THE BRIEF

Topics and goals for Class 7:

- Revisit appropriate citation form.
- Use parentheticals correctly and effectively in an appellate brief.
- Implement strategies for editing your brief.
- Appreciate the importance of proofreading your brief.
- Engage in a A.I. and/or editing exercise.
- Address anything you need to know before the draft is due.

Preparation for Class 7:

- 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.
- Skim these resources on polishing your brief:
 - *Editing and Proofreading Tips* (posted on CANVAS).
 - *Grammar and Style Tips* (posted on CANVAS).
 - *Citation Tips* (posted on CANVAS).
- 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
- Continue work on brief.

FALL BREAK OCTOBER 7-11

NO CLASSES

BRIEF DRAFT DUE BY SUNDAY, OCTOBER 6, 2024, BEFORE 11:00 P.M.

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

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CLASS 8 (OCTOBER 14-17): ORAL ARGUMENT AND PUBLIC SPEAKING SKILLS RESEARCH; PARTNER BRIEF REVIEW

NOTE: YOU WILL NOT MEET IN THE CLASSROOM.

**PROFESSORS ARE REVIEWING YOUR DRAFTS THIS WEEK, AND YOU ARE REVIEWING YOUR
ASSIGNED PARTNER'S BRIEF THIS WEEK.**

Topics and goals for the week of Class 8:

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

Work in lieu of class time during week of Class 8:

- Listen to podcast [How I Lawyer](#) Episode #054: Panel Opinion—Oral Argument Techniques from Judge Patricia Millet, Joe Palmore, and Prof. Tiffany Wright.
- 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.
- Read *Oral Argument Reflection Guidelines* (posted on CANVAS).
- Read *Duke Law Tips on Oral Advocacy* (posted on CANVAS).
- Read *Tips on Oral Argument Preparation* (posted on CANVAS).
- Begin preparation of oral argument.
- Prepare comments on your assigned partner's draft brief and return by Friday, October 18th at 5:00 p.m.

STUDENT/PROFESSOR CONFERENCES TAKE PLACE BETWEEN OCTOBER 21-31

*****YOU WILL ALSO HAVE CLASS DURING WEEK 9*****

- 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.

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CLASS 9 (OCTOBER 21-24): ORAL ARGUMENT WORKSHOP AND CONFERENCES

Topics and goals for Class 9:

- Field questions from an appellate court.
- Deliver a persuasive rebuttal.
- Observe professional standards of conduct.
- Appreciate the necessity to be candid with the court, especially about weaknesses in your arguments and adverse authority.
- Plan the appropriate attire for appearing in an appellate court.
- Watch appellate argument in class and discuss.

Preparation for Class 9:

- Prepare and submit Oral Argument Attendance Compliance Form with accompanying analysis, which is due at the beginning of your regular class time during the week of Class 9.
- Be prepared to present to the class your reactions to the oral argument you viewed.
- Be prepared to discuss the readings, the podcast, and the video series from week 8.

CLASSES 10, 11 AND 12 (OCTOBER 28-NOVEMBER 14): ORAL ARGUMENT MOOTS

Topics and goals for Classes 10, 11 and 12:

- Organize and prepare your oral argument.
- Practice introduction and roadmapping.
- 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).
 - Properly introduce yourself before a panel of appellate court judges.
 - Deliver a roadmap that grabs the attention of your listeners.
 - 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.

**Appellate Advocacy Course Policies and Syllabus
Seton Hall Law School, Weekday J.D. Program
Fall 2024**

**FINAL BRIEF DUE VIA EMAIL TO YOUR PROFESSOR ON OR BEFORE
SUNDAY, NOVEMBER 10, 2024, 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 17, 2024): 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!