

**ADVANCED APPELLATE ADVOCACY**  
**Professor Anderson**  
**Fall 2020**

**Office No. 218**  
**Office Phone: 453-5634**  
**Office Hours: Suspended for fall**  
**2020 but available by appointment**

## **SYLLABUS**

Welcome! This course is designed to provide you with an opportunity to gain mastery of the art and science of appellate advocacy, both in written and oral form. The course is also the precursor for selection to the Moot Court Board. As part of the course, you are required to participate in the SIU Intramural Moot Court Competition (IMCC) as a member of a two person team. You will then individually write an appellate brief assigned during the semester, which will be the major basis for the course grade. The anticipated schedule for the semester is set out on the attached calendar pages.

### **REQUIRED MATERIALS**

The following texts are required for this course:

Cheryl L. Anderson, *Advanced Appellate Advocacy Writing: A Workbook* (8th ed. 2020) (distributed via TWEN). :: Print a copy and bind it to bring to class ::

Michael R. Fontham, Michael Vitiello & David W. Miller, *Persuasive Written and Oral Advocacy In Trial and Appellate Courts* (4th ed.);

*The Bluebook: A Uniform System of Citation* (21st Edition).

The following text is highly recommended (it is a book you will want to keep):

Deborah E. Bouchoux, *Aspen Handbook for Legal Writers* (3d ed.) (2013).

### **COURSE DESIGN AND OBJECTIVES**

The course includes instruction in oral advocacy, written advocacy, and the appellate court process. The bulk of the course is focused on persuasive writing skills. While immediately applicable to appellate brief writing, these writing skills are important for a variety of legal writing applications, such as pretrial motions and trial briefing. The writing skills portion of the course will include exercises, short writing assignments, and appellate brief writing. The oral argument portion will involve a multi-round moot court competition. The course has the following objectives for students:

- To develop mastery of both large and small scale organization techniques, persuasive writing style, and Bluebook citation format;
- To develop a more sophisticated ability to analyze complex law and facts in order to present a persuasive written or oral argument;
- To develop greater confidence as a public speaker;

- To demonstrate professionalism in advocacy, including but not limited to preparing adequately, collaborating with others (as permitted, see below for limitations), showing respect to the court and other counsel, complying with moot court rules, and meeting deadlines.
- To enhance students' self-awareness of personal writing habits as part of the process of becoming life-long self-learners.

The class consists of workshops of varying class length. The schedule is set out in detail at the end of this syllabus. Most classes will be held in-person as long as the university remains open this fall. Some classes may be conducted via Zoom or have a recorded component. A few of those classes are already listed on the syllabus. I will announce formats for other classes as we go through the semester. There will be several occasions where you will be expected to critique your own writing and that of your classmates. In all respects, we will endeavor to keep the critique constructive.

The first requirement of the course is to complete the team brief for the IMCC and participate in the oral rounds of that competition. A separate set of Rules for the Competition is posted on TWEN; you should download those Rules and familiarize yourself with them if you have not. We will not be reviewing those Rules in class (just as in other moot court competitions where you must learn and follow the rules on your own). The IMCC will be held on September 18-19 (preliminaries) and September 25-26 (elimination rounds). You should plan now to be available on each of those days. The Competition counts as a pass/fail graded assignment for the course, but there are bonus points for top performers. More information on the oral portion of the Competition will follow.

After the Competition, you will receive a new problem and prepare an appellate brief based on that problem. This is your graded brief, and it is an individual project. See the attached calendar pages for the stages in which this brief will be written. The final draft is due Nov. 20.

An additional component of this course is work with the National Health Law Moot Court Competition briefs. The class will be responsible for scoring the technical portions of the Health Law briefs. You will receive instruction from a member of the Moot Court Board on proper Bluebook citation form and format requirements for those briefs. Barring unexpected scheduling problems, the scoring session will take place during a regular class session and there will be no unexcused absences allowed (see Attendance Policy below).

Shortly before the Health Law Competition, selections will be made for the Moot Court Board. New Board Members will be assigned to one of the national competition teams that compete during in the Spring semester. New Board members will also be expected to assist with the Health Law Competition on November 6-7 and should plan to make yourself available all day both days.

## **WORKBOOK EXERCISES**

Our primary text will be the Advanced Appellate Advocacy Writing workbook. The reading assignments are posted on the attached calendar. You are expected as part of the course

requirements to prepare every exercise in the Workbook in the assigned reading and bring a printed copy of your work to class. If you miss a class, it is your responsibility to determine from a colleague whether there were any Workbook exercises that were handed in or that need to be handed in for the subsequent class. Repeated failure to prepare Workbook exercises will be subject to point penalties determined in my discretion. You can anticipate being required to upload your answers to Socrative and exchanging answers via email for peer feedback.

## **TWEN**

We will be using The West Education Network (TWEN) throughout the semester to post notices, supplement class materials, etc. You are required to sign up for TWEN within the first week of classes. Anything posted on TWEN constitutes notice to you of any changes or additions to this course.

## **EVALUATION**

The course grade will be based primarily on the graded brief (not the IMCC brief). The detailed outline will count for 8 points, the second draft 12 points, and the final draft 65 points. There may be some additional graded assignments during the semester for no more than an additional 15 points. In addition, the top three oralists in the IMCC will receive honor points added to their raw score for the semester: (3) points for First, (2) points for Second, and (1) point for Third. The team members writing the best brief and second place brief will each receive (3) and (2) honor points, respectively.

There will also be several pass/fail graded assignments throughout the semester, including but not limited to the IMCC brief and oral rounds, the first draft of the graded problem, a set of citation exercises, several self-editing exercises, and the Health Law Moot Court brief grading session. All pass/fail assignments must be satisfactorily completed in order to receive a passing grade in the course.

## **ASSIGNMENT DUE DATES AND LATE ASSIGNMENTS**

All assigned projects are due as noted on the attached calendar or as announced in class (class announcements take precedence). If the project is due on a class day, it is due at the start of class that day. If it is due on a non-class day, it is due as noted on the syllabus or assignment sheet.

I will grant extensions only in limited cases and then **only** if requested at least twenty-four hours in advance (barring emergencies beyond your control). If any written assignment, which includes outlines, drafts, self-editing exercises, and citation exercises, is late without an extension, five penalty points against total semester points will be imposed for each such late assignment at the moment it is late and five points each 24 hours thereafter until all semester points are exhausted. Unexcused late attendance to any oral argument round (competition or practice) or the Health Law Moot Court brief scoring session will result in the same points penalty. I may also impose this or some penalty on late Workbook assignments or failure to prepare such assignments as directed. Late IMCC briefs are subject to the sanctions listed in the Competition Rules. An unexcused failure to turn in an IMCC brief, participate in oral

arguments, or participate in the HLMC scoring session, will result in a failing grade for the course.

## **FORMAT RULES FOR GRADED BRIEF**

The graded brief should comply with the format set out in the Rules for the Intramural Competition briefs unless otherwise announced in class or in the assignment memo.

## **COLLABORATION POLICY**

You must do all assignments, including pass/fail and workbook assignments, on your own, without sharing your work with anyone other than me, my AAA teaching assistant(s), or my administrative assistant, and without using any other person's work product. This rule prohibits sharing research or research suggestions, issue spotting, outlines, or drafts, etc., and proofreading by anyone not permitted by the professor. Do not leave your research, outlines, or drafts, etc., where others may use them without permission. This rule also applies to using someone else's materials from past classes, including materials from the Workbook. Violation of this policy may result in a failing grade and referral for proceeding under the School of Law Honor Code.

The IMCC joint brief and oral arguments are not subject to this policy to this limited extent: you may and should work closely with your partner throughout the IMCC, and you may work with others to provide feedback on oral argument practices after the brief is turned in. Other modifications to the collaboration policy will be as announced in class.

## **ATTENDANCE**

Because of the unique nature of this course, the regular attendance rules do not apply. You will be allowed up to **250 class minutes** (not classes) of absences from formal class sessions (this represents about 20% of the formal class sessions). The minutes are counted based on the announced length of the class as posted on the calendar below. You will not be permitted to miss any required IMCC rounds or the Health Law brief scoring session, absent extraordinary circumstances. Any student who fails to comply with this rule will be withdrawn from the class and will receive a W(0.0) grade.

Attendance will be taken at the beginning of class. We will use an online attendance sheet. The URL and QR code is at the end of this syllabus. No one coming into the classroom (real or virtual) after I have started the class will be permitted to sign the attendance sheet unless you have obtained my permission in advance of class, except in emergency situations.

If there is an ungraded written assignment, such as a Workbook exercise, you may claim attendance credit for the related class only if you have prepared the assignment and completed any required Socrative uploads and peer exchanges of your work, or made other arrangements with me prior to that class.

**Once class has started, you are expected to remain in the classroom unless there is an emergency or you have been granted an accommodation through the Associate Dean's**

**office.** Having to use the restroom is not an emergency unless you are ill. Leaving class in-session without permission will be counted as an absence and may result in denial of re-entry into the classroom for the rest of the class session. If you need accommodations of this policy, please consult the disability services policy at the end of this syllabus.

It is each student's responsibility to keep track of their absences. I do not provide warning letters that you are close to exceeding your limit of absences.

**Recording Policy:** Our class sessions may be recorded by the Law School but only those students with my permission or a disability accommodation are allowed to access any such recordings. I allow non-accommodated students to review recorded sessions of this class in very limited circumstances only, such as a medical emergency, family funeral, or a school-related commitment (*e.g.*, court hearing for clinic client) that cannot be rescheduled. Absent an emergency, you should contact me to arrange for recording a class before you miss the class. All other recordings of the class are prohibited. Unauthorized recordings and unauthorized access to recordings will be governed by the School of Law Honor Code, § II.E.1.g.

## **COMPUTER AND CELL PHONE POLICY**

Computers in any form are permitted in class for note-taking purposes, to look up the text of cases, statutes and materials relevant to what is being discussed in class, to look at material posted on the AAA TWEN pages, and when you are explicitly instructed that you may use your computer for a class activity. You may **not** use your computer for any other activity, including but not limited to surfing the web, using social networking, checking or sending email, and reading or sending instant or text messages. Any student using a computer for an impermissible purpose during class will be marked absent for that class session and will have his or her computer privileges suspended for the remainder of the semester (with the exception of preparing the graded brief). For purposes of this rule, "computer" should be defined broadly.

Cell phones should be shut off and placed away where they cannot be seen (absent prior approval). They may not be used for any purpose that would not be permissible if done on a computer. You may be asked to check your phone at the podium if you violate this rule.

## **PROFESSOR'S INTELLECTUAL PROPERTY**

The AAA Workbook, Powerpoint slides, lectures, and other class materials are copyrighted by the professor and may not be disseminated in any form without the professor's permission. Students have permission to share class materials with other students currently enrolled in the course, consistent with the Collaboration policy set out above.

**FINAL CAVEAT: This syllabus is subject to change as the course proceeds, as circumstances warrant, and in my sole discretion. It will be supplemented by handouts during the semester. If you have any questions about what is required in this class, you should ask me. You should never "assume" if the circumstances appear ambiguous.**

Attendance Sheet URL:  
<https://airtable.com/shrJ7WbjQUHYj0mhh>



| Sunday               | Monday | Tuesday                                                                                                                                                                                                        | Wednesday | Thursday                                                                                                  | Friday | Saturday |
|----------------------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------------------------------------------------------------------------------------------------------|--------|----------|
| <h1>August 2020</h1> |        |                                                                                                                                                                                                                |           |                                                                                                           |        | 1        |
| 2                    | 3      | 4                                                                                                                                                                                                              | 5         | 6                                                                                                         | 7      | 8        |
| 9                    | 10     | <b>11 Legend:</b><br>WB=AAA<br>Workbook<br>PW=Persuasive<br>Writing and Oral<br>Advocacy text                                                                                                                  | 12        | 13                                                                                                        | 14     | 15       |
| 16                   | 17     | 18<br>WB 1-18 (turn in<br>completed<br>metacognition<br>exercise); Standards<br>of Review PW Ch.<br>10, IL Bar J. article<br>posted on TWEN;<br>review recorded<br>portion of class<br><b>100 minute class</b> | 19        | 20<br>Large Scale<br>Organization<br>part 1<br>PW Ch. 1, § 3.5,<br>WB 19-32<br><br><b>75 minute class</b> | 21     | 22       |
| 23                   | 24     | 25<br><b>Joint draft of<br/> IMCC Argument<br/> section due;</b><br>Large Scale<br>Organization<br>part 2, WB 33-51<br>Review recorded<br>portion of class<br><br><b>100 minute class</b>                      | 26        | 27<br>Introductory<br>sections<br>WB 52-57<br><br><b>75 minute class</b>                                  | 28     | 29       |
| 30                   | 31     |                                                                                                                                                                                                                |           |                                                                                                           |        |          |

| Sunday                  | Monday | Tuesday                                                                                                                                             | Wednesday | Thursday                                                | Friday                                                         | Saturday                                                       |
|-------------------------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------------|
| <h1>September 2020</h1> |        |                                                                                                                                                     |           |                                                         |                                                                |                                                                |
|                         |        | 1<br><b>IMCC briefs due; graded brief problem dist'd;</b><br>Oral Argument PW<br>Ch. 7 (add'l readings assigned in class)<br><b>75 minute class</b> | 2         | 3<br>Oral Argument cont'd<br><br><b>75 minute class</b> | 4                                                              | 5                                                              |
| 6                       | 7      | 8<br><br>Oral Argument Practices all week - times TBA                                                                                               | 9         | 10                                                      | 11                                                             | 12                                                             |
| 13                      | 14     | 15<br><br>Fine Tuning Oral Argument; Rebuttals<br><br><b>50 minute class</b>                                                                        | 16        | 17<br><br>No class meeting                              | 18<br><br><b>IMCC Prelims Round 1</b><br><br><b>All attend</b> | 19<br><br><b>IMCC Prelims Round 2</b><br><br><b>All attend</b> |
| 20                      | 21     | 22<br><br><b>Research lab for graded problem</b>                                                                                                    | 23        | 24<br><br>No class meeting                              | 25<br><br><b>IMCC Quarter and Semi-finals</b>                  | 26<br><br><b>IMCC Final Round – all must attend</b>            |
| 27                      | 28     | 29<br><b>Detailed Outline Due;</b> Effective Case Analysis<br>WB 58-77<br>PW § 2.14, 2.17<br><br><b>75 minute class</b>                             | 30        |                                                         |                                                                |                                                                |

| Sunda                 | Monday | Tuesday                                                                                                                               | Wednesda | Thursday                                                                                      | Friday | Saturday |
|-----------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------------------------------------------------------------------------------------|--------|----------|
| <h1>October 2020</h1> |        |                                                                                                                                       |          |                                                                                               |        |          |
|                       |        |                                                                                                                                       |          | 1<br><b>No Class</b>                                                                          | 2      | 3        |
| 4                     | 5      | 6<br><b>First Draft (Argument section only) Due; Self-editing exercise;</b><br>WB Pt 9<br><br><b>75 minute class</b>                  | 7        | 8<br>Finish Case Analysis; Contrary Authority<br>WB 78-83<br><br><b>75 minute class</b>       | 9      | 10       |
| 11                    | 12     | 13<br>Transitions, Citations, Quotations<br>WB 84-93;<br>Questions Presented, Point Headings<br>WB 94-104;<br><b>100 minute class</b> | 14       | 15<br><b>Bluebook training session &amp; Quiz</b><br><br><b>50 minute class</b>               | 16     | 17       |
| 18                    | 19     | 20<br>Statements of the Case<br>WB 105-113<br><br><b>75 minute class</b>                                                              | 21       | 22<br><b>HLMC scoring session</b><br><br><b>75 minute class</b>                               | 23     | 24       |
| 25                    | 26     | 27<br>Finish Statements of the Case; Summary of the Argument; Other Sections of the Brief<br>WB 114-118<br><br><b>75 minute class</b> | 28       | 29<br><b>Second Draft (entire brief) Due; self-editing exercise</b><br><b>50 minute class</b> | 30     | 31       |



| Sunday                 | Monday | Tuesday                                                                          | Wednesday | Thursday                                                                         | Friday                                                                                                | Saturday                                                                                  |
|------------------------|--------|----------------------------------------------------------------------------------|-----------|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <h1>November 2020</h1> |        |                                                                                  |           |                                                                                  |                                                                                                       |                                                                                           |
| 1                      | 2      | 3<br><b>No Class -<br/>Election Day</b>                                          | 4         | 5<br>Effective<br>Writing Style<br>part 1<br>WB 119-127<br><br><b>75 minute</b>  | 6<br>National<br>Health Law<br>Moot Court<br>Competition -<br>new Board<br>members<br>attend          | 7<br>National Health<br>Law Moot<br>Court<br>Competition -<br>new Board<br>members attend |
| 8                      | 9      | 10<br>Effective<br>Writing Style<br>part 2<br>WB 128-138<br><br><b>75 minute</b> | 11        | 12<br>Effective<br>Writing Style<br>part 3; wrap-<br>up.<br><br><b>50 minute</b> | 13                                                                                                    | 14                                                                                        |
| 15                     | 16     | 17<br>Self-editing<br>exercise<br><br><b>75 minute</b>                           | 18        | 19<br><b>No Class</b>                                                            | 20<br><b>Final Brief<br/>due by 4:00<br/>p.m. per<br/>instructions<br/>on<br/>assignment<br/>memo</b> | 21                                                                                        |
| 22                     | 23     | 24                                                                               | 25        | 26                                                                               | 27                                                                                                    | 28                                                                                        |
| 29                     | 30     |                                                                                  |           |                                                                                  |                                                                                                       |                                                                                           |

**SYLLABUS ATTACHMENT**  
**SIU SCHOOL OF LAW – FALL 2020**

**EMERGENCY PROCEDURES:** We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit: <http://emergency.siu.edu/>.

**DISABILITY POLICY.** SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at 618-453-5738 or [disabilityservices.siu.edu](mailto:disabilityservices.siu.edu). You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations. Accommodation [request](#) and [renewal](#) forms can be found here: <https://law.siu.edu/academics/>.

**SALUKI CARES.** The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or [siucares@siu.edu](mailto:siucares@siu.edu), <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is [judiray@siu.edu](mailto:judiray@siu.edu), and her phone number is 618-453-3135.

**COVID-19.** As a condition of on-campus enrollment, all SIUC students are required to engage in safe behaviors to avoid the spread of COVID-19, including the requirement that all students wear a mask in campus buildings, including classrooms, laboratories, and studios when others are present, regardless of social distancing. Students are expected to follow physical or social distancing guidelines by keeping at least 6 feet from others, and practicing good hand hygiene. Failure to comply with this policy may result in dismissal from the current class session. If the student refuses to leave the classroom after being dismissed, the student may be referred to the Office of Student Rights and Responsibilities. SIUC will follow federal, state and county public health recommendations and mandates in all decisions relating to university operation. Students should regularly review the link for the [SIUC COVID-19 response](#).