



TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL *of* LAW

APPELLATE LITIGATION

LAW 920, SECTION 2

FALL 2021

TUESDAYS

5:00 PM – 6:40 PM

Room 211

PROFESSOR JENIFER POINTS

TABLE OF CONTENTS

The Professor	3
Course Books & Material	4
Course Description & Objective	5
Student Learning Outcomes	6
Grading.....	7
Accommodations	8
Participation, Attendance & Professionalism	9
Title IX Information	9
Thurgood Marshall Academic Calendar	10
Policies & Procedures	11
Assignment Due Dates and Class Reading	13

THE PROFESSOR

NAME: Jenifer Points
EMAIL: jenifer.points@tmslaw.tsu.edu (NOTE: only one “N” in Jenifer)
LOCATION: Room 235 (adjunct office)
OFFICE HOURS: Tuesdays 4-5 pm in person at or near the adjunct office

Thursdays any time between 9 am and 5 pm by emailing the above email address and requesting an appointment

My office hours are Tuesdays and Thursdays, but you are welcome to email me any day of the week with questions. I will respond within 24 hours, usually within 1-2 hours.

NOTE FROM THE PROFESSOR:

Welcome to Appellate Litigation! I am looking forward to working together this semester.

The focus of this class is brief writing, but we will cover more than that. We will review the skills you learned in Lawyering Process, access user-friendly grammar resources and hopefully develop a habit of using those resources to improve the clarity of our writing, and gain exposure to certain Rules of Appellate Procedure and other aspects of appellate practice to provide necessary context for our brief-writing assignments.

My goal is for you to succeed in this class and develop the necessary skills to be a strong, organized writer and oral advocate. If you are having a difficult time with the course materials or class expectations, please reach out to me.

COURSE BOOKS & MATERIAL

There are three required textbooks for this course:

- Selmi, *Principles of Appellate Advocacy* (2d ed.)
- *The Bluebook, A Uniform System of Citation* (21st ed.)
- *The Greenbook, Texas Rules of Form* (14th ed.)

There are two recommended textbooks for this course:

- Garner, *The Redbook: A manual on Legal Style* (4th ed.)
- Garner, *Winning Brief* (3d ed.)

From time to time, I will provide hard copies or links to additional materials.

COURSE DESCRIPTION & OBJECTIVE

DESCRIPTION:

In this class, we build on the skills you learned in Lawyering Process and learn to write persuasively, as an advocate. There will be two main assignments: a baby brief and a big brief. In addition, we will have several smaller assignments to pre-write portions of the briefs or to work on legal writing and editing skills. Outside of class, students will do online grammar work for participation points. After writing the baby brief, students will participate in an oral argument focused on that legal issue.

OBJECTIVE:

Create a grammatically correct, thoughtful, well-organized, and legally persuasive appellate brief that you could confidently supply to a potential employer as a writing sample; demonstrate organized and effective oral advocacy; and identify legal-writing resources and develop a habit of using them.

STUDENT LEARNING OUTCOMES

1. Brief writing

- Discern which facts from the record will be relevant to your legal analysis, given the assigned issues
- Perform legal research to locate and select the best authority to include in your brief, taking appropriate note of negative authority
- Draft effective issue statements
- Draft persuasive headings to organize your argument
- Understand the importance of the applicable standard of review and incorporate that standard in your legal writing and analysis
- Structure a legal argument using CRRPAC and IRAC principles
- Demonstrate mastery of grammar and citation rules
- Prepare an appellate brief that is well-organized and persuasive and that effectively incorporates the relevant facts and law with appropriate record and legal citations
- Develop editing skills with a focus on strong organization, advocacy, brevity, honesty, and use of plain English

2. Oral Argument

- Understand the context and purpose of oral argument
- Effectively select material to highlight in a short oral argument
- Demonstrate professionalism and appropriate advocacy while interacting with those judging the oral argument

3. Appellate Litigation

- Learn the context in which an appellate brief is prepared and submitted
- Appreciate the limits of appellate jurisdiction and the available dispositions
- Develop a working knowledge of the most common standards of review
- Gain a basic understanding of the role that preservation of error and harmless error play in evaluating appellate issues
- Understand the role of an attorney advocate

GRADING

The following components make up your final grade in this class

ASSIGNMENT	POINTS	% GRADE
Points for attendance, participation, and professionalism	5	1
Citation quiz	20	4
Participation points for online grammar work	50	10
Daily work assignments (10)	100	20
Baby brief	100	20
Oral argument	25	5
Big Brief	200	40
TOTAL:	500 points	100 %

Curve. The curve mandated by the school applies to this class. Please see the policy and procedures section for penalties for late assignments and other grading policies.

Extra credit. There will be at least one extra-credit opportunity. Extra credit points will be on top of the 500 regular class points.

Automatic credit for work that is left unassigned. All students will receive full credit for assignments that are on the syllabus but are not reached, due to bad weather cancellations, slower class pace, or otherwise.

Participation points. You will be given participation points for the online grammar work based on a good faith effort to complete each assignment. You also have an opportunity to earn participation points for your class attendance, class participation, and professionalism. These points will be earned by (1) attending class and arriving on time, (2) actively participating in class exercises and assignments, having your materials available during class, and being prepared for class discussions, (3) contributing to a professional classroom environment, and (4) keeping all appointments and rescheduling in a timely manner when necessary.

ACCOMMODATIONS

If your circumstances qualify for academic accommodations, please fill out the necessary forms with the TSU Student Accessibility Services Office (SASO). After doing so, please notify me.

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

My strong preference is that you engage in class discussions and ask questions as they arise. I realize that some of us are more comfortable speaking in a group setting than others. But please consider that you are enduring law school with the goal of becoming an attorney. If there are attorneys out there who never have to speak in public, I have never met them. It is part of the job. I encourage you to use this educational setting to practice and get more comfortable speaking in front of your peers.

Attendance will be taken each class period. The administration will be notified of every absence. Absences will affect your participation points in this class in addition to any school-level action that might be taken. If you have a reason for missing class, please notify me as soon as practicable. It will be your responsibility to turn in missed assignments timely.

One of the best decisions a legal writer can make is to be receptive to being edited. Please approach the process of reviewing suggested edits with an open mind. Relatedly, please maintain a respectful tone when discussing topics in class.

TITLE IX INFORMATION

Texas Southern University is committed towards encouraging and supporting a welcome inclusive university community where all community members enjoy a community free from sex discrimination, harassment, and violence. As a result, you should know that university faculty members and staff are required to notify the University Title IX Coordinator of any instances of sex discrimination and harassment, sexual violence, dating violence, domestic violence, or stalking. Sharing this information ensures that those harmed are provided support resources. What this means is that as your professor, I am required to report any incidents that are directly disclosed to me, or of which I am somehow made aware.

The University's Counseling Center is available to you if you want to speak with someone confidentially. Please visit the University's Counseling Center's website www.tsu.edu/ucc for additional information.

THURGOOD MARSHALL ACADEMIC CALENDAR

FALL SEMESTER 2021

Orientation	Monday-Friday	August 9-13, 2021
First Day of Class	Monday	August 16, 2021
Last Day to ADD/DROP	Wednesday	August 18, 2021
Labor Day (No class)	Monday	September 6, 2021
Purge of all unpaid course selections	Wednesday	September 15, 2021
Mid Term Examinations	Monday-Friday	October 11-15, 2021
Last Day to Drop a Class	Friday	November 5, 2021
Last Day of Classes	Tuesday	November 23, 2021
First Year Professors' Grades due	Tuesday	November 23, 2021
Reading Period	Wednesday	November 24, 2021
Thanksgiving Holiday	Thursday-Friday	November 25-26, 2021
Reading Period	Saturday-Sunday	November 27-28, 2021
Final Examinations	Monday-Friday	November 29-December 10, 2021
Commencement Exercises	Saturday	December 11, 2021

Calendar events and dates are subject to change.

POLICIES & PROCEDURES

Writing Format

For the Baby Brief and the Big Brief, the following format requirements must be adhered to. Points will be deducted for failure to follow these requirements. This list is based on the formatting requirements of the appellate courts. *See* TEX. R. APP. P. 9.4. You will benefit from learning to format your documents correctly now instead of waiting to learn how to do so the night before your first real-life appellate brief is due.

- 8 ½ x 11 paper
- Single-sided
- Black ink using a conventional typeface
- Minimum of one-inch margins on all sides
- Double-spaced text, *except single-spaced text for footnotes, headings, block quotes, short lists, and issues or points of error*
- 14-point font throughout, except 13-point font for footnotes
- Stapled once in top left corner
- All students will benefit from learning how to prepare all sections of a brief; therefore, every student in this class will submit a big brief at the end of the semester that includes every section of an appellate brief, even if some of those sections generally are only included in an appellant's brief. The sections are listed in Rules 38.1 and 38.2 of the Texas Rules of Appellate Procedure.
 - Cover page
 - Identity of parties and counsel
 - Table of contents (outline of argument with accurate page references)
 - Index of authorities
 - Statement of the case
 - Statement regarding oral argument
 - Issues presented
 - Statement of facts
 - Summary of the argument
 - Argument
 - Prayer
 - Appendix (in civil cases only)

Calendaring

Litigation practices are deadline driven. Lawyers must know their deadlines, write them in their calendars, refer to their calendars often, and meet their deadlines. The failure to meet a filing deadline has enormous consequences for the lawyer and the client. If you have not done so already, you should develop a habit of using a calendar. Enter these dates into your calendar at the beginning of the semester.

<u>Event</u>	<u>Date</u>
First day of class	August 17
Citation Quiz	September 28
Baby Brief due	October 5
Oral Argument	1/3 of class on Oct. 19; 1/3 on Oct. 26; and 1/3 on Nov. 2
Big Brief due	November 23

Other

Please only use your phone and computer in class in a manner directly related to the matters being discussed. Anything else distracts your fellow students.

To be considered complete, assignments must be received by the start of class on the day they are due. Late assignments will be deducted points. If less than 24 hours late, a 10% deduction will be taken. An additional 10% deduction will be taken each additional 24 hours that the assignment is late until no points remain.

Some assignments may be turned in in-person when class begins. The two briefs, though, must be turned in through Blackboard. The “anonymous grading” feature will be turned on for both assignments. This feature will take the place of exam numbers. You do not need to obtain an exam number for this class.

Please following the rule of thumb used by many attorneys: Take the amount of time you think a writing assignment will take, then double it. Writing invariably takes longer than we think. Please allow time for computer crashes, slow uploads, and the like.

Final thoughts

This course covers a lot, but its focus is legal writing. Realize that there are no shortcuts to legal writing. To improve, you must invest your time and energy. Do the reading. Practice the skills. Look up the grammar rules when you are not sure how to phrase something or what punctuation is proper. Importantly, accept the feedback you receive throughout the course. We all want the same thing: to make your legal writing as strong as possible.



TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL of LAW

ASSIGNMENT DUE DATES AND CLASS READING

(subject to change)

Week	Date	Assignments due <u>before</u> class starts (10 daily assignments are numbered)	Reading to be completed <u>before</u> class starts	Topics covered <u>during</u> class
1	8/17	(1) Contact sheet/About me	Selmi, Ch. 1	Appellate fundamentals Introduce grammar Introduce Baby Brief issue (1 issue and 2 sides)
2	8/24	Grammar pre-test (online)	Selmi, Ch. 2, 10	Passive voice explained Neutral v. persuasive writing Examples of high-quality briefs Learning a case: where to begin
3	8/31	(2) In your own words: issue and standard Grammar quiz set #1	Selmi, Ch. 3, 5	Standards of review Disposition options Statement of Issues
4	9/7	(3) Cases for the casepool Grammar quiz set #2	Selmi, Ch. 7	Legal reasoning process/CRRPAC & IRAC review/whirlybirds v. outlines Cover page
5	9/14	(4) Draft issue presented Grammar quiz set #3	<i>None</i>	Bluebook and Greenbook review Citing to the record & the law
6	9/21	(5) Four cases in proper Bluebook/Greenbook form Grammar quiz set #4	Selmi, Ch. 8	Writing the argument (6) In-class writing practice Review grammar aids available
7	9/28	<i>None</i>	Selmi, Ch. 11	In-class Citations Quiz Editing legal writing
8	10/5	BABY BRIEF DUE	Selmi, Ch. 12	Introduce Oral Arguments Introduce Big Brief issues (2 issues and 2 sides)



TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL of LAW

9	10/12 <i>midterm week</i>	<i>None</i>	Selmi, Ch. 4, 6, 9	All sections of a complete brief
10	10/19	(7) In your own words: issues and standards	<i>None</i>	1/3 class does oral argument on baby brief issue while 2/3 class does 2-day group editing assignment
11	10/26	(8) Cases for the casepool	<i>None</i>	1/3 class does oral argument on baby brief issue while 2/3 class does 2-day group editing assignment
12	11/2	Optional: Extra credit for revising baby brief	<i>None</i>	1/3 class does oral argument on baby brief issue while 2/3 class does 2-day group editing assignment
13	11/9	(9) your group's 2-day editing assignment (completed while others did oral arguments) (10) Four cases in proper Bluebook/Greenbook form	<i>None</i>	Review 3 requirements for a viable appellate issue Types of waivers Discussion on Big Brief
14	11/16	Grammar Mastery Quiz	<i>None</i>	Anders option in criminal law Other types of appellate matters Motions in appellate practice
15	11/23	BIG BRIEF DUE	<i>None</i>	Appellate deadlines