



TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL *of* LAW

APPELLATE LITIGATION

SECTION 4

FALL 2021

NICKOLAS A. SPENCER, J.D., M.A.

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THE PROFESSOR

NAME: Nickolas A. Spencer

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LOCATION: Adjunct Suite

OFFICE HOURS: Wednesday
 3-5
 (All other times by appointment only)

NOTE FROM THE PROFESSOR:

Nickolas A. Spencer, J.D., MA. Managing Attorney. Nickolas Spencer is a lawyer and a Houston resident. His practice focuses primarily on Real Estate and Civil Litigation, with a heavy emphasis on investor issues. He is the founder and Managing Attorney at Spencer & Associates, PLLC. He earned his law degree from Chicago-Kent College of Law.

Nickolas Spencer is the Immediate Past President of the Houston Lawyers Association and is dedicated to the advancements of the legal community, both here in Houston and farther afield.

COURSE BOOKS & MATERIAL

Appellate Litigation (Just Briefs will be required) and the other books are only recommended.

Appellate Litigation–LAW 920- Section 4 Professor Spencer

Title: Just Briefs Author: Oates, Enquist

Edition: 3rd

Publisher: West

Required: Yes

ISBN: 978-1-4548-0554-0

Appellate Litigation –LAW 920 Section4-Professor Cone

Title: Point Made Author: Ross Guberman

Edition: 2nd

Publisher: Aspen

Required: Recommended

ISBN: 978-0195394870

Appellate Litigation –LAW 920 Section 4-Professor Cone

Title: The Green Book: Texas Rules of Form

Author: Texas L. Rev.

Edition: 14th

Publisher: Texas LAW

Required: Recommended

ISBN: 978-0878674107

Appellate Litigation –LAW 920- Professor Cone SEC.4

Title: The Uniform System of Citation (Bluebook)

Author: Harvard Law Review

Edition: 20TH

Publisher: Aspen

Required: Recommended

ISBN: 978-0-6-15356116-1

CONCEALED HANDGUN POLICY

As you know, the State of Texas has recently passed legislation permitting you to carry a *concealed* firearm on campus if you have a concealed license permit recognized by the State of Texas, subject to the rules and regulations of Texas Southern University's ("TSU's) Campus Carry Policy. Under TSU's Campus Carry Policy, I have the right to designate my office as a gun-free zone. I have elected to make my office a firearm-free space. Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun. For a complete list of the gun-free zones on this campus and the rules governing campus carry at our institution, please visit Texas Southern University's website at <http://www.tsu.edu/>. Please note that entering a gun-free zone on campus with a firearm, including inside my office, could not only lead to criminal prosecution but suspension or expulsion from school.

COURSE DESCRIPTION & OBJECTIVE

DESCRIPTION:

Appellate Litigation Is a required second year legal WRITING course. It is designed to develop the writing skills that you learned in Lawyering Process I and II. You will write objective and persuasive legal documents including a memoranda and a brief. You will continue to use your legal methods, case analysis, problem analysis, statutory analysis and legal research skills. After you write an objective legal memorandum and a persuasive appellate



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In brief, you must present an oral appellate argument before a minimum of three legal practitioners who will judge your argument. Each student will prepare a draft and final memorandum and a draft and final brief on a legal problem. I will grade each assignment based on the specific criteria outlined for the assignment.

OBJECTIVE:

The objective of this class is to engage students' innate ability of critical analysis to craft the very best arguments in the most persuasive way possible. Students will learn valuable skills that will connect the oratorical talent necessary to excel at appellate advocacy with the brief writing which is the appellate advocacy's core. In this way students will learn valuable skills that should lead to successful careers in law school and in practice.

STUDENT LEARNING OUTCOMES

The course has two primary goals: First, the course is designed to improve the legal analysis skills of students. By the end of the course, students should be able to demonstrate written and oral legal analysis skills such as the capacity to pay careful attention to legal rules and key facts to explain how legal authorities apply to a RECORD that is used for all assignments during the semester using the IRAC and/or CRRAPC methods of legal analysis, to recognize and use legal terminology, and to use case law and principles to analyze new fact patterns. Second, this course is designed to review and improve upon the legal writing skills that you developed in your first year writing course. These skills include but are not limited to writing a legal memoranda and conducting legal research. This course adds two additional skills which include writing a legal brief and participating in an oral argument before a panel of three or more judges at the end of the semester.

GRADING

Memorandum	20%
Appellate Brief	50%
Professionalism	10%
Oral Argument	20%
Total	100%

ACCOMMODATIONS

Please see the Texas Southern University, Thurgood Marshall School of Law Accommodations policy located at this link: <http://www.tsulaw.edu/academics/18SuAccommodationsInformationWeb.pdf>

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

Please see the Texas Southern University, Thurgood Marshall School of Law 2018-2019 Student Rules and Regulations located at the following link: http://www.tsulaw.edu/student_affairs/2018-2019_Rules_and_Regulations.pdf

PLEASE NOTE THAT BEST EFFORTS WILL BE REQUIRED ON ALL ASSIGNMENTS INCLUDING ROUGH DRAFTS

ACADEMIC CALENDAR

**[HTTPS://NEWHOME.TSU.EDU/REGISTRAR/ACADEMIC-
CALENDAR/2020-21-CALENDAR/FALL-2021.HTML](https://newhome.tsu.edu/registrar/academic-calendar/2020-21-calendar/fall-2021.html)**

POLICIES & PROCEDURES

ACADEMIC INTEGRITY:

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic Integrity Include, but are not limited to: cheating, plagiarism, misuse of materials, Inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, Including attendance, and Impeding the Honor Code process. The School of Law Honor Code.

TITLE IX SEXUAL MISCONDUCT AND NONDISCRIMINATION POLICY:

The Texas Southern University Sexual Misconduct and Nondiscrimination Policy is compliant with federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored Incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/Intimate partner violence or sexual exploitation and/or related experiences or Incidents. Policies and procedures related to Title IX. Texas Southern University's nondiscrimination policies can be found at: <http://hr.tsu.edu/wpcontent/uploads/2015/02/Sexual-Harassment-Tittle-IX.1.pdf>

READING ASSIGNMENTS

August 25		Pgs. 1-25
September 1		Pgs. 25-50
September 8	Memorandum Due	Pgs. 50-97
September 15		Pgs. 97-120
September 22		Pgs. 120-150
September 29	Appellate Brief Rough Draft	Pgs. 150-190
October 6		Pgs. 190-220
October 13		Pgs. 220-249
October 20	Appellate Brief Revised Brief	Pgs. 250-272
October 27		
November 3		
November 10		
November 17		