

Appellate Litigation

Texas Southern University
Thurgood Marshall School of Law

Professor J. Eric Pardue

Tuesday and Thursday, 5:30 p.m.

Law 920, Section 05

Spring 2018

This is a syllabus. It is just guidance. It is not a contract; it is not binding. The purpose of this document is to give you an overview of this class. The only thing in this syllabus that is not subject to change is the grade-component breakdown.

Welcome to Appellate Litigation! This class is designed to refresh and build on the skills you learned as a 1L in Lawyering Process, with specific emphasis placed on strengthening your writing skills, teaching you the particulars of writing an appellate brief, and developing your skills as an oral advocate—all integral parts of being an effective litigator. This course is designed to combine a variety of writing assignments with refreshers on research, writing, citation skills, and core grammar and punctuation concepts.

The ultimate goal is for you to leave this class a better writer than you are today. That will require hard work on your part (as well as on mine). There will be a mixture of reading assignments, daily writing assignments, and longer-duration research and writing projects. The bulk of the assignments will be solo work, but there may be some in-class group assignments.

General Info

My email: App.Lit.Pardue@gmail.com or epardue@velaw.com

Office: Because I am an adjunct professor, I am not on campus every day. Email is always the easiest way to reach me. Please send emails to the gmail address, which I will check during the day. Only send emails to my work email if it is an emergency (and even then also copy the gmail address). I will try to respond as quickly as I can, but be aware that emails sent in the evening or during the weekend (or on a holiday) may have a delayed response.

The Texts

Beazley, *A Practical Guide to Appellate Advocacy*, 4th Edition

Garner, *Legal Writing in Plain English: A Text with Exercises*, 2d Edition

The Bluebook: A Uniform System of Citation, 20th Edition

Other texts that may be useful (but aren't required):

- Ross Guberman, *Point Made: How to Write Like the Nation's Top Advocates*
- O'Connor's Texas Civil Appeals (This is an invaluable resource in practice. You don't necessarily need it for this class, but I suggest at least checking it out and becoming familiar with the fact that O'Connor's books exist).

I may assign other reading assignments throughout the semester. These additional reading materials will be posted on TWEN. Assume that everything I assign may be needed on the last day of class. (That means keep up with any additional materials; don't just throw them away.)

Grade Components

Your final grade will be made up of the following components (1000 total points):

- Writing Assignment 1 = 4% (40 points)
- Writing Assignment 2 = 23% (230 points)
- Writing Assignment 3 = 6% (60 points)
- Writing Assignment 4 (Big Brief) = 40% (400 points)
- Oral Argument = 10% (100 points)
- Quizzes = 12% (120 points)
- Class Participation = 5% (50 points)

Specific details about each writing assignment, including the due date, will be handed out or posted on TWEN at later dates.

Quizzes may or may not be given, and I do not guarantee that I will give 120 points worth of quizzes. If fewer than 120 points of quizzes are administered, you will automatically receive the unassigned points—*e.g.*, if I only give quizzes that total 90 points, EVERYONE will receive the other 30 points. Unless otherwise stated, quizzes will only be administered during class.

Five percent of your grade will be based on class participation. Come to class and participate; you'll get your 50 points. Because this is a two-hour course, you are permitted 3 absences for the semester. I will take attendance each class. As for what I expect for participation, be active and be engaged. This is not a lecture course. The learning environment is facilitated by having active conversations between you and me and amongst yourselves. Class participation points will not be assigned based on whether you give the right answers or ask the most thought-provoking questions, but rather on whether you engage over the course of the semester (*i.e.*, you don't have to talk every class).

Assignments

Writing assignments will be turned in via TWEN unless otherwise specified. Quizzes will almost always be administered and completed in class. Some assignments may require you to turn in a hard copy in addition to an electronically submitted version. The prompt for each assignment will specify how and in what format the assignment should be submitted.

Think of turning in your assignments as no different than filing a brief with a court. Turn assignments in on time to avoid damaging your grade. Deadlines exist for a reason; abide by them. Give yourself more time to complete assignments than you originally think you will need, and don't procrastinate. The research/write/revise process will take longer than you expect, and there may always be unexpected occurrences that affect your ability to work on an assignment during the time you originally anticipated.

Turning in an assignment after the deadline will have negative consequences for your grade. If an assignment is turned in less than two-hours late, 10% of the available points for that assignment will be deducted from your grade off the top. For example, if you turn in writing assignment 1 an hour and a half late, the maximum points you can earn is 36, not 40. If your assignment is turned in between 2:00 hours and 24:00 hours after the deadline, 25% of the available points will be deducted off the top. An additional 25 points will be deducted for each 24-hour period after that until no points remain. **TURN YOUR ASSIGNMENTS IN ON TIME!!!**

Your name should never be on an assignment you turn in. For this class you will need to get a blind grading number for almost every assignment. Every assignment you turn in should have a new blind grading number on it (the one exception will be the second part of Writing Assignment 2, for which you will use the same blind grading number that you used for the first part of Writing Assignment 2). If you turn in an assignment without a blind grading number, you will automatically lose 5% of the points for that assignment.

Your Work and Only Your Work

This is a writing class, and your grade depends on your writing. That means what you turn in must be your work and only your work. You may **not** have someone else review your work prior to turning it in. You may **not** work together with your classmates on any stage of an assignment, including research and brainstorming. Any help you receive from someone else in drafting, reviewing, editing, revising an assignment for this class will be treated as plagiarism/cheating. You will lose no less than 50% of the points for an assignment if you are caught plagiarizing or cheating, and I reserve the right to give you 0 points. This is an easy problem to avoid. Do your own research. Do your own drafting. Do your own reviewing and revising. Do your own edits. Turn in assignments that are 100% your work alone.

Bonus points

You have an opportunity to earn bonus points! If you find a spelling or grammar error in any document, including emails, that I send to the entire class, send an email to me identifying the error and suggesting a correction. Your proposed correction cannot be incorrect, and your email cannot contain a spelling or grammar error of its own. The first person to send an email that meets these criteria will receive a bonus point. Only one bonus point will be given for each error. I don't expect to make errors; thus, you should not anticipate many opportunities for bonus points. But I do want you to read everything closely and critically. Your writing will improve as a result.