

**A. Course and Professor Information**

*Course:* Appellate Litigation, Section 6

*Class meeting time:* Wednesdays  
5:00 p.m. – 6:50 p.m.

*Classroom:* Room 210

*Professor:* Marie Jamison  
mjamison.tmsl@gmail

**B. Textbooks and Other Resources**

*Required:*

- Beazley, *A Practical Guide to Appellate Advocacy* (4th Edition)
- *The Bluebook, A Uniform System of Citation* (20th Edition)
- *The Greenbook, Texas Rules of Form* (12th Edition)

*Highly recommended:*

- The Redbook: A Manual on Legal Style (3rd Edition)
- O'Connor's Texas Civil Appeals (2017)

\* Handouts and other materials will be supplied periodically.

**C. Course description.**

This class will focus on appellate procedure, writing, and advocacy. You will continue to develop the legal writing and research skills you learned in Lawyering Process and learn how to write an appellate brief. This class focuses on professionalism, appellate procedure, the appellate brief, and oral argument.

**Professionalism:** This is a professional law school and you are entering a learned profession. A primary objective of this class is to help you understand the duties and responsibilities of your chosen profession.

**Appellate Procedure:** We will focus on the Texas Rules of Appellate Procedure and appellate authority that govern appeals in Texas. We will focus on the appellate

process and rules of procedure. By the end of the course, you will have a good understanding of the appellate system and its procedural rules. Although we will focus on Texas civil appeals, we will devote a lecture to criminal appeals.

**Appellate Brief:** Your main project in this class will be drafting an appellate brief. The skills you develop drafting the brief will apply throughout your career, even if you do not practice appellate law.

**Appellate Argument:** You will participate in oral argument on your brief. Argument will be done in teams of two people, with two teams arguing against each other. I will assign the team members and which teams argue against each other. On each team, one student will argue issue one and the other will argue issue two. You can decide among yourselves who will argue which issue, or I will decide if no agreement can be reached. You will argue the side that you brief. Each student will argue ten minutes (with the appellant able to reserve up to three minutes for rebuttal). Thus, the total argument time will be 40 minutes. Although students will argue together, students will be judged solely on their individual performance.

#### D. Grading, Assignments, and Extra Credit

Assignment	Total Possible Points	Percentage of Grade
Quiz 1	100	10%
Quiz 2	100	10%
Oral Argument Observation	50	5%
Temporary Relief Motion	50	5%
Appellate Brief		
Case list/research notebook	100	10%
Brief outline	50	5%
Rough draft	100	10%
Final brief	250	25%
Oral Argument	200	20%
Total:	1000	100%

\* **Extra credit.** Earn (1) up to 50 extra points for a bench brief and (2) up to 25 extra points if you attend argument in person for the oral argument observation assignment.

\* **Late assignments.** I will not accept an assignment that is more than 24 hours late. If an assignment is turned in more than one hour late but less than 24 hours late, 30% of the possible points will be deducted from the assignment.

\* I will not accept or grade an assignment if it is not submitted at the place and in the manner indicated in the assignment instructions. An assignment that is improperly submitted is late.

### E. Class Policies & Procedures

Be prepared at the beginning of each class. Read and analyze the assigned cases and book material. Be prepared to present and discuss the facts and issues in the reading assignments.

Class attendance is mandatory, and attendance is taken at the beginning of each class. I encourage you to be early, not just on time.

Our classroom is a place of mutual respect for the goals that each person has in the class. Questions are encouraged. If you do not wish to ask a question during class, by all means stop me after class or email me to set up a time to talk. You may also email me your questions.

Classroom conduct is a matter of common sense. Students sometimes engage in distracting behavior because they do not realize the effect of their conduct. However, in the practice of law, attorneys frequently have to maintain their composure or appear to be interested, even when they feel like expressing negative emotions or are in fact not interested. The law school classroom is an excellent place to practice these skills. **Please do not engage in the following behaviors during class: side conversations, phone calls, texting, social media, surfing the Internet, leaving class and returning (unless it is an emergency), eating, wearing headphones, or engaging in any other distracting behavior.**

### D. Tentative Course Schedule and Assignments

Date	Assignment deadlines	Class Topic	Reading
Wednesday January 10		Overview of class, Texas appellate courts, appellate process, appellate court jurisdiction and initiating an appeal.	
Wednesday January 17		School closed.	

Date	Assignment deadlines	Class Topic	Reading
Wednesday January 24		Texas Rules of Appellate Procedure, local rules, types of appeals, initiating and perfecting an appeal and corresponding deadlines, initiating an original proceeding, preserving error, and appellate relief.	<ul style="list-style-type: none"> <li>• Read assigned cases prior to class.</li> </ul>
Wednesday January 31	In-class quiz	<p>Appellate motions, suspending execution of judgment, the appellate record, standards of review, the briefs, and researching.</p> <p><b>First quiz</b> over appellate jurisdiction, types of appeals, appellate deadlines, orig. proceedings, and preserving error.</p> <p><b>Motion assignment</b>, due Wednesday, Feb. 7 by 5:00 p.m.</p>	<ul style="list-style-type: none"> <li>• Read assigned cases prior to class.</li> <li>• Beazley, 2.3-2.6, 3.1-3.6, 6.1-6.6.</li> </ul>
Wednesday February 7	Motion Assignment due at 5:00 pm in class	<p>Continue the briefs and researching. Introductory statements and outlining brief argument.</p> <p>Assign case and appellate positions with appellate packets.</p> <p><b>Case list assignment</b>, due Monday, Feb. 21.</p>	<ul style="list-style-type: none"> <li>• Handouts (tables, parties, statements of jurisdiction and the case, and request for oral argument).</li> <li>• Beazley, 4.1.5, 8.1-8.6, 9.1-9.5.</li> </ul>

Date	Assignment deadlines	Class Topic	Reading
Wednesday February 14		The briefs, argument, and response briefs.  <b>Rough draft assignment</b> , due Mar. 7.  <b>Oral argument observation assignment</b> , due April 11.	<ul style="list-style-type: none"> <li>• Read assigned cases prior to class.</li> <li>• Handouts (statement of facts, argument, and appendix).</li> <li>• Beazley, 5.1-5.4, 8.1.</li> </ul>
Wednesday February 21	Case list due at 5:00 p.m. in class.	Texas Supreme Court (petitions, briefs on the merits, mandamus, and certified questions).	<ul style="list-style-type: none"> <li>• Read assigned cases prior to class.</li> </ul>
Wednesday February 28		Guest speaker to discuss criminal appeals.	
Wednesday March 7	Outline due at 5:00 p.m. in class.	Supplemental and reply briefs, submission, and amicus briefs. Go over rough drafts.  <b>Final brief assignment</b> , due on Monday April 2.	<ul style="list-style-type: none"> <li>• Read assigned cases prior to class.</li> <li>• Handouts (good briefs and bad briefs).</li> </ul>
Wednesday March 21		Catch-up day.  <b>Second quiz</b> over criminal appeals and Texas Supreme Court jurisdiction.	
Wednesday March 28	Rough draft due at 5:00 p.m. in class.	Catch-up day and begin oral argument.	Beazley, Chapter 13.
Wednesday April 4		Oral argument, bench brief, dress, and argument outline.	Beazley, Chapters 11 and 12.
Wednesday April 11	Oral argument observation due at 5:00 p.m. in class.	Guest speaker.  Open conference second half of class.	
Wednesday April 18	Final brief due at 5:00 p.m. in class.	Open period and assign dates for arguments.	

<b>Date</b>	<b>Assignment deadlines</b>	<b>Class Topic</b>	<b>Reading</b>
Wednesday April 25		Oral Arguments.	
Finals week		Oral Arguments.	