SYLLABUS

ADVANCED APPELLATE ADVOCACY
FALL 2018

Professor: Dean McVay (909) 730-5311
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Office Hours: By appointment and before/after class
Class Hours: Wednesdays, 9:00 a.m. to 10:20 a.m.
Classroom: Moot Courtroom (Room 219)

Course Objectives:
Students are asked to demonstrate effective brief writing ability by writing a persuasive Appellate Brief using a complex fictitious case. Students must also persuasively argue the case before a panel of appellate justices in a moot court competition. Successful performance of Advanced Appellate Advocacy skills allows the student opportunity to seek participation on a La Verne Law National Moot Court Traveling Team.

Grading:
Students must attend all scheduled classes and must timely accomplish all required assignments. Arriving to class over ten (10) minutes late, or leaving class over ten (10) minutes early will constitute a one-half (½) absence. Failure to turn in a required draft brief assignment by the start of class will constitute a three (3) point deduction from the final brief score for each late weekly assignment.

In order to satisfy the La Verne Law Upper Division Writing Requirement, the grade for the brief component of the course must be at least a 2.0 and at least 25 pages, with drafts of the brief turned in weekly for editing/input, independent of the course grade.

The final grade will be calculated as 50% brief writing and 50% oral argument.

Awards will be given for Best Oralist, 2nd Place Oralist, Most Improved Advocate, Best Brief, 2nd Place Brief.
Required Texts:

- The Harvard Law Review Association, *The Bluebook, A Uniform System of Citation* (20th ed.) (unless the student chooses to purchase *Bieber’s*).

Recommended Texts:

- Peter Irons and Stephanie Guitton, *May It Please the Court: The Most Significant Oral Arguments Made Before the Supreme Court Since 1955* (October 1996) (cassette tapes). (Available at BarnesandNoble.com.)

**DISABILITY ACCOMODATIONS**

Students with disabilities should refer to the policies described at the University of La Verne Disabled Student Services Handbook [as of September 13, 2017 located at https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/], which can be found on the website of the University of La Verne Disabled Student Services website (https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/) or at their office. Temporary accommodations are offered on a case by case basis. All required documentation must be submitted by the student before any formal accommodations and should be made directly to the Director of Student Affairs.

Any student eligible for and requesting academic accommodations due to a documented disability (or a suspected disability) is asked to contact the College of Law Director of Student Affairs and Americans with Disability Act Compliance Officer, or you can contact the University of La Verne Disabled Student Services office; both listed below. In order to be considered for accommodations, disabilities must be documented and the proper medical evaluations must be submitted. The office is here to help you succeed in law school. Visit it online at https://sites.laverne.edu/disabled-student-services/
ASSIGNMENTS & CLASS SCHEDULE

Wednesday, 8/22/18: Week 1
*Appellate Advocacy*, Chapters 1 (pp. 1-11) and 2 (pp. 13-34)

Wednesday, 8/29/18: Week 2
*Appellate Advocacy*, Chapter 3 (pp. 35-66) & 9 (pp. 189-226).
**Oral practice:** begin arguing facts
**Brief assignment:** Issue statements and cover page

Wednesday, 9/5/18: Week 3
*Appellate Advocacy* chapter 6 (pp. 117-151)
**Oral practice:** argue facts and begin issue
**Brief assignment:** Statement of the Case (Facts and Procedural History)

Wednesday, 9/12/18: Week 4
*Appellate Advocacy* 8 (pp. 165-188).
**Oral practice:** argue facts and begin issue
**Brief assignment:** Statement of Case and Standard of Review

Wednesday, 9/19/18: Week 5
*Appellate Advocacy*, Chapters 5 (pp. 87-115)
**Oral practice:** argue facts and issue
**Brief assignment:** Issue draft

Wednesday, 9/26/18: Week 6
*Appellate Advocacy* Chapter 7 (pp. 153-163)
**Oral practice:** argue facts issue
**Brief assignment:** Issue draft
Wednesday, 10/3/18:  Week 7
*Appellate Advocacy*, Chapters 11 (pp. 251-278.)
**Oral practice:** argue facts and issue  
**Brief assignment:** Issue draft

Wednesday, 10/10/18:  Week 8  
*Appellate Advocacy* Chapters 4 (pp. 67-85)  
**Oral practice:** argue issue.  
**Brief assignment:** Issue draft

Wednesday, 10/17/18:  Week 9  
*Appellate Advocacy* chapter 10 (pp. 227-250).  
**Oral practice:** argue issue.  
**Brief assignment:** Draft of Issue and Summary of Argument

Wednesday, 10/24/18:  Week 10  
*Appellate Advocacy*, Chapter 12 (pp. 279-286).  
Oral argument practice  
**Brief assignment:** Full complete draft of brief, from cover page to Conclusion

Wednesday, 10/31/18:  Week 11  
(Happy Halloween!)  
*Appellate Advocacy*, Chapters 13 (pp. 287-310)  
**Brief assignment:** Full complete draft of brief, from cover page to Conclusion  
**Oral practice:** full argument

Wednesday, 11/7/18:  Week 12  
*Appellate Advocacy*, chapter 14 (pp. 311-327).  
**Brief assignment:** Full complete draft of brief, from cover page to Conclusion  
**Oral practice:** full argument
Wednesday, 11/14/18:  
**Week 13**

**FULL FINAL BRIEF DUE TODAY**  
Two bound copies of the Brief must be turned in within the first five minutes of class. Briefs not turned in during the first five minutes of class will result in an initial 10-point deduction from the total brief score and an additional three-point deduction for each additional 24-hour period the brief is late. After 48 hours the brief will not be accepted. Two points will also be deducted for failure to turn in a required draft brief assignment by the start of class, per page one.  

*Oral practice:* full argument

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Wednesday, 11/21/18:  
**Week 14**

**FALL 2018 MOOT COURT ORAL ADVOCACY COMPETITION –**
OPTIONS FOR ATTENDING APPELLATE ARGUMENTS

Fourth Appellate District:

Division Two
3389 Twelfth Street
Riverside, CA 92501
951.782.2500
(Call for oral argument schedule)

Division Three
925 N. Spurgeon Street
Santa Ana, CA
714.558.6777
(Oral arguments are heard the third week of each month)

Second Appellate District:
300 S. Spring St.
Floor 2, North Tower
Los Angeles, CA
213.897.2307
(Call for oral argument schedule)

U.S. Ninth Circuit Court of Appeals
125 S. Grand Ave.
Pasadena, CA 91105
626.229.7250
(Call for oral argument schedule)

California Supreme Court
Ronald Reagan Bldg.
300 S. Spring St.
Floor 2, North Tower
Los Angeles, CA
213.830.7570

(Have the Appellate Court Clerk or Bailiff date and sign this page and return it to professor with your name on it, as proof of attendance at oral argument)
BRIEF STRUCTURE:  

The structure of your Brief should consist of the following elements:

I. Cover page
II. Questions Presented
III. Table of Contents
IV. Table of Authorities
V. Statement of the Case
   A. Statement of Facts
   B. Procedural History
VI. Standard of Review
VII. Summary of Argument
VIII. Argument
IX. Conclusion

I. Cover page: Shall contain the title of the case, the nature of the proceeding and the name of the court below (if applicable), the designation of the brief, and the name, address, and phone number of the attorney filing the brief. Petitioners/Appellants typically use a light blue cover. Respondents/Appellees normally use a red cover. However, check the rules for the Jurisdiction in which you are filing your brief.

II. Questions Presented: These are the issues raised on appeal. They should be phrased as affirmative interrogatories so that the answer in your favor is implied. (Note: if brief is to the U.S. Supreme Court, the Questions Presented should be on the second page, directly following the title page and preceding Table of Contents and Authorities, per Supreme Court rules.)

III. Table of Contents: Headings index with corresponding page numbers and argument headings. A properly prepared Table of Contents should inform the reader of your argument before the brief is ever read.

IV. Table of Authorities: See the examples in the Model Brief library. Make sure the cites are perfectly bluebooked (but there should be no “jump cites” in the table) and make sure each page reference to the brief is precise.

V. Statement of the Case:
   A. Statement of the Facts: A complete and accurate presentation of facts as determined in the lower court proceeding. Your Record on appeal will be numbered as numbered in the problem. References to

1 See also “Professor McVay’s Top Ten Tips for Moot Court Competition Brief Writing.”
facts found in the Record should be page-specific; e.g.: “(R. at 3-12),” meaning Record at page 3-12. (See Bluebook Practitioner’s Note 7.) Include the name of the parties and introduce any abbreviations you wish to use in your brief; e.g.: James Smith (“Smith”). The Statement of Facts should be accurate but presented in a way that is helpful to your case. Emphasize the good, and de-emphasize the negative. Damaging facts must be included. The order of presentation can be either chronological or topical.

B. Procedural History: Set forth concisely the nature of the proceeding and relief sought, and the judgment or ruling of the lower court(s).

VI. Standard of Review: State the legal standard of review for the appellate court to follow and supporting case law.

VII. Summary of Argument: Briefly summarize the supporting law of your argument.

VIII. Argument: Weaves the facts and law together to provide point by point support of your positions, and instruction to the court. Use many subheadings, so that the subheadings alone state your argument. Refer to the examples in the Model Brief library.

IX. Conclusion: A brief conclusion, usually consisting of one paragraph, followed by your dated signature.

IN GENERAL:

Briefs must be typed on plain paper (not on pleading paper) using either Courier New 12-font or Times New Roman 13-font. Briefs must be double-spaced, except where indicated otherwise by Bluebook. Briefs will be scored pursuant to the Brief Scoring Sheet made available to all students.

In order to satisfy the La Verne Law Upper Division Writing Requirement, the grade for the brief component of the course must be at least a 2.0 and at least 25 pages, with drafts of the brief turned in weekly for editing/input, independent of the course grade.

The text of the Brief, excluding Table of Contents and Table of Authorities, may not exceed thirty (30) pages in length. Failure to comply with the page limitation or font size will result in an automatic deduction of 10 points from the total Brief score.

Read and follow the Bluebook citation rules (18th edition). Failure to comply with these rules will result in a deduction of up to 6 points from the total Brief score.
Appendix of Mission, Values and Learning Outcomes

University of La Verne Mission and Values

It is the mission of the University of La Verne to provide opportunities for students to achieve their educational goals and become contributing citizens to the global community.

The University of La Verne shares four core values that promote a positive and rewarding life for its students through fostering a genuine appreciation and respect for:

1. Values Orientation. The University affirms a philosophy of life that actively supports peace with justice, the health of the planet and its people. Therefore, in light of this affirmation, it encourages students to become reflective about personal, professional, and societal values. It also encourages values-based ethical behavior.

2. Community and Diversity. The University promotes the goal of community within a context of diversity. Therefore, it encourages students to understand and appreciate the diversity of cultures that exists locally, nationally, and internationally. It also seeks to promote appreciation and preservation of biodiversity by helping students understand the impact/dependence of human beings on their environment.

3. Lifelong Learning. The University commits itself to promoting education that facilitates lifelong learning. Therefore, it teaches students how to learn, to think critically, to do constructive research, and to access and integrate information in order to prepare them for continued personal and career growth.

4. Community Service. The University believes that personal service is a primary goal of the educated person. Therefore, it encourages students to experience the responsibilities and rewards of serving the human and ecological community.

University of La Verne College of Law Vision, Mission, and Values

VISION

La Verne Law is an incubator for innovation in legal education, thought, and advocacy for individuals passionate about serving their communities and promoting access and justice.

MISSION

The mission of La Verne Law is to guide our students in the discovery of law and self as they prepare for the practice of law or other professional careers. Our faculty of scholars and teachers is committed to creating an innovative, collaborative learning environment designed to develop the knowledge and skills relevant to achieving individual and professional success.

Our mission encompasses educating, as well as enhancing the professional lives of, the members of the local, regional, national, and international communities we encounter – students, faculty, staff, administrators, alumni, members of the bench and bar, and others who pursue social justice.
Our mission is grounded in the core values of the University of La Verne – life-long learning, ethical reasoning and decision-making, diversity & inclusivity, and community & civic engagement.

Difference-making is our legacy.

CORE VALUES

University Values: As a College within the University of La Verne we adopt and endorse the University core values of Lifelong Learning, Diversity and Inclusivity, Community Engagement, and Ethical Reasoning.

College of Law Core Principles and Values: As an institution dedicated to teaching and training the next generation of lawyers and leaders, we operate institutionally and individually on the principles of professionalism, innovation, ethics, student centeredness and community enhancement. In our actions and interactions, we are and seek to be affirming, respectful, humble, accountable, committed, inclusive, empathetic, responsive, passionate, and positive.

University of La Verne College of Law Program Objectives

A. Upon completion of the program of legal education, students will possess the skills and knowledge to enable them to pass any bar examination of their choosing.

B. Upon completion of the program of legal education, students will possess those skills to participate as respected members of the legal profession.

C. Upon completion of the program of legal education, students will model ethical, responsible, and professional behavior.

D. Upon completion of the program of legal education, students will embrace cultural differences and civic and community engagement.

American Bar Association Standard 302: LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

(a) Knowledge and understanding of substantive and procedural law;

(b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;

(c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and

(d) Other professional skills needed for competent and ethical participation as a member of the legal profession.
**ABA Standard 310**
This course is designed to satisfy the requirements of ABA Standard 310. Standard 310 requires that for each hour of in-class time, students spend two hours preparing for class (reading or completing class assignments or assessments).

In compliance with ABA Standard 302, the University of La Verne College of Law has established the following.

**University of La Verne College of Law Program Learning Outcomes**

1. Students shall demonstrate knowledge and understanding of substantive and procedural law.

2. Students shall demonstrate competence in legal analysis and reasoning.

3. Students shall demonstrate competence in conducting legal research.

4. Students shall demonstrate competence in problem-solving.

5. Students shall demonstrate competence in written and oral communication.

6. Students shall be able and motivated to exercise proper professional and ethical responsibilities to clients, the legal system, and the wider community.

7. Students shall demonstrate competent litigation skills.

8. Students shall demonstrate competent transactional skills.

9. Students shall apply cultural competency while exercising their legal skills.