

APPELLATE ADVOCACY 410A SYLLABUS

Fall Semester 2022

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- Professor: Judge Shama Hakim Mesiwala
 - Classroom: Tuesdays from 6:10 to 8:00 p.m. in room 1001 Kalmanovitz courtroom
 - Office hours: by appointment
 - Judge Mesiwala's contact: smesiwala@ucdavis.edu

COURSE OVERVIEW

Appellate Advocacy is a yearlong practical course that teaches students to advocate a client's position orally and in writing. The fall semester focuses on oral advocacy, and the spring semester focuses on written advocacy. Each semester is two units, pass/no pass. Students may take only the fall semester. But to enroll in the spring semester, students must take the fall semester. Students also must take both semesters if they want to try out for the Moot Court Honors Board.

The fall semester includes (a) interactive lectures; (b) video clips from US Supreme Court justices (c) five in-class oral arguments delivered by students in small groups in individual classrooms front of their Moot Court Honors Board mentor; (d) moot court competition rounds; and (e) guest lecturers.

LEARNING OUTCOMES

- Deliver persuasive oral arguments and rebuttal arguments, including responding to judges' questions
- Understand what contributes to and what undermines an effective oral argument

ATTENDANCE REQUIREMENTS

This course requires regular attendance. All five in-class oral argument exercises are mandatory.

GRADING CONSIDERATIONS

Appellate Advocacy is taught on a pass/no pass basis. A pass grade in the fall semester requires the following:

1. Attend class;
2. Participate in all five in-class oral argument exercises;
3. Complete two oral arguments during the moot court competition rounds;
4. Submit a short written argument (up to three pages, double spaced) as part of the moot court competition

CLASS SESSIONS AND ASSIGNMENTS

Class One: August 23

- At 6:10 p.m., students attend class featuring the following:
 - Overview of semester
 - Introduce Professor Mike Canzoneri & The Moot Court Honors Board Chair, Vice Chair, Outreach & Diversity Chair, and Scheduling Chair
 - Importance of public speaking (videos featuring Warren Buffett & Chief Justice John Roberts)
 - Brainstorming first in-class exercise, *Williams v. West Coast Law*
 - The 5 steps to draft your oral argument
 - Review template for oral argument
 - Watch video on themes featuring Justice Anthony Kennedy
- On Wednesday, Judge Mesiwala to email inspirational quotes

Class Two: August 30

- At 6:10 p.m., students present first in-class exercise, *Williams v. West Coast Law*
- At 7:10, students attend lecture featuring the following:
 - Short presentation by Moot Court Honors Board External Competition Co-chairs
 - Responding to the court's questions
 - Video of Justice Ruth Bader Ginsburg on the importance of answering the court's questions
 - Video of Chief Justice John Roberts on oral argument
 - Brainstorming second in-class exercise, *U.S. v. Daugherty*
- On Wednesday, Judge Mesiwala to email takeaways from the first in-class exercise and inspirational quotes

Class Three: September 6

- At 6:10 p.m., students present second in-class exercise, *U.S. v. Daugherty*
- At 7:10, students attend lecture featuring the following:
 - Preparing and delivering an effective rebuttal
 - Sample student oral argument video featuring rebuttal
 - Brainstorming third in-class exercise, *State Bar of CA v. Shark*
- On Wednesday, Judge Mesiwala to email takeaways from the second in-class exercise and inspirational quotes

Saturday, September 10 from 1 to 4 pm at Judge Mesiwala's house in Davis:

15th Annual Diversity Law Student Reception! Optional but super fun :)

RSVP to saba.diversity.reception@gmail.com by September 6

Class Four: September 13

- At 6:10 p.m., students present third in-class exercise, *State Bar of CA v. Shark*
- At 7:10, students attend class featuring:
 - Short presentation by the Competitions Chairs of the Moot Court Honors Board on tryouts for external competitions
 - Preparing to answer the following two questions in every case:
 - (1) What rule do you want this court to adopt
 - Video of Justice Anthony Kennedy on formulating rules
 - Video of Chief Justice John Roberts on being fair to the case
 - (2) What's the best argument as to why you should win?
 - Video of Chief Justice John Roberts on what's this case about and why should you win
 - Brainstorming fourth in-class exercise, *Students v. Jefferson School District*
- On Wednesday, Judge Mesiwala to email takeaways from third in-class exercise and inspirational quotes

Class Five: September 20

- At 6:10 p.m., students present fourth in-class exercise, *Students v. Jefferson School District*
- At 7:10, students attend class featuring:
 - Watching and discussing a remote California Supreme Court argument
 - Brainstorming fifth and final in-class exercise, *U.S. v. Donson*
- On Wednesday, Judge Mesiwala to email takeaways from fourth in-class exercise and inspirational quotes

Class Six: September 27

- At 6:10 p.m., students present fifth (and final) oral argument exercise, *U.S. v. Donson*
- At 6:55 (15 minutes earlier than usual), students attend class featuring:
 - Ninth Circuit Court of Appeals en banc oral argument, *United States v. Maloney*

Wednesday, September 28

- Judge Mesiwala to email takeaways from fifth in-class exercise and inspirational quotes
- Moot Court Honors Board to post Advocate Handbook and Fall Problem for the competition rounds
- Homework (before Class Seven): Read the Advocate Handbook and Fall Problem

Class Seven: October 4

- At 6:10, students attend class featuring the following:
 - Presentation by the Moot Court Honors Board regarding Advocate Handbook, Fall Problem and Fall Problem oral argument rounds
 - Lecture by Judge Mesiwala on:
 - 10 tips for moot court writing
 - Dissecting a well-written sample Fall Problem argument
- On Wednesday, Judge Mesiwala to email inspirational quotes

Class Eight: October 11

- At 6:10, students attend class featuring the following:
 - Short presentation by Deputy Attorney General Clara Levers on internships in the Criminal Writs and Appeal Division of the California Attorney General's Office
 - Lecture by Judge Mesiwala and Attorney Levers on:
 - 10 tips for moot court editing
- On Wednesday, Judge Mesiwala to email class inspirational quotes

Friday, October 14

- Written argument for Fall Problem due

Week starting October 17

- Moot court competition rounds
- No class on Oct. 18
- On Wednesday, Judge Mesiwala to email inspirational quotes

Week starting October 24

- Moot court competition rounds
- No class on Oct. 25
- On Wednesday, Judge Mesiwala to email inspirational quotes

Week starting October 31

- No moot court competition rounds
- No class on Nov. 1
- On Wednesday, Judge Mesiwala to email inspirational quotes

Week starting November 7

- Moot court competition rounds
- No class on Nov. 8 (Nov. 8 is treated like a Friay for class schedule purposes)
- On Wednesday, Judge Mesiwala to email inspirational quotes

Week starting November 14

- Moot court competition rounds
- No class on Nov. 15
- On Wednesday, Judge Mesiwala to email inspirational quotes

Week starting November 21

- No class on Nov. 22 (Thanksgiving week)
- On Wednesday, Judge Mesiwala to email inspirational quotes

Class Nine: November 29

- At 6:10, students attend class featuring:
 - Moot Court awards
 - Guest lecture with Judge Mesiwala
- On Wednesday, Judge Mesiwala to email class inspirational quotes

Disability Accommodations

The Student Disability Center (SDC) on main campus offers advising, assistance and resources to students with Medical, Mobility, Visual Disabilities, Deaf or hard of hearing (DOHH), Cognitive & Learning Disabilities, ADD/ADHD and Psychological Disabilities as well as for temporary impairments. Academic assistance/accommodations include testing accommodations, access to print material through assistive technology, reader services, braille, e-text, and enlarged print as well as a wide range of note taking tools, equipment to enhance sound, lecture recordings and tools to convert hard copy text into an electronic format on demand. Students may wish to consult with their professors about how their accommodations may best be used to support the learning process. (No

student is required to meet with the professor as a condition of requesting or receiving reasonable accommodations.)

With respect to mobility impairments, support services include SDC's shuttle service for temporary impairments and accessible bus transportation to campus for wheelchair users. Disability information and referrals to community resources are also available through the SDC. Students with disabilities must establish eligibility for services through the SDC and are encouraged to contact the SDC as early as possible:

UC Davis Disability Center
54 Cowell Building
(530) 752-3184 (voice)
(530) 752-6TDD (telephone device for persons who are deaf or low-hearing)
<http://sdc.ucdavis.edu>

Please reach out to the Senior Assistant Dean for Student Affairs, Emily Scivoletto, with any questions or concerns you may have in this area.

Religious Accommodations

UC Davis requires instructors to accommodate requests for alternate examination dates (here, oral arguments and written briefs), without penalty, when they violate a student's religious creed (UCDPPM 210, §50). Please contact me or the Law School Registrar's office at registrar@law.ucdavis.edu if you would like an accommodation.

A Note on Academic Honesty

Academic dishonesty includes using somebody else's words as your own, paraphrasing someone else's thoughts without acknowledgment, and receiving or providing unauthorized assistance on examinations. Be aware that misconduct in law school may be reported to the Bar, and may affect admission to the Bar. Please ask me before turning something in if you are unclear about what is acceptable.

Regulation 2.4 of the Law School's Regulations states as follows:

“2.4 The Honor System

- A. Unless the instructor announces otherwise, all written work at this school is governed by the honor system.
- B. Under the honor system students may neither give nor receive aid on written work.
- C. Any student who learns that another student has violated the honor system should report the violation to a member of the faculty or to the dean.
- D. Violations of the honor system will be treated in accordance with university disciplinary procedures.”

The University's regulations on academic integrity can be found at:

<http://sja.ucdavis.edu/cac.html>