APPELLATE ADVOCACY 410A SYLLABUS
Fall Semester 2020

- Professor: Judge Shama Mesiwala
- Classroom: Tuesdays from 6:10 to 8:00 p.m. on Zoom
- Office hours: By appointment on Zoom
- 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. However, to enroll in the spring semester, students must take the fall semester. Students must take both semesters if they want to try out for the Moot Court Honors Board.

The fall semester includes interactive lectures, video clips from US Supreme Court justices, five in-class oral arguments delivered by students in small groups in front of their Moot Court Honors Board mentor, and moot court competition rounds, all on Zoom.

LEARNING OUTCOMES

- Deliver persuasive oral arguments and rebuttal arguments, including responding to judges’ questions
- Deliver persuasive oral arguments on Zoom
- 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 (4 to 6 pages double spaced) as part of the moot court competition;
5. Submit a certification that you have watched a remote appellate argument to Canvas by Wednesday, November 25 at noon.
   - The certification states (1) you have watched a remote appellate argument; (2) lists the case name, number, and court; (3) lists the original date and time of the oral argument.

CLASS SESSIONS AND ASSIGNMENTS

Class One: August 25

- 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
  o Review template for oral argument
  o Watch video on themes featuring Justice Anthony Kennedy
• On Wednesday, Judge Mesiwala to email quotes from Dr. Martin Luther King, Jr.

Class Two: September 1
• At 6:10 p.m., students present first in-class exercise, *Williams v. West Coast Law*, in Zoom breakout rooms in front of their Moot Court Honors Board mentor
• Students then attend Zoom lecture starting at 7:10 featuring the following:
  o Short presentation by Moot Court Honors Board External Competition Co-chairs
  o 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
  o Brainstorming second in-class exercise, *U.S. v. Daugherty*
• On Wednesday, Judge Mesiwala to email takeaways from the first in-class exercise and quotes from Thurgood Marshall, the first African-American appointed to the US Supreme Court

Class Three: September 8
• At 6:10 p.m., students present second in-class exercise, *U.S. v. Daugherty*, in front of their Moot Court Honors Board mentor in Zoom breakout rooms
• Students then attend Zoom lecture starting at 7:10 featuring the following:
  o Preparing and delivering an effective rebuttal
    ▪ Sample student oral argument video featuring rebuttal
  o 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 quotes from Laura Cornelius Kellogg, Native American activist, orator, and author

Class Four: September 15
• At 6:10 p.m., students present third in-class exercise, State Bar of CA v. Shark, in front of their Moot Court Honors Board mentor in Zoom breakout rooms
• Students then attend lecture by 7:10 featuring the following:
  o Short presentation by the Competitions Chairs of the Moot Court Honors Board on tryouts for external competitions
  o 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
  o Brainstorming fourth in-class exercise, Students v. Jefferson School District
• On Wednesday, Judge Mesiwala to email takeaways from third in-class exercise and quotes from Mary Tape, desegregation activist who fought for Chinese-Americans’ access to education in California
Class Five: September 22

- At 6:10 p.m., students present fourth in-class exercise, *Students v. Jefferson School District*, in front of their Moot Court Honors Board mentor in Zoom breakout rooms
- Students then come to Zoom lecture by 7:10 featuring the following:
  - Highlighting top takeaways from in-class oral arguments to determine what makes and what undermines an effective oral 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 quotes from President Abraham Lincoln

Class Six: September 29

- At 6:10 p.m., students present fifth (and final) oral argument exercise, *U.S. v. Donson*, in front of their Moot Court Honors Board mentor in Zoom breakout rooms
- Students then attend Zoom lecture by **7:00 p.m.** for a Q&A regarding remote oral arguments and the use of modern technology in the judiciary with Justice Louis Mauro, Associate Justice of the California Court of Appeal, Third Appellate District

Wednesday, September 30

- Judge Mesiwala to email takeaways from fifth in-class exercise and quotes from Sandra Day O’Connor, first woman appointed to the US Supreme Court
• 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 6
• Presentation by the Moot Court Honors Board regarding Advocate Handbook, Fall Problem and Fall Problem oral argument rounds
• Lecture by Judge Mesiwala on:
  o 10 tips for moot court writing
  o Dissecting a well-written sample Fall Problem argument
• On Wednesday, Judge Mesiwala to email quotes from Judge A. Leon Higginbotham, civil rights advocate and seventh African American federal judge

Class Eight: October 13
• 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:
  o 10 tips for moot court editing
• On Wednesday, Judge Mesiwala to email class quotes from Sonia Sotomayor, first Hispanic and Latina appointed to the US Supreme Court

Friday, October 16
• Written argument for Fall Problem due
Week starting October 19

- Moot court competition rounds
- No class on Oct. 20
- On Wednesday, Judge Mesiwala to email quotes from Malala Yousafzai, activist for female education and youngest Nobel Prize laureate

Week starting October 26

- Moot court competition rounds
- No class on Oct. 27
- On Wednesday, Judge Mesiwala to email quotes from Belva Lockwood, first woman to argue a case before the US Supreme Court and to appear on official ballots as a presidential candidate

Week starting November 2

- No moot court competition rounds
- No class on Nov. 3
- On Wednesday, Judge Mesiwala to email quotes from Sojourner Truth

Week starting November 9

- Moot court competition rounds
- No class on Nov. 10
- On Wednesday, Judge Mesiwala to email quotes from Eleanor Roosevelt
Week starting November 16

- Moot court competition rounds
- No class on Nov. 17
- On Wednesday, Judge Mesiwala to email quotes from Emma Lazarus, American author and Jewish activist

Week starting November 23

- No class on Nov. 24 (Thanksgiving week)
- Wed. Nov. 25 written certification of remote attendance of appellate argument due to Canvas by noon
- On Wednesday, Judge Mesiwala to email quotes from Harvey Milk, first openly gay elected official in California

Disability Accommodations:

The Student Disability Center (Center) 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 the Center’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 Center. Students with disabilities must establish eligibility for services through the Center and are encouraged to contact the Center 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 with any questions or concerns you may have.

**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