APPELLATE ADVOCACY
Fall Semester 2008

Professor Tim Schooley
Class: Room 2011; Thursdays, 6:10 to 8:00 p.m.
Office: Room 1106
Tim.Schooley@jud.ca.gov
(916) 653-0185
Office Hours: Mondays, noon to 1:00
Moot Court Board website: http://students.law.ucdavis.edu/MootCourt

REQUIRED READING

Carole C. Berry, Effective Appellate Advocacy: Brief Writing and Oral Argument

COURSE OVERVIEW

Appellate Advocacy is a practical course, designed to teach students the fundamental
skills of advocating a client’s position in an appellate court, on appeal after a trial court
judgment. The course is year-long, with the fall semester focusing exclusively on appellate
procedure and advocacy (i.e., oral argument or “Moot Court”), and the spring semester focusing
primarily on persuasive appellate brief writing. Each semester is two units and graded on a
Credit/No Credit basis. Students may choose to take the course only in the fall semester.
Successful completion of the fall semester is a prerequisite for enrollment in the spring semester.
Participation in most inter-school competitions, and eligibility for membership on the Moot
Court Board, require the completion of both semesters.

The fall semester will include lectures, in-class oral argument exercises, one or more
guest speakers, videotaped demonstrations of oral arguments, and the Moot Court competition
rounds. Students will gain substantial experience in conducting oral arguments, i.e., oral
presentations of legal arguments. Because the course relies heavily on the assistance of members
of the Moot Court Board in conducting the in-class oral argument exercises, students in the class
will be held to the highest level of professionalism in their conduct. Students should also expect
that, during the first six weeks of class, they will likely be required to remain after 8:00 p.m. to
complete the in-class exercises.

PLEASE NOTE: Due to the in-class exercises and competition rounds, this course
requires regular attendance.
**GRADING CONSIDERATIONS**

Because Appellate Advocacy is taught on a Credit/No Credit basis, a credit grade in the fall semester requires the following:

1. Regular class attendance;
2. Participation in six in-class oral argument exercises;
3. Completion of four oral arguments during the Moot Court competition rounds (two arguments in each of the two rounds);
4. Preparation of a short written critique of an appellate argument before the California Supreme Court, the Third District Court of Appeal in Sacramento, or another appellate court (due no later than the last class on December 4, 2008); and
5. Submission of oral argument outlines for the 5th and 6th in-class oral argument exercises.

**CLASS SESSIONS AND ASSIGNMENTS**

Thursday, August 28

- Introduction and Overview: What is “Moot Court”?
- Introduction of the Moot Court Board
- First Oral Argument Exercise

Thursday, September 4

- Technicalities of the Appeal, part one
- Second Oral Argument Exercise
- Reading Assignment: Please read chapters 1, 2 & 3 prior to class.

Thursday, September 11

- Preparing for Oral Argument
- Third Oral Argument Exercise
- Reading Assignment: Please read chapters 8 & 9 prior to class.

Thursday, September 18

- Presentation of the Oral Argument, part one
- Fourth Oral Argument Exercise
- Reading Assignment: Please read chapter 10 prior to class.

Thursday, September 25

- Presentation of the Oral Argument, part two
- Fifth Oral Argument Exercise
Thursday, October 2

Technicalities of the Appeal, part two
Sixth Oral Argument Exercise

Thursday, October 9

Putting it All Together
Presentation by the Moot Court Board regarding Competition Rounds

Weeks of October 13, 20, 27, and November 3, 10: Moot Court Competition Rounds

During these weeks, you will participate in four oral arguments during two competition rounds, with one week off in the middle to allow time to prepare for the second round of competition. The Moot Court Board will schedule and conduct these competition rounds. There will be no Appellate Advocacy classes during these weeks, as you will need the time to prepare in order to compete in the rounds.

Thursday, November 20

Guest Speaker(s)
Perspectives of the Appellate Practitioner and/or the Appellate Justice

Thursday, November 27: No Class – Thanksgiving Holiday

Thursday, December 4

Final Class
Deadline for Written Critique of Oral Argument

MOOT COURT COMPETITION ROUNDS

You will conduct four oral arguments, one per week, in the competition phase of the fall semester class. The competitions are formal and take place in the evenings; business attire is required. Your arguments will be judged by local attorneys and judges, and members of the Moot Court Board. You will be competing for standing in these rounds, for purposes of determining awards and membership on next year’s Moot Court Board. However, the primary purpose of the competition is to give you practical experience in oral advocacy in order to help you develop your individual oral advocacy skills. The Moot Court Board will provide more information regarding these competition problems and argument rounds later in the semester. For planning purposes, please keep in mind the following dates:
**Problem 1:** Available Monday, October 6
  *Round 1:* Week of October 13
  Week of October 20

  Week of October 27: No arguments. Time to prepare for second round.

**Problem 2:** Available Monday, October 27
  *Round 2:* Week of November 3
  Week of November 10 (but no argument on Veteran’s Day)
MOOT COURT BOARD
2008-2009

Nabil Bisharat, Chair

Walter Biggart, Vice-Chair

Candice Tong, Problem Writing Co-Chair

Tyler Onitsuka, Problem Writing Co-Chair

Mikayla Gow, Competitions Chair

James Litwinovich, Scheduling Chair

Jon Robles, Judge Recruitment Co-Chair

Alex Kallis, Judge Recruitment Co-Chair

Asha Jennings, Neumiller Co-Chair

Jeffrey Edwards, Neumiller Co-Chair

Tom Garberson, Publicity Chair

Sarah McBride, Asylum Competition Co-Chair

Hielam Chan, Asylum Competition Co-Chair

Doug Egbert, Asylum Problem-Writing Chair

Megan Bruce

Jenny Chang

Shae Hill

Candace Jackman

Eric Toscano

Christopher Urone