

**WESTERN STATE COLLEGE OF LAW**  
**Fall 2021**  
**Advanced Appellate Advocacy: Thursday 6:15p.m. – 8:15p.m.**

Professor Alexander Shaaban  
[alexshaaban@wsulaw.edu](mailto:alexshaaban@wsulaw.edu)

- *Before the first day of class, you must enroll in the Course Web Page titled “Advanced Oral Advocacy – Fall 2021 – Shaaban.” I will use this web page to post material and to make class announcements throughout the semester. Please sign-up on the web page for automatic email alerts or check the web page regularly because you are responsible for all material and announcements posted on this web page.*

**Course Objectives**

The goal of this course is to prepare you to compete on the Western State College of Law Honors Moot Court Team – that means writing an outstanding appellate brief and demonstrating outstanding oral advocacy skills. To that end, the course will focus on both the procedural and substantive aspects of appellate practice and will further develop the research, writing and advocacy skills that you began to explore during LWR II.

Students will work on an Appellate Brief during the semester based on a case currently on appeal at the United States Supreme Court. Students will also participate in several in-class practice oral arguments, and will present a 12-minute Final Oral Argument before a panel of judges (the panel will include past Honors Moot Court Team Members, Faculty, and “real” lawyers and judges) during the last week of class.

This class is designed to satisfy the Western State upper level writing requirement (ULWR), which is based on guidelines established by the American Bar Association. You must earn a 2.0 or higher on the Appellate Brief to obtain ULWR credit. The final grade in this course will be based on both the Appellate Brief (80%) and the Final Oral Argument (20%).

**Learning Outcomes:**

- 1) Legal Analysis;
- 2) Legal Research;
- 3) Communication;
- 4) Advocacy of Legal Argument;
- 5) Other Practical Skills.

1. **Required Texts (bring to each class)**

- *A Practical Guide to Appellate Advocacy, 3d ed.*, by Mary Beth Beazley, Aspen (2010).
- *The Blue Book: A Uniform System of Citation*, 21<sup>st</sup> ed.

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2. **Recommended Texts**

*Making Your Case: The Art of Persuading Judges*, by Bryan Garner and Antonin Scalia, Thompson (2008) (this text is on reserve at the library, and I highly recommend you read the book in its entirety.)

3. **Class Attendance, Participation and Grades**

- Attendance is mandatory. You are allowed to miss a maximum of two classes. You will be required to sign-in at the beginning of each day of class. If you arrive late or leave early, you may be marked absent for the entire class. If you miss more than two (2) classes during the semester, you may be dropped from the class (See the Western State Attendance Policy, reprinted in the Student Handbook.) If you plan to miss a class, you should make arrangements with a classmate to get the notes.
- You must be prepared to meaningfully participate in each class. There is a significant difference between being unprepared and being unable to answer a particular question; you will never be down-graded for venturing an incorrect answer or asking a relevant question. You may have your final course grade increased by up to .2 to reflect consistent and outstanding contributions in class. I reserve the right to decrease the final course grade of any student by up to .2 if the student is consistently unprepared in class, fails to participate in good faith in any in-class group activities (including in-class practice oral arguments), fails to complete any graded or ungraded assignment on time and in good faith (including the 1-page oral argument critiques and reflection papers, outline and first draft of brief, and research results), or otherwise fails to conduct themselves in a professional manner in class (this includes, but is not limited to, using your computer or phone during class for non-class related activities, checking emails and texts during class, or otherwise acting in an unprofessional manner in any aspect of the class.) Any incomplete or late assignment, or any assignment that does not appear to have been completed with a good faith effort, will result in a decrease in the student's final grade.
- Your final grade in the course will be based upon: (a) 80% will be based on your final appellate brief; and (c) 20% will be based on your final oral argument. To obtain ULWR credit, you must earn a 2.0 or higher on the Appellate Brief.
- All assignments are to be submitted to me at the start of class. Your Appellate Brief is due on October 21. A hard copy of the Appellate Brief must be submitted directly to me, and also uploaded to turnitin.com, by the due date and time. Both the hardcopy and the softcopy must be timely in order to comply with the due date. A late assignment is one handed in to me, or uploaded to turnitin.com, any time after it is due, even if it is late by one minute.
- You should expect to spend between 2-6 hours per week for out-of-class preparation. The expected out-of-class preparation time is not evenly distributed across every week of the semester; periods of more intense preparation are compensated for by less time required at other parts of the semester. Students should review the syllabus and plan accordingly, noting weeks with longer reading assignments, the due dates for the various graded and ungraded assignments, and office conferences.

5. **Formatting Requirements for all written assignments, except Appellate Brief:**
  - Typewritten, double-spaced, Times New Roman 12-point font.
  - One-inch margins for the top, bottom, left and right margins. Note that if you are using Microsoft Word, you must set the margins to one-inch each, as the default setting for the left and right margins is 1.25 inches.
  - Each page must contain a page number in the center of the footer.
  - All citations must conform to the Bluebook 19th edition format.
  
6. **Formatting Requirements for Appellate Brief:**
  - Rules for the Final Appellate Brief will be posted on the Lexis Course Web Page.
  - The Final Appellate Brief must also comply with the Rules of the Supreme Court of the United States (adopted and effective, 2013), posted on the Lexis Course Web Page.
  - All citations must conform to *The Bluebook* 21st edition format.
  
7. **DISABILITY SERVICES STATEMENT:**

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Second Floor Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto:despinoza@wsulaw.edu). When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

**\*\* OPPORTUNITY \*\***

**Moot Court Judge – Fall 2021**  
High school competitions

## **SYLLABUS**

**Class 1      August 19**

- Introduction to Course
- Overview of Appellate Procedure & Ethical Considerations.
- Moot Court Competitions (partner exercise)

Read: *Beazley* pp. 1-14; 145-165

**Class 2      August 26**

- Overview of the Appellate Brief - focus on the QP, SOC, SOA, & point headings
- Moot Court Competitions (moot court students re competition selection; Christy Alvarez re team expenses & reimbursement)

Read: *Beazley* pp. 14-20; 33-59; 167-192.

**Class 3      September 2**

- Discuss Research Approach
- The Standard of Review
- Students receive Moot Court problem
- Professor Lori Roberts – Moot Court Board Elections

Read: *Beazley* pp. 61-67; 101-133; 192-198.

**Class 4      September 9**

- Discuss Initial Research Results
- Organizing the Argument

Read: *Beazley* 68-69.

Due: students must bring 6 relevant authorities to class (brief cases or outline/explain relevance of other authorities)

**Class 5      September 16**

- In lieu of class this week, students must make an appointment with Professor Shaaban to discuss their outlines; Students must bring a completed outline of the Argument Section to the meeting.

**Class 6      September 23**

- Formatting, Proofreading, & Citations
- Oral Argument

Read: *Beazley* 253-275.

Due: First Draft of Argument Section only; students must bring hard copy to class.

**Class 7      September 30**

- Oral Argument Practice (in-class practice, including rebuttal)

Read: *Beazley* 199-218; 219-251.

**Class 8      October 07**

- Expectations for Moot Court Competition brief & oral argument – Moot Court Team Members

Due: Final Appellate Brief (hardcopy of Brief must be submitted in-class and uploaded to Turnitin) (80% of final grade); 1-page self-critique of oral argument.

Read: *Beazley* 277-293.

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**Class 9      **October 14****

- Oral Argument Practice (in-class practice, off-brief, including rebuttal)

**Class 10      **October 21****

- Appellate Law Guest Speaker

Due: 1-page self-critique of oral argument.

**Class 11      **October 28****

- In lieu of class this week, students must schedule a 2-hour practice session with at a group of at least 2 other students to practice oral arguments and provide feedback.

**Class 12      **November 04****

- Oral Argument Practice (in-class practice, including rebuttal)

Due: 1-page self-critique of oral argument practice session.

**Class 13      **November 11****

- Oral Argument Practice (in-class practice, including rebuttal)

Due: 1-page self-critique of oral argument.

**Class 14:      **November 18****

- Final Oral Argument (20% of final grade)