

WESTERN STATE COLLEGE OF LAW
Fall 2026
Advanced Appellate Advocacy

Professor Lori A. Roberts
loroberts@wsulaw.edu

- *Before the first day of class, you must enroll in the Lexis Classroom Page titled “Advanced Appellate Advocacy – Fall 2026 – Roberts.” I will use this web page to post material and to make class announcements throughout the semester.*
- *My office hours will be on Tuesdays and Wednesdays 12:00pm – 2pm, but I am also available on other days and times and am happy to meet (on campus or via zoom) any time that is convenient for both of us. Please email me in advance for all appointments.*

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 were introduced in LWR II.

Students will work on an Appellate Brief throughout the semester based on a case currently pending before the United States Supreme Court. Students will also participate in several practice oral arguments and will present a 12-minute Final Oral Argument before a panel of judges.

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.

Learning Outcomes:

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

Required Texts (bring to each class)

- *Mastering Appellate Advocacy and Process*, 2d ed., by Donna C. Looper & George W. Kuney, Carolina Academic Press (2024).
- *The Blue Book: A Uniform System of Citation*, 22nd ed.

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)

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.
- Your final grade in the course: (a) 50% will be based on your final appellate brief; (b) 30% will be based on your final oral argument; (c) 20% will be based on in-class participation, including good faith completion of all in-class group activities (including practice oral arguments), ungraded writing assignments (marked as “UA” on the syllabus), and participation in guest speaker and networking events. 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.
- You must be prepared to meaningfully participate in each class in a professional manner. I reserve the right to decrease the final course grade of any student by up to .2 if the student 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, including checking emails and texts during class, or otherwise acting in an unprofessional manner in any aspect of the class.)
- All assignments are to be submitted at the start of class. A late assignment is one handed in to me, or uploaded to Turnitin, any time after it is due, even if it is late by one minute.
- A hard copy of the Appellate Brief must be submitted directly to me at the start of class and also uploaded to Turnitin, by the due date and time; both must be timely in order to comply with the due date.
- 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.

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.
- Each page must contain a page number in the center of the footer.
- All citations must conform to the Bluebook 22nd edition format.

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, posted on the Lexis Course Web Page.
- All citations must conform to *The Bluebook* 22nd edition format.

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 Library Building, Room 275-B. Dean Espinoza's phone number and email address are: (714) 459-1117; 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; or please notify Dean Halim Dhanidina at hdhanidina@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Policy on Generative AI:

Generative AI can serve as a powerful aid to legal professionals. Examples include Lexis+AI, CoPilot, ChatGPT (all versions), Claude, Gemini, CoCounsel, Spellbook, and Grammarly Go.

As part of AAA, you will be trained to use select generative legal AI tools in an ethical and professional manner to assist your research, writing, and preparation for oral argument. As law students, it is essential to understand that while generative AI can aid in various tasks, it should not replace the fundamental skills required for legal practice. These skills, including thorough analysis and critical thinking, are core to your legal education and to the practice of law, and cannot be fully replicated by any AI. In this course, it is crucial that your submitted work represents your individual intellectual effort and that any use of generative AI be checked and cited/acknowledged appropriately. To that end, a footnote should be included in the first paragraph of any document written with the assistance of generative AI, acknowledging the use and confirming that the document signator has reviewed and verified all information. Below is an example of such footnote:

Portions of this - insert type of documents, i.e. motion, email, memo, letter - were researched, drafted, and/or edited in collaboration with Generative AI tools. All content has been reviewed and verified by the document signator.

I encourage you to see the potential of generative AI as a complement to your own skills rather than a replacement. This policy is intended to ensure that you develop a strong foundation in legal research and writing, which will enable you to use generative AI appropriately and effectively in your future practice.

SYLLABUS

August 19

- Overview of Appellate Process and The United States Supreme Court; Ethical Considerations in Appellate Law.
- Plagiarism; Ethical & Practical Consideration in Using Generative AI
- Professional Networking - setting goals and finding opportunities

Read: *Looper* pp. 1-19; 53-100; 173-182; *ABA Ethics Opinion on Gen AI* (posted on Lexis Classroom Page); *Updated Stanford Report* (skim; posted on Lexis Classroom Page);

Watch: <https://www.youtube.com/watch?v=2IK3DFHRfw>

August 26

- Moot Court Competitions: competition selection; teammates; team expenses & reimbursement
- Overview of the Appellate Brief - focus on the QP, SOC, SOA, & point headings

Read: *Rules of the Supreme Court of the United States*; Roberts' Rules; *Looper*, pp. 183-223; 267-288

Due: Find two winning/first-place moot court appellate briefs online – evaluate each and be ready to *discuss* why they are effective. (UA)

Brief problem will be posted on Lexis Course Web Page on August 26th

September 2

- Discuss Final Appellate Brief issue(s)
- Research Approach in appellate law
- Legal AI - Lexis

Read: *Another Hallucination Case* (posted on Lexis Classroom Page); *The One Skills Lawyers Need to Use Generative AI* (posted on Lexis Classroom Page).

September 9

- Discuss Initial Research Results
- Legal AI – Westlaw

Read: *Looper*, pp 105-130; 227-265

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

September 16

- *Guide for Counsel*: Supreme Court Oral Argument
- Critiquing Winning Moot Court Arguments
- Oral Argument Practice (8-minute in-class practice)

Due: Find and listen to *at least* two winning/finalist moot court oral arguments, bring online link to class, and be ready to *discuss* why they are effective and what could be improved.

September 23

- Organizing the Argument
- Citations

Due: Draft outline of the Argument Section due; students must bring hard copy to class. (UA)

In addition to class, each student must schedule an appointment with Professor Roberts between September 21st and September 30th to discuss their Outline and Appellate Brief.

September 30

- *The White Glove Treatment* - Formatting, Proofreading
- Caption, Tables & Appendices – Roberts’ Rules
- Oral Argument Practice (10-minute in-class practice)

Read: *Looper*, pp 131-171

Due: First Draft of Argument Section due; students must bring hard copy to class. (UA)

October 7

- *Moot Court Students*: preparing for off-brief oral argument, drafting the bench brief, creating practice schedule & working with practice judges.
- Assignment for USSC Justice Presentation

Due: Final Appellate Brief (hardcopy of Brief must be submitted in-class and uploaded to Turnitin)

October 14

- USSC Justice Presentations – 5 minute presentations on USSC Justices (personal and educational background, appointment, & prediction for vote on case based on judicial ideology.)
- Critiquing USSC Oral Arguments
- Oral Argument Practice (10-minute in-class practice, including rebuttal) (wear suit for team pictures & team dinner at 5pm.)

October 21

- Oral Argument Practice (10-minute in-class practice, on brief AND off brief, including rebuttal)

Due: 1-page self-critique of oral argument practice session (UA); Bench Brief (no longer than 4 pages) (UA)

October 28

- *Guest Speaker* - Appellate Law Practice

Read: *Looper*, pp 19-51

Due: 1-page self-critique of oral argument. (UA)

November 4

- Students must schedule a 2-hour practice session with at least 2 other students and/or Honors Moot Court Team Members to practice 12-minute oral arguments (*asynchronous class time*)

November 10 (Legislative Day – Wednesday classes meet)

- Oral Argument Practice (12-minute in-class practice, including rebuttal)
- Professional Networking Presentations

Due: 1-page self-critique of oral argument. (UA)

November 11 – NO CLASS – VETERANS DAY

November 18

- 12-minute Final Oral Argument (graded)

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) Doctrinal Knowledge

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) Practice Skills

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) Legal Analysis

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) Legal Research

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.