

**APPELLATE COURTS AND ADVOCACY WORKSHOP  
WINTER AND SPRING TERMS 2006**

**DETAILED DESCRIPTION OF APPELLATE COURTS AND ADVOCACY  
WORKSHOP**

**Instructor:** Brian Wolfman, Director, Public Citizen Litigation Group

This statement provides a description of the 3-credit Appellate Courts and Advocacy Workshop being offered at Harvard Law School during Winter and Spring Terms 2006 that is more detailed than the description in the course catalog or in the HLS Advisor.

The course is designed to cover two separate, but related, bodies of knowledge. First, the course teaches legal doctrines that arise frequently in appellate litigation, such as those relating to appellate jurisdiction and standards of review. Second, the course provides an intensive introduction to basic appellate advocacy skills, ranging from motion and brief writing to oral argument.

We will consider each stage of the appellate litigation process, beginning with a general overview, moving to the various bases for appellate jurisdiction in the federal courts, then discussing the standards and scope of appellate review, and concluding with review of the anatomy of an appellate brief. We also make a brief detour into U.S. Supreme Court practice.

**Materials.** There is no text book. Students will be provided reproduced materials containing practice rules, statutes, cases, articles, and other items necessary to understand the course and complete the assignments.

**Assignments.** The major assignment is preparation of a federal appellate brief and an oral argument on that brief. As explained below, that assignment will be carried out in the Spring Term. As with all course assignments, the packet for the brief will contain all of the materials needed to complete the assignment. No additional research should be done.

During the Winter Term, a series of assignments complements the course's substantive topics. Thus, in the first assignment, students are asked to draft a notice of appeal and a statement of jurisdiction for an appellate brief, which complements our doctrinal assignment about appellate jurisdiction and its relationship to the bases for jurisdiction in the federal district courts. Between class 2 and class 4, students are asked to draft a motion to dismiss (or a response to that motion), which revolves around specialized issues of appellate jurisdiction that we will cover during the first few days of class. For class 5, students draft the "standard of review" section of an appellate brief as a counterpart to our discussion of the standards of review in appellate courts. For class 6, when we cover statements of issues in appellate briefs, students are provided briefs from which the statement of issues have been excised, and you will then draft the missing statement. Finally, for class 7, students prepare a "statement of the case" section of an appellate brief.

**Class Meetings and Due Dates.** This class begins in the Winter Term and extends into the Spring Term. The class will meet on eight mornings for approximately three hours during Winter Term (over the first 10 days of the Term). We will have a second class on one day for about two hours to discuss Supreme Court practice, and there may be another meeting

or two to accommodate special guests and/or a moot court.

During the Spring Term, students will work on their draft appellate briefs, which will be due in late February. Each student will meet individually with the instructor to discuss the draft brief and then will turn in a final brief in March. Oral arguments on the briefs will also be conducted in March. Spring Term meetings will be arranged at mutually convenient times.

**Class Readings and Attendance.** All students are expected to attend class. Each student should prepare for class by reading the assigned materials and completing the writing assignment. Students will be expected to discuss the materials and assignments in class. A practice-oriented small class depends on active student participation.

**Grades and Credit.** This is a 3-credit course. There is no final exam. Grades are based on the writing assignments, oral presentations, and class participation. The final appellate brief counts for 40%, and the motion to dismiss exercise counts for 20%. The smaller written assignments, taken together, account for another 20%, and the oral argument and class participation count for 10% each. One grade, which will be the grade for both the Winter and Spring Terms, will be given at the end of the Spring Term.

Brian Wolfman (202 588 7730; [brian@citizen.org](mailto:brian@citizen.org))