Professor: Judge Anne L. Ellington
E-mail: ale26(at) uw.edu
Office Hours: By appointment

Law B 518 a – APPELLATE ADVOCACY
SYLLABUS

Class meets Thursdays, 5:00 – 6:50, Room 207

Official Course Description:
This course provides advanced instruction on techniques of appellate advocacy, primarily brief writing and oral advocacy. Lectures on brief writing and oral advocacy, practical exercises, and guest presentations by members of the bar and the judiciary are part of this course. Students will prepare and submit briefs on assigned cases and will also present oral argument on those cases to a panel of judges at Division I of the Washington State Court of Appeals. Either completion of or contemporaneous enrollment in an evidence course is strongly recommended for this course. Enrollment may be limited. This course is only offered on a credit/no credit basis.

Text and Other Materials:
The following text and materials are REQUIRED:


The following materials are not required and need not be purchased. But they are helpful resources during and after this course:

- Washington Rules of Appellate Procedure

**Disability-Related Needs:**
To request academic accommodations due to a disability, please contact Disability Resources for Students (DRS, 448 Schmitz, (206) 543-8924 (V), (206) 543-8925 (TTY). If you have a letter from DRS, please present the letter to Judge Ellington so you and she can discuss the accommodations you might need in this class.

**Evaluation**
Credit for this course will be based primarily upon class participation, briefing an assigned case, and oral argument of that case before a panel of judges at the courtroom of Division I of the Washington State Court of Appeals. There is no final examination in this course.

**Course Website**
You may obtain access to this syllabus, class handouts, and other matters on the course website: https://canvas.uw.edu/courses/882854.

**Other Course Policies**

*Attendance.* The American Bar Association’s Accreditation Standard 304, adopted in 2004, requires “regular and punctual class attendance.” This law school adheres to this policy. (See [http://www.law.washington.edu/Students/Academics/Rules.aspx#Attendance.](http://www.law.washington.edu/Students/Academics/Rules.aspx#Attendance.) Specifically, I am required to notify Academic Services if, at any time after the fifth week of the course, a student has attended less than 80 percent of the class sessions. Upon such notification, the student will be required to drop the class.

*Laptops and Cell Phones in Class.* You are permitted to use laptop computers in class solely to take notes, to obtain access to course materials, and to obtain access to the Internet for class discussions. The same rule applies to the use of cell phones. As a courtesy to me and others in the class, please refrain from using laptops or cell phones for other purposes during class.

*Podcasting and Recording Classes.* All class sessions will be digitally recorded and will be available for downloading by students enrolled in the course. To obtain access to a recorded class session, visit the “Podcasts & Recordings” page on the course website. Please note that podcasting is provided to facilitate review and not as a substitute for attending class sessions. Because the batteries in the lavaliere microphone tend to lose power very frequently, there is a good chance that at least some portion of the recording may lack sound. If this difficulty arises, it is your responsibility to obtain notes from a colleague in the course. You are welcome to make your own audio recordings of any class session for your own personal use. You may not sell, license, duplicate, distribute, or otherwise transfer any audio recording of a class lecture without the instructor’s prior consent.

*Disability-Related Needs.* To request academic accommodations due to a disability, please contact Disability Resources for Students (DRS, 448 Schmitz, (206) 543-8924 (V), (206)
543-8925 (TTY). If you have a letter from DRS, please present the letter to me so we may discuss the accommodations you might need in this class.

**Assignments**

The following table lists the topics and assigned readings in the casebook for each session. You should complete the readings prior to class and write out detailed solutions to any assigned problems (including citations where appropriate). I strongly encourage you to meet with fellow students prior to class to review the assigned readings and answers to the problems that will be covered in class.

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<thead>
<tr>
<th>Class Meeting</th>
<th>Topic</th>
<th>Read for This Class</th>
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<tr>
<td><strong>Week One – Thursday, January 9</strong></td>
<td>Introduction</td>
<td>Chapters 1 &amp; 2 of Aldisert, Winning on Appeal, (Second Edition); Rules of Professional Conduct 1.1, 3.1, and 3.3. You may find these rules at: <a href="http://www.courts.wa.gov/court_rules/?fa=court_rules.list&amp;group=ga&amp;set=RPC">http://www.courts.wa.gov/court_rules/?fa=court_rules.list&amp;group=ga&amp;set=RPC</a> Alternatively, they are available in book format in the law library.</td>
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<td>Course Objectives</td>
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<td>Court Functions</td>
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<td>Deciding Whether to Appeal</td>
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<td>Ethical Issues on Appeal</td>
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<td>Workshop Materials</td>
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<td><strong>Week Two – January 16</strong></td>
<td>Preservation of Error</td>
<td>Chapter 5. Washington State Court Rules of Appellate Procedure (RAPs): 1.1, 1.2, 2.1, 2.2, 2.3, 2.4, and 2.5. You may find these rules at: <a href="http://www.courts.wa.gov/court_rules/?fa=court_rules.list&amp;group=app&amp;set=RAP">http://www.courts.wa.gov/court_rules/?fa=court_rules.list&amp;group=app&amp;set=RAP</a> Alternatively, they are available in book format in the law library.</td>
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<td>Seeking Review</td>
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<td>Workshop #1: Issue Identification and Choice</td>
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<td>Read for This Class</td>
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| **Week Four – January 30** | The Art of the Brief  
Workshop #2: Briefs to be Filed; Stating the Issues and Statement of the Case.  
Assignment of teams and distribution of briefing assignments for cases. | Chapters 10-13 and Appendices A-C.  
RAPs 10.1-10.3. |
| **Week Five – February 6** | The Art of the Brief  
Workshop #3: Statement of Facts and Argument. | Chapters 14, 15, and 17. |
| **Week Six – February 13** | Briefing: Opening, Response, and Reply.  
APPELLANTS’ BRIEFS DUE. Counsel for each appellant shall provide one copy of your brief to respondents’ counsel. Provide me with four copies. | Chapter 18. |
| **Week Seven – February 20** | Views of Guest Appellate Counsel.  
Authority of Trial Court Pending Review; Supersedeas, Injunctions and Other Orders; Post-Decision Practice  
RESPONDENTS’ BRIEFS DUE. Counsel for each respondent shall provide one copy of your brief to appellants’ counsel. Provide me with four copies. | RAPs 7.2, 7.3, 8.1, 12.3, and 12.4. |
| **Week Eight – February 27** | Course evaluation  
Oral Argument  
Orientation for Oral Argument at Session 9  
REPLY BRIEF DUE. You are to serve one copy on respondent’s counsel. Give me four copies. | In re Personal Restraint Petition of Shawn Andress, 147 Wn.2d 602, 56 P.3d 981 (2002).  
Chapters 22, 24, and 25. |
| **Week Nine – March 6** | ASSIGNED CASE ORAL ARGUMENT PLACEHOLDER – date and location TBA | Briefing for your assigned cases. |