INSTRUCTORS:

Katherine Brien, Deputy State Public Defender, Appellate Division
Nancy Lichtenstein, Deputy State Public Defender, Appellate Division

Telephone Numbers:

Kathy: 303-764-1400
Nancy: 303-764-1400
Campus Adjunct Office: 303-492-0426

CLASS MEETINGS:

Unless otherwise noted, class will meet on Thursdays from 4:00 – 6:00 in Room 102. Class preparation and participation is required.

OFFICE HOURS:

Office hours will be conducted in Room No. 105Q. Kathy will be available on Tuesdays from 3:30 to 4:45 and Nancy will be available on Thursdays from 2:30 to 3:45. Students may arrange appointments at other times if necessary.

ATTENDANCE:

Class attendance is mandatory.

COURSE CHECKLIST:

A course checklist is attached to this syllabus. The students are responsible for the timely completion of all work described on the checklist. A signed checklist must be turned in by each student in order to obtain a passing grade.
MANDATORY MEETINGS WITH INSTRUCTORS:

Students are expected to confer regularly with the instructors about their respective cases. These conferences should occur during established office hours. However, particularly pressing matters that require immediate attention can be addressed over the phone.

There are two one-on-one conferences with the instructors that all students will be required to attend: the issues conference and the brief revision conference. These are mandatory scheduled meetings that will be held during office hours. Attendance at these conferences is a course requirement.

AUGUST 24

Clinical programs introduction and orientation at 12:00 p.m. in the courtroom.

AUGUST 30

Class will meet at its usual time: 4:00 p.m. to 6:00 p.m.

CLASS:

Introduction
The Appellate Process
The Defendant’s Rights on Appeal
The Record on Appeal
Professional Responsibility
Assignment of Cases

ASSIGNMENT:

Begin Reading Appellate Record - finish reading record by 9/20/07

Handout: Winning an Appeal p5-9 by Myron Moskovitz
Handout: Procedures and Policies of the COA by James Casebolt
Handout: Issue Spotting Checklist by Ira Mickenberg
Handout: Applicable Rules of Professional Conduct
SEPTEMBER 6

CLASS: Identifying Issues  
Brainstorming the Case  
Developing a Theory of Case on Appeal  
Standards of Review  

ASSIGNMENT: Continue Reading the Record - finish reading record by 9/20/07  
Prepare Case Outline by 9/20/07 and be prepared to brainstorm the case on that date.  

Handout: Brainstorming the Case by Patrick Mulligan  
Handout: Standards of Review by Liz Griffin  
Handout: People v. Miller, 113 P.3d 743 (Colo. 2005)  
Handout: Sample appellate briefs

SEPTEMBER 13

No Class. Students are encouraged to use the allotted class time to continue reading the appellate records.

SEPTEMBER 20

CLASS: The Statement of the Issues  
The Statement of the Case  
The Statement of the Facts  
Argument Headings  
Standard of Review  

*Students Brainstorm Their Cases

ASSIGNMENT: Meet with instructor by 10/4/07 for issue conference

Handout: Winning an Appeal p16-22 by Myron Moskovitz  
Handout: Ethical Legal Writing by Wane Schiess
SEPTEMBER 27

CLASS: *Students Brainstorm Their Cases

ASSIGNMENT: Meet with instructor by 10/4/07 for issue conference

Work on the following, which are due on 10/11/07: (1) The Statement of the Issues; (2) The Statement of the Case; (3) the Statement of the Facts; and (4) the Argument Headings.

OCTOBER 4

CLASS: The Argument
Research
The IRAC method

ASSIGNMENT: Prepare to turn in on 10/11/07: (1) The Statement of the Issues; (2) The Statement of the Case; (3) the Statement of the Facts; and (4) the Argument Headings which is due on 10/11/07.

Handout: Winning an Appeal p22-26 by Myron Moskovitz
Handout: Handbook of Appellate Advocacy p13-17 by UCLA
Moot Court Honors Program

OCTOBER 11

CLASS: Client Relationships
Communicating with client

ASSIGNMENT: Work on first draft of opening brief, which is due on 10/25/07

Handout: Developing Client Relationships by Clark and Levine
OCTOBER 18

CLASS: Case Problems and Concerns

ASSIGNMENT: Prepare first draft of Opening Brief to turn in on 10/25/07

Handout: Winning an Appeal p45-46 by Myron Moskovitz

OCTOBER 25

CLASS: The Judge’s Perspective
Guest speaker: To Be Announced

ASSIGNMENT: Meet individually with instructors during office hours or the next scheduled class [11/1/07] for opening brief revision conference.

NOVEMBER 1

CLASS: Class time will be spent on (1) opening brief revision conferences; and (2) addressing any questions or concerns with the briefs, the case, etc.

ASSIGNMENT: Prepare final draft of opening brief to turn in on 11/08/07

NOVEMBER 9

CLASS: Oral Argument Discussion

*Students discuss the oral arguments that they attended at the Colorado Court of Appeals or Supreme Court

ASSIGNMENT: Prepare for oral argument on 11/15/07 and 11/29/07

Handout: Winning an Appeal p51-69 by Myron Moskovitz
NOVEMBER 15
CLASS:  *Student Oral Arguments

NOVEMBER 22
No class. Thanksgiving.

NOVEMBER 29
CLASS:  *Student Oral Arguments

DECEMBER 6
CLASS:  Review of Clinic
*Students fill out faculty course questionnaires
EVALUATION

I. ETHICS [10%]

All students will be expected to know, and comply with, the Colorado Rules of Professional Responsibility.

II. CLASS PREPARATION AND PARTICIPATION [10%]

III. CASE PREPARATION [20%]

A. Command of the record on appeal.
B. Brainstorming and identification of issues on appeal.
C. Developing a theory of the case on appeal.
D. Researching legal issues:
   1. Quality of research
   2. Use of research protocols and rules
   3. Accuracy of research
   4. Creativity of research

E. Analyzing legal research.

IV. CASE PRESENTATION [50%]

A. Opening Brief
   1. Statement of the Issues
   2. Statement of the Case
   3. Statement of the Facts
   4. Summary of the Argument
   5. Argument
   6. Conclusion

B. Written Advocacy
   1. Clarity
   2. Conciseness
   3. Organization
   4. Persuasiveness
V. ORAL ARGUMENT [10%]

A. Attend an oral argument in the Colorado Supreme Court or Court of Appeals.

B. Mock oral argument:
   1. Preparation
   2. Presentation
   3. Courtroom presence
APPELLATE ADVOCACY CLINIC CHECKLIST

THE OPENING BRIEF

1. Finish reading record on appeal by 9/20/07
2. Prepare case outline by 9/20/07 and be prepared to brainstorm case
3. Meet with instructor by 10/04/07 for issue conference
4. Written draft by 10/11/07 of: (a) The Statement of the Issues; (b) The Statement of the Case; (c) The Statement of the Fact; and (d) The Argument Headings
5. First draft of opening brief due by 10/25/07
6. Opening brief revision conference with instructor by 11/1/07
7. Final draft of opening brief due by 11/08/07

ORAL ARGUMENT

1. Attend oral argument at the Colorado Court of Appeals or Colorado Supreme Court by 11/08/07
2. Present oral argument

MISCELLANEOUS

Client meeting to discuss appellate brief: If the student is interested in meeting with the client, the instructors will make every effort to arrange a meeting with the client. In light of the fact that some of the clients may be on probation or bond, and unavailable, the instructors cannot guarantee that such a meeting will take place. Therefore, the client meeting is not mandatory or part of the course grade.