

Appellate Practice & Procedure

Course Syllabus

Fall Semester 2010

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Course Materials

- Martineau, Sinclair, Solimine & Holland, *Appellate Practice and Procedure: Cases and Materials*, 2d Ed.
- Supplementary Readings, Federal and Ohio Appellate Rules, and Writing Assignment Guidelines
- Website Materials. I have established a TWEN page for this course where you can access the class syllabus, supplementary reading materials, and writing assignment guidelines.

Grades, Attendance, and Participation

Your final grade is based primarily upon a thirty-page paper critiquing a civil appeal pending in the Ohio Court of Appeals for the First Appellate District. You must attend the oral argument for this case to complete this assignment.

I expect you to attend class, to prepare the assignments, and to participate in class. Students who conscientiously do so may have their final grades raised substantially. Chronic absences or unpreparedness may result in sanctions, including a reduced final grade.

Professional and Academic Integrity

Every lawyer has his or her own insights and opinions on how an appeal is conducted. I expect you to do the same in your scrutiny of the assigned appellate case. Although you are free to consult with your classmates, your written critique should be your own. See College of Law Honor Code § 2.01.

Assignments

<u>Class</u>	<u>Date</u>	<u>Title</u>
1	Aug. 26	Introduction Text: 795-797
2	Sept. 2	The Nature & Function of Appellate Courts Text: 1-38
3	Sept. 9	The Structure & Function of Appellate Courts & Preserving Issues for Appeal (Part 1) Text: 39-90, 94-104
4	Sept. 16	Preserving Issues for Appeal (Part 2) Text: 107-156, 169-178, 197-209 TWEN material: <i>Payne</i>
5	Sept. 23	Appealability I – Federal Text: 221-264, 273-279, 283-286, 295-299 TWEN material: <i>Mohawk</i>
6	Sept. 30	Appealability II – State/ABA Text: 338-346 TWEN material: R.C. 2505.02, Ohio Civ.R. 54(B), <i>Amato</i> , <i>Polikoff</i> , and <i>Wisintainer</i>
7	Oct. 7	PAPER – DRAFT OF FACTS & CHAPTERS 1-3 DUE Initiating & Perfecting an Appeal – Jurisdiction & Content Text: 516-556 TWEN material: <i>Atkinson</i>
	Oct. 14	NO CLASS – FALL BREAK
8	Oct. 21	PAPER REVIEW – DRAFTS RETURNED Initiating & Perfecting an Appeal – Service & Cross Appeals & Relief Pending Appeal Text: 562-575, 617-628, 631-642, 654-646 Skim: 661-671, 672-687, 691-693, 696-708, 711-712, 718-721
9	Oct. 28	Parties Text: 347-368, 374-388, 399-400, 459-460, 470-479, 494-499, 504-515

TWEN material: *Roe & Devlin*

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| 10 | Nov. 4 | The Record on Appeal
Text: 722-741, 755-760 |
| 11 | Nov. 11 | The Brief – Standards of Review
Text: 769-796; Skim 795-845
TWEN material: <i>Thompkins</i> |
| 12 | Nov. 18 | Oral Argument
Text: 846-883
Guest Presenters |
| | Nov. 25 | NO CLASS – THANKSGIVING BREAK |
| 13 | Dec. 2 | Operating Procedures, Technology, & Writs
Text: 884-922, 938-944, 945-961, 988-994, 1004-1033 |

**PAPERS ARE DUE TO THE REGISTRAR BY 3:00 P.M.,
TUESDAY, DECEMBER 7, 2010.
NO EXCEPTIONS.**