I. **Course Materials**


II. **Course Requirements**


III. **Syllabus**

1. **Week One – Wed. Aug. 18, 2010**
   a. **Reading**
      i. McFadden, Chapter 10 (Entry and Finality of Judgments and Appealable Orders), and Chapter 12 (Notices and Applications for Appeal)
   b. **Course Introduction**
   c. **Intro to the Appellate Process**
      i. **What is an Appeal?**
ii. Direct v. Interlocutory v. Discretionary Appeal

iii. Jurisdiction

iv. What is a Record on Appeal?

2. Week Two – Wednesday, August 25, 2010

a. Reading

i. McFadden, Chapter 9 (Record Preservation in the Trial Court), Chapter 11 (Post-Judgment Motions), and Chapter 17, Sections 17:12 – 17:16 (Standard of Review)


b. Preservation of Error

i. Generally

ii. Pretrial Issues

iii. Jury selection

iv. Evidentiary Issues

1. Offers of proof if evidence excluded

2. Motions in limine

3. Objections at trial

v. Jury Instructions

vi. Sufficiency of the Evidence

c. Standards of Review

i. Can be appeal-determinative

ii. Oft-used standards

iii. Harmless error/Plain error

d. Post-Judgment Motions
i. Effect on timing of filing of Notice of Appeal

ii. Motion for New Trial
   1. Civil cases
   2. Criminal cases
      a. Ineffective assistance claim

   e. Democratic Party of Georgia, Inc. v. Perdue: Getting Started -- Identifying Issues
      i. Identify potential legal issues to raise on appeal

3. Week Three – Wednesday, September 1, 2010
   a. Reading
      i. McFadden, Chapter 15 (The Record on Appeal)

   b. Democratic Party of Georgia, Inc. v. Perdue: Reviewing the Record
      i. Outline record on appeal with eye to potential issues on appeal
         1. What are key facts?

4. Week Four – TUESDAY, September 7, 2010 (NO CLASS ON SEPTEMBER 8, 2010 in light of Rosh Hashanah Holiday)
   a. Attend Oral argument in Democratic Party of Georgia, Inc. v. Perdue
      i. 2 p.m. at the Georgia Supreme Court
         1. The Clerk of Court will have seats set aside for members of the class.
      ii. Alternatively, watch video replay if cannot attend

   b. Reading
      i. McFadden, Chapter 14 (Supersedeas and Bond)
ii. Cases to be identified re substantive issues in *Perdue*

c. **Begin Research of *Perdue* case Legal Issues**

   i. Outline Research

5. **Week Five – Wednesday, September, 15, 2010**

   a. **Reading**

      i. McFadden, Chapter 16 (Motions and Procedures in the Appellate Process)

   b. **Democratic Party of Georgia, Inc. v. Perdue**

      i. Debrief of Oral Argument

      ii. Discuss Research and Case law re Key Substantive Issues

   c. **Bringing it together – The Drafting Process**

      i. Theme

      ii. Drafting with an Eye on Credibility

      iii. The “Self-Contained” Brief

         1. Identify Issues and Answer them Upfront

         2. Use of Parentheticals

         3. Provide Detailed Request for Relief

            a. Do you want remand with instructions?

            b. Do you want outright reversal?

      iv. Identifying strongest/weakest args

      v. How to address weaknesses

      vi. What to save for reply

6. **Week Six – Wednesday, September 22, 2010**
a. Reading

   i. McFadden, Chapter 17, Sections 17:1 – 17:11 (Enumerations of Errors, Briefs, Oral Argument)

b. First things First

   i. Draft Outline of Argument

c. Individual Conferences with the Instructor re Outlines

7. Week Seven – Wednesday, September 29, 2010

a. Reading

   i. McFadden, Chapter 19 (Appeals in Criminal Cases)

b. Guest Speaker re Georgia Criminal Appellate Process: Don Samuel

c. Draft Course of Proceedings

d. Draft Statement of Facts

8. Week Eight – Wednesday, October 6, 2010

a. Draft Argument for Issue 1

b. Individual Conferences with Instructor re Current Rough Draft

9. Week Nine – Wednesday, October 13, 2010

a. Draft Argument for Issue 2

b. Individual Conferences with Instructor re Current Rough Draft

10. Week Ten – Wednesday, October 20, 2010

a. How the Litigants Approached the Case – Appellee’s View: The State’s Defense

   i. Mark H. Cohen, Special Assistant Attorney General, Troutman Sanders LLP

   ii. Anne W. Lewis, Special Assistant Attorney General, Strickland Brockington Lewis LLP
b. How the Litigants Approached the Case: The Appellant’s View: The Democratic Party’s Theory of the Case
   
i. Emmet J. Bondurant, Bondurant, Mixson & Elmore, LLP

c. Putting the Brief Together
   
i. Revise and Edit Arguments
   
ii. Revise and Edit Headings
   
iii. Draft Summary/Introduction of the Argument

11. Week Eleven – Wednesday, October 27, 2010
   
a. Final Edit and “Filing” of Brief
   
b. Oral Argument
      
i. Purpose
      
ii. Preparation

12. Week Twelve – Wednesday, November 3, 2010
   
a. Outline Oral argument
   
b. Delivering an Effective Oral Argument

13. Week Thirteen – Wednesday, November 10, 2010
   
a. Deliver Oral Arguments

14. Week Fourteen – Wednesday, November 17, 2010
   
a. Guest Speaker: Justice David E. Nahmias, Georgia Supreme Court
   
b. Deliver Oral Arguments