

Federal Appellate Litigation Clinic Fall 2021 Syllabus

Students in this Clinic will research, brief, and argue cases in federal appellate courts across the country. Our cases will generally focus on immigration, criminal sentencing/post-conviction issues, and qualified immunity, although other topics may be covered as well.

Faculty and Staff

- Xiao Wang, x.wang@law.northwestern.edu, 312-503-1486
 - Open Office Hours: Tuesday, 10 AM to Noon, 1 PM to 3 PM
- Angie Starks, angelia.starks1@law.northwestern.edu, 312-503-1497

Learning Goals

- **Client Service:** We will work with clients in vulnerable situations, which may require us to navigate hurdles of access within prison, jail, and detention facilities. We will provide all our clients with exceptional, dedicated legal service.
- **Appellate Advocacy:** We will develop our skills as appellate advocates, so that, by the end of the course, all students will be able to confidently litigate an appeal as lead counsel.
- **Exploring Legal Paths:** We will, through guest speakers and other opportunities, learn about the different pathways to being an appellate advocate. Students are encouraged to meet with students after class in informal dinners.

General Course Information

- **Seminar:** Each week, we will meet as a group on Mondays, from 4:00 PM to 5:20 PM. The seminar will cover a mix of substantive areas of law, case rounds, and guest speakers.
- **Supervision:** Each case team will meet with me for one hour per week, to discuss progress on their individual cases. See below for additional information.
- **Client Contact:** I encourage each team (or a member of each team) to meet with their client on a bi-weekly basis. At, minimum, each team should speak with their client monthly.

Course Requirements and Expectations

- **Attendance:** Students are expected to attend weekly seminar and supervision, and to hold regular calls with their respective clients. If you must miss class or supervision, please send me a note in advance.
- **Supervision:** Case teams should find a regular time to meet with me to discuss your case. After you find some time blocks that work, please contact Angie, and she will arrange a time to meet.

- **Writing:** Although every case will be different, my expectation is that I will receive at least:
 - An outline at least **four** weeks in advance of the filing deadline
 - A draft at least **two** weeks in advance of the filing deadline
 - A final draft at least **three** days in advance of the filing deadline

- **Case Rounds:** When we have case rounds, case teams should circulate to the class a short agenda (max. two pages), reviewing the relevant facts, issues, and questions that they would like the class to discuss.

- **Laptop & Phone Use:** Please refrain from laptop or phone use during class.
 - The day before each supervision, please send me an agenda of proposed discussion topics. The agenda should be in bullet points, and no longer than one page.
 - I will share a sample supervision agenda during class.

- **Mid-Semester Review:** Each student will have a mid-semester review with me.

- **One Drive:** All students must have One Drive—we will use this for co-editing and authoring briefs.

Grading

- **Seminar and Case Rounds Participation:** 25%
- **Supervision Participation:** 25%
- **Written Work Product:** 50%

Schedule of Classes

August 26

Orientation and Introduction

Assignment:

- Register for Illinois Rule 711 License
- Discuss case preferences and provide follow-up if necessary

August 30

The Sections and the Organization of an Appellate Brief

Clinic Style Guide

Sample Supervision Agenda

Assignment:

- Federal Rules of Appellate Procedure 28 & 32
- Schedule regular supervision meeting

September 13

Some Research Tips and Tricks

Standards of Review

Assignment:

- *Identifying and Understanding Standards of Review*, Georgetown Law Center Writing Center
- Identify the standard of review in your cases

September 20

Rules, Processes, Procedures

Assignment:

- 28 U.S.C. §§ 2071, 2072
- Federal Rules of Appellate Procedure 2 & 47
- Review rules within assigned circuit

September 27

Primer on Criminal Sentencing and Post-Conviction

Case Rounds: *Roberts*

Guest Speaker: Colleen Fitzharris (Federal Public Defender, Eastern District of Michigan)

October 4

Presenting a Case for Discussion

Creating Tables of Contents and Authorities

Guest Speaker (Zoom): Sharon Schwei (Wilkinson Stekloff)

October 11

Primer on Immigration

Case Rounds: *Salinas & Puerto*

Assignment:

- Valeria Luiselli, *Tell Me How It Ends*

October 18

Primer on Social Security
Case Rounds: *Thomas-Joseph*

October 25

Primer on *Bivens* and Qualified Immunity
Movement Lawyering
Guest Speaker: Sam Weiss (Rights Behind Bars)

November 1

Case Rounds: *Stanard*

November 8

Reframing Bad Facts and Bad Law
Assignment:

- Model Rule of Professional Conduct 3.3

November 15

Anticipating the Counterargument
Guest Speaker: Alex Hemmer (Illinois Deputy Solicitor General)

November 22

Navigating the Appellate Landscape
Ethical Considerations
Case Rounds: *Thomas-Joseph*

November 29

End of Semester Reflection and Party

Federal Appellate Litigation Clinic Style Guide

1. Double space after sentences.
2. Double space after colons **if** the clause following the colon can be read as a stand-alone sentence.
3. Use en dashes to mark ranges (e.g., 7–8, not 7-8)
4. Use em dashes to separate a clause within a sentence (e.g., “Resolving this issue – which governs Plaintiff X but not Plaintiff Y – turns on Case A, B, and C.”)
5. Use “Justified” alignment, not Left alignment
6. In general, number the Statement of Facts, akin to what you would see in a complaint.
7. Use fonts and formatting in the Templates on OneDrive.
8. Try to keep things short:
 - a. Headings and captions at 15 words or fewer.
 - b. In-text sentences at 25 words or fewer.