

***Vermont Law and Graduate School***

**APPELLATE ADVOCACY**

**Section 7255 05; Fall 2025**

Professor: Terry Campos (she/her)

Office: Waterman 204

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Class Meetings: Tuesday/Thursday 11:20 AM – 12:35 PM; Debevoise Hall, MAP room

**OFFICE HOURS:**

***Scheduled Open Hours:*** Tuesday and Thursday from 12:45 PM – 1:45 PM.

***Drop-In:*** I have an open-door policy, meaning that if I am in my office and the door is open, you are more than welcome to drop in. I am most likely to be found on campus Monday through Thursday in the early afternoon.

***Email:*** Email is always welcome for questions or to set up an in-person or virtual meeting at a specific time.

**REQUIRED MATERIALS:**

1. Noah A. Messing, **The Art of Advocacy**
2. **The Bluebook: A Uniform System of Citation** (21st ed.)\*
3. **Rules for Briefs in Appellate Advocacy** document in Canvas
4. **Additional Materials as assigned in Canvas:** It is your responsibility to keep track of assignments posted in Canvas.

\*If you do not own a copy of the Bluebook, you can do your citation work using a Bluebook in the library.

**COURSE OVERVIEW:**

In this course, students will take on the role of appellate practitioner and “represent” a party in a case currently pending before the United States Supreme Court. Each student will write a brief on behalf of their assigned party and then participate in a 20-minute oral argument before a panel of mock appellate judges (volunteer practitioners and alumni). In class, we will work on developing writing skills, analytical thinking, and understanding the appellate process. We will also discuss the case’s issue(s), core precedent, and possible arguments for the parties. While we will cover a lot in class, you will be responsible for independently researching the issue(s) and developing your argument(s) outside of class.

**COURSE OBJECTIVES:**

The following are my goals for you this semester:

1. Learn how to develop and structure a multi-part legal argument using many different authorities,
2. Practice analyzing facts and law with precision,
3. Practice writing in a clear, persuasive style,
4. Strengthen research, analytical, and citation skills,
5. Become familiar with the brief format and basic rules of appellate practice, and
6. Practice oral presentation skills.

**ASSIGNMENTS & GRADING:**

Students must turn in one section of the statement of the case, an argument outline, a first draft, and a final draft. Students must also attend class, a conference with me about their first draft, a practice oral argument, and a final oral argument.

The statement of the case section, argument outline, and first draft are not graded but represent an opportunity to receive early feedback on writing, citation, research, and analysis. The final draft and final oral argument are graded.

Each written assignment will be evaluated by looking at the quality of the legal research and analysis, organization, written style, use of citation, compliance with formatting requirements, and other appropriate criteria. Oral arguments will be evaluated by looking at the student's depth of knowledge about the law and case, responsiveness to questions, engagement with judges, time management, style, and other appropriate criteria.

Grades will be calculated as follows:

Final Draft	80%
Oral Argument	20%

Students are responsible for submitting assignments on time. Assignments are due by 11:59 pm. An assignment is late if it is submitted at midnight. Students will receive a ten-point deduction for each day that a graded assignment is late unless the student receives prior permission from me to submit the assignment late. A final draft submitted more than five days past the draft deadline will receive a zero. Students who turn in final drafts more than five days late will not be permitted to participate in final oral arguments and will receive a zero for oral argument.

Because of the nature of this class, I can give extensions in only the most exceptional circumstances. This is a case-by-case consideration, but exceptional circumstances are generally unforeseen events that arise shortly before a deadline and require immediate attention. If you are struggling to complete assignments, reach out to set up a meeting.

**ATTENDANCE:**

Class is required. Students are also required to attend a first draft conference, practice oral argument, and final oral argument. In keeping with the VLGS attendance policy, “[s]tudents who are absent from twenty percent (20%) of the regularly scheduled classes . . . shall be automatically withdrawn from the course with a grade of F-Wd.” Regularly scheduled classes include the first draft conference, practice oral argument, and final oral argument.

**GENERAL HONOR CODE INFORMATION:**

The VLGS Honor Code governs your work and conduct in this class. Whenever you use the words or ideas of another writer, as you will inevitably do in legal writing, you must acknowledge the original source using a citation. If you use the exact words of another person, use quotation marks and cite the source. Cite the source even if you put another person’s ideas in your own words. This rule covers cases and statutes and applies to every sentence. Citing a source once in a paragraph when the source is mentioned or otherwise relied on in every sentence is unacceptable. Never copy from any written material without acknowledging the source. You will also violate the Honor Code by using a current or former student’s work or by looking at materials that I have asked you not to look at.

You may receive assistance on your writing from the Writing Specialist and class Teaching Assistants. Except as directed in class, under no circumstances may you receive assistance on the substantive law, your writing, or any other aspect of any assignment from another student, any faculty member, attorney, judge, or other non-VLGS community member. Unless otherwise specified, assignments must be your own work product. Failure to follow these instructions violates the Honor Code.

Finally, this class requires active and responsible class participation. Consequently, you have an obligation both to yourself and to your classmates to come to class prepared and to arrive promptly for all scheduled classes, meetings, and oral arguments.

**SPECIAL HONOR CODE INFORMATION: LITIGATION DOCUMENTS:**

This class is designed around a pending U.S. Supreme Court case. The attorneys’ work product in this case is available online, but students may not consult any of this work during the semester in which they are taking Appellate Advocacy. **Students may not read any document filed at any stage of litigation, including any amici filings, except those documents given to students as part of the Joint Appendix. Reading any litigation filings outside the Joint Appendix will be considered plagiarism and treated as an Honor Code violation.**

**SPECIAL HONOR CODE INFORMATION: ARTIFICIAL INTELLIGENCE:**

In this class, the use of generative AI<sup>1\*</sup> to complete any assignment is an honor code violation. Legal research and writing are unlike most other academic and professional activities you may

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<sup>1\*</sup> Definition of Generative AI (generated by ChatGPT on Aug. 21, 2023): Generative AI refers to a branch of artificial intelligence capable of producing novel and creative outputs, such as text, images, music, or other forms of media, often by learning patterns and structures from existing data. In the context of law, generative AI has potential applications in legal document drafting, contract generation, and other creative aspects of the legal profession.

have undertaken in the past. Some of the most important skills connected to an attorney's success are to be able to find, evaluate, analyze, and synthesize authority and arguments and to communicate those results effectively. Using tools that complete any of these processes for you before you are proficient with them on your own—no matter how sophisticated, accurate, or ubiquitous those tools are—will shortcut critical cognitive steps in your legal training and can put you at a significant disadvantage.

Therefore, the use of generative AI (including but not limited to ChatGPT, GPT-4 based tools (whether standalone or incorporated into a third-party platform), or any other product that uses AI to generate blocks of text or answers to questions) is prohibited in connection with your work in all aspects of this class except in situations where I have expressly given permission. If you are not sure whether something is permitted, ask. Unpermitted use of AI in connection with your work for this class will be considered an Honor Code violation.

#### **REQUIREMENTS FOR BRIEFS:**

Courts require attorneys to comply with rules of practice, which include rules related to document length, formatting, and file type. Attorney filings can be rejected for failure to comply with relevant rules. Your first and final drafts are governed by the current Rules of the U.S. Supreme Court and the “Rules for Briefs in Appellate Advocacy” (RBAA) in Canvas. Where the Supreme Court Rules conflict with the RBAA, RBAA controls. Failure to follow the requirements in this course and the relevant Rules provisions may result in a failing grade.

#### **ORAL ARGUMENTS:**

Practice Arguments: Mandatory practice arguments will occur toward the end of the semester. I will ask questions during the practice argument and provide feedback after the practice argument. Students are encouraged to practice oral arguments with members of the Moot Court Advisory Board (MCAB) as well.

Final Arguments: Final arguments will take place at the end of the semester. Students will argue before a panel of volunteers, mostly practitioners and alumni, who will ask questions during argument and provide general feedback after argument. A member of MCAB will observe final arguments. Volunteer judges and the MCAB member will score final arguments for purposes of invitations to Advanced Appellate Advocacy. I will also provide a score for invitations to Advanced Appellate Advocacy, and I will grade the final argument for purposes of a grade in this course.