PROFESSOR:
Jayne Woods, 305 Hulston Hall
Cell: (573) 823-8454 (I accept phone calls or text messages)
Email: woodsjt@missouri.edu (please use my cell if you need an immediate response)
Office hours: Mondays 10:00-3:00, and by appointment as needed

STUDENTS WITH SPECIAL NEEDS: If you anticipate barriers related to the format or requirements of this course, if you have emergency medical information to share with me, or if you need to make arrangements in case the building must be evacuated, please let me know as soon as possible. If disability-related accommodations are necessary (for example, a note taker, extended time on exams, captioning), please register with the Disability Center (http://disabilitycenter.missouri.edu), S5 Memorial Union, 573-882-4696, and then notify Registrar Denise Boessen and Dean David Mitchell of your eligibility for reasonable accommodations. For other MU resources for students with disabilities, click on “Disability Resources” on the MU homepage.

REQUIRED TEXT:

ATTENDANCE: You are expected to attend every class, but I understand that conflicts sometimes arise. If you know you must miss a class for a conflict, please speak with me beforehand. Excused absences will not affect your grade. More than one unexcused absence will detract points from your in-class participation grade. More than three unexcused absences will result in you being dropped from the class.

CLASS GRADE: Throughout the course, we will be working with a single set of facts taken from an actual case as we work that case through the appeals process. Your grade will be based upon in-class participation, submission of an appellant’s and a respondent’s brief, participation in oral argument, and submission of a judicial opinion. The point breakdown is as follows:

<table>
<thead>
<tr>
<th>Grade Component</th>
<th>Due Date</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-class participation</td>
<td>not applicable</td>
<td>10 points</td>
</tr>
<tr>
<td>Appellant’s brief</td>
<td>Feb. 26th</td>
<td>30 points</td>
</tr>
<tr>
<td>Respondent’s brief</td>
<td>March 19th</td>
<td>25 points</td>
</tr>
<tr>
<td>Oral argument</td>
<td>Mar. 19-23</td>
<td>15 points</td>
</tr>
<tr>
<td>Judicial opinion</td>
<td>April 16th</td>
<td>20 points</td>
</tr>
</tbody>
</table>

In-class participation
We will have in many in-class exercises, involving real-world appellate procedures. I expect you to actively engage with your classmates during these exercises. We will also have guest lecturers. I expect you to engage with them as well by actively listening and asking questions.

ACADEMIC INTEGRITY: Academic integrity is fundamental to the activities and principles of the School of Law. All members of the law school community must be confident that each person's work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The law school community regards breaches of the School of Law’s Honor Code as extremely serious matters. In the event that you violate our Academic Integrity rules on any portion of the work required for this class, you may expect a failing grade in this course as well as possible disciplinary sanctions ranging from probation to
expulsion. When in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of potential cheating, consult your professor.

**RECORDING NOT PERMITTED:** University of Missouri System Executive Order No. 38 lays out principles regarding the sanctity of classroom discussions at the university. The policy is described fully in Section 200.015 of the Collected Rules and Regulations. In this class, students may not make audio or video recordings of course activity, except students permitted to record as an accommodation under Section 240.040 of the Collected Rules. All other students who record and/or distribute audio or video recordings of class activity are subject to discipline in accordance with provisions of Section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

Those students who are permitted to record are not permitted to redistribute audio or video recordings of statements or comments from the course to individuals who are not students in the course without the express permission of the faculty member and of any students who are recorded. Students found to have violated this policy are subject to discipline in accordance with provisions of Section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

**LEARNING OUTCOMES:** Upon completion of this course, you should be able to:

- Determine the necessary appellate procedures to file and prosecute an appeal.
- Evaluate a dispute and develop effective appellate strategies, using analogical reasoning, critical thinking, problem solving, and policy analysis.
- Research the law in order to prepare for both written and oral arguments.
- Write clear, concise, and persuasive appellate briefs.
- Make a clear, concise, and persuasive appellate oral argument.
- Understand and act in accordance with your ethical responsibilities to an appellate court.
- Write a judicial opinion evaluating appellate arguments from both Appellant and Respondent.

**RECOMMENDED RESOURCES:** The following are useful resources for you to consult during your work in this course and beyond.


Missouri Supreme Court Rules of Civil Procedure – Rules Relating to All Appellate Courts
http://www.courts.mo.gov/page.jsp?id=677

Missouri Supreme Court Rule 30 – Appellate Procedure in All Criminal Cases
http://www.courts.mo.gov/page.jsp?id=790

Missouri Court of Appeals – Local Rules
Eastern District
http://www.courts.mo.gov/page.jsp?id=161
Southern District
http://www.courts.mo.gov/page.jsp?id=224
Western District
http://www.courts.mo.gov/page.jsp?id=243
CLASS SCHEDULE

WEEK 1
Jan. 15 – NO CLASS – MLK Jr. Day
   Read for Week 2: Winning on Appeal, Ch. 1, 2, 4, 5.1
   Missouri Supreme Court Rules 29.11, 30.01, 30.02, 74.01, 75.01, 78.07, 81.04, 81.05
   Mo. Rev. Stat. § 512.020

WEEK 2
Jan. 22 – Introduction to Appellate Advocacy, Jurisdiction, Issue Preservation
   Read for Week 3: Winning on Appeal, Ch. 5.2-5.8, 7.1-7.5, Appendix A
   Judge Richter’s Guide to Standards of Review
   White v. Dir. of Revenue, 321 S.W.3d 298 (Mo. banc 2010);
   State v. Chaney, 967 S.W.2d 47 (Mo. banc 1998)

WEEK 3
Jan. 29 – Standards of Review and Effective Research
   Read for Week 4: Winning on Appeal, Ch. 6.1-6.7
   Missouri Supreme Court Rules 30, 78.07, 78.08, 81.01-81.08, 81.12, 81.14, 81.16-81.20
   Missouri Supreme Court Rules 4-3.1 through 4-3.6, 4-3.8, 4-4.2 through 4-4.4, 4-5.5

WEEK 4
Feb. 5 – Filing the Appeal, Deciding What Issues to Raise, Ethical Considerations
   Guest Speaker: Ellen Flottman, District Defender of the Central Appellate Office for the MSPD
   Assign: Appellant’s Brief (Due Feb. 26th)
   Read for Week 5: Winning on Appeal, Ch. 8, 10.2, 12
   Missouri Supreme Court Rules 84.04-84.06, 84.13
   Thummel v. King, 570 S.W.2d 679 (Mo. banc 1978)

WEEK 5
Feb. 12 – Drafting Issues Presented (Points Relied On), Statement of Facts, and Point Headings
   Read for Week 6: Winning on Appeal, Ch. 7.6-7.9, 10.3-10.6, 11, 13
   Missouri Supreme Court Rules 81.16, 84.04(h)

WEEK 6
Feb. 19 – Creating a Persuasive Argument, Appendix, Exhibits
   Read for Week 7: Winning on Appeal, Ch. 14.11-14.12
   Missouri Supreme Court Rules 84.04(g), 84.05(f)

WEEK 7
Feb. 26 – Responsive and Other Briefs
   Guest Speaker: Shaun Mackelprang, Chief Counsel for the Criminal Appeals Division, Mo. AGO
   Hand In: Appellant’s Brief
   Assign: Respondent’s Brief (Due Mar. 19th)

WEEK 8
Mar. 5 – NO CLASS—Individual conferences
   Read for Week 9: Winning on Appeal, Ch. 3, 16-18
   Missouri Supreme Court Rule 84.12
WEEK 9
Mar. 12 – Introduction to Oral Argument  
*Guest Speaker: James R. Layton, Tueth Keeney, former Missouri Solicitor General*

WEEK 10
Mar. 19 – NO CLASS – Oral Argument Week  
*Turn In:* Respondent’s Brief (email to Prof. Woods no later than noon)

WEEK 11
Mar. 26 – NO CLASS – Spring Break  
*Read for Week 12:* “A Structural Approach to Opinion Writing”—Donna Stanford

WEEK 12
April 2 – Introduction to Judicial Opinion Writing  
*Guest Speaker: The Honorable Karen King Mitchell, Missouri Court of Appeals—Western District*  
*Assign:* Judicial Opinion *(Due April 23rd)*

WEEK 13
April 9 – Effective Writing  
*Read for Week 14:* Missouri Supreme Court Rules 84.14-84.16, 84.17  
*Mo. Rev. Stat. §§ 512.080, 547.170*

WEEK 14
April 16 – Appeal Bonds, Post-Disposition Motions  
*Read for Week 15:* Missouri Supreme Court Rules 84.22-84.24, 91, 94, 97, 98

WEEK 15
April 23 – Extraordinary Writs  
*Hand In:* Judicial Opinion