

# **Appellate Practice & Procedure Course Syllabus**

Fall Semester 2008

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## **Course Materials**

- Martineau, Sinclair, Solimine & Holland, *Appellate Practice and Procedure: Cases and Materials, 2d Ed.*
- Supplementary Readings, Ohio Appellate Rules, and Writing Assignment Guidelines
- Website materials. I have established a web page on UC's Blackboard system where you can access various course materials including class news, supplementary research materials, lesson summaries, and links to helpful materials. The URL is <http://blackboard.uc.edu/>

## **Grades, Attendance, and Preparation**

Your final grade is based primarily upon a thirty-page paper critiquing a civil appeal pending in the Ohio Court of Appeals for the 1<sup>st</sup> 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 will have her own insights and opinion on how an appeal is conducted. I expect you to do the same in your scrutiny of one of the assigned appellate cases. Although you are free to consult with your classmates, your written critique should be your own work. See College of Law Honor Code §2.01.

## Assignments

<u>Class</u>	<u>Date</u>	<u>Title</u>
1	Aug 28	<b>Introduction</b> Text: 795-797
2	Sept 4	<b>The Nature and Function of Appellate Courts</b> Text: 1-38
3	Sept 11	<b>The Structure and Function of Appellate Courts &amp; Preserving Issues for Appeal (Part 1)</b> Text: 39-90, 94-104
4	Sept 18	<b>Preserving Issues for Appeal (Part 2)</b> Text: 107-156, 169-178, 197-209 Handout: <i>Payne</i>
	Sept 24	<b>Oral Argument in <i>Knowlton v. Knowlton</i>, C-080016</b> Begins at 9:00 a.m. at the Ohio Court of Appeals.
5	Sept 25	<b>Appealability I—Federal</b> Text: 221-264, 273-279, 283-286, 295-299
6	Oct 2	<b>Appealability II—State/ABA</b> Text: 338-346 Handouts: R.C. 2505.02, Civ.R. 54(B), <i>Amato</i> , <i>Polikoff</i> , and <i>Wisintainer</i>
7	Oct 9	<b>DRAFT OF FACTS &amp; CHAPTERS 1-3 DUE</b> <b>Initiating and Perfecting an Appeal—Jurisdiction &amp; Content</b> Text: 516-556 Handout: <i>Atkinson</i>
	Oct 16	<b>NO CLASS—FALL BREAK</b>
8	Oct 23	<b>PAPER REVIEW—DRAFTS RETURNED</b> <b>Initiating and Perfecting an Appeal—Service &amp; Cross-Appeals &amp; Relief Pending Appeal</b> Text: 562-575, 617-628, 631-642, 645-646, Skim: 661-671, 672-687, 691-693, 696-708, 711-712, 718-721

- 9            **Oct 30**        **Parties**  
Text: 347-368, 374-388, 399-400, 459-460, 470-479,  
494-499, 504-515  
Handouts: *Roe* and *Devlin*
- 10           **Nov 6**        **The Record on Appeal**  
Text: 722-741, 755-760
- 11           **Nov 13**       **The Brief—Standards of Review**  
Text: 769-795, Skim: 795-845  
Handout: *Thompkins*
- 13           **Nov 20**       **Oral Argument**  
Guest Presenters: Hon. Penelope R. Cunningham  
Ronald Springman, Esq.  
Text: 846-883
- Nov 27**       **NO CLASS—THANKSGIVING BREAK**
- 14           **Dec 4**        **PAPER REVIEW**  
**Operating Procedures, Technology, & Writs**  
Text: 884-922, 938-944, 945-961, 988-994, 1004-  
1033

**PAPERS DUE TO THE REGISTRAR BY 3:00 P.M.,  
TUESDAY, DECEMBER 9  
NO EXCEPTIONS**