



# American Academy Of Appellate Lawyers

## An Appellate Practicum For Law Students

### The American Academy of Appellate Lawyers

The American Academy of Appellate Lawyers (AAAL) is a by-invitation-only national organization whose members include some of the most experienced appellate advocates in the United States.

### The Practicum

AAAL offers to make available to law schools speakers who will provide an appellate practicum, lasting between two hours and half a day, that supplements law school legal writing and moot court offerings. The speakers will address such topics as managing and digesting a massive trial court record for appeal and organizing, writing, and documenting a comprehensive statement of facts. AAAL speakers will also be available to assist law school moot court teams in written and oral advocacy. Law schools will incur no costs except for the speakers' travel and lodging expenses.

### The Curriculum

#### A. The Record: Topics to Be Covered

- (1) The docket: what it is, how to access its contents, and why it is necessary to read every pleading recorded on it.
- (2) How to decide what should be included in the record.
- (3) The requirement that counsel confer about the contents of the record and disputes that can arise.
- (4) The appendix, addendum, and sealed addendum.
- (5) Transcripts: duty to order, restrictions on partial transcripts.
- (6) Digital media as part of the record.
- (7) Evidence not recorded in the transcripts.
- (8) Including the judgment or ruling.
- (9) Modification of the record.
- (10) Appellate judges' access to trial exhibits.
- (11) How to attack the record in writing about it.

## B. Statement of Facts: Topics to Be Covered

- (1) Why the statement of facts section of a brief is so important.
- (2) How to tell a story ostensibly objectively, but actually persuasively.
- (3) Why judges hate witness-by-witness statements of facts.
- (4) Organizing the facts according to the procedure and the historical facts.
- (5) Weaving together related testimony and exhibits to fit within the story line.
- (6) Record citations: the need to provide them, make sure they are accurate, and have someone else verify them.
- (7) When to quote and when to paraphrase.
- (8) Dealing with adverse facts.
- (9) Relevant and irrelevant facts and facts that merely add flavor.
- (10) Facts surrounding procedural bars that may affect standard of review.
- (11) Style: summary paragraphs, subheadings, word choices, jargon.
- (12) Tone: no ad hominem attacks, even-handedness.
- (13) The need for the person who will present oral argument to write the facts.

## Speakers

Among the speakers for the practicum are: **Jeffrey R. Babbin** is a graduate of the University of Pennsylvania and Stanford University School of Law. He has handled over 100 appeals of trial court and agency decisions before federal and state appellate courts, with particular experience in the

Connecticut Supreme Court and the United States Court of Appeals for the Second Circuit. His appeals have involved a broad range of civil cases involving contract, tort, statutory, and constitutional issues. He has also authored both party and amicus briefs in the United States Supreme Court. He frequently offers lectures on topics of appellate law and procedure to bar associations and other legal groups. He is a past co-chair of the Connecticut Bar Association's Appellate Advocacy Section. By appointment of Connecticut's chief justice, he serves on the state's Advisory Committee on Appellate Rules. He practices in New Haven, Connecticut, as a partner in the Appellate and Complex Legal Issues Practice Group in the firm of Wiggin and Dana LLP.

**Margaret D. McGaughey** is a graduate of Stanford University and the University of Pennsylvania School of Law. A law clerk to the Honorable Frank M. Coffin of the United States Court of Appeals for the First Circuit, she was an appellate public defender and, during the past 38 years as appellate chief for the United States Attorney's Office in Maine, has handled over 440 criminal appeals in the First Circuit. At the request of Judge Michael Boudin, she organized a training program for CJA lawyers in the First Circuit. She has lectured on appellate practice before bar associations and law schools. The Department of Justice has awarded her its Director's Award twice.

**Contact Us Today**

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