

# 8

## Appellate Law

### VI. SUBSTANTIVE LAW

#### **Themes:**

- Learning about appellate law, improving your appellate practice, and getting more appellate experience.

#### **Conversation Starters:**

- Why are you interested in this area of law?
- What are some ways to get more appellate experience?
- How is appellate practice different than trial litigation?
- Who is the best appellate advocate for a client? The attorney who handled the case below, or someone with specialized appellate experience?

#### **Activities:**

- Attend a Court of Appeals or Supreme Court oral argument.
- Discuss the differences between civil litigation and an appeal that is limited to the record below.
- Discuss the importance of having a good record.
- Discuss ways to get more experience in appellate work in your work place.
- Review the standards of review and how they can affect your case.
- Hold a moot court with your mentor if you have an upcoming oral argument; attend your mentor's moot court if they have an upcoming oral argument; then attend (or listen to) the actual oral argument to see how well you anticipated the judges questions.
- Have your mentor review your brief; review your mentor's briefs.
- Attend an Appellate Law section meeting or activity.
- Get connected with a pro bono program that will allow you to take on more appellate cases become more experienced.

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#### **Resources:**

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- The Washington State Rules of Appellate Procedure
- The Federal Rules of Appellate Procedure
- Legal Writing and Appellate Practice books the mentor/mentee have found useful in their own practice
- The Chicago Manual of Style