

APPLICATION FOR NEW COURSE

5. Requested effective date (term/year): Fall / 2009
6. Course to be offered (please check all that apply): Fall Spring Summer
7. Will the course be offered every year? YES NO
If NO, please explain: _____
8. Why is this course needed?
Clinical and practical experience-based and community-engagement courses are a priority in the College of Law. This course has been offered on an experimental basis twice and has been very successful.

9. a. By whom will the course be taught? Adjunct Professor Charles Wisdom
- b. Are facilities for teaching the course now available? YES NO
If NO, what plans have been made for providing them?

10. What yearly enrollment may be reasonably anticipated?
35
11. a. Will this course serve students primarily within the department? Yes No
- b. Will it be of interest to a significant number of students outside the department? YES NO
If YES, please explain.

12. Will the course serve as a University Studies Program course[†]? YES NO
If YES, under what Area? _____
- [†]AS OF SPRING 2007, THERE IS A MORATORIUM ON APPROVAL OF NEW COURSES FOR USP.
13. Check the category most applicable to this course:
- traditional – offered in corresponding departments at universities elsewhere
 - relatively new – now being widely established
 - not yet to be found in many (or any) other universities
14. Is this course applicable to the requirements for at least one degree or certificate at UK? Yes No
15. Is this course part of a proposed new program? YES NO
If YES, please name: _____
16. Will adding this course change the degree requirements for ANY program on campus? YES NO
If YES[‡], list below the programs that will require this course:

APPLICATION FOR NEW COURSE

[‡]In order to change the program(s), a program change form(s) must also be submitted.

17. The major teaching objectives of the proposed course, syllabus and/or reference list to be used are attached.
18. Check box if course is 400G- or 500-level and graduate students by (i) requiring additional assignments by the graduate students; and/or (ii) the establishment of different grading criteria in the course for graduate students. (See SR 3.1.4) *If the course is 400G- or 500-level, you must include a syllabus showing differentiation for undergraduate and graduate students.*
19. Within the department, who should be contacted for further information about the proposed new course?
 Douglas C. Michael
 Name: Associate Dean for Academic Affairs Phone: 71485 Email: michaeld@uky.edu

20. Signatures to report approvals:

N/A	/
DATE of Approval by Department Faculty	printed name Reported by Department Chair signature
March 26, 2009	David A. Brennen
DATE of Approval by College Faculty	printed name Reported by College Dean signature
* DATE of Approval by Undergraduate Council	/
* DATE of Approval by Graduate Council	printed name Reported by Graduate Council Chair signature
* DATE of Approval by Health Care Colleges Council (HCCC)	/
* DATE of Approval by Senate Council	printed name Reported by Health Care Colleges Council Chair signature
* DATE of Approval by University Senate	Reported by Office of the Senate Council
* DATE of Approval by University Senate	Reported by Office of the Senate Council

*If applicable, as provided by the *University Senate Rules*. (<http://www.uky.edu/USC/New/RulesandRegulationsMain.htm>)

USAO/UK LAW EXTERNSHIP
Class Syllabus — Fall 2009
Charles P. Wisdom Jr.
260 W. Vine Street, Suite 300
Lexington, Kentucky 40507
Office: 859-685-4903
E-mail: charles.wisdom@usdoj.gov

I. COURSE CONTENT

This course is an externship with the U.S. Attorney's office. The goals of this course are to develop practical litigation skills, especially appellate brief-writing skills; to give practical experience in researching legal topics; and to increase understanding of the appellate process, especially as it relates to federal government litigation in the U.S. Court of Appeals for the Sixth Circuit. To accomplish these goals, you are required to commit 100 hours to this program over the course of the semester. This commitment includes attending the following lectures, which are planned to occur every two weeks, and which will be held in the evening:

Lecture 1: Introduction

- A. Federal Court System and Role of U.S. Attorney
- B. General Information and Rules of Appellate Procedure

Lecture 2: Overview of the Appellate Section

- A. The Appellate Section
- B. Division of Responsibility Between Trial and Appellate AUSA
- C. The Mechanics of an Appeal
- D. Steps Preparatory to Writing the Appeal
- E. Post-Briefing Matters
- F. Post-Decision Matters
- G. Habeas

Lecture 3: Writing the Brief

- A. Legal Research
- B. Steps Before Writing
- C. Form and Parts of the Brief
 - 1. The General Approach
 - 2. The Parts of the Brief
- D. Style
 - 1. Argument Headings and Subheadings

2. Reference to Appellant/Defendant
3. Names
4. Rules
5. Numerals
6. Counts
7. Abbreviations for Agencies
8. Contractions
9. Underlining, Italicizing, and Bold in Text
10. Capitalization
11. Commas
12. Colons
13. Hyphens
14. Dashes
15. Ellipses
16. Use of Quotation Marks and Omitted Material
17. Hard Spaces at End of Line
18. Page Breaks
19. Words and Phrases to Avoid
20. Passive Voice
21. Reference to the Government's Argument
22. Placement of the Word "Only"

E. Citation

1. Citation to Briefs, Appendices, and the Pre-Sentence Report
2. Citation of Exhibits
3. Case Citations
4. Constitutions, Statutes, and Rules
5. Books and Treatises
6. Law Review and Other Periodical Articles
7. Newspapers
8. Short Citation Forms
9. Introductory Signals
10. String Citations

Lecture 4: Oral Argument

A. Preparation For Oral Argument

1. Admission to the Court of Appeals
2. Initial Preparation
3. Outlining the Oral Argument
4. The Moot Court and Additional Preparation

B. The Argument

1. The Beginning of the Argument

2. Responding to Questions
 3. Maintaining Credibility With the Court
 4. Length of the Argument
- C. After the Argument

Lecture 5: Further Review of the Decision in the Court of Appeals

- A. Reporting Adverse Circuit Decisions and Obtaining Solicitor General Approval to Seek, or Not to Seek, Rehearing En Banc
- B. Motion for Panel Rehearing, Motion for Modification of the Opinion, Motion for Clarification of the Mandate, and Motion to Remove a Prosecutor's Name From the Opinion
- C. Motion for Publication of the Opinion

Lecture 6: Adverse Decisions and Government Appeals

- A. The Authorization Process
- B. Considerations Relevant to the Decision Whether to Appeal
- C. Resources
- D. Common Types of Appeals
 1. Appeals from Suppression Appeals
 2. Appeals from Orders Dismissing the Indictment or Granting a Post-Verdict Motion for a New Trial or Judgment of Acquittal
 3. Appeals from Adverse Guideline Decisions and Other Sentencing Appeals
 - a. Appeals Involving the Misapplication of the Guidelines, and Departures
 - b. Non-Guideline Appeals
 4. Adverse Discovery Orders
 5. Mandamus
 6. Motions for Stay Pending Appeal

Lecture 7: Special Consultation or Approval Requirements

- A. Environment and Natural Resource Division
- B. National Park Service and the Fish and Wildlife Service
- C. Tax Division
- D. Civil Rights Division
- E. The Antitrust Division
- F. The Civil Division

Lecture 8: Motion Practice

- A. Routine Motions
 - 1. Motion to Consolidate Appeals for Scheduling and Oral Argument
 - 2. Motion to Consolidate Briefing Obligations
 - 3. Motion for Additional Words
 - 4. Motion for Additional Time to File Brief
 - 5. Motion for Order Extending the Time Within Which to File a Petition for Panel Rehearing and Petition for Rehearing En Banc
- B. Non-Routine Procedural Motions
 - 1. Motion to Expedite Appeal
 - 2. Motion for a Stay of a District Court Order
- C. Dispositive Motions
- D. Motion to Remand
- E. Motions to Publish an Unpublished Opinion
- F. Motions to Correct the Record
- G. Other Resources

II. ASSIGNMENTS

You will be given research and writing assignments based on issues that arise in pending litigation. You will also prepare for and participate in a moot court of an oral argument that you will attend at the U.S. Court of Appeals in Cincinnati. I intend to choose an argument on the court's October calendar that will accommodate your schedule. You will, of course, observe other arguments scheduled that day. Finally, you are required by the University to keep a written journal of your experience.

III. GRADING/EXAMS

This is a pass-fail course. The pass or fail grade will be based on your work during the semester, including your research and writing assignments, participation in moot court, and journal.

IV. UNEXCUSED ABSENCES AND LATE ASSIGNMENTS

I will make every effort to schedule lectures and work hours around your schedule. I only ask advance notice of any conflicts. You are required by my office to keep a log of your time.

V. OFFICE HOURS

My usual hours are 8:30 a.m. to 5:00 p.m. I will also be available by appointment at mutually agreeable times.

VI. HONOR CODE

Please refer to the University's Honor Code.