APPELLATE COURTS IMMERISION CLINIC

Apply online at: www.law.georgetown.edu/go/clinic-registration

<table>
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<tr>
<th>Faculty</th>
<th>Professor Brian Wolfman and Fellow</th>
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<tr>
<td>What do students do</td>
<td>Students litigate complex public-interest appeals before appellate courts, including U.S. courts of appeals and the Supreme Court of the United States.</td>
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<td>Semester or year-long</td>
<td>One semester, Fall or Spring</td>
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<tr>
<td>Open to</td>
<td>Second semester 2Ls, 3Ls, and 4Es (at least 40 credits)</td>
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<tr>
<td>Prerequisite(s)</td>
<td>All first-year courses. Federal Courts is highly recommended, but not required. Students must enroll in the co-requisite Appellate Courts and Advocacy Seminar.</td>
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<td>Credits</td>
<td>12 for clinic (plus two for the required co-requisite class)</td>
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<td>Requires Student Bar Certification</td>
<td>Possibly, depending on the cases. Please see clinic director for details.</td>
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<td>How many students</td>
<td>6-8 students/semester</td>
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<td>Conflicts</td>
<td>Handled on a case-by-case basis. Possible conflicts for students with part-time or full-time jobs with the federal government, but none should prevent participation in the clinic.</td>
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<tr>
<td>Average time commitment</td>
<td>42 hours/week (on average). Work may continue through breaks.</td>
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<td>Seminar hours</td>
<td>Wednesdays and Thursdays 9:00am-11:00am (The required co-requisite class will meet Tuesdays from 9:00am-11:00am.)</td>
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<tr>
<td>Orientation</td>
<td>First day of clinic</td>
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<tr>
<td>Information session(s)</td>
<td>Monday, April 3, 4:30pm-6:00pm, McDonough 312</td>
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OVERVIEW

Under the supervision of Professor Brian Wolfman and an appellate litigation fellow, students litigate complex public-interest appeals in the U.S. courts of appeals, the U.S. Supreme Court, and other appellate courts. The clinic represents parties to appeals, such as civil-rights and consumer plaintiffs, and occasionally may represent amici as well. The clinic plans to handle cases concerning a wide variety of statutory and constitutional law.

Students will take the lead role in researching and writing complex appellate briefs in an intensive, collaborative learning environment. Teams of two to three students will work directly with Prof. Wolfman and the litigation fellow through multiple drafts of outlines and briefs. On each project, the student-to-instructor ratio will be no greater than three to one. Every aspect of appellate advocacy – argument choice, argument ordering, use of authority, writing style and tone, and word choice, to name a few – will be discussed and debated within the student team and with instructors. The instructors are committed to working with students to produce the finest product. No document will be filed with a court unless it meets the highest standards.

Over the semester, each team of students will be principally responsible for at least two litigation projects (for instance, an opening appellate brief and an opposition to certiorari). In addition to completing the work of “their” teams, each student will be required to study and critique drafts produced by other teams.
in clinic-wide collaborate reviews. These reviews will bring fresh, critical eyes to each project and help create a mission-oriented, collaborative law-office atmosphere. They will also be fun!

The clinic will also conduct weekly case “rounds” to discuss progress in our pending projects and any new cases on our docket and to visit with special guests, such as appellate litigators and judges. Students also will be expected to read the briefs and attend at least one moot court for an actual Supreme Court case hosted by Georgetown’s Supreme Court Institute.

YOUR COMMITMENT . . . AND OURS

As indicated, enrollment in this appellate clinic is full-time for one semester. Students receive a total of 14 credits – 12 credits for the clinic itself and 2 credits for a mandatory appellate courts seminar taught in conjunction with the clinic. (The seminar is described in the next section.) Students enrolled in the clinic are expected to be present in the clinic on a full-time basis, as they would if they worked in a “real world” appellate law firm. Students may not enroll in any other academic courses. Yes, this is a serious commitment, but think of it more as an opportunity . . . to immerse yourself, for one intensive semester, in the world of appellate law and advocacy.

And this commitment goes both ways. The instructors are full-time teachers and collaborators. They come to the clinic all day, every day to teach and work with you, and they will give you their full attention.

THE APPELLATE COURTS AND ADVOCACY SEMINAR

As noted, clinic students must register for a course entitled “Appellate Courts and Advocacy Seminar,” a two-credit, separately evaluated class. The seminar integrates two separate bodies of knowledge that are important for appellate lawyers and that dovetail with the clinic’s work.

First, the seminar teaches legal doctrines that arise frequently in appellate litigation, such as those relating to appellate jurisdiction, standards and scope of review, and issue preservation. Like traditional law school courses, this doctrinal part of the course imparts a body of law. But the teaching method differs from the ordinary course. The material is taught through standard doctrinal materials – cases, statutes, rules, articles, and the like – and also through writing assignments in which students are required to employ the doctrine in litigation-based problems.

Second, the seminar provides an intensive introduction to basic appellate advocacy skills, including motion practice and brief writing. The seminar considers each stage of the appellate litigation process, beginning with a general overview, moving to the various bases for appellate jurisdiction in the federal courts, then discussing the standards and scope of appellate review and issue preservation, and concluding with review of the anatomy of an appellate brief, with a heavy emphasis on writing, argument, and use of authority. The seminar also briefly discusses U.S. Supreme Court practice, covering both the Court’s jurisdiction and the discretionary bases for Supreme Court review. Wherever possible, the seminar will draw on examples from pending clinic cases.

For a seminar syllabus, contact Brian Wolfman at wolfmanb@law.georgetown.edu.
**CLINIC INSTRUCTORS**

**Brian Wolfman, Director**

Brian Wolfman re-joined the Georgetown Law faculty in 2016 to direct the Appellate Courts Immersion Clinic. Before that, he was Professor of the Practice of Law and co-Director of the Stanford Supreme Court Litigation Clinic. After clerking on the Eleventh Circuit, he worked as a poverty lawyer in rural Arkansas. He then did trial and appellate litigation for nearly 20 years at Public Citizen Litigation Group, a national public-interest law firm, serving the last five years as the Group’s director. From 2009 to 2014, he was here at Georgetown, directing the Civil Rights clinic of the Institute for Public Representation. In addition to extensive trial-court experience, Prof. Wolfman has litigated hundreds of cases in the U.S. Supreme Court, federal courts of appeals, and other appellate courts. For more information, go [here](#).

**Wyatt Sassman, Clinical Fellow**

Wyatt Sassman is the clinic’s 2016-2018 clinical fellow. He mentors students on their appellate cases. Wyatt clerked on the U.S. Court of Appeals for the Sixth Circuit for Senior Judge Gilbert S. Merritt, Jr. From 2014-2016, Wyatt was an associate attorney for the Southern Environmental Law Center, handling administrative, trial, and appellate litigation on a wide range of environmental law cases.

**OUR CASES**

As noted, the clinic handles complex public-interest appeals. The clinic just launched in January 2017. In its inaugural semester it is handling three matters before the U.S. Supreme Court — two oppositions to certiorari and a merits amicus brief — as well as two employment-rights appeals before the Fourth Circuit and an civil-rights attorney’s fees appeal before the Third Circuit.

Moreover, the clinic director – Brian Wolfman – previously directed the Civil Rights clinic at Georgetown’s Institute for Public Representation (IPR), which did both trial-court and appellate litigation. In that capacity, he mentored teams of Georgetown students handling a range of complex public-interest appeals. This partial list of IPR appeals is illustrative of the kinds of appeals that the Appellate Courts Immersion Clinic will take on:

- **Elgin v. Department of Treasury**, 132 S. Ct. 2126 (2012) — whether the Civil Service Reform Act precludes a federal district court from granting a federal employee equitable relief on a constitutional claim against that employee’s federal employer (clinic handled both cert and merits stages)


- **Knight v. Thompson**, No. 13-955 (U.S.) — whether prisoners have a right under the Religious Freedom Restoration Act to resist state prison’s restrictive hair-grooming rules (clinic wrote cert-stage amicus brief for national anti-discrimination and religious-liberty organizations)

- **Freeman v. Dal-Tile Corp.**, 750 F.3d 413 (4th Cir. 2014) — concerning the standard for imputation of liability to employer based on third-party sexual and racial harassment under Title VII (clinic handled appeal and then mediated settlement)

For copies of students’ briefs in these and other cases, contact Brian Wolfman at [wolfmanb@law.georgetown.edu](mailto:wolfmanb@law.georgetown.edu).

**APPLICATION PROCESS/SELECTION CRITERIA/INFORMATION SESSION**
The Appellate Courts Immersion Litigation clinic has slots for 6-8 students for fall 2017 and for another 6-8 students for spring 2018. In addition to submitting the general clinic application online by 12:00pm (noon) on Monday, April 10, 2017, you must submit a writing sample to the clinic’s office manager, Niko Perazich, at Niko.Perazich@law.georgetown.edu on or before the April 10 deadline. The writing sample should be your work, not significantly edited by others. It may be any length. Please do not submit an excerpt.

The clinic will look for students who have shown an interest in and capacity for high-level legal research and writing. Because the clinic is full-time, enrolled students are expected to honor the full-time commitment. Generally, students may not have internships or law-firm employment during their semester in the clinic. Any exceptions must be approved by the clinic director.

The clinic director and fellow will hold an informal group information session to help students determine whether they want to apply. The session will be held on Monday, April 3, 4:30pm-6:00pm, McDonough 312.

MORE INFORMATION/FORMER STUDENTS

For more information or if you have any questions, don’t hesitate to contact the clinic director, Brian Wolfman, at wolfmanb@law.georgetown.edu. He is happy to discuss the clinic with you.

Because the clinic is new, it has just a handful of current students and no alumni for prospective participants to contact. If you wish to contact any of Prof. Wolfman’s current students or his former students at Georgetown’s IPR clinic or at Stanford’s Supreme Court clinic, please contact him at wolfmanb@georgetown.edu.