

APPELLATE COURTS IMMERSION CLINIC

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

Faculty	Professor Brian Wolfman and fellow Bradley Girard
What do students do	Students litigate complex public-interest appeals before appellate courts, including the Supreme Court of the United States and the U.S. Courts of Appeals.
Semester or year-long	One semester, Fall or Spring
Open to	Second semester 2Ls, 3Ls, and 4Es (at least 40 credits)
Prerequisite(s)	All first-year courses. Federal Courts is highly recommended, but not required. Students must enroll in the co-requisite Appellate Courts and Advocacy Workshop.
Credits	14 credits: 12 for the clinic and 2 for the required co-requisite class
Requires Student Bar Certification	No. Any necessary bar admissions for individual cases can be dealt with during the clinic semester.
How many students	6-8 students per semester
Conflicts	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.
Average time commitment	42 hours/week (on average). Work may continue through breaks.
Seminar hours	Wednesdays and Thursdays 9am-11am (The required co-requisite class will meet Tuesdays from 9am-11am.)
Orientation	First day of clinic
Open house and information session	Open house: Thursday, March 28, 4pm-5:30pm, McDonough 312 Information session: Tuesday, March 26, 4:30pm-6pm, McDonough 140

OVERVIEW

Under the supervision of Professor Brian Wolfman and an appellate litigation fellow, students litigate complex public-interest appeals in the Supreme Court, the U.S. Courts of Appeals, and other appellate courts. The clinic represents parties to appeals, such as civil-rights, employment-rights, and consumer plaintiffs. We occasionally represent amici as well. We handle both civil and criminal cases concerning a wide variety of statutory and constitutional doctrine. In the current semester, for instance, we just finished a Supreme Court cert petition concerning the appealability of federal civil-service disputes. We are also handling a federal minimum-wage and overtime case before the Fifth Circuit, an immigration appeal under the Convention Against Torture (also in the Fifth Circuit), and a mortgage-foreclosure case arising from the Great Recession financial bailout against one of the country's largest banks in the Seventh Circuit.

Students take the lead role in researching and writing complex appellate briefs in an intensive, collaborative learning environment. Teams of two to three students 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—are 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 student team is principally responsible for at least two major litigation projects (for instance, an opening appellate brief and an opposition to certiorari). In addition to completing the work of “their” teams, each student is required to study and critique drafts produced by other teams in clinic-wide collaborate reviews. These reviews bring fresh, critical eyes to each project and help create a mission-oriented, collaborative law-office atmosphere. They will also be fun!

The clinic also conducts 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. And students are 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 class taught in conjunction with the clinic. (That class 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 WORKSHOP

As noted, **clinic students must register for a course entitled “Appellate Courts and Advocacy Workshop,” a 2-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 material—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 draws on examples from pending clinic cases.

For a seminar syllabus, contact Brian Wolfman at wolfmanb@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](#).

Bradley Girard, Clinical Fellow

[Bradley Girard](#) graduated cum laude from Georgetown Law in 2014. His focus is public-interest impact litigation, especially at the appellate level. During law school, he interned at Gupta Wessler, Public Justice, Mehri & Skalet, and in the civil-rights division of the Institute for Public Representation. He also interned on the D.C. district court for Judge Gladys Kessler. After law school he clerked for Judge Neal E. Kravitz on the D.C. Superior Court. He then went on to a two-year litigation fellowship at Americans United for Separation of Church and State, where he litigated constitutional issues in the federal courts of appeals and the U.S. Supreme Court. Most recently, Bradley clerked on the Sixth Circuit for Judge Martha Craig Daughtrey.

OUR CASES

As noted, the clinic handles complex public-interest appeals. To date, about half of our projects have been before the U.S. Supreme Court and about half before U.S. courts of appeals. These projects include petitions for certiorari, oppositions to certiorari, Supreme Court amicus briefs, and many opening and reply briefs in federal courts of appeals. We have handled two petitions for rehearing en banc in federal courts of appeals and a principal en banc brief in a federal court of appeals. **Go [here](#) to read our briefs.**

Here is a very partial, but illustrative list of recent cases.

- *Burningham v. Raines*, No. 18-747 (U.S. Supreme Court) — regarding whether the court of appeals had jurisdiction to consider if the police officers who shot our client were entitled to immunity from our client's Fourth Amendment damages suit (Clinic students researched and drafted opposition to certiorari)
- *Golden v. Indianapolis Housing Agency*, No. 17-1113 (U.S. Supreme Court) — whether cancer patients and others who need multi-month leave to treat their disabilities are protected by the Americans with Disabilities Act (Clinic wrote cert-stage amicus brief for national cancer survivors' organizations)
- *Alvarez v. City of Brownsville*, 904 F.3d 382 (5th Cir. 2018) (en banc) — whether the government must disclose exculpatory evidence to a criminal defendant before entering a plea agreement under the principles of *Brady v. Maryland* (Clinic wrote en banc brief on behalf of wrongly-convicted, actually-innocent defendant)
- *Graviss v. Department of Defense*, No. 18-1061 (U.S. Supreme Court) (pending) — whether the time limit for appeal from the Merit System Protection Board to the Federal Circuit Court of Appeals is an absolute jurisdictional bar or is subject to equitable exceptions (Clinic wrote cert petition)

- *Balbed v. Eden Park Guest House*, 881 F.3d 285 (4th Cir. 2018) — concerning the circumstances under which employees who live and work on employers’ premises must be paid minimum wage and overtime pay under the Fair Labor Standards Act and state wage-and-hour laws (Clinic wrote opening and reply briefs)

- *United States v. Mitchell*, 905 F.3d 991 (6th Cir. 2018) — whether our client’s sentence (1) was unlawfully lengthened under the Armed Career Criminal Act and (2) contained an unlawful supervised release term (Clinic wrote opening brief as appellee and reply brief as cross-appellant)

APPLICATION PROCESS/SELECTION CRITERIA/INFORMATION SESSION

The Appellate Courts Immersion Litigation clinic has slots for 6-8 students for fall 2019 and for another 6-8 students for spring 2020. **In addition to submitting the general clinic application online by 12 noon on Monday, April 8, 2019, 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 8 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 looks 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. This session will be held on **Tuesday, March 26, 4:30pm-6pm, in McDonough 140**. We will also hold an open house on **Thursday, March 28, from 4pm-5:30pm**.

MORE INFORMATION/CURRENT AND FORMER STUDENTS

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

If you wish to contact any of the clinic’s current or former students, please contact Prof. Wolfman at wolfmanb@georgetown.edu.