

# APPELLATE LITIGATION CLINIC

Apply online at: <http://apps.law.georgetown.edu/clinic-application/>

Faculty	Prof. Erica Hashimoto and Fellows
What do students do	Students brief and argue cases before several courts, including federal courts of appeals; represent indigent people before the Board of Immigration Appeals; and file amicus curiae briefs in the U.S. Supreme Court and other courts.
Semester or year-long	Year-long
Open to	3Ls and 4Es (40 credits)
Prerequisite(s)	All first year courses
Credits	9
Requires Student Bar Certification	Possibly, depending on cases.
How many students	16
Conflicts	Possible conflicts for students with part-time or full-time jobs with the Federal or D.C. governments.
Average time commitment	16 hours/week, on average. Work on cases may continue through breaks or exam periods.
Seminar hours	Wednesdays, 1:20 - 3:20 p.m.
Orientation	There will be a one day orientation before classes begin, date TBA.
Open House	TBD

## THE PROGRAM

Beginning in the Fall Semester of 2020, a group of 16 students will join the Appellate Litigation Program. The group will brief and argue cases before several different courts, including federal courts of appeals, under the supervision of Professor Erica J. Hashimoto and two highly qualified supervising attorneys, both of whom will be earning graduate degrees in advocacy. The Clinic also represents indigent people before the Board of Immigration Appeals, files amicus curiae briefs in the Supreme Court of the United States and other courts, and files Supreme Court certiorari petitions.

Briefing and arguing appeals requires intensive training in all aspects of appellate practice, including procedure, research, issue formulation, and writing. The training emphasizes improving analytical skills and clarity in both writing and oral advocacy. In general, each student, in conjunction with one of the clinic attorneys, will produce two major documents for filing (e.g., briefs, motions, petitions for writs of certiorari). A small number of clinic students will appear before appellate courts for oral argument, and all students will receive training in oral advocacy during the year. Whenever possible, students interact directly with clients through phone calls, letters, and visits if possible.

The caseload of the clinic is generally composed of civil rights, immigration, habeas corpus, and a variety of other civil cases. A Lexis or Westlaw database search will yield a representative sample of the types of cases that we undertake. Although the breakdown varies from year to year, these cases, regardless of type, often raise important constitutional and statutory questions. In the past, the clinic has argued several cases on the merits in the United States Supreme Court.

## OUR COMMITMENT

Professor Hashimoto is an experienced appellate lawyer who has spent the past ten years training law students to file high-quality briefs in federal courts of appeals and argue cases before those courts. The two appellate advocacy fellows are lawyers selected on the basis of outstanding academic records, excellent writing skills, clerkship experience, and significant prior appellate litigation experience. They work closely with students in developing their written and oral advocacy skills.

The staff is committed to teaching the finest appellate advocacy. Students learn to analyze a set of facts, develop legal issues, and produce superb written briefs under the supervision of experienced lawyers. Supervision is often in a 2- or 3-to-1 student/attorney ratio. Using moot court techniques, we teach each student the art of oral advocacy.

By virtue of its docket of cases from federal circuit courts of appeals and other courts, the clinic gives students first-hand experience with the operation of a small appellate law firm and the administration of justice in both the federal and state courts.

## YOUR COMMITMENT

A nine-credit, year-long clinical program is a significant commitment. It offers students more than just exposure to a branch of law; it is an opportunity to be a lawyer and to work in a partnership under the guidance of experienced lawyers. Students joining the clinic will be required to put in substantial work, including writing and editing briefs, preparing for oral argument, and attending the two-hour weekly seminar. Evening division students who can: 1) attend the scheduled Wednesday afternoon seminar; 2) attend at least two Supreme Court Institute moot courts, which are generally held in the afternoon; and, 3) have sufficient work flexibility to take leave time as needed, particularly the week before a major assignment is due, are encouraged to apply.

Under the supervision of one or more of the attorneys, you will work in a team or alone on at least two written projects during the year. Your goal will be to produce written and oral products that meet the highest professional standards.

The weekly seminar emphasizes student participation and covers a broad spectrum of issues confronting appellate litigators, such as brief writing, the nuances of oral argument, appellate jurisdiction and procedure, standards of review, and the meaning of professional responsibility in the appellate context. Case assignments generally are completed by the end of classes in April, although some work during exams may be necessary. In that event, steps are taken to ensure that students have adequate time to complete these assignments and prepare for their exams. Students are also cautioned that work on cases may be necessary during holidays or breaks. We attempt to work around exam and break schedules, but this is not always possible.

Students are also expected to attend at least two Supreme Court Institute moot courts during the year. These moot courts provide an excellent opportunity to watch lawyers working on the preparation for oral argument before the highest court in the land and then have the opportunity to see how well the lawyers were able to anticipate the questions posed at the actual argument. Students meet with one of supervising attorneys after the moot court and the real argument have taken place to discuss the experience.

Overall, you can anticipate a time commitment of roughly sixteen hours per week. That number indicates how the total number of hours worked would average out at the end of the school year. The time actually devoted to the clinic will be concentrated around the time of writing assignments and oral arguments. When briefs are due, substantially more than sixteen hours per week should be expected.

Fewer than sixteen hours is the norm when briefs are not due. It is relatively easy to plan around these assignments because you will know about them well in advance.

The clinic will conduct a one-day orientation session before classes begin in the Fall.

## SELECTION CRITERIA/APPLICATION PROCESS

The Appellate Litigation clinic has slots for 16 students. **In addition to submitting the general clinic application materials online by April 13, 2020 at 12 noon, we *require* that applicants submit a writing sample to [lawapplit@georgetown.edu](mailto:lawapplit@georgetown.edu) by the April 13-12 noon deadline.** If a student is selected and has not taken Federal Courts or Evidence, she/he is encouraged, but not required, to do so while enrolled in the Clinic.

Students should be aware that at least one court before which we practice requires completion of a certain number of credits. If students have not completed those, they will not be able to sign briefs or do oral argument.

Students who are employed by the federal government or the District of Columbia may have a conflict of interest that will prevent them from enrolling in this clinic. If you have worked for, or plan to work for, the federal government or the District of Columbia, please speak to the Program Director about a possible conflict BEFORE applying for the clinic. Once enrolled in the clinic, students may not undertake government employment or internships during the school year without the approval of the Program Director.

We will be holding an Open House on Zoom on a date and time TBD. Interested students are strongly encouraged to attend the Open House. If students cannot attend, they should reach out to one of the staff to set up an appointment.

We consider two factors to be important qualifications for admission to the clinic: demonstrated interest/relevant experience (such as previous litigation work, clerkships, research assistantships, moot court, law fellows, etc.) *and* well-developed writing skills. If our clinic is oversubscribed, we will first admit people who are very strong in both categories. We will fill remaining slots from a pool of applicants who are very strong in at least one category. We will admit people from the latter group at random unless it becomes necessary to make some selections on a non-random basis to ensure that we have a diverse group of clinic students. This reservation is necessary to the clinic pedagogy.

## 2020-2021 CLINIC STAFF

### **Professor Erica J. Hashimoto, Director**

B.A., Harvard University; J.D., Georgetown

Erica J. Hashimoto is a Professor of Law at Georgetown University Law Center where she serves as the Director of the Appellate Litigation Program. She has litigated before the United States Courts of Appeals for the D.C., Eleventh, and Fourth Circuits. Prior to joining the Georgetown faculty, she was the Allen Post Professor of Law at the University of Georgia. While there, she started an appellate litigation clinic that accepted appointments from federal courts of appeals, and she was named a Josiah Meigs Professor, the university's highest teaching honor.

Prior to teaching at the University of Georgia, Professor Hashimoto was an assistant federal public defender in Washington, D.C. She also clerked for the Honorable David S. Tatel of the United States Court of Appeals for the D.C. Circuit and for the Honorable Paul L. Friedman of the United States District Court for the District of Columbia.

**Nick Sansone, Second Year Fellow (Fall 2020)**

B.A., Lawrence College; J.D., Harvard

Nick graduated in 2015 from Harvard Law School, where he served as the Vice President of the Harvard Law Review and volunteered with the Gay and Lesbian Advocates and Defenders, Oklahoma Indian Legal Services, and the Sierra Leonean nonprofit Timap for Justice. Since then, he has clerked for Judge J. Paul Oetken in the Southern District of New York, Judge William Kayatta on the U.S. Court of Appeals for the First Circuit, and Judge David Tatel on the U.S. Court of Appeals for the D.C. Circuit. Nick also spent a year with Public Citizen Litigation Group, where he focused on public-interest U.S. Supreme Court litigation at the certiorari and merits stages, covering areas such as personal jurisdiction, forced arbitration, and federal pleading standards. Before law school, Nick worked as a writing instructor and a wildland firefighter and trained in Moscow as a performance gymnast.

The other fellowship position will be filled by Summer 2020.

**2019-20 APPELLATE LITIGATION STUDENTS:**

1. Cindy Anderson
2. Matthew J. Angelo
3. Emily A. Clarke
4. Max T. Crema
5. Francoise Djoukeng
6. John J. Donnelly
7. Ariel Dukes
8. Claire Gianotti
9. Nicholas Kennedy
10. Samuel D. Kleinman
11. Noah McCullough
12. Samuel H. Ruddy
13. Janae Staicer
14. Connor Suozzo
15. Ellen Watlington
16. Lazaro Zamora