

APPELLATE COURTS IMMERSION CLINIC

Faculty	Professor Brian Wolfman and fellows
What do students do	Students litigate complex public-interest appeals on a full-time basis before appellate courts, principally the U.S. Courts of Appeals and the Supreme Court of the United States.
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 bar admissions for particular cases will be dealt with during the clinic semester.
How many students	8 students per semester
Conflicts	Generally none. Handled on a case-by-case basis, but rarely a problem.
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	Friday, March 26, 2021 3:00pm - 5:00pm

OVERVIEW

Under the supervision of Professor Brian Wolfman and two appellate-litigation fellows, 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, consumer plaintiffs, immigrants, and criminal defendants. 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 appellate briefs in a Family and Medical Leave Act case, a case under the federal special-education statute, and an asylum appeal under the Immigration and Nationality Act. We also recently conducted oral arguments in a Third Circuit “crimmigration” appeal and a First Amendment Free Exercise Clause appeal before the Ninth Circuit. We are also currently handling a Supreme Court cert petition raising an important unresolved issue under federal employment-discrimination law and an appeal involving issues under two federal statutes regulating Internet privacy. Among our other pending cases is another federal employment-discrimination appeal and an appeal under the federal wage-and-hour and anti-racketeering laws.

Students take the lead 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 fellows 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 day-by-day, hour-by-hour, to produce the finest product. No document is 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 a petition for a writ of 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 collaboration reviews. These reviews bring fresh, critical eyes to each project and help create a mission-oriented, collaborative law-office atmosphere. They are also fun!

The clinic also conducts weekly case “rounds” to discuss progress in our pending projects and any new cases on our docket and visit with special guests, such as appellate litigators and judges. 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.** This 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 frequently arise 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 writing assignments. 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 a review of the anatomy of an appellate brief, with an 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](#).

Clinical Fellows

Madeline Meth graduated from Georgetown Law in 2017, where she participated in the Appellate Courts Immersion Clinic's inaugural semester. Her focus is on public-interest litigation, particularly anti-poverty work. Before returning to GULC as an ACIC fellow, she worked at AARP's Legal Counsel for the Elderly, providing legal services to low-income seniors living in the District of Columbia; she also clerked for the Honorable George J. Hazel on the U.S. District Court in Maryland and the Honorable Jane B. Stranch on the Sixth Circuit. She reads a lot of fiction (find her on Goodreads!), enjoys city walks, crossword puzzles, and returning to New England to spend time with family.

Hannah Mullen graduated magna cum laude from Harvard Law School in 2019. She is interested in public-interest appellate litigation, federal courts, and constitutional law. In law school, Hannah was a Notes Editor of the Harvard Law Review and a semi-finalist in the Ames Moot Court Competition. She earned the Stephen L. Werner Prize for the best paper in the field of criminal justice and the Derek C. Bok Certificate of Distinction in Teaching. She also interned at DOJ for the Civil Appellate Staff and worked as a summer associate at Munger, Tolles & Olson. After law school, she clerked on the D.C. Circuit for the Honorable Merrick Garland. Hannah enjoys hiking with her spunky rescue dog, Betty. She is an avid reader of advice columns, an aspiring kickboxer, and a novice baker.

OUR CASES

As noted, the clinic handles complex public-interest appeals. To date, about 40% of our projects have been before the U.S. Supreme Court, and about 60% have been 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 ACIC cases (some pending, some decided).

- *Ledford v. Baenen*, No. 19-1694 (7th Cir.) — whether toxic emissions and frigid temperatures in a prison cell block violates the Eighth Amendment's ban on cruel and unusual punishments
- *Kelly v. City of Alexandria* (4th Cir.) — whether (1) employment-discrimination claims against a city and its officers are valid under applicable federal civil-rights law (Section 1983), and (2) the statute of limitations for certain Title VII claims may be equitably tolled

- *Zicarelli v. Dart and Cook County, Ill.* (7th Cir.) — raising a range of important issues under the Family and Medical Leave Act

- *Doe v. Barr, U.S. Attorney General* (XX Cir.) — concerning the circumstances under which an immigrant seeking asylum may challenge a removal order entered in absentia before the Board of Immigration Appeals

- *Real v. Perry*, 810 F. App'x 776 (11th Cir. 2020) — whether police officer's brandishing of gun in face of unarmed citizen with threat to shoot, accompanied by use of virulent racial slur, violates Fourth Amendment's ban on unreasonable seizures or the Due Process Clause

- *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

- *Peterson v. Linear Controls*, No. 18-1401 (U.S. Supreme Court) — whether employment discrimination under Title VII of the Civil Rights Act is limited to only "ultimate" actions, such as demotion and firing, or rather covers all discriminatory conduct by employers

- *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

- *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*

- *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

APPLICATION PROCESS/SELECTION CRITERIA/INFORMATION SESSION

The Appellate Courts Immersion Litigation clinic has slots for 8 students for fall 2021 and for another 8 students for spring 2022. **You must submit a writing sample with your general application.** The writing sample should be *your* work, not something 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 persuasive writing. Clinic students are expected to honor the clinic's 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.

MORE INFORMATION/ACCESS TO 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 will be happy to discuss the clinic with you. The same is true of our clinic fellows Madeline Meth, at madeline.meth@georgetown.edu, and Hannah Mullen, at hannah.mullen@Georgetown.edu.

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