

# APPELLATE LITIGATION CLINIC

Faculty	Prof. Erica Hashimoto and Fellows
What do students do	Students brief and argue cases before federal courts of appeals; draft certiorari petitions and amicus briefs before the United States Supreme Court, and represent indigent clients before the Board of Immigration Appeals.
Semester or year-long	Year-long
Open to	3Ls and 4Es (53 credits)
Prerequisite(s)	All first year courses
Credits	9
Requires Student Bar Certification	Yes
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	Thursday, April 1, 2021 3:30-pm - 5:30pm

## THE PROGRAM

Beginning in the Fall Semester of 2021, sixteen students will join the Appellate Litigation Program. This group of students will brief and argue cases before federal courts of appeals and may work on briefs before the Board of Immigration Appeals and on petitions for certiorari or amicus briefs before the Supreme Court of the United States. Students will work under the supervision of Professor Erica J. Hashimoto and three highly qualified supervising attorneys, all of whom will be earning graduate degrees in advocacy.

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 argues cases before those courts. The three advocacy fellows are lawyers selected on the basis of outstanding academic records, excellent writing skills, clerkship experience, and 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.

The clinic's docket of cases from federal circuit courts of appeals and other courts gives students first-hand experience with the operation of a small appellate law firm and the administration of justice in the federal 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; 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. You will receive significant feedback initially from the supervising attorney(s) and then from other clinic members and readers with expertise in the area. 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 the 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 Monday, April 12, 2021, at 12 pm (noon), we require that applicants submit a writing sample through the application portal.** If a student is selected and has not taken Federal Courts, 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 arguments.

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 via Zoom on Thursday, April 1, 2021, 3:30 pm - 5:30 pm. Interested students are strongly encouraged to attend the Open House. If students cannot attend, they should speak with one of the staff or set up an appointment.

We consider two factors to be important qualifications for admission to the clinic: (1) demonstrated interest and/or relevant experience including previous litigation work, clerkships, research assistantships, moot court, law fellows, etc.), *and* (2) demonstrated attention to writing skills, including through experience as a law fellow, journal member, or research assistant. If our clinic is oversubscribed, we will first admit people who are very strong in both categories. We will then fill the remaining slots from a pool of applicants who are very strong in at least one category.

## **2021-2022 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. She also is an alumnus of this clinic.

**Joshua Marcin, Second Year Fellow (Fall 2021)**

B.A., John Carroll University; J.D., Harvard

Josh graduated in 2014 from Harvard Law School, where he participated in the Capital Punishment Clinic and the Criminal Justice Institute. After law school, he served as a law clerk to Judge Richard A. Paez of the Ninth Circuit Court of the Appeals and Judge Claudia Wilken of the Northern District of California. He most recently worked with a Federal Community Defender Office, challenging individuals' convictions and death sentences through habeas corpus proceedings. Before law school, he worked on policy research in Washington, D.C., and migration research in Central America.

\*Member of the State Bar of California; practice limited to courts of the United States before which he is authorized to practice, pursuant to D.C. App. R. 49(c).

**Lauren Bateman, Second Year Fellow (Fall 2021)**

B.A., The College of William and Mary; J.D., Harvard

Lauren Bateman graduated from Harvard Law School in 2015, where she was the Co-Chair of the Articles Committee for the Harvard Law Review. Prior to joining the Appellate Litigation Clinic, she clerked for the Honorable R. Guy Cole, Jr., of the United States Court of Appeals for the Sixth Circuit, the Honorable Algenon L. Marbley of the United States District Court for the Southern District of Ohio, and the Honorable Dana A. Fabe of the Supreme Court of Alaska. She also worked as an associate attorney for law firms in Washington, D.C., and Columbus, Ohio. Before law school, she served as a staffer to then-Senate Majority Leader Harry Reid.

The other fellowship position will be filled by Summer 2021.

**2020-21 APPELLATE LITIGATION STUDENTS:**

1. Hassan Ahmad
2. Diala Alqadi
3. Ashley Alexander
4. Richard Bernache
5. Alexander Bodaken
6. Priya Datta
7. Halle Edwards
8. Grace Fuscoe
9. Abby Holland
10. Minahil Khan
11. Jasdeep Kaur
12. Meredith Manuel
13. John McGowan
14. Daniel Murphy
15. Olivia O'Hea
16. Arman Ramnath