



AGENDA

2023 North Carolina Appellate Advocacy Training
October 25 – October 27, 2023 / Chapel Hill, NC

*Co-sponsored by the UNC-Chapel Hill School of Government &
NC Office of Indigent Defense Services*



Day 1: Wednesday, October 25

8:15 to 8:45 a.m. *Check-in*

8:45 to 9:00 a.m. **Welcome, Introductions, and Announcements**

Phil Dixon, Teaching Assistant Professor, UNC-SOG, Chapel Hill, NC

Glenn Gerding, Appellate Defender, Office of the Appellate Defender, Durham, NC

Bob Burke, Indigent Defense Consultant and Trainer, Beech Mountain, NC

9:00 to 9:45 a.m. **PLENARY SESSION: Analyzing and Brainstorming/Factbusting the Facts** (*work on fact problem*) (45 mins)

John Rubin, Professor of Public Law and Government, UNC School of Government, Chapel Hill, NC

At the conclusion of the plenary and workshop, participants will:

- a. Know the elements of effective brainstorming/fact-busting.
- b. Understand the importance of effective brainstorming/fact-busting to the creation of a rich pool of facts from which to develop a persuasive theory of the case or defense story.
- c. Be able to effectively brainstorm/fact-bust an appellate case.

9:45 to 10:00 a.m. *Break*

10:00 to 11:30 a.m. **WORKSHOPS: Brainstorming the Facts of Your Case** (*work on own cases*) (90 mins)

*IDS employees may not claim reimbursement for lunch



11:30 a.m. to 12:30 p.m. *Lunch (SOG Dining Room)**

12:30 to 2:15 p.m. **WORKSHOPS: Brainstorming the Facts of Your Case**
(continued) (105 mins)

2:15 to 2:30 p.m. *Break (light snack provided)*

2:30 to 4:00 p.m. **PLENARY SESSION: Transforming Your Facts and Legal**
Issues into a Persuasive Story on Appeal *(work on fact*
problem) (90 mins)

Ira Mickenberg, Attorney & Consultant, Saratoga Springs, NY

At the conclusion of the plenary and breakout, the participants will:

- a. Know and understand the definition of a defense theory or story, as well as the elements of a story.
- b. Know techniques for development of a case or persuasive story.
- c. Be able to develop a persuasive appellate theory or story.

4:15 to 4:45 p.m. **WORKSHOPS: Developing a Persuasive Story on Appeal**
(discuss homework) (30 mins)

6:00 to 8:00 p.m. Dinner at Carolina Brewery – Individual Pay

*IDS employees may not claim reimbursement for lunch



Day 2: Thursday, October 26

| | |
|--------------------------|---|
| 9:00 to 11:00 a.m. | WORKSHOPS: Developing a Persuasive Story on Appeal <i>(work on own cases) (120 mins)</i> |
| 11:00 to 11:15 a.m. | <i>Break</i> |
| 11:15 a.m. to 12:30 p.m. | WORKSHOPS: Developing a Persuasive Story on Appeal <i>(continued) (75 mins)</i> |
| 12:30 to 1:15 p.m. | <i>Lunch (SOG Dining Room)*</i> |
| 1:15 to 2:00 p.m. | PLENARY SESSION: Writing a Persuasive Brief: Statement of Facts <i>(work on fact problem) (45 mins)</i> |

Amanda Zimmer, Assistant Appellate Defender, Director of Training, Outreach and Special Litigation, Office of the Appellate Defender, Durham, NC

After the plenary and breakout, participants will:

- a. Know and understand elements of persuasive writing, including but not limited to, the use of storytelling elements, primacy and recency, appropriate use of repetition, the use of fact-based, evocative and image-creating language and/or graphics, clarity, effective transitions, and the effective use of juxtaposition.
- b. Be able to effectively write a persuasive defense story in their statement of the facts.

| | |
|-------------------|---|
| 2:00-2:15 p.m. | Break |
| 2:15 to 3:45 p.m. | WORKSHOPS: Outlining Your Statement of Facts and Reviews of Outlines <i>(work on own cases) (90 mins)</i> |

*IDS employees may not claim reimbursement for lunch



| | |
|-------------------|---|
| 3:45 to 4:00 p.m. | Break |
| 4:00 to 5:00 p.m. | WORKSHOPS: Writing a Persuasive Brief: Statement of Facts (<i>participants write first several paragraphs of their statement of facts; statements saved for printing and review</i>) (60 mins) |
| 5:00 p.m. | <i>Adjourn</i> |

Day 3: Friday, October 27

| | |
|--------------------------|---|
| 8:30 a.m. to 10:30 a.m. | WORKSHOPS: Writing a Persuasive Brief: Statement of Facts (<i>review and revise statement of facts</i>) (120 mins) |
| 10:30 a.m. to 10:45 a.m. | <i>Break</i> |
| 10:45 a.m. to 11:30 a.m. | PLENARY SESSION: Persuasive Brief Writing: Legal Argument (<i>work on fact problem</i>) (45 mins) |

Ira Mickenberg, Attorney & Consultant, Saratoga Springs, NY

After the plenary and breakout, participants will:

- a. Know and understand elements of persuasive writing, including but not limited to, the use of storytelling elements, primacy and recency, appropriate use of repetition, the use of fact-based, evocative and image-creating language and/or graphics, clarity, effective transitions, and the effective use of juxtaposition.
- b. Be able to effectively write a legal argument that persuasively meshes the fact-based defense story with the governing legal principles.

| | |
|--------------------------|--|
| 11:35 p.m. to 12:30 p.m. | WORKSHOPS: Persuasive Brief Writing: Legal Argument |
|--------------------------|--|

*IDS employees may not claim reimbursement for lunch



(participants write first few paragraphs of their legal argument; statements saved for printing and review) (55 mins)

12:30 p.m. to 1:30 p.m. *Lunch (SOG Dining Room)**

1:30 p.m. to 3:00 p.m. **WORKSHOPS: Persuasive Brief Writing: Legal Argument**
(review and revise legal argument) (90 mins)

3:00 p.m. to 3:10 p.m. *Closing and Adjourn*

CLE HOURS
General Hours: 17.5

Small Group Facilitators

Bob Burke, Indigent Defense Trainer and Consultant, Beech Mountain, NC

John Carella, Assistant Appellate Defender, Office of the Appellate Defender, Durham, NC

Emily Davis, Assistant Appellate Defender, Office of the Appellate Defender, Durham, NC

Glenn Gerding, Appellate Defender, Office of the Appellate Defender, Durham, NC

Jim Grant, Assistant Appellate Defender, Office of the Appellate Defender, Durham, NC

Julie Ramseur Lewis, Assistant Public Defender, Office of the Public Defender, Dist. 26,
Charlotte, NC

Ira Mickenberg, Attorney & Consultant, Saratoga Springs, NY

Lauren Miller, Staff Attorney, North Carolina Prisoner Legal Services, Raleigh, NC

John Rubin, Prof. of Public Law and Government, UNC School of Government, Chapel Hill, NC

Kathy VandenBerg, Assistant Appellate Defender, Office of the Appellate Defender, Durham,
NC

Amanda Zimmer, Assistant Appellate Defender, Office of the Appellate Defender, Durham, NC

*IDS employees may not claim reimbursement for lunch