

# North Carolina Appellate Advocacy Training

October 26–October 28, 2022

UNC-Chapel Hill School of Government

## Instructions to Participants

### How to Prepare for this Training

There are five things that you need to do to prepare for the training:

1. Be prepared to discuss and work on one of your own appellate cases. At the beginning of the program, each participant will be expected to present his or her case in the small group workshop. Accordingly, you must be familiar with the facts of your case. **Please read the transcript and other parts of the record closely and take detailed notes.** It doesn't matter whether the case is a felony or misdemeanor, or one in which you represent a parent in an abuse, neglect, and dependency matter, as long as it meets the following criteria:

- a. **It must be at the direct appeal stage.**
- b. **It must be a case in which you haven't written a brief yet.**
- c. **It must be a case in which you have read the transcript and are familiar with the facts of the case.**
- d. **It should be a case on appeal from a verdict rendered after a trial or evidentiary hearing in a 7B case.**
- e. **You need not have done any legal research on the case yet. However, you must know the facts.**

It is very important that the case you select meets these criteria because you will be spending most of the program working on your case in small group workshops. These workshops are aimed at teaching techniques that focus on direct appeals, not post-conviction or trial level cases. Also, the case should be one in which you have not yet written the brief. This is because the workshops will focus on the process appellate lawyers must go through to analyze a case and develop an appellate theory of defense **before** the writing begins. We then do writing exercises based on what we have learned from that process. So please bring a case that meets the above guidelines.

2. Please **fill out** the attached **Case Description Form** (criminal or 7B depending on the type of case you're bringing) and bring **8 copies** of it with you to the program. We will distribute the form to the other participants and the trainers in your workshop group so everyone can start with some information about the cases they will be discussing. **On the case description form, please include sufficient facts to enable others in the group to understand your case.**

3. If you have served a proposed record on appeal or if you have filed the settled record on appeal, **please bring** the proposed or settled record to the training. If you have not filed a PROA or a settled record, please bring the trial court file with you to the training. Also, **please bring** the transcript with you.

4. **Bring your laptop or other device you use for writing (quill and ink discouraged).** You will be writing portions of your brief during part of the program, which you will provide to the trainers and other participants to review. **If you do not have a laptop and need to be provided a desktop computer on which to work,** please advise the program manager, Jeniffer Gonzalez-Reyes, [jengr@sog.unc.edu](mailto:jengr@sog.unc.edu).

5. **Read the Plenary Session Fact Problem** (which we will email to you after you register) and be prepared to discuss it at the plenary sessions of the program. **You do not need to do any research on the plenary problem; just be familiar with the facts.** We will begin discussing the Plenary Session Fact Problem at the first session on Wednesday morning.

**Friendly warning:** This program may be unlike any other skills program or CLE course you have attended in the past. All of the sessions are interactive and **require** your attendance and participation. This is not the type of program where participants can attend some sessions and skip others. In the plenary sessions, we will be working together on the plenary fact problem, with the aim of teaching skills that you will be able to apply to your own cases in the small group workshops. The plenary sessions will involve your participation and will include demonstrations by faculty members. In the small group workshops, you will be working on your own case, practicing the skills taught in the plenaries, and assisting the other members of your group to develop their cases. (Please note that if you are a private attorney, IDS does not consider the time spent at this program to be billable time.)

# CASE DESCRIPTION FORM: Criminal Appellate Attorneys

PLEASE BRING 8 COPIES OF THIS FORM TO THE TRAINING

Case Name: \_\_\_\_\_

When the trial began, your client was charged with:

Your client was convicted of:

Your client was sentenced to:

On a separate sheet (up to one page for each question), please give a brief summary of the following. You may include any information that is in the record or reasonably inferable from the record, whether the information was brought out at trial, a pretrial hearing, a charge conference, or other proceeding in the case. You also may include any significant fact that, although not part of the record, is not subject to dispute and could reasonably be made part of a motion for appropriate relief on appeal.

A. What were the "crime" or "event" facts? (that is, the facts relating to the offense)

B. What were the significant "trial" or "procedural" facts? (that is, describe anything interesting or problematic that occurred during the investigation, pretrial proceedings, motions hearings, trial, or other proceedings against your client that led to a conviction)

C. What significant facts are in the record about your client? (that is, employment, schooling, family ties, mental health issues, prior criminal justice involvement, or other matters)

D. What potential legal issues are there?

# **CASE DESCRIPTION FORM: 7B Appellate Attorneys**

**PLEASE BRING 8 COPIES OF THIS FORM TO THE TRAINING**

Case Name: \_\_\_\_\_

Appeal from: \_\_\_\_\_ (adjudication of abuse, neglect or dependency, other)

When was the petition alleging abuse, neglect, or dependency filed (underlying petition)?

What did the underlying petition allege (abuse, neglect, or dependency)?

At the adjudication on the underlying petition, the juvenile was adjudicated:

Was the adjudication the result of a negotiated consent or of a contested hearing?

If the juvenile was adjudicated neglected or abused, was your client found to be the offending party? If not, who was?

What did the case plan require your client to do?

*(Case Description Form: 7B Appellate Attorneys – Cont'd)*

Please give a brief summary of the facts of your case on a separate sheet (up to one page for each question).

A. What were the event facts that led to the adjudication of the juvenile or the termination of your client's parental rights? (that is, the facts relating to what your client did or failed to do)

B. What were the significant procedural facts? (that is, describe anything interesting or problematic that happened in the investigation, hearings, or other proceedings that led to an adverse judgment)

C. What significant facts are in the record about your client? (that is, employment, schooling, family ties, mental health issues, criminal justice involvement, or other matters)

D. What potential legal issues are there?