LEARN THE BASICS

What is an appellate brief?
An appellate brief is a formal court document that outlines all of the arguments a petitioner (the party filing the appeal) or respondent (the party responding to the appeal) intends to make in a case in the appeal phase.

What is included in an appellate brief?
The rules of what is included in an appellate brief vary according to which jurisdiction the appeal is being filed in. Generally, the appellate brief will contain the following information:

- **Question Presented** – the question the petitioner wants the court to answer
- **Summary of the Facts** – a review of the facts of the case
- **Reason for the Appeal to be Granted or Denied** – the law that supports the argument

What is the oral argument?
Once the appellate briefs are filed, a hearing is scheduled and the parties have a chance to present oral arguments to explain their relative positions on the case.
SAMPLE ASSIGNMENT:
The Client, a student, sued her university under Title IX because she was sexually harassed by another student. The university lost the trial case and has filed an appeal. You have been asked to represent the student in the appeal. Prepare an appellate brief.

STEP 1: UNDERSTAND THE LEGAL TOPICS

Use secondary sources such as BNA Law Reports, Law Reviews, and Books & Treatises to educate yourself on the main legal topics and issues as they relate to one or two of the facts in the assignment.

BNA Law Reports offer focused and easily understandable analysis on specific legal topics. The articles found in over 100 BNA Law Reports will often share details on holdings, elements of liability, and standards of review—all the details you need to understand a particular legal issue. These materials will often lead you directly to relevant primary content.

EXAMPLE: You are asked to draft an appellate brief about Title IX and sexual harassment. Start your research by searching over BNA Law Reports using the keywords “Title IX” and “sexual harassment” to locate relevant articles. Click on the News & Law Reports tab and select BNA Law Reports. Then type in your search terms in the Keywords box and hit SEARCH.

RESEARCH TIP>>>
Too many results? Refine your search by adding more specific keywords (using the facts from your problem) and enhance your search by using Boolean proximity connectors. A more refined search would be (“Title IX” and “sexual harassment”) n/25 “student on student”.
STEP 2: IDENTIFY RELEVANT PRIMARY LAW

Secondary sources will yield a set of results that point to relevant primary content such as Court Opinions and Statutes.

**EXAMPLE:** In this assignment, the secondary sources repeatedly referenced the U.S. Supreme Court Opinion, *Davis v. Monroe County Bd. of Educ.*, 526 U.S. 629 (1999), and two statutes – 42 U.S.C. § 1983 and 20 U.S.C. § 1681(a). Review these sources to reveal additional relevant cases and statutes to support your position.

For example, enter 20 U.S.C. 1681(a) into the <GO> Bar to pull up the statute. Click on the the Case Analysis tab to search for case law about this particular statute. Refine the results by entering keywords such as “Title IX” and “sexual harassment” and “student on student” and then filter the results by Court.

**RESEARCH TIP>>>**

Identify only those cases that reference the search terms relevant to your problem that are located in your jurisdiction. *Bloomberg Law* gives you the ability to manage your results by selecting which results you want to view first according to the strength of discussion.

STEP 3: VALIDATE YOUR RESEARCH

Check to make sure the cases you have identified are still good law using the *Bloomberg Law* citator, BCite™.

**EXAMPLE:** Open up the *Davis* case by typing in the citation 526 U.S. 629 into the <GO> Bar. Click on the Case Analysis tab to make sure that the legal proposition or point of law has not been overruled, modified, or otherwise criticized by a case from the same or a higher court. Sort the Case Analysis tab by Distinguished to quickly identify those cases that distinguish your case either on a point of law or issue of fact.

Click on the Table of Authorities tab for a list of all the cases cited to by your opinion. The Table of Authorities provides an in-depth view as to whether or not the cases your opinion relied upon are still good law.

Use the Citing Documents tab to expand your research and run a search over all the legal content on *Bloomberg Law* that cites your opinion. View the Filters for Content Type on the left side of the results page. Review additional primary and secondary sources, like cases and dockets, or review additional resources to prepare for your oral argument.

**RESEARCH TIP>>>**

Sometimes a later opinion affects a whole case and other times it just affects a part of a case. If the whole case is affected, then you cannot rely on this case. If only part of a case is affected, you must read the case to determine whether the part that was negatively affected does not impact the premise or part that you want to cite.
STEP 4: STAY INFORMED

Set alerts on Bloomberg Law to stay up to date on the cases and statutes you rely on in your appellate brief.

Open a relevant case and set an Alert from the Citing Documents results page and select the Create Citation Alert option found on the bottom left side of the Filter Results list. You will be notified any time your case of interest is cited in the legal content on Bloomberg Law.

EXAMPLE: Set a Citation Alert for Davis to receive an email when something new shows up on Bloomberg Law that may have an impact on your legal research.

RESEARCH TIP>>>>

Setting Alerts on relevant content prevents you from having to run searches over and over again to check for updates on cases that are important to you.

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