

“MAY IT PLEASE THE COURT ...”: A SELECT BIBLIOGRAPHY OF APPELLATE ORAL ADVOCACY MATERIALS

This bibliography can be used to find appellate oral advocacy materials available in the Law Center Library. Locations and call numbers appear with each classified entry; for some entries, chapters or parts applicable to oral advocacy have been noted. To locate more books, articles, and audio-visual materials on this subject, search the Touro Libraries Catalog and periodical indexes.

BOOKS

- Aldisert, Ruggero J. *Winning on Appeal: Better Briefs and Oral Argument*. Rev. 1st ed. Deerfield, IL, Clark Boardman Callaghan, 1996. RES/MAIN KF 9050 .A935 1996 (*pt. 1, ch. 3; pt. 4, ch. 15 – 16; pt. 5, ch. 17*)
- Appellate Practice Manual, Priscilla Anne Schwab, ed. Chicago, ABA Section of Litigation, 1992. MAIN KF 9050 .A945 1992 (*pt. IV*)
- Bentele, Ursula and Eve Cary. *Appellate Advocacy: Principles and Practice; Cases and Materials*. 3^d ed. Cincinnati, Anderson, 1998. RES KF 9050 .A7 B46 1998 (*ch. 8*)
- Berry, Carole C. *Effective Appellate Advocacy: Brief Writing and Oral Argument*. 2^d ed. St. Paul, West, 1999. RES KF 251 .B43 1999 (*ch. 7 – 9, app. F*)
- Clary, Bradley G. *Primer on the Analysis and Presentation of Legal Argument*. St. Paul, West, 1992. MAIN KF 8915 .Z9 C43 1992 (*ch. 5*)
- Coffin, Frank Morey. *A Lexicon of Oral Advocacy*. St. Paul, MN, National Institute for Trial Advocacy, 1984. MAIN K 184 .C64 1984
- Coffin, Frank Morey. *On Appeal: Courts, Lawyering, and Judging*. New York, Norton, 1994. RES KF 8750 .C625 1994 (*ch. 7*)
- Dworsky, Alan L. *The Little Book on Oral Argument*. Littleton, CO, Rothman, 1991. MAIN KF 8870 .D89 1991
- Fontham, Michael R., Michael Vitiello, and David W. Miller. *Persuasive Written and Oral Advocacy in Trial and Appellate Courts*. New York, Aspen Law & Business, 2002. EXTENDED RES KF 251 .F658 2002 (*ch. 6-7*)
- Fontham, Michael R. *Written and Oral Advocacy*. New York, Wiley, 1985. MAIN KF 251 .F66 1985 (*ch. 7 – 8*)
- Gaubatz, John T. and Taylor Mattis. *The Moot Court Book: A Student Guide to Appellate Advocacy*. 3^d ed. Charlottesville, VA, Michie, 1994. RES KF 281 .A2 G38 1994 (*ch. 4 – 5*)
- Handbook of Appellate Advocacy, prepared by UCLA Moot Court Honors Program; edited by Lawrence Brennan... 3^d ed. St. Paul, West, 1993. RES KF 251 .H36 1993 (*ch. 3; app. B*)
- Hornstein, Alan D. *Appellate Advocacy in a Nutshell*. 2^d ed. St. Paul, West Group, 1998. RES/EXTENDED RES KF 9050 .Z9 H668 1998 (*ch. 8 – 10*)
- Introduction to Advocacy: Research, Writing, and Argument, prepared by Board of Student Advisors, Harvard Law School... 6th ed. St. Paul, Foundation Press, 1996. RES KF 281 .A2 I57 1996 *ch. 5*
- Introduction to Legal Writing and Oral Advocacy, by Karen Porter and others. New York, M. Bender, 1989. MAIN KF 250 .I57 1989
- Knibb, David G. *Federal Court of Appeals Manual: A Manual on Practice in the United States Courts of Appeals*. St. Paul, West Group, 2000. MAIN KF 9052 .K63 2000 (*ch. 32*)
- The Lawyer's Craft: An Introduction to Legal Analysis, Writing, Research, and Advocacy, by Cathy Glaser and others. Cincinnati, Anderson, 2002. RES KF 240 .L374 2002 (*ch. 24*)
- Martineau, Robert J. *Modern Appellate Practice: Federal and State Civil Appeals*. Rochester, NY, Lawyers Cooperative, 1983 - . RES KF 9050 .M3 1983 (*ch. 12*)
- Neuman, Richard K. *Legal Reasoning and Legal Writing: Structure, Strategy, and Style*. 3^d ed. Boston, Little, Brown, 1998. RES KF 250 .N48 1998 (*pt. VIII, ch. 30*)
- New York State Bar Association. *Practitioner's Handbook for Appeals to the Appellate Divisions of the*

- State of New York...Albany, The Association, 1985, c1979. MAIN KFN 6078 .N48 1985 (*ch. IV, pt. 2*)
- Newman, Thomas R. *New York Appellate Practice*. New York, Bender, 1985. MAIN KFN 6075 .A6 N4 (*ch. 8*)
- Oates, Laurel Currie, Anne Enquist, and Kelly Kunsch. *The Legal Writing Handbook: Research, Analysis, and Writing*. 2^d ed. Boston, Little, Brown, 1998. RES KF .O18 1998 (*pt. II, ch. 9*)
- Peck, Girvan. *Writing Persuasive Briefs*. Boston, Little, Brown, 1984. RES KF 251 . RP36 (*ch. 8*)
- Pittoni, Mario. *Brief Writing and Argumentation*. 3^d ed. Brooklyn, Foundation Press, 1967. RES KF 251 .P5 1967 (*pt. III, ch. 14 – 15*)
- Potuto, Josephine R. *Winning Appeals: Persuasive Argument and the Appellate Process*. Notre Dame, National Institute for Trial Advocacy, 1992. MAIN KF 9052 .P67 1992
- Practitioner's Handbook for Appeals to the Court of Appeals of the State of New York*. 2^d ed. Albany, New York State Bar Association, 1991. MAIN KFN 6081 .N48 1991 (*ch. V, pt. 2*)
- Pratt, Diana Volkmann. *Legal Writing: A Systematic Approach*. 2^d ed. St. Paul, West, 1993. RES KF 250 .P73 1993 (*sec. VII, ch. 22*)
- Re, Edward Domenic and Joseph R. Re. *Brief Writing and Oral Argument*. 8th ed. Dobbs Ferry, NY, Oceana, 1999. RES KF 251 .R4 1999 (*pt. 4, ch. IX – X*)
- Shapo, Helene S., Marilyn R. Walter, and Elizabeth Fajans. *Writing and Analysis in the Law*. 3^d ed. Westbury, NY, Foundation Press, 1995. RES KF 250 .S5 1995 (*ch. 16*)
- Smith, Robert B. *The Literate Lawyer: Legal Writing and Oral Advocacy*. 3^d ed. Salem, NH, Butterworth Legal, 1995. MAIN KF 250 .S54 1995 (*ch. 7*)
- Stern, Robert L. *Appellate Practice in the United States*. 2^d ed. Washington, DC, Bureau of National Affairs, 1989. RES/MAIN KF 9050 .S75 1989 (*pt. VI, ch. 13 –15*)
- Supreme Court Practice: For Practice in the Supreme Court of the United States*, by Robert L. Stern and others... 7th ed. Washington, DC, 1993. RES KF 9057 .S8 1993 (*ch. 14; app. B, pt. VIII*)
- Teply, Larry L. *Legal Writing, Analysis, and Oral Argument*. St. Paul, West, 1990. RES KF 250 .T47 1990 (*ch. 10*)
- United States. Court of Appeals (2nd Circuit). *Appeals to the Second Circuit*, 8th ed. Prepared by the Committee on Federal Courts of the Association of the Bar of the City of New York. New York, Record Press, 1997. RES KF 8752 .A82 1997 (*pp. 63 – 66*)

ARTICLES

- Appellate Argument from the Student's Viewpoint: Panel V (Fourth Circuit Student Advocacy Conference, Richmond, VA), 87 F.R.D. 210 (1980)
- Bright, Myron H., How to Succeed on Appeal: A View From the Bench, 27 Trial 67 (Nov. 1991)
- Bright, Myron H., How to Win on Appeal: The New Ten Commandments of Oral Argument, 32 Trial 68 (July 1996)
- Cripe, Nicholas M., Fundamentals of Persuasive Oral Argument, 20 Forum 342 (Winter 1985)
- Engel, Albert, Oral Advocacy at the Appellate Level, 12 U. Toledo L. Rev. 463 (1981)
- Gabriel, Henry D., Preparation and Delivery of Oral Argument in Appellate Courts, 22 Am. J. Trial Advoc. 571 (1999)
- Galloway, Russell W., Oral Arguments in Court, 25 Trial 78 (Dec. 1989)
- Herman, Nicholas G., Practice Pointers for Appellate Oral Arguments, 28 Trial 64 (Oct. 1992)
- Kendall, Karen L., Oral Argument From a Practitioner's Point of Law, 26 Brief 54 (Spring 1997)
- Koh, Harold Hongju, Ten Lessons About Appellate Oral Argument, 71 Conn. B.J. 218 (1997)
- Newman, Thomas R., Oral Argument (Appellate Practice), 10/21/1982 N.Y. L.J. 1, col. 1
- Newman, Thomas R., Preparation for Oral Argument, 10/18/1984 N.Y. L.J. 1, col. 1
- Ogle, Nancy, Hot or Cold, What Do the Appellate Courts Look for in Oral Argument?, 63 J. Kan. B.A. 15 (April 1994)
- Pregerson, Harry, The Seven Sins of Appellate Brief Writing and Other Transgressions, 34 UCLA L. Rev. 431 (1986)
- Rychlak, Ronald J., Effective Appellate Advocacy: Tips from the Teams, 66 Miss. L.J. 527 (1996)
- Saldana, Alfonso M., Beyond the Appellate Brief: A Guide to Preparing and Delivering the Oral Argument, 69 Fla. B.J. 28 (May 1995)
- Salman, Robert R., Improving Appellate Advocacy; Oral Argument, 3/12/1990 Nat'l L. J. 15, col. 4
- Sasso, Gary L., Appellate Oral Argument, 20 Litigation 27 (Summer 1994)

Thompson, Edward, How to Handle... Oral Appellate Argument, 13 Brief 17 (Feb. 1984)

AUDIO/VIDEO

Appellate Arguments Series. St. Paul, MN, National Institute for Oral Advocacy, Legal Education Center, 1981. RES KF 9050 .Z9 A65 1981 (sound recordings)
Effective Argument to the Court, presented by the ABA Consortium for Professional Education... Chicago, ABA, 1989. RES KF 8870 .Z9 E44 1989 (videotapes)
Tape EAC1001: Arguments to the U.S. District Court
Tape EAC1002: Arguments to the U.S. Court of Appeals
Tape EAC1003: Arguments to the U.S. Supreme Court
Making the Oral Argument: the View from the Inside Out. Chicago, ABA, 1996. RES KF 8870 .Z9 M35 1996 (videotape)
May It Please the Court: The Most Significant Oral Arguments Made Before the Supreme Court Since 1955, edited by Peter Irons and Stephanie Guitton. New York, New Press, 1993. RES KF 4748 .M39 1993 (sound recordings)
Re, Edward Domenic. Brief Writing and Oral Argument. Dobbs Ferry, NY, Condyne/ The Oceana Group, 1988. RES KF 251 .R41 1988 (videotape)
Pt. 3: Oral Argument

(In addition, the Law Center Library has on file:

Bainbridge Moot Court Competition videotapes. Huntington, NY, Touro Law Center, 1992 and 1993.
Legal Methods oral arguments videotapes from previous years. (On occasion, a professor will recommend viewing one or more of these arguments.)

INTERNET

United States Supreme Court::

The Oyez Project (<http://oyez.nwu.edu>) is a multimedia database maintained by North-western University that includes RealAudio of U.S. Supreme Court oral arguments in numerous cases. Click on cases to access the case selection menus; at an appropriate point in the process, RealAudio oral argument will show as an option. When searching by subject or title, you can limit the search by RealAudio.

United States Courts of Appeals:

Selected oral arguments are available in audio format for the following courts:

Seventh Circuit: <http://www.ca7.uscourts.gov/farg/arg.fwx> (Quick Time)

Eighth Circuit: <http://www.ca8.uscourts.gov/oralargs/oaFrame.html> (Real Player)

OTHER SOURCES

The Library has microform transcripts of the oral arguments of the U.S. Supreme Court: 1952-68 (selected cases); 1969-

Westlaw and LexisNexis have transcripts of the oral arguments of the Supreme Court as well:

Westlaw database: SCT-ORALARG (coverage begins in 1990)

LexisNexis library and file (command searching): GENFED;USTRAN (coverage begins in 1989)

REMINDER: CHECK THE APPROPRIATE RULES FOR YOUR JURISDICTION!