

Resources for Better Appellate Practice — A Bibliography

These are some of the resources that Academy members have found useful in honing their skills as appellate advocates. Many other good ones exist. This list is not a commercial endorsement of any resource.

ADVICE ON APPELLATE PRACTICE

- Charles A. Bird, *Advanced Topics in Appellate Practice* (Full Court Press, 2021)
- Tessa L. Dysart, Leslie H. Southwick, Ruggero J. Aldisert, *Winning on Appeal: Better Briefs and Oral Argument* (Clark Boardman Callaghan, 2017)
- Alex Kozinski, *The Wrong Stuff*, 1992 BYU L. Rev. 325 (1992) available at (< <https://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=1748&context=lawreview> >) (as of Mar. 1, 2024)
- Karl Llewellyn, *The Common Law Tradition: Deciding Appeals* (Little, Brown, 1960)
- Antonin Scalia & Bryan A. Garner, *Making Your Case: The Art of Persuading Judges* (Thomson/West, 2008)
- Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* (Thomson/West, 2012)
- Catherine Wright Smith, *The Accidental Advocate: Tips for the Reluctant Rhetorician* available at (< <https://www.washingtonappeals.com/article-the-accidental-advocate.php> >) (as of Mar. 1, 2024)

ORAL ARGUMENT

- Bryan A. Garner, *The Winning Oral Argument* (West Publishing Co., 2009)
- Margaret M. Grignon, *Oral Argument: Facing the Challenge and Embracing the Opportunity*, American Bar Association Litigation Section, 26 March 2014

PRACTICE GUIDES

- Sharon Baumgold & James R. Lambden, *Action Guide: Handling Civil Writs in the Court of Appeal* (Continuing Education of the Bar, 2022)
- Continuing Education of the Bar, *Action Guide: Handling Civil Appeals* (2022)
- Continuing Education of the Bar, *California Civil Appellate Practice* (3d ed. with May 2023 update), especially Chapter 2A, Michael M. Berger, “Analyzing the Prospects for Success on Appeal”)
- Jon B. Eisenberg & Laurie J. Hepler, *California Practice Guide, Civil Appeals and Writs* (The Rutter Group, 2023), especially Chapter 1, Preliminary Considerations
- Stephen M. Shapiro, Kenneth S. Geller, Timothy S. Bishop, Edward A. Hartnett, and Dan Himmelfarb, *Supreme Court Practice* (Bloomberg Law, 11th ed. 2019)

ADVICE ON WRITING

- Stephen V. Armstrong, Timothy Terrell & Jarrod F. Reich, *Thinking Like a Writer: A Lawyers’ Guide to Effective Writing and Editing* (Practicing Law Institute, 2021)
- Bryan A. Garner, *The Winning Brief* (3d ed. Oxford University Press, 2014)
- Richard Marius, *A Writer’s Companion* (McGraw-Hill Education, 1998)
- Robert A. Olsen, *A Few of My Favorite Things: Tips for Persuasive Writing* (4th Quarter 2004), *Verdict Magazine*, pp. 38–43 available at (< <https://www.gmsr.com/wp-content/uploads/2016/08/A-Few-of-My-Favorite-Things-Tips-for-Persuasive-Writing.pdf> >) (as of Mar. 1, 2024)
- William Strunk, Jr. & E.B. White, *The Elements of Style* (4th ed. MacMillan, 1999)

TYPOGRAPHY

- Matthew Butterick, *Typograph for Lawyers* (2d ed. O’Connor’s, 2018)
- Seventh Circuit Court of Appeals, *Practitioner’s Handbook for Appeals* (2020) (< <https://www.ca7.uscourts.gov/rules-procedures/Handbook.pdf> >) (as of Mar.

1, 2024) especially Chapter XXIII *Requirements and Suggestions for Typography in Briefs and Other Papers*

REFERENCES

- *The Chicago Manual of Style* (17th ed. The University of Chicago, 2017)
- Harvard Law Review Association, *The Bluebook: A Uniform System of Citation* (19th ed. 2020)
- Edward W. Jessen, *California Style Manual: A Handbook of Legal Style for California Courts and Lawyers*, (4th ed. West Group, 2000)