

## **TWO-ISSUE APPELLATE BRIEF ASSIGNMENT**

Now that you have prepared a one-issue appellate brief, you are ready to prepare the full appellate brief on the issues of:

- 1) whether the United States District Court for the District of Columbia correctly decided that the plaintiff Kimberly Lloyd Watkins was a limited purpose public figure and
- 2) whether, assuming that Kimberly Lloyd Watkins was a limited purpose public figure, the United States District Court for the District of Columbia correctly decided that the plaintiff failed to produce sufficient evidence from which a reasonable jury could conclude that the defendants wrote and published with actual malice the article of October 28, 2008.

**You must write your Two-Issue Appellate Brief for the party you have been assigned to represent.**

Students writing for the **plaintiff** will be arguing that the United States Court of Appeals for the District of Columbia Circuit should **reverse** the United States District Court for the District of Columbia's decision to grant summary judgment to the defendants because:

- 1) The district court incorrectly determined that the plaintiff was a limited purpose public figure, not a private person. As a result, the United States Court of Appeals for the District of Columbia Circuit should **reverse** and **remand** the case for trial, with instructions that the plaintiff need prove only negligence in the article's writing and publication.
- 2) In the alternative, even if the plaintiff were a limited purpose public figure, the district court erred because the plaintiff produced sufficient evidence from which a reasonable jury could conclude that the defendants wrote and published with actual malice the October 28 article. Therefore, the court should **reverse** and **remand** the case for trial, submitting the issue of actual malice to the jury.

Students writing for the **defendants** will be arguing that the United States Court of Appeals for the District of Columbia Circuit should **affirm** the United States District Court for the District of Columbia's decision to grant summary judgment to the defendants because the district court correctly determined:

- 1) that the plaintiff was a limited purpose public figure and
- 2) that the plaintiff had failed to produce sufficient evidence from which a reasonable jury could conclude that the defendants wrote and published with actual malice the October 28 article.

Your Two-Issue Appellate Brief must conform to Federal Rule of Appellate Procedure 28 as attached and modified by RWA, including having a page limit of **20 pages, excluding those sections numbered in lower case Roman numerals.**

All briefs must conform to the format given and will be checked for compliance. For this reason, all briefs must be submitted electronically. No brief that departs from the format in any way will be considered for the best brief contest.

The Two-Issue Appellate Brief Assignment is worth a total of **600 points broken down as follows:**

Research	50 Points
Writing	70 Points
Citation and Quotation	40 Points
Argument and All Other Sections	440 Points

You must submit your Two-Issue Appellate Brief:

**BY MARCH 30, 2009, AT 3 P.M. if you are in a day section.**

**BY MARCH 30, 2009, AT 6 P.M. if you are in an evening section.**