

APPELLATE BRIEF ASSIGNMENT: EXPLANATION OF THE RECORD ON APPEAL AND THOUGHT QUESTIONS

An **appeal** is a process by which a party, the appellant, asks an appellate court to examine a decision made at the trial-court level. Normally, the appellant contends that the trial court's decision was erroneous and that the appellate court should reverse or modify it. The **record** is the collection of documents that relate to the trial court's decision. When these documents are assembled, they are given new running page numbers as parts of the record on appeal (R.O.A. 1, R.O.A. 2, R.O.A. 3, etc.). In federal courts, the record is called the **Joint Appendix** because both parties jointly assemble the documents to be included, and the pages are numbered J.A. 1, J.A. 2, etc. In both state and federal systems, the appellate court receives a copy of the record so that it may examine the trial court's decision in context.

The Joint Appendix you will work with in your Appellate Brief Assignment contains the relevant documents from the proceedings that have taken place at the trial level in chronological order: the complaint, the defendant's motion to dismiss, and the trial court's order granting that motion. As you can see from the caption at the top of each of these documents, the litigation took place in the United States District Court for the Southern District of Georgia, a trial-level federal court.

When the trial court granted the motion to dismiss, the plaintiffs' case was effectively terminated at the trial-court level. Because the plaintiffs believed the trial judge had made a legal error in granting the motion, they appealed that decision. Georgia's federal districts are within the Eleventh Circuit, so appeals from this court go to the United States Court of Appeals for the Eleventh Circuit. The last page of the Joint Appendix, J.A. 10, contains the appellate court's order granting the appeal, indicating that it will hear both parties' arguments as to whether the plaintiffs' case should have been dismissed by the trial court.

Use the documents in the Joint Appendix to draft answers to the questions below.

- **Thought Question # 1:** Based on the information in the complaint, describe the incident that led to the Pattersons' lawsuit.
- **Thought Question # 2:** Who are the parties to this lawsuit?
- **Thought Question # 3:** The Pattersons contend that the school board violated a federal anti-discrimination statute by discriminating against Kathryn because of her sex. The school board has not disputed that it removed Kathryn from the football team because she was female. On what ground does the school board argue that it did not violate the statute?
- **Thought Question # 4:** According to the explanation in the trial court's opinion, what is the "contact sport exception" to the federal anti-discrimination statute?
- **Thought Question # 5:** On what ground did the trial court hold for the school board and dismiss the Pattersons' lawsuit?