

Appellate Law

Representing New and Existing Clients in State and Federal Appeals at the Intermediate and Highest Levels

At Kaufman Dolowich, our appellate attorneys have decades of experience handling complex appellate matters at the state and federal levels. Our firm's appellate cases have changed the law and established heavily-cited precedent, and our appellate attorneys' experience extends all the way to the U.S. Supreme Court. We are admitted to practice before the First, Second, Third, Sixth, Seventh, and Ninth Circuit Courts of Appeals, and can be admitted pro hac vice in others.

We represent appellants and respondents on appeal. In addition to representing our existing clients at the appellate level, we regularly serve as appellate counsel for litigants seeking to challenge and affirm trial verdicts rendered in cases handled by other law firms.

Making Strategic Decisions About Filing Appeals

A significant part of our firm's appellate practice involves pre-appeal analysis and consultation. If you receive an unfavorable trial verdict, this alone does not necessarily mean that filing an appeal is your best option. There are numerous factors to consider—including the legal merits and procedural stance of each case, but also whether appealing makes economic sense.

We do not pursue every appeal that comes our way. When we do, we make sure our clients make the decision to file an appeal understanding the possible risks, rewards, and costs. Even when an appeal has been against our client, we assess other options, such as settlement or business arrangements. Appealing a trial verdict can be expensive, and the outcome is never certain. An unsuccessful appellate decision could result in a new precedent that harms the company's legal position in future cases. On the other hand, failing to pursue an appeal when warranted could lead to an unfavorable trial decision carrying precedential weight as well. There is no single "right" answer, and each case requires a detailed analysis of the particular facts and circumstances involved.

When helping our clients make informed decisions about appeals, we focus our analysis on determining what approach offers the most value. Is the trial verdict untenable? Could an unfavorable appellate decision have results that are even more detrimental to the client's cause? Even if an appeal is economically justified, is moving forward the right approach given countervailing considerations? Is the case the right vehicle to establish a new precedent on a critical constitutional or statutory issue worth the economic costs involved? If an appeal to the intermediate court is unsuccessful, is the client prepared to go to the highest court in the jurisdiction—and is this likely to produce a favorable result? Is the record in the trial complete, or do any key facts rest on shaky evidentiary ground. These are just some of the questions we help our clients consider.

Appellate Attorneys for All Types of Cases Under State and Federal Law

Our attorneys handle appeals involving issues within our firm's core practice areas as well as those involving constitutional and other issues. We represent individuals and companies in all industries on appeal in matters including (but not limited to):

- Commercial Disputes
- Consumer and Commercial Financial Services
- Corporate Director and Officer Liability
- Corporate Shareholder Rights
- Cybersecurity Breach Liability
- Employment and Labor Law
- Environmental, Toxic, and Mass Torts

- *First Amendment and Other Constitutional Rights*
- *Hospitality, Entertainment, and Gaming Disputes*
- *Insurance Coverage and Regulation*
- *Intellectual Property Law*
- *Internet and E-Commerce Liability*
- *Maritime and Admiralty Law*
- *Professional Liability*
- *Real Estate Law*

Regardless of the substantive issue (or issues) involved, we take the same approach to bring or defend against every appeal. We work closely with our client to arrive at a reasoned decision, and we work to ensure that pursuing an appeal is the best option available in light of the circumstances at hand.

Strategic Counsel with Deep Experience in All Aspects of Appellate Practice

The appellate attorneys at Kaufman Dolowich have deep experience in all aspects of appellate practice. Whenever possible, our appellate attorneys begin their work during the trial process. By working with trial counsel, our appellate attorneys are able to assist with ensuring that issues are appropriately preserved for appeal, and they are able to begin proactively preparing for post-trial practice in the event that they need to file an appeal appears imminent. Our appellate attorneys' practice also includes:

- *Filing post-trial motions for new trial, remittitur, judgment as a matter of law, and other forms of relief*
- *Formulating appellate strategies in state and federal cases*
- *Drafting appellate petitions and briefs*
- *Drafting amicus curiae briefs*
- *Arguing appellate cases in state and federal courts at the intermediate and highest levels*

In appropriate circumstances, our appellate attorneys will also assist with or assume responsibility for appeals initiated by other law firms. Often, it will become evident that an appeal that has been initiated requires outside help. We have significant experience working with clients and other law firms in this scenario. When appropriate, we will seek to negotiate post-trial settlements as well, whether in conjunction with or as a precursor to formally initiating an appeal.

Our Appellate Practice Focuses on What is Best for Our Clients and Their Communities

Ultimately, when deciding whether to file or resist an appeal, the focus needs to be on what is best for the client and the client's community—whether that community is a particular industry, a particular class of people, or the public at large.

If you are considering an appeal, or if your firm needs help with a client's appeal, we encourage you to get in touch with our experienced team. Our appellate attorneys can work with you to conduct a thorough analysis and reach a reasoned decision. We can help you weigh all relevant factors and make a decision with your best interest in mind.

Speak with an Appellate Attorney at Kaufman Dolowich

Do you have questions about filing a state or federal appeal? If so, the appellate attorneys at Kaufman Dolowich can help you make the right choice about how (and if) to move forward. With multiple office locations across the country, we handle appeals nationwide. For more information, call 844-860-1010 or tell us how we can help online today.