

APPELLATE



Throughout our history, Lewis Roca has had a reputation for appellate work of the highest caliber. Ten United States Supreme Court decisions on the merits – including the landmark cases of *Miranda v. Arizona*, 384 U.S. 436 (1966) and *Bates & O’Steen v. State Bar of Arizona*, 433 U.S. 350 (1977) – had Lewis Roca lawyers as lead counsel.

Lawyers currently at the firm have represented clients in over 750 appeals involving areas from tort to tax, constitutional to commercial. Most of those cases have been in the Ninth Circuit Court of Appeals, the Arizona Supreme Court, the Arizona Court of Appeals, and the Nevada Supreme Court, but we also regularly handle appeals in the courts of our neighboring states and other federal circuits.

Our Work

The core of any appellate practice is representing clients during the briefing and argument of a case on appeal, and our lawyers do that in dozens of cases every year. But our appellate group’s work also includes service to our clients that begins long before the briefs are filed, as well as representation in more unusual appellate proceedings.

We regularly counsel clients and trial lawyers on the presentation of evidence and arguments to the trial court so that issues may be properly presented in future appeals. Our appellate lawyers assist with the briefing and argument of motions during and after trial, preparation and argument of jury instructions, and the preparation of proposed findings and conclusions to be entered by the court. We are even available to observe trial proceedings and provide on-site advice regarding preservation of the appellate record. After trial is complete, we provide a realistic, objective analysis of the likely success of a case on appeal and its strengths and weaknesses to counsel our clients as they decide whether to take an appeal, as well as to assist in the settlement process in appropriate cases.

Related Services

- Alternative Dispute Resolution

Even once we take on representation in appellate proceedings, our appellate lawyers do not necessarily take over the entire appeal. Instead, we work closely with trial counsel, including trial counsel from other firms, to divide responsibility for the work efficiently and to utilize trial counsel's familiarity with the proceedings to enhance the quality of representation on appeal.

Our lawyers frequently prepare amicus briefs on behalf of interested parties in appellate cases. We also represent clients in interlocutory appeals ("special actions" in Arizona courts) challenging trial court rulings before the completion of proceedings. We handle expedited appeals in federal and state courts, often obtaining stays to preserve the status quo so that adequate appellate relief can be sought.

Our Background

Our appellate lawyers bring a broad range of experiences to their practice. The appellate group is drawn from across the firm's substantive areas of practice, so that the lawyers contribute their knowledge of the underlying legal area in addition to their experience in shaping arguments to persuade appellate courts. Our lawyers have served as law clerks to United States and Arizona Supreme Court justices, and to federal and state appellate courts around the country, providing them with essential insight into the procedures and decision making practices of the courts before which they now appear.

Our lawyers also remain active in improving appellate practice in Arizona and throughout the country. Our lawyers include the co-author of the Civil Appeals section of the *Arizona Appellate Handbook* and its bi-annual supplements as well as several articles on appellate practice, a member currently serving on the Committee on Rules of the United States Court of Appeals for the Ninth Circuit, a lawyer who serves on the Executive Council of the Arizona State Bar's Appellate Practice Section and wrote the civil problem for the 2007 Arizona Appellate Practice Institute, for which another of our lawyers served as faculty, and faculty of the 2006 Appellate Practice South of the Gila educational program.

Several of our lawyers have been recognized by their peers for outstanding appellate work through membership in the American Academy of Appellate Lawyers, and are listed among *The Best Lawyers in America*® by Woodward/White, Aiken, SC for their appellate practice.

Lewis Roca's appellate lawyers also provide pro bono service to those unable to afford paid appellate counsel through the Ninth Circuit's pro bono program and the Volunteer Lawyers Programs of our home states. Our young appellate lawyers, in particular, are encouraged to participate in the Ninth Circuit program, which provides a valuable opportunity to hone their skills through briefing and argument while providing much needed representation to indigent clients.