

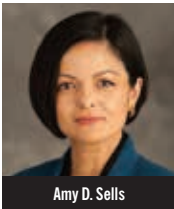
## LEGAL MATTERS

# Appealing Options

*Fortify your litigation team  
with appellate counsel*

BY AMY D. SELLS

**D**id you know that appellate lawyers are more than just brief writers and oral advocates who step into a case on appeal? Think of appellate lawyers as a tool in your litigation arsenal that can be used as much or as sparingly as needed from the inception of a dispute through trial and beyond. Services provided by an appellate lawyer can range from consulting on legal briefs and advising on discrete legal issues, to acting as co-counsel and second-chairing a trial. Together, a trial lawyer and appellate lawyer can provide enhanced representation, cost savings, and improved results, both in the trial court and on appeal.



Amy D. Sells

### What distinguishes appellate attorneys from others?

Appellate lawyers view cases in terms of substantive law and are distinctly skilled at researching, writing, and oral advocacy. They are dispassionate, logical thinkers who evaluate factual evidence objectively, and distill and explain legal principles to the court concisely and persuasively, both in writing and orally. Although other lawyers may share these attributes, adding an appellate lawyer to your team frees up the trial attorney to focus on developing the factual case and making the best fact presentation at trial.

### How can an appellate attorney contribute to your case?

There is no need to wait until your case has been decided to take advantage of an appellate attorney's expertise. Appellate lawyers can assist litigators at every stage of the dispute:

**Pre-suit:** identifying claims and defenses and preparing initial pleadings.

**Pre-trial:** preparing or defending motions to dismiss and motions for summary judgment.

**At trial:** preparing or defending motions in limine, motions for judgment as a matter of law, jury instructions, and verdict forms, preserving the record for appeal by raising appropriate objections, and addressing last-minute issues that could otherwise distract trial lawyers.

**Post-trial:** preparing the judgment, obtaining a supersedeas bond, and identifying issues for appeal.

### What types of cases warrant an appellate attorney's expertise?

Adding appellate counsel to your litigation team makes strategic sense in complex cases where multiple lawyers



ERIC FEHRENBACHER/DREAMSTIME

are already involved; cases of significant business value, carrying a risk of high financial exposure; cases involving complex facts or legal issues that require extensive analysis and streamlined presentation; and cases involving legal issues of precedential significance. Engaging appellate counsel can also broadcast to opponents that your client takes the case seriously and is prepared to appeal or respond to an appeal if necessary.

### Will it be costly to add an appellate attorney?

It may be counterintuitive, but appellate counsel's early involvement can change the landscape of your case and reduce your exposure and litigation costs by improving efficiencies, enhancing representation, and leading to better results. For instance, tasking appellate counsel with dispositive motions can limit the issues that must be litigated and tried, and may even resolve the case altogether.

Of course, not every case warrants a "trial team" or full-time appellate counsel of record. In fact, unlike Tiffany & Bosco, most firms do not have in-house appellate lawyers to work with their litigators. In such cases, appellate counsel can be engaged to consult on an as-needed basis, particularly in smaller cases, which makes involving an appellate consultant more financially feasible.

### BUILD YOUR ARSENAL

The appellate attorneys at Tiffany & Bosco are ready to meet your litigation needs. Visit [tblaw.com](http://tblaw.com) for more information.