

Appellate



PRACTICE GROUP LEADERS

Partners

Michael J. Willett

Group Chair

Marylou K. Roshia

Amy A. Flaherty

Stephen M. O'Neill

Brian A. Birenbach

Vincent G. Saccomando

Many attorneys practice with the mistaken belief that appellate advocacy is merely an extension of practice before a trial court or motion court. The experienced appellate attorneys at Damon & Morey understand that appellate practice is a highly specialized area of practice with its own distinctive rules, philosophies, and standards of advocacy. Damon & Morey's appellate attorneys understand that the issues considered by appellate courts, often involving far-reaching questions of public policy, are frequently far different from those considered by a trial court. They understand that appellate issues require a specialized approach developed after a thorough examination of the law, the facts of the particular case, and the philosophies of the court considering the appeal.

Many of Damon & Morey's appellate attorneys gained valuable experience from the very beginnings of their careers serving as judicial clerks in the Supreme Court's Appellate Divisions. That experience provided them with a unique inside view of the operations of the appellate courts, and continues to aid them in the development of arguments that will be successful on appeal.

At the firm, Damon & Morey's appellate attorneys have handled hundreds of appeals before appellate tribunals in both the federal and state court systems, and those attorneys have had many successful appearances before New York's highest court, the Court of Appeals. In addition to handling appeals on cases already pending at the firm, Damon & Morey's appellate attorneys also assist other attorneys, writing briefs and analyzing issues to be raised in appeals filed by attorneys outside the firm.

Damon & Morey's appellate attorneys also understand that the process of successful appellate advocacy begins long before a notice of appeal is filed. Success or failure on appeal often depends upon the preservation of arguments in the lower court, or upon the submission of evidence, or of an offer of proof. For these reasons, Damon & Morey's litigation attorneys actively consult with the firm's appellate attorneys at every stage of litigation. Similarly, Damon & Morey's appellate attorneys often assist other counsel at the trial stage, performing monitoring and strategic functions, in order that all arguments are made timely and appropriately preserved. A significant advantage of the retention of Damon & Morey's appellate attorneys is that the client also gains access to Damon & Morey's entire litigation department, which is one of the largest and most successful litigation departments in upstate New York. The litigation practice extends to both insureds and self-insureds in all areas, including medical malpractice, products liability, labor law, professional liability, toxic torts, and construction accident litigation.

Damon & Morey's appellate practice group has established an excellent reputation in New York's legal community. Our knowledge, research and writing skills, high level of advocacy, and state-of-the-art technology allow us to handle appeals promptly, efficiently, and skillfully, with the confidence that our client's arguments are presented in the best manner possible.