

## Appellate Litigation

### TEAM

T. Christopher Donnelly

Matthew N. Kane

Nicholas J. Ramacher

Daniel P. Tighe

### OVERVIEW

Effective appellate advocacy requires selecting the issues for review, understanding fully the record in the lower court, mastering the applicable legal principles and nuances, writing effective briefs, and preparing clear oral arguments. Consideration must be given to the substantial differences in representing an appellant seeking to overturn a decision as contrasted to advocating for an appellee aiming to preserve a win.

We have substantial experience arguing appeals in numerous federal courts of appeals, the Massachusetts Supreme Judicial Court, the Massachusetts Appeals Court and appellate tribunals in other states. We appeal cases for both plaintiffs and defendants.

Much of our appellate work involves cases that we handle in the trial court. When we handle the foundational case, we continuously have an eye on the appellate record, being sure to preserve for review all issues.

A measure of the respect we have earned for our appellate capabilities is referrals from lawyers and firms that ask us to take through the appeals process cases they handled in the lower court.

Our appellate practice has encompassed a broad spectrum of issues including:

- Employment discrimination
- Arbitration
- Insurance coverage
- Intellectual property
- Franchising
- Defamation
- Debtor/creditor
- Real estate
- Fraud

## Appellate Litigation

- Professional liability
- CERCLA cleanup

Our success in the appellate area is in large part due to our extensive trial experience and knowledge of how to effectively build and present a case both during original trial and on appeal.

### **EXPERIENCE**

- Successfully defended defamation claims against a reporter and newspaper at trial and on appeal.
- Achieved dismissal on summary judgment of business defamation claims against a trade show producer, affirmed on appeal.
- Submitted briefs to the United States Supreme Court in a groundbreaking age discrimination case; a multi-state product liability insurance coverage dispute; a case determining whether a national service club was a “public accommodation” and was therefore required to offer enrollment to women; and “CERCLA” litigation concerning corporate responsibilities for environmental cleanup costs.