Appellate Advocacy

Appellate advocacy is unique. A persuasive appellate brief presents arguments in completely different ways than a summary judgment motion or trial presentation. Years of litigation must often be distilled into a handful of key issues, with “good” arguments being discarded for others with real appellate potential. Nilan Johnson Lewis’ appellate attorneys understand how to identify those winning arguments and present them clearly and convincingly on appeal. Through our collective years of federal and state appellate court clerkships and many appellate successes, we counsel clients—both existing litigation clients and those turning to NJL for fresh appellate perspectives—on how best to advocate for appellate success.

District Court Litigation and Trial Strategy

Appeals are frequently won or lost by strategic and tactical decisions made long before appeal—during pre-trial discovery disputes, fast-moving litigation, summary judgment arguments, and long trial days. Clients and other practitioners call on our appellate attorneys to provide insights at all stages of district court proceedings. We help craft effective litigation and trial strategies to ensure that issues are presented to the district court to win while simultaneously putting clients in the best position to prevail on appeal if necessary.

Appeal Assessment

When a case goes up on appeal, clients want to know how appellate courts view issues and how often they affirm or reverse district court decisions. Whether as members of the trial team or newly engaged to offer post-trial appellate counsel, NJL’s appellate practitioners advise clients on post-trial motion practice, risks and benefits of appeal, success factors, and assessment of appeal arguments. We also advise on post-trial and pre-appeal issues like cost assessments, judgment collection issues, and stays of collection efforts.

Appellate Briefing, Petitions, and Oral Argument

NJL attorneys have a track record of success in winning merits appeals—including reversing district court decisions against our clients—and petitioning for review and/or rehearing by appellate panels. Our appellate team boasts victories from a unanimous Minnesota Supreme Court from the Minnesota Court of Appeals, Michigan Court of Appeals, and from the Eleventh, Ninth, Eighth, Seventh, Fifth, Third, Second, and First Circuit Courts of Appeals. We have also filed multiple petitions for certiorari with the United States Supreme Court and convinced
multiple United States Circuit Courts of Appeal to grant en banc review and reverse panel decisions. Our team features former law clerks from the Ninth, Eighth, and Second Circuit Courts of Appeals, and from the Minnesota Court of Appeals, Wisconsin Court of Appeals, and courts of appeals of several other states.

**Amicus Curiae Briefs**

NJL has extensive experience preparing amicus briefs that present our clients’ perspectives in appeals when the court can benefit from new and different viewpoints. We effectively translate clients’ business interests into compelling policy arguments, which often play an important, persuasive role in how appellate courts view the impact their decisions may have on others who are interested in, but not parties to, the case. We have prepared amicus curiae briefs to the U.S. Supreme Court, Minnesota Supreme Court, and many federal and state appellate courts. NJL’s appellate attorneys also routinely work collaboratively with parties and other amici to strategically position arguments for the greatest impact across multiple briefs.