

## APPELLATE

The attorneys of Hoge Fenton's Appellate Practice Group have won impressive victories in both state and federal court in a wide variety of important appellate cases concerning diverse areas of law.

Whether you need to defend your trial court victory, appeal a miscarriage of justice, or petition for an extraordinary writ, our appellate advocates will craft the most persuasive arguments possible in the courts of appeal. We can also help file *amicus* ("friend of the court") briefs in favor or against the position of a party in an appellate case in which you are not a party, but that may raise legal issues vital to you, your business, or your other special interests and concerns.

Most appellate cases are won or lost on the briefs. You can always rely on our appellate lawyers to write briefs that are both cogent and convincing. For those especially close cases, our experienced advocates use oral argument to emphasize the critical points of our briefs and forthrightly answer all questions posed. We present your case at its best.

Appellate practice is different from trial practice, and our team of appellate lawyers are well versed in the special legal standards and rules of practice and procedure in appellate courts. Our shrewd practitioners independently assesses cases from the proper appellate perspective and wisely advise you about the best way to proceed based upon the existing record.

Are you an attorney with a client considering an appeal who needs or wants an unbiased second opinion? One of our experienced appellate attorneys can review the docket or specific issue to provide advice and counsel about the costs and benefits of an appeal.

If your case is still in the trial court and you believe an appeal is probable, Hoge Fenton's Appellate Practice Group can help you not only preserve arguments for appellate review, but also to astutely "tee up" consequential issues so that they can be reviewed upon the best possible factual record and under the most favorable legal standards.

Our Appellate Practice Group is composed of attorneys who are members of the bars of the California Supreme Court, California Court of Appeal, United States Court of Appeals for the Ninth Circuit, United States Court of Appeals for the Federal Circuit, and the United States Supreme Court.

The substantive areas of our appellate practice include virtually all aspects of civil law and are not limited to the substantive practice areas of Hoge Fenton's talented trial lawyers. A sampling of published appellate cases from current Hoge Fenton lawyers include the following:

- *Wilkin v. Nelson* (2020) 45 Cal.App.5th 802 (Probate & Trusts)

- *In re Marriage of Lee & Lin* (2019) 41 Cal.App.5th 698 (Divorce)
- *Travelers Prop. Cas. Co. of Am. v. Workers' Comp. Appeals Bd.* (2019) 40 Cal.App.5th 728 (Insurance)
- *Moncrief v. Clark* (2015) 238 Cal.App.4th 1000 (Civil Procedure, Negligence & Fraud)
- *Branscomb v. JPMorgan Chase Bank, N.A.* (2014) 223 Cal.App.4th 801 (Real Estate Mortgages and Liens)
- *Maldonado v. Harris* (9<sup>th</sup> 2004) 370 F.3d 945, *cert. denied* (2005) 544 U.S. 968 (Civil Procedure & Civil Rights) and on remand, *Maldonado v. Kempton* (N.D. Cal. 2006) 422 F.Supp.2d 1169 (Breyer, J.) (First Amendment & Commercial Speech)
- *Alliance for a Better Downtown Millbrae v. Wade* (2003) 108 Cal.App.4th 123 (Election Law)

The Hoge Fenton Appellate Practice Group has numerous other unpublished victories in other practice areas. For more information, please contact Dennis Zell, Chair of the Hoge Fenton Appellate Practice Group at 408-947-2419 or [dennis.zell@hogefenton.com](mailto:dennis.zell@hogefenton.com).

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