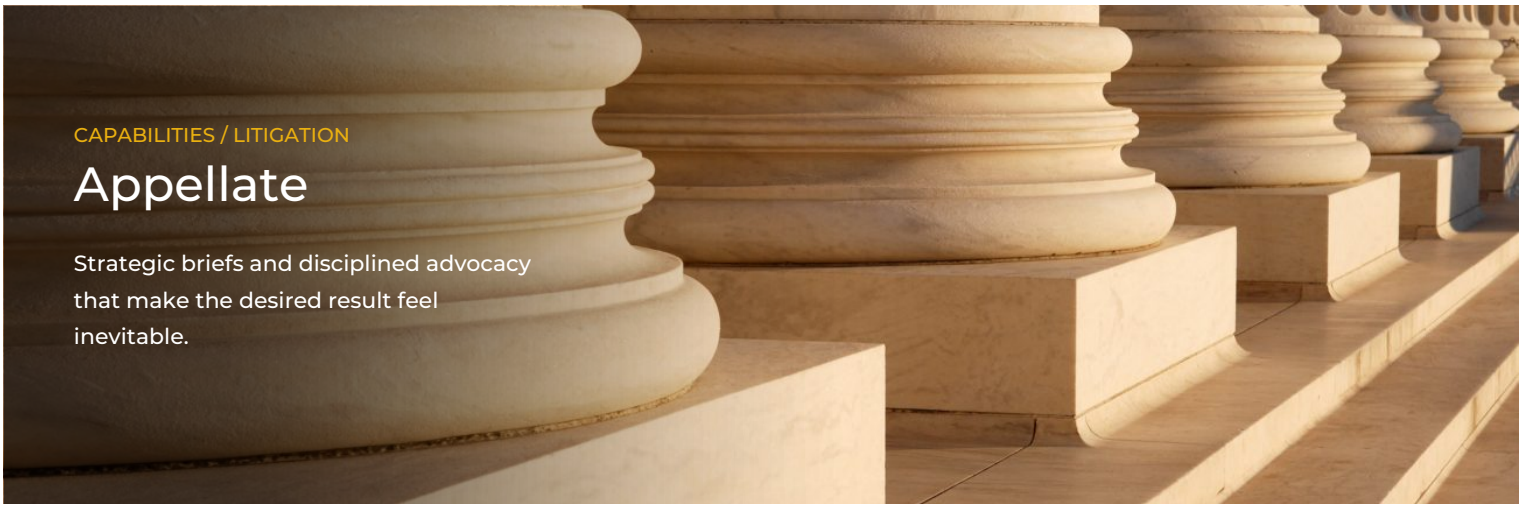

CAPABILITIES / LITIGATION

Appellate

Strategic briefs and disciplined advocacy that make the desired result feel inevitable.

OVERVIEW

> *"The most important thing we can do for a client on an appeal? Win."*
>
> **— Mathieu Shapiro**

Request Immediate Consultation

Appellate Advocacy at Obermayer

An appeal is not a second trial. It is a disciplined exercise in law and strategy. At Obermayer, appellate advocacy is a craft, not an afterthought. Our seasoned team—including former Pennsylvania Supreme Court law clerks—approaches every appeal with the understanding that the stakes often shape the law itself. We do not reargue facts; we identify the legal principles that matter, frame them for maximum impact, and persuade courts to act.

Our Appellate Philosophy & Value

Intellectual Rigor & Strategic Focus

We become subject-matter experts quickly—mastering complex legal landscapes and unfamiliar industries—so we can strategically frame issues and explain intricate matters with clarity and authority. Our briefs are not mere summaries; they are strategic instruments designed to clarify, persuade, and guide the court toward the right result.

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Written & Spoken Persuasion

We craft briefs so that our desired result feels inevitable, presenting arguments with such logic and force that the path to decision is clear. Our oral arguments are focused, responsive, and tailored to the concerns of the bench.

Respect for Precedent, Vision for Change

We honor the role of precedent but are not afraid to challenge it when justice demands. Our team is adept at both defending established doctrine and advocating for its evolution, always with an eye toward the broader implications for our clients.

Procedural Excellence

Appellate practice is governed by unforgiving rules. We navigate procedural complexities with discipline and foresight, ensuring every issue is preserved, every deadline met, and every opportunity seized.

Partnership & Perspective

We work closely with trial counsel and clients to understand the full context of each case, reframing arguments for judges who were not involved in the trial and who may have little-to-no experience with the subject matter at issue.

Our Clients

We represent individuals, businesses, and government entities when the stakes are highest—cases that define outcomes and often the law itself. Whether seeking reversal, preserving a hard-won victory, or persuading a court to grant review, we bring strategic judgment and credibility to every appeal.

EXPERIENCE

Our appellate practice has influenced Pennsylvania law and secured victories in cases of consequence, including:

- A decisive win before the Pennsylvania Supreme Court in a regulatory appeal involving municipal wastewater assets and Public Utility Commission approval standards—setting precedent for future utility consolidation cases.
- Successfully defending a settlement agreement governing the sale of a municipal wastewater system before the Commonwealth Court.
- Representing a non-parent appellant before the Pennsylvania Supreme Court in a case clarifying that limited custody rights do not create a duty of support.
- Obtaining allowance of appeal from the Pennsylvania Supreme Court in a matter of statewide significance concerning the appointment and authority of guardians *ad litem* in dependency proceedings.
- Securing a landmark ruling declaring Pennsylvania's casino tax structure unconstitutional—saving clients millions and reshaping state law.

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- Filing *amicus curiae* briefs in tax-related public policy litigation on behalf of local governments.
- Securing a Pennsylvania Supreme Court reversal in a child support case, establishing new precedent for calculating support obligations for high-income parents who share physical custody.
- Achieving affirmance in the Superior Court for individual clients, enabling them to efficiently and conclusively resolve a protracted property dispute with a neighbor over alleged encroachment.
- Obtaining affirmance from the U.S. Court of Appeals for the Third Circuit of a District of New Jersey dismissal in a breach of contract action under the New Jersey Sales Representatives' Rights Act, releasing our financial institution client from the case without the burden of discovery.
- Achieving favorable outcomes in property disputes, municipal litigation, and commercial cases before the Superior Court, Commonwealth Court, and the U.S. Court of Appeals for the Third Circuit.
- We defended a multimillion-dollar trial victory in a regulatory dispute by strategically dismantling the opposing party's claims.
- We successfully petitioned the Pennsylvania Supreme Court to assume King's Bench jurisdiction over hundreds of pending summary judgment motions involving an identical statutory issue;
- We obtained a declaration that the tax structure applied to casinos in Pennsylvania was unconstitutional. The decision saved our client money and will change Pennsylvania law;
- We represented a father in a child support case who shared physical custody of his children but was ordered to pay an excessive child support amount. We appealed to the Pennsylvania Supreme Court, which reversed the trial court's order, and changed the law in Pennsylvania on how child support is calculated for high-income parents;
- We had a Superior Court panel affirm a decision for individuals, enabling them to cheaply, efficiently and finally end a taxing litigation with a neighbor over property lines and the construction of a small addition the neighbor erroneously believed encroached on his property;
- We had the U.S. Court of Appeals for the Third Circuit affirm a District of New Jersey decision dismissing a breach of contract complaint that involved the New Jersey Sales Representatives' Rights Act, getting our client, a financial institution, out of the case without discovery;
- We have been asked by local government units to file amicus briefs in important, tax-related public policy litigation.

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