

CAPABILITIES / LITIGATION

## Appellate

Our clients turn to our Appellate attorneys either to reverse a wrong from below or to make sure the decision below remains in place.

### OVERVIEW

*“The most important thing we can do for a client on an appeal? Win.”*

— Mathieu Shapiro

Obermayer’s litigation attorneys are frequently retained by clients and lawyers to represent them in appeals before both state and federal courts around the country. These include Pennsylvania’s Commonwealth, Superior and Supreme Courts. More particularly, this also includes the U.S. Court of Appeals for the Third Circuit, which is based in Philadelphia and has appellate jurisdiction over the District of Delaware, the District of New Jersey and Pennsylvania’s Eastern, Western and Middle Districts.

Our Appellate team reviews a full lower court record with fresh eyes to understand how the appellate court will see that record, to step away from the presentation below, and to frame the record in a way that will be compelling to the appellate court. We do this both for cases we handled below and for cases handled by another attorney in the first instance, where the client is ready to change direction.

#### Our Value

Obermayer’s Appellate attorneys appear regularly in many different appellate courts. As a result of our years of experience, we understand how to see the record from the point of view of the appellate panel, rather than simply repeating the arguments made in the lower court.

We also have substantial experience with Pennsylvania’s “King’s Bench Petition” procedure. That is, we regularly persuade the Pennsylvania Supreme Court to take jurisdiction over a matter which ordinarily would not yet be reviewed by the Supreme Court because of the case’s public importance.

#### Our Clients

Clients seek our counsel to handle difficult appeals of lower court decisions in the federal and state appeals courts of Pennsylvania, New Jersey and throughout the U.S.

## EXPERIENCE

- 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, who 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 which we will 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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**RELATED CAPABILITIES**

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