

California Appellate Litigation (Writs and Appeals)

Carrying on the tradition of the firm's founders, two of whom were justices on the California Supreme Court, the firm's appellate counsel have handled writs and appeals in the California Courts of Appeal, California Supreme Court, the Ninth Circuit Court of Appeals, and the United States Supreme Court.

Our appellate counsel have a wealth of experience handling appeals of judgments and appeal-able orders, along with writ petitions for discretionary appellate review. Whether public, commercial, or family law is at issue, it is critical that your attorney on appeal be well-versed not only with the substantive law, but also with procedures, standards of review, and successful advocacy strategies. Our appellate counsel will work with you to best present your issues and contentions to the appellate justices, whether to explain how your case falls within existing precedents, should be decided as a case of first impression, or warrants a change or expansion of the law.

We also regularly participate in trial court proceedings to ensure that issues are properly preserved for appeal, to file or oppose petitions for interim appellate review, and otherwise to ensure that our clients' interests are best protected for the short and long term.

Appeals and Writ Petitions - What Are They?

Appeals: a party aggrieved by a trial court judgment, or by certain, qualifying orders issued during the course of the litigation, has a right to appeal to a court of appeal with designated appellate authority (e.g., California Court of Appeal or Ninth Circuit Court of Appeals).

Writ Petitions Challenging Interlocutory Orders: Most trial court orders and decisions issued prior to entry of judgment not appealable. However, a party aggrieved by a non-appealable order may file a writ petition requesting the appellate justices to exercise their discretionary authority to correct an error by the trial court, particularly one that will cause irreparable injury to the petitioner if not immediately remedied (e.g., because privileged documents will

have been produced pursuant to order granting motion to compel). The courts of appeal summarily deny most writ petitions (which is not a ruling on the merits). Nonetheless, there are occasions when a trial court issues a pre-judgment order that warrants a petition to the court of appeal seeking a writ to reverse. We are skilled at identifying when a writ petition is warranted, and in pursuing a meritorious writ in such instances.

Writ Petitions for Further Appellate Review

Once the appellate justices have issued their decision, an aggrieved party may petition for further appellate review, e.g., for a rehearing by the court of appeal or for review by the California or United States Supreme Court.

When It's Time to Approach Appellate Counsel

Appellate experts are invaluable both throughout the [litigation process](#), in both the trial and appellate courts.

During the trial court proceedings, our appellate experts can develop or avoid potential appeal issues, setting you up for higher chances of success—whether in the trial or appellate courts, or through negotiations. Our appellate experts can also help identify whether certain interlocutory orders are appealable (which, if not timely appealed, may never be appealed) or are worthy of a writ petition for discretionary review. Of course, we can also expertly oppose appeals and writs of interlocutory rulings.

After judgment, our appellate experts will help you pursue or defend against appeals and writ petitions for further appellate review.

Burke's Longstanding History with Appellate Litigation

For nearly 100 years, Burke attorneys have excelled at representing our clients in the state and federal courts. We engage in critical, early analysis about how best to approach an appeal or writ—whether representing the appellant / petitioner or the respondent / appellee. We look for opportunities for prompt resolution, perhaps by motion to dismiss based on failure to comply with an obscure deadline or by motion for preference. We ensure that a complete and sufficient record is presented to the appellate court. And when we get to the most critical stage—the appellate briefing—we write persuasive briefs that explain why our clients should prevail under the facts and law.

Our successes in the appellate courts include multiple areas of law for both our public and private clients, including with respect to land use and CEQA, condemnation, public and private employment law,

insurance law, torts, dangerous condition of public property, elections law, anti-SLAPP, construction law, contract law, and unlawful detainer.

[Reach out](#) to learn more about appellate litigation and writs and appeals.