

THE APPELLATE LITIGATION SECTION

BY SETH T. FLOYD, ESQ. AND JOEL HENRIOD, ESQ.



SHUTTERSTOCK

These are heady days for the maturing Nevada judicial system, days that present an exciting and challenging environment for Nevada's appellate lawyers. It's also an opportune time for attorneys who aspire to do appeals to engage. With this context in mind, we are proud to report that the first four years of the State Bar of Nevada's Appellate Litigation Section's presence have been remarkably productive and enjoyable ones, and we are excited about the future.

Historic Moments for Judicial System

With the passage of Question 1 in 2014, Nevada finally has a court of appeals. The Appellate Section supported the campaign enthusiastically and diligently by hosting numerous fundraising events and working with the justices of the Nevada Supreme Court to raise awareness of the appellate court's importance both within the bar and the community.

We've also witnessed the groundbreaking of the new courthouse in Clark County to provide a venue for the Supreme Court and Court of Appeals in southern Nevada. Not only will the magnificent structure provide more room for the justices and appellate judges, and beautify downtown Las Vegas, it also demonstrates Nevada's dedication to the future of a robust, sophisticated, just and efficient appellate system.

More Opportunity than Ever for Attorneys with a Passion for Appellate Advocacy

As Nevada's appellate system becomes more complex, sophisticated and demanding, the market for attorneys who know and understand the intricacies and nuances of appellate practice will undoubtedly increase. Appeals are different. They require a distinct skillset: from mastery of a separate set of procedural rules, to the special analytical approach, the informed selection of issues to present, and the art of drafting and oral argument. Within larger firms, specific practice groups have been developed to focus solely on appeals, and more and more attorneys attempt to focus on appellate practice. And, more frequently, trial attorneys look for the assistance of appellate attorneys in identifying issues, handling writ petitions and preserving issues for appeal. Put simply, appellate practice is increasingly regarded as a specialty.

While the Nevada bar certainly has a few venerable appellate lawyers, as well as a rising generation of new specialists, there is still plenty of room for lawyers who wish to focus on appeals. The ladder has not been pulled up.

The Appellate Section Provides Rich Opportunities to Hone Your Craft

When the Appellate Section was formed almost four years ago, part of its mission was to provide the bench and bar with resources for improving appellate practice in Nevada. The need

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was apparent, because becoming an appellate attorney, unlike many other legal specialties for which lawyers can take CLE courses, target specific industries or hang a shingle, appellate law has never had a linear path. This reality has often worked to the detriment of both clients and the justice system, as underprepared attorneys attempt to navigate the complicated world of handling an appeal.

This is where the Appellate Section has been so valuable. The section educates lawyers on appellate matters and facilitates networking among appellate court judges, Supreme Court justices and court staff. It also provides pro bono opportunities for lawyers looking for meaningful appellate experience with a guaranteed oral argument and available mentorship opportunities. The section meets quarterly to discuss hot topics in appellate practice and those meetings are always well-attended by the Nevada Supreme Court and Court of Appeals. Such meetings offer the rare opportunity to hear from the justices and judges handling appeals in a frank, open and informal setting.

This year, the section also pulled off a remarkable feat. Led by former section

chair Debbie Leonard, a new Appellate Practice Manual was completed and is now available to members of the bench and bar. This manual, the first of its kind in more than a decade, is the go-to guide for appellate practitioners in this state, covering every rule in the Nevada Rules of Appellate Procedure and providing practice tips from seasoned veterans.

We also have ambitious plans for the future. We are currently exploring an improved system of amicus opportunity alerts, working toward the development of a specialty certification in appellate advocacy and much more.

If You Want to Do Appeals, There is Room for You

If this all sounds like a marketing pitch encouraging attorneys to join the section, *it is*. With more than 100 members and counting, the section has been one of the most active bar organizations of the past few years. In 2016, the section is continuing to pursue its goal of providing resources to practitioners by providing CLE seminars and hosting networking events. It is also working to propose rule

amendments, the need for which has arisen by virtue of the new Court of Appeals.

If you are interested in learning more about Nevada's appellate courts or broadening your practice, please join the section. It's an exciting time to be handling appeals in Nevada and now is the time to get involved.

For more information about the Appellate Litigation Section or to join, visit the section's page on the State Bar of Nevada's website at <http://www.nvbar.org/content/appellate-litigation-section>. NL



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