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## **Book Review: *Appellate Practice in Federal and State Courts***

By Dennis Owens – June 28, 2012

David M. Axelrad, editor

*Appellate Practice in Federal and State Courts*

Law Journal Press 2011

This is an unusual book, and it is unusually valuable. It is a particularly well written and sharply focused practice manual with a remarkable range. We owe it to our readers to disclose that we have personal friendships with many of the authors of the various chapters, through the American Academy of Appellate Lawyers.

The book is organized to reflect the chronology of an appeal: evaluating the case for appeal, determining or perfecting preservation of issues, standards of review, stays and bonds, appealability, the interlocutory appeal, the record on appeal, motion practice, amicus practice, brief writing, oral argument, the court's process of deciding, and U.S. Supreme Court practice. Each chapter is written by a true master. For instance, Alan Morrison, one of the most successful Supreme Court advocates alive, writes about oral argument. Paul Clement, the former Solicitor General, is the author of the chapter on Supreme Court practice.

In addition, there is a chapter on technology and the appellate process, one on building and managing an appellate practice, and an extensive bibliography.

Yes, this is familiar ground. But the editor has wisely allowed these authors free rein. They are all exceptional attorneys who share their wisdom and insights. Fortunately for the reader, they also bring their personalities into the effort. What results is a great deal of practical advice based on their extensive experience, sometimes with the authors' idiosyncrasies on display. Sydney Powell includes the wording of her retention letter. Walter Sargent provides an excellent approach to distinguishing between issues of fact and issues of law. Charlie Carpenter employs his scholarship and wry humor. And Alan Morrison presents us with a key to a winning oral argument.

We believe that the book's title is a bit misleading. This is a book on federal appeals with a mere nod of the head to the state courts. But, title aside, this book is an excellent resource, well worth adding to your library.

[Dennis Owens](#) practices appellate law in Kansas City, Missouri.