Appellate

Our firm’s reputation as an appellate powerhouse precedes us, and regardless of the forum, when we present an argument, we have the court’s full attention.

Our Appellate Practice pairs our persuasive oral advocacy skills, strategic acumen, clear and concise writing, and innovative approaches to solving business needs with in-depth subject matter knowledge in core practices to consistently deliver outstanding results for our clients.

Renowned for our advocacy skills and for our track record of innovation and versatility, we often represent entire industries in cases where the outcome can change the playing field for businesses in that sector. We are top-notch appellate attorneys who are adept at applying our abilities in each situation that impacts the final disposition of a matter. A Wiley brief, whether filed before the Supreme Court of the United States, a federal circuit court, a state court of appeals, or any other appellate decisionmaker, is thoughtful, crisp, well-written, and persuasive. We are the voice of our client and our work always reflects our client’s values and business goals.

What we do.

Decades of experience and hundreds of cases have helped us create an appellate team whose quality and effectiveness are second to none. And as a Washington powerhouse firm, we have impressive capabilities in appeals of federal agency actions, whether in district or appellate courts.

Our attorneys:

- Successfully litigate against firms many times our size.
- Are careful thinkers, highly skilled writers, and talented oral advocates who make arguments that are lucid, precise, elegant, and effective.

Capabilities

- Class Actions and Complex Multi-Jurisdiction Litigation
- Enforcement of Arbitration Clauses
- Federal Preemption
- First Amendment/Commercial Speech
- Judicial Review of Agency Action
- Rights-of-Way Litigation and Counseling
- Tower Siting and Wireless Facilities Access
- Video Programming and Cable Franchising
Are trusted advocates for our clients, with a tremendous record in courts at all levels throughout the country.

Have clerked for many of the courts before which we’re arguing, with significant experience in the federal appellate court system.

Why we are different.

At the core of our appellate capabilities is a deep bench of former judicial clerks and appellate practitioners. Our litigators include more than 50 attorneys who have served as clerks in federal and state courts across the country and several former Supreme Court clerks, along with a broad range of lawyers with substantial appellate experience. Our group is headed by Claire J. Evans, a former law clerk to Associate Justice Clarence Thomas on the Supreme Court, Judge David B. Sentelle on the U.S. Court of Appeals for the District of Columbia Circuit, Judge Michael Chertoff on the U.S. Court of Appeals for the Third Circuit, and Judge Jerome B. Simandle on the U.S. District Court for the District of New Jersey.

One of our team’s differentiators is that our lawyers also add significant value to a wide range of matters that are not necessarily appellate cases to start with. By using our appellate knowledge strategically, we can help ensure that the appeal of a case is authoritative and convincing. For example, we:

- Work with trial teams in highly complex matters to identify, formulate, research, and brief legal arguments to shape and prepare them for appeal.
- Develop novel, cutting-edge theories for clients who anticipate high-stakes litigation, well before actual litigation begins.
- Are frequently called in to review, edit, and augment appellate briefs written by attorneys outside of the firm to add our own perspective and substantive expertise.
- Utilize our appellate capabilities in nontraditional, but highly effective, ways.

Our appellate team has an unmatched track record of combining subject matter and appellate expertise, drawing on the strength of our renowned International Trade, Insurance, Government Contracts, Election Law, Telecommunications, Media & Technology, and other practices, depending on the case. Our “elite cadre of appellate lawyers” (Legal Times) is frequently called upon for “bet the company case[s]” or to reverse a lower court, regulatory, or legislative defeat, as we have done many times. The group often takes the lead for an entire industry on a critical issue in litigation across the country. Wiley’s Appellate Practice also has extensive experience acting as a “private solicitor general” for its clients, moving issues across forums and finding the correct venue and timing for victory.

Effective appellate advocacy can make or break a “bet the company” issue for our clients. Described by The Legal 500 US as “hugely effective,” our team works to ensure that when it really counts, our clients’ potential is fully realized.

Judicial Clerkships

Supreme Court of the United States
Claire J. Evans
Honorable Clarence Thomas (2008-2009)
William T. Lake
Bert W. Rein
Honorable John M. Harlan (1966)
U.S. Court of Appeals for the Second Circuit
William T. Lake
Honorable Henry J. Friendly (1968-1969)
Gary P. Seligman
Honorable Ellsworth A. Van Graafeiland (2000-2001)

U.S. Court of Appeals for the Third Circuit
Douglas C. Dreier
Claire J. Evans
Honorable Michael Chertoff (2004-2005)

U.S. Court of Appeals for the Fourth Circuit
Frank H. Chang *
Honorable Henry F. Floyd (2017-2018)
Richard A. Simpson
Honorable John D. Butzner, Jr. (1977-1978)
Holly Wilson
Honorable Stephanie D. Thacker (2017-2018)

U.S. Court of Appeals for the Fifth Circuit
Megan L. Brown
Frank H. Chang *
John E. Howell
Honorable E. Grady Jolly (2007-2008)
Gregory M. Williams

U.S. Court of Appeals for the Sixth Circuit
Krystal B. Swendsboe
Honorable Alice M. Batchelder (2016-2017)
Roderick L. Thomas
Honorable Albert J. Engel, Chief Judge (1989-1990)

U.S. Court of Appeals for the Eighth Circuit
Thomas W. Kirby
Honorable Myron Bright (1975-1976)
Enbar Toledano
Honorable Kermit E. Bye (2012-2013)

U.S. Court of Appeals for the Ninth Circuit
Tatiana Sainati
Honorable M. Margaret McKeown (2015-2016)
Wesley E. Weeks
Honorable Andrew J. Kleinfeld (2013-2014)
Scott B. Wilkens
U.S. Court of Appeals for the Federal Circuit
Lukman S. Azeez
Honorable Evan J. Wallach (2014-2016)
Scott M. McCaleb
Honorable Haldane Robert Mayer
Lawrence M. Sung
Mary Sylvia
Honorable Raymond C. Clevenger III (1995)
Brian Walsh
Honorable Daniel M. Friedman (2006-2007)

U.S. Court of Appeals for the District of Columbia Circuit
Jeremy J. Broggi
Honorable Gregory G. Katsas (2018)
Bethany A. Corbin
Honorable Robert L. Wilkins (2016-2017)
Claire J. Evans
Honorable David B. Sentelle (2007-2008)
Stephen J. Obermeier
David H. Topol

U.S. District Court for the District of Columbia
Moshe B. Broder
Honorable James E. Boasberg (2015)
Jeremy J. Broggi
Rebecca J. Fiebig
Kevin B. Muhlendorf

U.S. District Court for the District of Arizona
Duane C. Pozza

U.S. District Court for the District of Maryland
Kimberly A. Ashmore
Honorable Deborah K. Chasanow (2005-2006)
Matthew J. Gardner
Honorable J. Frederick Motz (2000-2001)
Eve Klindera Reed
Honorable Marvin J. Garbis (1999-2000)

U.S. District Court for the District of New Jersey
Claire J. Evans
Honorable Jerome B. Simandle (2002-2004)
Appellate

U.S. District Court for the District of South Carolina
Antonio J. Reynolds
Honorable Margaret B. Seymour

U.S. District Court for the Eastern District of Pennsylvania
J. Ryan Frazee
Honorable Edward Smith (2016)
Frank Scaduto
Honorable Cynthia M. Rufe

U.S. District Court for the Eastern District of Virginia
Attison L. Barnes, Ill
Rebecca L. Saitta
Krystal B. Swendsboe
Honorable Mark S. Davis (2015-2016)

U.S. District Court for the Northern District of Illinois
Philip J. Davis
Honorable Bernard M. Decker (1973-1974)
Peter S. Hyun
Honorable Suzanne B. Conlon (2007-2008)
Enbar Toledano

U.S. District Court for the Northern District of Texas
Grace Caroline Mahan
Honorable Nancy M. Koenig (2015)

U.S. District Court for the Southern District of Texas
Cara Tseng Duffield
Honorable Nancy F. Atlas (2000-2001)
Hannah J. Miller
Honorable J. Scott Hacker (2019)

U.S. District Court for the Southern District of West Virginia
Madeline J. Cohen
Richard W. Smith
Holly Wilson

U.S. Court of Federal Claims
Jon W. Burd
Honorable Lawrence J. Block (2004-2006)
Tracye Winfrey Howard
Honorable Lawrence S. Margolis (2006-2007)
Adrienne J. Kosak  
Honorable Mary Ellen Coster Williams (2014-2015) 
Kevin J. Maynard  
Honorable Lawrence S. Margolis (1996-1997)  
Alan H. Price  
Honorable Lewis Specter, Senior Judge (1983-1984)  
Tara L. Ward  
Honorable Mary Ellen Coster Williams (2010-2011)

U.S. Court of International Trade  
Cynthia C. Galvez  
Maureen E. Thorson  
Honorable Donald C. Pogue (2003-2005)  

Circuit Court of Maryland for Baltimore City  
Nicole M. Welbourn  

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