Robinson+Cole

Appellate News

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Welcome to the Fall 2014 Issue of Appellate News!

Jeffery J. White, Chair

2014 has been a very successful year for Robinson+Cole's Appellate Group. Earlier this year, the group was honored to be named Litigation Department of the Year in the Appellate Law category by the *Connecticut Law Tribune*. We also received a first-tier rating in Hartford, Connecticut, for "Appellate Practice" in the 2015 "Best Law Firms" list from *U.S. News & World Report*. In addition, members of our Appellate Group have been recognized by several national publications, including *Best Lawyers in America*©, *Chambers USA*, *Super Lawyers*®, and *Benchmark Litigation*. Individual honors have been bestowed on seven of our senior members, illustrating the depth of our team. Members of our Appellate Group continue to serve in leadership positions in both state and national appellate bar groups, including in the American Bar Association, the Defense Research Institute (DRI), the Federation of Defense and Corporate Counsel (FDCC), and the Connecticut Bar Association, among others.

Our Appellate Group continues to handle appeals around the country. Presently, we are handling appeals in six different states (Connecticut, Florida, Massachusetts, New York, New Jersey, and Texas) and in three different Federal Circuits (First, Second, and Eleventh). We welcome the opportunity to discuss our capabilities further.

We hope you enjoy this edition of the newsletter. Please feel free to contact any of our group members with comments, questions, or suggestions for future topics.

APPEALS BEGIN AT THE TRIAL STAGE, NOT AFTER
By Thomas J. Donlon

Most members of the public—and too many practicing attorneys—believe that the appeal begins after the trial is over. In fact, to be successful on appeal, an attorney must prepare for it from the beginning of the case. Waiting until after trial risks missing important appellate issues along the way and can lead to losing the entire appeal. A client is ill-served by an attorney who focuses only on winning at trial, forgetting to take steps to ensure that the win is not reversed on appeal. An experienced appellate practitioner knows that the potential appeal must be considered at every stage—before, during, and after the trial.

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ROBINSON+COLE WINS AT THE SECOND CIRCUIT
By Kathleen E. Dion

More than 50 years after the Supreme Court's decision in *Gideon v. Wainwright*, the importance of a *pro se* individual's right to counsel is still an issue in our judicial system. State and federal courts are overwhelmed with *pro se* litigants. These self-represented parties typically lack an understanding of the relevant procedural and substantive law and have deep emotional connections to their cases. As a result, courts face extensive delays and needless complexity, and sometimes issue results that are less than just. To address these challenges, the United States Court of Appeals for the Second Circuit adopted a Pro Bono Counsel Plan to assist *pro se* appellants with meritorious or complex appeals. As part of Robinson+Cole's strong commitment to pro bono service, appellate lawyer Jeffrey J. White joined the Pro Bono Panel.

Click here to read more.

THE DANGERS OF MOOTNESS HIDING IN PLAIN SIGHT

By Bradford S. Babbitt and Jennifer L. LaPorte

At its essence, a case is moot when the court can no longer provide the relief sought. In theory, mootness is one of the easier principles to explain and comprehend. But, as with so many things, the application of the mootness doctrine can trip up both experienced practitioners and courts alike, as the Connecticut Supreme Court recently observed. The decision in *Gagne v. Vaccaro*, 311 Conn. 649 (2014), was only the latest ruling in an all-out war between two experienced trial lawyers that has spanned close to a decade. Sadly, the latest chapter in this long-running dispute was ended not by a convincing victory for one side but in a finding that it was moot.

Click here to read more.

FOR MORE INFORMATION

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