

Writs & Appeals

Our attorneys represent public sector and private sector clients in all six districts of the California Court of Appeal, in the California Supreme Court, in the United States Court of Appeals for the Ninth Circuit, and in the Supreme Court of the United States. We have briefed and argued hundreds of writs and appeals, many presenting legal issues affecting the lives of all Californians, the administration of local government, and many sectors of the economy.

Clients often seek our appellate expertise and advice well before a case reaches an appellate court. In cases of some complexity, there are many moving parts as the case unfolds in the trial court. One inadvertent oversight might affect the client's case on appeal. By engaging our appellate attorneys early in high stakes cases, clients benefit from a litigation strategy that looks beyond the trial court, and that maximizes the client's chances of winning on appeal.

We are well aware that the appeals process remains a mystery to many. Our job is to explain thoroughly to all clients what happens when their case goes up on appeal. We first evaluate our client's chance of success. This assists our clients in deciding whether to commit their financial resources and staffing either to bringing an appeal, or to defending an appeal, as the case may be. If, as is often the case, our clients decide to move forward, they have a seasoned team of appellate experts working closely with them.

A winning track record on appeal factors prominently in any decision to retain appellate counsel. Our attorneys have won hundreds of appeals since the firm was established in 1954. During all of those years, we have also established something just as important as a winning record: Credibility with the courts. A court's view of the client depends largely on the reputation of the attorney. Our attorneys scrupulously uphold their ethical obligation to remain forthright and honest in each appeal we undertake. Our philosophy is that by confronting the opposing side's positions head on, even when the law appears to disfavor our client's position, we maintain credibility on behalf of our client.

Following is a summary of some of the important cases in which our appellate attorneys have prevailed:

- ▶ Established that the attorney-client privilege extends to all communications between a local government's legal counsel and members of the governing body

TEAM

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RELATED PRACTICES

Litigation

- ▶ Upheld the authority of local governments to prohibit businesses selling and distributing medical marijuana
- ▶ Vindicated the statutory rights of homeowners who default on their mortgages due to circumstances beyond their control
- ▶ Vindicated the rights of judgment creditors to levy assets of judgment debtors seeking to thwart collection
- ▶ Established that a public agency properly constructed massive retaining wall, and not liable for deaths after catastrophic landslide
- ▶ Established that local governments are not strictly liable when trees and other elements of public beautification programs cause injury
- ▶ Upheld the authority of local governments to regulate the possession of firearms on government-owned property
- ▶ Established that charter cities need not require contractors to pay prevailing wages on locally funded public works projects
- ▶ Established that telecommunications providers may not recover damages against local governments that incorrectly deny siting applications under federal law
- ▶ Strike balance between rights of landlords and tenants in issues involving rent control