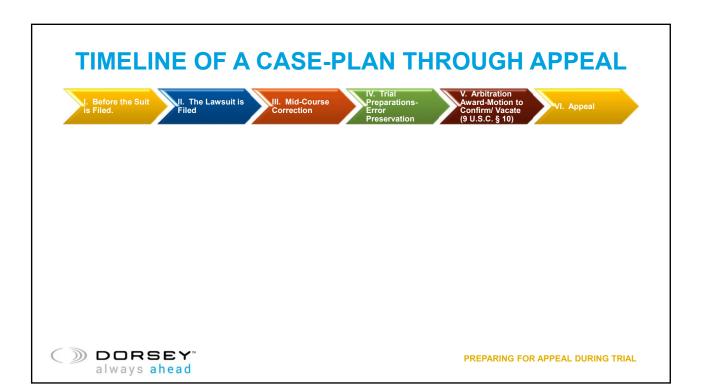
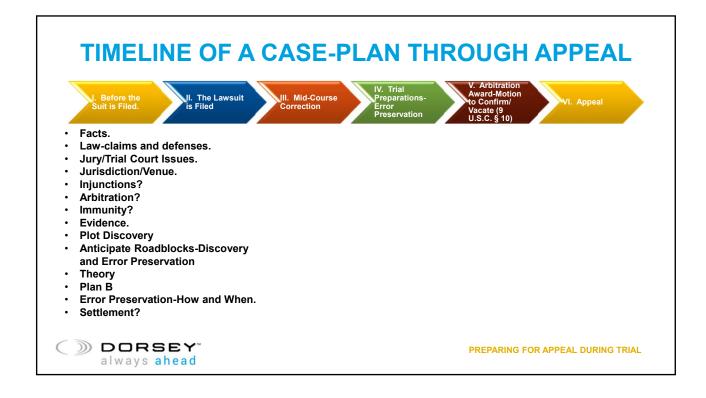


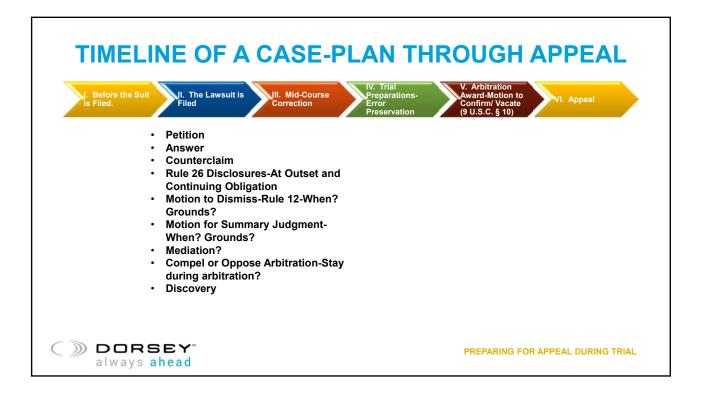
Thinking About the Unthinkable: Appellate Preparation Before and During Trial

Timothy J. Droske Douglas S. Lang Steven J. Wells



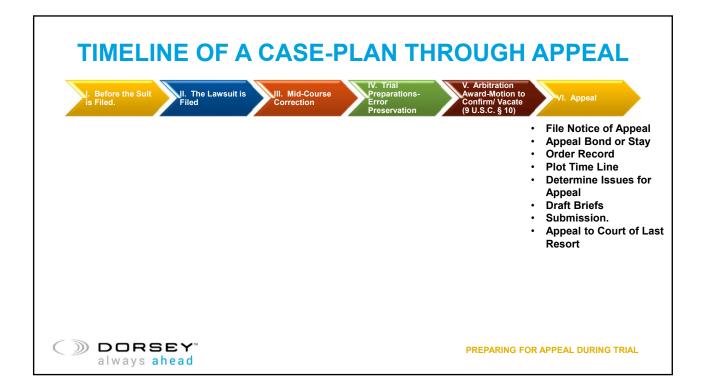
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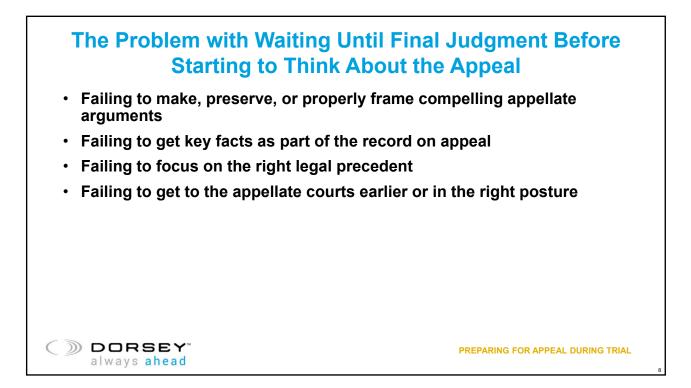




L. Before the Suit is Filed.	NE OF A	CASE-F	PLAN TH	V. Arbitration Award-Motion to Confirm / Vacate	APPEAL VI. Appeal	
		interrection y / i		(9 U.S.C. § 10)		
C DORSEY [™] always ahead				PREPARING FC	PREPARING FOR APPEAL DURING TRIAL	







Why You Need an Appellate Perspective at Trial to Win on Appeal

- At Trial Court
 - Who wins on the FACTS
 - Winning the case NOW
 - Big emphasis on DISCOVERY
 - Appeals to EMOTION

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- The THEATER of the courtroom
- Don't upset judge/jury with ENDLESS INTERRUPTIONS
- Focus on the SPECIFIC PARTIES
- A GENERAL VERDICT to Keep It Simple
- What is the RECORD the JURY is going to see

- On Appeal
 - Who wins on the LAW
 - Winning the case LATER ON
 - Big emphasis on STANDARDS OF REVIEW
 - Appeals to RULE of LAW
 - Oral argument as ACADEMIC DISSERTATION
 - PRESERVE all issues with OBJECTIONS
 - Examination of broader PUBLIC POLICY
 - A SPECIAL VERDICT to isolate the issues
 - What is the full RECORD before the COURT

PREPARING FOR APPEAL DURING TRIAL

Preparing for Appeal Before the First Pleading is Filed

- Analyzing State and Federal district and appellate courts for where to file (if plaintiff), whether to remove (if defendant), and settlement considerations
- Cleanest legal basis for winning on appeal
- Biggest potential appellate landmine
- · Issues to preserve because of uncertainty at the Supreme Court
- Mapping out appeal-proof strategy early
 - Elements for each claim or defense
 - Key law for each
 - Key facts for each

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PREPARING FOR APPEAL DURING TRIAL

