



# Practice

## Appellate

### Appellate lawyers highlight the strongest parts of your case.

With an appeal, a new group of judges reviews the decision made by a trial judge and decides whether it should stand. Seasoned appellate lawyers know that succeeding on appeal takes more than repeating arguments that have already been made; making the case in a thorough but refined way is critical. The appellate law team at Jaspan Schlesinger LLP has extensive experience prosecuting and defending appeals from all types of decisions made by both state and federal courts. Whether your case needs a fresh look in order to change the outcome, or persuasive arguments against a decision being reversed, our attorneys have you covered.

#### In-Depth Analysis Is Critical to Success

An appeal can result from an order rendered during the middle of a lawsuit, or from one entered after trial; no matter the situation, our appellate lawyers are equipped to handle your appeal. Whether you're looking to challenge or defend a ruling, in appellate practice, failure or success largely hinges on the quality of the briefs written by the attorney. That's where our appellate attorneys excel. Each performs an in-depth analysis, complete with painstaking research and a meticulous review of every facet of the original case to present a succinct, compelling and well-written argument to give you the best chance at a favorable outcome. At oral argument, we also bring life to your best arguments through a clear and concise presentation and exceptional preparedness.

#### Experience at Every Level

Jaspan Schlesinger LLP is unique among firms in that our lawyers have argued before the New York State Court of Appeals, our state's highest court, on multiple occasions. This experience enables us to adeptly guide you through the full gamut of the appellate process with an eye toward delivering the outcome you seek.

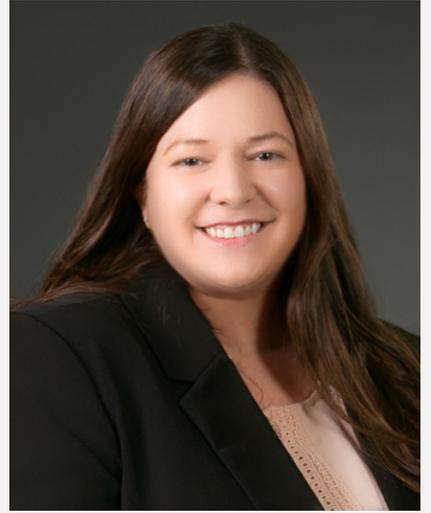
# Attorneys



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## Case studies

### Matter of Herman v. Herman

Jaspan Schlesinger LLP achieved the rare sanction of having all of a defendant's defenses dismissed for his egregious abuse of the discovery process. The court then set the case down for a trial on the amount of damages to which our clients were entitled and barred the defendant from participating in any manner. The firm successfully defended that ruling against an appeal to the intermediate appellate court brought by that defendant, who argued that his due process rights were violated when he was not permitted to challenge the evidence our clients introduced at the damages trial. On a subsequent appeal to New York's highest court, the firm also obtained a successful decision affirming the trial court.

### Matter of Lancaster v. Incorporated Village of Freeport

Our appellate lawyers successfully defended against an appeal brought by several public employees against an incorporated village. The public employees alleged that the village violated the First Amendment to the United States Constitution and the New York Public Officers Law when it refused to continue paying to defend the employees in a federal lawsuit after they rejected an offer to settle the case at no cost provided that they agree not to disparage the plaintiff. The firm successfully argued before both the intermediate and highest New York appellate courts that the public employees' First Amendment rights were not violated by the settlement's nondisparagement provision and that the employees, rather than the village, violated the Public Officers Law by breaching their duty to cooperate in achieving a reasonable settlement of a litigation funded by taxpayer dollars.

### Matter of Berk

In this case, we achieved two landmark appellate decisions in 2010 and 2015 on an issue confronting the courts for the first time. The firm successfully advocated that the trial court should not permit a caretaker who married her elderly and incapacitated ward to inherit a spousal share of his estate. These decisions have been regarded as groundbreaking progress in New York's efforts to combat the insidious problem of elder abuse. Both of them were the product of appeals prosecuted by Jaspan Schlesinger after unfavorable rulings by the trial court.