

Appellate Advocacy

Bailey Glasser's national appellate practice headed by a team of experienced lawyers has represented clients in the US Supreme Court, every federal Court of Appeals, and in state appellate courts throughout the nation.

Our lawyers have handled appeals in virtually every substantive area, including ERISA, antitrust, class actions, environmental law, international law, and criminal law. Whether briefing and presenting oral argument themselves or providing consulting services for trial lawyers handling an appeal, Bailey Glasser strengthens the client's presentation to appellate courts anywhere in the United States.

Long before any appeal is taken or even before suit is filed, we identify and evaluate appellate issues likely to arise, then follow up with trial consulting and support. An appellate lawyer on a trial team can assist in presenting the best possible case to the jury, while providing invaluable perspective on preservation of issues for appeal. We comprehensively understand what it takes to persuade appellate judges, and, toward that end, what it will take to build the right record to put the client's best foot forward.

Currently 21 former federal or state supreme court law clerks work at Bailey Glasser in offices throughout the country.

Experience

- Won five-day jury trial and a treble damages award from the court, resulting in \$61.3 million judgment against DISH Network for thousands of telemarketing calls placed to numbers on the National Do Not Call Registry in violation of the TCPA; argued the appeal resulting in a complete affirmance by the US Court of Appeals for the Fourth Circuit; case featured in the *Wall Street Journal* and CBS Evening News (*Krakauer v. Dish Network LLC*)
- Won a \$30 million trial judgment in a case involving multiple breaches of duty by the trustee and complex valuation issues in an ESOP transaction; won a complete affirmance by the US Court of Appeals for the Fourth Circuit, establishing new law on ESOPs that has been cited nationwide (*Brundle v. Wilmington Trust*)
- Obtained a precedent-setting decision by the US Court of Appeals for the Seventh Circuit which established important pleading standards in ESOP cases (*Allen v. GreatBanc Trust Co.*)
- Represents Intel employees in a case claiming that retirement plan trustees lost substantial retirement savings by investing in hedge funds and private equity; following a victory before the

US Court of Appeals for the Ninth Circuit, the case is scheduled for argument before the US Supreme Court on December 4, 2019, over the statute of limitations defense (*Sulyma v. Intel Corp*)

- Obtained affirmance in the US Court of Appeals for the Ninth Circuit of a contempt order and a \$13.8 million default judgment relating to the sale of property in violation of a court order (*Blixseth v. Yellowstone Club Liquidating Trust*)
- Obtained affirmance in the US Court of Appeals for the Second Circuit of a \$20 million judgment in a commercial dispute regarding sale of a government contracting company (*Charron v. Sallyport Global Holdings, Inc.*)
- Obtained reversal in the US Court of Appeals for the Eleventh Circuit when the court found that that under § 1681i(a) of the Fair Credit Reporting Act, a consumer may recover actual damages even if the defendant credit reporting agency did not publish the consumer's false credit information to a third party (*Collins v. Experian*)

News & Insights

West Virginia Supreme Court Affirms Lower Court's Ruling on Denial of Motion to Compel Arbitration
06.01.2021

Bailey Glasser Achieves Favorable Settlement in Constitutional Claim Against the Commonwealth of Kentucky
12.03.2020

Bailey Glasser Federal Appeals Court Victory: Police Officer Must Stand Trial in Fatal Shooting
11.24.2020

California Court of Appeals Upholds \$1.85 Million Judgement on Behalf of Injured Cyclist
10.05.2020

Bailey Glasser Obtains Favorable Ruling from Appellate Court on Behalf of Williamson Energy, LLC and Colt, LLC
08.26.2020

US Court of Appeals Rules Qualified Immunity Defense Not Permissible in False Claims Act Cases
06.22.2020

US Supreme Court Ruling on LGBTQ+ Workers
06.16.2020

Bailey Glasser Opening California Office Led By Arthur Bryant and Todd Walburg
02.12.2020

West Virginia Supreme Court Affirms Ruling on Fairmont State University
11.23.2019

Fourth Circuit Denies Stay in Precedent-Setting Dish Telemarketing Suit
06.27.2019

Bailey Glasser Secures Appellate Win in Employee Stock Ownership Plan Dispute
03.25.2019