

TONY GALLAGHER'S TOP TEN

(The Top Ten Things to Remember in a Ninth Circuit Appeal)

1) PREPARE

2) PREPARE

3) PREPARE

4) BEFORE THE NOA (UNLESS YOUR CLIENT INSISTS THAT AN APPEAL NOTICE BE FILED IN WHICH CASE THIS DOESN'T MATTER) MAKE SURE YOU HAVE A LEGITIMATE ISSUE AND A RECORD THAT WILL SUPPORT IT

5) CRITICALLY ANALYZE YOUR ISSUE(S)

6) GIVE YOURSELF TIME -- WRITE A DRAFT, COME BACK TO IT LATER, WRITE IT AGAIN, LET IT SIT, COME BACK AGAIN (REPEAT)

7) NARROW THE FOCUS

8) KNOW THE CASES CITED AND THE JUDGES WHO WROTE THEM

9) DON'T BE AFRAID TO BE DIFFERENT

10) AT ORAL ARGUMENT -- DISCUSS, DON'T DEBATE