

BUCKLEY

Appellate Practice

Appellate law demands highly specific and finely honed written and oral advocacy, which complements, but is often distinct from, litigation and trial skills. Buckley's Appellate practice brings all of these skills to bear. Whether safeguarding a hard-fought trial court victory or reversing an unfavorable ruling, our attorneys consistently deliver at the highest level throughout the appellate process.

We represent individuals and corporate entities in a broad range of appellate matters, with an emphasis on appeals involving the financial services industry and white collar crime. Our Appellate team has argued — and won — cases in state appellate and federal circuit appellate courts throughout the country.

Our firm knows firsthand from decades of experience that the need for appellate counsel proficiency begins when litigation commences. No win is secure and no defeat is absolute until potential appeals are resolved. Our team is involved in strategy development from the early stages of litigation through the appeals process. We are adept at identifying the issues that affect an appeal, and resolve difficult issues of record development and preservation to position the case for appeal. We are known for assertive and precise briefs. We also understand that a favorable settlement can be the best outcome, and have helped our clients explore these opportunities when they arise, with candid advice based on experience in all aspects of the litigation process.

Buckley also is retained for amicus briefs in matters with significant impact on the financial services industry and criminal law issues. Amicus briefs can affect legal policy and the landscape of any given market. The financial services industry, in particular, recognizes the critical nature of retaining a law firm that can advocate through amicus briefs and serve as appellate counsel when necessary.

Noteworthy matters include:

- Defended former Virginia Governor Robert McDonnell, whose public corruption convictions were unanimously overturned by the Supreme Court, which ruled that the government overreached in defining when a public servant's actions are "official acts"
- Represented on appeal Bridget Kelly, the former deputy chief of staff to New Jersey Governor Chris Christie, whose trial conviction was recently reversed in a unanimous decision by the Supreme Court
- Represented JP Morgan Chase Bank in an action by plaintiffs seeking to enjoin foreclosures based on assertions of sovereign immunity and

indigenous rights; obtained a dismissal of all claims before the District Court, and successfully defended the action before the United States Court of Appeals for the D.C. Circuit, which included cross motions to dismiss the plaintiffs' interlocutory appeal and a petition for a writ of mandamus

- Achieved an appellate victory in defending the estate of Michael Jackson and MJJ Productions, Inc., when the United States Court of Appeals for the D.C. Circuit unanimously affirmed a lower court ruling that what the plaintiff referred to as "newly discovered evidence" was not admissible
- Represented a top mortgage loan servicer in a False Claims Act qui tam investigation into servicing and loss mitigation activities, in which the government declined to intervene in the case; obtained a dismissal of the case on motion, which the Sixth Circuit upheld on appeal
- Filed an amicus brief on behalf of the Mortgage Bankers Association, the National Association of Home Builders, and the National Association of REALTORS® in the Supreme Court case addressing the appropriate remedy should the Court find the Consumer Financial Protection Bureau's structure unconstitutional. *Seila Law LLC v. Consumer Fin. Prot. Bureau*
- Filed an amicus brief in *PHH v. CFPB*, the first administrative decision by the Consumer Financial Protection Bureau Director to come up for appeal before the District of Columbia Circuit; Buckley attorneys argued that the CFPB Director's decision to ignore the longstanding interpretation of Section 8 of the Real Estate Settlement Procedures Act (RESPA) would eliminate an important form of risk retention, make the home mortgage closing process more difficult and expensive for consumers, and particularly harm the country's least affluent mortgage borrowers