



Appeals and Advocacy Group Attorney Guide

6/25

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QUICK-REFERENCE PAGE INDEX

PAGE

Overview	3
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Practice Group Co-Chairs

Bennet Evan Cooper	4
Phillip J. DeRosier	4

Practice Group Attorneys

Justin J. Bustos	5
Vail C. Cloar	5
Scot L. Claus	5
Alexandra Crandall	6
John P. Desmond	6
Carol A. Funk	6
Autumn L. Gentry	7
K. Scott Hamilton	7
Collin Kelly	7
Mackenzie E. Robinson	8
Jeffery V. Stuckey	8
Daniel C. Ziegler	8

Appeals & Advocacy Practice Group

Dickinson Wright's [Appeals & Advocacy attorneys](#) excel in representing clients in appellate courts across the nation, and also in working with trial counsel in developing and preserving issues in anticipation of appeal. We handle appeals and writ proceedings in a variety of venues and jurisdictions, including state supreme and intermediate appellate courts, federal courts of appeals, the U.S. Supreme Court, Canadian appellate courts, and the U.S. Patent Trademark Office's Trademark Trial and Appeal Board. In each instance, we bring together finely honed skills in written and oral advocacy with deep experience in our clients' industries and areas of interest. Our goal is always to advance our client's interests by achieving the optimal result in the immediate case while helping the client shape the longer-term development of the law.

On Appeal

We understand that appellate work requires the ability to either defend a victory at trial, overcome a loss, and in some occasions, a little of both. We work closely with clients to advise them whether, when, and how to seek appellate review, in light of the available procedural alternatives, applicable standards of review, and makeup of the appellate court. In addition to representing parties, we regularly prepare briefs on behalf of amici curiae ("friends of the court"), whether they are interested individuals, companies, or trade associations, to inform the courts of the factual and legal contexts and policy ramifications of the issues before them.

Our approach to advocacy involves telling a story that will resonate with appellate judges who are new to the case and have a small window for appreciating it. To do this, we identify, analyze, and distill technically complicated facts and complex legal questions and present them in a straightforward, engaging, and understandable fashion.

Beyond strong writing, effective advocacy requires knowing the industry and the relevant law. We have extensive experience in industries ranging from insurance, telecommunications, and health law to land use, state and municipal governance, and development of tribal lands. We also have extensive knowledge of fields that concern individual clients, from family law and criminal defense to personal injury. We focus on evolving areas of the law, such as patents and other intellectual property, federal and state taxation, constitutional jurisprudence, director and officer coverage, white collar defense, ERISA, and environmental law. And we have practical experience with the kinds of make-or-break issues that affect numerous areas, including class actions, statutory damages caps, punitive damages, and jurisdictional and preemption disputes.

In the Trial Courts

The trial process often goes forward in the shadow of what may happen at the next level, particularly when the case involves matters of first impression, unsettled law, and complex facts. Our Appeals & Advocacy attorneys collaborate harmoniously with trial counsel, whether they are at Dickinson Wright or other firms, in devising and implementing the case strategy. At the trial level, we prepare and argue dispositive and procedural pretrial motions, motions in limine, trial briefs, jury instructions, and post-trial motions; we may be called on to be in the courtroom to monitor and advise on trials. We ensure that key legal issues are persuasively presented and fully preserved: the right evidence is admitted, the right objections are made, and the right arguments are advanced. In that setting, our goal is to offer the client and trial counsel an independent, fresh perspective and evaluation of the merits, the proposed strategies and tactics, and the client's prospects.

Practice Group Co-Chairs



Bennett Evan Cooper | MEMBER

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Ben Cooper advocates for clients in high-stakes appeals and writ proceedings in the U.S. Supreme Court, federal circuit courts, and state supreme and intermediate appellate courts from coast to coast. He argued before the U.S. Supreme Court in 2023 in *Jack Daniel's Properties v. VIP Products*, a trademark parody case. Admitted in Arizona and California, Ben emphasizes such fields as insurance coverage and bad faith, intellectual property, taxation, Native American law, and other complex civil and constitutional litigation.

Ben is the author of the 1,000-page treatise *Federal Appellate Practice: Ninth Circuit* (Thomson Reuters 2023-2024), and the lead author of the 800-page treatise *Arizona Trial Handbook* (Thomson Reuters 2023-24). He currently serves on the Ninth Circuit's Advisory Committee on Rules of Practice and Internal Operating Procedures, and has served as Chair of the American Bar Association's Council of Appellate Lawyers, the inaugural court-appointed Chair of the Appellate Lawyer Representatives to the Ninth Circuit Judicial Conference, and Chair of the State Bar of Arizona's Appellate Practice Section. A former judicial clerk for Ninth Circuit Judge Alex Kozinski, Ben is ranked in appellate practice by Chambers USA, Best Lawyers in America, and Southwest Super Lawyers.



Phillip J. DeRosier | MEMBER

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Phil DeRosier has more than 20 years' experience representing industry-leading corporations, banks, insurance companies, and individuals in the Michigan Supreme Court, Michigan Court of Appeals, and U.S. Courts of Appeals. Phil has briefed and argued a wide variety of appeals, ranging from commercial contracts to insurance to business torts. He also devotes a significant part of his practice to briefing dispositive motions and working with trial counsel on pre- and post-trial motions, jury instructions, and preserving issues for appeal.

Phil is a past Chair of the Governing Council of the State Bar of Michigan's Appellate Practice Section, and is consistently recognized in Best Lawyers and Michigan Super Lawyers in the area of appellate practice. Phil is co-chair of the Michigan Appellate Bench Bar Conference and a contributing author to the Institute for Continuing Legal Education's *Michigan Appellate Handbook*. Before joining the firm, Phil served as a law clerk for former Michigan Supreme Court Chief Justice Robert P. Young, Jr., and was a staff attorney at the Michigan Court of Appeals.

Practice Group Attorneys



Justin J. Bustos | MEMBER

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Justin J. Bustos represents clients in the United States Supreme Court, the Ninth Circuit Court of Appeals, and the Nevada Supreme Court. Justin has extensive experience writing briefs and arguing complex appeals in the areas of commercial litigation, constitutional law, class actions, civil rights, intellectual property, and criminal defense. He is a member of the Criminal Justice Act Appellate Panel for the unofficial Northern District of Nevada, which is a panel of court-approved attorneys authorized to represent indigent defendants in federal appeals to the Ninth Circuit. Justin has successfully argued a number of precedent-setting appeals in both state and federal court. He is routinely acknowledged by Mountain States Super Lawyers and Nevada Legal Elite.



Vail C. Cloar | MEMBER

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Vail has litigated in appellate courts at the highest levels, including appeals before the Arizona Court of Appeals, the Arizona Supreme Court, the Bankruptcy Appellate Panel of the Ninth Circuit, the U.S. Courts of Appeals for the Ninth, Tenth, and Eleventh Circuits, and the U.S. Supreme Court. Before entering private practice, Vail served as a clerk for Justice Robert Brutinel (Ret.) of the Arizona Supreme Court, and received the highest score on the Arizona Bar Examination. Vail has significant appellate experience in professional liability matters, eminent domain matters, municipal litigation, legal malpractice defense litigation, and complex commercial litigation.



Scot L. Claus | MEMBER

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Scot Claus is the Chair of the firm's Constitutional Law Practice Group. However, his appellate practice is wide-ranging and varied, including the following areas: Constitutional Law and Defense of Governmental Entities, Complex Commercial Litigation, Class-Action Litigation, Securities Fraud Litigation, Professional Liability Defense, Real Property Litigation (including commercial leasing disputes, easement and boundary disputes, and condemnation matters), Product Liability, and Intellectual Property. He regularly argues cases before the federal and state courts of appeal, and also argues appeals before the Trademark Trial and Appeal Board. Scot routinely argues appeals in the Ninth Circuit, but has also appeared as lead appellate counsel in the Tenth Circuit, Sixth Circuit, Fifth Circuit, and the Supreme Court of the Iowa Tribe of Oklahoma. In addition to his practice, Scot is an Adjunct Faculty member at the Sandra Day O'Connor College of Law at Arizona State University where he teaches three classes: Private Property Rights, Real Estate and Business Valuation, and Trademark Prosecution.



Alexandra Crandall | MEMBER

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Alex appears in appellate courts across the country, including in the U.S. Supreme Court, federal circuit courts, and Arizona appellate courts. A former clerk for the Honorable Jennifer B. Campbell at the Arizona Court of Appeals, Division One, Alex has appellate experience in constitutional law, commercial disputes, tribal law, domestic relations, employment discrimination, insurance law, tax, municipal law, and eminent domain. Alex serves as an adjunct professor at Arizona State University's Sandra Day O'Connor College of Law, and was named a Rising Star in appellate practice by Southwest Super Lawyers and a Leader to Watch by AZ Business Leaders Magazine.



John P. Desmond | MEMBER

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John P. Desmond practices in the area of complex commercial litigation – primarily significant business disputes. Over the years, he has also had significant experience in the areas of product liability, class actions, and appellate work. He has argued several issues of first impression before the Nevada Supreme court.



Carol A. Funk | OF COUNSEL

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Carol Funk is an experienced appellate litigator who clerked for the United States Court of Appeals for the Fifth Circuit, Texas Supreme Court, Utah Supreme Court, and Utah Court of Appeals. She has been recognized as one of Utah's "Legal Elite" in appellate practice and served as a member of the Utah Supreme Court's Advisory Committee on the Rules of Appellate Procedure. Prior to joining Dickinson Wright, Carol was an associate in the Supreme Court and Appellate Litigation practice group of an international law firm, and her practice at Dickinson Wright likewise involves matters in state and federal courts across the country. Carol's practice focuses on complex legal issues across all areas of the law, including complex commercial litigation, employment law, and family law. In her practice, Carol also focuses on matters of jurisdiction, statutory construction, and constitutional interpretation.



Autumn L. Gentry | MEMBER

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For over 24 years, Autumn has represented clients in state and federal appellate courts across multiple jurisdictions. Her appellate practice includes a wide range of civil and commercial litigation disputes; employment claims, including class action/collective action cases; business disputes; breach of contract cases; and bad faith claims and coverage disputes. Autumn has served as co-chair of the Nashville Bar Association's Appellate Practice Committee. She has been recognized for civil and commercial litigation by Best Lawyers of America and Super Lawyers.



K. Scott Hamilton | MEMBER

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K. Scott Hamilton has 30 years of experience representing clients in the U.S. Supreme Court, the U.S. Courts of Appeals for the Second, Sixth, Seventh, Eighth and Tenth Circuits, the Michigan Supreme Court and Court of Appeals, and several other state courts of appeals, resulting in dozens of published opinions. Scott was Editor-in-Chief of *The Wayne Law Review* and law clerk to Judge Cornelia G. Kennedy of the U.S. Court of Appeals for the Sixth Circuit. He is a Life Member of the Sixth Circuit Judicial Conference, past Co-Chair of the Appellate Practice Committee of the Federal Bar Association for the E.D. Mich., member of the Sixth Circuit Practice Institute, and served as an adjunct professor of law at Michigan State Law School teaching Appellate Procedure.



Collin Kelly | ASSOCIATE

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Collin has assisted in various appellate matters at Dickinson Wright, primarily through legal research and initial analyses of the questions on appeal. Prior to joining Dickinson Wright, Collin worked in high-level political campaigns and uses this experience to analyze complex problems and effectively advocate for our clients.



Mackenzie E. Robinson | ASSOCIATE

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Mackenzie has assisted in various appellate matters at Dickinson Wright and before joining the firm, as she clerked for two years at the Nevada Supreme Court. Her clerkship experience has given her an intimate look at the “ins and outs” of the appeal process.



Jeffery V. Stuckey | MEMBER

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Jeff has served as appellate counsel on numerous matters for nearly 35 years. He has extensive appellate experience representing regulated entities, commercial interests, trade associations, universities, ballot question committees and political candidates in the areas of administrative law, gaming, insurance, telecommunications, receiverships, energy, elections, tax, and constitutional litigation. In addition, he has considerable experience in administrative and complex trial court proceedings in anticipation of appeal. He is recognized for appellate practice by Best Lawyers of America and Super Lawyers.



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As appellate counsel Dan has briefed a wide variety of appeals in the Michigan Supreme Court, Michigan Court of Appeals, and U.S. Courts of Appeals, appealing issues that range from jurisdictional to constitutional to interlocutory evidentiary disputes to § 1983 claims. Dan has also participated in appellate work as amicus counsel, representing the Michigan Defense Trial Counsel, Inc. before the Michigan Supreme Court. Dan has experience inside the federal and state appellate courts, serving as a clerk for Michigan Supreme Court Justice Brian K. Zahra and for Judge Stephen J. Murphy, III (U.S. District Court for the Eastern District of Michigan), who sits by designation on the U.S. Court of Appeals for the Ninth Circuit twice yearly.