

Navigating the Appellate Division, First Department with the Hon. David B. Saxe

Suitability for Appellate Review

- Analyze the record on appeal and decision, order and judgment to be appealed from
- Determine strategic points to be addressed, framed and analyzed and standard of review

Briefing

- Prepare briefs with an eye to substance, style, and readability
- An effective brief tells a story to capture the attention and imagination of the reader, *no matter what kind of case is involved*
- A **judicial nose** for examining drafts to “*distinguish between the scents that are merely unpleasant and those that signify the presence of some endemic disease or weakness.*” (Coffin, On Appeal, etc., p 45)

Appellate Argument

- Prepare an effective presentation with defined elements
- Develop a set of targeted talking points
- Use of archived streaming of past panel settings
- Prepare for and run Moot Court Session with valuable critique

Motion Practice

- Expertise in the mechanics of stay applications, motions for re-argument, and for leave to appeal
- Collaborate with clients and counsel



Hon. David B. Saxe (ret.)

Partner

Appellate, Strategic Case Review
212.735.8749

dsaxe@morrisoncohen.com

The Hon. David B. Saxe (ret.), a former Associate Justice of the Appellate Division, First Department for 19 years, has developed a unique boutique law practice-platform that can assist trial counsel in navigating the many facets of practice before the Appellate Division, First Department. He has written extensively about appellate practice and procedure and in particular about the intricacies of practice and procedure at the Appellate Division, First Department.

Throughout his career, Judge Saxe has **authored close to one thousand signed opinions**. The New York Times once referred to him as “the most published judge in the State.” He was and still is called upon to lecture to other jurists on **Legal Writing Skills** and other important topics. He currently serves by appointment of the Presiding Justice of the Appellate Division, First Department to the Governor’s Judicial Screening Committee for the Appellate Division, First Department.

In a letter written on his retirement from the Appellate Division, Chief Judge Judith Kaye wrote, in part,

“

As for your judicial opinions, I am certain we all agree: always on the Court of Appeals it was a treat (if we agreed) and a challenge (if we disagreed) to review a David Saxe Appellate Division Opinion. Hopefully, we agreed, because invariably Justice Saxe turned out an impressive writing, in result, reasoning and articulation. Having myself been a commercial litigator before ascending the bench, I found your civil, contract, commercial and real estate Opinions – an area of law and justice so important to the vitality and economy of New York State – particularly outstanding. Characteristics of a Saxe writing would be thoughtfulness and clarity, a contribution both to the stability of the law and to its progress.