

The Court of Appeals and the Appellate Practice Section

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The Court of Appeals was 30 years old in 1995, when the Appellate Practice Section was born. By that time there were many graduates of the Court's research division, as well as many former elbow clerks, who were practicing appellate law as a specialty. Not just in large urban prosecutors' offices, or as appointed appellate defenders, or in large firms with a high-volume litigation practice—places where the specialty was recognized—but as solo practitioners or in small or mid-sized firms that had never thought of appellate advocacy in that way.

Before the Section existed, practitioners' viewpoints on appellate issues were represented by a state bar Standing Committee whose main function was to comment on court rule proposals. But it could accommodate fewer than 20 appellate lawyers, nowhere near enough to meet the demand from lawyers with strong opinions on appellate topics. In 1995, twice that many lawyers regularly squeezed into a Court of Appeals conference room to plan the first Michigan Appellate Bench-Bar Conference. Many of those same lawyers were the founding members of the Appellate Practice Section. The first organizational meeting of the newly elected Council of the APS was held on October 20, 1995, right after the end of the first Bench-Bar Conference earlier that day.

That was an auspicious day for appellate practice in Michigan. The Court of Appeals, whose judges, staff attorneys and clerks had partnered fully with practitioners to put on the Conference, remained engaged with the new Section. No doubt it helped that 250 people had just spent two days together in Cobo Hall, talking appeals together in small groups. In the 20 years since, of course, bench and bar have not always agreed about what practices and procedures will ensure the highest quality of appellate justice achieved in the fairest and most efficient manner, but they've never stopped talking. We should all hope they never do.