



## Appellate

### At a Glance

#### High Stakes Appellate Matters:

MWM is often called upon to deliver creative and high-quality appellate advocacy in cases with significant impact on clients, their industries, and the law that will continue to govern them.

#### Emphasis on Excellence:

MWM strives to prepare briefs that are thoroughly researched, carefully vetted, and closely scrutinized and refined until the final written product is as persuasive as it can possibly be.

#### Broad Experience:

MWM attorneys have experience in not only appeals, but also all phases of litigation in both state and federal courts nationwide.

#### More like the Marines than an Army:

Focused teams of MWM lawyers offer flexibility, coordination, advice, and advocacy often not found in large, multi-firm operations that sometimes fail to speak with one voice.

### Overview

**MWM is known for its commitment to excellence in written and oral advocacy and has a track record of winning tough cases. Our “think outside the box” approach to legal analysis and argumentation is designed to maximize the presentation of our clients’ best and most persuasive case, and in a manner earning the respect of co-counsel, courts, and even opposing counsel.**

The well-rounded experience of MWM’s trial and appellate attorneys offers clients a holistic approach to appellate matters. MWM appellate lawyers focus on mastering the details of the trial record because they are often part of creating and preserving it in the first place. As a result, MWM provides immediate value no matter what phase a case is in—from developing pre-suit litigation analyses and strategies, to identifying and briefing key legal issues in the trial court, to handling cases on appeal.

MWM’s commitment to excellence translates to a deep dedication to presenting client cases with maximum strength and impact. MWM understands that most modern advocacy is written, and places special emphasis on a meticulous writing distillation process yielding briefs that are clear and persuasive. While this approach can and often does secure favorable results on the briefing alone, MWM brings an equally scrupulous approach to oral argument, holding in-house moot courts to anticipate questions, determining the most effective answers, and acquiring a wealth of insight from colleagues who

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read the briefs as much as appellate judges will. The results are best exemplified by appellate decisions adopting the words that MWM appellate attorneys have written, with important implications for our clients and their industries. We ask that you let us show you what we can do for you.

## Representative Cases:

**Reviving breakthrough medical patent at the Federal Circuit.** After a bench trial resulting in the invalidation of patents covering an international pharmaceutical company's innovative drug treatment, MWM secured a rare reversal at the Federal Circuit on the briefing alone, reviving patent protection, and restoring the client's market leadership.

**Case dismissal at the Texas Supreme Court.** MWM persuaded the Texas Supreme Court to reverse two lower courts' decisions and dismiss a defamation lawsuit brought against a television station and three of its reporters. In addition to relieving its clients of any liability, the decision clarifies the legal protections afforded to media defendants when reporting on matters of public concern.

**Setting precedent on securities laws.** After replacing former lead counsel in decade-long securities fraud battle—despite liability judgment already having been entered and soon before damages portion of trial proceedings—achieved judgment of less than 20% of the restitution amount sought, then appealed that judgment resulting in the reversal and remand by the Court of Appeals on securities issue in an opinion noting decision's "whiplash effect." (now on subsequent appeal)

*We're pleased with the court's final judgment, and we look forward to seeking to recover our attorneys' fees as well on the breach of contract claim," Michael A. McCabe, regarding a \$48M judgement in AMS Sensors USA Inc. v. Renesas Electronics America Inc.*

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