

Effective advocacy on appeal requires the ability not only to sum up years of trial-court battles in a single brief or oral argument, but also to dissect the core issues with surgical precision-all before an appellate court that has likely never heard your case.

As the law grows more complex and specialized, there is an increasing need for skilled and experienced appellate lawyers. Appeals are the end-game of lawsuits.

Miller & Martin's appellate lawyers have successfully briefed and argued substantive cases before the United States Courts of Appeals throughout the country, as well as Supreme Courts and intermediate courts of appeal in Tennessee and Georgia.

Our attorneys advise clients regarding appellate issues in a wide spectrum of matters, including labor & employment, insurance, bankruptcy, constitutional law and sophisticated commercial litigation. We are skilled in handling all stages of appellate procedures, from the filing of notices of appeal through petitioning for and opposing writs of certiorari to the highest courts. Miller & Martin has also represented various clients as amicus curiae, filing appellate briefs on behalf of non-parties to protect their public-policy interests.

To better position significant cases for potential appeal, our appellate lawyers are available to work with trial counsel to provide strategic guidance before the appeal. Our understanding of our clients' businesses and industries guides us when identifying key issues relevant to the appeal. Miller & Martin is also often retained to handle appeals of cases that were tried by other law firms.

Miller & Martin's appellate lawyers hold memberships in various states and national appellate-practice associations and publish articles and regularly present on appellate issues.

SELECTED EXPERIENCE

- Successfully represented defendant-appellee resulting in a reversal of a trial court multimillion-dollar decision in a family business dispute between co-owners in which the plaintiff alleged breach of contract, intentional interference with business relationships, breach of fiduciary duty, and equitable relief under the LLC dissolution statute and sought damages (Tenn. Ct. App., 2024).
- Successfully represented defendant-appellant bank in obtaining reversal of summary judgment on interlocutory appeal based on question of first impression in FDIC context (11th, 2023).
- Successfully obtained reversal of judgment against real estate developer for breach of executive employment contract (Tenn. Ct. App., 2023).
- Successfully represented plaintiff-appellee buyer of assets of carpet manufacturer in obtaining dismissal of appeal from bankruptcy adversary proceeding based on lack of appellate jurisdiction (11th, 2022).
- Successfully represented defendant-appellee marketing group in obtaining affirmance of summary judgment against \$30 million claims for misappropriation of trade secrets in annuity marketing industry (9th, 2021).
- Successfully represented marketing group in obtaining affirmance of rejection of anti-SLAPP statute in defamation case against competitor (Ga. Ct. App., 2020).
- Successfully represented defendant-appellee plan administrator in affirming dismissal of action by healthcare provider challenging recoupments based on patients' assignments of ERISA benefits (6th, 2016).
- Successfully represented defendant-appellee insurer in case concerning whether ERISA preempts insurer's audit rights under provider agreement (6th Cir., 2016).
- Represented petitioner labor-referral service in entertainment industry, successfully obtaining reversal of holding by National Labor Relations Board that stagehands are employees and thus subject to unionization (11th Cir., 2016).
- Successfully represented defendant appellee food-services employer in employment-discrimination dispute (Tenn. Ct. App., 2015).
- Obtained on appeal a \$2 million reduction of punitive-damages award in nursing home liability case (Tenn. Ct. App., 2014).
- On behalf of defendant bank, successfully defended constitutionality of statute permitting recovery of attorney fees arising from loan default (2013).
- On behalf of defendant employer in brick-sales industry, successfully obtained reversal of trial court order refusing to enforce non-competition agreement (Tenn. Ct. App., 2013).

RELATED PRACTICES

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