APPELLATE LAW PROGRAM

Evaluating appeals.

Public Counsel's Appellate Law Program places appeals with pro bono counsel for representation when an indigent appellant in a civil matter can present one or more arguably meritorious issues to the appellate court. To determine whether the appellant can do so, it is necessary to conduct a thorough evaluation of the appeal. Attorneys evaluating an appeal will review the entire record on appeal -- including trial court documents and (where relevant) hearing transcripts -- conduct appropriate legal research, and inform the Appellate Law Program whether, in light of the applicable standard of appellate review, the appellant can present one or more arguably meritorious issues to the appellate court.

"Meritorious" does not mean the appellant will necessarily prevail but rather that the issue warrants serious consideration by the appellate court and may warrant a ruling in the appellant's favor. By contrast, an appellant's argument lacks merit if it would be frivolous as that term has been interpreted under Code of Civil Procedure section 907.

In evaluating the appeal, an attorney is assisting the Appellate Law Program only. The attorney is not forming an attorney-client relationship with the appellant whose appeal the attorney is evaluating. In fact, the appellant will not know the identity or law firm of the attorney evaluating the appeal.

If the attorney evaluating an appeal determines that the appellant can present arguably meritorious issues to the appellate court, the attorney is welcome to handle the appeal as the appellant's pro bono appellate counsel. Alternatively, the attorney may return the appeal to the Appellate Law Program, which will place it with other pro bono counsel.