



Appellate Law: A Case Example and the Role of Amicus Briefs

ORIGINAL PROGRAM DATE

March 24, 2026

REPORTING YOUR CREDIT

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DESCRIPTION

The appellate process requires a delicate balance between highlighting salient facts to enumerate an objective analysis while sorting through a voluminous record. Neil Fox and David Montes will share their experience as counsel and amicus curiae in *John Does v Seattle Police Department*, involving public records disclosure and privacy rights under state law. Justice Faith Ireland (Ret.) will then share perspectives from the Washington State Supreme Court bench, providing practice tips and answer questions about strategy and approaches.

AGENDA

1 Taking a Case from Superior Court to the US Supreme Court

Appellate lawyers sometimes only practice in appellate courts and are wary about appearing in proceedings in the trial court. *Does v. SPD*, though, was a case that spanned all levels of our courts, superior, the Court of Appeals, the Washington Supreme Court and the U.S. Supreme Court, with the same attorneys representing the public requesters throughout the entire case. Neil Fox, one of these attorneys, will take us through the complicated procedural history of the case, with an emphasis on how the record was created. He will also discuss the pseudonym issue that allowed a defendant in a civil lawsuit essentially to change the focus of the case. David Montes, staff attorney at the ACLU of Washington, will also share the decision making around writing an amicus brief for this case.

Neil Fox - Law Office of Neil Fox, PLLC, Seattle, WA

David Montes - ACLU of Washington, Seattle, WA

2 Appellate Advice from the Washington State Supreme Court

Justice Faith Ireland will discuss the obligations and practices of the State Supreme Court. That includes how cases are chosen, the prehearing procedures and posthearing practices including decision preparation and release. She will give advice on briefing and oral argument. She will discuss the changing court with new Justices and more to come. This session will conclude with a panel discussion, providing practitioners with the opportunity to further explore these tools and techniques.

Justice Faith Ireland (Ret.) - JAMS, Seattle, WA

Neil Fox - Law Office of Neil Fox, PLLC, Seattle, WA

David Montes - ACLU of Washington, Seattle, WA