



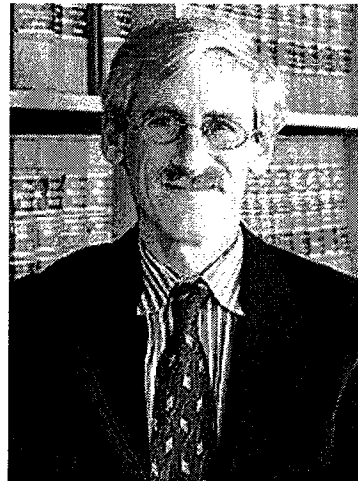
The Art of Appellate Advocacy - Taking a step back

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Today's column was inspired by words of advice that one of the founding members of my firm recently offered following a somewhat challenging appellate argument I had. After I whined to this senior partner about the difficulty I encountered in trying to advance an argument that was key to the case, he responded that sometimes it's necessary to take a step back and consider the big picture.

At the time he gave this advice, I privately thought, considering the grilling I had received in the argument we were discussing, taking a step back would have done me about as much good as it would have helped Joan of Arc at the stake. Instinct nevertheless told me to overcome my normal lack of impulse control and not to offer my thoughts to this partner after whom my firm is partially named, and so I kept them to myself. Until here, that is, where I exercise very little impulse control but figure I am pretty safe because he never reads this column.



Or hardly ever, which is why I will quickly add, as a general rule, taking a step back is pretty good advice to follow. All rules have their exceptions, of course — rock climbing and trying to outrun the bulls of Pamplona are two that immediately come to mind — but I'm done with those activities for today and so I've decided instead, for the purpose of writing this article, to heed my learned colleague's recommendation by taking a step back to consider the big picture.

Public and private

One year ago this month, I left the Maryland attorney general's office, where I had been happily employed for over 18 years, to enter a new phase in my legal career:

