

The Appellate Tribe

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Bar Bulletin Blog: General

“Always Appealing” is a column addressing current issues in appellate practice and recent appellate cases written by the lawyers of Smith Goodfriend, P.S., a Seattle law firm that limits its practice to civil appeals and related trial court motions practice.



The civil appellate bar in Washington State is small. Most disputes are settled, before or after litigation is commenced, and of those few cases that are resolved by trial or dispositive motion, even fewer are appealed. And, of course, not every appeal is handled by a lawyer who focuses their practice on appeal. So there are not many of us who can make a living being an “appellate lawyer.”

But those of us who do largely limit our practices to appeal get to know one another pretty well. We engage in motions practice, exchange briefs, and actually see each other, fleetingly, in those cases where oral argument is granted.

Last month, we sadly said a fond farewell to one of our appellate colleagues, Sidney Tribe, who is leaving the practice of law in Washington and moving to Australia with her husband. Readers of the Bar Bulletin know Sid as President of the King County Bar Association; Sid has been very active in Bar activities, including as former chair of the KCBA Appellate Practice Section. She also serves as the current co-President of the Washington Appellate Lawyers Association¹ and was instrumental in putting together the 50-year celebration of the creation of the Court of Appeals for Division One a few years back.

But I will remember Sid best as a pleasure to work with, as a worthy opponent. In the cases we had against one another over the years, she wrote well—job number one for an appellate lawyer—and spoke well—job number two for an appellate lawyer.² And she did not, generally,³ take unreasonable positions or attempt to use procedure to get in the way of merits consideration. I had the great pleasure of nominating Sid for membership in the American Academy of Appellate Lawyers, based on my experiences with her as opposing counsel.

I've written before in this column about the pleasures of waiting for your case to be called in the Court of Appeals, and the opportunity it affords for listening to other advocates present argument.⁴ So, in addition to no longer seeing her “across the aisle,” another thing I will miss is seeing Sid arguing cases I knew nothing about. In oral argument, she was always calm, deliberate, and responsive to the Court's questions—skills critical to an effective appellate advocate.

Although the possibility of wearing robes—and maybe even a wig!—would be irresistible to me,⁵ I understand Sid does not plan to practice law in Australia. Such a loss, in my opinion. But times, and circumstances, change—look at all the new personnel at the Temple of Justice! I'm sure whatever Sid does “down under,” she will do it with the same grace and aplomb with which she practiced appellate law in the Evergreen State.

So “hoo-roo” and “cheerio,” Sid—hope to “catch ya later.”⁶

Catherine W. Smith is a principal in Smith Goodfriend. She founded the Washington Appellate Lawyers Association and is a Past President of the American Academy of Appellate Lawyers. She can be reached at cate@washingtonappeals.com.

1 Also known by its acronym, WALA, pronounced (with a flourish) just as it is spelled.

2 Given this is the only “public” part of the job, some would say oral presentation is job one.

3 I never had the pleasure of serving as co-counsel with Sid, and we were opposing counsel. Thus the condition . . .

4 Smith, Catherine, Always Appealing: Once Again Glad to Be Last on the Calendar, King County Bar Association Bar Bulletin, available at https://www.washingtonappeals.com/_ARTICLES/2307-Once_Again_Glad_to_Be_Last-Catherine_Smith_2.pdf (July 1, 2023).

5 Google reports that barristers still wear robes in the appellate courts, and that wigs are optional, in Australia. If that's a hallucination, apologies. But blame AI, not me.

6 Google also assures me that these are all Australian slang for “goodbye.” Several other options AI proposed were NSFW (at least in this country), and so are not repeated here.