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NILES S. ILLICH, PH.D., J.D. BOARD CERTIFIED, CRIMINAL
APPELLATE LAW (TBLS) • 300+ APPEALS • 2026 U.S. SUPREME COURT
WIN

THE CLIENT HAD GIVEN UP. THE FAMILY HAD NOT.

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The family had decided. The man at the center of the case had not.

He had been convicted and sentenced, and by the time his family went looking for an appellate attorney, he had stopped believing anything could change. They had not. They did not want someone to argue that he was a good person, or that the jury should have liked him. They wanted someone to read the record – line by line, thousands of pages – and find out whether the law had been followed in the room where his life was decided.

That distinction is the whole of the work, and almost no one outside the courts understands it. An appeal is not a second trial. No new witnesses take the stand. No new evidence comes in. The facts are closed. What remains is a single, narrower question: given everything that happened, did the court follow the law?

Niles Illich answers that question for a living, and he learned how before he ever represented a client. He began as a briefing clerk on the First Court of Appeals in Houston, where he read the records and drafted the court’s opinions – the rulings themselves. He sat with the three-judge panels until every justice was satisfied. He had written the very documents that advocates spend their careers trying to influence, and he knew, from inside the chambers, what made a panel keep reading and what made it stop.

Most appellate attorneys keep families at arm’s length. Illich does the opposite. He explains what an appeal is, what it is not, and what the long months of silence actually mean – because the people who most need to understand the law are rarely the ones sitting in the cell. For the family that would not give up, that mattered. He read the record, found the issue, and, in his words, “secured a reversal and brought her home.”

“ Law now, not facts.”
A small sentence carrying a large meaning.

THE MISUNDERSTANDING AT THE CENTER OF EVERY APPEAL

Ask most families what an appeal is, and they will describe a retrial — new witnesses, new evidence, a second chance to tell the story right this time. They are wrong, and the misunderstanding costs them.

“They think they are retrying the case,” Illich says. “This is about the law, not retrying the case. Law now, not facts.”

A small sentence carrying a large meaning. A trial decides facts: what happened, who did what, whom to believe. An appeal reopens none of that. It asks a different question entirely — given everything that happened at trial, did the court follow the law? Were the rules applied correctly? Was a constitutional protection ignored? The trial record is fixed. Nothing new goes in. The work is in reading what is already there and finding where the law was bent.

This is why a trial lawyer and an appellate lawyer are not interchangeable, though both hold the same license. They do different jobs with different tools. A trial lawyer persuades a jury out loud, in a room full of people. An appellate lawyer persuades a panel of judges in writing, in silence, working line by line through transcripts that can run to thousands of pages, hunting for the single error that matters.

Illich does only the second kind of work. His practice is appeals — nothing else, for fifteen years, across Texas and into the federal courts. The focus is the point. An attorney who handles trials and appeals and family matters is spread across the whole of the law. An attorney who handles only appeals spends every working hour inside the narrow, technical discipline that decides whether a conviction stands or falls.



WHERE HE LEARNED IT: BEHIND THE BENCH, NOT IN A CLASSROOM

Most appellate attorneys learn the craft the slow way — filing briefs and waiting, sometimes years, to discover what worked. Illich learned it from the other side of the bench, before he ever represented a client.

He began his legal career as a clerk on the First Court of Appeals in Houston, where the criminal appeals moving through his chambers were his to handle. His job was to read the record and the briefs, then draft the court's opinion — the ruling itself. The draft went to the judge, who made changes. When the judge was satisfied, it went to the assigned three-judge panel, and Illich sat down with all three justices to discuss it. When every justice was satisfied, the work issued as the opinion of the court.

Read that sequence twice, because it explains everything that followed. Before Illich ever wrote a brief as an advocate, he had written the decisions — the very documents brief writers spend careers trying to influence. He knew from the inside what made a panel find an argument persuasive, what made it skeptical, and what made it stop reading. He had been in the room where the brief either worked or did not.

"This is where I learned how to do criminal appeals," he says. "Law school does not focus on appellate work."

That last point deserves weight. Law school teaches the law broadly; it does not train appellate specialists. The skills that decide an appeal — reading a record for preserved error, framing an issue for a particular court, understanding the standard of review that governs whether a judge may even consider an argument — are learned afterward, if at all. Illich learned them by drafting opinions for justices who corrected his work until it was right. There are few better classrooms, and very few attorneys who have sat in it.

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A CREDENTIAL THAT SCREENS OUT ALMOST EVERYONE

Texas licenses more than sixty thousand attorneys. Fewer than two hundred are Board Certified in Criminal Appellate Law by the Texas Board of Legal Specialization. Illich is one of them.

Board certification is not a marketing badge; it is a filter. The Texas Board of Legal Specialization requires substantial documented experience in the specialty, peer references from attorneys and judges who have seen the lawyer's work, and a demanding examination. The certification in criminal appellate law exists precisely because appellate work is its own discipline, distinct from trial practice, and the public has no easy way to tell who actually does it well. Out of every cohort of Texas lawyers, only a fraction of a percent hold it. The certification promises no outcome

— nothing in an appeal can — but it answers the question every family is trying to answer and usually cannot: is this person an appellate specialist, or a generalist who also takes appeals?

The certification is reinforced by the sheer range of his work. Across more than 300 appeals, Illich has reached every one of the fourteen intermediate appellate courts in Texas, argued before the Texas Court of Criminal Appeals — the highest criminal court in the state — and the Texas Supreme Court, and practiced in all federal courts in Texas and Maryland and before the United States Courts of Appeals for the Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Circuits. In 2026, that work reached its highest possible forum — a victory at the Supreme Court of the United States, described below. The breadth matters because appeals do not stop at a single courthouse. A case can move from a state court to a federal one, from a direct appeal to a habeas petition, from one circuit to the next. An attorney admitted in only one venue can carry a case only so far. The Institute for Attorney Oversight has ranked Illich among the top ten appeal attorneys in Texas.



AN APPEAL TURNS ON THE LAW.

Not a retelling of the facts. Record review before assessment.

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RESPECTED BY THE PEOPLE WHO DO THE SAME WORK

There is a difference between an attorney clients have heard of and one other appellate lawyers turn to, and Illich is largely the second kind. His standing shows up in the places where the appellate bar governs and teaches itself.

He has been a featured speaker at the Robert O. Dawson Conference on Criminal Appeals, one of the field's principal gatherings for criminal appellate practitioners — an invitation that comes from being regarded as someone worth learning from. He serves as Amicus Chair for the Texas Criminal Defense Lawyers Association, the role responsible for the friend-of-the-court briefs the association files in cases whose outcomes will shape the law for everyone who comes after. He chairs the criminal law committee of the bar association for the Fifth Circuit and sits on the Texas committee that helps shape the rules governing criminal procedure itself.

Taken together, these are not client-facing credentials. They are peer-facing ones. They describe an attorney trusted to argue on behalf of the profession, to help write the rules the profession works under, and to teach other lawyers how the work is done.

“ This is where I learned how to do criminal appeals

A 2026 WIN AT THE SUPREME COURT — BY READING THE LAW, NOT THE FACTS

The principle that an appeal turns on law rather than facts is not an abstraction for Illich. In 2026 it produced the most consequential result of his career: a win at the Supreme Court of the United States.

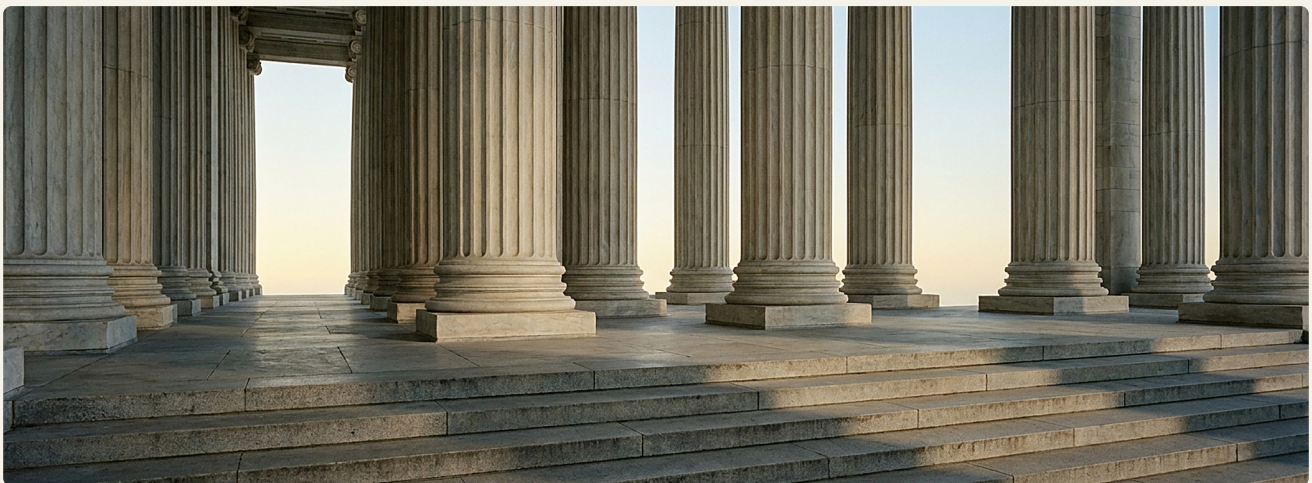
The case is *Grayson v. United States*. At its center was a recording — a FaceTime call made by a third party with extortionate intent, which the government wanted to use as evidence. The defense moved to suppress it under the federal Wiretap Act, which bars the use of illegally intercepted communications. The trial court admitted it anyway, relying on a roughly thirty-year-old Sixth Circuit rule — the *Murdock* “clean-hands” exception — that allowed such evidence as long as federal agents had played no part in the illegal interception.

Illich did not argue the facts of the recording. He argued the text of the statute. His position was simple and unfashionable: read as written, the Wiretap Act contains no such exception. It had been grafted onto the law decades earlier, and it had survived not because the statute supported it but because no one had successfully dismantled it.

The argument was strong enough that the Sixth Circuit panel said so on the record, writing in effect that the precedent might be wrong but that *Murdock* still bound them — language that all but invited the Supreme Court to look closer. Illich built the vehicle to make that happen, assembling an alliance that included the Supreme Court practice at Skadden, Arps and drawing amicus support from the Tennessee Association of Criminal Defense Lawyers, represented by O'Melveny & Myers.

The framing held all the way up. Before the Supreme Court, the government's own Solicitor General conceded that the *Murdock* exception was, in the law's own terms, atextual and unsound. On June 22, 2026, the Court issued a GVR order — it granted review, vacated the lower court's decision, and returned the case for reconsideration, resolving a split among the federal circuits and aligning the Sixth Circuit with the First, Third, Fourth, Eighth, and Ninth.

It was a decisive win at the nation's highest court. A GVR of this kind is not a final merits judgment — the case returns to the lower court for reconsideration — but its effect was unmistakable: a thirty-year-old rule abandoned, a circuit split resolved, and the federal government conceding the point. A board-certified appellate specialist, working with elite co-counsel, persuaded the United States to give up a rule it had relied on for three decades by doing the one thing appellate work is built on. He read the law. He showed where it had been bent. He did not re-argue a single fact.



HE LEARNED APPEALS INSIDE THE COURT.

Former briefing clerk, First Court of Appeals. More than 300 appeals.

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THE DIFFERENCE MOST ATTORNEYS WON'T OFFER

There is a line many appellate attorneys draw, and Illich draws it in the opposite place.

"Most attorneys say, 'I don't represent the family and don't talk with them,'" he explains. "I spend a lot of time educating the family about appeals."

The conventional logic is defensible on paper. The client is the person convicted; the attorney-client relationship runs to that person; the family is, technically, not the client. So many attorneys keep the family at arm's length — fewer calls, fewer questions, a cleaner line.

Illich decided differently, for a reason rooted in how appeals actually unfold. An appeal is slow. From filing to decision, the process commonly runs about eighteen months — a year and a half during which the person at the center of the case has little to do but think, and what he thinks about, again and again, is the trial. He wants to relitigate it. He wants to argue the facts, the witnesses, the things he is certain the jury got wrong. But the appeal is not about the facts. Over eighteen months, a frustrated client can pull his own appeal off course by insisting on fighting the wrong battle.

This is where the family becomes essential. "Families can help redirect the client," Illich says. When the person in the cell forgets that the appeal is about the law and starts arguing the facts again, a family that understands the process can steady him — remind him what this stage is for, carry the explanation back into a place the attorney cannot easily reach. A family that understands the appeal becomes part of the case's machinery rather than a complication to manage.

So Illich teaches them. He explains what an appeal is and is not. He explains the timeline, so the silence of the waiting months does not read as abandonment. He explains what the brief does, what oral argument is, and what the opinion will and will not decide. The education is not a courtesy. It is part of the strategy.

“ Law school does not focus on appellate work.



WHAT WORKING WITH HIM ACTUALLY LOOKS LIKE

For a family in crisis, the most disorienting part of hiring an appellate attorney is not knowing what comes next. Illich's process is deliberately legible.

It starts with contact and an email that lays out the essentials in plain terms — what an appeal is, what the stages are, what to expect. Then comes the part most attorneys skip: educating the family. He visits the client. A contract is signed and the engagement is set. Then the technical work begins. He requests the record — the full transcript and documents from the trial — and reads it. He writes the brief that frames the legal errors for the specific court that will hear the case, then the reply that answers the government's response. Where the court allows it, he presents oral argument. And then the case waits for the opinion.

Each step has a purpose, and each is explained rather than assumed. The family is not left guessing through the long middle, when nothing visible is happening but the case is very much alive.

It is worth being equally clear about what Illich does not do. He does not promise outcomes. Appeals are difficult by design: the system presumes the trial got it right, and the burden of showing otherwise rests entirely on the appellant. What Illich offers is not a guarantee. It is a specialist who reads the record honestly, tells families what is actually in it, and pursues the legal errors the record will support.

MOST FAMILIES ARE KEPT OUT.

He brings them in — plain language, and what the record actually shows.

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WHO FINDS HIM

Three kinds of people tend to reach Illich, and they arrive in very different states.

There is the person planning ahead — someone with a case still in progress who has the foresight to line up appellate counsel before a verdict, while there is still room to think. There is the family in crisis, searching after a sentence has come down, often frightened and often disappointed by a prior attorney who said the right things and then went quiet. And there are other attorneys — trial lawyers who recognize that an appeal is a different discipline and want a specialist to handle it rather than stretch past their own practice.

What the three share is the question beneath all their other questions: is this attorney telling me the truth? For the family that has been let down before, that question is everything. They have already paid for confidence and received silence. They are not looking for someone to tell them what they want to hear. They are looking for someone who will read the record and say what is in it.

That is the practice Niles Illich built. He learned appeals from inside the court, drafting the opinions advocates spend their careers trying to influence. He holds one of the rarest specialty certifications in Texas law, and the respect of the appellate bar that governs and teaches the work. He brings families into a process most attorneys keep them out of, because over eighteen long months a family that understands the appeal is part of what holds it together. And he wins the way appeals are meant to be won — by reading the law, not re-arguing the facts.

The man whose family would not give up came home. Not because the facts changed. Because the law, read carefully by someone who knew how, finally said what it had always meant.

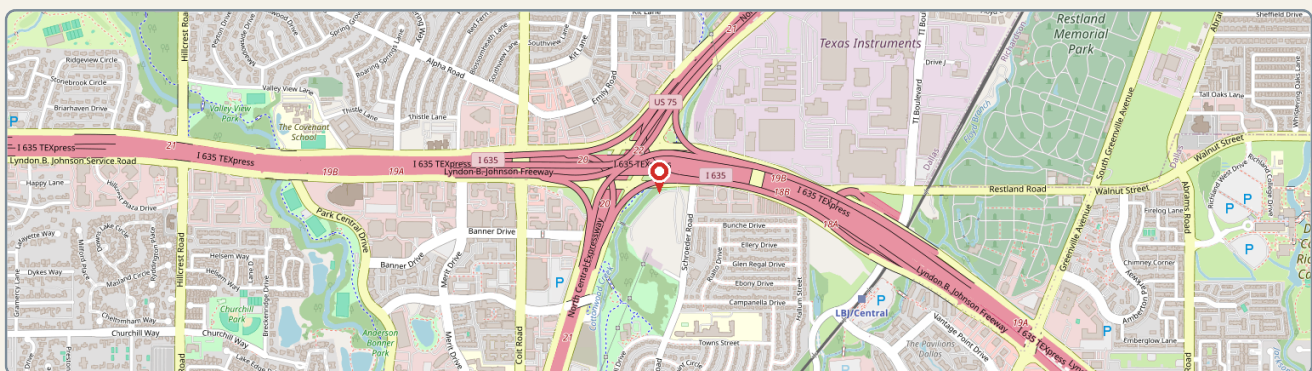
ABOUT NILES S. ILLICH, PH.D., J.D.

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