



Elana S. Einhorn

Member

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Practice Areas

- Appellate
- Litigation

Awards & Recognitions

- Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization
- *Best Lawyers in America*, Appellate Practice, 2022-present
- *Texas Super Lawyers*, Appellate Law, 2007-2009, 2016-present

Education

- University of Texas School of Law, Austin, Texas
 - J.D., with Honors
 - Order of the Coif
- Florida International University, Miami, Florida
 - B.A., English, with High Honors
 - Outstanding English Senior
 - Florida Academic Scholar
- The University of Chicago, Chicago, Illinois
 - Undergraduate Fellow, National Endowment for the Humanities

Admissions

- Texas
- U.S. Court of Appeals, Fifth Circuit

Elana S. Einhorn is a board-certified civil appellate lawyer with extensive experience working with judges in chambers and in using her deep understanding of Texas appellate courts on behalf of her clients. She knows what judges look for, the kinds of arguments they find most persuasive, and how to organize and frame legal issues for maximum impact. Elana has taught appellate advocacy to students at the University of Texas School of Law and appellate-opinion writing to new Texas judges. With her unique background, Elana provides the depth of knowledge about persuasion that the Enoch Kever team relies on to fashion the winning argument.

Professional Experience

- Represents clients before Texas state and federal appellate courts
- Faculty Member, University of Texas School of Law
 - Current Adjunct Professor in the Judicial Internship Program
 - Taught Appellate Advocacy, Advanced Legal Writing, first-year Legal Research and Writing
 - Served as Judicial Clerkship Advisor and Judicial Internship Instructor
- Served as Staff Attorney for Texas Supreme Court Justice John Cornyn and for Justice Deborah G. Hankinson
- Served as Law Clerk for current Texas Supreme Court Chief Justice Nathan L. Hecht and for Judge Edward C. Prado, United States District Court for the Western District of Texas

Select Publications & Presentations

- *Top 10 Appellate Mistakes at the Trial Court*, Texas Bar Journal, July 2023
- *Keep Calm and Supersede: The Basics of Superseding a Final Judgment in Texas State Courts*, The Advocate, Spring 2023

- *Writing Respectfully: Why Is It So Hard for Lawyers to Refrain from Personal Attacks in Their Writing and What Can Be Done to Help Fight the Urge to Hit Low*, *The Advocate*, Fall 2020
- *Efficient and Effective Legal Writing*, July 24, 2020, Zoom Presentation to Texas Office of Capital and Forensic Writs
- *Preparing for the Civil Appellate Board Certification Exam*, State Bar of Texas Advanced Civil Appellate Practice Course, 2012, 2013, 2015, 2016, 2018, 2019; Texas Association of Appellate Court Attorneys, Annual Meeting, 2011
- *Preservation of Error Pre-Trial and Trial*, State Bar of Texas Civil Appeals 101 Practice Course, 2017
- *Olivo v. Verburgt: A Uniform Approach to Late Notices of Appeal* (Co-authored with David Gaultney), 79 Texas Bar Journal 804 (2016)
- *A Five-Pass Edit* (Co-authored with Wayne Schiess), *Austin Lawyer*, Nov. 2015; reprinted in *The Appellate Advocate*, 2016
- Faculty, Texas Center for the Judiciary, College for New Judges, Appellate Opinion Writing with Wayne Schiess, 2014
- *Citational Footnotes* (Co-authored with Wayne Schiess), *The Appellate Advocate*, 2014; reprinted in *Legal Writing eJournal*, 2014
- *Issue Statements—Different Kinds for Different Documents* (Co-authored with Wayne Schiess), 50 Washburn L.J. 341 (2011); reprinted in State Bar of Texas Civil Appellate Practice 101 Course, 2013
- *Legal Writing: Basic Editing Up and Down*, Presentation to the Texas Association of Appellate Court Attorneys, Annual Meeting 2010
- *Advocacy Insight: What Appellate Practitioners Can Learn from the Blackmun Papers* (Co-authored with David Gunn), University of Texas 19th Annual Conference on State and Federal Appeals, 2009
- *Use of Restatements and Federal Authority by the Texas Supreme Court*, Texas Supreme Court Practice Manual 2005, ch. 12 (eds. Richard Orsinger & Larry Alexander)

Professional & Community Activities

- State Bar of Texas
 - Appellate Section
 - Law School Liaison Committee, 2012-2015, co-chair
 - Pro Bono Committee, 2012-2013
 - Advanced Civil Appellate Seminar 2004, planning committee
 - Litigation Section
- Austin Bar Association
 - Cancer Law Clinic, volunteer attorney, 2018-2019
 - Civil Appellate Section, council member, 2004-2006
 - Civil Litigation Section

- Texas Bar College
- Texas Board of Legal Specialization Exam Committee, Civil Appellate Law, 2005-2007
- University of Texas Law School Conference on State & Federal Appeals
- Planning Committee member, 2005-2020