

Appellate & Litigation Support

The lawyers in Cosgrave’s appellate practice group have briefed and argued hundreds of civil and administrative appeals before the Oregon and Washington courts of appeal and supreme courts, and the U.S. Court of Appeals for the Ninth Circuit. We don’t just handle our own firm’s appeals. Lawyers in other firms often ask us to handle their appeals.

Our group includes former appellate court law clerks and a fellow in the invitation-only American Academy of Appellate Lawyers. In 2017 and 2018, we earned a top-tier ranking for Appellate Practice in the Metro edition of U.S. News – Best Lawyers’ “Best Law Firms.”

Our practice extends beyond traditional appellate work. We also help lawyers in our firm and other firms prepare for trial, including drafting trial briefs, motions, and jury instructions.

Appellate Services

Like a good trial lawyer, a good appellate lawyer has a particular skill set, which includes familiarity with the rules and conventions that are peculiar to the appellate courts. It also includes the ability to identify and develop the arguments that are most likely to persuade appellate judges.

Our appellate services include:

- Reviewing the trial court record
- Identifying appeal-worthy issues
- Evaluating the merits of a potential appeal
- Participating in appellate mediation
- Developing a strategy for an appeal
- Writing appellate briefs, including amicus briefs
- Presenting oral argument

Our appellate practice group has tackled complex statutory, contract, and constitutional issues in all areas of civil practice – from personal injury to business litigation, insurance coverage to professional liability, construction defects to civil rights, and more. We’ve constructed novel, cutting edge legal theories, many of which have been accepted by the appellate courts. For a list of representative appeals we’ve handled, see below.

INDUSTRIES

- Beverage
- Construction
- Estate Planning
- Financial Services
- Healthcare
- Hospitality
- Insurance
- Manufacturing
- Professional Services
- Railroad
- Real Estate
- Trucking and Motor Carrier
- Wood Products

ATTORNEYS

- Wendy M. Margolis
- Robert E. Sabido
- Julie A. Smith
- Amber A. Beyer
- Chester D. Hill
- Thomas W. Brown

Litigation Support Services

Cosgrave's appellate practitioners are known for their substantive and procedural knowledge as well as their analytical and writing skills. That's why our clients and trial attorneys (from our firm and other firms) frequently ask us to assist in trial court proceedings.

Over the years, our group has drafted and argued hundreds of trial court motions and has assisted in dozens of trials.

Our litigation support services include:

Analyzing complex legal issues

Consulting on litigation strategy

Drafting and arguing dispositive motions

Drafting and arguing trial submissions, including trial memoranda, jury instructions, motions in limine, verdict forms, and motions for directed verdict

Drafting and arguing post-trial motions, including motions for new trial

Participating in trial to ensure that a proper trial court record is made and that specific issues are properly preserved for appeal.

Representative Cases

Oregon Supreme Court

Barrett v. Union Pacific Railroad Company

Turner v. Dept. of Transportation

Rains v. Stayton Builders Mart

Alfieri v. Solomon

Brownstone Homes Condo. Assn. v. Brownstone Forest Hts (Brownstone II)

Brownstone Homes Condo. Assn. v. Brownstone Forest Hts.

Montara Owners Association v. La Noue Development LLC

Brandrup v. ReconTrust Co.

Waldner v. Stephens

Lowe v. Philip Morris USA, Inc.

Mid-Century Ins. v. Perkins

Logan v. D.W. Sivers Co.

Reynolds v. Schrock

Burden v Copco Refrigeration, Inc.

McCall v. Kulongoski

Williams v. Philip Morris, Inc.

Walsh Construction, Inc. v. Mutual of Enumclaw

Bergmann v. Hutton

Lakin v. Senco Products, Inc.

Granewich v. Harding

Vandermay v. Clayton

Hagan v. Gemstate Mfg., Inc.

Oregon Court of Appeals

Elan v. King Tate

Ray Klein Inc. v. Wade

Harsch Investment Properties Management, LLC v. Schnitzer

Johnson v. Gheen

Huntsinger v. BNSF Railway Co.

John L. V. Platt, D.C., P.C. v. Snellgrove

Stonecrest Properties, LLC v. City of Eugene

LDS Development LLC v. City of Eugene

Clardy v. Nike, Inc. et al

Market Transport Ltd. v. Employment Dept.

Wells Fargo Bank, NA v. Haas

LDS Development, LLC v. City of Eugene

Wingett v. Silbernagel

Village at North Pointe Condo Assn. v. Bloedel Const. (Village I)

Currier v. Washman, LLC

Concienne v. Asante

Thoens v. Safeco Insurance Company of Oregon

Turner v. State

Alfieri v. Solomon

Amerivest Financial v. Malouf

Adair Homes, Inc. v. Dunn Carney

Montara Owners Assn. v. La Noue Development, LLC

Rains v. Stayton Builders Mart, Inc.

Two Two v. Fujitec America, Inc.

Brownstone Homes Condominium Ass'n v. Brownstone Forest Heights. LLC

McCoy v. Newport Seafood Grill

Truck Ins. Exchange v. Friend

McMackin v. Union Pacific Railroad Co.

Wright v. Turner

Howard v. Chimps

Evergreen Pacific, Inc. v. Cedar Brook Way, LLC

Home Builders Assoc. of Metro. Portland v. METRO

Amberglen, LLC v. Ankrom Moisan Associated Architects, Inc.

King v. Neverstill Enterprises, LLC

Mossberg v. University of Oregon

Haines v. Oliver

Yee v. Yee

Belinsky v. Clooten (Belinsky II)

McDowell v. Allied Building Products Corp.

Morasch v. Hood

Cardenas v. Farmers Ins. Co.

Riverside Homes, Inc. v. Murray

Mulligan v. Hornbuckle

Bonds v. Farmers Ins. Co. of Oregon

Wilmoth v. Ann Sacks Tile and Stone, Inc.

Worman v. Columbia County

Yowell v. Wild Oats Markets, Inc.

Kennedy v. Eden Advanced Pest Technologies

Vaughn v. First Transit, Inc.

Landauer v. Landauer

Farmers Ins. Co. of Oregon v. Conner

Belinsky v. Clooten (Belinsky I)

Cole v. Sunnyside Marketplace, LLC

Mid-Century Ins. v. Perkins

Palmquist v. Flir Systems

Douglas Medical Center, LLC v. Mercy Medical Center

Busch v. Farmington Centers Beaverton

Reeves v. Reeves

Guess v. Lee

Evers v. Roder

Roop v. Parker Northwest Paving Co.

Williams v. Philip Morris Inc.

Waddill v. Anchor Hocking, Inc.

McLean v. Charles Ellis Realty, Inc.

Walsh Construction, Inc. v. Mutual of Enumclaw

Bocci v. Key Pharmaceuticals, Inc.

Moore Excavating, Inc. v. Consolidated Supply Co.

Summer Oaks Ltd. Partnership v. McGinley

Young v. Continental Crane & Rigging Co.

Slagle v. Hubbard

Turudic v. Stephens

Nelsen v. Nelsen

Miller v. Salem Merchant Patrol, Inc.

Jeffries v. Mills

Polaski v. Clark

Rugemer v. Rhea

Ninth Circuit Court of Appeals

Garcia v. Union Pacific Railroad Co.

Romani v. Wells Fargo Bank NA

Paulson v. Arbaugh

Paulson v. Oregon State Bar

Clackamas County v. Midwest Employers Cas. Co.

Kode v. Carlson

Bispo v. GSW, Inc.

Brooks v. Citibank, N.A.

Darian v. Accent Builders, Inc.

AT&T Communications-East Inc. v. BNSF Ry. Co.

AcraDyne Inc. v. Travelers Cas. & Sur. Co. of America

Clark v. Capital Credit & Collection Services, Inc.

Oregon Metallurgical Corp. v. Burlington Northern & Santa Fe R. Co.

Foster v. Carson

Union Pacific R. Co. v. Mower

West Park Associates v. Butterfield Sav. & Loan Ass'n

Columbia Grain, Inc. v. Oregon Guar. Ass'n

Breda v. Scott

Washington Supreme Court

Broughton Lumber Company v. BNSF Railway Company

Troxell v Rainer Public Sch. Dist No. 307

Washington Court of Appeals

Pederson v. Allied Credit Companies

Sepulveda-Esquaril v. Central Machine Works

Affiliations

American Academy of Appellate Lawyers

Federal Bar Association

Litigation Counsel of America (emeritus)

Oregon Association of Defense Counsel

Oregon State Bar Appellate Section

Owen M. Panner American Inn of Court (emeritus)

U.S. District Court of Oregon Historical Society