

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. Since 2017, we’ve 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

INDUSTRIES

Beverage

Construction

Estate Planning

Financial Services

Healthcare

Hospitality

Insurance

Manufacturing

Professional Services

Railroad

Real Estate

Trucking and Motor Carrier

Wood Products

ATTORNEYS

Julie A. Smith

Chester D. Hill

Shayna M. Rogers

Thomas W. Brown

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.

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

- *Busch v. McInnis Waste Systems, Inc.*
- *Portfolio Recovery Associates, LLC v. Sanders*
- *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

Oregon Court of Appeals

- Scott v. Kesselring
- Porter v. Veenhuisen
- Ray Klein Inc. v. Wade
- Harsch Investment Properties Management, LLC v. Schnitzer
- Johnson v. Gheen
- Stonecrest Properties, LLC v. City of Eugene
- LDS Development LLC v. City of Eugene
- 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)
- 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.

Ninth Circuit Court of Appeals

- Sponer v. Wells Fargo
- Scheel v. Guideone Mutual Insurance Company
- 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.

Washington Supreme Court

- Broughton Lumber Company v. BNSF Railway Company

- Troxell v Rainer Public Sch. Dist No. 307

Washington Court of Appeals

- Burke v. Frickey
- Pederson v. Allied Credit Companies
- Sepulveda-Esquaril v. Central Machine Works

Affiliations

American Academy of Appellate Lawyers
Litigation Counsel of America (emeritus)
Oregon Association of Defense Counsel
Oregon State Bar Appellate Section
Owen M. Panner American Inn of Court (emeritus)