

Appellate & Critical Motions

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Our Appellate & Critical Motions team delivers thoughtful analysis and powerful legal advocacy before trial, at trial, and on appeal. From state trial courts to the United States Supreme Court, our appellate attorneys identify, preserve, and present the decisive legal issues.

To defend a hard-earned victory or to reverse a life-changing or bet-the-company loss, clients seek out our appellate attorneys for their skilled problem-solving skills, superb writing, and strong oral advocacy. Our appellate attorneys do more than just write powerful legal briefs; they do so while remaining sensitive to clients' cost and external concerns.

Our appellate attorneys' work has resulted in groundbreaking decisions in Oregon and Washington across the full range of our practice areas, including administrative law, antitrust, bankruptcy, class actions, constitutional claims, employment litigation, education litigation, ERISA, insurance coverage, intellectual property, and securities litigation. They have a distinguished track record of providing tough, effective appellate advocacy that has garnered the respect of judges, opponents, court staff, and clients. Our team understands how to use the appellate court rules and procedures to achieve the best outcome for our clients.

Our appellate team includes former judicial clerks from the Ninth Circuit Court of Appeals along with the Oregon and Washington Supreme Courts, so they understand the appellate courts work from behind the curtains. Our appellate lawyers work closely with clients—and trial counsel—to demystify the appellate process. We position our clients' cases to optimize the probability of success on appeal and we know how to present written and oral arguments persuasively to busy appellate courts.

We are skilled strategists who have experience handling the following:

- Evaluating the strength of claims and issues on appeal.
- Advising clients on the risks and appealing and assessing the likelihood of success.
- Developing strategies for pursuing and defending issues on appeal.
- Using appellate motions to resolve or streamline issues on appeal.
- Drafting persuasive merits briefs.
- Preparing amicus curiae (friend of the court) briefs.
- Delivering successful oral arguments.
- Drafting and responding to petitions for certiorari and petitions for review.

Critical Motions

We also regularly assist with critical motions in the trial court to ensure long-term success. Such trial court motions often represent the fastest, most cost-effective way to resolve complex litigation. Our appellate attorneys work with trial attorneys to develop legal theories and execute litigation strategies that maximize the likelihood of a successful resolution, including the dismissal of a case with prejudice or a settlement on favorable terms.

Sometimes trial is unavoidable. During trial, our appellate attorneys—working either on-site or remotely—help implement litigation strategies and lay the groundwork for success if there is an appeal. By becoming involved at the trial court stage, our appellate team helps our trial lawyers and clients ensure that trial court victories remain victories on appeal.

Local Counsel

Our appellate attorneys regularly collaborate with lawyers from around the country to ensure a strategic and tailored approach to high profile cases. With our local knowledge of the judiciary in the Pacific Northwest, our team helps out-of-town counsel navigate the intricacies of local practice to ensure a level playing field. When the name “Miller Nash” appears on briefs here, judges know that they are getting top-notch briefing and arguments they can trust.

Ninth Circuit

Our appellate attorneys have extensive experience handling appeals before the Ninth Circuit Court of Appeals. Our lawyers routinely handle Ninth Circuit appeals. Contributing to this success is our lawyers’ experience clerking for Ninth Circuit judges and acting as Lawyer Representatives.

Oregon Appellate

We have a proven track record of success before the Oregon Supreme Court and the Oregon Court of Appeals. Whether it is a case our team handled in the state court or one that we were retained to handle only on appeal, our appellate attorneys have the experience and skill to prevail in Oregon’s appellate courts.

Our attorneys have decades of experience litigating appeals in Oregon, including the Oregon Court of Appeals—one of the busiest appellate courts in the country. The matters range from complex business litigation and insurance coverage disputes to employment litigation and education litigation. Our lawyers’ experience as clerks on the Oregon Supreme Court and the Oregon Court of Appeals informs our creative approach to arguing appeals before those courts.

Washington Appellate

Our appellate attorneys have been handling groundbreaking appeals in the Washington Supreme Court and Washington Court of Appeals. Our appellate team handles some of the Evergreen State’s most high profile and complex appeals.

U.S. Supreme Court

Our appellate attorneys regularly seek and oppose certiorari and prepare amicus briefs in the United States Supreme Court. Our appellate team closely monitors and provides legal analysis on landmark Supreme Court decisions that impact Pacific Northwest businesses, nonprofits, employers, and educational institutions.