COURT OF APPEALS

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December 18, 2024

MESSAGE FROM THE CHIEF JUDGE

As of January 2, 2025, the Court of Appeals is adopting new temporary rules that will govern the process of (1) requesting oral argument; and (2) scheduling oral argument, which will include hybrid argument where the parties express differing preferences as to the form of argument. The temporary rules will also continue to provide for oral argument for self-represented litigants. The temporary rules replace ORAP 6.05 and provide for a phased-in change in how litigants may request oral argument, and in how the court will schedule oral argument.

As an initial step in the phase-in process, in cases scheduled for submission after January 2, 2025, the parties will receive an opt-in form that permits the parties to specify whether the party prefers to appear remotely or to appear in person. Joint requests are encouraged, although individual requests are permitted. To appear at argument, a party must submit an oral argument appearance request, either individually or jointly. Oral argument, in general, will be scheduled around the parties' expressed preferences. Typically, in-person argument will be scheduled if all parties request in-person argument; remote argument will be scheduled if all parties request remote argument; hybrid argument will be scheduled if one party requests in-person argument and another party requests remote argument.

The court's goal in offering hybrid arguments is to eliminate disputes regarding argument format by permitting appearance in the format that best suits the needs of individual parties, and to continue the court's ongoing commitment to ensuring that oral argument is available on equal terms to all Oregonians, no matter their geographic distance from Salem. The court has the capacity to conduct hybrid arguments in the Court of Appeals Courtroom (located in room 306 of the Justice Building), and in the Supreme Court Courtroom. For the past several months, the court has been testing hybrid arguments with parties that have expressed different appearance preferences and have found that it works well in both courtrooms.

The second step in the process change will begin on April 1, 2025. Excluding expedited juvenile and land use cases, for cases in which the answering brief is filed on or after April 1, 2025, parties seeking oral argument must file an oral argument appearance request within 14 days of the date the answering brief is filed that indicates how the party would prefer to appear. Joint requests are encouraged, but individual requests are

permitted. Oral argument typically will be scheduled in a format—in-person, remote, or hybrid—that accommodates the parties' expressed preferences, although the court retains the discretion to set arguments in a different format to meet the needs of the court. The key provisions are ORAP 6.05(4)(b), (5) and (6).

The court is changing the process for requesting oral arguments for several reasons that the court anticipates will make it easier to serve the public.

The first, as noted, is to integrate hybrid arguments into the court's regular argument practice. Disputes about argument format have been relatively rare as the court has made remote arguments a core component of minimizing geography as a barrier to appellate justice, a testament to the Oregon bar's adaptability and commitment to justice on equal terms for all. Nevertheless, some disputes have arisen, resulting in at times burdensome motions practice. By permitting parties to appear in whatever way best meets their needs, the court expects to eliminate those disputes and the associated motions practice. To that end, the rule prohibits motions practice over argument format except in cases of emergency, such as when unexpected illness or other unanticipated circumstances might require a person scheduled to appear in person to appear remotely.

The second is to reduce the administrative burden on the court associated with scheduling arguments in different formats. In contrast with the current system, in which the court schedules cases for argument without knowing whether and in what format they will be argued, the new rules will ensure that the court has that essential information before it schedules cases for oral argument. That information will enable the court to set cases for argument based on the format in which argument will occur, setting sessions of in-person and hybrid arguments, and separate sessions of remote arguments.

The third reason for the change is that it will enable the court to develop a more expeditious process for submitting and deciding cases in which the parties do not request oral argument. Under the current system, even if no party to an appeal intends to request oral argument, the parties must wait until the case is placed on an argument calendar to inform the court of that fact. Under the new system, the court will know within 14 days of the filing of the answering brief whether the parties seek oral argument. Although it will take some time for the court to develop a process that uses that information to more quickly resolve cases in which the parties do not request argument, the court anticipates that it will be able to do so, once it starts receiving that information and has a better sense of the number of appeals involved.

The process for expedited cases will be similar, although requests for argument will be due earlier to account for the expedited nature of the cases. The key provisions governing oral argument in expedited cases are ORAP 6.05(4)(c) and (d), in addition to ORAP 6.05(5) and (6).

Copies of the affected rules, including a redline version, are attached to the media release, along with a sample Oral Argument Request Form. The court recognizes that the change in practice effective April 1, 2025, is a significant one and plans to be liberal with reminders and accommodating any bumps in the road that practitioners may experience as the court transitions to the new process. The court will evaluate and, if needed, recalibrate the process during the 2026 ORAP cycle.

One more thing deserves mention. Earlier in this message, I referred to the "Court of Appeals Courtroom." Although the court has been using its courtroom in room 306 of the Justice Building for many years, that courtroom has been referred to by its building and room location rather than its use. Starting in 2025, the court will refer to that courtroom as the "Court of Appeals Courtroom," including in its scheduling

notices. This will give the Court of Appeals a courtroom designated in its name like the other two statewide courts--the Supreme Court and the Tax Court--and better reflect the nature of our courtroom.

On behalf of the Court of Appeals, I wish you a peaceful end to 2024 and start to 2025.

Erin C. Lagesen
Chief Judge
Oregon Court of Appeals

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The Court of Appeals issued these precedential opinions:

Alison K. Lavelle-Hayden v. Employment Department
(A182835 - Employment Appeals Board)
State of Oregon v. Casey Jonn Hall
(A180384 - Lincoln County Circuit Court)
State of Oregon v. Alison Michele Iams
(A177674 - Deschutes County Circuit Court)
Department of Human Services v. K. R. K.
(A183730 - Multnomah County Circuit Court)
Department of Human Services v. R. M. E.
(A184320 - Multnomah County Circuit Court)
Randall Hecker v. Kimberly Fella
(A179677 - Josephine County Circuit Court)
State of Oregon v. Joseph Adam Schriner
(A179760 - Washington County Circuit Court)

The Court of Appeals issued these nonprecedential memorandum opinions:

State of Oregon v. Chance Michael Hollingsworth
(A177713 - Coos County Circuit Court)
William Asher Wolf and Ann Marie Ferrari
(A177719 - Benton County Circuit Court)
State of Oregon v. Jose Angel Anzo, Jr.
(A179378 - Washington County Circuit Court)
Robert Kim Reed v. Ronald Ray Thompson
(A179791 - Deschutes County Circuit Court)
James Verheyden v. John Blankfort
(A179882 - Deschutes County Circuit Court)
James Mambu v. Department of Human Services
(A179995 - Office of Administrative Hearings)
Marcia Annette Glaser and Donald Edgar Klippenes
(A180513 - Linn County Circuit Court)
Mark Olla v. Gary Lane Jones
(A182467 - Jackson County Circuit Court)

The Court of Appeals affirmed these cases without opinion:

State of Oregon v. Justin Niles Diskin
(A181098 - Linn County Circuit Court)
State of Oregon v. Jesse Junior Zarate
(A181516 - Multnomah County Circuit Court)
State of Oregon v. Henry Phillips Franciscone
(A181955 - Washington County Circuit Court)
State of Oregon v. John Michael Allen
(A182063 - Lane County Circuit Court)
State of Oregon v. Mario Alberto Gutierrez
(A182609 - Marion County Circuit Court)

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Alison K. Lavelle-Hayden v. Employment Department
(Lagesen, Chief Judge)

This case is before the Court of Appeals for the second time. In the first case, claimant sought a religious exemption from her employer's COVID-19 vaccine requirement, but the employer denied the exemption and terminated her. She sought unemployment benefits, the Employment Appeals Board (EAB) denied her request, and the Court of Appeals remanded because the EAB applied an incorrect legal standard in assessing whether the denial of unemployment benefits violated her rights under the Free Exercise Clause of the First Amendment to the United States Constitution. On remand, the EAB again upheld the denial of benefits because it determined that claimant's beliefs were more likely than not secular or personal, instead of religious. Claimant appeals. Held: When considered under the legal standard articulated by the United States Supreme Court, the uncontroverted evidence in the record would lead all reasonable factfinders to find that claimant's objection to the vaccine rested on an honest conviction based on her religion. The EAB's determination to the contrary rested on a misapplication of the correct legal standard and on presumptions lacking a foundation in the factual record. Accordingly, the EAB's order denying benefits is not supported by substantial evidence, and claimant is entitled to an award of unemployment benefits. Reversed and remanded.

State of Oregon v. Casey Jonn Hall
(Ortega, Presiding Judge)

Defendant challenges his conviction for driving under the influence of intoxicants. During defendant's jury trial, when discussing the walk-and-turn test and the one-leg-stand test, a police officer testified that the presence of two clues on each of those tests indicates impairment and that the officer observed a higher number of clues than that. Defendant assigns error to the trial court's admission of that scientific evidence without requiring the state to lay a foundation. Held: The jury would have perceived the challenged testimony as scientific because it relied on an external scoring rubric to prove that defendant was objectively, measurably impaired. Therefore, the trial court plainly erred when it admitted the testimony without requiring the state to lay a foundation for the admission of scientific evidence. The error was not harmless, and the Court of Appeals exercised discretion to correct it. The Court of Appeals remanded for the trial court to determine whether the testimony is scientifically valid. Reversed and remanded.

State of Oregon v. Alison Michele Iams
(Hellman, Judge)

Defendant appeals a conviction of driving under the influence of intoxicants (DUII), raising two assignments of error related to the denial of her pre-trial motion to suppress. In her first assignment, defendant argues that the trial court erred in ruling that the officer who conducted the traffic stop that resulted in her arrest had the right to park on defendant's driveway and subsequently proceed into defendant's backyard. Defendant contends that the trial court's rationale--that the officer's entry onto the driveway was justified due to defendant's initial traffic infractions and that subsequent entrance into her backyard was based on a reasonable suspicion of a DUII--is not a justification for a warrantless entry onto her property. In her second assignment, defendant contends that, even if the officer had the right to park on her driveway and approach her, the state still failed to show that she voluntarily consented to perform field sobriety tests (FSTs) and thus her motion to suppress should have been granted. Held: As to defendant's first assignment of error, the trial court erred by failing to engage in necessary factfinding on the state's argument that the officer had implied consent to enter the driveway. The Court of Appeals rejected defendant's second assignment of error because the record supported the trial court's ruling that defendant voluntarily consented to the FSTs. Vacated and remanded.

Department of Human Services v. K. R. K.
(Hellman, Presiding Judge)

Mother appeals from a juvenile court judgment changing the permanency plan for her son, A, from reunification to adoption. She challenges the juvenile court's determination that the Department of Human Services (DHS) satisfied its burden to prove that it made reasonable efforts to assist mother in ameliorating the jurisdictional bases. DHS's efforts were not reasonable, mother contends, because it did not implement two specific recommendations in the psychological evaluation and because it did not provide mother with in-home safety service providers. Held: The juvenile court did not err when it determined that DHS's efforts were reasonable. DHS's efforts focused on ameliorating the jurisdictional bases of the case, and it was that language--and not the language from the psychological evaluation--that set the expectation of services provided by DHS. Further, DHS worked with mother to identify any natural supports in her life who could serve as a safety service provider. Under the circumstances, those efforts were reasonable. Consideration of the issue raised in mother's emergency motion to strike was unnecessary for the resolution of the case and was therefore moot. Motion to strike dismissed as moot, affirmed.

Department of Human Services v. R. M. E.
(Hellman, Judge)

Mother appeals a juvenile court order requiring her to complete a psychological evaluation. In a single assignment of error, mother contends that the juvenile court erred when it ordered the evaluation because the Department of Human Services did not meet its burden to establish that mother needed the evaluation under ORS 419B.387. Held: The Court of Appeals concluded that the record was legally sufficient to support the juvenile court's finding that mother needed a psychological evaluation to correct the jurisdictional bases. Affirmed.

Randall Hecker v. Kimberly Fella
(Leith, Senior Judge)

In consolidated appeals, defendants raise seven assignments of error to a series of judgments stemming from a dispute over a storm water drainage. Three of defendants' assignments of error pertain to the underlying trial judgment, contending both that the trial court erred by granting a prescriptive easement without sufficient specificity and granting the easement without sufficient evidence to support the court's determinations. Defendants also argue for the first time on appeal that plaintiff failed to join other necessary parties in the action at trial. Three additional assignments of error relate to a series of post-trial contempt judgments against defendants for failure to comply with court orders to remove blockages to the drainage system. The defendants' final assignment of error challenges the trial court's order granting plaintiff's pretrial motion to compel discovery. Held: Defendants' first two assignments of error were unpreserved, and the Court of Appeals declined to engage in plain-error review. As to defendants' third assignment of error, the trial court did not err in granting the easement because the evidence was sufficient to support the trial court's determinations. Further, defendants' arguments that plaintiff failed to join other necessary parties and that the trial court erred in granting the motion to compel were unpreserved. Finally, the trial court erred in granting a third post-trial contempt judgment against defendant because it did not make an express finding of a willful violation of a court order. Thus the court vacated and remanded on the sixth assignment of error. In Case No. 19CV40405F, vacated and remanded; otherwise affirmed.

State of Oregon v. Joseph Adam Schriner
(Mooney, Senior Judge)

Defendant appeals the judgment of conviction for unlawful use of a vehicle (UUV) after he admitted to having "knowingly operated a motorcycle" in violation of ORS 164.135. On appeal, he contends that the court erred in ordering the revocation of his driver's license because ORS 809.409 does not apply to the offense of UUV. That is so, he argues, because whether a felony has a "material element involving the operation of a motor vehicle" under ORS 809.409(4) is determined by the statute defining the offense and not the facts of conviction, and the statutory elements of UUV do not include the "operation of a motor vehicle." Held: The text and context of ORS 809.240 and ORS 809.409(4) establish that whether revocation is required under ORS 809.409(4) is based on the factual record supporting the conviction and not the statutory elements of the offense. Consequently, because defendant's factual admissions were sufficient to support his conviction for UUV, the court did not err in ordering the revocation of defendant's license. Affirmed.

[End of Document]

Rule 5.50
THE EXCERPT OF RECORD

(1) Except in the case of a self-represented party, the appellant must include in the opening brief an excerpt of record.[1] The parties to an appeal are encouraged to confer regarding the content of the excerpt of record, including whether to file a joint excerpt of record to be included in the opening brief.

(2) The excerpt of record must contain:[2]

(a) The judgment or order on appeal or judicial review.

(b) Any written or oral rulings by the lower tribunal or agency addressing the issues presented by the assignments of error.

(c) Any pleading or excerpt of pleadings, particular part of the transcript, exhibit, evidentiary submission and other filing necessary for reviewing and understanding the assignments of error in advance of oral argument, if the parties anticipate that the case will be orally argued.[3]

(d) If preservation of error is or is likely to be disputed in the case, parts of memoranda and the transcript pertinent to the issue of preservation presented by the case.

(e) A copy of the eCourt Case Information register of actions, if the case arose in an Oregon circuit court.

(f) In criminal cases in which the defendant appealed after entering a conditional plea of guilty or no contest under ORS 135.335(3), the defendant must include in the excerpt of record the writing in which the defendant reserved for review on appeal the trial court's adverse determination of a pretrial motion.

(3) The excerpt of record must not contain memoranda of law filed in the trial court unless such memoranda are pertinent to a disputed or likely to be disputed issue of preservation.

(4) A respondent may file, as part of the respondent's brief, a supplemental excerpt of record containing those materials required by subsection (2) of this rule that were omitted from the excerpt of record.

(5) The excerpt of record and any supplemental excerpt of record must be in the following form:

(a) All documents or parts of documents must be copies of documents included in the record, rather than summarized or paraphrased. Omissions, if not apparent, must be noted. No matter may be omitted if to do so would change the meaning of the matter included.

(b) Contents must be set forth in chronological order, except that the OECI case register must be the last document in the excerpt of record. The excerpt must be consecutively paginated, with the first page being page ER-1. The excerpt must begin with an index organized chronologically, describing each item and identifying where the item may be found in the trial court or agency record, and the page where the item may be found in the excerpt. The index may include bookmarks as described in ORAP 16.50. A supplemental excerpt of record must substantially conform to the same requirements, except that a supplemental excerpt must be paginated using "SER," *e.g.*, SER-1, SER-2, SER-3.

(c) The materials included must be reproduced on 8-1/2 x 11 inch white paper by any duplicating or copying process that produces a clear, black, legible image.

(d) The excerpt of record must comply with the applicable requirements of ORAP 5.05.

(6) Self-represented parties are not required to file an excerpt of record or a supplemental excerpt of record. If a self-represented party files an excerpt of record or a supplemental excerpt of record, it must contain only those documents specified in ORAP 5.50(2)(a) and (b), must contain no other documents, and must otherwise comply with this rule.

(7) The appellate court may strike any excerpt of record or supplemental excerpt of record that does not substantially comply with the requirements of this rule.

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[1] Any brief containing an excerpt of record filed through the eFiling system that exceeds 25 megabytes must be filed in compliance with ORAP 16.15(1).

[2] For other requirements for the excerpt of record in Land Use Board of Appeals cases, *see* ORAP 4.67.

[3] *See* Appendix 5.50, which sets forth examples of documents that a party should consider including in the excerpt of record depending on the nature of the issues raised in the briefs. The full record is available and used by the court after submission of a case; therefore, the excerpt of record need include only those parts of the record that will be helpful to the court and the parties in preparing for and conducting oral argument.

Rule 6.05
REQUEST FOR ORAL ARGUMENT;
SUBMISSION WITHOUT ARGUMENT

(1) This rule applies to proceedings in the Court of Appeals and governs the process of requesting oral argument and expressing a preference for the format (in person, by remote means, or hybrid, as described in ORAP 6.30).

(2) Any party who intends to appear at oral argument must file an Oral Argument Appearance Request in accordance with this rule. An Oral Argument Appearance Request may be filed jointly by all parties, or individually, in one of the forms described in subsection (3) of this rule.

(3) Forms

(a) Joint Request. The parties on appeal are encouraged to file a joint Oral Argument Appearance Request that addresses the requests and format preferences for all parties. A joint request for oral argument shall contain the following information:

(i) The name of each attorney or self-represented party who will argue the case.

(ii) With respect to each party that intends to appear, whether the party prefers to appear in person or appear remotely.

(b) Individual Requests. Although joint requests are preferred, any party may file an individual Oral Argument Appearance Request that either requests oral argument on behalf of the party *or* states an appearance preference if the party does not request oral argument but intends to appear if another party requests oral argument. An individual request of either type shall contain the following information:

(i) The name of the attorney or self-represented party who will argue the case for the party filing the Oral Argument Appearance Request.

(ii) Whether the party prefers to appear in person or appear remotely.

(4) Timelines for submitting an Oral Argument Appearance Request

(a) The timelines and procedures described in this section are effective on the following dates.

(i) The timelines and procedures described in subsection (b) apply to all matters in which an answering brief is filed on or after April 1, 2025.

(ii) The timelines and procedures described in subsection (c) apply to all matters in which an opening brief is filed on or after April 1, 2025.

(iii) The timelines and procedures described in subsection (d) apply to all matters in which a petition for judicial review is filed on or after April 1, 2025.

(iv) For all other matters, the timelines and procedures are described in Section 7 of this rule, which sets forth the process for phasing in the change in procedure.

(b) With the exception of land use cases subject to ORAP 4.60 through 4.74, and juvenile dependency, termination of parental rights, and adoption cases subject to ORAP 10.15, which are governed by separate procedures in paragraphs (c) and (d) of this subsection, an Oral Argument Appearance Request shall be filed no later than 14 days after the filing of the answering brief or notification of waiver of appearance by the last respondent, whichever is later. If more than one answering brief is filed, the 14-day period runs from the date on which the last answering brief is filed.

(c) Juvenile and adoption cases subject to ORAP 10.15.

(i) An individual Oral Argument Appearance Request by an appellant must be filed at the time that the appellant files the opening brief.

(ii) An individual Oral Argument Appearance Request by a respondent must be filed at the time the respondent files the answering brief.

(iii) A joint Oral Argument Appearance Request must be filed within 3 days of the filing of the answering brief.

(iv) If an appellant on appeal has requested oral argument, and no respondent requests oral argument, the appellant on appeal may waive oral argument by notifying the court that the appellant waives oral argument within 3 days of the filing of the answering brief.

(d) Land use cases subject to ORAP 4.60 through ORAP 4.74.

(i) An Oral Argument Appearance Request, whether joint or individual, must be filed within 7 days of the filing of the petition for judicial review.

(ii) If one party has requested oral argument, and no other party requests oral argument, the party that requested oral argument may waive oral argument by notifying the court within 3 days of the filing of the answering brief.

(5) Submission will occur as follows:

(a) If no party files a timely request for oral argument, the case shall be submitted on the briefs. The court will notify the parties when the case is submitted for decision.

(b) If all parties that have requested oral argument subsequently notify the court that they waive oral argument, the case shall be submitted on the briefs.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, if the court determines that oral argument will aid the court's decision-making process, the court may order that the case be set for oral argument.

(d) If a timely request for oral argument is made, then the case will be set for oral argument in due course and the Administrator will send the parties notice of the date and time that argument has been scheduled. The case will be submitted to the court upon completion of oral argument.

(e) Subject to paragraph (5)(c) of this rule, when a respondent submits an answering brief confessing error as to all assignments of error and not objecting to the relief sought in the opening brief, the respondent shall so inform the court by letter when the brief is filed or at any time thereafter. On receipt of respondent's notice that a brief confesses error, the case will be submitted without oral argument. The appellant may by letter bring to the court's attention that a respondent's brief appears to confess error. If the court concurs, the case will be submitted without oral argument.

(6) Argument Format

(a) Under ORAP 6.30, the court holds oral argument in three formats: (i) in person, where all litigants appear in person; (ii) by remote means, where all litigants appear remotely; and (iii) hybrid, in which at least one litigant appears remotely, and at least one litigant appears in person.[1]

(b) Except as provided below, in setting oral arguments, the court in general will schedule oral argument and submission in a manner that accounts for the preferences expressed by the litigants in their Oral Argument Appearance Requests as follows:

(i) If all parties express a preference for argument by remote means, the argument will be held by remote means;

(ii) if all parties express a preference for in-person oral argument, the argument will be held in-person;

(iii) if the parties differ in their preferences, the argument will be held in a hybrid format.

(iv) In the event that some, but not all, parties express a preference for the format of argument, the court in general will set argument in accordance with the preferences expressed and the court's needs.

(c) In all cases involving a self-represented party who is in custody, oral argument will be held by remote means.

(d) If the court orders oral argument in a case in which no party has requested oral argument, oral argument ordinarily will be held by remote means.

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[1] In any of the formats, one or more judges may participate through remote means. Generally, at least two judges will participate in person for hybrid and in-person arguments.

(e) In any case, and notwithstanding the preferences expressed by the parties, the court may determine that, under the circumstances, the needs of the court will be best served by a particular format of argument and may direct that argument will occur in that format.

(f) Where, in the court's judgment, inclement weather or other conditions make in-person argument difficult or unsafe, the court will, when possible, hold all scheduled arguments by remote means rather than postponing arguments.

(g) Except for emergency motions, the court will not entertain motions regarding the format of oral argument.

(7) Phase-in Process

For the purposes of phasing in the processes for requesting oral argument described in this rule, the following process governs those matters described in Section 4(a)(iv). In those matters, the court will schedule a submission date for the case and will send the parties notice of the date. The notice will include a form "Response to Notice of Submission" requesting the information described in section (3) of this rule. Within 14 days of receiving the notice, any party requesting oral argument, or who has a preference as to argument format, must complete, file, and serve on every party to the appeal the form "Response to Notice of Submission." Joint responses are encouraged. Submission will occur in the manner described in sections (5) and (6) of this rule.

Rule 6.10
WHO MAY ARGUE;
FAILURE TO APPEAR AT ARGUMENT

(1) A party may present oral argument only if the party has filed a brief and filed an Oral Argument Appearance Request under ORAP 6.05.

(2) An *amicus curiae* may present oral argument only if permitted by the court on motion or on its own motion.

(3) An attorney who was a witness for a party, except as to merely formal matters such as attestation or custody of an instrument, shall not argue the cause without leave of the court.

(4) In the Court of Appeals, only self-represented parties and active members of the Oregon State Bar shall argue unless the court, on motion filed not less than 21 days before the date for argument, orders otherwise. If the court has allowed a lawyer from another jurisdiction to appear on appeal for a particular case under ORAP 8.10(4), the lawyer does not need leave of the court to participate in oral argument of the case.

(5) In the Supreme Court, only active members of the Oregon State Bar shall argue unless the court, on motion filed not less than 21 days before the date of argument, orders otherwise. If the court has allowed a lawyer from another jurisdiction to appear on appeal for a particular case under ORAP 8.10(4), the lawyer does not need leave of the court to participate in oral argument of the case.

(6) (a) After any party has filed and served a request for oral argument pursuant to ORAP 6.05(2), any party who decides to waive oral argument or cannot attend oral argument shall give the court and all other parties participating in oral argument at least 48 hours' notice that the party will not be appearing for oral argument.

(b) If a party fails to appear at oral argument, the court may deem the cause submitted without oral argument as to that party. A party's failure to appear shall not preclude oral argument by any other party.

(c) If a party fails to give at least 48 hours' notice of nonappearance at argument, the court may order counsel for that party to pay the costs and attorney fees that reasonably would not have been incurred but for failure to give timely notice of nonappearance.

Rule 6.15
PROCEDURE AT ORAL ARGUMENT

(1) In all cases in the Supreme Court:

(a) The appellant, petitioner, or petitioner on review shall have not more than 30 minutes to argue; and the respondent or respondent on review shall have not more than 30 minutes to argue.

(b) The appellant, petitioner, or petitioner on review shall argue first and may reserve not more than 10 minutes of the time allowed for argument in which to reply.

(c) If there are two or more parties on one side, they shall divide their allotted time among themselves, unless the court orders otherwise.

(2) (a) Unless the court otherwise orders, on oral argument in the Court of

Appeals in all cases the appellant or petitioner shall have not more than 15 minutes and the respondent shall have not more than 15 minutes to argue.

(b) The appellant or petitioner may reserve not more than five minutes of the time allowed for argument in which to reply.

(3) A motion for additional time for argument shall be filed at least seven days before the time set for argument.

(4) No point raised by a party's brief shall be deemed waived by the party's failure to present that point in oral argument.

(5) For the purpose of this rule, a cross-appellant shall be deemed a respondent.

(6) It is the general policy of Oregon appellate courts to prohibit reference at oral argument to any authority not cited either in a brief or in a pre-argument memorandum of additional authorities.[1] If a party intends to refer in oral argument to an authority not previously cited, counsel or a self-represented party shall inform the court at the time of argument and shall make a good faith effort to inform opposing counsel or a self-represented party of the authority at the earliest practicable time. The court may, in its discretion, permit reference at argument to that authority and may give other parties leave to file a post-argument memorandum of additional authorities or a memorandum in response.

(7) If a party desires to have present at oral argument an exhibit that has been retained by the trial court, it is the party's responsibility to arrange to have the exhibit transmitted to the appellate court.[2]

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[1] See ORAP 5.85 regarding memoranda of additional authorities.

[2] See ORAP 3.25 regarding arranging to have exhibits transmitted to the appellate court.

Rule 6.30
SPECIAL RULES FOR ORAL ARGUMENTS:
MODE OF ARGUMENT AND ARGUMENTS CONDUCTED BY REMOTE MEANS OR HYBRID FORMAT

(1) For purposes of this rule,

(a) "In person" refers to an oral argument to be conducted with all parties appearing in person, in either a courtroom or an alternative physical location being used as a courtroom;

(b) "Remote means" refers to an oral argument conducted by video conference with all parties and justices or judges appearing remotely; and

(c) "Hybrid" for the purposes of the arguments in the Court of Appeals refers to an oral argument in which at least one litigant appears in person, and at least one litigant appears by remote means.

(2) This subsection applies to proceedings in the Court of Appeals.

(a) Oral Argument in the Court of Appeals will be scheduled in the manner set forth in ORAP 6.05.

(b) If an argument scheduled to proceed by remote means or in a hybrid format cannot occur due to technical difficulties, the court will reset the argument for a later date.

(c) A live audio and video feed of oral arguments that are being conducted by remote means will be available in the principal location for the sitting of the Court of Appeals.[1] Seating in the courtroom at the principal location to view a live audio and video feed of oral arguments that are being conducted by remote means will be limited to the number of persons that is posted at the Marshal's Station at the building entrance.

(3) This subsection applies to proceedings in the Supreme Court.

(a) The court will ordinarily schedule oral argument to be conducted in person.

(b) (i) A party may file a motion requesting that an argument scheduled to be conducted in person be conducted by remote means. Such a motion must be filed at least 21 days before the scheduled date of the oral argument and must state the scheduled date and time of the oral argument and explain the circumstances that support the request.

(ii) Any party may file a response to the motion. The response must be filed within seven days after the filing of the motion.

(4) Except as otherwise provided in ORAP 8.35, electronic recording of an appellate oral argument being conducted by remote means is not permitted without express prior approval of the court. "Electronic recording" includes, but is not limited to, video recording, audio recording, live streaming, and still photography by cell phone, tablet, computer, camera, recorder, or any other means.

(5) Absent permission from the court or, in the Court of Appeals, the presiding judge of the panel to proceed otherwise, when appearing for an oral argument to be conducted by remote means, all attorneys, self-represented parties, and court officials must wear appropriate attire, remain on camera, and conduct themselves as if they were appearing in person in the courtroom.

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[1] *See* Chief Justice Order 2024-018 (providing that the principal location for the sitting of the Court of Appeals is currently 1163 State Street, Salem, OR 97301) or any subsequent order of the Chief Justice that amends or supersedes that order.

Rule 5.50
THE EXCERPT OF RECORD

(1) Except in the case of a self-represented party, the appellant must include in the opening brief an excerpt of record.[1] The parties to an appeal are encouraged to confer regarding the content of the excerpt of record, including whether to file a joint excerpt of record to be included in the opening brief.

(2) The excerpt of record must contain:[2]

(a) The judgment or order on appeal or judicial review.

(b) Any written or oral rulings by the lower tribunal or agency addressing the issues presented by the assignments of error.

(c) Any pleading or excerpt of pleadings, particular part of the transcript, exhibit, evidentiary submission and other filing necessary for reviewing and understanding the assignments of error in advance of oral argument, if the parties anticipate that the case will be orally argued.[3]

(d) If preservation of error is or is likely to be disputed in the case, parts of memoranda and the transcript pertinent to the issue of preservation presented by the case.

(e) A copy of the eCourt Case Information register of actions, if the case arose in an Oregon circuit court.

(f) In criminal cases in which the defendant appealed after entering a conditional plea of guilty or no contest under ORS 135.335(3), the defendant must include in the excerpt of record the writing in which the defendant reserved for review on appeal the trial court's adverse determination of a pretrial motion.

(3) The excerpt of record must not contain memoranda of law filed in the trial court unless such memoranda are pertinent to a disputed or likely to be disputed issue of preservation.

(4) A respondent may file, as part of the respondent's brief, a supplemental excerpt of record containing those materials required by subsection (2) of this rule that were omitted from the excerpt of record.

(5) The excerpt of record and any supplemental excerpt of record must be in the following form:

(a) All documents or parts of documents must be copies of documents included in the record, rather than summarized or paraphrased. Omissions, if not apparent, must be noted. No matter may be omitted if to do so would change the meaning of the matter included.

(b) Contents must be set forth in chronological order, except that the OECI case register must be the last document in the excerpt of record. The excerpt must be consecutively paginated, with the first page being page ER-1. The excerpt must begin with an index organized chronologically, describing each item and identifying where the item may be found in the trial court or agency record, and the page where the item may be found in the excerpt. The index may include bookmarks as described in ORAP 16.50. A supplemental excerpt of record must substantially conform to the same requirements, except that a supplemental excerpt must be paginated using "SER," *e.g.*, SER-1, SER-2, SER-3.

(c) The materials included must be reproduced on 8-1/2 x 11 inch white paper by any duplicating or copying process that produces a clear, black, legible image.

(d) The excerpt of record must comply with the applicable requirements of ORAP 5.05.

(6) Self-represented parties are not required to file an excerpt of record or a supplemental excerpt of record. If a self-represented party files an excerpt of record or a supplemental excerpt of record, it must contain only those documents specified in ORAP 5.50(2)(a) and (b), must contain no other documents, and must otherwise comply with this rule.[4]

(7) The appellate court may strike any excerpt of record or supplemental excerpt of record that does not substantially comply with the requirements of this rule.

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[1] Any brief containing an excerpt of record filed through the eFiling system that exceeds 25 megabytes must be filed in compliance with ORAP 16.15(1).

[2] For other requirements for the excerpt of record in Land Use Board of Appeals cases, *see* ORAP 4.67.

[3] *See* Appendix 5.50, which sets forth examples of documents that a party should consider including in the excerpt of record depending on the nature of the issues raised in the briefs. The full record is available and used by the court after submission of a case; therefore, the excerpt of record need include only those parts of the record that will be helpful to the court and the parties in preparing for and conducting oral argument.

[4] ~~Under ORAP 6.05(4), cases in which a self-represented party files a brief are submitted without argument by any party. For that reason, any excerpt or supplemental excerpt of record submitted by a self-represented party shall not contain any of the documents otherwise required by ORAP 5.50(2)(c) to (f) to assist the appellate court in preparing for oral argument.~~

Rule 6.05
REQUEST FOR ORAL ARGUMENT;
SUBMISSION WITHOUT ARGUMENT

(1) This rule applies to proceedings in the Court of Appeals and governs the process of requesting oral argument and expressing a preference for the format (in- person, by remote means, ~~,~~ or hybrid, as described in ORAP 6.30).

(2) Any party who intends to appear at oral argument must file an Oral Argument Appearance Request in accordance with this rule. An Oral Argument Appearance Request may be filed jointly by all parties, or individually, in one of the forms described in subsection (3) of this rule.

(3) Forms

(a) Joint Request. The parties on appeal are encouraged to file a joint Oral Argument Appearance Request that addresses the requests and format preferences for all parties. A joint request for oral argument shall contain the following information:

(i) The name of each attorney or self-represented party who will argue the case.

(ii) With respect to each party that intends to appear, whether the party prefers to appear in person or appear remotely.

(b) Individual Requests. Although joint requests are preferred, any party may file an individual Oral Argument Appearance Request that either requests oral argument on behalf of the party *or* states an appearance preference if the party does not request oral argument but intends to appear if another party requests oral argument. An individual request of either type shall contain the following information:

(i) The name of the attorney or self-represented party who will argue the case for the party filing the Oral Argument Appearance Request.

(ii) Whether the party prefers to appear in person or appear remotely.

(4) Timelines for submitting an Oral Argument Appearance Request

(a) The timelines and procedures described in this section are effective on the following dates.

(i) The timelines and procedures described in subsection (b) apply to all matters in which an answering brief is filed on or after April 1, 2025.

(ii) The timelines and procedures described in subsection (c) apply to all matters in which an opening brief is filed on or after April 1, 2025.

(iii) The timelines and procedures described in subsection (d) apply to all matters in which a petition for judicial review is filed on or after April 1, 2025.

(iv) For all other matters, the timelines and procedures are described in Section 7 of this rule, which sets forth the process for phasing in the change in procedure.

(b) With the exception of land use cases subject to ORAP 4.60 through 4.74, and juvenile dependency, termination of parental rights, and adoption cases subject to ORAP 10.15, which are governed by separate procedures in paragraphs (c) and (d) of this subsection, an Oral Argument Appearance Request shall be filed no later than 14 days after the filing of the answering brief or notification of waiver of appearance by the last respondent, whichever is later. If more than one answering brief is filed, the 14-day period runs from the date on which the last answering brief is filed.

(c) Juvenile and adoption cases subject to ORAP 10.15.

(i) An individual Oral Argument Appearance Request by an appellant must be filed at the time that the appellant files the opening brief.

(ii) An individual Oral Argument Appearance Request by a respondent must be filed at the time the respondent files the answering brief.

(iii) A joint Oral Argument Appearance Request must be filed within 3 days of the filing of the answering brief.

(iv) If an appellant on appeal has requested oral argument, and no respondent requests oral argument, the appellant on appeal may waive oral argument by notifying the court that the appellant waives oral argument within 3 days of the filing of the answering brief.

(d) Land use cases subject to ORAP 4.60 through ORAP 4.74.

(i) An Oral Argument Appearance Request, whether joint or individual, must be filed within 7 days of the filing of the petition for judicial review.

(ii) If one party has requested oral argument, and no other party requests oral argument, the party that requested oral argument may waive oral argument by notifying the court within 3 days of the filing of the answering brief.

(5) Submission will occur as follows:

(a) If no party files a timely request for oral argument, the case shall be submitted on the briefs. The court will notify the parties when the case is submitted for decision.

(b) If all parties that have requested oral argument subsequently notify the court that they waive oral argument, the case shall be submitted on the briefs.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, if the court determines that oral argument will aid the court's decision-making process, the court may order that the case be set for oral argument.

(d) If a timely request for oral argument is made, then the case will be set for oral argument in due course and the Administrator will send the parties notice of the date and time that argument has been scheduled. The case will be submitted to the court upon completion of oral argument.

(e) Subject to paragraph (5)(c) of this rule, when a respondent submits an answering brief confessing error as to all assignments of error and not objecting to the relief sought in the opening brief, the respondent shall so inform the court by letter when the brief is filed or at any time thereafter. On receipt of respondent's notice that a brief confesses error, the case will be submitted without oral argument. The appellant may by letter bring to the court's attention that a respondent's brief appears to confess error. If the court concurs, the case will be submitted without oral argument.

(6) Argument Format

(a) Under ORAP 6.30, the court holds oral argument in three formats: (i) in- person, where all litigants appear in- person; (ii) by remote means, where all litigants appear remotely; and (iii) hybrid, in which at least one litigant appears remotely, and at least one litigant appears in - person.[1]

(b) Except as provided below, in setting oral arguments, the court in general will schedule oral argument and submission in a manner that accounts for the preferences expressed by the litigants in their Oral Argument Appearance Requests as follows:

(i) ~~i~~If all parties express a preference for argument by remote means, the argument will be held by remote means;

(ii) if all parties express a preference for in-person oral argument, the argument will be held in-person;

(iii) if the parties differ in their preferences, the argument will be held in a hybrid format.

(iv) ~~in~~In the event that some, but not all, parties express a preference for the format of argument, the court in general will set argument in accordance with the preferences expressed and the court's needs.

(c) In all cases involving a self-represented party who is in custody, oral argument will be held by remote means.

(d) If the court orders oral argument in a case in which no party has requested oral argument, oral argument ordinarily will be held by remote means.

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[1] In any of the formats, one or more judges may participate through remote means. Generally, at least two judges will participate in person for hybrid and in-person arguments.

(e) In any case, and notwithstanding the preferences expressed by the parties, the court may determine that, under the circumstances, the needs of the court will be best served by a particular format of argument and may direct that argument will occur in that format.

(f) Where, in the court's judgment, inclement weather or other conditions make in-person argument difficult or unsafe, the court will, when possible, hold all scheduled arguments by remote means rather than postponing arguments.

(g) Except for emergency motions, the court will not entertain motions regarding the format of oral argument.

(7) Phase-in Process

For the purposes of phasing in the processes for requesting oral argument described in this rule, the following process governs those matters described in Section 4(a)(iv). In those matters, the court will schedule a submission date for the case and will send the parties notice of the date. The notice will include a form "Response to Notice of Submission" requesting the information described in section (3) of this rule. Within 14 days of receiving the notice, any party requesting oral argument, or who has a preference as to argument format, must complete, file, and serve on every party to the appeal the form "Response to Notice of Submission." Joint responses are encouraged. Submission will occur in the manner described in sections (5) and (6) of this rule.

~~(1) This rule applies to proceedings in the Court of Appeals.~~

~~(2) (a) The Administrator will send the parties notice of the date that a case is scheduled to be submitted to the court ("the submission date"). The notice will include a form "Response to Notice of Submission" requesting the information described below. Within 14 days of receiving the notice, any party requesting oral argument must complete, file, and serve on every party to the appeal the form "Response to Notice of Submission." The information required by the form Response to Notice of Submission is the following:~~

~~(i) that the party requests oral argument;~~

(ii) the name of the attorney or self-represented party who will argue the case;

(iii) whether the party requests in-person oral argument as described in ORAP 6.30(1)(a);[2]

(iv) whether the party has conferred with all other parties regarding in-person oral argument and, if so, whether any party objects.

(b) Submission will occur as follows:

(i) If no party files a timely request for oral argument, the case shall be submitted on the briefs on the submission date without oral argument, unless the court directs otherwise.

(ii) Except as otherwise provided in subparagraph (iii), if a timely request for oral argument is made, then the case will be set for remote argument pursuant to ORAP 6.30 on the submission date and all parties who have filed a brief may argue.

(iii) Unless the court determines that remote argument better meets the needs of the court, (a) if a party submits a timely request for in-person argument, and certifies that the party has conferred with all other parties and that no party objects to in-person argument, or (b) if all parties submit requests for in-person argument, then the case will be set for in-person argument pursuant to ORAP 6.30 on the submission date and all parties who have filed a brief may argue.

(iv) Notwithstanding subparagraph (iii), a party may move the court for an order that an oral argument should proceed in person. The motion must be filed within seven days after the deadline for filing a Response to Notice of Submission and must explain the circumstances that support the request and demonstrate good cause for arguing in-person; good cause does not include a mere preference for in-person argument. Any party may file a response to the motion; the response must be filed within seven days after the filing of the motion.

(3) Notwithstanding subsection (2) of this rule, in any case, the court may, on its own motion, determine that the needs of the court will be best served by either in-person argument or remote argument, and order that the parties appear for argument in the manner directed. If the court orders the parties to appear remotely after the case has previously been set for in-person argument under subparagraph (2)(b)(iii), any party may file a motion as described in subparagraph (2)(b)(iv) within a reasonable time of the court's order.

(4) Notwithstanding subsection (2) of this rule, if a self-represented party files a brief, the case will be submitted without argument by any party. An attorney representing himself or herself is not considered to be a self-represented party for the purpose of this rule.

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[2] Self-represented parties in custody may not request in-person arguments. The court will instead set the case for remote argument pursuant to ORAP 6.30(2).

~~(54) Notwithstanding subsection (2) of this rule, when a respondent submits an answering brief confessing error as to all assignments of error and not objecting to the relief sought in the opening brief, the respondent shall so inform the court by letter when the brief is filed or at any time thereafter. On receipt of respondent's notice that a brief confesses error, the case will be submitted without oral argument. The appellant may by letter bring to the court's attention that a respondent's brief appears to confess error. If the court concurs, the case will be submitted without oral argument.~~

Rule 6.10
WHO MAY ARGUE;
FAILURE TO APPEAR AT ARGUMENT

(1) A party may present oral argument only if the party has filed a brief and filed an Oral Argument Appearance Request under ORAP 6.05.

(2) An *amicus curiae* may present oral argument only if permitted by the court on motion or on its own motion.

(3) An attorney who was a witness for a party, except as to merely formal matters such as attestation or custody of an instrument, shall not argue the cause without leave of the court.

(4) ~~Only~~ In the Court of Appeals, only self-represented parties and active members of the Oregon State Bar shall argue unless the court, on motion filed not less than 21 days before the date for argument, orders otherwise. If the court has allowed a lawyer from another jurisdiction to appear on appeal for a particular case under ORAP 8.10(4), the lawyer does not need leave of the court to participate in oral argument of the case.

(5) In the Supreme Court, only active members of the Oregon State Bar shall argue unless the court, on motion filed not less than 21 days before the date of argument, orders otherwise. If the court has allowed a lawyer from another jurisdiction to appear on appeal for a particular case under ORAP 8.10(4), the lawyer does not need leave of the court to participate in oral argument of the case.

(~~5~~6) (a) After any party has filed and served a request for oral argument pursuant to ORAP 6.05(2), any party who decides to waive oral argument or cannot attend oral argument shall give the court and all other parties participating in oral argument at least 48 hours' notice that the party will not be appearing for oral argument.

(b) If a party fails to appear at oral argument, the court may deem the cause submitted without oral argument as to that party. A party's failure to appear shall not preclude oral argument by any other party.

(c) If a party fails to give at least 48 hours' notice of nonappearance at argument, the court may order counsel for that party to pay the costs and attorney fees

that reasonably would not have been incurred but for failure to give timely notice of nonappearance.

Rule 6.15
PROCEDURE AT ORAL ARGUMENT

(1) In all cases in the Supreme Court:

(a) The appellant, petitioner, or petitioner on review shall have not more than 30 minutes to argue; and the respondent or respondent on review shall have not more than 30 minutes to argue.

(b) The appellant, petitioner, or petitioner on review shall argue first and may reserve not more than 10 minutes of the time allowed for argument in which to reply.

(c) If there are two or more parties on one side, they shall divide their allotted time among themselves, unless the court orders otherwise.

(2) (a) Unless the court otherwise orders, on oral argument in the Court of Appeals in all cases the appellant or petitioner shall have not more than 15 minutes and the respondent shall have not more than 15 minutes to argue.

(b) The appellant or petitioner may reserve not more than five minutes of the time allowed for argument in which to reply.

(3) A motion for additional time for argument shall be filed at least seven days before the time set for argument.

(4) No point raised by a party's brief shall be deemed waived by the party's failure to present that point in oral argument.

(5) For the purpose of this rule, a cross-appellant shall be deemed a respondent.

(6) It is the general policy of Oregon appellate courts to prohibit reference at oral argument to any authority not cited either in a brief or in a pre-argument memorandum of additional authorities.[1] If a party intends to refer in oral argument to an authority not previously cited, counsel or a self-represented party shall inform the court at the time of argument and shall make a good faith effort to inform opposing counsel or a self-represented party of the authority at the earliest practicable time. The court may, in its discretion, permit reference at argument to that authority and may give other parties leave to file a post-argument memorandum of additional authorities or a memorandum in response.

(7) If ~~counsel~~ a party desires to have present at oral argument an exhibit that has been retained by the trial court, it is ~~counsel's~~ the party's responsibility to arrange to have the exhibit transmitted to the appellate court.[2]

[1] See ORAP 5.85 regarding memoranda of additional authorities.

[2] See ORAP 3.25 regarding arranging to have exhibits transmitted to the appellate court.

Rule 6.30
SPECIAL RULES FOR ORAL ARGUMENTS:
MODE OF ARGUMENT AND ARGUMENTS CONDUCTED BY REMOTE MEANS OR HYBRID FORMAT

(1) For purposes of this rule,

(a) "In person" refers to an oral argument to be conducted with all parties appearing in person, in either a courtroom or an alternative physical location being used as a courtroom; ~~and~~

(b) "Remote means" refers to an oral argument conducted by video conference with all parties and justices or judges appearing remotely; and~~.~~

(c) "Hybrid" for the purposes of the arguments in the Court of Appeals refers to an oral argument in which at least one litigant appears in person, and at least one litigant appears by remote means.

(2) This subsection applies to proceedings in the Court of Appeals.

(a) ~~Except as otherwise provided in ORAP 6.05(2)(b)(iii), ORAP 6.05(2)(b)(iv), or ORAP 6.05(3), the case will be scheduled for argument by remote means.~~Oral Argument in the Court of Appeals will be scheduled in the manner set forth in ORAP 6.05.

(b) If an argument scheduled to proceed by remote means or in a hybrid format cannot occur due to technical difficulties, the court will reset the argument for a later date.

(c) A live audio and video feed of oral arguments that are being conducted by remote means will be available in the principal location for the sitting of the Court of Appeals.[1] Seating in the courtroom at the principal location to view a live audio and video feed of oral arguments that are being conducted by remote means will be limited to the number of persons that is posted at the Marshal's Station at the building entrance.

(3) This subsection applies to proceedings in the Supreme Court.

(a) The court will ordinarily schedule oral argument to be conducted in person.

(b) (i) A party may file a motion requesting that an argument scheduled to be conducted in person be conducted by remote means. Such a motion must be filed at least 21 days before the scheduled date of the oral argument and must state the scheduled date and time of the oral argument and explain the circumstances that support the request.

(ii) Any party may file a response to the motion. The response must be filed within seven days after the filing of the motion.

(4) Except as otherwise provided in ORAP 8.35, electronic recording of an appellate oral argument being conducted by remote means is not permitted without express prior approval of the court. "Electronic recording" includes, but is not limited to, video recording, audio recording, live streaming, and still photography by cell phone, tablet, computer, camera, recorder, or any other means.

(5) Absent permission from the court or, in the Court of Appeals, the presiding judge of the panel to proceed otherwise, when appearing for an oral argument to be conducted by remote means, all attorneys, self-represented parties, and court officials must wear appropriate attire, remain on camera, and conduct themselves as if they were appearing in person in the courtroom.

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[1] *See* Chief Justice Order ~~22-020~~2024-018 (providing that the principal location for the sitting of the Court of Appeals is currently 1163 State Street, Salem, OR 97301) or any subsequent order of the Chief Justice that amends or supersedes that order.

Oral Argument Appearance Request

Please return a copy of this notice, via eFiling or conventional filing, to the court.

Appellate Case Name & Number: _____

In accordance with ORAP 6.05(2) and (3), please select *one* of the following options:

☐ **Individual Request**
Select this box if this is a request for oral argument made on behalf of a single party on appeal.

☐ **Joint Request**
Select this box if this request is a request for oral argument made on behalf of all parties on appeal.

☐ **Individual Request Expressing Appearance Preference Only**
Select this box if not requesting oral argument but intend to appear if another party requests oral argument.

Attorney/Self-Represented Party Appearing:
Please indicate who will appear on behalf of each party and how they intend to appear, if known.

_____ ☐ Appearing Remotely ☐ Appearing In-Person
(Name and bar number, if applicable.)

_____ ☐ Appearing Remotely ☐ Appearing In-Person
(Name and bar number, if applicable.)

Per ORAP 6.10, a party must file a brief and file an Oral Argument Appearance Request in order to argue. Per ORAP 6.05, if a party does not express a preference as to the mode of argument in an Oral Argument Appearance Request, the party will be scheduled to appear remotely if oral argument is set at the request of another party or on the court's own motion.

_____
Signature/name, bar number, address, telephone number, and email address

_____
Date

NOTE: All documents filed with the court must include a certificate of service indicating that service on the opposing party (or parties) was completed. ORAP 1.35(2)(a)(d)

NOTICE OF SUBMISSION OF CASE TO COURT

Appellate Court Administrator, Appellate Court Records Section
1163 State Street, Salem, Oregon 97301-2563