

27.7.5 LUBA Procedures/Rules – Parties – Representation. Pursuant to OAR 661-010-0075(6), each individual before LUBA must either appear on his or her own behalf or be represented by an attorney. LUBA’s rules do not authorize one unrepresented party to file pleadings, motions and affidavits presenting legal arguments and factual assertions intended to support the standing of another unrepresented party. *Conte v. City of Eugene*, 76 Or LUBA 498 (2017).

27.7.5 LUBA Procedures/Rules – Parties – Representation. The unrepresented lead petitioner in an appeal to LUBA cannot file a motion on behalf of another unrepresented petitioner seeking the other petitioner’s withdrawal from the appeal. *Frewing v. City of Portland*, 73 Or LUBA 392 (2016).

27.7.5 LUBA Procedures/Rules – Parties – Representation. OAR 661-010-0075(6), which prohibits representation of a party by someone other than an active member of the Oregon State Bar, is not violated by allowing an out-of-state lawyer to appear in a LUBA proceeding *pro hac vice* to assist local counsel. *STOP, LLC v. City of West Linn*, 67 Or LUBA 490 (2013).

27.7.5 LUBA Procedures/Rules – Parties – Representation. A motion to appear *pro hac vice* before LUBA is governed by Uniform Trial Court Rule (UTCRC) 3.170, which requires an applicant that is subject to pending disciplinary proceedings in another state provide a description of the nature and status of any pending proceedings, so that LUBA can resolve disputes regarding whether the appearance is not in the best interest of LUBA or the parties. *STOP, LLC v. City of West Linn*, 67 Or LUBA 490 (2013).

27.7.5 LUBA Procedures/Rules – Parties – Representation. LUBA will deny an opposed motion to appear *pro hac vice* under Uniform Trial Court Rule (UTCRC) 3.170, where an applicant who is subject to a pending disciplinary proceeding fails to provide a description of the nature and status of the proceeding, as UTCRC 3.170 requires, and only offers to provide that description under a protective order, where allowing a belated attempt to comply with UTCRC 3.170 would significantly delay LUBA’s review proceeding. *STOP, LLC v. City of West Linn*, 67 Or LUBA 490 (2013).

27.7.5 LUBA Procedures/Rules – Parties – Representation. Under OAR 661-010-0075(2)(b)(A) and 661-010-0075(7), multiple unrepresented petitioners must designate a lead petitioner who will accept service of documents for all petitioners and notify the other unrepresented petitioners of any documents or communications the lead petitioner receives from LUBA or the parties. But each unrepresented petitioner remains responsible for his or her own representation, and the lead petitioner may not take positions for the other unrepresented petitioners. *Warren v. Josephine County*, 65 Or LUBA 485 (2012).

27.7.5 LUBA Procedures/Rules – Parties – Representation. When a notice of intent to appeal (NITA) is filed on behalf of a “corporation or other organization” by a person who is not an active member of the Oregon State Bar and LUBA allows seven days for an attorney to file an amended NITA, failure to file an amended NITA within that time requires dismissal of the appeal. Sending a letter stating that an attorney will represent the corporation or organization is not a sufficient substitute for filing an amended NITA. *Waluga Neighborhood Association v. City of Lake Oswego*, 59 Or LUBA 380 (2009).

27.7.5 LUBA Procedures/Rules – Parties – Representation. A Notice of Intent to Appeal that names a non-attorney as the representative of a petitioner that is a neighborhood association must be amended within the time set forth by LUBA. Where a petitioner does not file an amended Notice of Intent to Appeal within the time set forth in LUBA’s letter to petitioner, LUBA will dismiss the appeal. *Russell Neighborhood Assoc. v. City of Portland*, 58 Or LUBA 397 (2009).

27.7.5 LUBA Procedures/Rules – Parties – Representation. Absent authority in LUBA’s governing statutes or elsewhere for LUBA to disqualify an attorney and his law firm from representing a party before LUBA, the Board will deny a motion to disqualify the attorney and law firm based on alleged violations of the Oregon Rules of Professional Conduct. *Dahlen v. City of Bend*, 56 Or LUBA 789 (2008).

27.7.5 LUBA Procedures/Rules – Parties – Representation. Under OAR 661-010-0075(6), a county may only appear in a LUBA appeal through an attorney. Where the county attorney advises LUBA that the county will not participate in an appeal, and the county planning department latter provides LUBA with a copy of its letter responding to the petitioner’s record objections, LUBA will not treat that letter as the county’s response to petitioner’s record objections. *SOPIP v. Coos County*, 56 Or LUBA 802 (2008).

27.7.5 LUBA Procedures/Rules – Parties – Representation. All petitioners who are not represented by an attorney must represent themselves in a LUBA appeal. Neither a lead petitioner nor any other individual petitioner may present arguments or file documents on behalf of other unrepresented petitioners. *Gillette v. Lane County*, 51 Or LUBA 823 (2006).

27.7.5 LUBA Procedures/Rules – Parties – Representation. A lead intervenor is designated for service of documents only where two or more unrepresented intervenors join in a single motion to intervene. Where multiple unrepresented intervenors each file their own motion to intervene, there is no lead intervenor. *Lindsey v. Josephine County*, 50 Or LUBA 708 (2005).

27.7.5 LUBA Procedures/Rules – Parties – Representation. A *pro se* intervenor may not file a motion on behalf of prospective unrepresented intervenors to seek additional time for filing motions to intervene. *Lindsey v. Josephine County*, 50 Or LUBA 708 (2005).

27.7.5 LUBA Procedures/Rules – Parties – Representation. Absent state or local requirements to the contrary, individuals may appear on behalf of other individuals or artificial entities in local land use proceedings. *Neighbors 4 Responsible Growth v. City of Veneta*, 50 Or LUBA 745 (2005).

27.7.5 LUBA Procedures/Rules – Parties – Representation. Unless some challenge is made and some reason presented to question a person’s claim that he or she is appearing on behalf of another person, an allegation to that effect is sufficient, provided the allegation adequately identifies the person he or she is appearing for. *Neighbors 4 Responsible Growth v. City of Veneta*, 50 Or LUBA 745 (2005).

27.7.5 LUBA Procedures/Rules – Parties – Representation. A person’s allegation that he is appearing on behalf of a citizen organization’s “membership in [the city] and surrounding area” is

not sufficient to constitute an appearance on behalf of individual members of the organization. A more precise delineation of the represented persons is required to identify those persons adequately so that the city or any other party who might have grounds for challenging those appearances could do so. *Neighbors 4 Responsible Growth v. City of Veneta*, 50 Or LUBA 745 (2005).

27.7.5 LUBA Procedures/Rules – Parties – Representation. A person who is not an active member of the Oregon State Bar may not sign a petition for review on behalf of individual petitioners. *Roe v. City of Union*, 45 Or LUBA 736 (2003).

27.7.5 LUBA Procedures/Rules – Parties – Representation. A motion to intervene filed by an unrepresented organization, stating that the organization will soon be represented by an attorney, will be denied where no attorney appears on behalf of the organization and the organization fails to respond to a challenge to its status as intervenor. *Stahl v. Tillamook County*, 43 Or LUBA 623 (2002).

27.7.5 LUBA Procedures/Rules – Parties – Representation. A cost bill filed on behalf of a local government must be filed by the local government's attorney. A cost bill filed on behalf of a local government by someone other than a member of the Oregon State Bar will be denied. *Marine Street LLC v. City of Astoria*, 37 Or LUBA 1018 (2000).

27.7.5 LUBA Procedures/Rules – Parties – Representation. Parties other than individuals may only appear at LUBA through a member of the Oregon State Bar. *Homebuilders Association v. City of Portland*, 37 Or LUBA 991 (1999).

27.7.5 LUBA Procedures/Rules – Parties – Representation. OAR 661-10-075(6) requires a local government to be represented by an attorney in a LUBA appeal. Therefore, a local government's notice of withdrawal of the challenged decision, pursuant to ORS 197.830(12)(b), is properly submitted by the local government's attorney. *Tylka v. Clackamas County*, 28 Or LUBA 417 (1994).

27.7.5 LUBA Procedures/Rules – Parties – Representation. LUBA is not authorized to reject a document filed on behalf of a represented party because the attorney filing the document did not first obtain specific authority from that party to file the document. *Gettman v. City of Bay City*, 28 Or LUBA 121 (1994).

27.7.5 LUBA Procedures/Rules – Parties – Representation. No party to a LUBA proceeding may be represented by someone who is not an attorney. OAR 661-10-075(6). *Gray v. Clatsop County*, 21 Or LUBA 600 (1991).