



NAMING AND SERVING CORPORATE DEFENDANTS

Naming and serving the correct corporate defendant can be a hit or miss proposition if you're not careful. The following is a case in point.

Assume Sue Client is a pedestrian that is struck by Joe Driver. She retains you as her attorney, and you determine that Joe was working and was driving an ABC Widgets truck at the time of the collision. Sue has very little time left before the statute runs on her personal injury claim. You decide to file against Joe Driver and ABC Widgets.

You now face two challenges: naming *and* serving the correct corporate defendant. As a first step, you ask a member of your staff to call the corporation division and research the "ABC Widgets" name and registered agent. No problem, right? Usually not, but what if the corporation division records showed several potential matches to your defendant's name? For example: ABC Widgets, Inc., ABC Widgets Company, M.C. Jones, d.b.a. ABC Widgets, etc. Which one is correct? Can you rely on the clerk at the corporation division to make the match for you? Has the clerk communicated that multiple or similar names exist? How did you phrase your search request – generically or specifically?

Unfortunately, the clerk helping you may not realize that more than one "match" is possible. One solution is using the Internet to research the information you need.

The best resource for researching corporate entities in the state of Oregon is the Secretary of State's Business Registry Da-

tabase: www.sos.state.or.us/corporation/aboutus/index.htm. Users can do an "exact words" search, a "sound-alike" search or an "extended search in any word order." An "extended search in any word order" should be used when you are unsure of the business name. This type of search will return names of business entities when they contain the words spelled exactly as keyed in *any order and* in combination *with any other words*. In addition, words that have similar meanings or similar sounds are included in an "extended" search. Comparable online searches can be conducted on other state web sites.

If you want to search using other parameters, consider an online subscriber service such as Westlaw, www.westlaw.com, Lexis-Nexis, www.lexis-nexis.com or AutoTrack XP, www.autotrackxp.com. All three offer training to new subscribers. Services and fees vary and may include per-search charges.

As an alternative, you may wish to hire a public records research firm to conduct your searches. Uni-Search, Inc. specializes in searching, filing, and retrieving public documents in all 50 states. Contact UniSearch via the Internet at www.unisearch.com or call their Oregon office at 503-399-9500 or 1-800-554-3113.

It's always critical to get accurate information. Naming and serving the wrong corporate defendant may jeopardize your client's legal rights and result in a malpractice claim against you. Remember the mantra: check, double-check, and re-check.

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