



NEWS ABOUT RULES

ERROR IN 2005 OREGON RULES OF COURT: The Thomson West 2005 edition of *Oregon Rules of Court – State* has erroneously incorporated amendments to the Oregon Rules of Civil Procedure (ORCP) that will not become effective until January 1, 2006. You can find the current, unamended ORCP at www.leg.state.or.us/ors/orcpors.htm. To view the amendments that will take effect next January (showing the additions and deletions to the current rules), unless the Legislature modifies the Council on Court Procedure's actions before then, go to www.publications.ojd.state.or.us, select Rules on the lower left side, then December 11, 2004, Amendments to Oregon Rules of Civil Procedure (ORCP).

PLF COVERAGE FOR BUSINESS DEALS WITH CLIENTS UNDER ORPC: Oregon Rule of Professional Conduct (ORPC) 1.8(a) on business transactions with clients requires a "writing signed by the client" in which the client gives informed consent to the essential terms of, and the lawyer's role in, the transaction. You can find the new rules and a study guide prepared by the Oregon State Bar on the OSB Web site at www.osbar.org/barnews/hodsubmit.html.

The PLF's Claims Made Plan (the Plan) does not apply to any claim based on or arising out of any business transaction subject to ORPC 1.8(a) unless Disclosure Form ORPC 1 (Exhibit A to the Plan) has been properly executed before the occurrence giving rise to the claim. See PLF 2005 Claims Made Plan Exclusion 8. Under ABA Formal Op. 02-427, transactions subject to ORPC 1.8(a) include acquiring a contractual security interest in a client's property to secure payment of fees earned or to be earned. You can find the Plan and Exhibit A – Form ORPC 1 in the 2005 OSB Membership Directory, pages 57-68, and also on the PLF's Web site. Go to www.osbplf.org, select Primary Coverage, then Primary Coverage Plan.

AMENDMENTS TO ORAP: Effective January 1, 2005, the Oregon Supreme Court and Oregon Court of Appeals adopted amendments to the Oregon Rules of Appellate Procedure (ORAP). You can read the amendments to the rules in the Oregon Appellate Courts Advance Sheets, December 6, 2004, No. 25. Some of the more significant amendments are changes in preparation of transcripts (Rules 3.33 and 3.35); specifications for briefs (Rules 5.05 and 5.12); assignments of error (Rule 5.45); excerpt of record (Rule 5.50); additional authorities (Rule 5.85); form of petition for review (Rule 9.05); and the time frame for responding to a petition for review (Rule 9.10). In addition, the courts adopted Proposed New Rule 8.50 dealing with segregation of protected personal information. The proposed rule can be found with the amendments to the rules.

E-MAIL ADDRESS REQUIRED BY UTCR: Beginning August 1, 2005, Uniform Trial Court Rule (UTCR) 2.010(7) requires that all documents include the author's fax number, if any, and the attorney's e-mail address, if any. You can find additional information about the UTCRs at www.ojd.state.or.us/programs/utcr/index.htm. The e-mail address may be that of a docketing clerk or other staff member in the attorney's firm who is re-

DISCLAIMER

THIS NEWSLETTER INCLUDES CLAIM PREVENTION TECHNIQUES THAT ARE DESIGNED TO MINIMIZE THE LIKELIHOOD OF BEING SUED FOR LEGAL MALPRACTICE. THE MATERIAL PRESENTED DOES NOT ESTABLISH, REPORT, OR CREATE THE STANDARD OF CARE FOR ATTORNEYS. THE ARTICLES DO NOT REPRESENT A COMPLETE ANALYSIS OF THE TOPICS PRESENTED, AND READERS SHOULD CONDUCT THEIR OWN APPROPRIATE LEGAL RESEARCH.

sponsible for calendaring the attorney's court information. If you are a sole practitioner, it is a good idea to maintain a separate e-mail account just for court e-mails. Make sure your staff has your password so they will have access to your account in your absence.

SUMMARY JUDGMENTS: ORCP 47C requires a motion for summary judgment to be filed at least 60 days before the date set for trial.

PLAY IT SAFE – FILE ORCP 54E OFFERS OF JUDGMENT: In a recent Multnomah County case that relied on ORCP 9, the court ruled that ORCP 54E offers of judgment must be *filed* with the court within a reasonable time after serving the offer on opposing counsel. If you are making an offer of judgment, take the safe course and file it with the court at the time you serve the offer on opposing counsel.

Our thanks to Chuck Carlson, Circuit Court Judge for Oregon Second Judicial District; Peter Jarvis, Hinshaw & Culbertson LLP; Susan K. Eggum, Susan K. Eggum PC; and Dee Crocker, PLF Practice Management Advisor, for their assistance with these news items.