

IN BRIEF

THIS ISSUE
December 2002
Issue No. 89



PROFESSIONAL LIABILITY FUND
www.osbplf.org

DECEMBER 2002

TIPS, TRAPS, & RESOURCES

CIRCUIT COURT SLR AND OTHER RESOURCES: Supplemental Local Rules and other resources (including the Multnomah County Attorney Reference Manual) are available on the Oregon Judicial Department website www.ojd.state.or.us.

FAMILY LAW: The OSB Family Law Section now has a website that includes statutes, administrative rules, UTCR, ORAP, SLR for counties with websites, and other valuable family law material. Visit www.osbfamilylaw.homestead.com.

ATTORNEY FEES AND U.S. DISTRICT COURT: The court recently suggested that attorneys record their time using specifics about tasks performed, rather than only recording that a block of time was used on a specific day. In addition, the court requested that time billed for phone calls or conferences include the subject matter of discussion. These suggestions are offered to allow the court to comply with its duty to review the Petition for Attorney Fees for reasonableness. The court also noted that the Oregon State Bar Economic Survey (available from the Oregon State Bar) will be used as an initial benchmark for fees. Fee petitioners should address the Economic Survey and provide justification for hourly rates that are higher than those reported in the survey.

PERSONAL INJURY CASES: The notice requirements of ORS 416.530 have been amended to require attorneys to notify the Department of Human Services Personal Injury Lien Unit of claims made on behalf of an injured party who was the recipient of public assistance. To

find out if a client was a recipient of public assistance, including the Oregon Health Plan, call the Personal Injury Lien Unit at 503-378-2586.

INSURANCE DEFENSE ATTORNEYS: The Oregon State Bar has issued ethics opinion 2002-166: Compliance with Insurance Defense Guidelines. This opinion, and others, can be downloaded from the Bar's website, www.osbar.org, or call 503-620-0222, ext. 359.

LEAD-BASED PAINT DISCLOSURE RULE - HUD RESOURCES ONLINE: Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. 4852(d), requires sellers, landlords, and agents to warn homebuyers and tenants of lead-based paint and lead-based paint hazards in pre-1978 housing. The Department of Housing and Urban Development (HUD) maintains a website which includes a useful summary of the rules and regulations, links to EPA pamphlets, and information on recordkeeping requirements. Sample disclosure statements are available online from HUD at www.hud.gov/offices/lead/disclosurerule/index.cfm#forms.

DOMESTIC RELATIONS: The ABA Family Law Section has two client handbooks for sale: *My Parents are Getting Divorced* (product code 513-1100-1804 - \$12.95), and *Handbook for the Newly Divorced: Practical Advice for Getting on With Your Life* (product code 513-1100-1803R - \$12.95). To order, call the ABA Service Center at 800-285-2221.

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.

U.S. SUPREME COURT WEBSITE: This site includes court decisions, the court schedule, court calendar, court rules, bar admission forms and instructions, a visitor's guide, weekly orders granting and denying new appeals, and news releases. www.supremecourtus.gov.

CRIMINAL DEFENSE GUIDES: Guide Publishing of Eugene is offering a package of four quick-reference guides covering expungement, collateral consequences, Oregon driver restrictions, and selected constitutional provisions. These laminated guides include case law and statutory footnotes where applicable. The guides range in price from \$9.95 to \$14.95 plus shipping, or can be purchased as a package for \$39.95. For more information call Hubert Duvall, 541-349-9909.

FEDERAL PRACTICE: The Federal Judicial Center offers a wide variety of resource publications including information about motions, trials, use of scientific evidence, expert testimony, and presentation of evidence. Visit www.fjc.gov; click on "Publications" for a list of publications; click the topics in the left column for individual titles. In addition, visit www.access.gpo.gov/nara/browse-gm-01.html for a wide variety of U.S. government information including the National Archives and Records Administration (NARA) edition of the United States Government Manual.