

Tips, Traps and Resources

Restyled Federal Rules of Civil Procedure: The Federal Rules of Civil Procedure were all rewritten as of December 1, 2007, under “The Style Project.” The new FRCPs feature language modernization, renumbering, new subheadings, changes in wording, and relocation of some rule content. Substantive changes were made to rules 16, 26, 33, 34, 37, and 45. Important changes were also made to rules 15, 52, 56, and 65. Technical alterations or “style substance” changes were made to rules 4(k), 9(h), 11(a), 14(b), 16(c), 26(g), 30(b), 31(c), 40, 71.1(d), and 78(a). A new rule 5.2 was added. There are new official and unofficial forms.

For an excellent article on the restyled rules, go to www.osbplf.org, select *In Brief* under Loss Prevention, select the May 2008 issue, and then select “A Brief Introduction to the New ‘Restyled’ Federal Rules of Civil Procedure,” by Kathryn M. Pratt. For a CLE on the restyled rules, go to www.osbplf.org, select CLE Programs on Audio or Video under Loss Prevention, and then select “The Re-Styled Rules of Civil Procedure.”

FMLA/Military Leave: On January 28, 2008, President Bush signed into law H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008, which expands the Family Medical Leave Act for families of U.S. Armed Forces members. The law creates two new categories of protected leave: (1) leave to employees who care for family members injured in the line of duty (effective immediately); and (2) leave for “any qualifying exigency” for family members of servicemembers called to active duty (effective on issuance of final regulations by U.S. Department of Labor). To view the amended FMLA, go to www.dol.gov/esa/whd/fmla/ndaa_fmla.htm.

Retroactive Inheritance Tax: During the 2008 special legislative session, the Legislature passed HB 3618 to correct several aspects of HB 3201 which was passed in the 2007 legislative session. HB 3201 attempted to provide a \$7.5 million inheritance tax exemption for farming, forestry, and commercial fishing operations. HB 3618 replaces the \$7.5 million exemption with a \$7.5 million credit for these types of properties and adds some new requirements. HB 3618 will be effective on May 23, 2008, and will be retroactive to January 1, 2007. Estates that have already filed 2007 returns claiming the exemption may now owe inheritance tax, because they are no longer eligible for the credit. For an article on this topic, go to www.osbplf.org, select *In Brief* under Loss Prevention, select the May 2008 issue, and then select “2008 Special Legislative Session Established Farming, Forestry, and Fishing Inheritance Tax Credit,” by Jefferey M. Cheyne.

Going Paperless? Are you interested in storing active client files electronically or scanning and disposing of closed client files? Doing it right involves more steps than you might think. The PLF has created a “Checklist for Imaging Documents and Disposing of Originals” available on the PLF Web site, www.osbplf.org. Click on Practice Aids and Forms and follow the link to Technology. If you have questions about “going paperless,” contact the PLF practice management advisors at 503-639-6911 or 800-452-1639. Practice management assistance is free and confidential.

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New Book on Electronic Discovery: *A Practical Guide to Electronic Discovery for Oregon Lawyers*, published by Pratt Legal Publishing, contains 15 chapters and addresses the gathering, protection, storage, and production of Electronically Stored Information (ESI). The book is available at www.lulu.com/pratt_legal_publishing for \$49.95 plus S/H or by sending a check for \$52.95 to Law Offices of Kathryn M. Pratt, 18292 SW Santoro Drive, Beaverton, OR 97007.

Discounted ABA Law Practice Management Publications: The PLF offers American Bar Association Law Practice Management books at a 30% discount off the ABA non-member rate. Choose from titles such as: *Collecting Your Fee, Through the Client's Eyes*, and *How to Start and Build a Law Practice*. Shipping rates have been significantly reduced (only \$12.95 for orders of \$200 or more). Orders under \$10 are free. For more information, visit the PLF Web site at www.osbplf.org and click on Books from the ABA under Loss Prevention.

Two New Books from the ABA: The 2008 title, *e-Discovery: Current Trends and Cases*, by Ralph Losey, comprises seven chapters (including topics such as metadata, ESI, ethics, and the new FRCP) and 58 articles. The book explains both legal and technological issues. Paperback; 200 pages; \$79.95 for members; \$99.95 for non-members. Another title published this year, *Pioneering Women Lawyers: From Kate Stoneman to the Present*, edited by Patricia E. Salkin, tells the history of the first woman admitted to the Bar in New York. Paperback; 148 pages; \$24.95 for members; \$29.95 for non-members.

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