

### Tips, Traps, and Resources

**Conflicts of Interest:** When an individual or entity (Prospective Client) consults with you about possibly forming a client-lawyer relationship, you **MUST** enter the individual and/or entity's name into your conflict of interest system, even if you decline to represent the person or entity. You and your firm are then prohibited, under certain circumstances, from representing any other person or entity (Desired Client) with materially adverse interests to the Prospective Client you declined (PCYD). These circumstances are: (1) if the representation is the same or a substantially related matter and (2) if the information divulged by PCYD could be significantly harmful to PCYD in the proposed representation of Desired Client. The exceptions to this rule are: (1) if both Declined Client and PCYD give written informed consent, or (2) if you are screened from participation in the matter and PCYD is promptly notified in writing. To avoid this embarrassing and often costly mistake, be certain to check your conflict system before consultation with a Prospective Client. (See ORPC 1.18 on Duties to Prospective Client.)

**IOLTA Accounts 100% Insured:** ORPC 1.15-2(h)(2) requires lawyers to place client funds in a federally insured account. On November 21, 2008, the FDIC expanded the Temporary Liquidity Guarantee Program (TLGP) to include Interest on Lawyer Trust Accounts (IOLTA) accounts. As a result, an individual client's funds deposited in an IOLTA account are fully insured regardless of the amount through December 31, 2009. Note: Separate or pooled interest-bearing

accounts established for the benefit of clients who can earn net interest remain subject to FDIC insurance limits. Therefore, if you are holding more than the insured limit for any one client in such an account, you may need to allocate funds among multiple institutions and remind clients of the aggregate federal insurance limits to ensure that each client's funds are fully protected. See "Trust Accounts and the FDIC," by Sylvia Stevens, *Oregon State Bar Bulletin*, October 2008. [www.osbar.org/publications/bulletin/08oct/barcounsel.html](http://www.osbar.org/publications/bulletin/08oct/barcounsel.html). The FDIC ruling can be found at [www.fdic.gov/news/board/08BODtlgp.pdf](http://www.fdic.gov/news/board/08BODtlgp.pdf).

**Tort Claims Against Tribal Lands:** Personal injury lawyers may know that their clients must give a tribal business a tort claim notice, but lawyers may not know that tribal tort claim rules can be more complicated, are strictly construed, are not widely available, and may allow only half the time for a tort claim notice compared with public entities in Oregon. Look for an article in a future *In Brief*.

**Clackamas County Recorder's Office/New Hours:** In October 2008, most Clackamas county offices changed to a four-day workweek, including the county recorder's office, which closed on Fridays. In response to criticism, the recorder's office reinstated a five-day workweek with new hours. Effective January 9, 2009, the new office hours are: 8 a.m. to 5 p.m. on Monday; 7 a.m. to 5 p.m. on Tuesday through Thursday; and 10 a.m. to 3 p.m. on Friday. However, the office will stop recording documents at 2:00 p.m. on Friday. Clackamas

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#### DISCLAIMER

*IN BRIEF* includes claim prevention information that helps you 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 research.

## Tips, Traps, and Resources, continued

County Circuit Court remains on a five-day workweek; the courthouse is open Monday through Friday 8 a.m. to 5 p.m.

**Tips for Saving Paper:** (1) When printing an e-mail, edit the message to delete portions of the e-mail you don't need to print (e.g., confidentiality disclaimers, old threads that aren't relevant), or select what you want to print and print only that portion of the e-mail. (2) If you want to print only part of a Web page, right-click within the frame and choose print from the shortcut menu. You can also highlight an area you want to print, right-click on the selection, and then choose print from the shortcut menu.

**Mentoring Programs:** You don't have to do it alone. The **OSB Lawyer to Lawyer Program** connects lawyers

working in unfamiliar practice areas with Resource Lawyers willing to offer informal advice over the phone. The **OSB Take Me to Lunch Panel** is an expanded version of the Lawyer to Lawyer Program. Resource Lawyers commit to spending one to two hours advising less experienced lawyers in exchange for lunch. Visit [www.osbar.org](http://www.osbar.org) or call 503-431-6408 for more information. **Oregon New Lawyers Division** sponsors a mentor program that pairs lawyers in practice three years or less with more experienced lawyers in their local communities. Matches are made once a year in January. Visit [www.osbar.org/onld](http://www.osbar.org/onld) or call 503-431-6426 for more information. The **Multnomah Bar Association Young Lawyers Section** also sponsors a six-month mentor program for new lawyers. Visit [www.mbabar.org/yls.htm](http://www.mbabar.org/yls.htm) or call 503-222-3275 for more information.

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