



## TIPS, TRAPS, & RESOURCES

**PAPERLESS OFFICES:** If you are considering converting your law firm to a paperless office, read "Our Paperless World," by Steven O. Rosen of the Rosen Law Firm in Portland. Go to [www.osbplf.org](http://www.osbplf.org), select Loss Prevention Material, Practice Aids and Forms, File Management, then *Our Paperless World*. This article originally appeared in *Solo & Small Firm News*, 4:1, Winter 2003-2004, published by the American Bar Association Section of Litigation.

**TRUST ACCOUNTING HANDBOOK:** The PLF has updated *A Guide to Setting Up and Using Your Lawyer Trust Account* (2005). To access the PDF, go to [www.osbplf.org](http://www.osbplf.org), select Loss Prevention Material, then Books and Publications. If you do not have Internet access and would like a hard copy, call Danae Weber at 503-639-6911 or 1-800-452-1639.

**PLF PRACTICE AIDS:** The PLF frequently updates and refines the practice aids posted on our Web site. If you are using PLF practice aids, remember to check occasionally for updates. Be sure to check in January 2006 for practice aids that are updated to reflect 2005 legislative changes.

**PRACTICE MANAGEMENT – UNCASHED CHECKS:** As part of your monthly trust account reconciliation process, pay attention to outstanding checks. If a check has not been cashed within a reasonable time, begin investigating. It is possible that your client never received the check. Occasionally, a client will hold on to a check because the client is not satisfied with the amount and is considering what to do. These situations can result in disciplinary complaints, malpractice claims, and ill will. If you find that a check you mailed has not been cashed within a reasonable time, call the person, ask whether he or she received the check, and find out whether you need to resolve any other issues. This approach will save you and your client a lot of time and aggravation.

**ESTATE PLANNERS:** When helping clients with estate plans, remind them to record their computer and voice-mail passwords and to store them where the personal representative will be able to find them.

**BANKRUPTCY COURT:** Electronic filing is now available in the U.S. Bankruptcy Court for the District of Oregon. For information on how to become an authorized user, go to [www.orb.uscourts.gov/ecf](http://www.orb.uscourts.gov/ecf). "E-orders" are also being offered by the court. To facilitate using the system, the U.S. Bankruptcy Court asks that you: (1) Leave four inches completely blank at the top of the first page of orders and judgments. (Do not put your firm name on the left, and do not put "Below is an Order of the Court" anywhere in that space. The language will be added electronically by the court.) (2) Put three number symbols "###" at the end of the text, before the "submitted by" language. (3) When using pleading paper format, be sure the numbers and vertical line are no more than 3/4 inch from the left edge of the page.

**INCLUDE E-MAIL/WEB SITE DISCLAIMERS:** The most common malpractice trap associated with Web sites is the unintended creation of an attorney-client relationship. To avoid this pitfall, a home page should include a disclaimer clearly stating that the attorney-client relationship does not begin until the attorney has evaluated the case and the

### 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.

client has entered into a representation agreement. You should also warn that the Internet may not be completely secure.

When using e-mail to communicate with clients or others on client matters, include a warning at the beginning of your e-mail, such as: "DO NOT read, copy, or disseminate this communication unless you are the intended addressee. This e-mail contains confidential and/or privileged information intended only for the addressee. If you have received this communication in error, please call us immediately at (XXX) XXX-XXXX and ask to speak to the sender of the communication. Also, please e-mail the sender and notify the sender immediately that you have received the communication in error."

For more information and for sample list service/usenet and newsletters/articles disclaimers, go to [www.osbplf.org](http://www.osbplf.org), select Loss Prevention Material, Practice Aids and Forms, Client Relations, then *Client Development and Technology*.

*Our thanks to Dee Crocker, PLF Practice Management Advisor, and Trish Brown, U.S. Bankruptcy Court Judge, for these tips.*