

IN BRIEF

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PROFESSIONAL LIABILITY FUND

www.osbplf.org

Malpractice Prevention Education for Oregon Lawyers

Tips, Traps, and Resources

CIVIL FILING FEE CHANGES: Effective January 1, 2007, the filing fee amounts changed for appellate courts and many circuit courts. The temporary surcharge that began September 1, 2003, ended on December 31, 2006. Before filing papers in a state court, check the court's Web site or contact the court for correct fee amounts. You can find a circuit court directory and links to all the circuit courts' Web sites at www.ojd.state.or.us/courts/circuit/index.htm.

CLACKAMAS COUNTY COURTS – STANDARDS FOR DOCUMENTS; LAWYER'S SURVIVAL

GUIDE: Clackamas County Circuit Court Supplementary Local Rule (SLR) 2.011 (effective February 1, 2006) requires documents submitted for filing to be two-hole punched at the top. Documents that are not two-hole punched are returned to the parties by the court clerk and may not be considered timely filed. To download the current SLRs for Clackamas County, go to www.ojd.state.or.us, select Rules in the toolbar, select Supplementary Local Rules in the pull-down menu, select the View button, and then select Clackamas County.

Clackamas County Circuit Court has recently issued a survival guide to the Clackamas County courts. Dated November 29, 2006, the 113-page guide addresses issues relating to court administration, calendaring, trial procedural tips, and court-mandated arbitration. It also includes forms and checklists in the areas of domestic relations, adoptions, probate, and juvenile court. To download the guide, go to www.ojd.state.or.us/courts/circuit/clackamas.htm and select "CLE Handout – Lawyer's Survival Guide

to the Clackamas County Courts."

DOCUMENTS FILED WITH CORPORATION DIVISION:

Domestic and foreign corporations, limited liability companies, and limited partnerships authorized to transact business in Oregon must file annual reports with the Secretary of State. These reports are due by the entity's anniversary date. Although the Secretary of State mails the annual report form to the entity's registered agent, the entity is not relieved of its obligation to file – even if the form is not received due to a data entry error by the Secretary of State.

To be certain this obligation is fulfilled, the entity's registered agent should calendar the anniversary date and watch for the Secretary of State form. This enables the agent to follow up and request another form – in case the form was lost in the mail or never sent. Shortly after filing the initial organizational documents, the agent may also want to verify that the information was entered correctly by the Secretary of State. The entity may have to file an amendment to correct a mistake in the documents, even if it is due to a data entry error by the Secretary of State. The agent should also advise the entity in writing at the time of its formation to file annual reports and not to depend on the Secretary of State for notice. The status of the entity's filings can be checked on the Secretary of State Corporation Division's Web site at www.filinginoregon.com.

DOMESTIC RELATIONS: For an article discussing Oregon's automatic beneficiary revocation

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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.

statute, see “Beware! Automatic Beneficiary Revocation Law Not Effective for ERISA and Federal Life Insurance and Retirement Benefits,” by Clark B. Williams, originally published in the April 2006 issue of the Family Law Newsletter by the Family Law Section of the Oregon State Bar. To print or download the article, log on to the PLF’s Web site at www.osbplf.org, select In Brief under Loss Prevention, then select the article title under March 2007.

Clark B. Williams, Heltzel Upjohn Law Firm; Steve Carpenter, PLF Claims Attorney; and Sheila M. Blackford, PLF Practice Management Advisor, for their assistance with these tips.

NEW CLE RESOURCE: You can now get American Bar Association CLE programs on preloaded iPods, as audio or video downloads in MP3 or MP4 format, or as part of the monthly ABA CLE Podcast series. The Business Law Edition and Labor & Employment Law Edition are available on a Video iPod (\$319 for ABA members); the Litigation Edition, Antitrust Law Edition, Estate Planning Edition, Health Law Edition, and Real Property Edition are available on an iPod nano (\$259 for ABA members). For a limited time, each preloaded iPod will also include the 66-minute audio program, “So Many Meetings, So Little Time: Making Meetings Shorter, Better Organized, and More Productive,” a \$99 value. The current monthly podcast is “New World for Bankruptcy Law,” a complimentary 60-minute audio download.

PROPOSED CHANGES TO THE UTCR – REQUEST FOR PUBLIC COMMENT: The Uniform Trial Court Rules (UTCR) Committee met on October 13, 2006, to review 22 proposals to amend the UTCR. A description of the proposals can be found in Oregon Appellate Court Advance Sheets No. 1, January 2, 2007, and at www.ojd.state.or.us/programs/utcr/utcrrules.htm.

Proposals of special note include juror contact (3.120); summary judgment requirements (new 5.130); alternative to the Uniform Support Affidavit (8.010 and 8.050); and mandatory filing of motion for permanent modification of custody (8.050). Those proposals approved by the Chief Justice will become effective August 1, 2007.

NEW OSB ONLINE CLE LIBRARY: The Oregon State Bar’s BarBooks™ online CLE library has now launched. If you sign up by April 1, 2007, you will receive \$100 off the regular annual subscription price for the first year. To read more about BarBooks™, including pricing, go to www.osbar.org and select “Online CLE Library Coming Soon,” under Bar News on the home page.

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