

# Oregon Practice Materials: A Selective Annotated Bibliography

Mary Clayton\* and Stephanie Midkiff\*\*

## Introduction

This selective annotated bibliography includes both primary and secondary materials commonly used in the practice of law in Oregon. Most of the annotations in this bibliography were created by examination of the specific title. When the volume was not available for examination, information was obtained from library catalogs, publishers' literature, and websites. Publisher information, including Internet URLs and e-mail addresses, is provided in the Appendix.

The bibliography is divided into four sections based on type of material and format: General Publications, Periodicals, Internet Resources and CD-ROMs, and Practice Treatises and Materials. The General Publications section includes primary materials, digests, rules, and directories. The Periodicals section includes general and topical law reviews published in Oregon, the *Oregon State Bar Bulletin*, and selected newsletters. The Internet Resources and CD-ROMs section includes Oregon government, bar association, court, law library, and other agency websites. It also lists CD-ROM products providing access to primary Oregon legal materials. The Practice Treatises and Materials section provides a subject arrangement of secondary materials such as treatises, looseleafs, and practice manuals, many published by the Oregon State Bar and commonly used by Oregon practitioners. Articles and chapters from larger works are excluded.

## General Publications

### *General Reference and Research Resources*

Beck, Karen S. "Oregon Practice Materials: A Selective Annotated Bibliography." *Law Library Journal* 88 (1996): 288–323.

One of a series of state practice bibliographies published in *Law Library Journal*. A precursor to the present chapter, this bibliography includes sources for materials generated by legislative, judicial, and administrative branches of government, as well as digests, citators, directories, periodicals, treatises and practice materials, and

---

\* Associate Law Librarian, John E. Jaqua Law Library, University of Oregon School of Law.

\*\* Law Reference Librarian, John E. Jaqua Law Library, University of Oregon School of Law. The authors thank Dennis Hyatt, Professor Emeritus Director, University of Oregon Law Library, for reviewing the manuscript.

## STATE PRACTICE MATERIALS

information on Internet resources.

Buhman, Lesley Ann, et al. *Bibliography of Law Related Oregon Documents*. Chicago, Ill.: American Association of Law Libraries, 1984. 1 softbound vol. (AALL Occasional Papers Series, No. 3-17)

One of a series of state documents bibliographies produced by the American Association of Law Libraries Government Documents Special Interest Section. Primarily a compilation of documents published by the state or commissioned by the state and privately published.

### *Statutory Sources*

*Oregon Revised Statutes*. Salem, Or.: State of Oregon Legislative Counsel Committee, 1953–. 19 softbound vols., biennial published in odd-numbered years after the close of each legislative session. Annotations volume replaced annually with cumulative supplement.

The *Oregon Revised Statutes* (ORS) is the current codification of Oregon statutory law.<sup>1</sup> Published as a looseleaf set from 1953–1987. Contains current statutes, the Oregon and United States Constitutions, the Oregon Rules of Civil Procedure, tables, subject index and annotations. The Tables volume consists of a cross-reference table for *Oregon Compiled Laws Annotated*, a codifications table for session laws 1941 to date, and tables of Senate and House bills enacted 1999 to date. The two-volume index includes popular name laws, uniform laws, forms, and words and phrases. In addition to state cases, attorney general opinions, and law review articles, the annotations include references to cases originating in the United States District Court for Oregon, the United States Court of Appeals for the Ninth Circuit, and the United States Supreme Court. The complete set of ORS also includes the *ORS 1953 Edition Prior Legislative History* and the 1971 permanent edition of the annotations.

*West's Oregon Revised Statutes Annotated*. Eagan, Minn.: Thomson-West, 2003. 47 vols. with 2 softbound index vols., updated with annual pocket parts.

- 
1. The codes which preceded ORS are DEADY'S GENERAL LAWS OF OREGON (1845–1864), DEADY AND LANE'S GENERAL LAWS OF OREGON (1843–1872), HILL'S ANNOTATED LAWS OF OREGON (1887), HILL'S ANNOTATED LAWS OF OREGON (2d ed. 1892), BELLINGER AND COTTON'S ANNOTATED CODES AND STATUTES OF OREGON (1902), LORD'S OREGON LAWS (1910), OREGON LAWS (Olson's) (1920), OREGON CODE ANNOTATED (1930), and OREGON COMPILED LAWS ANNOTATED (1940).

## OREGON

An unofficial codification using the same codification scheme as the official code. Contains current statutes, the Oregon and United States constitutions, the Oregon Rules of Civil Procedure, subject index including popular name laws, uniform laws and forms, and words and phrases. Currently there is no tables volume. Annotations follow the text of each statute and consist of state cases; attorney general opinions; Oregon administrative rules; law review articles; cases originating in the United States District Court for Oregon, the United States Court of Appeals for the Ninth Circuit, and the United States Supreme Court; *West's United States Code Annotated*; legal encyclopedias; *American Law Reports*; and *Uniform Laws Annotated*, among others.<sup>2</sup>

### *Session Laws*

*Oregon Laws*. Salem, Or.: Oregon Legislative Assembly, 1931–. 3 vols., biennial.

Text of laws enacted by the Oregon Legislative Assembly during regular and special legislative sessions, and resolutions adopted that are “considered to be of public significance and general interest.” Includes summary of gubernatorial vetoes, outcome of statewide ballot measures, Council on Court Procedures amendments to the Oregon Rules of Civil Procedure (ORCP), tables of bills enacted, statutory sections and ORCP affected, and subject indexes. Succeeds *General Laws of Oregon*.

### *Legislation and Legislative Information*

Backer, Tim. *Guide to Legislative Records in the Oregon State Archives*. 5th ed. Salem, Or.: Oregon State Archives, 1997–. 1 looseleaf vol., updated irregularly.

Description of legislative records found in the Oregon State Archives with series description, records inventory, and contact information for further research into legislative records. Also included is a brief history of the Oregon Legislative Assembly.

*Final Status Report for Legislative Measures*. Salem, Or.: Oregon Legislative Assembly, 1997–. 1 softbound vol., biennial.

For each legislative session this volume reports the status of Senate and House measures in chronological order by bill number. Includes legislative committee referrals with dates of public hearings, work sessions, signing by the governor, and status of bill upon adjournment. Also included is a brief description of the bill's effect. There is a subject index as well as various tables, and a section on Senate and House bills vetoed by the governor after adjournment. Contact information for legislative members as well as members' committee assignments. Succeeds *Final Legislative Calendar*.

*Oregon Legislative Guide*. Salem, Or.: Legislative Administration Committee, 1991–. 1 softbound vol., biennial.

- 
2. For a comparison of *Oregon Revised Statutes* and *West's Oregon Revised Statutes Annotated*, see Stephanie Midkiff, *WORSAs vs. ORS: A Comparison of West's Annotated Statutes to "Official" ORS*, OR. ST. BAR BULL., Jan. 2004, at 23.

## STATE PRACTICE MATERIALS

Photographs and information, including committee assignments, for each member of the Oregon Legislative Assembly. Contact information for Capitol offices, legislative services, legislative committees, staff members of statutory committees, United States senators and representatives from Oregon, standing committee schedules, and an overview of the legislative process.

[*Oregon Slip Laws and Bills*]. Salem, Or.: Legislative Counsel Committee, 1955–. Biennial.

Bills, resolutions, and memorials issued Monday through Friday during the legislative session. A status report for legislative measures issued Monday through Friday, cumulating every Monday. During the early days of the session, this report includes both senate and house reports in one publication; as the session progresses, reports are split into separate status reports for house measures and senate measures. Accompanied throughout the biennial legislative session by weekly status reports, joint legislative schedule, and cumulative index to legislative measures and tables of sections affected. A cumulative index to legislative measures and tables of sections amended, repealed and “added to” is issued at the conclusion of the legislative session. Currently available online ([http://www.leg.state.or.us/bills\\_laws/](http://www.leg.state.or.us/bills_laws/)) for legislative sessions 1995 to date.

### *Case Reports*

[*Oregon Appellate Courts Advance Sheets*]. Salem, Or.: Oregon Judicial Department, State Court Administrator. Softbound, biweekly. Replaced by *Oregon Reports* and *Oregon Reports: Court of Appeals Reports*.

Contains reported decisions of the Oregon Supreme Court and Oregon Court of Appeals. Oregon Tax Court decisions are included on an irregular basis. Each issue contains a cumulative subject index, cumulative table of cases, cumulative table of petitions for review, and opinion summaries. May include notices of proposed rules, amendments to rules, and attorney status changes. Volume numbers and pagination for the advance sheets are uniform to the volume numbers and pagination of the bound volumes of the reports.

*Oregon Cases, Second Series*. St. Paul, Minn.: West Publishing, 1931–2000. 212 vols.

Contains Oregon appellate court cases as published in *Pacific Reporter, Second Series*.

*Oregon Cases, Third Series*. St. Paul, Minn.: West Publishing, 2000–. Approximately 7 vols. a year. Updated weekly by advance sheets.

Contains Oregon appellate court cases as published in *Pacific Reporter, Third Series*. Pagination follows *Pacific Reporter, Third Series*.

[*Oregon Reports*]. Salem, Or.: Oregon Judicial Department, State Court Administrator, 1862–. Approximately 3 vols. a year. Updated by Oregon Appellate Court Advance Sheets.

Contains reported decisions of the Oregon Supreme Court. Each volume contains a subject index, a table of cases, and a table of petitions for review. Volume 1 includes decisions of the Territory of Oregon from 1853 to statehood in 1859, as well as decisions for the first three years of statehood.

[*Oregon Reports: Court of Appeals*]. Salem, Or.: Oregon Judicial Department, State Court Administrator, 1969–. Approximately 12 vols. a year. Updated by Oregon Appellate Court Advance Sheets.

Contains reported decisions of the Oregon Court of Appeals, which was created in 1969. Each volume contains a subject index and table of cases, and lists the circuit court judges.

## OREGON

*Oregon Tax Reports*. Salem, Or.: Oregon Judicial Department, State Court Administrator, 1962–. Each volume covers three to five years. Updated on an irregular basis by the *Oregon Appellate Courts Advance Sheets*.

Contains reported decisions of the Regular and Magistrate divisions of the Oregon Tax Court. Each volume contains a subject index, a table of cases, and rules of the Tax Court. Decisions published in *Oregon Tax Court Reports* are not published in the *Pacific Reporter*.

*Pacific Reporter*. St. Paul, Minn.: West Publishing, 1883–1931. 300 vols.

Contains opinions of the appellate courts of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, and Wyoming.

*Pacific Reporter, Second Series*. St. Paul, Minn.: West Publishing, 1931–2000. 999 vols.

Contains opinions of the appellate courts of Alaska, Arizona, California, Colorado, Hawai`i, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, and Wyoming. Each volume includes tables of cases arranged alphabetically by party and also by state, words and phrases, and West's key number system. Each volume also includes a listing of the appellate judges of the states covered.

*Pacific Reporter, Third Series*. St. Paul, Minn.: Thomson-West (formerly West Publishing), 2000–. Approximately 20 vols. a year. Updated weekly by advance sheets.

Contains opinions of the appellate courts of Alaska, Arizona, California, Colorado, Hawai`i, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Utah, Washington, and Wyoming. Each volume includes tables of cases arranged alphabetically by party and also by state, words and phrases, and West's key number system. Each volume also includes a listing of the appellate judges of the states covered.

[*Slip Opinions*]. Individual opinions of the Oregon Supreme Court, Oregon Court of Appeals, and Oregon Tax Court are available at <http://www.publications.ojd.state.or.us/>

This website is updated weekly.

### *Digests and Citators*

*BOLI Digest*. Portland, Or.: Oregon Bureau of Labor and Industries, 1999–. 1 softbound vol., updated periodically.

Contains case summaries of published Bureau of Labor and Industries final orders, organized by nine primary subject areas, which are further subdivided into topic and subtopic headings with cross-references to similar topics.

*LUBA Citator*. Olympia, Wash.: Northwest Law Publishing, 1992–1999. Looseleaf, publication ceased in 1999.

Enables the researcher to determine where a Land Use Board of Appeals (LUBA) decision, Oregon court decision, statute, or administrative rule has been cited in a LUBA decision. Includes citations in *LUBA Reports* from July 1985 through September 1998.

*Oregon Digest, Second Series*. St. Paul, Minn.: Thomson-West (formerly West Publishing), 1994–. 44 vols., annual pocket parts and quarterly advance sheets.

## STATE PRACTICE MATERIALS

Using West's key number system, this set indexes reported cases of the Oregon appellate courts and federal cases arising in Oregon since 1843. Includes references to *Corpus Juris Secundum*, opinions of the Oregon Attorney General, law reviews published in Oregon, and decisions of the Oregon Tax Court. Also includes a descriptive word index, table of cases, defendant-plaintiff table, and words and phrases section.

*The PECBA Digest*. Portland, Or.: Oregon Labor Relations Research Associates. 1973-. 4 vols., updated quarterly.

This work summarizes opinions decided by the Employment Relations Board and the Oregon appellate courts under the Public Employee Collective Bargaining Act. Board dismissal orders which are not published in the *Public Employee Collective Bargaining Reporter (PECBR)* are also included.

*Shepard's Oregon Citations*. 7th ed. Colorado Springs, Colo.: LexisNexis (formerly published by Shepard's McGraw-Hill), 1995. 3 hardbound vols., updated with 1 hardbound supplement 1995-2001, softbound annual supplements, and monthly advance sheets.

Contains citations to Oregon Reports, Oregon Appellate Reports, Pacific Reporter, Oregon Tax Court Reports, Oregon Attorney General opinions, Oregon Revised Statutes, United States Code, Oregon and United States Constitutions, United States treaties, federal and state court rules, and jury instructions.

*West's Pacific Digest, Beginning 367 P.2d*. St. Paul, Minn.: Thomson-West (formerly West Publishing), 1979-. 67 numbered vols. in 138 vols., updated by annual pocket parts and cumulative softbound supplements.

This set provides subject access to appellate court decisions from *Oregon Reports*, *Oregon Appellate Reports*, *Pacific Reporter*, *Pacific Reporter 2d* and *Pacific Reporter 3d* using West's key number system. Continues *West's Pacific Digest, Beginning 101 P.2d*. Includes descriptive word index and table of cases.

### ***Court Records and Briefs***

The Oregon State Court Administrator distributes a limited number of print copies of the briefs submitted to the Oregon Supreme Court and the Oregon Court of Appeals. These print briefs are received and retained by Washington County Law Library, Multnomah County Law Library, and the State of Oregon Law Library, which has the most complete set. There are collections of print briefs which predate the publication of the briefs in microfilm.

*Court of Appeals Briefs*. Hillsboro, Or.: Washington County Law Library, 1977-. Microfilm reels, 4 in., 16 mm.

Briefs submitted in cases before the Oregon Court of Appeals beginning in 1977. The microfilmed briefs are held by Washington County Law Library, Multnomah County Law Library, Clackamas County Law Library, Lane County Law Library, State of Oregon Law Library, Paul L. Boley Law Library at Lewis & Clark Law School, and the John E. Jaqua Law Library at the University of Oregon School of Law.

*Supreme Court Briefs*. Hillsboro, Or.: Washington County Law Library, 1977-. Microfilm reels, 4 in., 16 mm.

Briefs submitted in cases before the Oregon Supreme Court beginning in 1977. The microfilmed briefs are held by Washington County Law Library, Multnomah County Law Library, Clackamas County Law Library, Lane County

## OREGON

Law Library, State of Oregon Law Library, Paul L. Boley Law Library at Lewis & Clark Law School, and the John E. Jaqua Law Library at the University of Oregon School of Law.

### *Court Rules*

*Oregon Rules of Appellate Procedure*. Salem, Or.: Oregon Judicial Department, 1985–. 1 looseleaf vol., updated periodically with replacement pages, last updated 2001.

In addition to the text of the rules, this volume includes a subject index and an appendix of forms.

*Oregon Rules of Civil Procedure Annotated*. Charlottesville, Va.: LexisNexis, 2005. 1 softbound vol., replaced annually.

The current volume includes amendments to the rules through November 1, 2004. The text of each rule is followed by annotations of decisions from the Oregon Supreme Court, Oregon Court of Appeals, Oregon Tax Court, and federal cases arising in Oregon. There are two appendixes which are conversion tables between the rules and the *Oregon Revised Statutes*.

*Oregon Rules of Court*. St. Paul, Minn.: Thomson-West (formerly West Publishing), 2004. 2 softbound vols., replaced annually.

The state volume contains the Oregon Rules of Civil Procedure, Evidence Code, Rules of Appellate Procedure, Uniform Trial Court Rules, Tax Court Rules, and additional materials on topics such as Oregon State Bar rules and procedures, interpreters in Oregon courts, and certification of shorthand reporters. The federal volume includes the Federal Rules of Civil Procedure, Federal Rules of Evidence, Federal Rules of Appellate Procedure with Ninth Circuit rules and Circuit Advisory Committee notes, rules of the U.S. Bankruptcy appellate panel of the Ninth Circuit, local rules for the U.S. District Court, and local rules for the U.S. Bankruptcy Court, as well as forms.

*Oregon Uniform Trial Court Rules. Supplemental Local Rules*. [Charlottesville, Va.]: LexisNexis (formerly published by Butterworth), 1985–. 1 looseleaf vol., updated periodically with replacement pages, last updated 2004.

Contains Oregon Uniform Trial Court Rules with forms and supplementary local rules of the Oregon trial courts by county with some forms and additional appendixes which vary by county.

*Supplementary Local Rules of the Oregon Trial Courts, Including Arbitration*. Salem, Or.: Oregon Judicial Department, 1985?–. 1 looseleaf vol., replaced annually.

Supplementary local rules of the Oregon trial courts by county with forms and additional appendixes which vary by county.

### *Attorney General Opinions and Letters of Advice*

*Attorney General Letters of Advice*. Salem, Or.: Department of Justice, 1969–. Slip opinions, issued irregularly.

Informal opinions issued on matters generally affecting only the requestor and signed by the chief counsel of the Department of Justice General Counsel Division. Every few years cumulative indexes are issued. Since 1993, the various indexes for Attorney General's Formal Opinions and Letters of Advice have been combined into a joint index.

## STATE PRACTICE MATERIALS

*Opinions of the Attorney General of the State of Oregon.* Salem, Or.: Department of Justice, 1968–. Each volume covers two to four years, updated with slip opinions.

Each volume includes table of contents, table of cases, and indexes by subject, Oregon Constitution and Oregon Revised Statutes. Continues *Biennial Report and Opinions of the Attorney General of the State of Oregon*, first published in 1901. Accompanied by three separately bound cumulative indexes issued every few years. Since 1993, the various indexes for Attorney General's Formal Opinions and Letters of Advice have been combined into a joint index.

### *Administrative Materials*

#### *Administrative Rules and Regulations*

*Oregon Administrative Rules Compilation.* Salem, Or.: Office of the Secretary of State, 1998–. 16 softbound vols., replaced annually, updated monthly by *Oregon Bulletin*.

Contains the text of the administrative rules promulgated by state agencies. Very basic alphabetical and numerical indexes are included at the beginning of volume 1. Continues *Oregon Administrative Rules* which was issued in looseleaf form from 1953–1996. Current administrative rules are available on the website of the Oregon Secretary of State (<http://arcweb.sos.state.or.us/banners/rules.htm>).

*Oregon Bulletin.* Salem, Or.: Office of the Secretary of State, 1958–. Unbound pamphlet, monthly.

Contains the text of proposed and final administrative rules promulgated by state agencies, as well as notices of intended rule action, executive orders, and attorney general opinions. A table of contents and a cumulative index of revised rules are included in each issue. Updates the *Oregon Administrative Rules Compilation*.

#### *Administrative Decisions*

*BOLI Orders.* Portland, Or.: Oregon Bureau of Labor and Industries, 1995–. Softbound, approximately 1 vol. a year.

Although publication began in 1995, the introduction in volume 1 indicates that it “contains all of the known Final Orders of the Commissioner of the Oregon Bureau of Labor and Industries that were issued between December 13, 1973, and July 14, 1980.” Each volume contains a cumulative table of final orders providing subsequent history related to each order published since volume 1.

*Disciplinary Board Reporter: Report of Cases.* Lake Oswego, Or.: Oregon State Bar Disciplinary Board, 1988–. Softbound, annual.

From the preface: “This Reporter contains final decisions of the Oregon State Bar Disciplinary Board. A decision of the Disciplinary Board is final if the charges against the accused are dismissed, a public reprimand is imposed, or the accused is suspended from practice for up to sixty (60) days and neither the Bar nor the accused have sought review by the Supreme Court.”

*Oregon Formal Ethics Opinions.* Lake Oswego, Or.: Oregon State Bar Legal Ethics Committee, 1991–. 1 looseleaf vol., supplemented annually, last updated 2004.



## OREGON

Includes the Oregon Code of Professional Responsibility and a chronological listing of formal ethics opinions beginning in 1991.<sup>3</sup> Tables provide cross-references to opinions from the disciplinary rules, the Oregon Revised Statutes, and a variety of statutes and rules. Includes a subject index. Replaces the *Professional Responsibility Manual*.

*Oregon Land Use Board of Appeals Reports*. Salem, Or.: Land Use Board of Appeals (formerly published by Butterworth Legal Publishers), 1985–. Approximately 3 vols. a year.

Opinions and orders issued by the Land Use Board of Appeals. Each volume includes indexes of opinions and orders and headnotes, and a headnote digest. Continues *Oregon Land Use Board of Appeals Decisions*.

*Public Employee Collective Bargaining Reporter*. Sunriver, Or.: Labor Law Publishing, 1978–. Looseleaf vols., updated quarterly, 1 vol. a year.

Includes collective bargaining decisions and orders of the Oregon Employment Relations Board.

*Workers' Compensation Board Van Natta Reporter*. Salem, Or.: Workers' Compensation Board, 2002–, at <http://www.cbs.state.or.us/external/wcb/vannatta.htm>.

Compilation of orders of the Workers' Compensation Board available for free download. Organized by year with a separate claimant index, subject index, and within each month, by first page of the order. Some orders are not included. Continues *Van Natta's Workers' Compensation Reporter* (1981–2001).

### *Directories*

Garcia, Oscar. *Spanish Language Legal Network Directory*. Hillsboro, Or.: Spanish Language Legal

- 
3. From the foreword: “Simultaneously with the issuance of this volume, all opinions in the old Professional Responsibility Manual are being withdrawn. The Board of Governors and the Legal Ethics Committee decided to do this rather than to try to preserve some opinions while withdrawing others because, among other things, a number of the older opinions are valid in part and invalid in part. Unless a new opinion is directly contrary to an older opinion or unless the applicable rules have changed . . . the fact that a given opinion in the old manual has been withdrawn does not necessarily mean that it is no longer valid. It may simply be that it was decided that the subject covered by that opinion was adequately addressed by other new opinions, by the existing case law, or by black letter rules.”

## STATE PRACTICE MATERIALS

Network, 2004. 1 softbound vol.

From the title page: "This directory is intended as a referral source for attorneys. Each attorney has provided a self-assessment of Spanish-speaking ability on a scale of 1–10." Sections include a list of attorneys by specialty and an expanded alphabetical listing, which describes the attorney's background in Spanish. A brief bibliography covering legal translation and bilingual materials concludes the directory.

*OCDLA Membership Directory*, Eugene, Or.: Oregon Criminal Defense Lawyers Association, 2004/2005–. Softbound, annual.

This publication contains a variety of information about OCDLA, including bylaws, committees, federal public defender offices, and a CLE schedule. Members are listed alphabetically as well as by city.

*Oregon Blue Book*. Salem, Or.: Secretary of State, 1904–. Softbound, published biennially in odd numbered years.

Contains a subject index and sections on the executive, judicial, and legislative branches of state government with contact information for individuals, departments, and divisions, as well as brief descriptions of the duties and responsibilities of state officials and administrative units. Includes color photos of Oregon state symbols, such as the flag and seal. Other sections include a summary of Oregon history, the text of the Oregon Constitution, local government, and elections and records.

Oregon Mediation Association. *Annual Resource Directory and Consumer Guide*. Portland, Or.: Oregon Mediation Association. 2002/03–. 1 softbound vol., annual.

In addition to an alphabetical list of public and community mediation services and a list of individual practitioners, this work provides a consumers' guide for selecting a mediator and the Oregon Mediation Association's standards of mediation practice. Includes indexes by type of practice and geographic area.

*Oregon State Bar Membership Directory*. Lake Oswego, Or.: Oregon State Bar, 1988–. 1 softbound vol., annual.

Contains alphabetical list of active, inactive, active emeritus, and active pro bono members of the Oregon State Bar, with phone numbers, office, e-mail, and web page addresses included. Additional sections of the directory include general information about the Oregon State Bar; the Oregon Code of Judicial Conduct and Code of Professional Responsibility; information regarding the Professional Liability Fund; forms; and contact information for federal, state, and tribal courts.

## Periodicals

### *Indexes*

Brockley, Janice A. *Oregon Law Review Cumulative Index, Volumes 1–71*. Oregon City, Or.: Clackamas County Law Library, 1994. 1 softbound vol.

Covers the years 1921–1992. Contains separate subject, author, and book review indexes. Also provides tables of cases, acts, statutes, and constitutions cited.

## OREGON

### *Journals*

#### *General*

*Lewis & Clark Law Review*. Portland, Or.: Lewis & Clark Law School, 1997–. Three times a year.

A student published journal which changed its title and mission in spring 2004, it is now a general purpose law review. Continuing one aspect of the prior title, an issue of each volume contains the papers given at the annual Lewis & Clark Business Law Forum. Prior to 2004, titled *Journal of Small and Emerging Business Law*.

*Oregon Law Review*. Eugene, Or.: University of Oregon School of Law, 1921–. Quarterly.

The first law review in the Northwest, this is a student published journal which typically includes articles, comments, and notes, with occasional essays, speeches, and book reviews. The articles cover state, national, and international issues with “a tradition of addressing important social questions.” Volumes 1–14 (1921–1935) include the proceedings of the Oregon State Bar Association.

*Oregon State Bar Bulletin*. Lake Oswego, Or.: Oregon State Bar Continuing Legal Education, 1941–. Ten times a year.

The official publication of the Oregon State Bar. Contains feature articles, discipline reports, practice tips, and news items of interest to Oregon State Bar members.

*Willamette Law Review*. Salem, Or.: Willamette University College of Law, 1959–. Quarterly.

A student published journal focusing on subjects of general legal interest. One issue every other year is dedicated to Oregon legal topics. The journal also publishes an annual symposium issue on a legal topic of current importance. Volume 10 contains an index of volumes 1–10; volume 22 contains an index of volumes 11–20; volume 27 contains an index of volumes 21–27; volume 30 contains an index to volumes 28–30. Prior to 1979, titled *Willamette Law Journal*.

#### *Topical*

*Animal Law Review*. Portland, Or.: Lewis & Clark Law School, 1995–. Annual, semi-annual beginning with volume 12 in 2005.

A student published journal which is the first in the United States to deal exclusively with legal issues related to animals. Partial funding for the journal is provided by the Animal Legal Defense Fund.

*Environmental Law*. Portland, Or.: Lewis & Clark Law School, 1970–. Quarterly.

A student published journal which contains articles, essays, comments, and book reviews related to environmental law. Features an annual Ninth Circuit environmental review, which includes an index of cases and statutes.

*Journal of Environmental Law & Litigation*. Eugene, Or.: University of Oregon School of Law, 1986–. Semi-annual.

A student published journal emphasizing public interest environmental and natural resources law, which contains articles, notes, and speeches.

## STATE PRACTICE MATERIALS

*Oregon Review of International Law*. Eugene, Or.: University of Oregon School of Law. 2000–. Annual.

A student published journal which contains articles, comments, and notes on topics in international and comparative law. First issue titled *Pangea*.

*Trial Lawyer*. Portland, Or.: Oregon Trial Lawyers Association, 1958–. Quarterly.

A magazine which contains articles about recent Oregon cases, verdicts and settlements, and practice tips.

*Willamette Journal of International Law and Dispute Resolution*. Salem, Or.: Willamette University College of Law, 1993–. Annual.

A student published journal focusing on international law and international dispute resolution. Each issue addresses various aspects of a single topic. Prior to 1997, titled *Willamette Bulletin of International Law & Policy*.

*Willamette Sports Law Journal*, at <http://www.willamette.edu/org/sls/journal>. 2004–. Semi-annual.

The journal of the Willamette Sports Law Society, this title is currently available only online.

### *Newsletters*

*Criminal Law Newsletter*. Eugene, Or.: Oregon Criminal Defense Lawyers Association, 1985–. Semi-monthly.

A newsletter which summarizes and arranges topically recent Oregon Supreme Court and Court of Appeals criminal law decisions. Includes an annual subject index.

*In Brief*. Lake Oswego, Or.: Oregon State Bar Professional Liability Fund, 1982–. Irregular.

A newsletter which contains legislative updates, practice and law office management tips, and short articles which focus on avoiding legal malpractice.

*Oregon Defense Attorney*. Eugene, Or.: Oregon Criminal Defense Lawyers Association. 1980–. Six times a year.

A newsletter containing short articles and news items related to criminal defense.

*Oregon Insider*. Eugene, Or.: Envirotech Publications. 1989–. Semi-monthly.

A newsletter which digests environmental news, with brief articles on environmental law, policy, and resource management in Oregon.

*Oregon Labor Law Digest*. Oregon City, Or.: Labor Law Publishing. 1978–. Bimonthly.

A newsletter with summaries of decisions and arbitration awards, updates on cases in progress, and data from the consumer price index.

*Oregon Litigation & Arbitration Reports*. Seattle, Wash.: Jury Verdicts Northwest, 1993–. Monthly.

Compilation of trials, settlements, and arbitrations primarily related to tort claims, with a short description of facts, injuries sustained, and amount of damages claimed. Where appropriate, it lists damages awarded, offers of

## OREGON

settlement, and final settlement amounts. Also includes attorneys, settlement judges, and insurance companies involved. Semi-annual index.

### [Oregon State Bar Section Newsletters].

There are currently thirty-nine sections of the Oregon State Bar which focus on specific areas of practice. Links to information on each section are located on the State Bar website (<http://www.osbar.org/sections/sections.html>). Many of the sections have websites, linked from the State Bar website, and frequently the newsletter published by the section is available to the public from the site. In some instances only bar members have access to the newsletter. The newsletters typically contain short articles, news items, legislative updates, and practice tips, and are published on irregular schedules. They are sometimes available at law libraries.

## Internet Resources and CD-ROMS

### *State Home Page*

Oregon State Home Page, at <http://www.oregon.gov>.

This site provides an A–Z list of state agencies as well as links to laws and regulations, the branches of state government, and local governments. The home page has a section for the five most popular links on the site, a “Current Topics” section, and an “Oregon Helps” section, with multilingual links to resources for families.

### *Government Offices*

Oregon Judicial Department, at <http://www.ojd.state.or.us>.

This site, from the “Courts” link, provides a detailed history of the Oregon court system. The site is updated weekly with the opinions of the Oregon Supreme Court, Oregon Court of Appeals, and Oregon Tax Court. The site contains a wide range of rules including the Public Defense Services Rules and Court Interpreters Rules. A few forms that have been approved statewide are published on the site. Links are provided to additional forms published by the circuit courts, forms provided in the Uniform Trial Court Rules and Supplementary Local Rules, and some forms for matters filed in the Supreme Court, Court of Appeals, and Tax Court. The site also provides information about the State of Oregon Law Library and a link to the library’s catalog. The “Programs” link on the site provides a guide to information on a variety of judicial department programs and activities. **A link to the latest version of the Oregon Appellate Courts’ style manual is provided** (<http://www.publications.ojd.state.or.us/>).

Oregon Secretary of State, at <http://www.sos.state.or.us>.

This site links to the Oregon State Archives, Audits Division, Corporation Division, Elections Division, and the *Oregon Blue Book*. The section called “Oregon Votes” provides information on ballot measures, voter registration, and campaign finance, among other topics.

Oregon State Archives, at <http://arcweb.sos.state.or.us>.

This site contains the *Oregon Administrative Rules Compilation*, searchable by agency, chapter number, or text. Also available are current and past issues of the *Oregon Bulletin*, which contains rules filing information, notices of proposed rulemaking hearings/notices, executive orders, Attorney General synopsis, and the text of newly adopted or amended Oregon administrative rules. Legislative records, including legislative committee minutes from 1991 and legislative bill tracings for selected bills from 1989 are available. The site also includes a guide to

## STATE PRACTICE MATERIALS

legislative records and a guide to legislative history materials prior to 1991. The most complete collection of legislative history materials is available at the State Archives. Selected legislative history materials prior to 1991 have been microfilmed and are available at some Oregon law libraries.

Oregon State Legislature, at <http://www.leg.state.or.us>.

This site provides basic information about the Legislature and the legislative process in Oregon. It is extremely useful for monitoring the progress of bills during the legislative sessions. The legislative committee agendas link is updated every hour during the legislative session; it provides time and location of committee meetings, agendas, and an index of measures with scheduled actions. Links to the Legislative Fiscal Office, Legislative Revenue Office, and Legislative Counsel are also provided, as well as information on how to contact legislators.

### *Counties and Cities*

Association of Oregon Counties, at <http://www.aocweb.org>.

This site includes "Other Links" which leads to "County Links" for all Oregon counties. The individual county links vary in their content but commonly include county ordinances and permits in addition to other county specific information. The AOC home page also has a section of directories which includes a roster of county judges and commissioners.

Data for Local Communities [in Oregon], at <http://libweb.uoregon.edu/dlc>.

A service of the Orbis Cascade Alliance, this site describes itself as "a gathering place for statistical, spatial, and descriptive information about the cities, counties and other civil, economic and natural regions of Oregon." The database can be searched by keyword, title, author, and subject. Searches can be limited by specific topic, including crime and law enforcement, as well as by geographic level, including city, school district, etc.

Documents Interest Group of Oregon (DIGOR), at <http://libweb.uoregon.edu/govdocs/digor>.

This site promotes the use of all kinds of government documents, state and federal. There is a link to documents of Oregon's Indian tribes which gives general information about tribal documents and provides additional links to tribal websites. DIGOR is a roundtable of the Oregon Library Association.

League of Oregon Cities, at <http://www.orcities.org/cityinfo/citycodes.cfm>.

This site includes "City Resources," a link that leads to city codes, charters, incorporation dates, and websites, in addition to other information.

LexisNexis Municipal Codes Web Library, at <http://www.ordlink.com> and at <http://municipalcodes.lexisnexis.com>.

This free public access site contains municipal codes published through LexisNexis Municipal Codes Publishing and Ordlink Services. There are links to codes from cities in thirty-three states, including Oregon. The Oregon links include the Washington County Code in addition to the municipal codes provided.

### *Oregon State Bar Association*

Casemaker Web Library, at <https://www.osbar.org/secured/login.asp>?

Casemaker is an online legal research library of historic-to-current federal and state primary law including federal district court opinions from Oregon, bankruptcy opinions, state attorney general opinions, and other administrative

## OREGON

decisions. It is made available to active members of the Oregon State Bar through their membership dues. Inactive members may purchase a subscription. *Casemaker* is available through a consortium of state bar associations whereby each association has access to every other member states' libraries. *Casemaker* was originally conceived by Joseph Shea, a member of the Ohio State Bar Association who formed Lawriter Corporation. Lawriter, in partnership with the Ohio State Bar, first made the service available to bar members in 1995. Since then, more than twenty state bar associations have joined the consortium. *Casemaker* became available to Oregon attorneys in September 2003.

Oregon State Bar, at <http://www.osbar.org>.

Established in 1935, the Oregon State Bar is a public corporation responsible for the admission and discipline of lawyers in Oregon. The Bar also provides a wide range of services to the public, attorneys, state government, and the courts. This site includes a membership directory, information about the organization (including a staff roster), a section on the Bar's regulatory functions, and an extensive section on membership services. The latter includes a library of formal ethics opinions, and OSB rules, regulations, and policies. A full catalog of continuing legal education publications and seminars is included as well as the archives of the *Oregon State Bar Bulletin*. There is also a collection of forms, including lawyer referral forms, pro hac vice admission forms, and status changes forms.

### *Law Schools*

Lewis & Clark Law School, at <http://law.lclark.edu>.

This site has information on the academic program at the law school, faculty, **institutes, clinics, special programs, admissions, recent events, and student organizations. There is an alumni section that includes a directory, class notes, and information on alumni events. A law school calendar by week, month, and academic year is available. There are links to the three law journals published by Lewis & Clark.**

University of Oregon School of Law, at <http://www.law.uoregon.edu>.

This site has information on the academic program at the law school, faculty, centers and special programs, admissions, and student organizations. There are links to the three law reviews, with some archival material available. An alumni section includes a directory, class notes updates, and an archive of *Oregon Lawyer*, the law school magazine. The site also includes a news section with links to news articles about the school, its faculty, alumni, and students.

Willamette University College of Law, at <http://www.willamette.edu/wucl>.

This site has information about academic programs, admissions, faculty, centers, and student services. There are links to the three law reviews, with some archival issues also available. The area of the home page titled "Willamette Law Online" includes a monthly compilation of state and federal case summaries selected for Oregon business lawyers, as well as a weekly summary of all federal and state decisions in the areas of copyright, patent, trademark, and trade secret law.

### *Law Libraries*

J. W. Long Law Library, Willamette College of Law, at <http://www.willamette.edu/wucl/longlib>.

The law library holdings are displayed in the Hatfield Library Consortium Catalog, which also includes the holdings of the Mark O. Hatfield Library at Willamette University, the State of Oregon Law Library, and the Oregon State Library. This site includes information about the library and its services, a variety of research guides, and links to other law-related websites. The Summit union catalog, listing holdings of more than thirty academic

## STATE PRACTICE MATERIALS

libraries in the Pacific Northwest, is also available from this site.

John E. Jaqua Law Library, University of Oregon School of Law, at <http://lawlibrary.uoregon.edu>.

This site provides a link to the law library's catalog which is included in the catalog for the University of Oregon Libraries. Includes general information about the library and its services, as well as links to research guides, e-mail reference, and a wide variety of other law-related websites. Also available is the Summit union catalog which includes holdings from more than thirty academic libraries in the Pacific Northwest.

Paul L. Boley Law Library, Lewis & Clark Law School, at <http://lawlib.lclark.edu>.

This site links to the law library's catalog which also includes the holdings of the Watzek Library at Lewis & Clark College. It provides information about the library and its services, including its "Attorney Services" program which provides document delivery to attorneys, judges, and law-related professionals. The site also provides links to a variety of other law-related websites. The Summit union catalog, listing holdings of more than thirty academic libraries in the Pacific Northwest, is also available from this site.

State of Oregon Law Library, at <http://www.ojd.state.or.us/library>.

This site provides some information about the library and its collection, access to the library catalog, and contact information including e-mail. The collection is described as "especially rich in its historical Oregon resources."

### ***CD-ROMs***

Thomson-West provides Oregon primary law on CD-ROM using Premise software. Databases include *West's Oregon Revised Statutes Annotated*, appellate court decisions, attorney general opinions, opinions from the Land Use Board of Appeals, and Workers' Compensation Board decisions. Updated monthly.

### **Practice Treatises and Materials**

Most of the titles published by the Oregon State Bar listed below have one or more editors, and a host of authors have contributed individual chapters. Each title includes practice tips and references to relevant statutory, regulatory, and case law; most include sample forms that can be adapted for particular circumstances. Most of the materials are available in both print and CD-ROM versions. With few exceptions, the print publication is a looseleaf format, and updating is accomplished by the addition of colored pages easily distinguished from the main edition. Dates of the most recent edition and supplement are given. Forms accompanying the publications are generally available on disk or CD-ROM. Not included in this bibliography are audiovisual and print materials published in connection with commercial continuing legal education courses, such as those offered by the Oregon State Bar, Oregon Law Institute, National Business Institute, and other bar-certified CLE providers.

### ***Administrative Law and Practice***

*Attorney General's Public Records and Meetings Manual*. Salem, Or.: Department of Justice, 1983--.



## OREGON

1 softbound vol., biennial.

This volume is divided into two sections, the first on public records and the second on public meetings. The manual is reviewed and updated after each legislative session to reflect changes in the laws relating to public records and public meetings and in light of appellate court interpretations of those statutes. Each of the two major sections has several appendixes attached. The public records appendixes include the Attorney General's Uniform Rules for Personal Safety Exemption, forms, summaries of Oregon appellate court decisions, and Oregon Attorney General opinions on public records. The public meetings appendixes include forms, summaries of Oregon appellate court decisions, and Oregon Attorney General opinions involving public meetings laws.

Krem, Janice, ed. *Oregon Administrative Law*. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2001-. 1 looseleaf vol.

This work provides an overview of administrative law in Oregon with a special focus on administrative actions and procedures in the context of the Oregon Administrative Procedures Act (APA).<sup>4</sup> Topics include agency authority, administrative rules, alternative dispute resolution, contested case preparation, and judicial review. This book does not address particular hearing procedures for state agencies exempt from some APA contested case provisions.

*Oregon Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedure under the Administrative Procedures Act*. Salem, Or.: Department of Justice, 1986-. 1 softbound vol., biennial.

From the preface: "The Oregon Administrative Procedures Act (APA) requires each agency to adopt specific rules of procedure for rulemaking and for the conduct of contested case proceedings, and further requires the Attorney General to adopt model rules appropriate for use by as many agencies as possible." The Attorney General also adopts uniform rules and model rules related to declaratory rulings, rulemaking petitions, and the implementation of alternative dispute resolution. In this volume, which is updated after each legislative session, the Attorney General reviews and updates existing uniform and model rules in light of the Legislature's changes to the APA and court decisions which have interpreted the APA. There are several helpful appendixes which include sample orders and notices; tips for rule writing; and parliamentary procedures for boards, commissions, and councils. Continues *Attorney General's Administrative Law Manual & Model Rules of Procedure*.

### *Alternative Dispute Resolution*

Lezak, Sidney I., Carl R. Neil, and Leslie M. Roberts, eds. *Arbitration and Mediation*. 2d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1996-. 1 looseleaf vol., last updated 2001.

The editors describe this volume as a reference manual to be used when an attorney is dealing with specific topics, and in their preface note that this "book represents the collected expertise of more than 25 Oregon attorneys and judges who regularly engage in arbitration and mediation." The book is divided into four parts. Part I, general information, includes how to choose between arbitration and litigation. Part II, arbitration, includes practice tips, evidence, and commercial arbitration. Part III, mediation, covers mediation basics, family law mediation, and mediation in the criminal justice system. Part IV, other ADR programs and ethics, includes Oregon court-sponsored civil dispute resolution programs, ADR developments in federal courts and agencies, and mediator and arbitrator ethics. Tables of forms, statutes, rules, and cases are included, along with a subject index.

---

4. OR. REV. STAT. §§ 183.310-.750 (2003).

## STATE PRACTICE MATERIALS

Oregon Judicial Conference, Dispute Resolution Committee. *Appropriate Dispute Resolution Deskbook*. Salem, Or.: Office of the State Court Administrator, 1997. 1 looseleaf vol.

This is an inventory of court-sanctioned appropriate dispute resolution programs. According to the introduction, this book is designed to be used by circuit and district court judges and court administrators for the “design, implementation and modifications of programs over which the courts have supervisory or referral capacity.” It does not include private mediation and arbitration services.

### ***Appellate Practice and Procedure***

Harri, Edward J., Virginia L. Linder, and James N. Westwood, eds. *Appeal and Review*. 2d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1993–. 1 looseleaf vol., last updated 2002.

This book is designed to make the complex world of appellate practice more understandable. It begins with a general chapter on appellate review in Oregon, and goes on to address appellate jurisdiction, when and how to appeal, motion practice, technical requirements for briefs, oral argument, Supreme Court review, and settlement conferences. There are separate chapters on criminal and civil appeals, as well as a compendium of relevant case law.

### ***Bankruptcy and Debtor-Creditor***

Comstock, Mark B., ed. *Creditors' Rights and Remedies*. 3d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2002–. 1 looseleaf vol.

This title addresses debtor-creditor law and includes sections on discovery, enforcing liens, Internet searching for debtors and assets, execution, garnishment, exemptions, bankruptcy, and alternatives to bankruptcy.

Perris, Elizabeth L., et al., eds. *Bankruptcy Law*. 2d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1999–. 2 looseleaf vols.

Explains the practices and procedures of bankruptcy court with a focus on Oregon bankruptcy law. Case law is included from Oregon's Bankruptcy Court, the Federal District Court in Oregon, and the Ninth Circuit Bankruptcy Appellate Panel. Chapters 1–12 provide information applicable to bankruptcy cases generally, while the remainder of the chapters provide an overview of the Bankruptcy Code and actions under chapters 7, 11, and 13 of the Code. Topics include involuntary bankruptcy, exemptions, creditors' rights, tax ramifications, and discharge.

Scott, Malcolm H., Douglas R. Schultz, and John C. Watkinson, eds. *Foreclosing Security Interests*. 4th ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1997–. 1 looseleaf vol., last updated 2001.

This title deals with foreclosure of security interests in both real and personal property. Topics include mortgage foreclosure, trust deeds, land sale contracts, construction liens, judicial foreclosure, federal tax liens, priority of liens, self-help under the Uniform Commercial Code, and revised Article 9 of the UCC.

Slottee, Richard A., and Victoria E. Hatch, eds. *Consumer Law in Oregon*. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1996–. 1 looseleaf vol., last updated 2000. Supplement due winter 2005.

## OREGON

Focuses on issues of consumer law rather than bankruptcy and debtor-creditor relations. Provides information on many federal laws and their Oregon counterparts, including the Deceptive Trade Practices Act, Fair Credit Reporting Act, Equal Credit Opportunity Act, Electronic Fund Transfer Act, and Truth-in-Lending Act. Also covers such wide-ranging topics as debt collection, repossession, garnishment, student loans, medical collection, installment contracts, and door-to-door sales.

### *Business Law*

Art, Robert C. *Business Organizations*. Eagan, Minn.: Thomson-West, 2002. 2 vols., updated with annual pocket parts. (Oregon Law & Practice, vols. 1–2)

This title is comprised of two units: Private Corporations and Partnerships. For each unit the book reproduces the text of the *Oregon Revised Statutes* pertaining to that topic. Following the statutory text there is practice commentary, a summary of leading cases, research references to secondary authority, and forms.

Bailey, Henry J. III, ed. *Oregon Uniform Commercial Code*. 2d ed. Carlsbad, Cal.: Lexis Law Publishing (formerly published by Butterworth Legal Publishers), 1990. 3 vols., updated with revised volumes and softbound supplements.

The Uniform Commercial Code as enacted in Oregon is codified in chapters 71–79 of the *Oregon Revised Statutes*. This work includes extensive discussion of relevant Oregon state cases and federal cases from Oregon. It traces enactment of the UCC in Oregon and includes discussion of general principles of the UCC. It does not reproduce the text of the statutes.

Cumfer, Cynthia, and Kay Sohl. *The Oregon Nonprofit Corporation Handbook*. 3d ed. Portland, Or.: Technical Assistance for Community Services, 2001. 1 softbound vol.

This how-to guide contains information on starting and running a nonprofit corporation in Oregon. It is written both for beginners and for those with more experience, such as accountants, managers, and lawyers. Covered are types of nonprofit and other business organizations, and considerations as to choice, including liability and tax consequences. Much of the book is directed at tax-exempt status and permissible political activity by such organizations. Also included are chapters on the personnel and “people side” of nonprofits—various boards, employees, independent contractors, and volunteers. The final chapters deal with money issues from fundraising to payroll to recordkeeping, and with changes within the corporation such as mergers and dissolution. Forms are included.

Kennedy, James M., and Jere M. Webb, eds. *Advising Oregon Businesses* (vols. 1–2). 5th ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2001–. 2 looseleaf vols. Kennedy, James M., Andrew H. Ognall, and Jere M. Webb, eds. *Advising Oregon Businesses* (vols. 3–4). 6th ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2003–. 2 looseleaf vols. Kennedy, James M., Andrew H. Ognall, and Jere M. Webb, eds. *Advising Oregon Businesses* (vol. 5). 6th ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2004–. 1 looseleaf vol.

Originally published as a two-volume set in 1971, *Advising Oregon Businesses* was expanded to five volumes in 1985. Volumes 1 and 2 address the more general aspects of advising business clients, including such topics as formation, choice of business entity and tax consequences, incorporation, articles and bylaws, financing the corporation, shareholders’ meetings, proxies, buy-sell agreements, derivative suits, liquidation and reorganization, and responsibilities and liabilities of directors and officers. Volume 3 deals with ongoing business concerns such as

## STATE PRACTICE MATERIALS

executive compensation, retirement plans, risk and insurance coverage, business transactions involving the government and Indian tribes, business acquisitions, valuing the business, and bankruptcy. Volume 4 covers antitrust law, noncompetition clauses, franchising, and intellectual property issues such as business names, domain names, trademarks, copyrights, patents, and trade secrets. Volume 5 consists entirely of forms organized by chapters from volumes 1–4. The forms are accompanied by commentary and alternative clauses.

### *Civil Practice and Procedure*

Childs, Kenneth P., and Charles F. Adams, eds. *Oregon Civil Litigation Manual*. 4th ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2004–. 2 looseleaf vols.

This set provides a primer on litigation in Oregon state courts. It covers the basics of civil procedure and trial preparation, including a new section on litigation technology which deals with discovering and introducing electronic evidence at trial. Other topics include pleading and motion practice, removal to federal court, discovery, injunctions, depositions, jury selection and instructions, attorney fees, judgments, and appeals. Also included are an in-depth litigation timetable and checklist. It no longer covers federal practice, which is treated in *Federal Civil Litigation in Oregon* (see following entry for annotation). Continues *Civil Litigation Manual*.<sup>5</sup>

Cohen, Joseph D., et al., eds. *Federal Civil Litigation in Oregon*. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1994–. 1 looseleaf vol., last updated 2002.

From the foreword: “*Federal Civil Litigation in Oregon* attempts to integrate the Federal Rules of Civil Procedure, our Local Rules of Civil Procedure, applicable statutes, and relevant case law from the District of Oregon, the Ninth Circuit, and the United States Supreme Court.” It is aimed at both the experienced federal practitioner and those who appear infrequently in federal court. Chapters cover such topics as jurisdiction and removal, venue and transfer, motion practice, class actions, discovery, settlements and appropriate dispute resolution, and sanctions. Covering many of the same topics as *Oregon Civil Litigation Manual*, this title deals exclusively with practice before the federal courts.

Kloppenber, Lisa A. *Oregon Rules of Civil Procedure: . . . Handbook; Legislative History and Summary of Major Changes*. Charlottesville, Va.: Lexis Law Publishing (formerly published by Butterworth Legal Publishers), 1993–. 1 softbound vol., biennial, last published 1999. Revision planned for 2005.

---

5. CIVIL LITIGATION MANUAL (3d ed. 1993).

## OREGON

Each rule is followed by comments of the staff of the Council on Court Procedures which the preface to the current volume indicates “are included as legislative background for the rules and do not necessarily constitute an analysis of the current form of any particular rule.” The legislative history of each rule follows the comments. A description of sources for legislative history of the Oregon Rules of Civil Procedure is included. Continues Merrill’s *Oregon Rules of Civil Procedure*.<sup>6</sup>

Nafziger, James A. R. *Conflict of Laws, A Northwest Perspective*. Seattle, Wash.: Butterworth Legal Publishers, 1985. 1 vol.

This book provides both a general introduction to conflict of laws and a detailed explanation of conflicts law in Oregon and Washington with some discussion of Alaska and American Indian conflicts law. Torts and contracts as well as other topics are covered for both Oregon and Washington.

Schroer, Janet M., Daniel H. Skerritt, and D. Lawrence Wobbrock, eds. *Oregon Civil Pleading and Practice*. 4th ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1994–. 2 looseleaf vols., last updated 2001.

This set explains practice in Oregon state courts. Subjects include jurisdiction, parties, pleadings and motions, discovery techniques, injunctions, jury instructions, mediation, summary judgment, appeal, and practice in tribal courts. Much of this material is also covered in the 4th edition of the *Oregon Civil Litigation Manual*.

### *Computer Law*

Cohen, Stuart Kenneth, et al., eds. *Computer Law* (vol. 1). Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education and the Computer Law Section, 1992–. 1 looseleaf vol., last updated 1996. Stevason, John, et al., eds. *Computer Law* (vol. 2). Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education and the Computer Law Section, 1998–. 1 looseleaf vol.

Volume 1 addresses computer related intellectual property issues both for attorneys familiar and those unfamiliar with technology issues. Subjects include intellectual property rights; software licenses; hardware, software development, and maintenance agreements; employment considerations; and a selected annotated bibliography of treatises and articles on computer and intellectual property issues. Volume 2 addresses multimedia presentations and Internet law including copyright, trademark and domain names, patents, and cyber crime. Also included are chapters on electronic contracting, online payment and banking, computer law litigation, and international legal implications. Each volume of this two-volume set has its own tables and index.

### *Constitutional Law*

Carey, Charles Henry, ed. *The Oregon Constitution and Proceedings and Debates of the Constitutional Convention of 1857*. Salem, Or.: State Printing Dept., 1926. 1 vol.

---

6. FREDERIC R. MERRILL, MERRILL’S OREGON RULES OF CIVIL PROCEDURE (1982–92).

## STATE PRACTICE MATERIALS

There was no official reporter for the Oregon constitutional convention, and only the official actions of the delegates were recorded. The editor of this work used newspaper accounts, diaries and letters of the delegates, and other manuscript sources to create this history of the drafting of the Oregon Constitution. This volume is widely held by Oregon law libraries and law firms and is also available in the reprint market.<sup>7</sup>

### ***Construction Law***

Alexander, Richard E., Eric J. TenBrook, and Steven R. Schell, eds. *Construction Law*. 2d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2004—. 2 looseleaf vols.

This title addresses both private and public construction contracts, federal procurement, contractor licensing, subcontracts, owner-architect/engineer agreements, residential construction, suretyship and performance bonds, construction liens, bid disputes, inspections, and building codes.

### ***Contracts***

Buckley, Kim T., ed. *Contract Law in Oregon*. 2d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2003—. 1 looseleaf vol.

Topics included are formation and elements of a contract, capacity to contract, specific performance, rescission and restitution, breach, statute of frauds, parol evidence rule, construction and interpretation, assignment and delegation, third party beneficiaries, express and implied contracts, and impossibility and unenforceability.

### ***Criminal Law and Procedure***

Allen, David K. and Brenda JP Rocklin, eds. *Criminal Law*. 6th ed. Lake Oswego, Or.: Oregon State

- 
7. Working with recently discovered primary documents, Claudia Burton and Andrew Grade authored three substantial articles on the history of the drafting of the Oregon Constitution. Claudia Burton & Andrew Grade, *A Legislative History of the Oregon Constitution of 1857—Part I (Articles I & II)*, 37 WILLAMETTE L. REV. 469 (2001); Claudia Burton, *A Legislative History of the Oregon Constitution of 1857—Part II (Frame of Government: Articles III–VII)*, 39 WILLAMETTE L. REV. 245 (2003); Claudia Burton, *A Legislative History of the Oregon Constitution of 1857—Part III (Mostly Miscellaneous: Articles VIII–XVIII)*, 40 WILLAMETTE L. REV. 225 (2004).

## OREGON

Bar Committee on Continuing Legal Education, 1994. 2 looseleaf vols. Revision due 2005.

These volumes cover both procedural and substantive aspects of criminal law. Volume 1 includes jurisdiction and venue, search and seizure, discovery, and substantive defenses among other topics. Volume 2 covers trial procedures, the death penalty, and postconviction proceedings as well as other topics.

Audet, David M., ed. *The Trial Notebook*. [2d ed.] Eugene, Or.: Oregon Criminal Defense Lawyers Association, 2000. 1 looseleaf vol.

This manual is designed to help with trial preparation, issue spotting, and preservation of evidence during trial. Case law, trial tips, an overview of defenses, and suggestions for introducing exhibits are included.

Barton, Jesse Wm. *Felony Sentencing in Oregon: Guidelines, Statutes, Cases*. Eugene, Or.: Oregon Criminal Defense Lawyers Association, 2002. 1 looseleaf vol., updated irregularly, last updated September 2004.

According to the foreword, this volume “analyzes the 2001 versions of the Oregon Felony Sentencing Guidelines, and other related statutes and constitutional provisions.” The book is organized by Guidelines section, and includes a history of the Guidelines, rules of construction, and relevant constitutional issues. Because the Oregon Legislature approved the Sentencing Guidelines, they have the authority of statutory law. An appendix includes the Sentencing Guidelines Grid, a table of cases, and subject index. The 2004 update consists primarily of legislative and case law developments through September 10, 2004, including the 2004 United States Supreme Court sentencing decision, *Blakely v. Washington*.<sup>8</sup>

Homan, Robert, ed. *The OCDLA Search and Seizure Manual*. 4th ed. Eugene, Or.: Oregon Criminal Defense Lawyers Association, 2001. 1 looseleaf vol., updated irregularly.

This manual contains practice tips, references to case law, and legal analysis on many aspects of search and seizure. The manual is organized along broad subject lines: suppression of evidence, search warrants, warrantless searches, derivative evidence, administrative searches, civil forfeiture, and federal constitutional issues. Specific issues of search and seizure, such as stop and frisk, consent, vehicle searches, informants, and probable cause are treated within the broad subjects.

Nissman, David M., Brian R. Barnes, and Geoffrey P. Alpert. *Beating the Insanity Defense; Denying the License to Kill*. Lexington, Mass.: Lexington Books, 1980. 1 vol.

According to the preface, this book is written “as a guide to prosecutors and an introductory (although one-sided) text for students. It is basically a case study of Oregon and cites Oregon cases, but it can be generalized to any other jurisdiction.” The focus is on helping prosecutors impeach a defendant’s expert witnesses. There are several appendixes including sample forms and a selected bibliography.

Rose, Michael, ed. *The OCDLA Criminal Law Formbook*. Eugene, Or.: Oregon Criminal Defense Lawyers Association, 2004. 1 looseleaf vol.

This work provides valuable templates for drafting forms for criminal defense work; it includes both caseload management and substantive forms for most areas of criminal law. Sections include dismissal of charges, psychiatric issues, discovery, witnesses, continuance, disqualification of judge, withdrawal of attorney, habeas

---

8. 124 S. Ct. 2531 (2004).

## STATE PRACTICE MATERIALS

corpus, postconviction relief, and appeals. A CD-ROM version of the book with forms is also available. Commentary on use of the forms is beyond the scope of the book.

Uhle, William, ed. *The DUII Trial Notebook*. 8th ed. Eugene, Or.: Oregon Criminal Defense Lawyers Association, 2004. 1 looseleaf vol.

This handbook takes the practitioner step-by-step through the process of defending a driving-under-the-influence-of-intoxicants case. Each chapter includes discussion, drawing in relevant case law, statutes, and regulations. Also included are sample forms, some sanctioned by the courts. Topics include discovery, diversion programs, the state's case, the defense case, challenging the evidence, and felony DUII.

Westling, Wayne T. *Oregon Criminal Practice*. Charlottesville, Va.: Lexis Publishing (formerly published by Michie), 1996. 1 vol., updated with 2000 pocket part. Pocket part due in 2005.

This volume covers criminal practice in Oregon, including the conduct of the investigation, pretrial matters, trial, and sentencing and post-sentencing. Also covered are eyewitness identification, civil forfeiture, child witnesses, mental defenses, and special issues in DUII and death penalty cases. The substantive law of crimes is not covered.

### *Damages*

Selander, Robert R., et al., eds. *Damages*. 4th ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1998-. 2 looseleaf vols., last updated 2002.

Deals with the law governing the recovery of money damages, elements of claims, pleading and proof, and recovery. Subjects include compensatory and punitive damages, pain and suffering, mental distress, comparative fault, products liability, wrongful death, defamation, civil rights, and breach of contract.

### *Elder Law*

Barrett, Cynthia L., et al., eds. *Elder Law*. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2000-. 1 looseleaf vol. Supplement due winter 2005.

Geared to the practitioner counseling older clients whose reasons for contacting an attorney might run the gamut from estate planning to guardianship of grandchildren to end-of-life decisions. Chapters include substituted decision-making, retirement planning and investment, health care, long-term care, trusts, taxation, and family law.

### *Environmental Law*

Detlefsen, Jeffrey E., Max Miller, and Joan P. Snyder, eds. *Environmental and Natural Resources Law*. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2002-. 1 looseleaf vol.

The subject of this voluminous work is a veritable alphabet soup of federal and state environmental acts (NEPA, CERCLA, RCRA, SARA, CAA, CWA). This work not only addresses the federal and state environmental laws in place to protect natural resources, but also covers the wide-ranging natural resources (such as wetlands, minerals, fish and wildlife, rangelands, Columbia River Gorge, water, and the protection of cultural resources) that make up the Oregon landscape. Inherent in such a work is the delicate balance and tension between exploitation and preservation and protection of these resources. This work explains the interplay between federal and state environmental law and the role of courts and administrative agencies in interpreting environmental statutes. Many key statutes are featured in some depth. Topics include citizen suits, toxic torts, right-to-know laws, civil and



## OREGON

criminal enforcement, environmental audits, and insurance.

### *Estate Planning*

Barnhisel, Peter L., and Melanie E. Marmion. *Guardianships, Conservatorships, and Transfers to Minors*. 4th ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2004—. 1 softbound vol., replaced irregularly with new edition.

This handbook addresses guardianships and conservatorships in the context of protective proceedings with a brief history of the law in Oregon, and includes ethical and malpractice risks attorneys face in representing the compromised client. There is also a chapter on the Uniform Transfers to Minors Act.

Miller, Carolyn W., Stephen E. Kantor, and Jeffery C. Thede, eds. *Administering Trusts in Oregon*. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1995—. 1 looseleaf vol., extensively updated 2000.

Reflecting a trend away from corporate to individual trustees, this work addresses fiduciary duties, trustee selection and trust administration, tax aspects, creditors' rights, and charitable and special needs trusts. It also refers the practitioner to relevant sections of the *Restatement of Trusts 2d*.

### *Evidence*

Kirkpatrick, Laird C. *Oregon Evidence*. 4th ed. Newark, N.J.: LexisNexis, 2002. 1 vol., updated with annual pocket part.

The Oregon Evidence Code, based on the Federal Rules of Evidence, was adopted by the Oregon Legislature in 1981. Each rule is presented with accompanying legislative commentary and extensive discussion. From the preface: "It should be noted that the Commentary was not officially adopted by the Legislative Assembly and was not enacted as part of the legislation. Nonetheless, it is of considerable value to judges and lawyers in interpreting these rules." The discussion includes relevant case law and other authorities such as treatises and law review articles. It is primarily in the commentary that the Oregon Evidence Code is distinguished from the Federal Rules of Evidence.

*Oregon Evidence Code Handbook*. Charlottesville, Va.: LexisNexis, 2004. 1 softbound vol., biennial.

Contains the Oregon Evidence Code with the commentary of the Oregon House Judiciary Committee and Senate Judiciary Committee following each rule. A brief history of the Oregon Evidence Code is included. The text of the Federal Rules of Evidence is included in the appendix.

Tornquist, Leroy J. *Evidence*. Eagan, Minn.: Thomson-West, 2003. 1 vol., updated with annual pocket parts. (Oregon Law & Practice, vol. 3)

This title reproduces the text of the Oregon Evidence Code and four other chapters of the *Oregon Revised Statutes* dealing with evidentiary matters. Following the statutory text is practice commentary which discusses the differences between the Federal Rules of Evidence and the Oregon rules. There are also summaries of leading federal and state cases, trial tips, research references to secondary authority, forms, and some criminal and civil jury instructions.

## STATE PRACTICE MATERIALS

### *Family Law*

Sorensen-Jolink, Scott, and Nicole Deering, eds. *Family Law*. 5th ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2002-. 2 looseleaf vols., last updated 2004.

Addresses the basics of dissolution, annulment and separation, with the attendant issues of child custody and visitation, spousal support, property division (including retirement benefits), and taxation issues. Also covers domestic violence, adoption, unmarried couples, paternity, change of name, and enforcement of orders.

### *Insurance*

Dailey, Dianne K., and James L. Knoll, eds. *Insurance*. 3d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1996-. 2 looseleaf vols., last updated 2003.

Includes chapters on understanding and interpreting policy language, the duty to defend, pleading and discovery, actions against insurers, conflicts of interest, the uninsured, the underinsured, and personal injury protection. Also covered are particular kinds of contracts such as automobile, marine, aviation, life, health, property, and accident policies.

### *Jury Instructions*

*Oregon Uniform Criminal Jury Instructions*. Lake Oswego, Or.: Oregon State Bar Committee on Uniform Criminal Jury Instructions, 2002-. 1 looseleaf vol., last updated 2003.

Begins with a user guide orienting the practitioner to the request for instructions including timing of instructions. The jury instructions provided include such topics as defenses, homicide, assault, kidnapping and custodial interference, arson, forgery, controlled substances, wildlife offenses, traffic offenses, sexual offenses, and computer crime. Comments provide statutory and case law sources for the instructions.

*Uniform Civil Jury Instructions*. Lake Oswego, Or.: Oregon State Bar Committee on Uniform Civil Jury Instructions, 1993-. 1 looseleaf vol., updated 2003. Revision due winter 2005.

Compiles sample jury instructions on actions such as negligence, contracts, damages, motor vehicles, employment actions, and landlord-tenant. Comments provide statutory and case law sources for the instructions.

### *Juvenile Law*

McFarlane, Julie H., et al., eds. *Juvenile Law*. 3d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1995-. 1 looseleaf vol., last updated 2000.

This title focuses on the Oregon Juvenile Code and is designed to explore the basics of delinquency practice and dependency and status cases. Topics include protective custody, informal disposition, records and expunction, emancipation, abuse and neglect, termination of parental rights, adoption, and the Indian Child Welfare Act. There is also a section on special issues affecting juveniles which are not specifically part of the Juvenile Code, such as education of juveniles with handicaps, uniform and federal laws with particular application to juveniles, and ethical considerations in representing juveniles.

### *Labor and Employment Law*

## OREGON

Bernstein, Harlan, and Richard F. Liebman, eds. *Labor and Employment Law: Private Sector*. 2d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2002—. 1 looseleaf vol.

This book explores the federal and state law affecting workplace rights and responsibilities. It explains the balance between employee workplace protections and the employment-at-will doctrine that typically favors employers. Incorporates federal law where appropriate, especially regarding labor relations and labor law. A significant portion of the book is devoted to discrimination in employment and the protections afforded by equal employment opportunity. Other topics include wage and hour laws, collective bargaining, labor disputes, unfair labor practices, independent contractors, veterans' rights, unemployment insurance, and family leave.

Greer, William, ed. *Labor and Employment Law: Public Sector*. 2d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2002—. 1 looseleaf vol.

According to the preface, this work “covers developments in public sector labor and employment law over the past three decades. . . . [It] has been prepared for the labor, management, and neutral lawyers who make the public sector labor-management relations and employment law systems work.” Provides an overview of the Oregon Public Employee Collective Bargaining Act and procedures before the Employment Relations Board. It also covers arbitration, unfair labor practices, civil service laws for state and county employees, litigation under federal civil rights law, political activity, and the rights of public school teachers and administrators. There is also a chapter on the Public Employees Retirement System.

Knowles, Pamela S. *Employment in Oregon: A Guide to Employment Laws, Regulations, and Practices*. 3d ed. Newark, N.J.: LexisNexis, 1998—. 1 looseleaf vol., last updated 2004.

This title deals with the employment relationship in the private sector from hiring to termination. The primary audience is small employers without a large human resources department to assist in developing a personnel policy. Topics include wage and hour laws, health and safety, employment discrimination, collective bargaining, principal-agency relationship, employee privacy, retirement, and termination.

### *Land Use*

Kressel, Laurence, Robert E. Stacey, Jr., and Edward J. Sullivan, eds. *Land Use*. 3d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1994—. 1 looseleaf vol., last updated 2000.

According to the foreword, this edition focuses more on the processes that follow state acknowledgment of local comprehensive land use plans and less on the processes of state acknowledgment of local comprehensive plans. There is more emphasis on the issues that most frequently arise under the statewide planning goals, procedural requirements, and constitutional issues, and less description of the goals. The first six chapters are organized around the statewide goals, and the remaining chapters cover such topics as moratoria, variances, nonconforming uses, historic preservation, as well as constitutional limitations and exactions. A list of acronyms is included.

### *Law Practice*

*Oregon Rules of Professional Responsibility Annotated*. 5th ed. Portland, Or.: Oregon Law Institute of Lewis & Clark Law School, 2003. 1 softbound vol.

The Oregon State Bar disciplinary rules and the relevant portions of *Oregon Revised Statutes* are covered in this

## STATE PRACTICE MATERIALS

volume. Annotations cover the disciplinary decisions of the Oregon Supreme Court and trial panels, as well as formal ethics opinions adopted by the Oregon State Bar Board of Governors. Cross-references to *The Ethical Oregon Lawyer*<sup>9</sup> are provided. Includes a table of Oregon State Bar ethics opinions.

*Oregon Statutory Time Limitations*. 3d ed. Lake Oswego, Or.: Oregon State Bar Professional Liability Fund, 2003. 1 softbound vol., replaced irregularly with new edition.

One of the costliest yet simplest of attorney mistakes is missing a deadline. Some deadline mistakes can be remedied; others can result in dismissal of a cause of action. This handbook provides a reference guide to this fundamental aspect of practice. It is organized by topic rather than by cause of action, and provides more explanation than a mere recitation of statutory time periods. The Professional Liability Fund makes a copy of this handbook available free of charge to each attorney covered by the Fund; it is also available for downloading at its website (<http://www.osbplf.org/>). State bar license number and name are required to gain entrance to the site.

Tellam, Bradley F., ed. *Fee Agreement Compendium*. 3d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2001. 1 softbound vol., replaced irregularly with new edition.

Most lawyer-client disputes arise from misunderstandings concerning attorney fees and can lead to disciplinary complaints to the Bar and malpractice claims. A well-written fee agreement can prevent misunderstandings by capturing the expectations of both the attorney and client. This work includes general sample agreements as well as specific agreements in several practice areas. Some areas covered are referral agreements between attorneys, contingent and hourly fee agreements, domestic relations fee agreements, criminal law fee agreements, and management of client trust accounts. Included are notes and comments about usage of the agreements.

### ***Legal Research and Writing***

Rowe, Suzanne E. *Oregon Legal Research*. Durham, N.C.: Carolina Academic Press, 2003. 1 softbound vol.

Covers the process of legal analysis and writing. Includes chapters on research process and legal analysis, primary law, legislative history, digests, citators, secondary sources, online legal research, and research strategies. Written particularly for first year law students but intended also to assist practitioners, paralegals and others researching Oregon law. A user-friendly alternative to lengthy legal research and writing texts.

### ***Legislation***

*Oregon Legislation Highlights*. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1999–. 1 softbound vol., biennial after each legislative session.

This work highlights and summarizes selected bills and other measures passed during the legislative session. The statutes are organized by practice areas with a summary of provisions and their effective dates. This work is published within days of the legislature's adjournment; bills not completely through the legislative process at

---

9. THE ETHICAL OREGON LAWYER (Peter R. Jarvis et al. eds., 2d ed. 2003) (*see infra* under topic of Professional Responsibility for annotation).

## OREGON

printing are included in one or more addenda.

### *Medical and Health Law*

There are currently four titles in the *Oregon Health Law Manual Series*. A fifth volume on liability for health care in Oregon is planned but not yet published. The editor-in-chief for the series is Theodore C. Falk. Each volume is a separate edition with its own publication schedule and its own set of editors. These separately published volumes completely replace the first edition of *Oregon Health Law Manual*<sup>10</sup> published as a looseleaf by the Oregon State Bar Health Law Section and Lewis & Clark School of Law.

Dayton, Gwen M., ed. *Oregon Health Law Manual: Consent, Confidentiality, and Reporting*. 3d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2003. 1 softbound vol., replaced irregularly with new edition. (Oregon Health Law Manual Series, vol. 1)

This title deals with consent to medical care and confidentiality of medical records, which this volume labels “health information” in deference to the growing migration to electronically created, stored, and transmitted patient information. There is also discussion of the federal Health Insurance Portability and Accountability Act of 1996<sup>11</sup> and human subject research.

Billups, Janet, et al., eds. *Oregon Health Law Manual: Life and Death Decisions*. 2d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1997. 1 softbound vol., replaced irregularly with new edition. (Oregon Health Law Manual Series, vol. 2)

This volume addresses issues relevant to the human life cycle from birth to end-of-life decisions. On one end of the spectrum are abortion, reproductive rights, and the related rights and obligations of biological, gestational, and adoptive parents. This section is followed by a section on substituted decision-making and advance directives, predominantly in other than end-of-life situations. The final chapter of this volume covers physician-assisted suicide. (Oregon is the only state which has legalized physician-assisted suicide.<sup>12</sup>)

LaFrance, Arthur B., et al., eds. *Oregon Health Law Manual: Delivering Health Care*. 2d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1998. 1 softbound vol., replaced irregularly with new edition. (Oregon Health Law Manual Series, vol. 3)

---

10. OREGON HEALTH LAW MANUAL, 1990 (Ted Falk ed., 1990–1992).

11. Pub. L. No. 104-191, 110 Stat. 1936.

12. Oregon Death with Dignity Act, §§ 127.800–.897 (2003).

## STATE PRACTICE MATERIALS

This volume focuses on health care facilities and the different settings (residential, community, and home care) in which care is provided. Other topics include medical staffing, choice of health care business entities providing care, tax exempt organizations, integrated delivery systems (managed care), and Medicare fraud and abuse.

Bernheim, Joyce, et al., eds. *Oregon Health Law Manual: Payment for Health Care*. 2d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2001. 1 softbound vol., replaced irregularly with new edition. (Oregon Health Law Manual Series, vol. 4)

As early as 1977, the Oregon Legislature declared as a priority for Oregon “the achievement of reasonable access to quality health care at a reasonable cost.”<sup>13</sup> This volume explains the often complicated topic of who will pay for health care, clarifying the role of private and public financing, and relevant state and federal law. There are chapters on employee health benefits, managed care, health insurance, workers’ compensation, medical creditors, and federal and state programs, including the Medicaid demonstration project which became known as the Oregon Health Plan.

### *Professional Responsibility*

Jarvis, Peter R., Bradley F. Tellam, and Mark J. Fucile, eds. *The Ethical Oregon Lawyer*. 2d ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2003. 1 looseleaf vol., supplemented irregularly.

The preface describes the content of this volume as a “substantive analysis of Oregon’s disciplinary rules and processes.” Among the topics covered are marketing, fees, client confidentiality, multiple client conflicts, trust accounts, common ethics problems for appellate lawyers, and Oregon State Bar disciplinary procedures. Oregon has a tri-state reciprocity agreement with Idaho and Washington, and this book takes into account the differences between Oregon’s disciplinary rules and the rules of professional conduct in those states.

### *Real Estate and Real Property*

Ball, Robert S., and David P. Miller, eds. *Fundamentals of Real Estate Transactions*. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1992–. 1 looseleaf vol., last updated 2001.

This title addresses the lawyer’s role in real estate transactions from initial client interview to closing, with myriad issues in between, such as ethical considerations, conflicts of interest, taxation, methods of financing, types of ownership entities, escrow, warranties, title insurance, bankruptcy, and environmental liability.

Ball, Robert S., and David P. Miller, eds. *Real Estate Disputes*. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1993–. 1 looseleaf vol., last updated 2002.

This book emphasizes the litigation that may arise from real estate transactions. It addresses breach of contract and remedies, residential landlord-tenant and commercial lease disputes, suits to quiet title, eminent domain, adverse possession and boundary disputes, injuries to land (such as removal of timber or minerals), and judgments and execution.

Ball, Robert S., David P. Miller, and J. David Bennett, eds. *Regulation and Taxation of Real Estate*.

---

13. OR. REV. STAT. § 442.025 (2003).

## OREGON

Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1995–. 1 looseleaf vol., last updated 2003.

This title deals with regulation of the development and sale of real property. The first part of the book focuses on taxation, assessments for local improvements, dedication of private land to public use, subdivisions, and the regulation of different types of brokers. The second part analyzes alternative ownership regimes such as condominiums, timeshares, and other planned communities. Several sample forms dealing with planned communities and homeowners' associations are included. The latter third of the book addresses financing the sale, related consumer laws, mobile homes, building codes, and the requirements of the Americans with Disabilities Act.<sup>14</sup>

Grant, Eugene L., and Thomas R. Page, eds. *Principles of Oregon Real Estate Law*. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1995–. 1 looseleaf vol., last updated 2003.

The preface states that this book “offers the foundations of the law of real property . . . and illuminates the black-letter law on which real property transactions are based.” Reminiscent of the principles taught in law school real property courses, this title explains such concepts as concurrent interests in land, easements, licenses, covenants, restrictions, conditions, the Statute of Frauds, marketable title, recording laws, and priority of interests.

Radler, Barbara Walsh, and Jonathon L. Goodling, eds. *Documentation of Real Estate Transactions*. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 1992–. 1 looseleaf vol., extensively revised 2001.

This title covers conveyance forms for real estate transactions—both sales and leases—of residential and commercial properties. The chapters are organized by forms and consist of an introduction to each form with comments and practice tips interspersed with alternative provisions for tailoring to client needs. The book covers earnest money agreements; purchase and sale agreements; contracts of sale; mortgages; and commercial, ground, residential, and agricultural leases.

## *Taxation*

*Oregon Tax Reporter*. Chicago, Ill.: Commerce Clearing House, 1956–. 2 looseleaf vols., updated monthly.

The how-to-use guide describes this reporter as covering “revenue-producing taxes of interest to businesses and their consultants . . . [combining] applicable law, regulations, and significant court decisions and administrative rulings on each topic in an integrated explanation.” Volume 1 addresses corporate income and franchise taxes, personal income tax, property tax, severance tax, and several additional taxes. Volume 2 provides the relevant tax sections of the United States Constitution, the *United States Code*, the *Oregon Revised Statutes*, some city and county ordinances, as well as a cumulative index, table of cases, and new matters section.

## *Torts*

Calkins, Win, and Arthur C. Johnson, eds. *Torts*. 2d ed. Lake Oswego, Or.: Oregon State Bar

---

14. 42 U.S.C. §§ 12101–12213 (2000).

## STATE PRACTICE MATERIALS

Committee on Continuing Legal Education, 1992–. 2 looseleaf vols., last updated 2000. Revision due winter 2005.

Chapters cover a wide variety of torts, explaining the elements of the cause of action and pleading or defending the action. Vicarious liability, joint tortfeasors, indemnity and contribution, and insurance are addressed. Some specific types of actions include defamation, toxic torts, nuisance, negligence, professional malpractice, invasions of privacy, premises liability, and wrongful death.

### ***Wills and Probate***

Levy, Jonathan A., and James A. Perry, eds. *Administering Oregon Estates*. 5th ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education, 2004–. 1 looseleaf vol.

Covered are probate and alternatives to probate, probate and nonprobate property, testate and intestate succession, the making of a will and revocation, the personal representative's role, claims against the estate, accounting and closing the estate, and taxation of estates, from both a federal tax and Oregon inheritance tax perspective.

### ***Workers' Compensation***

Cotton, Steven R., Kevin N. Keaney, and Deborah L. Sather, eds. *Workers' Compensation*. 6th ed. Lake Oswego, Or.: Oregon State Bar Committee on Continuing Legal Education and the Workers' Compensation Section, 1994–. 1 looseleaf vol., last updated 2000.

This substantial volume takes the practitioner from an initial claim to the hearings process and judicial review. There are chapters on covered employers and employees, claims for workplace injuries and occupational diseases, aggravation of existing conditions, temporary and permanent disabilities, death benefits, vocational rehabilitation, and attorney fees.



## OREGON

### Appendix Publishers of Oregon Legal

#### Materials

American Association of Law Libraries  
53 W. Jackson, Suite 940  
Chicago, IL 60604  
(312) 939-4764  
Fax: (312) 431-1097  
aallhq@aall.org  
<http://www.aallnet.org>

Carolina Academic Press  
700 Kent St.  
Durham, NC 27701  
(919) 489-7486  
Fax: (919) 493-5668  
cap@cap-press.com  
<http://www.cap-press.com>

CCH Incorporated  
4025 W. Peterson St.  
Chicago, IL 60646-6085  
Tax Products: (800) 449-8114  
Fax: (773) 866-3095  
<http://www.cch.com>

Commerce Clearing House (see CCH Incorporated)

Envirotech Publications  
260 North Polk St.  
Eugene, OR 97402  
(541) 343-8504  
Fax: (541) 683-8279  
epi@rio.com

Jury Verdicts Northwest  
P.O. Box 1165  
Seattle, WA 98111  
(425) 487-9848  
Fax: (425) 482-0527  
jvn@juryverdictsnw.com  
<http://www.juryverdictsnw.com>

Labor Law Publishing Co.  
Box 3202  
Sunriver, OR 97707

(360) 256-8679  
bcd1993@comcast.net  
Lewis & Clark Law School  
10015 S.W. Terwilliger Blvd.  
Portland, OR 97219  
(503) 768-6600  
<http://law.lclark.edu>

Lexis Publishing (see LexisNexis)

LexisNexis  
P.O. Box 933  
Dayton, OH 45401-0933  
(937) 865-6800 or (800) 227-9597  
customer.support@lexisnexus.com  
<http://www.lexisnexus.com>

Oregon Bureau of Labor and Industries  
800 N.E. Oregon St., Suite 1045  
Portland, OR 97232  
(503) 731-4200  
Fax: (503) 731-4103  
BOLL.MAIL@state.or.us  
<http://www.boli.state.or.us>

Oregon Criminal Defense Lawyers Association  
96 E. Broadway, Suite 5  
Eugene, OR 97401  
(541) 686-8716  
Fax: (541) 686-2319  
info@ocdla.org  
<http://www.ocdla.org>

Oregon Department of Justice  
1162 Court St. N.E.  
Salem, OR 97301-4096  
(503) 378-4400  
Fax: (503) 378-4017  
doj.info@state.or.us  
<http://www.doj.state.or.us>

Oregon Judicial Department (see Oregon State Court Administrator)

## STATE PRACTICE MATERIALS

Oregon Labor Relations Research Associates  
(503) 957-2255  
wmgreer@msn.com

Oregon Land Use Board of Appeals  
Public Utility Commission Bldg.  
550 Capitol St. N.E., Suite 235  
Salem, OR 97301-2552  
(503) 373-1265 Voice/TTY  
Fax: (503) 373-1580  
<http://luba.state.or.us>

Oregon Law Institute of Lewis & Clark Law School  
Gus J. Solomon Courthouse  
620 S.W. Main St., Suite 706  
Portland, OR 97205-3037  
(503) 768-6580 or (800) 222-8213  
Fax: (503) 768-6585  
oli@lclark.edu  
<http://lclark.edu/org/oli>

Oregon Legislative Administration Committee  
900 Court St. N.E., Room 140A  
Salem, OR 97301  
(503) 986-1848  
<http://www.leg.state.or.us/comm/legadmin>

Oregon Legislative Assembly (see Oregon Legislative  
Counsel Committee)

Oregon Legislative Counsel Committee  
900 Court St. N.E., Room S101  
Salem, OR 97301-4065  
(503) 986-1243  
Fax: (503) 373-1043  
<http://www.lc.state.or.us>

Oregon Mediation Association  
P.O. Box 2952  
Portland, OR 97208-2952  
(503) 872-9775  
omediate@teleport.com  
<http://www.mediate.com/oma>

Oregon Secretary of State  
136 State Capitol  
Salem, OR 97310-0722  
(503) 986-1523  
Fax: (503) 986-1616

P.O. Box 80847  
Portland, OR 97280  
executive-office@sosinet.sos.state.or.us  
oregon.sos@state.or.us

Oregon State Archives  
800 Summer St. N.E.  
Salem, OR 97310  
(503) 373-0701  
Fax: (503) 373-0953  
archives.info@state.or.us  
<http://arcweb.sos.state.or.us>

Oregon State Bar  
5200 S.W. Meadows Road  
Lake Oswego, OR 97035-0889  
(503) 620-0222 or (800) 452-8260  
Fax: (503) 684-1366  
info@osbar.org  
<http://www.osbar.org>

Oregon State Bar Professional Liability Fund (see  
Oregon State Bar)

Oregon State Court Administrator  
Supreme Court Building  
1163 State St.  
Salem, OR 97301-2563  
(503) 986-5500  
Fax: (503) 986-5503  
ojd.info@ojd.state.or.us  
<http://www.ojd.state.or.us/osca>

Oregon Trial Lawyers Association  
1020 S.W. Taylor St., Suite 400  
Portland, OR 97205  
(503) 223-5587  
Fax: (503) 223-4101  
otla@oregontriallawyers.org  
<http://www.oregontriallawyers.org>

Oregon Workers' Compensation Board  
2601 25th St. SE, Suite 150  
Salem, OR 97302-1280  
(503) 378-3308 or (877) 311-8061  
<http://www.cbs.state.or.us/external/wcb/vannatta.htm>

Spanish Language Legal Network  
Oscar Garcia

## OREGON

230 N.E. Second Ave., Suite D  
Hillsboro, OR 97124  
oscargar@msn.com

(503) 693-1095  
Fax: (503) 640-8450

Technical Assistance for Community Services  
1001 S.E. Water Ave., Suite 490  
Portland, OR 97214  
(503) 239-4001  
Fax: (503) 236-8313  
info@tacs.org  
<http://www.tacs.org>

Thomson-West (see West)

University of Oregon School of Law  
1515 Agate St.  
Eugene, OR 97403  
(541) 346-3852  
<http://www.law.uoregon.edu>

Washington County Demar Batchelor Law Library  
111 N.E. Lincoln St., Suite 250L  
Hillsboro, OR 97124  
(503) 846-8880  
Fax: (503) 846-3515  
[http://www.co.washington.or.us/deptmts/law\\_lib/law\\_lib.htm](http://www.co.washington.or.us/deptmts/law_lib/law_lib.htm)

West  
P.O. Box 64833  
St. Paul, MN 55164-0833  
(800) 328-4880  
Fax: (800) 340-9378  
west.customer.service@thomson.com  
<http://west.thomson.com>

West Publishing (see West)

Willamette University College of Law  
245 Winter St. S.E.  
Salem, OR 97301  
(503) 370-6282  
<http://www.willamette.edu/wucl>