

THANK YOU *and* BEST WISHES, JENNIFER MEISBERGER!

On behalf of the Professional Liability Fund and Oregon lawyers, we thank you for your excellent work as a PLF practice management advisor, and we wish you well in your new position with the Department of Justice. We will greatly miss your compassion, patience, skills, and sense of humor. As you move on to use your talents in other meaningful ways, we wish you continued happiness and success.

Now Hiring: PLF Practice Management Advisor

The Oregon State Bar Professional Liability Fund (PLF) is hiring a full-time practice management advisor (PMA) to educate attorneys and law office staff on law office systems and to take an active role in developing resources that assist lawyers in private practice.

Key Responsibilities:

- Working directly with lawyers and law office staff to create or improve their docketing, conflicts of interest, accounting, billing, and other law office systems. This includes on-site visits to law offices and answering questions by phone or email.
- Writing articles, blog posts, practice aids, and other resources for lawyers.
- Speaking at CLEs either alone or as part of a panel.
- Assisting with the closures of law offices due to retirement or health issues.

Preferred Experience:

Five years of experience practicing law and some experience managing a law practice.

Qualifications:

- Experience with and aptitude for law office technology (software, the cloud, hardware, social media) and law office systems.
- Outstanding verbal and written communication skills as well as strong public speaking and presentation skills.
- Empathetic, patient, and professional demeanor.
- Flexibility of work style: the ability to work collaboratively and to work independently. The ability to understand and relay big picture concepts and work extensively with details.
- Ability to synthesize complicated information and relay it clearly and concisely to a diverse range of people.
- Exceptional professional judgment and discretion.

For more detailed information, go to www.osbplf.org>About PLF>Job Opportunities.



inBRIEF IS PUBLISHED BY

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PLF Celebrates 40 Years

By Carol J. Bernick, PLF Chief Executive Officer

Forty years ago, a group of insightful colleagues joined together to solve a professional problem: Legal malpractice coverage for Oregon lawyers was hard to get and very expensive. The number of commercial carriers offering coverage in Oregon had dwindled to two, and the terms of coverage were steadily deteriorating. Commercial carrier malpractice rates more than tripled in a single year, without clear relationship to claims in Oregon.

The visionary response of these Oregon lawyers and the Oregon State Bar was to create our own mandatory legal malpractice fund. At the time, Oregon’s requirement that lawyers in private practice carry malpractice insurance was unprecedented in the United States. A mandatory self-insured fund was also unknown in the nation. Remarkably, 40 years later, Oregon is only one of two states to require that lawyers be covered for malpractice – and it is still the only state to offer its own malpractice fund.

The PLF has grown in many ways over the past 40 years, guided by experience and changes in the legal profession. In 1978, coverage was limited to \$100,000, with a separate \$50,000 available for defense costs. Once the \$50,000 defense was exhausted, the covered party had to pay for the remaining cost of defense. Excess coverage was available, but the PLF had no formal excess program. The Loss Prevention Program was still in its infancy, and the Oregon Attorney Assistance Program (OAAP) had not yet begun.

In 2018, basic coverage includes \$50,000 for claims expenses and \$300,000 for indemnity and, if necessary, additional defense costs. The PLF Excess Program now offers up to \$9.7 million in excess coverage per firm and serves over 2,100 lawyers in 700 firms. Loss Prevention has evolved into a comprehensive Personal and Practice Management Assistance Program, helping thousands of lawyers each year. The OAAP helps approximately 700 lawyers a year. The PLF’s practice management advisors make over 250 office visits and answer over 750 informational calls annually, teach dozens of CLEs throughout the state, and publish nearly 400 practice aids.

The PLF was fortunate to be guided by the following attorneys and public members who have served on its Board of Directors over the past 10 years. The PLF board members who served during the first 20 years were featured in the 20th anniversary issue of *inBrief*, August 1998, and those who served the next 10 years were featured in the August 2008 issue of *inBrief*. We express our deepest appreciation for all the board members’ service.

PLF BOARD MEMBERS 2008–18

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William Carter	2008-2012
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Valerie Fisher	2010-2014
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Julia Manela	2012-2016
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Tom Newhouse*	2016-2020
Megan Livermore	2017-2021
Holly Mitchell	2017-2021
Susan Marmaduke	2018-2022

* Public member

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In a Class by Itself

The uniqueness of the PLF extends beyond the fact that it is the sole mandatory legal malpractice insurance program in the United States. The PLF stands at the vanguard as an innovative program for providing covered parties with services and support in the most cost-effective, efficient, responsive, and responsible way possible.

Distinctive PLF features include high-quality practice aids and handbooks, remarkable staff continuity, the OAAP, the Practice Management Advisor program, the individual and collective expertise of the claims attorneys, and the absence of a deductible. The PLF's openness to "repairs" (legal assistance to fix the problem and get the case back on track) also has no comparison.

Each of these features serves the dual purpose of high-quality services and cost control. For example, the absence of a deductible fosters timely claim reporting and often presents an opportunity to correct mistakes and avoid or reduce damage claims. Claims attorney responsiveness is yet another example. In an average month, the claims department answers over 100 informational calls from lawyers with questions that span a wide range of practice areas. Although some of these calls are about new claims, the majority of the inquiries are from attorneys seeking advice on how to avoid malpractice in a specific instance.

Part of the Culture

Over the 40 years since its inception, the PLF has become a readily accessed and trusted part of Oregon's legal culture. In an average five-year period, nearly 60% of Oregon lawyers in private practice have contact with the PLF. If we include the number of lawyers who avail themselves of the PLF's CLE seminars and materials, practice aids, handbooks, and other educational and support resources, that figure rises even higher. These access figures attest to the trust and confidence Oregon lawyers have in the PLF.

The PLF's unique success shows in other ways as well. First, the mandatory nature of coverage means there are no uninsured attorneys in private practice in Oregon. Compare this with other states, where some sources estimate that as many as 25% to 35% of lawyers have no professional liability insurance. Second, virtually all meritorious claims are settled through the lawyer's basic coverage. Over the last 10 years, more than 98% of claims on which indemnity was paid were settled within the \$300,000 limit. On the other side of the coin, if the claim is not meritorious, it is defended. Approximately 68% of claims against covered parties are closed with no damages paid to the claimant.

Many other factors have contributed to the PLF's continued success – the Board of Governors' recognition of the importance of PLF independence in handling claims, the composition of the PLF Board of Directors that includes seven attorney volunteers from diverse geographical and practice areas and two public members, and the PLF's 40-year commitment to being a constructive force in Oregon's legal culture. Most important, however, has been the overwhelming support of Oregon lawyers for the PLF and its role in the legal community.

A Shifting Tide

Effective January 2018, Idaho became the second state to require lawyers to have malpractice coverage. At least two other states are seriously considering making legal malpractice coverage mandatory. The PLF frequently represents the ideal mandatory malpractice program to the many lawyers and leaders in other states who debate and grapple with these issues. In my view, it deserves to be by any measure.

As we pause at this 40-year mark to reflect and look forward, we also renew our commitment to operating as transparently as possible, seeking the most balanced solutions, and being guided by a deep-rooted dedication to Oregon lawyers. ■



Lawyers Acting as Escrow Agents Excluded Under PLF Plans

By Madeleine S. Campbell, PLF Director of Claims

The PLF has encountered a number of claims in which the lawyer has been acting in the role of an escrow agent. A claim is then made arising from the release, or failure to release the funds. While there were various reasons under the previous Plan language that these types of claims generally fell outside coverage, the PLF decided to address these types of claims through an additional exclusion. We wanted to make sure the scope of this risk, including the likely lack of coverage already in place, was specifically called to the attention of lawyers who may consider acting in the role of an escrow agent.

For the reasons discussed below, acting as an escrow agent either exposes a lawyer to heightened risks arising from actual or alleged conflicts or is not the type of professional

service a lawyer should perform. Further, the risks of serving as an escrow agent can be highly disproportionate to the fee charged by the lawyer. Frequently, the lawyer is taking responsibility for very large sums of money for very little reward. As a result, the PLF is of the opinion that if the parties need an escrow agent, they should hire a title company or some other person or entity that regularly provides these services as a neutral.

Taking on the role of an escrow agent is particularly risky if the lawyer is representing one of the parties in the transaction but is also acting as a neutral keeper of the funds. Under some circumstances, these facts may create a conflict and the lawyer risks violation of ethics rules. See, Formal Opinion No. 2005-55.

There are also coverage concerns when the lawyer is acting only as a neutral and does not represent any of the parties. In that situation, there is no attorney-client relationship, a fundamental requirement that is generally necessary to come within the scope of the PLF Plan. In addition, even when the lawyer does not actually represent any of the parties in such a transaction, there is a risk of confusion. One or

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more of the parties may subjectively believe that the lawyer was representing one or more of the parties, or will take this position in litigation.

The escrow/holding exclusion is intended to apply to cases in which the lawyer is doing the type of work that the PLF believes should be performed by a title company or professional escrow agent. It is not intended to apply to a lawyer holding funds for settlement purposes. It also does not apply to the situation in which a domestic relations lawyer is applying funds held in trust to make payments pursuant to a judgment or an estate-planning lawyer is holding money from the trust until all debts are paid before distribution to the beneficiaries.

For all the foregoing reasons, the 2018 PLF Plan added the following language:

21. Escrow/Holding Exclusion. This Plan does not apply to any Claim arising from a Covered Party entering into an express or implied agreement with two or more parties to a transaction that in order to facilitate the transaction, the Covered Party will hold documents, money, instruments, titles, or property of any kind until certain terms and conditions are satisfied, or a specified event occurs. This exclusion does not apply to a Claim based on: (1) a Covered Party's distribution of settlement funds received from the Covered Party's client, or from an opposing party, in order to close a settlement; or (b) a Covered Party's distribution of funds pursuant to and consistent with a limited or general judgment in a domestic relations proceeding.

The following illustrative examples, not intended to be exhaustive, are provided for the purpose of assisting a Covered Party or court in interpreting the PLF's intent as to the scope of Exclusion 21:

Example 1: Lawyer is hired to act as a neutral third party to hold money in a transaction between non-clients. The parties do not provide written instructions, but agree that the lawyer should determine when it is appropriate to

release the money and deliver it to one of the parties. Claims arising from this engagement are excluded. Even if the parties agreed upon and provided the lawyer with written instructions regarding when the money should be delivered, the claims are excluded.

Example 2: Lawyer represents one party to a transaction with another party and pursuant to instructions from both parties, holds money or other property to disburse in accordance with those instructions. Claims arising from this engagement, including the wrongful disbursement or withholding of money or property, are excluded.

Example 3: Lawyer represents one party in a dispute and, upon settlement of the dispute, receives settlement proceeds from the adverse party's lawyer with instructions not to distribute the funds until various contingencies have occurred. Because of an innocent mistake, Lawyer incorrectly believes all contingencies are satisfied and distributes the settlement funds prematurely. Exclusion 21 does not apply to a claim based on this distribution. (But note that Exclusions 2 and 14 would apply to knowingly wrongful distributions or conversion of settlement funds.)

Example 4: Lawyer represents the trustee of a trust and is holding money to be distributed to the trust beneficiaries pending the payment of debts owed by the trust. After payment of the debts, and distribution to the beneficiaries, one of the beneficiaries claims the lawyer negligently paid a debt that was not owed. This claim is not excluded by Exclusion 21 because the lawyer has not "entered into an express or implied agreement with two or more parties to a transaction" within the intended meaning of Exclusion 21. ■

Madeleine S. Campbell is the Director of Claims with the Professional Liability Fund.

Practical Tips for New (and Experienced) Immigration Lawyers

By Teresa A. Statler

Immigration law is a hot topic in the news these days, and many new lawyers have decided to make it part of their practice. It is an interesting, but complicated, area of law, and helping immigrant clients can be very fulfilling. Attorneys who practice immigration law must, however, take care to minimize the chances for error because in many cases, these errors can have serious consequences for the client. Here are some practical tips gleaned from my 24 years' experience practicing immigration law and from other Oregon immigration attorneys, which will help you to competently serve your immigrant clients.

- **Join the Oregon chapter of the American Immigration Lawyers Association (AILA).** AILA is the national association of more than 15,000 attorneys and law professors who practice and teach immigration law. Founded in 1946, AILA is a nonpartisan, not-for-profit organization that provides continuing legal education, information, professional services, and expertise through its 38 chapters and over 50 national committees. With your AILA membership, you will receive access to AILA's excellent members-only website with breaking news on changes in the law, procedures, and other information that is a "must" for any lawyer to be aware of. Although not inexpensive, your annual membership fee will pay for itself many times over and allow you to sleep at night. AILA also holds many CLEs and seminars. The

Oregon chapter also hosts free brown-bag lunch CLEs on a regular basis, and members actively participate in the annual two-day Northwest Regional Immigration Law Conference held in late winter each year.

- **Get a mentor who is an experienced immigration attorney and who is willing to discuss case issues with you.** Ensure that you do not disclose any client confidences when doing so. In general, experienced AILA members are generous with their time and expertise in helping new immigration practitioners.
- **You need a copy (preferably in book form) of the Immigration & Nationality Act (INA) (which is found at 8 U.S. Code) and the regulations in Title 8 of the Code of Federal Regulations (CFR) at your desk when you are advising clients.** Use any free time in the office, or time between clients, to review the INA. Sections to particularly focus on include: section 101 (definitions); section 212 (grounds of inadmissibility); section 237 (grounds of removal); sections 239 and 240 (removal proceedings); section 240A (cancellation of removal); and section 245 (adjustment of status).
- **Buy a copy of Kurzban's *Immigration Law Sourcebook*.** Now in its fifteenth edition, this is

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the immigration law “Bible” and it is a must if you wish to competently practice immigration law. Kurzban’s *Sourcebook* is the place to start your legal research on any immigration law issue.

- **Figure out which area(s) of immigration law you would like to concentrate on, for example, family-based immigration matters, removal defense, asylum, or business (employment-based) immigration.** Especially when beginning the practice of immigration law, you can’t do and know everything.
- **Before giving any advice to a new or potential client, begin the consultation by telling the client that immigration law is quite complex and that even a small change to one fact may change the situation enough to require different advice.**
- **You can follow this up by assuring the client that everything she tells you (or any attorney in the U.S.) is confidential.** Many immigrant clients come from countries and cultures where this is not the case.
- **Explain to the client that you can only help if you know the true facts.** The truth, even if the case has serious problems and negative factors, also gives you the information you need to decide if you want to represent the client. In other words, do not rush into taking on a battle that you are going to lose. If you do not have or understand all the pertinent facts, then you will not be able to successfully present your case to U.S. Citizenship & Immigration Services (USCIS) or the Immigration Court. You should, of course, assume that the client is being truthful. However, in the words of former Lewis & Clark law professor Ronald Lansing, “do not check your common sense at the door.” Sometimes, it is good to be a bit skeptical at first and continue pressing the client for more information.
- **Along with ensuring that your client meets the statutory eligibility for the particular immigration benefit he is seeking, do not forget that most applications are granted in the exercise of discretion.** Be sure you, the attorney, know all the positive and negative facts of the case so that there is less chance for surprises later on.
- **Once you have all the facts, and you have researched the law and spoken to a mentor (if necessary), develop a plan or strategy to proceed and a theory to get over any legal obstacles before accepting the case.** This also includes assessing the “reliability” of the potential client.
- **After accepting the case, explain to the client how the case will proceed and what you expect will happen and in what time frame.** If there are any legal risks (and in immigration law, this is not uncommon), make sure the client understands these and have a “Plan B,” if possible.
- **Know what documents to review. Often, clients will come to you without any documents or paperwork, yet they have been in the United States for many years.** There are ways to obtain copies of an individual’s alien (“A”) file from the government via a request under the Freedom of Information Act (FOIA). Other ways to get information include an FBI identification record request, an OJIN search, and having the client go back to a prior attorney (if applicable) to get a copy of the client’s file.
- **Do not assume that because you are representing immigrants, they do not have the money to pay your fee.** Often, immigration lawyers are (at some level) a bit of a “soft touch” when it comes to quoting a fee for their services and, in the spirit of “doing good,” end up subsidizing their client’s case. Compensation arrangements that are not economically viable for the attorney can cause the attorney to overcommit his or her time and resources. This can, in turn, mean cutting corners, failing to properly prepare the case, failing to timely communicate with the client, and/or neglecting the matter altogether. These downward spirals can be avoided by carefully evaluating your case load and consciously deciding which pro bono work you are going to accept. ■

Teresa A. Statler practices immigration law in Portland, where her practice emphasizes family-based immigration matters, asylum, and removal/deportation defense. She is a former member of the PLF Board of Directors. She thanks her colleagues Tilman Hasche, Eileen Sterlock, and the late Dick Ginsburg for their help with this article.

PLF Board Positions

The Board of Directors of the Professional Liability Fund is looking for one lawyer member and one public member, each to serve a five-year term on the PLF Board of Directors beginning January 1, 2019.

Directors attend approximately six one- to two-day board meetings per year, plus various committee meetings. Directors are also required to spend time reading board materials and participating in occasional telephone conferences

between meetings. PLF policies prohibit directors and their firms from prosecuting or defending claims against lawyers. The BOD recognizes that the Bar members are diverse in perspective and background, and we encourage individuals from a diverse background to apply.

Interested persons should send a brief resume by July 6, 2018, to:

Carol J. Bernick

carolb@osbplf.org

Professional Liability Fund

PO Box 231600, Tigard, OR 97281-1600 ■

LAW PRACTICE

Tips, Traps, and Resources

HOW TO VIDEOS

The PLF now offers short “how to” videos on practice management topics. Our practice management advisors provide step-by-step instructions on each topic. Here is an overview of recent postings:

- How to Create a Transparent Personal Electronic Signature
- How to Create a Pleading Template in Word
- How to Use Quick Steps in Outlook
- How to Use the Signature Function in Outlook

To view the videos, go to www.osbplf.org > CLE > Past.

FAMILY LAW

Going through a divorce is among life’s most difficult experiences. Terry Donahue and Jim Corbeau have identified the top “Financial Mistakes Divorcees Make,” which was originally published in the OSB Family Law Newsletter in December 2017. The article is posted on the PLF website at www.osbplf.org > Practice Management > Publications > inBrief > May 2018.

PMA BLOG

In case you missed it, here is what the PLF’s Practice Management Advisors have been blogging about on *inPractice* since the start of 2018: setting achievable goals for the new year; is Microsoft Office 365 a good bet for 2018?; business planning for your practice; managing our time, managing ourselves; five tips to better billing; data hoarding; a potential risk for law firms; and lawyers as supervisors. Click here to read any of the blog posts or to subscribe to *inPractice*: <https://www.osbplf.org/inpractice>.

OREGON ESERVICE CLE

Law practice management consultant Beverly Michaelis will present “Oregon eService CLE” on June 6, 2018, from 10:00 to 11:15 a.m. This live, online webinar is open to experts and novices alike. The cost is \$25.00. For more information and to register, go to <https://oregonlawpracticemanagement.com/2018/04/30/oregon-eservice-cle>.

Cyberattack Prevention Series

A cyberattack can be a security incident in which the confidentiality, integrity, and availability of electronic data are threatened. Examples of these incidents include ransomware, attempted hacks, or malware. A cyberattack could also escalate to a data breach in which sensitive, protected, or confidential data is potentially viewed, stolen, or used by an unauthorized source.

A cyberattack can have devastating consequences for a law firm. The impact of an attack can include the financial effects of lost revenue due to shutdown, as well as the costs associated with protecting clients following a data breach. A cyberattack can also affect the firm's reputation and ability to sustain or bring in future business.

The article that follows provides guidance on how to prevent and respond to cyber incidents. For an overview of cyberattacks, see "Anatomy of a Cyber Claim," August 2017 *inBrief*. ■



Cybersecurity Risk Assessment and Analysis

By Rachel Edwards, PLF Practice Management Advisor

Whether you have electronic data, all paper files, or a mix, the threat of data breach is present. Incidents that result in compromised electronic law firm data are often referred to as “threat events.” Threat events include cyberattacks, physical damage due to water or fire, and loss due to stolen or misplaced files. In the context of paper files, incidents may include damage caused by water or fire, or they may be due to stolen or lost paper files. Although this article focuses on electronic threat events, the recommendations discussed apply equally to paper and electronic files.

Conducting a cybersecurity risk assessment and analysis can reduce the risk of data loss or exposure from a cyber incident. The level of risk varies depending on the probability of an incident occurring and the type of damage an incident may cause. For example, if an incident is very likely to occur and would cause a loss of all firm data, the risk may be characterized as “high.” Whereas if the incident is not likely to occur and the impact would be nominal, the risk may be characterized as “low.”

To accurately determine your firm's level of risk of data loss and effective strategies for reducing that

risk, consider first conducting a “risk assessment,” followed by a “risk analysis.”

A risk assessment is the process of identifying “what can go wrong.” It evaluates all of the threats to and vulnerabilities of the firm’s data system, as well as potential impacts and probabilities of threat events occurring. A risk analysis identifies what can be done to reduce the risk.

Risk Assessment

Consider using a third-party vendor to conduct or assist with the risk assessment. Below are some questions to answer during a risk assessment and some examples of each:

- **What data does the firm hold?** Client names and contact information, Social Security numbers, financial information, medical records
- **Where is the data being stored?** Paper and/or electronic:
 - **Paper** - File cabinets, offsite storage unit
 - **Electronic** - Desktop computers, servers, portable devices, zip drives, CDs, cloud storage
- **Who has access to the office?** Attorneys, firm employees, landlord, mail carrier, cleaning service, delivery service
- **Who has access to which types of data?** Attorneys, firm employees, bookkeeper, IT support
- **What should be kept?** Is it necessary for the firm to store the data, and if not, how can it be properly destroyed?
- **What are the potential threats to the data?** Physical damage, theft, computer virus, lost device
- **What is the probability of threat events occurring?**
 - **Office location** (is the office in a flood plain or an area prone to burglaries?)
- **Virus protection software** (does the firm have virus protection software, and if so, is it regularly updated?)
- **Lost devices** (does the firm allow employees to take devices out of the office that contain confidential client information?)
- **What are the vulnerabilities of the firm’s data system?** Weak passwords, lack of employee

training, failure to implement backup systems, poor network management, unsupported software

- **What safeguards are in place?** Office security, virus protection software, office policies and procedures

Risk Analysis

After the risk assessment has been completed, conduct a risk analysis to determine appropriate steps for reducing the risk of data loss or exposure:

- **Identify the risks discovered during the assessment:** For example, outdated virus protection software, unnecessary storage of client data, firm policies allowing for removal of confidential information from the office, lack of employee training regarding cybersecurity risks
- **Identify the level of risk of data loss or exposure for each type of risk:** Low to high
- **Determine appropriate responses to each type of risk: Options for responses may include:**
 - Discontinue the activity related to the risk;
 - Improve building security;
 - Improve network security;
 - Implement a proper data backup system;
 - Improve passwords;
 - Maintain updated hardware and software;
 - Maintain updated virus protection software;
 - Secure portable devices with passwords and encryption;
 - Implement written security policies;
 - Implement employee training regarding cybersecurity;
 - Implement employee confidentiality agreements;
 - Limit access to certain types of sensitive data;
 - Implement departing employee protocol to ensure no continued access;
 - Create an incident response plan.

A firm’s threat environment is constantly changing due to various factors, such as changes in data storage and increasingly sophisticated hacking capabilities. Conducting a risk assessment and analysis on a regular basis will help to reduce law firm risks. ■



CASES *of* NOTE

ELDER ABUSE: ORS 124.100(6) requires that complaints alleging claims for elder abuse or abuse of a vulnerable person must be served on the Oregon Attorney General. The Oregon Court of Appeals has concluded that the failure to provide notice to the AG, as required by statute, deprives the trial court of authority to adjudicate the claim, resulting in a mandatory dismissal of the claim. *Bishop v. Waters*, 280 OR App 537 (2016).

ELDER LAW: In *Bates v. Bankers Life and Casualty Co.*, 362 OR 337 (January 19, 2018), the Oregon Supreme Court answered a certified question from the Ninth Circuit Court of Appeals: Do allegations that an insurance company, in bad faith, delayed the processing of claims and refused to pay benefits owed to vulnerable persons under an insurance contract state a claim under ORS 124.110(1)(b) for wrongful withholding of “money or property?” The Supreme Court’s answer was no.

MINORS / TORT CLAIM NOTICE: In *Buchwalter-Drumm v. Dept. of Human Services*, 288 Or App 64 (September 27, 2017), the Oregon Court of Appeals held that the time for filing a minor’s tort claim notice commences when the minor discovers the cause of action and that genuine issues of material fact preclude a determination on summary judgment that plaintiff discovered the cause of action outside of the 270-day filing period applicable to claims by a minor. The court said that although a mother’s knowledge could be attributed to the child once she became his guardian ad litem, it concluded that her knowledge prior to that time was irrelevant.

POST-CONVICTION RELIEF: In *Maidens v. Nooth*, 288 Or App 37 (September 27, 2017), the Oregon Court of Appeals held that ORS 138.510(3) requires that a petition for post-conviction relief be brought within two years from the date of the final interlocutory judgment, unless the court determines that the contested grounds for relief in a subsequent petition could not have been reasonably raised in the original petition.