

Tips, Traps, and Resources



AVOID MALPRACTICE WITH THE RED BOOK

It's impossible to overstate the importance of knowing the time limitations applicable to your practice area. Every year, missed deadlines are a major cause of malpractice. An analysis of 2022 PLF claims data revealed that 28% percent of malpractice claims last year were related to missed deadlines. Of those errors, nearly one in four was attributable to a statute of limitation.

You can avoid this common malpractice trap with the *Oregon Statutory Time Limitations* handbook and a reliable calendaring system. The “Red Book” is a reference guide—published jointly by the PLF and the Oregon State Bar—to many of the statutes, cases, and procedural rules containing time limitations relevant to the practice of law in Oregon. Updated in 2022, it is available on OSB BarBooks™, <https://osbar.org>, and on the PLF website, <https://osbplf.org>. Oregon lawyers may also request a print copy from the PLF.

The key to meeting statutes of limitation and other important time limitations starts with being exceedingly well “Red.” Use the Red Book as a starting point to calculate and calendar applicable time limitations—and always verify your calculation with the primary source of legal authority.



THE PERILS OF TAX FORMS: VERIFY ADDRESS

The Oregon Department of Revenue (ODR) instructs Oregon lawyers who are applying for an extension of time to file their client's Oregon Estate Transfer Tax Form OR-706 to use federal Form 4768 (<https://irs.gov/pub/irs-pdf/f4768.pdf>). ODR's instructions (available at https://oregon.gov/dor/forms/FormsPubs/form-or-706-inst_104-001-1_2021.pdf) specifically state in part: “Mail your completed form to the correspondence address at the end of these instructions.”

The “correspondence address” at the end of ODR'S instructions is the *Oregon Department of Revenue*. Federal Form 4768, however, contains an instruction at the bottom to mail it to the *Internal Revenue Service*. This confusion over instructions leads some attorneys or their staff to inadvertently send the extension request to the wrong organization.

This can be a malpractice trap: The IRS will not forward Federal Form 4768 and any accompanying check to ODR and may not even notify the sender of receipt. As a result, the client may not know right away that their request for an extension was not sent to ODR, and they may be assessed penalties and interest for the late filing of their tax return.

If you rely on staff—or instruct clients—to mail Form 4768, make sure to include precise instructions to mail it to ODR and not the IRS, and consider including an envelope with the correct address. It's also a good idea to put an electronic sticky note on the federal form as a reminder to those in your firm who will use or mail the form.

Tips, Traps, and Resources Continued



OSB 2022 ECONOMIC SURVEY

Every five years, the Oregon State Bar conducts an economic survey intended to reflect the current fiscal state of the legal industry: It reports on Oregon lawyers' employment, compensation, and billing practices, among other things, and compares attorney responses based on location, experience, and gender. This resource is an immensely useful market analysis for practitioners in Oregon—use it to set reasonable fees and determine competitive compensation.

One major update to this edition is an assessment of COVID-19's impact on the legal community. Lawyers in Portland, the Tri-County area, and the Upper Willamette Valley are now working less in the office compared with before the pandemic. Interestingly, attorneys who identified as female significantly decreased their time in the office everywhere except the coast and southern areas.

Another update to the 2022 edition addresses wellness policies. Overall, 69.6% of Oregon attorneys indicated that they are encouraged to take breaks and time off, and only 13.5% said well-being policies were missing in their firm.

Find the 2022 survey on the OSB website, <https://osbar.org>. Under the tab “For Lawyers,” click on Surveys and Research Reports > Economic Surveys > 2022 Economic Survey. ■