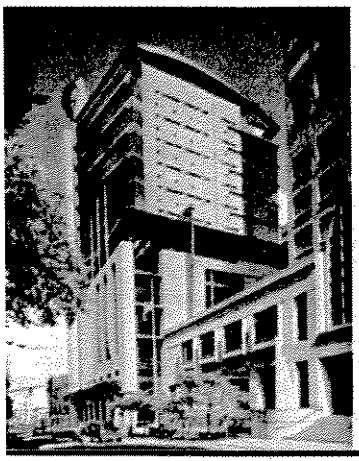

A Quarterly Newsletter of the Oregon Chapter of the Federal Bar Association

FOR THE DISTRICT OF OREGON

Volume XI, No. 3 *Fall 2006*

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RECENT SUPREME COURT & NINTH CIRCUIT CASES RELATING TO REMOVAL

By James L. Hiller, Hitt Hiller Mon is Williams LLP
Chair, United States District Court for the District of Oregon Local Rules Advisory Committee

Often plaintiff's counsel wants to litigate in state court and defense counsel wants to litigate in federal court. As such, if a case is filed in state court, defendants and their lawyers are often on the lookout for a way to remove the case to federal court, usually on diversity of citizenship grounds or on federal question grounds. *See* 28 U.S.C. § 1441, *et seq*. In the past 12 months, there have been four significant decisions on removal—two from the United States Supreme Court, and two from the Ninth Circuit. This article will review these four cases.

***Lincoln Property Co. v. Roche*, ___U.S. ___, 126 S. Ct. 606, 163 L. Ed. 2d 415 (Nov. 29, 2005). The holding in this case is that a removing defendant need not negate the existence of a potential defendant whose presence in the action would destroy diversity.**

In *Lincoln Property*, plaintiffs filed a toxic tort case in Virginia state court, arising from alleged toxic mold in their rented apartment in Virginia. Plaintiffs named Lincoln Property Company, a Texas corporation, as one of the defendants, asserting it was the property management company that improperly managed the apartment.

Defendants removed the case on the basis of diversity. Plaintiffs filed a motion to remand the case back to state court, asserting that a Virginia corporation that was a subsidiary of Lincoln actually managed the property and was a necessary party to the litigation. The trial court denied this motion, but the Fourth Circuit reversed, holding that removal was improper on the ground that Lincoln failed to show the nonexistence of an affiliated Virginia entity that was the real party in interest.

A unanimous Supreme Court (per J. Ginsburg) reversed the Fourth Circuit and affirmed the trial court, holding it was not necessary for Lincoln to negate the existence of a potential defendant whose presence in the action would destroy diversity. In short, the Court ruled, "It was not incumbent upon Lincoln to propose as additional defendants persons the Roches, as masters of their complaint, permissively might have joined." 126 S. Ct. at 616.

This result is not surprising, but there was a split in the circuits on this issue, with the Ninth Circuit on the "correct" side.

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FROM THE BOARD

By Helle Rode, President of
Federal Bar Association Oregon Chapter,
Oregon Department of Justice

At a recent meeting of Federal Bar Association chapter presidents, a few of us came up with a shorthand way of expressing how we benefit personally and professionally from membership in the FBA: FBA members have access to the federal judiciary, to colleagues, and to up-to-date information that assists us in our practices. Based on the recent recognition awards we received at the FBA annual convention in August, I believe the Oregon Chapter serves its members as well as any in the nation. So that we can continue to serve you, please contact me or any board member if you have comments, ideas, or suggestions, or if you want to participate in any of our programs or events.

I encourage trial practitioners to take advantage of the upcoming Courtroom 21 CLE on trial practice and courtroom technology offered in both Portland and Eugene in early November. This two-day seminar will focus on using trial techniques and courtroom technology to effectively present your case in court. It will be taught by William & Mary Law Professor Fred Lederer, a renowned expert in these areas. The CLE will take place in Eugene on Monday and Tuesday, November 6-7, 2006 and will be repeated at the Portland courthouse on November 8-9, 2006. Please review the Courtroom 21 CLE announcement in this newsletter for more details.

I also look forward to seeing you at our luncheons on October 19 and November 16. Judge Janice Stewart and practitioner Katherine Heekin will speak in October on electronic discovery, including the new rules that go into effect on December 1, 2006. In November, Sheryl McConnell, our new Clerk of Court, will speak on her service in Iraq. Ms. McConnell is a very engaging speaker; her program has been described as "moving and compelling."

BOOK REVIEW: GUS J. SOLOMON—LIBERAL POLITICS, JEWS, AND THE FEDERAL COURTS

By Norman J. Weiner, Member of Oregon State Bar, 1947-2005,
and frequent litigator before the federal bench

For any lawyer in the 1950s who was told to appear before U.S. District Judge Gus J. Solomon on Monday "morning call" to inform the judge of the status of his or her case, it was an occasion the attorney would dread and not soon forget. This book is the story of the life and times of Judge Solomon.

The 227-page book, authored by Harry H. Stein, also is excellent reading for many who are not lawyers but have an interest in the liberal movements in our state and in our country during the Solomon era. The book chronicles the fight against anti-Semitism, the growth of big government after President Franklin Roosevelt's New Deal, and the gradual reduction of the anti-Semitism movement in government and particularly in private clubs and law firms.

Mr. Stein produced this book after many years of research and study and with many helping hands. As a historian and writer in Portland, he interviewed many Portland and Oregon lawyers. He received acknowledgments from federal Judge Owen Panner. He interviewed more than 40 individuals, reviewed many government records, and ended up with 12 chapters of interesting reading, all properly footnoted.

Solomon's Early Life

Judge Solomon was born of Jewish parents who immigrated to the United States from Eastern Europe and settled in a Jewish ethnic area in Portland. His parents raised him to retain his culture and Judaism, which edged his personality and his future. He was educated at Reed College and Columbia and Stanford law schools.

As a young lawyer, he worked with attorneys Leo Levenson and Irvin Goodman, who were dedicated to the liberal viewpoints on labor unions, civil liberties, and government control of public power. In his early days as a lawyer, he had many connections with Communist-related groups. His professional career as a lawyer was relatively insignificant, but it did prepare him for 37 years as a federal judge.

Solomon's Appointment to the Bench

In Judge Solomon's bid for appointment as a federal judge, a series of events set off a political brawl. At the time, the two judges on the Oregon federal bench, Claude McCulloch and James Alger Fee, were clearly Republicans and conservatives, and the state itself was Republican and conservative. The Oregon State Bar was conservative, and so was the American Bar

Association. Because of Judge Solomon's connection with attorneys involved in the Communist movement, there were numerous objections to his appointment—one, of course, being that he was a Jew. Yet somehow he got the appointment. The author explains it simply: the Democrats wanted to change Oregon politics. Emissaries met with then President, Harry Truman. His first question was "Is he a Communist?" With the answer, "No," President Truman replied, "Oh, that's enough .... That's all I want to know. Now let's talk politics." So the Democrats, in control in the Senate, prevailed, and in 1950 Judge Solomon was appointed to the federal bench.

Solomon's Judicial Career

The author's review of Judge Solomon's 37 years on the Oregon federal bench justifies his description of Judge Solomon's years of service as "unique." Judge Solomon's principal accomplishments were described as cutting down trial time and speeding up the court calendar. As a judge, he influenced the course of the law, and in his own federal court Judge Solomon created structures and processes that affected the entire bar of the state. As mentioned earlier, a distasteful part of those years was his use of the motion calendar, which continued until Judge Otto Skopil saw to its end. Judge Solomon on the bench was noted for his angry and apparently unprovoked outbursts at lawyers appearing before him. There is no doubt that the author considered Judge Solomon to be an outstanding judge but much too autocratic for the dignified courtroom over which he presided. During his career on the bench, Judge Solomon took full swing at private clubs that denied access to Jews and to law firms that had no Jewish lawyers.

Off and on the bench, Judge Solomon honored liberal traditions and Jewish social justice values, and vigorously combated anti-Semitism, racism, and many other national and international ailments. As indicated previously, Judge Solomon was a terror on the bench while at the same time twisting arms for his favorite agendas. "Judge Solomon's central role in establishing local rules in 1958, his leadership in their revision, and his legendary implementation of them and the system-wide rules became hallmarks of his career." Judge Solomon's career was long and he remained active, even while plagued with physical problems, until he died in 1987 at age 80.

Solomon's Legacy

The 37 years of Judge Solomon's service as a federal judge and his activism, which left him as a hero of the early days of the liberal movement in our state, distinguished him as the foremost supporter against the evils of anti-Semitism and in fact against discrimination of any kind. Although not beloved by all, he certainly gained the respect and, in some instances, fear of litigants and criminal defendants and their lawyers who appeared before him.

Some quotes from the author are revealing as to the personality, ability, prejudices, and likes and dislikes of Judge Solomon:

- "Anti-Semitism sharply cut Solomon, edging his personality and his plans."
- "Solomon wanted to make a difference, not just a career, and early on believed that he might best do so as a liberal leader."
- "For Solomon, connections, patronage, and personalities—not just law—influenced important matters."
- "Chief Judge Solomon delighted in his responsibilities, colleagues, and authority."
- "Solomon's legal philosophy was rooted in his earlier legal realism, a strong sense of individual responsibility, and a keen regard for active government."
- "If Solomon had a major failing, his judicial temperament was it."
- "The country's noisy debate over freedom, morality, and citizenship sometimes took directions Solomon opposed."
- "Solomon's beliefs about liberal democracy, Judaism's moral imperatives, and fundamental Jewish interests made him an apostle of equal opportunity."

Conclusion

This book, artfully crafted by Mr. Stein, should be of interest not only to the Bar of Oregon during the Solomon 37-year era but also to students of the liberal movements of that period and who and what were significant in the advances made against anti-Semitism in the legal field and in society itself. Also, it should be of interest to all Jews who hanker to know more about one of their heroes.

RECENT SUPREME COURT AND NINTH CIRCUIT CASES RELATING TO REMOVAL

Continued from page 1

See Simpson v. Providence Wash. Ins. Group, 608 F.2d 1171 (9th Cir. 1979), authored by Justice Kennedy when he sat on the Ninth Circuit.

The advice to counsel for plaintiff is clear. If you want to be in state court and avoid removal, and there is an actual proper defendant that can be joined that would defeat diversity, include that defendant in the original state court complaint.

Also, in *Lincoln Property*, the Court anticipated the issue the Ninth Circuit later addressed in the *Lively* case summarized below: whether the presence of a diverse, but in-state, defendant in a removed action is a "procedural" or "jurisdictional" defect. 126 S. Ct. at 613 n.6.

Martin v. Franklin Capital Corp., ___U.S.___, 126 S. Ct. 704, 163 L. Ed. 2d 547 (Dec. 7, 2005). In this case, a unanimous Court, in one of Chief Justice Roberts' first opinions, clarified when attorney fees are warranted if the trial court grants a motion to remand a removed case. The Court adopted this standard: "[A]bsent unusual circumstances, attorney's fees should not be awarded when the removing party has an objectively reasonable basis for removal." 126 S. Ct. at 708.

In doing so, the Court expressly disapproved of the standard that had been adopted by the Ninth Circuit, in which the trial court could award fees on the basis that the defendant's position was "wrong as a matter of law," even if "the defendants' position may be fairly supportable." (The Court cited with disapproval *Hofler v. Aetna U.S. Healthcare of Cal., Inc.*, 296 F.3d 764, 770 (9th Cir. 2002).) 126 S. Ct. at 708.

The Court decided that the removal statutes call for a "neutral" test on fees, rejected the position put forth by plaintiff that fees should be automatic, and also rejected the Solicitor General's proposed standard that fees be awarded only if the defendants' position was "frivolous, unreasonable, or without foundation" (the standard used by a trial court in awarding fees against unsuccessful plaintiffs in civil rights cases).

In *Martin*, the Court affirmed the denial of attorney fees to plaintiff, noting that defendants had removed a class action case in which the amount in controversy was not stated in the complaint and the right to remove was unclear. Fees were not warranted under this new standard, the Court explained, because plaintiff did not dispute the reasonableness of defendants' removal arguments.

Obviously, *Martin* makes it harder to get fees on a successful motion to remand. Or, to use Chief Justice Roberts' language, this standard is "more evenly balanced between a pro-award and anti-award position." 126 S. Ct. at 710.

Harris v. Bankers Life Casualty Co., 425 F.3d 689 (9th Cir. Oct. 6, 2005). This case answers the question as to how much the defendant needs to know, and the source of the knowledge, before the 30-day clock for removal begins. For instance, suppose a complaint filed in Oregon Circuit Court indicates that plaintiff is a "resident" of Oregon, but is silent as to the plaintiff's "domicile" or "citizenship." *See Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001) (explaining this distinction). If a non-Oregon defendant wanted to remove on the basis of diversity, the common wisdom before this *Harris* case was that, to be on the safe side, the defendant had better remove within 30 days of service. The thinking was that if the defendant waited to remove until the defendant was sure of the plaintiff's domicile, the trial judge, in ruling on a motion to remand for an untimely removal, might very well conclude that the defendant actually knew or could assume that the plaintiff was also domiciled and a citizen of Oregon, and should have removed the case within 30 days of service.

Harris tells us the defendant need not remove under the above facts until the plaintiff's domicile and citizenship are made known through an actual pleading, such as a complaint or interrogatory answer, or by documents provided in discovery. As the court stated, "Thus, the first thirty-day period for removal in 28 U.S.C. § 1444(b) only applies if the case stated by the initial pleading is *removable on its face*." 425 F.3d at 694 (emphasis added). What this means is that most complaints filed in Oregon Circuit Court do *not* start the time for removal, as most do not allege the plaintiff's domicile or citizenship.

The court indicated that it wanted to make a "bright line" test. But did it? Take this "removable on its face" test as applied to the $75,000 amount in controversy requirement for diversity. This test has led to inconsistent rulings in Illinois, where complaints filed in state court typically recite that the plaintiff seeks "damages in excess of $50,000," the jurisdictional amount of the state court. Does that put the defendant on notice that the amount in controversy exceeds $75,000? *Compare Gallo v. Homelite Consumer Prod.*, 371 F. Supp. 2d 943 (N.D. Ill. 2005) (complaint without exact damage amount alleged, but alleging that damages exceed $50,000 and that plaintiff suffered burns over 60 percent of his body, is removable based on facts alleged in complaint), *with Turner v. Goodyear Tire & Rubber Co.*, 252 F. Supp. 2d 677 (N.D. Ill. 2003) (removal not required when complaint for injuries resulting from tire striking plaintiff in head did not have exact damage amount, but did allege damages in excess of $50,000; case removable only when plaintiff confirmed that

amount sought exceeded $75,000).

The advice to plaintiff's counsel who is concerned about removal would be to expressly plead the domicile/citizenship of the parties and that the amount in controversy exceeds $75,000. At least this way, the removal period should be fixed at the time of service. Of course, a defendant need not wait until receiving an actual pleading or document setting forth the citizenship of the parties before removing. If the defendant knows there is complete diversity, the case can be removed right away, with the citizenship of the parties and the amount in controversy set out in the notice of removal.

Lively v. Wild Oats Markets, Inc., 456 F.3d 933 (9th Cir. July 27, 2006). This case addresses the issue raised in footnote 6 of the *Lincoln Property* case, and holds that removing a case with a diverse, but in-state, defendant is a "procedural" and not a "jurisdictional" error, which requires a motion to remand within 30 days of removal.

A little background and an example may be helpful. Under the diversity of citizenship jurisdictional statutes, a Washington citizen can bring suit in excess of $75,000 against an Oregon citizen in the United States District Court for the District of Oregon. This is because complete diversity exists. However, under 28 U.S.C. § 1441(b), if the case was filed in Oregon Circuit Court, the Oregon defendant could *not* remove the case. The theory behind this is that the Oregon defendant does not need to be concerned with prejudice (like an out-of-state defendant might be) in an Oregon state court.

Using the above example, what this means is that even though there is diversity and the federal district court has jurisdiction to hear a case filed there, the case is not properly removable if it is filed in state court. Given that the court does have jurisdiction, if the case in the example above is removed from state court, is the defect in removal considered "jurisdictional"? The *Lively* court held that the defect is not jurisdictional. This is important, because under 28 U.S.C. § 1447(c), any motion to remand based on a "procedural" defect in removal (for instance, removing on the 31st day after service) must be made within 30 days of removal.

Lively was a slip-and-fall injury case filed in California state court. Defendant removed, asserting that plaintiff was a New York citizen and that Wild Oats was a Delaware corporation with its principal place of business in Colorado. After discovery ensued, it became clear that Wild Oats actually had its principal place of business in California, and the case had not been removable. Eleven months after removal, the trial judge, sua sponte, remanded the case to state court, indicating that the defect in the removal papers as to Wild Oats' principal place of business was a "jurisdictional" defect that could be raised at any time.

The Ninth Circuit reversed. After determining that it could hear the case (normally remand orders are not appealable), the court noted that nearly all the other circuits have held such a defect procedural, and the *Lively* court agreed. The court thereby characterized the defect as "a waivable non-jurisdictional defect subject to the 30-day time limit imposed by § 1447(c)." 456 F.3d at 942.

It should be made clear that if there is not complete diversity (e.g. an Oregon plaintiff suing five defendants, one of which is an Oregon corporation), the defect is jurisdictional and remand can be made at any time.

But how does a *Lively* situation arise in the first place? One wonders how the removal papers were ever filed in *Lively*, as presumably Wild Oats, if not its counsel, knew that its principal place of business was in California. In that regard, if the defendant or defense counsel does know of the removal defect (*e.g.*, defendant knows 31 days have elapsed since service, or that the defendant is a citizen of the state in which the federal court sits), it would seem that if a motion to remand is filed within 30 days, fees to the plaintiff would be appropriate under *Martin*, as might other sanctions.

The application of *Lively* will probably come up when there is a good-faith dispute as to the removal facts. For instance, there can be a dispute as to a corporation's principal place of business, or there can be a dispute as to just when proper service was accomplished or completed. If that is the situation, a defendant can probably file a notice of removal in good faith and plaintiff's counsel will have to file his or her motion to remand within 30 days. Even if the remand motion is allowed, so long as the defendant's position was "fairly supportable" under *Martin*, an award of attorney fees would normally not be appropriate.

ANNOUNCEMENTS

New Clerk of Court–Sheryl McConnell

The District of Oregon welcomed Sheryl McConnell as the new Clerk of Court on August 1, 2006. Ms. McConnell began working as the Chief Deputy Clerk in March 2006 and was appointed as Clerk of the Court after Don Cinnamond retired to take a position working on judiciary development in Serbia. Before joining the Court's staff, Ms. McConnell practiced law for 11 years in Eugene at Hershner Hunter, LLP in estate planning and tax. She went to Oregon State University and served in the Marine Corps as a logistics officer for about 10 years before attending UCLA law school. She continues to serve as a Colonel in the Marine Corps Reserves. She recently moved from Eugene to Sheridan.

As the Clerk of the Court, Ms. McConnell is the person to contact if you have any issues with the court's operations, court personnel, or rulemaking. As always, routine questions about court rules or filing should be directed to the civil or criminal offices, as appropriate. But you may want to contact Ms. McConnell if you find an inefficiency in the court's process that could be corrected or improved on, have suggestions or complaints about the court's operations, or feel a court rule needs to be created or changed. In addition, Ms. McConnell is also the right person to talk to if you have complaints, concerns, or kudos about court personnel. She can be reached at sheryl_mcconnell@ord.uscourts.gov.

Courtroom 21 CLE

To coincide with the opening of the new Eugene Federal Courthouse, the Attorney Admissions Fund and the FBA are sponsoring a two-day practical skills CLE workshop entitled "Technology Augmented Trial Advocacy Certification Course." The course will take place at the new courthouse in Eugene on Monday and Tuesday, November 6-7, 2006 and will be repeated at the Portland courthouse on November 8-9, 2006. This course is taught by Professor Fred Lederer from William & Mary Law School and focuses on effective trial techniques using courtroom technology. Professor Lederer and his team represent a unique opportunity to learn practical trial skills from those specializing in both law and technology. Students will first observe demonstrations and then will have the opportunity to use the equipment for exercises in direct examination, cross-examination, opening statements and closing statements. Space is limited to 36 students (per location). The program is being largely underwritten by the Attorney Admissions Fund, so the cost is only $300 for non-FBA members and $75 for FBA members and government and legal aid lawyers. A CLE practical skills credit of 15 hours will be pending. Partial and full scholarships will be made available on a case-by-case basis. For class applications and scholarship information, please contact: kelly.zusman@usdoj.gov

Oregon Chapter Receives Presidential Achievement Award from Federal Bar Association

The Oregon Chapter received a Presidential Achievement Award from the Federal Bar Association for chapter administration, membership outreach, and programming at this year's Federal Bar Association convention in Las Vegas. Present to receive the award on behalf of the Oregon Chapter were chapter officers Helle Rode and Seth Row, pictured below with FBA President Robin J. Spalter.

Amendments to the Federal Rules Effective December 1, 2006

On April 12, 2006 the proposed amendments to the Federal Rules of Civil Procedure related to e-discovery were approved without comment by the United States Supreme Court.

The Supreme Court approved the following new rules and amendments to the Federal Rules of Appellate, Bankruptcy, Civil (including the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions), and Criminal Procedure, and the Federal Rules of Evidence:

- **Appellate Rule 25 and new Appellate Rule 32.1;***
- **Bankruptcy Rules 1009, 5005, and 7004;**
- **Civil Rules 5, 9, 14, 16, 24, 26, 33, 34, 37, 45, 50, and 65.1; new Civil Rule 5.1; Civil Form 35; and Supplemental Rules A, C, and E, and new Supplemental Rule G;**
- **Criminal Rules 5, 6, 32.1, 40, 41, and 58; and**
- **Evidence Rules 404, 408, 606, and 609.**
- **Approved new Appellate Rule 32.1 only applies to decisions issued on or after January 1, 2007.**

The new rules and amendments have been transmitted to Congress and will take effect on December 1, 2006, unless Congress enacts legislation to reject, modify, or defer the amendments.

Upcoming Events

October 19: Federal Bar Association Monthly Luncheon in Jury Assembly Room, Mark O. Hatfield Courthouse, with Judge Janice Stewart and Katherine Heekin.

November 6-9: Courtroom 21 CLE Presentations in Eugene (Nov. 6-7) and Portland (Nov. 8-9).

November 16: Federal Bar Association Monthly Luncheon in Jury Assembly Room, Mark O. Hatfield Courthouse, with District Court Clerk Sheryl McConnell.

December 15: Deadline for submissions to Winter 2006 issue of For the District of Oregon.

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Missing Electronic Notices?

We have been sending the electronic notices via our listserv. While we have made every effort to obtain our members' e-mail addresses, we need your help to keep our list accurate and current. For those members without e-mail, we are providing the electronic notices by fax. If you have an e-mail address or fax number and have *not* been receiving electronic notices, or if your e-mail address changes, please contact our listmaster: Seth Row, Holland & Knight, 503-517-2931, seth.row@hklaw.com

Call for Submissions/Publication Schedule

For the District of Oregon **welcomes submissions from everyone as well as our regular contributors. The deadlines are: December 1 (Winter edition), March 16 (Spring edition) and June 15 (Summer edition). We ask only that you advise us in advance if you are preparing a submission. Please direct inquiries to Timothy Snider, 503-294-9557, twsnider@stoel.com.**

New FBA Members Welcome

Membership Eligibility. **FBA membership is open to any person admitted to the practice of law before a federal court or a court of record in any of the several states, commonwealths, territories, or possessions of the United States or in the District of Columbia, provided you are or have been an officer or employee of the United States or the District of Columbia, or you have a substantial interest or participate in the area of federal law. Foreign Associate Status is open to any person admitted to practice law before a court or administrative tribunal of a country other than the United States. Law Student Associate Status is open to any law student enrolled at an accredited law school. If you wish to join, please visit www.fedbar.org and click on the "Join Now" link.**

Monthly FBA Luncheon— New Location and Food Options!

Please join the FBA Oregon Chapter for our monthly lunch on the third Thursday of each month, at noon in a NEW LOCATION: the Jury Assembly Room in the Mark O. Hatfield U.S. Courthouse, 1000 SW Third Avenue, in Portland. The luncheon cost is $15 for members and $20 for nonmembers. You may bring your check, payable to the FBA, to the luncheon. The lunch will be catered by Fete Catering. On the menu: sliced grilled mesquite chicken breast with confetti rice salad and roasted vegetables; a vegetarian dish will also be available. Please RSVP to Jamie Barenchi at 503-595-4132 or jamie@vangelisti.com.

FBA members are also welcome to bring their own lunch and attend free of charge so long as they RSVP to Jamie Barenchi. It is VERY IMPORTANT that you RSVP for the luncheon by NOON on the Tuesday before the luncheon so that we can ensure enough tables and lunches for those who purchase a lunch.

Our next luncheon is October 19, 2006. Judge Janice Stewart and practitioner Katherine Heekin will speak on electronic discovery, including the new rules that go into effect on December 1, 2006.

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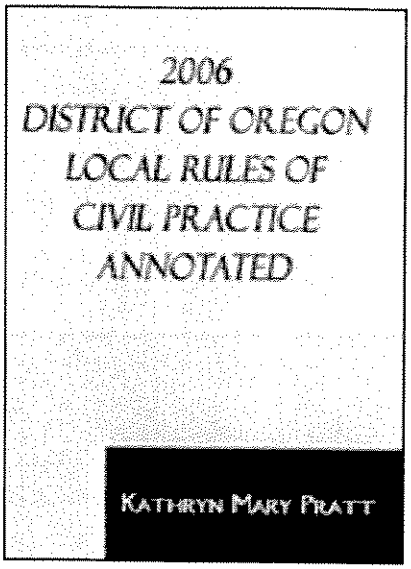

DISTRICT OF OREGON LOCAL RULES OF CIVIL PRACTICE ANNOTATED

$34.95

This New Book Is An Invaluable Resource For Any Attorney Who Practices In the United States District Court For the District of Oregon

- 292 PAGES OF RULES, PRACTICE TIPS, EXAMPLES, ANNOTATIONS AND FORMS WITH COMPREHENSIVE INDEX IN A DESK SIZE PAPERBACK FORMAT
- A COMPLETE COPY OF THE LOCAL RULES OF CIVIL PRACTICE EFFECTIVE JUNE 1, 2006
- ANNOTATIONS OF PUBLISHED CASE LAW CITING EACH RULE IN AN EASY TO READ FORMAT - ANNOTATIONS ARE CURRENT THROUGH AUGUST 2006
- ORGANIZED BY LOCAL RULE AND SECTION, WHERE APPLICABLE
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About the Author—Kary Pratt has been a member of the United States District Court's Local Rules Advisory Committee for eight years. She has given numerous lectures on the Local Rules and has also served on the Board of the Oregon Chapter of the Federal Bar Association and on the Oregon State Bar's Federal Practice and Procedure Committee. Her contributions to the Federal Bar and Federal Judiciary in Oregon were recognized by the Federal Bar Association in 2001 when she was awarded the Oregon Chapter's Federal Practice Award.

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