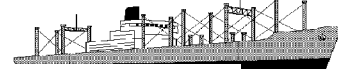




Rollin' On



A Facsimile Newsletter for the Transportation Industry

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FAA, SNOOPS, ALLIGATORS

At a recent dinner meeting, an FAA employee acknowledged that there were few standards available to the average shipper when trying to determine the amount of a penalty for a haz mat violation. The range is from \$250 to \$27,500. He mentioned that although some additional guidelines were being developed, he would still determine the amount of the fine based upon his own experience. Now although this particular individual seemed very pleasant, most people want to see in black and white what a particular transgression has cost them, or at least a much narrower range for each violation. "I'm from the government and I know what's best" doesn't always cut it.

Independent Investigations: The Undoing by Inaction

The independent counsel law will be sunsetted if not renewed early this summer, which means that Congress will be accomplishing something without doing anything, a product we'd all like to package and sell. And who is one of the main proponents of the sunset? Ken Starr, the guy who got the ball rolling. Although he is still investigating, getting paid and the whole 9 yards, *he claims that the law is unconstitutional*. But he professes to have proceeded on principle so far; I'm glad it wasn't for money and prestige and clout and politics and front page, as inviting and big and deceitful as his target was.

The Obligatory Disclaimer

This newsletter is for informational purposes, does not provide legal advice and does not create an attorney-client relationship.



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Alligator Shoes Time

As is well known, it is important to keep your constituents informed of some of your experience. This is true for any of line of business, including mine. It is especially important when you're a solo act, since you don't have that big firm exposure, as many people find comfort in numbers. Also, you need to plug yourself, since no one else is going to do it for you, assuming that you don't have your own personal marketing huckster. So since I have not done this for awhile, I thought I'd mention some particulars pertaining to me. My tax law professor (required course) would refer to sales as the time to put on your alligator shoes, so here goes.

Moderator and Speaker, Western Traffic Conference, Scottsdale, AZ, Annual Meeting 1994, on various transportation issues.

Speaker, Transportation Claims and Prevention Council, New Orleans, LA, Annual Conf. 1995, transportation contracts & bills of lading.

Speaker, National Freight Claims and Security Council, American Trucking Associations, Seattle, Regional Meeting 1995, on Alaska claims issues.

Speaker, Western Traffic Conference, San Diego, Annual Meeting 1995, on intermodal matters.

Speaker, Transportation Claims and Prevention Council, Annual Conference 1996, Atlanta, GA on transportation contracts and bills of lading.

Speaker, Pacific NW Association of Rail Shippers, Beaverton, Winter Conference 1997 on rail matters.

OK, we got through that. We now return to normal programming.

TAP Golf Tournament, June 18 Meriwether National Golf Club

It's that time again for the annual Transportation Association of Portland Spring Golf Tournament, which is a fundraising event for deserving college students interested in the transportation industry. I was put in charge of last year's event and have been honored to do the same again this year (they must really like me to

Attorney Fantasy No. 37:

Attorney Tipping

Client: Let's see, 15 % of my attorney bill of ____ is ____.

let me do it again). Anyway, for 85 bucks you get a lunch, cart (not to keep), 18 holes of golf, access to the all-important 19th hole, a scrumptious dinner and the Blazer Dancers (we haven't asked them yet but I can't imagine they'd pass up the opportunity). The raffle and door prizes are great; the expense paid trip for two to Hawaii is always popular.

Side Bar: Sorry, no drinks

Recently overheard, lawyer to judge: Your honor, this witness is a fisherman and a golfer. Can we really rely on his testimony?

This is a chance for those of you in other transportation modes to rub elbows with your brethren from the rail and motor shippers and carriers side of life. So mark your calendar out for an all day meeting, contact your guest(s) or come alone, and come out to Hillsboro and support the cause.

That's all for now. To shippers, carriers, agents and other third parties, keep the cargo rollin'!!

Short Bio

Admitted to the state bars of Oregon, Alaska, Florida and Massachusetts. Practicing law for over 20 years and emphasizing transportation law, business law and related litigation.