



Rollin' On



An Electronic and Facsimile Newsletter for the Transportation Industry

Volume VIII, Issue 2

Copyright © 2002

February 2002

BANKRUPTCY, FORUMS, SEMINARS AND PIPE

Radioactive Bankruptcy, Drop Boxes and Crossing Counties

While Enron, Global Crossing and Kmart are hogging the bankruptcy headlines these days, there has been little attention given to the bankruptcy filing by Trism, Inc., one of the nation's largest hazardous materials and munitions haulers. Part of the reason could be that it is the second time in three years that Trism has filed Chapter 11. This time around, apparently bent on going in a new direction, a private party has bought the company and plans on taking it private.

Meanwhile, let's all hope that its operations are safe. Trism is also a large hauler of radioactive waste. With a generous mix of hazardous materials, munitions and radioactive waste, it could cause considerable excitement. Yet keep in mind that it's easier to get authority to haul these materials across the country than it is to obtain authority to transport a drop box of construction debris across an Oregon county (excluding most of Multnomah County).

Atlanta or Bust

I have the distinct privilege of traveling to Atlanta next month for depositions in an arbitration case, scheduled for hearing in Atlanta in April, meaning I get to make yet another trip. It's an example of where "jurisdiction" and the proper "forum" is located. The contract, signed years ago by the parties, specified Atlanta as the place where all disputes would be settled. Frequently, when contracts are signed, the furthest thing from anyone's mind is where any such disputes are to be resolved. After all,

The Obligatory Disclaimer

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

LARRY R. DAVIDSON
Attorney at Law
1850 Benj. Franklin Plaza
One SW Columbia St.
Portland, Oregon 97258
(503) 229-0199
Fax (503) 229-1856
E-Mail: larry@rollin-on.com
www.rollin-on.com

you're signing a contract with the expectation of business, not getting involved in a legal dispute. If you're from the Northwest, it's not the place you want to have disputes resolved, especially since it will be on the other party's home turf. Further, your bargaining position suffers, since you have hurdles that you wouldn't have without the travel. Still, there's an attorneys fees provision, so you hope that will keep honest people honest.

Upcoming Seminars

Portland State University is putting on two seminars on April 18-19. The instructor is Bob Gleason, who many of you already know is a longtime transportation guru from Seattle. The first day's topic is the relationship of transportation and purchasing. The second day's topic is an introduction to freight loss and damage claims. Bob is a fountain of information. The knowledge learned from these seminars can be immediately applied to the workplace, and are well worth it (I am not affiliated with PSU or Bob). For further information, call 503-725-4820, or email batesf@pdx.edu.

Judging the Judges

The Olympics has taught parents at least one thing: Buy your kids some skis, or get them involved in a sport where there are no judges. The good thing is that finally this problem is out in the open.

A few years ago, the United States Supreme Court accepted 37 cases for review from the 9th Circuit Court of Appeals in San Francisco, where the appeals are heard from the western states. The Supremes reversed 36 of

those cases. True, there were hundreds if not thousands of cases decided by the 9th Circuit that year, and the Supremes frequently agree to hear cases that they are initially inclined to reverse, but still, it does not bode well.

Driving Miss Pipe

At the age of four, my father had me driving tractor, mainly for the irrigation crew. Two guys would walk along the pipe trailer that the tractor was pulling, so there was some form of supervision, at least in theory. I remember sitting in the pickup right before daybreak at 3:45 am (before that new fangled notion called daylight time was invented by city people; my mother still complained about daylight time 35 years later), warming up the old tube radio and listening to songs. I'm sitting there freezing, thinking what a crappy job that would be, to have to wake up in the middle of the night to sing a song. The guys then educated me about records.

Later on, through grade school and high school days, I remember working Sunday mornings (the irrigation was on an eight hour rotation, 5:00 am, 1:00 pm and 9:00 pm PDT) when we would watch for the tamale man to make his rounds. We'd scoot over on a tractor or in the pickup and get some. They were the real deal. It was summer, the cook was from south of the border, and the tamales were piping hot, freshly made and rolled up in real corn husks. You made sure you were near water before you started eating those things. They weren't very forgiving.

Switch to Email

Just send me an email with your fax number and I'll switch you over. Try it, you'll like it.

That's all for now. Until later, keep the cargo **rollin'!**

Short Bio

Admitted to the state bars of Oregon, Alaska, Florida and Massachusetts. Practicing law for over 25 years and emphasizing transportation law, business law and related litigation.