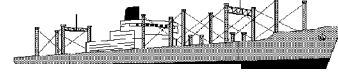




# Rollin' On



A Facsimile Newsletter for the Transportation Industry

Volume IV, Issue 10

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October 1998

## Banks and Subpoenas: You mean those laws apply to us?

I am involved in a case where the other side secreted (allegedly of course, today's operative word) more than \$100,000. I was able to dig up some account info, so all I had to do was subpoena the bank records. Straightforward, or so it seemed.

Not so fast, but for a different reason than imagined. Two of the financial institutions, Far West Federal Bank and Benj. Franklin Savings & Loan Association, had ceased to exist. Those accounts were eventually located and obtained through their successor entities (Key Bank as to most branches and Bank of America, respectively). However, U.S. Bank stonewalled me even though there have been no ownership changes and I even gave them the account number. USB even stated, *in writing*, that filing of a motion to require its response would do no good. That proved to be true, but an order from the court, with sanctions, may get its attention.

As a born and raised Oregonian who had his first account with USB, it is very disappointing to see this attitude from what was once a home grown business.

### C.O.D. Follow-Up

I recently discussed C.O.D. charges (*Rollin' On, Sept. 1998*) and the need to get a certified check instead of a company or individual check. One of my thoughtful readers (that must be redundant since *all* of my readers are undoubtedly thoughtful) responded that if a certified check is going to be requested, be sure to

### 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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let the consignee know the correct amount, including shipping charges, at least one day before the scheduled arrival. For some reason consignees get frustrated when the order they have been waiting for finally arrives, only to have the driver refuse delivery since no one thought to tell the consignee that a certified check would be requested. Fussy, those consignees.

### Air Transport

The U.S. Senate has ratified a treaty that will change the way international cargo will be handled. Among other items, the treaty allows electronic communication of airway bills, thus eliminating the prior paper-only requirement. But without paper, where does that leave the lawyers? Obviously, someone forgot to consider that essential ingredient.

### Transportation Law Institute

Following our longstanding, once a year tradition, transportation attorneys from across the nation will soon gather to ruminate about what the past year has wrought, and what may be on the horizon for next year. We flip-flop (being the good attorneys that we are) having the conference on the two different coasts (you can't expect us to take a middle position). This year it will be held in our nation's capital. Of course, a gathering of attorneys may fail to raise much of a pulse among normal people, but then again as a group we are often accused of not having a pulse so maybe that's OK.

### New Standards from the Gov't

For a while we can relax since Congress has adjourned to go home so that members can campaign for reelection, then return to their posts and do again whatever it is that they do. Maybe we're missing out on something, since a high % of members seek reelection.

In the meantime there is a positive spinoff from Monicagate. For example, you can take comfort in knowing that a five year affair in one's 40s, during which a marriage was ruined, can be referred to as "youthful indiscretion". We get age, time and content fudge factors all in one swoop on that one, and that's just the beginning. Everyone should get a new notepad in anticipation of the behavioral windfall yet to come. One does not want to rely on one's memory for this sort of thing.

At any rate, Congress has voted to open a time-indefinite inquiry about Clinton's misdeeds. It makes you wonder where they get the authority to open an inquiry that will not be completed during the term of the current Congress, although some inquiry appears to be warranted. But I suppose that is legal hair-splitting, which is out of vogue until enough members of Congress have problems similar to the President's.

Meanwhile, there are several countries that don't believe an American president would be impeached for his alleged misdeeds, since they have known much worse. In Greenland's case, they don't even try to understand, since we're the same country that put a whale on a plane.

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.