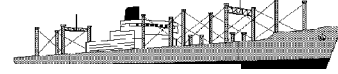




Rollin' On



A Facsimile Newsletter for the Transportation Industry

Volume IV, Issue 9

Copyright © 1998

September 1998

COD:

Consignee on Deck

Q

uestions concerning collect on delivery shipments have been

coming across my desk more frequently this year. Issues range from the driver's failure to collect the funds, acceptance of a company or personal check instead of a certified check, stop payment checks, and enforceable terms of the deal. Agency questions pop up quickly, since the shipper may make the arrangements for the consignee. Filed tariffs are long gone, so some items that used to be automatic are no longer so. It gets murky when the consignee is halfway involved. Who had what authority, who agreed to what, and so on. And incidentally, did the shipper adhere to the sales contract with the consignee? Bottom line: Get a certified check.

Transportation Week: PNWARS & OTA

This is transportation week in Oregon, with PNWARS in Eugene Wednesday and Thursday, and the Oregon Trucking Association Annual Convention in Sunriver Thursday through Saturday. OTA is raffling off a Harley Davidson Fat Boy (is that politically correct? Or does it matter? I was once in a Harley shop that displayed a sign: No shirt, no shoes, no service; bras and panties optional). And on a different note from a different transportation group. . .

Civil War Game Tickets and Train Ride

The Transportation Association of Portland is sponsoring a train ride from the PDX area to Corvallis for the

LAWRENCE 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: larryd@rollin-on.com

Civil War game. The perks include continental breakfast, barbecue, two drinks tickets, game tickets (nice not to forget that item), more drinks and munchies on the train home. All this for \$85/ticket. About 50 tickets of 150 remain. Call Judy Wilson-Rolan @ 503-968-1020 or Nellie Borcea @ 503-203-6492 for more info.

Collections 'R Us

There are laws and laws and then more laws regarding enforcement and collection of judgments. Sometimes creditors bypass the legal system and pursue their own collection remedies. I represent a brick mason who has told me of some earlier collection acts he has undertaken:

1. Tied a rope around a chimney that the mason put on a house, tied the other end to his pickup, knocked on the door and gave his customer/homeowner a choice. Payment received.
2. Mason's wife visited a professional office with a bunch of kids when the professional continually put him off. Kids proceeded to treat the office as their own day care facility. Payment received.
3. Noticed someone working who owed him a bunch of money but who filed bankruptcy several years before. Mason told debtor legal stuff didn't matter, money still owed. Partial payment received on the spot; balance forgiven.

It's hard to argue with success. (I cannot take credit or blame for the foregoing.)

Tchaikowsky, anyone?

Some people get all the breaks. Let's say you're a trucking company that has been handsomely prepaid (well not actually prepaid but that is what the bill of lading says anyway) for a shipment. You of course immediately dispatch your truck, only to have the driver call in and say that the shipment cannot be located. But you've being paid well so you have to come up with something. So you tell the driver to pick up **something**, which the driver does.

Some would argue that is what Ken Starr has done. With Whitewater washing out (although there may be more to come on that), Starr comes up with **something** since we the taxpayers are paying him \$40 million bucks to do **something**.

Meanwhile, Clinton's lawyers are dancing on the heads of pins regarding the legal niceties of what constitutes perjury. Members of Congress are telling Clinton to come clean and admit to misleading the public, which Clinton has already done (kind of). Problem is, if Clinton admits to anything close to perjury, those members of Congress will have no cover in defending the President, who would then be very exposed. So we may either continue to see the lawyers in ballet shoes (usually not a pretty sight), or the beginning of the end of the Clinton presidency.

And let's not forget that more tax dollars will be spent and more Wash., D.C. time devoted to this, perhaps including the investigation of the investigator (independent counsel).

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

The Obligatory Disclaimer

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

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.