



Remote Court Appearances Are Here to Stay

By Stephanie McCleery

One enduring effect of the COVID pandemic is the use of remote technology for formerly in-person appearances. Oregon state courts have recognized that allowing remote court appearances has increased access to justice for Oregonians. In light of the flexibility that remote appearance provides, Chief Justice Meagan Flynn issued order 23-028: allowing the presiding judges of all Oregon state courts—from circuit courts to the Supreme Court—to conduct proceedings remotely.

While remote court appearances may seem more convenient for clients, it is imperative that you, as the attorney, consider the pros and cons of remote appearance for a litigant. If remote appearance is appropriate, you must also be aware of and follow all rules and requirements for your client's remote appearance in Oregon state and federal courts.



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The Professional Liability Fund

Megan I. Livermore
PLF Chief Executive Officer

EDITOR

Tanya Hanson
PLF Director of Communications
tanyah@osbplf.org

phone: 503.639.6911
toll-free: 1.800.452.1639
osbplf.org

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Message from the CEO

By Megan Livermore

I always appreciate the opportunity to reflect on the PLF’s work—both the challenges we’ve faced and the successes we’ve achieved—as each experience contributes to making us a stronger, more resilient organization. These moments of reflection consistently highlight the unwavering dedication of our staff, who work diligently to safeguard the PLF’s resources and deliver outstanding service to members of the Oregon legal community. While I may be biased, the feedback we receive from those we serve speaks volumes and is a source of genuine pride for all of us at the PLF.

I cannot overstate my gratitude to the PLF staff for their commitment to the legal professionals we serve. They are dedicated to ensuring that Oregon’s legal professionals continue to benefit from the resource Bar members established nearly 50 years ago. They consistently rise to meet growing demands with professionalism and compassion.

With that, some highlights since my last message:

- We now provide coverage to attorneys seeking admission through the Supervised Practice Portfolio Examination (SPPE) program, on the same basis as attorneys attaining licensure through the traditional bar exam path. These new OSB licensees also have access to the same

PLF services (practice management assistance through the PMAP, personal assistance through the OAAP, claims assistance, CLEs, and other resources) that are available to all Oregon legal professionals.

- Our Practice Management Assistance team just wrapped up their highly acclaimed annual three-day conference designed to give new legal professionals the CLE credits, information, and essential skills they need to thrive.
- We continue working closely with the Oregon State Bar to promote well-being in the profession and support initiatives to attract legal professionals to rural parts of the state.
- The renewal season for 2026 PLF Primary and Excess coverage is underway, and our accounting and underwriting teams are working tirelessly to process assessment payments and exemptions, answer questions about coverage, and assist firms in applying for Excess coverage.

I remain proud of the work we do and the people who make it possible. The PLF's strength lies in its dedicated staff, its collaborative spirit, and its enduring commitment to serving Oregon's legal community. Thank you for your continued trust and support.



Megan Livermore is the PLF Chief Executive Officer.

TURKEY

HOLIDAY GIFTS

RENEW
PLF COVERAGE

It's that time again. Purchase coverage or claim your exemption by **January 12.**



IT'S EASY ONLINE
osbplf.org

Assessment Deadline – January 12, 2026

The 2026 annual PLF assessment notices have been sent to all active OSB licensees. The deadline to pay your assessment or file an exemption is January 12, 2026. You can pay your bill online, file an exemption, or set up installment payments on the PLF website: www.osbplf.org/coverage/do-i-need-coverage.html.

If sending payment by mail, please note that payment must **be physically received** by the PLF by January 12. Postmark dates are not sufficient. If you have any questions, please contact the PLF Accounting Department at 503.924.1771 or plfaccounting@osbplf.org.



“As Oregon legal practitioners in private practice, understanding these changes will help you better navigate your coverage and avoid surprises if a claim arises.”



Counsel Column: Important Changes Coming to Your 2026 PLF Primary Coverage

By Heather Bowman

As we approach 2026, the PLF has made several important updates to the Primary Coverage Plan (“Plan”) that will take effect January 1, 2026. These changes reflect the PLF’s ongoing commitment to providing clear, comprehensive coverage while adapting to evolving legal landscapes and statutory requirements. As Oregon legal practitioners in private practice, understanding these changes will help you better navigate your coverage and avoid surprises if a claim arises. Let’s break down what’s changing and what it means for your practice.

1. NEW TERMINOLOGY: “LICENSEES” INSTEAD OF “MEMBERS”

What’s Changing: Throughout the 2026 Plan, we’re replacing “member” with “licensee” to align with Senate Bill 166, which goes into effect January 1, 2026.

Why This Change: The updated terminology better reflects the Oregon State Bar’s role in licensing attorneys and paralegals and keeps the Plan consistent with the statutory language governing the PLF.

Impact on Your Coverage: This is terminology only—your actual coverage remains unchanged.

2. CLEARER RULES FOR PARTNER AND EMPLOYEE COVERAGE

What’s Changing: Exclusion 7 has been updated in two significant ways to provide better clarity about when coverage exists for legal services provided to law partners or law firm employees.

First, we’ve modernized the language to reflect that law firms are structured as various entities, not only professional corporations. The new language applies to an “owner, shareholder, member, partner, manager, director, officer, or employee of any entity or sole proprietorship.”

Second, we’ve clarified the exception to this exclusion. Coverage exists when claims arise “solely out of conduct in an attorney-client capacity” and “fully independently of the Covered Party’s role as an officer, director, general counsel, business advisor, or fiduciary.”

Why This Change: The intent is to ensure PLF coverage focuses on Professional Legal Services (as defined in the Plan), not the non-legal operations of running a business or disputes between law firm members.

Impact on Your Coverage: The revised exclusion includes four illustrative examples to help you understand how this applies. For instance:

- Coverage exists when you represent a law firm colleague as a client in matters unrelated to the firm’s business.
- Coverage does not exist for claims arising from partner disputes or your role as in-house counsel.

3. BETTER PROTECTION FOR EMPLOYMENT LAWYERS

What’s Changing: Exclusion 16 (Harassment and Discrimination) now includes an exception for claims alleging aiding and abetting liability when you were providing Professional Legal Services to a client and did not personally engage in harassment or discrimination.

Why This Change: As Oregon courts have taken a broader application of “aiding and abetting” in employment discrimination under ORS 659A, employer-side employment lawyers raised concerns that Exclusion 16 could bar coverage for ordinary employment advice work. This modification clarifies that the exclusion is not intended to exclude coverage for legal work in employment law.

Impact on Your Coverage: If you provide employment law advice and are named in discrimination claims under an aiding and abetting theory, you’ll have coverage provided you didn’t personally engage in harassment or discrimination. The examples make clear that:

- Claims arising from your own discriminatory conduct remain excluded.

“These changes reflect the PLF’s ongoing commitment to providing clear, comprehensive coverage while adapting to evolving legal landscapes and statutory requirements.”

- Claims alleging you aided and abetted a client’s discrimination while providing legal advice to a client are not excluded.

4. STRONGER ANTI-ASSIGNMENT PROTECTION

What’s Changing: We’ve strengthened the anti-assignment provision to make it as clear and enforceable as Oregon law allows. The new language states that any assignment without PLF’s express written consent “is void and of no effect, and coverage under this Plan shall be null and void as to any purported assignee.”

Why This Change: This revision better aligns Plan language with Oregon case law.

What You Need to Know: You cannot assign your rights under the Plan without our express written consent. This protects the PLF from unintended exposure to third parties.

5. EXPLICIT PROHIBITIONS ON THIRD-PARTY BENEFICIARY LANGUAGE

What’s New: We’ve added a new section explicitly stating that no third-party beneficiary rights are created by the Plan. The language makes clear that no individual or entity other than Covered Parties can enforce any term of the Plan or bring any cause of action under it.

Why This Addition: While Oregon law generally

does not recognize third-party beneficiary claims, this provides additional clarity about the scope of coverage.

Impact: This reaffirms that only Covered Parties have rights under the Plan and reinforces that third parties cannot directly sue the PLF.

Looking Ahead

These changes take effect January 1, 2026, and do not affect your 2025 Primary PLF coverage. We encourage you to review these changes carefully, particularly the clarifications to Exclusions 7 and 16, which may affect how coverage applies in certain situations.

Need More Information?

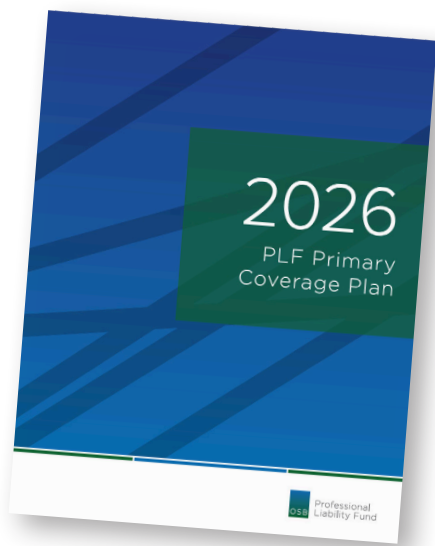
A complete copy of the 2026 PLF Primary Coverage Plan is available on the PLF website, www.osbplf.org > Coverage > What Is My Coverage? If you have questions about these changes or how they might affect your practice, contact us at 503.639.6911. ■



Heather Bowman is the PLF General Counsel.

OTHER WORKS BY HEATHER BOWMAN

- “Claims Corner – Calling a PLF Claims Attorney,” *inBrief*, Issue 147, August 2025
- “Counsel Column – Extended Reporting Coverage: Am I Covered Against Malpractice Claims After I Retire or Leave Private Practice?” *inBrief*, Issue 146, December 2024
- “Counsel Column – Thank You for Your Service: Malpractice Coverage for Pro Bono Work,” *inBrief*, Issue 145, May 2024



Excess Coverage: PLF Excess Portal Adds New Appointment Scheduling Feature

By Melanie Hughes

We are pleased to share that we have added an exciting feature to our Excess Portal this year—the ability to schedule an appointment to chat with a PLF underwriter about PLF Excess Coverage.

Our goal is always to provide the best possible service, even during the busy renewal season. To help us respond to the volume of inquiries this time of year, we created an online booking platform to allow first-time applicants and firms with more complex issues to reserve dedicated time with us.

The chart below outlines whether a phone appointment or an email would be the most efficient way to address your questions.

Schedule an appointment https://excess.osbplf.org/excess-portal/login.html	Email Us excess@osbplf.org
<i>New firms</i> inquiring about excess coverage (cost, coverage, etc.)	<i>Website / application login issues</i>
<i>Firms with questions about Extended Reporting Coverage (ERC) / tail coverage</i>	<i>Amending a submitted application (firm should send info to be changed)</i>
<i>Firm splits or mergers</i>	<i>Adding / removing a firm member</i>
<i>Complex questions and hypothetical scenarios (i.e., starting a solo firm, taking on new work or contracts, hiring of counsel or contract attorneys, etc.)</i>	<i>Existing firms</i> with rate or application questions
<i>Firms with situations better addressed via phone than email</i>	<i>Firm info changes</i> (firm name, address, email, contact person, telephone number, etc.)

We value your time and aim to make the Excess application process seamless from start to finish. Whether you are inquiring about PLF Excess coverage for the first time or a renewing firm, we look forward to assisting you—from navigating the application process to reviewing coverage options and discussing any unique considerations you may have.



Melanie Hughes is the PLF Professional Liability Underwriter.

OTHER WORKS BY MELANIE HUGHES

- “Target Practice: Five Reasons Your Firm Is the Ideal Mark for a Cyber Criminal” *inBrief*, Issue 147, August 2025
- “Don’t Get Caught with Your Plans Down: What Is a Retroactive Date and Why Does It Matter?” *inBrief*, Issue 146, December 2024
- “Bundle Up This Winter With Excess Coverage Through the PLF,” *inBrief*, Issue 144, December 2023

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Excess Portal Login

Please enter your Firm Username and password to login and access your firm's PLF Excess Portal Account. Please do not create a new account if you are a renewing firm and do not remember your firm's login information. If that happens, please contact us at excess@osbplf.org.

FIRM USERNAME:

PASSWORD:

[LOGIN »](#)



FIRST TIME APPLICANT [»](#)



BOOK AN APPOINTMENT [»](#)

Should My Client Appear Remotely?

The decision to have a client appear remotely must be made independently for each client and each matter. Appearing remotely at a pretrial hearing may not be problematic, while a remote settlement conference could be counterproductive. Cost and convenience are relevant considerations, but you must also weigh the risk of privacy concerns, reduced engagement with the proceedings, potential jury prejudice and detachment, and the prospect of technology glitches. In addition, some court proceedings are held remotely without the possibility of appearing in person.

Rules and Timing

The Uniform Trial Court Rules allow civil motions not requiring testimony and noticed as remote hearings pursuant to UTCR 5.050 to be heard remotely. The remote request must be in the caption of the initiating pleading, and the first paragraph must include the names, email addresses, and telephone numbers of all parties served with the request. Likewise, any party may request that a conference in a civil proceeding be held remotely. UTCR 6.010(2).

Criminal motions are governed by UTCR 4.040 (remote appearance allowed by agreement of the parties to resolve cases in jurisdictions outside of where an in-custody defendant is being held) and 4.050 (counsel may request remote oral argument on motions not requiring testimony in the caption, and the first paragraph must include names, email addresses, and telephone numbers of all parties served with the request, the position of opposing counsel, and whether the defendant has waived in writing the right to appear at the hearing).

2025 Legislation

In addition, in the 2025 legislative session, House Bill 2461 relating to remote testimony was passed and signed into law by Governor Kotek. The bill amended ORS 45.400 regarding remote testimony of parties or witnesses in civil proceedings by removing

the 30-day advance notice requirement, and instead substituting a provision allowing sufficient written notice to non-moving parties to allow a challenge to the remote testimony request. The bill similarly amended ORS 107.717 (family law proceedings) and ORS 163.770 (criminal proceedings) to remove the 30-day notice requirement in favor of “sufficient” notice. These changes apply to motions filed on or after January 1, 2026.

Differences Among Courts

Notwithstanding Chief Justice Flynn’s order allowing remote appearances, there is no consensus among Oregon circuit courts regarding the timing or procedure for requesting remote appearance when an in-person proceeding has been scheduled. In Coos, Curry, and Malheur counties, for example, courts require a request for remote appearance to be filed at least two business days prior to the hearing. Lane and Crook counties have defaulted to remote hearings for most matters, and Multnomah has created a guide for attorneys and litigants to determine how to access remote hearings.

In Clackamas, Jackson, and Columbia counties, parties wishing to appear remotely must file a formal motion to appear remotely with an accompanying order. Washington county requires a written motion, supporting declaration, and a proposed order that includes the reason for the request and the position of the opposing party, and should be made as soon as practicable before the proceeding.

Due to the lack of uniformity among circuit courts, it is important for practitioners to investigate the procedures and requirements for each jurisdiction well in advance of any scheduled proceedings.

Likewise, most *Tax Court proceedings are now noticed for remote hearings, but remote appearance may be requested if an in-person hearing has been scheduled.*

While client attendance is not mandatory for arguments in the Oregon appellate courts, pursuant to Joint Chief Justice Order 21-011 / 21-01, oral

“Due to the lack of uniformity among circuit courts, it is important for practitioners to investigate the procedures and requirements for each jurisdiction well in advance of any scheduled proceedings.”

arguments are webcast and available to the public.

Technology

Oregon state courts use the Webex platform for remote proceedings. Webex can be accessed via computer, mobile device such as a smartphone or tablet, or through audio by phone. If joining by computer or another mobile device, you must download the Webex software in advance. Mobile device access is via the Android Play Store or the Apple App Store.

Oregon United States district courts use Cisco Meeting Server (CMS). CMS is an on-premises meeting solution. It is accessed using a web browser. Note that it does not work with Internet Explorer; it works best with Chrome on Windows products and Safari on Mac products. Also be aware that not all district courtrooms are equipped with remote technology.

All courts suggest that you test your technology in advance of the proceeding to ensure smooth operation.

Finally, remember to inform your clients that recording court proceedings is strictly prohibited in all state (UTCRC 3.180(2)(f)) and federal courts (Local Civil Procedure Rule 83-13), including online.

Preparing Your Client for a Remote Appearance

The Oregon Judicial Department has a webpage dedicated to remote hearings. It includes information regarding Webex, as well as links to court-specific

web pages for hearings for courts throughout Oregon. There is also a Documents tab that includes a “Litigant Guide” with online court etiquette and technology information, as well as an “Attorney Guide” and a separate guide for “Witnesses” appearing remotely. It also has several YouTube videos walking through how to use the Webex platform.

The Uniform Trial Court Rules, effective August 1, 2025, include rules regarding appropriate attire for remote hearings (UTCRC 3.010(1)), as well as a rule that requires that anything visible—including real or virtual backgrounds—during a remote hearing not detract from the dignity of the court. UTCRC 3.010(3).

Bottom Line

Remote court appearances have become a permanent fixture of Oregon’s judicial system, offering greater access to justice and flexibility for both litigants and attorneys. The decision to have litigants or witnesses appear remotely, however, must be made thoughtfully, based on the nature of the proceeding and individual client needs. Attorneys must stay informed about each jurisdiction’s specific rules, deadlines, and procedures, which continue to vary. As courts increasingly rely on technology like Webex, proper preparation and



Stephanie McCleery is an Oregon lawyer and freelance writer.

which remote hearing protocols are crucial to

Thank you to PLF Director of Claims Matt Borrillo and PLF Practice Management Attorney Rachel Edwards for their assistance with this article.

OSB Transition from Fastcase to Decisis

In September 2025, the bar moved its online legal research tool — offered as a free benefit to Oregon licensees — from the Fastcase platform to the Decisis platform.

Q: What is Decisis?

A: Decisis is a legal research tool offered to all Oregon State Bar licensees. Decisis is a sister company of LexisNexis and offers a robust and reliable database of cases, statutes, rules, and certain administrative agency opinions and orders.

Q: Do I have to pay for access to the new Decisis database?

A: No. If you are an Oregon State Bar licensee in active status, you will not have to pay additional money to access Decisis. This is a licensee benefit paid for with your Bar fees.

Q: Can retired and inactive licensees purchase access to Decisis similar to how they purchased Fastcase access?

A: Yes. Retired and inactive licensees will have access to the Decisis database for a nominal annual fee, just as they did with Fastcase.

Q: Does the new Decisis platform have AI technology?

A: Decisis is focused on being a licensee-benefit platform and does not offer AI technology. However, Oregon licensees will be offered a discount on LEXIS memberships with AI options.

Q: Will cases cited in the BarBooks™ online library be linked to the Decisis database?

A: Yes. The linking tool is in development, with anticipated release in January 2026.

If you have questions or feedback, please email legalpubs@osbar.org.

New Features:

- Negative subsequent case history
- Circuit court trial orders

Training Videos:

- osbar.org/decisis
- <https://www.youtube.com/@decisislaw9425>





“This isn’t just about convenience; it’s about protecting your clients and your practice.”

Stop Managing Your Trust Account Like It’s 1999: Why It’s Time to Use Software

By Hong Dao

Trust accounting can be tricky territory. Even a small mistake can trigger big consequences, and yet many lawyers still manage it with spreadsheets, handwritten ledgers, or checkbook registers. That might work—until it doesn’t. One minor error, like writing a check for a client who has no balance, or failing to enter a deposit correctly, can snowball into a serious ethics issue.

Most trust accounting mistakes aren’t the result of dishonesty. They come from systems that are outdated, inefficient, and error-prone. The good news: you don’t have to keep doing it that way.

Trust accounting software has come a long way in the last decade. It’s now designed specifically for the legal profession and built with the goals of reducing risk, saving time, and simplifying compliance. Whether you’re a solo practitioner or a member of a small or mid-sized firm, now is the time to stop relying on manual systems and start using software to manage your trust account. Here’s why.

1. KNOWING THE TOTAL ACCOUNT BALANCE ISN’T ENOUGH

One of the most common and serious mistakes lawyers make is disbursing funds based on the total trust account balance, not the individual client balances.

You might look at your trust account and see \$10,000 and assume there’s money available. But that’s pooled client money. If you write a check for Client A without knowing their specific balance—and they actually have \$0 in their trust account—you’ve just used someone else’s funds, likely Client B’s money.

the longer you wait, the harder it is to catch errors or get back on track.

Second, it's not scalable. A manual system might work when you have only a handful of clients, but as your practice grows, so does the complexity. Tracking dozens of client balances across multiple matters in a spreadsheet quickly becomes unwieldy and error prone. You are more likely to enter something incorrectly or miss recording a transaction.

Lastly, if something happens to you, your records need to be clear and accessible. If they live in a personal spreadsheet or a notebook only you understand, it can be challenging for someone else to step in, and that's a risk you can't afford.

Trust accounting software provides a clear, consistent, and accessible record of all trust transactions. Most programs also store this information in the cloud, making it easier to recover or share if necessary. This isn't just about convenience; it's about protecting your clients and your practice.

5. DON'T WAIT UNTIL YOU'RE IN TROUBLE

Most lawyers who get into trust account trouble didn't mean to. It's usually a result of outdated systems, unclear procedures, or simply not knowing the rules.

Using trust accounting software is one of the easiest ways to reduce your risk. It enforces best practices, prompts you to enter required information, and creates a paper trail that makes compliance much simpler.

Smokeball Webinar

Smokeball is hosting a free webinar of a Smokeball Bill demo on December 9, 2025, at 12:00 p.m. (PST).

To register visit <https://www.smokeball.com/webinars/osb-free-trust-billing-software-120925>



And if cost or complexity has been holding you back, consider this: **there's now a no-cost option available to all OSB Members.**

Thanks to a new initiative from the Oregon State Bar, licensees now have free access to Smokeball Bill, a cloud-based legal billing and trust accounting software program.

While you're not required to use this particular program, it's a solid option to consider. It was designed for small and mid-size firms, with a user-friendly interface and trust accounting features baked in. It supports client-specific ledgers, entries for all trust transactions, reconciliation tools, time tracking, invoicing, and even online payments.

Even if you choose another tool, the important thing is that you choose something. Managing your trust account manually is no longer the safest or smartest option.

Bottom Line

If you're still using pen and paper, a checkbook register, or an Excel spreadsheet to manage your trust account, now is the time to upgrade. Modern trust accounting software reduces your risk of ethical violations, saves time, simplifies reconciliation, and gives you peace of mind. Whether it's Smokeball Bill or another legal-specific tool, using trust accounting software isn't just easier; it's essential. ■



Hong Dao is the PLF Director of the Practice Management Assistance Program.

OTHER WORKS BY HONG DAO

- "Tomorrow's Protective Shield: The Imperative of Planning Ahead," *inBrief*, Issue 145, May 2024
- "Exploring ChatGPT's Capabilities, Limits, and Risks for Lawyers — Part II," *inBrief*, Issue 144, December 2023



Tips, Traps, and Resources

NOTICE OF CORRECTIONS TO UNIFORM TRIAL COURT RULES

Pursuant to Uniform Trial Court Rule (UTCRR) 1.020(6), the UTCRR Reporter has corrected broken webpage links in UTCRR 8.060 and UTCRR 24.030, effective September 29, 2025.

You may view the corrections and additional information at: www.courts.oregon.gov/utcr.

Comments can be posted at the web address mentioned above; mailed to the UTCRR Reporter at the Office of the State Court Administrator, Supreme Court Building, 1163 State Street, Salem, OR 97301-2563; or emailed to utcr@ojd.state.or.us.

SAVE THE DATE FOR ABA TECHSHOW 2026

Visit www.techshow.com and use the PLF's program promoter code EP2608 to save on registration fees.

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March 25-28, 2026
Hyatt Regency McCormick Place, Chicago, Illinois

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Register with discount code **EP2608**
to receive \$100 off standard registration

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