

IN BRIEF

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MALPRACTICE AVOIDANCE NEWSLETTER FOR OREGON LAWYERS

SUING A CORPORATE DEFENDANT

Many legal malpractice claims are caused by naming the wrong corporate defendant. In many instances, the lawyer was given a corporate name that was very close to the correct corporate name. Contact the Oregon Secretary of State Corporation Division to find the exact name of a business.

To search the Corporation Division's Web site, go to www.filinginoregon.com and click on Business Name Search. The site offers various search options, ranging from very restrictive, "Exact words in exact word order," to very broad, "Extended search in any word order." The broad approach, "Extended search in any word order," will provide you with the names of business entities that contain the words spelled exactly as keyed, in any order, and in combination with any other words. This search also includes synonyms and words that sound similar.

Be sure to use the broad search when you are unsure of the precise name of the company. This will help to avoid a common malpractice trap and the unpleasant surprise of finding out that your entity search name was inadequate. For example, if you check for only a specific name, such as Valley Inn, and that name is matched, you will only get information on that particular entity. You will not get a list of other similar entities, such as Valley Inn Restaurant.

If you don't have Internet access or prefer not to do the search yourself, the Corporation Division will perform the search for a fee. Call the Custom Searches & Lists department at 503-986-2343.

The site also lists the registry numbers for each business. These registry numbers can be used to "Search for Associated Names." This search will find all entities that are associated with that business entity, including agents, general partners, members, managing partners, partners, or authorized representatives.

If you need to search other government agency databases by business name, the Corporation Division's site allows you to link directly to other agencies' search engines, such as "Construction Contractor Name Search," "Department of Justice Charity Search," "Employment Department Business Name Search," "Landscape Contractor Name Search," "Workers' Compensation Insurance Coverage Search," "Uniform Commercial Code Search," and "Securities & Exchange Commission Database," among others.

If you want to search using parameters other than business name, consider an online subscriber service such as AutoTrack XP, www.autotrackxp.com, Loislaw, www.loislaw.com, Westlaw, www.westlaw.com, LexisNexis, www.lexisnexis.com, or, for solo attorneys, LexisONE, www.lexisone.com.

All public companies, foreign and domestic, are required to file registration statements, periodic reports, and other forms electronically through the SEC Filings and Forms (EDGAR). Anyone can access and download this information for free. Search EDGAR at www.sec.gov/edgar.shtml.

Public records research firms are also available to conduct your searches. Two

DISCLAIMER

THIS NEWSLETTER INCLUDES CLAIM PREVENTION TECHNIQUES THAT ARE DESIGNED TO MINIMIZE THE LIKELIHOOD OF BEING SUED FOR LEGAL MALPRACTICE. THE MATERIAL PRESENTED DOES NOT ESTABLISH, REPORT, OR CREATE THE STANDARD OF CARE FOR ATTORNEYS. THE ARTICLES DO NOT REPRESENT A COMPLETE ANALYSIS OF THE TOPICS PRESENTED, AND READERS SHOULD CONDUCT THEIR OWN APPROPRIATE LEGAL RESEARCH.

such companies are GKL Corporate/Search, Inc. and Unisearch, Inc. Contact GKL Corporate/Search, Inc. via e-mail at info@gklcorpsearch.com, by phone at 800-811-9015, or visit their Web site at www.gklcorpsearch.com. Contact Unisearch via the Internet at www.unisearch.com, by e-mail at LorettaM@Unisearch.com, or call their Oregon office at 503-399-9500 or 800-554-3113.

OTHER RESOURCES

For more tips on avoiding common mistakes when filing and serving a defendant, order your free copy of the CLE program, *Avoiding Malpractice When Filing and Serving a Defendant*, from the PLF Web site. Go to www.osbplf.org, select CLE Audio Programs or CLE Video Programs under Loss Prevention. The PLF also has an extensive library of practice aids and forms, including a Service of Process Checklist. From the home page, select Practice Aids and Forms under Loss Prevention and look for the Litigation category.

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