

COURTHOUSE NEWS

A Summary of Topical Highlights from decisions of the
U.S. District Court for the District of Oregon
A Court Publication Supported by the Attorney Admissions Fund
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Courtroom Technology

The United States District Court for the District of Oregon invites you to attend a continuing legal education seminar taught by Professor Fredric I. Lederer, the founder and director of Courtroom 21, the world's most technologically advanced courtroom.

Professor Lederer will focus on:

- An introduction to courtroom technology in the United States and in the United States District Court for the District of Oregon
- Trying a case with courtroom technology, a pragmatic introduction for litigators
- The impact of courtroom technology on trial: procedural and ethical considerations
- Ethical considerations raised by the use of courtroom technology

Portland Session:

Weds., February 20, 2002, 9:00 a.m. - Noon
16th floor courtroom,
United States Courthouse
1000 Southwest Third Ave.

Eugene Session:
Friday, February 22, 2002, 9:00 a.m. - Noon
2nd floor courtroom,
United States Courthouse
211 East Seventh Avenue

This seminar is being paid for by the Attorney Admissions Fund of the United States District Court for the District of Oregon. There is no charge for participating.

Questions may be directed to Houston Bolles, Courtroom Technology Specialist, at 503-326-8181 or Houston_Bolles@ord.uscourts.gov

Biography of Professor Fredric I. Lederer: Fredric I. Lederer is Chancellor Professor of Law and Director of the Courtroom 21 Project at the College of William & Mary's School of Law. Professor Lederer's areas of

specialization include evidence, trial practice, criminal procedure, military law, and legal technology. Professor Lederer is the author or co-author of eleven books, numerous articles, and two law related education television series. Among his works in progress is *Basic Advocacy and Litigation In a Technological World*. Professor Lederer is the founder and Director of the Courtroom 21 Project, "The Courtroom of the 21st Century Today." The Project includes, in the Law School's McGlothlin Courtroom, the world's most technologically advanced trial and appellate courtroom. The Courtroom 21 Project is the world center for courtroom technology demonstration and experimentation.

ECF

A message from the Court's System's Manager:

As part of the Case Management / Electronic Case Files (CM/ECF) project, the federal judiciary has designated

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the Portable Document Format (PDF) as the standard format for electronic filing in federal cases. CM/ECF literature extolls the virtues of PDF, which reproduces word processing and other computer documents in a viewable, printable format that closely matches the original, preserving the type face, graphical elements and layout.

However, sometimes the PDF version of a document looks somewhat different from the original. In particular, the page breaks may occur differently, especially in longer documents created with WordPerfect and the Acrobat PDF Writer software. These problems occur less often, if at all, when using WordPerfect's "Publish to PDF" feature (which became available in version 9), or Microsoft Word (even in conjunction with Acrobat).

To assist the Court in interpreting page number references in your filings, please specify which document version you are citing by using the notation "PDF" or "paper" as appropriate.

Jurisdiction

Plaintiff filed an action in state court seeking to maintain a class action against several on-line gambling services. Plaintiff asserted claims under ORICO. Defendants removed the action

because plaintiff's ORICO claims relied, in part, upon federal predicate acts. Plaintiff moved to remand the action and for attorney's fees.

Judge Anna J. Brown found that where plaintiff relied upon alternative theories under both state and federal law, the federal law aspect of the ORICO claims was not so substantial as to confer federal court jurisdiction. The court granted plaintiff's motion to remand, but denied attorney's fees since the defendants' position was "colorable." Buchal v. 3748472 Canada, Inc., et al., CV 01-656-BR (Opinion, Oct. 31, 2001).

Plaintiff's Counsel:

James Buchal

Defense Counsel:

Dennis Rawlinson

O. Meredith Wilson

J. Richard Urrutia

James Hibbard

Daniel Skerritt

Chin See Ming

John Langslet

ADA

A bistro and wine shop need not install entrance ramps or reconfigure interior shelving under the ADA since the proposed improvements are not "readily achievable." Judge Dennis J. Hubel granted a defense motion for summary judgment in an

action filed by several people who either use wheelchairs or who are companions to people who use wheelchairs.

In reaching its conclusions, the court held that aesthetic elements should be included in the overall design cost estimates when determining whether the proposed improvement is readily achievable since part of the nature of the businesses includes a need to attract customers.

The court rejected the plaintiffs' argument that it should consider the defendant's profits over the entire period of non-compliance (i.e. since 1993, the effective date of the applicable ADA provision) in determining its ability to pay. However, the court also rejected the defense assertion that the court must consider the cost of the improvement as measured against net profits. The court ultimately concluded that the improvements plaintiffs proposed were not readily achievable because they would not comply with the Uniform Building Code, they were incompatible with surrounding structures and they would physically intrude upon common areas beyond the leased premises, in violation of express lease conditions. Alford v. City of Cannon Beach, et al., CV 00-303-HU (Opinion, Jan. 15, 2002).

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Plaintiffs' Counsel:

Megan Glor

Defense Counsel:

Karen O'Kasey