

"What You Don't Know You Don't Know"

Thoughts by Immediate Past President Kelly L. Andersen

Just before Christmas I drove to the U.S. Marine Corps base at Twenty-nine Palms, California, to meet my son. Together we would make the 15 hour drive back to Medford, towing a truck he no longer needs while serving in the Marines. I arrived the night before his "leave" was to begin, so that I would be ready precisely at noon the next day to begin our drive home.

I had brought with me a banker's box and two small briefcases filled with legal materials I had not had the time to read over the past year. I thought that between my early arrival the night before and noon the next day, I would be able to complete some neglected reading, or at least make a sizeable dent. I rose early and read like a fiend. Some of the materials I could quickly gloss over, noticing mainly the titles of articles and the bullet points. Other materials I read with intense interest and care. Though I only made my way through perhaps a tenth of the reading I needed to do, I had gained very valuable information. I learned things I wished I had known earlier. I discovered knowledge that would be critical in pending cases. I felt grateful that my neglect to read had not resulted in malpractice, though in a few instances I felt I had narrowly missed.

It is one thing not to know something, and to know that we don't know it. That leads to questions and to research. With reasonable diligence we can usually find the answer, or at the very least know there is an issue. The scary thing—and a much, much more dangerous condition—is not to know that we don't know. That is the condition of the new attorney who files a lawsuit just before the statute of limitations, and then blissfully continues trying to negotiate a settlement, unaware that the statute of limitations also requires that the lawsuit be served within 60 days of filing. Knowledge of the service requirement is well known to all attorneys with any litigation experience, but to many new attorneys the service requirement is a complete unknown.

The universe of things we "don't know we don't know" is vast, even limitless. One of the many purposes of reading advance sheets, section newsletters, and professional association publications is not only to increase our knowledge of what we know, but just as importantly to increase our awareness of what we don't know. By continuous reading we may acquire missing links of necessary knowledge and stay somewhat current. But the body of reading material is so vast and the time to consume it so enormous, that even a diligent attorney cannot keep up with it all.

Over a quarter of a century or practicing law, I have come to believe more than ever in the value of Continuing Legal Education seminars. I used to begrudge the 12 hours per year the Bar required, and I tended to do scramble for 36 hours at the end of the three year reporting period. As I have grown older—and I hope a little wiser—I now average about 36 hours per year. I have found that the time spent attending legal education seminars is well worth the cost. In more than a few instances, just one thing I have learned at a CLE has made enough difference in just one case to pay for the entire CLE. As I listen, read, and learn at legal conferences, I also feel inspired to be a better attorney. I have also come to more fully appreciate the friendships formed with other attorneys.

The Southern Oregon Bar Association offers one of the best CLE conferences available anywhere, anytime. The Running Y Resort near Klamath Falls is peaceful and scenic and close. The program aims to bring knowledge to all attorneys, civil and criminal, prosecution and defense. Come learn about the differences between state and federal civil procedures and evidence codes. Learn how recent changes in the bankruptcy code can affect not only bankruptcy attorneys, but civil attorneys who find they are brushing against it almost against their will when a civil defendant files bankruptcy during a pending civil case. Learn the latest developments in defending criminal cases in federal court, and learn of the constitutional strains of balancing civil rights against security, and of prosecuting terrorists and eco-terrorists while trying to preserve privacy. In addition to increasing our knowledge of "what we don't know" the three day seminar at the Running Y also brings federal judges and attorneys into congenial contact in dining together while also solving a "murder-mystery." It also features wine tasting and samples from micro breweries, as well as golf and even lessons in fly fishing. The cost is very reasonable. The time together will be memorable, and who knows but what something learned at the conference will pay for the whole experience in just one case.

Remember, "It's what you don't know you don't know that hurts you."



Whose Who & What's What at the US Attorney's Office

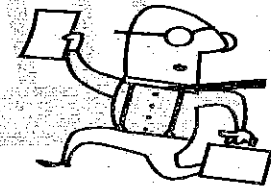
A discussion with ...



Karin Immergut & Jim Sutherland - of Us Attorney's Office and Steve Wax from the Federal Public Defender's Office and others as we can entice them to join us.

KNOW YOUR COURT

Key Differences between Federal and State Jurisdictions with an emphasis on "Evidence Who Needs It ... and why!" A panel discussion moderated by Mark Clarke with Judge Anna Brown, Judge Marci Adkisson, Kelly Anderson and a couple of surprise panelists.



A Taste of Southern Oregon Wines

Come and Enjoy a taste from a selection of spectacular wines from the fast emerging wine regions of the Rogue, Applegate and Umpqua area of Southern Oregon.

Presentation by
Michael Donovan,
Director of Marketing
& Sales for the
Roxy Ann Winery
Medford, Or.

