

Subject: Re: LDD 2301117 Mohan (Koenig)
From: Marc Mohan <marc@veritelawcompany.com>
Date: 11/13/23, 11:46 AM
To: OSB Client Assistance Office Intake <cao@osbar.org>

Thank you again for the opportunity to respond.

In addition to reiterating my statements regarding the protective order and the other allegations in Mr. Koenig's original ethics complaint letter, I contest the following assertions in Mr. Koenig's ethics complaint follow-up letter.

It is not true that "[t]he protective order is exactly what enabled Mr. Fuller to paint a false picture" in my head. First, based on Mr. Koenig's previous behavior and statements to me, I had no reason whatsoever to assume that the accusations in Mr. Fuller's letter were false or unreasonable. Second, the existence of the protective order had no effect on my judgment in this matter. I repeatedly advised Mr. Koenig not to make public statements or contact potential witnesses or interested parties, without success.

I do not share Mr. Koenig's characterization of our conversation on July 10. While I attempted to be equanimous rather than accusatory toward him, I did not express embarrassment or indicate that I did not understand the adversarial relationship between plaintiff's and defendants' counsel in litigation. What I attempted to express was my sense that Mr. Koenig wanted an attorney who was willing to exceed, in my judgment, the boundaries of that legitimately adversarial relationship, and that I was not that attorney. As noted in my communication with Mr. Koenig, I strongly advised him, based on what I had learned, that it was in his best interest to voluntarily dismiss the claims against the defendants. He chose not to do so.

Regarding Mr. Koenig's complaint that he was not provided with copies of every filing that was made in the case, there is nothing in ORPC Rule 1.4 that requires, or even suggests, that an attorney has a duty to provide a client with every document created over the course of litigation. I kept Mr. Koenig reasonably informed about the status of his case, provided information promptly when it was requested, and explained matters such that Mr. Koenig could make reasonably informed decisions about his case, as is demonstrated by the documentation he has submitted with his complaint.

Thank you again.

Sincerely,

Marc Mohan (he/him)

Verite Law Company
6404 E Burnside St.
Portland OR 97215
(503) 754-1656

PLEASE NOTE NEW EMAIL ADDRESS

marc@veritelawcompany.com

CONFIDENTIAL COMMUNICATION

E-mails from this firm normally contain confidential and privileged material, and are for the sole use of the intended recipient. Use or distribution by an unintended recipient is prohibited, and may be a violation of law. If you believe that you received this e-mail in error, please do not read this e-mail or any attached items. Please delete the e-mail and all attachments, including any copies thereof, and inform the sender that you have deleted the e-mail, all attachments and any copies thereof. Thank you.

On Mon, Oct 23, 2023 at 9:24 AM OSB Client Assistance Office Intake <cao@osbar.org> wrote:

Subject: LDD 2301117
Marc Mohan (David Koenig)

Dear Marc Mohan:

Attached is further correspondence we received from David Koenig. Please review the attachment and provide us, no later than November 13, 2023, any additional information you would like us to evaluate. If you do not respond, we will analyze this matter without further input from you.

Thank you for your cooperation.



Linn Davis

Assistant General Counsel and CAO Attorney

503-431-6332

BCC'd: David Koenig

Email Submissions to cao@osbar.org. Use subject line LDD 2301117

Oregon State Bar • 16037 SW Upper Boones Ferry Road • PO Box 231935 • Tigard, OR 97281-1935 •
www.osbar.org

Please note: Your email communication may be subject to public disclosure. Written communications to or from the Oregon State Bar are public records that, with limited exceptions, must be made available to anyone upon request in accordance with Oregon's public records laws.