



Dave Koenig [REDACTED]

LLK 2301120 Fuller (Koenig)

OSB Client Assistance Office Intake <cao@osbar.org>

Mon, Nov 18, 2024 at 5:57 AM

Subject: LLK 2301120

Michael Fuller (David Koenig)

Dear David Koenig:

This file has been transferred to me for review and resolution. Please note that the file number has been changed from LDD 2301120 to LLK 2301120.

Under Bar Rule of Procedure 2.5 and as resources permit, the Oregon State Bar Intake and Client Assistance Office (CAO) determines the manner and extent of review required to decide whether sufficient evidence has been submitted to support a reasonable belief that lawyer misconduct may have occurred warranting a referral to Oregon State Bar Disciplinary Counsel for further consideration and potential regulatory action. Misconduct means a violation of the rules of professional conduct and applicable statutes that govern lawyer conduct in Oregon.

You expressed concerns that Michael Fuller, opposing counsel in a civil suit you filed, made false statements to the court, and used a Stipulated Protective Order you were unaware of to bully and harass your attorney to withdraw from representing you. Because it appeared that your concerns might implicate our rules, we asked Mr. Fuller to respond.

In his response, through his attorney, David Elkanich, Mr. Fuller stated that he was unaware that your attorney did not have your agreement to sign the Stipulated Protective Order, and that he did not make any false statements, but only what he reasonably believed to be truthful based on his clients' representations and evidence. He pointed out that he did not have a duty to communicate with you directly regarding the case because you were represented by counsel.

We have reviewed all the relevant materials submitted in connection with the concerns you expressed about lawyer Michael Fuller. We find that there is insufficient evidence to support a reasonable belief that Mr. Fuller may have violated the rules of professional conduct with respect to making false statements. Because he was opposing counsel, he did not have a duty to communicate directly with you because you were represented by counsel. His duties are primarily to his own clients. We conclude that there is no sufficient basis to warrant a referral to Disciplinary Counsel.


Because we find no professional misconduct, we will take no further action on this matter. If you disagree with this disposition, you may have the matter reviewed by Oregon State Bar General Counsel, provided we receive your request for review in writing no later than December 9, 2024. The decision of General Counsel is final.

I hope we have been of assistance in obtaining a response to your concerns.

Respectfully,



Linda L. Kruschke
Assistant General Counsel
Ext. 415

 Client Assistance Office
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BCC'd: David Elkanich

Email submissions to: cao@osbar.org

Use subject line: LLK 2301120

----- Forwarded message -----

From: Dave Koenig 
To: OSB Client Assistance Office Intake <cao@osbar.org>
Cc:
Bcc:
Date: Mon, 6 May 2024 20:22:38 +0000
Subject: Re: Mohan and Fuller complaints.
Dear Linn Davis,

Thank you for your update about the CAO handling of the Fuller and Mohan complaints. In the last five weeks I have had some additional written correspondence with Michael Fuller. I do not know if this rises to the level of something that should be added to report LDD 2301120, but I have deemed Mr. Fuller's communications erratic and concerning.

In early April, I received a letter from Mr. Fuller via postal mail only dated March 28th, 2024 with the final