

Karen Graham

From: OSB CAO Intake
Sent: Monday, August 17, 2015 2:58 PM
To: stephen@whittakerandassociates.com
Cc: OSB CAO Intake
Subject: CAO Attorney Complaint

The logo for the Oregon State Bar, featuring the text "Oregon State Bar" in a purple serif font. The word "State" is partially obscured by a dark green vertical rectangular bar.

8/17/2015 2:58:02 PM To: Stephen Whittaker

**Following is a record of your complaint filed with the Oregon State Bar.
Please retain this for your records.**

Name and Address of COMPLAINANT

Mr Stephen Whittaker
2141 SW 189th Ave
Aloha, OR 97003
Primary Phone: 503-547-85686
Secondary Phone:
Email: stephen@whittakerandassociates.com

Name and Address of ATTORNEY

Mr Warren Foote
1162 Court St NE
Salem, OR 97301
Primary Phone: 503 947-4520
Secondary Phone:

COMPLAINT

Mr. Foote engaged in 2 specific behaviors that are against the rules and regulations. 1st he submitted evidence that he knew was falsified/alterd as evidence. When his own witness proved that it was falsified, he continued to pursue knowing that his claim was not true. After this occurred, Mr. Foote had private counsel with the ALJ about the case without the other party present. This has been established as not allowed. The ALJ went ahead and agreed with Foote and imposed a sanction which was not based on any truthful evidence - only off the fraudulent evidence and the private counsel he engaged in.

ATTACHMENTS

Oregon State Bar | 16037 SW Upper Boones Ferry Road | Tigard, Oregon 97224

August 24, 2015

Stephen Whittaker
stephen@whittakerandassociates.com

Re: **Subject: SRO 1501170**
Warren Foote (Stephen Whittaker)

Dear Mr. Whittaker:

We have received your correspondence regarding Warren Foote.

The Client Assistance Office (CAO) is responsible for reviewing concerns regarding Oregon lawyers. Under Bar Rule of Procedure 2.5 and as resources permit, CAO determines the manner and extent of review required to determine whether there is sufficient evidence to support a reasonable belief that misconduct may have occurred warranting a referral to Disciplinary Counsel's Office. Misconduct means a violation of the rules of professional conduct and applicable statutes that govern lawyer conduct in Oregon.

You have expressed concern that Mr. Foote presented evidence that he knew to be falsified. You also alleged that he continued to present that evidence after his witness established that it was falsified. You also contend that Mr. Foote had ex parte contact with the administrative law judge (ALJ) presiding over the matter and that the ALJ ruling relied upon this falsified evidence.

In order to effectively evaluate your complaint, we need additional information. Please provide evidence that the evidence that Mr. Foote presented was falsified. Please also provide evidence that Mr. Foote knew that this evidence was falsified when he presented it.

Please note that all material submitted by the parties is public record and both parties will receive copies. If we do not receive the additional information by September 14, 2015, we will take no further action on this matter and close our file.

As to your allegation that the ALJ ruled upon fraudulent evidence, it is important to note that concerns about ALJs do not fall within the jurisdiction of the Oregon State Bar. The Office of Administrative Hearings has a code of conduct for ALJs and you may

Stephen Whittaker
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wish to refer your concerns to them at the following address: Office of Administrative Hearings, 4600 25th Ave. NE, Suite 140, Salem, OR 97301.

Sincerely,

A handwritten signature in black ink, appearing to read 'S Owen', with a long horizontal flourish extending to the right.

Stacy R. Owen
Assistant General Counsel
Ext. 351

SRO/kng

cc w/attach: Warren Foote, Attorney at Law

E-mail submissions to: cao@osbar.org Use subject line: SRO 1501170