

October 14, 2020

Oregon State Bar
Client Assistance Office
PO Box 231935
Tigard, Oregon 97281

Via email: CAO@osbar.org

To Whom It Should Concern:

I am herein filing an ethics complaint against Joel Christiansen and Shenoa Payne, for violating Rule 3.3 of the Oregon Rules of Professional Conduct.

In an Answering Brief written by Payne and Christiansen, they false represented to the 9th Circuit Court of Appeals that I did not raise various forms of estoppel, namely issue preclusion and claim preclusion in my Motion to Compel arbitration in 3:15-CV-2401. It was a material lie and constitutes an unsworn falsification. I reference their lie on page 55 (of 131) of Doc #37. You will note the header references.

I am the Appellant in that matter. My Motion to Compel arbitration was filed in the 3:15-CV-2401 case and is provided herein, referenced as Doc #78, page 5, noting that "Plaintiff previously challenged the arbitration and mediation requirements of his employment agreement in New Jersey State court and that court upheld the agreement. See Exhibit B." Doc #79-2 (Exhibit B) is also provided. The transcript of the NJ hearing was provided as Doc #79-3. Exhibit B was also provided in that case as Doc #43-7. And my Answer and Affirmative defenses preserved issue and claim preclusion.

Whether collateral, judicial or equitable estoppel were mislabeled or at times even confused or conflated, this Appellant made it clear that post-employment retaliation was litigated and decided in favor of arbitration. Christiansen and Payne argued that issue preclusion and the prior decision of the New Jersey Court was not raised. And it was.

An unsworn falsification is a predicate act under Oregon RICO. I would ask that the Oregon State Bar finally take steps to distance the OSB and PLF from the criminal activity of Joel Christiansen. While this is not new for Christiansen, I am surprised that Shenoa Payne endorsed this representation and took up the mantel in support.

In a prior Ethics case, the OSB pursued ethics sanctions against a Washington County prosecutor and defense attorney for misrepresenting the law of incarceration on a mentally ill defendant. In that spirit I ask you to open an investigation on Christiansen and Payne. Ideally, you will have some impact in reforming Payne so that she remains a viable advocate instead of just a good liar.

Very truly yours,

/s/ Timothy C. Rote

Timothy C. Rote