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DEPARTMENT OF JUSTICE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

December 14, 1992

W. L. Anderson
783 Christiansen Rd.
Toledo, OR 97391

Re: Petition for Public Records Disclosure Order:
Oregon State Bar

Dear Mr. Anderson:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on December 8, 1992, asks the Attorney General to direct the Oregon State Bar (Bar) to produce copies of various correspondence to, and actions by, the Bar. For the reasons that follow, we respectfully deny your petition.

Your petition concerns the following records:

1. Bar copies of initial response, Macpherson-Osterlund;

2. Bar action as to Bar Counsel Reimer's response;

3. Bar action and copy of Judge Littlehale's protest to Bar as to mess made of "excellent case."

4. Bar action as to Macpherson expose, Salem newspaper, April 4, 1979 (smuggling defraudment);

5. Copy of court (Peterson) letter to Bar, responded by Bar September 16, 1983;

6. Bar action as to legal interference, June 30, 1986;

7. Bar action as to harassing letters, December '87 - February '88.

As to items number 1, 3 and 7, Jeffrey Sapiro, Disciplinary Counsel, Oregon State Bar, has informed us that he has already provided you with all materials that the Bar has been able to locate in its files. As to these records, we deny your petition as moot.

As to items number 2, 4 and 6, Mr. Sapiro informs us that the Bar either has no such records or has been unable to locate the records based upon the description provided. As to these records, we also deny your petition. The Attorney General cannot order a state agency to produce records that do not exist or that the agency does not have.

As to item number 5, Mr. Sapiro informs us that he has not previously received a request from you for such records. However, he has provided us with a copy of a letter dated September 9, 1983, from Chief Justice Edwin Peterson to George Riemer and a copy of the Bar's response to that letter, dated September 16, 1983, and asked us to forward that correspondence to you. A copy of each of those letters is enclosed. Accordingly, we deny your petition for these records as moot.

Sincerely,

Amy Veranth
Opinions Coordinator
General Counsel Division

ALV:alv/JAA009D7

Enclosures

c: Jeffrey D. Sapiro, Disciplinary Counsel, Oregon State Bar