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January 31, 2007

RECEIVED

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JAN 31 2007

DISCIPLINARY COUNSEL

Ms. Mary Cooper
Asst. Disciplinary Counsel
Oregon State Bar
5200 SW Meadows Road
Lake Oswego, OR 97035

RE: Scott D. Caplan (Michael Munk)

Dear Ms. Cooper:

I have reviewed your letter of inquiry dated January 18, 2007. Respectfully, we have a good faith difference of opinion regarding the extent of the attorney client privilege. However, I am confident we have no disagreement regarding an attorney's ethical duty to maintain client confidences; that duty is absolute. The ethical duty to maintain client confidences must be preserved even when disclosure would benefit the attorney.

I believe that we will not have to debate this matter further, as the facts set forth below, coupled with my letters to Mr. Mullmann, evidence that at no time have I violated a Disciplinary Rule.

Initially, you should know that on August 28, 2003, the Articles of Organization were filed with the State of Oregon. These Articles, which I have attached hereto for your perusal, clearly reflect that this company was not registered under a false name. To the contrary, every statement in the Articles is accurate and in accordance with the LLC registration statutes.

Without divulging client confidences, I can state unequivocally that prior to filing the Articles of Organization, there was no information communicated to me that caused me to believe that this LLC was not a legitimate legal entity, organized for a legitimate and proper purpose. After I filed the organizational papers, no additional legal services were provided the LLC.

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Approximately 15 months later the LLC was alleged to have purchased or came into possession of an airplane. I had no knowledge of that event and did not act as legal counsel for the LLC with respect to this event and was not informed of or made aware of such action. I learned about these events as others did, through the press.

Thereafter, in late 2004, while vacationing out of state, I spoke briefly with a reporter by telephone. At that time I was asked if I believed Leonard Bayard existed. Based on privileged client communications, I affirmed that statement. At no time was I quoted to that effect. Again, without divulging client confidences, I cannot tell you the underlying communications supporting my opinion, but I can say that it was what I truly believed. At no point did I make a false statement or engage in conduct that involved dishonesty, fraud, deceit, or misrepresentation.

I reiterate that at no time have I prepared any documentation, engaged in any conduct, or communicated to any person, agency, or organization facts regarding this matter contrary to what I believe them to be and ask that you make a determination that there has been no wrongdoing and no further consideration of this matter is warranted.

Very truly yours,



SCOTT D. CAPLAN

SDC:lbg