

IN THE SUPREME COURT FOR THE STATE OF OREGON

In re:

Case No. S072119

Complaint as to the Conduct of

Christopher R. Best,  
Bar No. 082649,

Respondent.

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PROPOSED BRIEF OF *AMICI CURIAE* OREGON CRIME  
VICTIMS LAW CENTER, LEGAL VOICE, FAMILY PEACE  
CENTER OF WASHINGTON COUNTY, NATIONAL CRIME  
VICTIM LAW INSTITUTE, OREGON COALITION AGAINST  
DOMESTIC AND SEXUAL VIOLENCE, AND OREGON LAW  
CENTER IN SUPPORT OF OREGON STATE BAR'S  
ANSWERING BRIEF

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David J. Elkanich, OSB No. 992558  
Leah Lively, OSB No. 962414  
Olivia A. Courogen, OSB No. 223845  
BUCHALTER, P.C.  
805 SW Broadway, Suite 1500  
Portland, OR 97205  
Email: [delkanich@buchalter.com](mailto:delkanich@buchalter.com)  
Email: [llively@buchalter.com](mailto:llively@buchalter.com)  
Email: [ocourogen@buchalter.com](mailto:ocourogen@buchalter.com)

Attorneys for Respondent

Sarah LeClair, OSB No. 023725  
Oregon Crime Victims Law Center  
7412 SW Beaverton-Hillsdale Hwy  
Suite 209  
Portland, OR 97229  
Email: [sarah@ocvlc.org](mailto:sarah@ocvlc.org)

Attorney for *Amici Curiae*

*(Parties continued on next page)*

Susan R. Cournoyer, OSB No. 863381  
Oregon State Bar  
16037 SW Upper Boones Ferry Road  
P.O. Box 231935  
Tigard, OR 97281  
Email: [scournoyer@osbar.org](mailto:scournoyer@osbar.org)

Attorney for Oregon State Bar

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## STATEMENTS OF INTEREST

The Oregon Crime Victims Law Center (OCVLC) seeks to appear and file this brief in support of the Oregon State Bar. OCVLC is joined in this filing by Legal Voice, Family Peace Center of Washington County (FPCWC), National Crime Victim Law Institute (NCVLI), Oregon Coalition Against Domestic and Sexual Violence (OCADSV), and Oregon Law Center (OLC).

OCVLC is a nonprofit organization that provides crime victims across Oregon with no-cost legal representation in asserting and enforcing their rights in criminal proceedings in Oregon's state, federal, and tribal courts, and in contested protective order proceedings, including Family Abuse Prevention Act Protective (FAPA) Order cases. OCVLC also provides crime victims with non-legal victim assistance. A significant number of OCVLC's cases involve representation of victims of intimate partner violence. OCVLC participates as *amicus curiae* when a case raises issues of statewide importance relating to crime victims' rights and interests.

Legal Voice is a nonprofit public interest organization in the Northwest that works to advance the legal rights of women and girls through litigation, legislation, and public education. Since its founding in 1978 as the Northwest Women's Law Center, Legal Voice has advocated on behalf of all survivors of domestic violence, sexual assault, and other forms of gender-based violence to

ensure equal access to protections and services. Legal Voice has participated as counsel and *amicus curiae* in numerous cases throughout the Northwest and the country and serves as a regional expert and advocate in the area of gender-based violence.

The Family Peace Center of Washington County (FPCWC) is a 501(c)(3) nonprofit and the backbone organization for a collaboration of more than 22 partner agencies working together to provide safety, healing, and hope for survivors of domestic violence, sexual assault, child abuse, and other forms of family violence. Through a coordinated, survivor-centered model, the Family Peace Center brings critical services together in one safe and accessible location, reducing barriers and helping survivors navigate complex systems of care.

At the Family Peace Center, survivors and their families can access advocacy, trauma-informed counseling, legal assistance, help with protection orders and crime victim compensation, law enforcement support, forensic medical services, virtual court access, public benefits navigation, emergency financial assistance, and specialized support for children and youth. By co-locating these services and partners under one roof, the Family Peace Center strengthens collaboration across systems and ensures survivors receive the comprehensive support they need to find safety, stability, and long-term

healing.

NCVLI is a nonprofit educational and advocacy organization located at Lewis and Clark Law School in Portland, Oregon. NCVLI's mission is to actively promote victims' voices and rights in the justice system through crime victim-centered legal advocacy, education, and resource sharing. NCVLI accomplishes its mission through education and training of judges, prosecutors, victims' attorneys, advocates, law students and community service providers; providing legal assistance on cases nationwide; analyzing developments in crime victim law; and advancing victims' rights policy. As part of its mission, NCVLI participates as *amicus curiae* in select state, federal and military cases that present victims' rights issues of broad importance.

The Oregon Coalition Against Domestic and Sexual Violence (OCADSV) is the state-level sexual and domestic violence coalition in Oregon, founded in 1978, and its core member programs serve survivors of domestic and sexual violence in communities across the state. OCADSV promotes equity and social change to end violence for all communities, and seeks to transform society by engaging diverse voices, supporting the self-determination of survivors, and providing leadership for advocacy efforts. OCADSV also works to engage legislators on the local, state, and national levels to better meet the needs of the communities they represent, and provides training, research, and

leadership promoting trauma-informed advocacy services for survivors of abuse throughout Oregon.

OLC is a 501(c)(3) organization providing civil legal services to low-income Oregonians. OLC's mission is to achieve justice for low-income communities in Oregon by providing a full range of the highest quality civil legal services. OLC regional offices across the state handle family law cases involving domestic violence, as well as victim-side representation in protective order cases and appeals. OLC is also involved in policy advocacy in this realm. Based on OLC's experience representing low-income survivors of domestic violence, OLC is uniquely situated to provide a perspective regarding the Trial Panel Opinion and its impact on domestic violence survivors' access to, and trust in the legal system.

This case involves issues that are fundamental to the interests of all victims of domestic violence in Oregon, including to have adjudicators treat them with dignity and respect and to make determinations on issues such as weighing evidence and credibility based on an accurate understanding of the dynamics of domestic violence and coercive control, and not based on bias or harmful myths about survivor behavior. *Amici* submit the proposed brief in aid of the Court's task of determining the correct rule of law in this matter.<sup>1</sup>

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<sup>1</sup> *Amici's* position is generally aligned with that of the Oregon State Bar,

*Amici* recognize the challenges faced by adjudicators when considering evidence of domestic violence. Domestic violence dynamics can be complex, and outdated understandings of these dynamics as well as myths and misunderstandings about survivors' behavior are widespread. *Amici* have specific relevant expertise built on many years of service to survivors of domestic violence throughout myriad legal and administrative systems; they also have expertise educating decision-makers on overcoming bias against survivors, on the realities of coercive control, and on creating systems that do not impose further harm on survivors when they come forward to report their abuse. *Amici* offer this brief to educate decision-makers on domestic violence dynamics, survivors' responses, and on trauma-informed responses when adjudicating cases involving domestic violence.

## **I. STATEMENT OF THE CASE**

Respondent was admitted to the Bar in September 2008. The Bar filed its formal complaint against Respondent on August 2, 2023, and filed an amended complaint on October 15, 2024. The complaints charged Respondent with multiple violations of the Oregon Rules of Professional Conduct (RPCs) and Oregon Revised Statutes (ORS), arising from what the Bar argued were a series

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however, *Amici* take no position on the appropriate disciplinary sanction to be imposed in this case.

of criminal acts of domestic violence against multiple intimate partners and from related violations of a Family Abuse Protection Act (FAPA) Order, a no-contact order in a criminal proceeding, and the terms of probation imposed when Respondent pleaded guilty to certain criminal charges.

The specific charges included two violations of RPC 8.4(a)(2) (criminal conduct reflecting adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects); two violations of RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal); one violation of RPC 8.4(a)(4) (conduct prejudicial to the administration of justice); and two violations of ORS 9.527(1) (course of conduct that would justify denial of his Bar admission application if he were applying today). The Bar also argued that substantial aggravating factors were present relating to Respondent's mental state and the injuries he caused. The Bar asked that the Trial Panel suspend Respondent for a minimum of three years.

Trial was held January 21-24 and 26-28, 2025. During the trial, the Panel heard testimony and received exhibits relating to Respondent's conduct with three ex-partners: Karen Geis, Adrienne Foushee, and Angela Frassetto. The Trial Panel issued its decision on June 18, 2025, concluding that the Bar proved by clear and convincing evidence two violations of RPC 8.4(a)(2), two violations of RPC 3.4(c), one violation of RPC 8.4(a)(4), and that certain

aggravating and mitigating factors had been proven. The Trial Panel imposed a nine-month suspension on Respondent.

**A. Evidence Before the Trial Panel Regarding Respondent's Relationship with Karen Geis**

Respondent and Karen Geis (f/k/a Karen Lyons) were married during college and separated near the end of Respondent's law school studies. Trial Panel Op. at 3-4 (June 18, 2025). During the relationship, Ms. Geis obtained two FAPA orders and a temporary stalking order against Respondent. Ex. 60 at 1-2. In the petitions requesting FAPA protection, Ms. Geis detailed Respondent's violent outbursts and threats toward her and her mother. These incidents included Respondent yelling at Ms. Geis, violating a "code of conduct" set forth in their dissolution agreement, and forcing Ms. Geis onto a bed while holding her wrists tightly enough to cause bruising. Ex. 1 at 2-3. Ms. Geis requested the stalking order after Respondent repeatedly called her in violation of the code of conduct, despite her multiple requests that he stop. Respondent also remained at her home despite her requests that he leave, yelled, and pounded on her door for several minutes. Ex. 4 at 2, 4. Ms. Geis was also fearful that their young daughter would be harmed by Respondent. Exs. 1 & 3.

Respondent also threatened Ms. Geis's mother, Marsha Lyons, while she babysat the couple's daughter. Tr. Vol. I, 78:21-79:4 (Jan. 21, 2025).

Respondent shouted through a closed door that he would kill his mother-in-law, and once he got inside the door, he approached her waving his fists, his face red with anger. *Id.* at 79:11-14; 80:10-25; 83:5-12. Respondent's threats continued through the summer of 2024, when he began to send Ms. Geis threatening messages as the disciplinary trial approached. Specifically, Respondent sent the following text messages to Ms. Geis during April 2024, immediately after his probation for another domestic violence related crime had ended:

I know your worthless husband thinks he's Elizabeth's dad, and has walked my daughter down the aisle like you promised, and your entirely and completely worthless father has celebrated that in his own ways, but, have you ever encouraged your son in law to meet his actual father in law?

Ex. 7 at 2.

I think what I just wrote is going to become an exhibit for the Bar, so I need to make this extra clear; your father is the worst example of a father I've ever had the displeasure of experiencing. He is a shameful embarrassment of a man.

*Id.*

Hey bitch, you can't talk to me directly? Looks like you learned a lot from your father. But we'll find out soon what you're [*sic*] been talking about.

*Id.* at 4.

Your father is one of the worst men I've ever met. He's an abject liar and a worthless ninny. Some would call him a pussy; I'll reserve it for them to say, as I would rather not stoop to the level. Fortunately for him, he's created a universe with his wife, daughter, and grand-daughter who worship him. Fortunately for us all, I took you away and made his

granddaughter. He'd be wise to celebrate that try to vindicate something that's his fault.

*Id.* at 6.

You found me early, sucked me in, and then we (plural) found a soul and heart together. I donated a couple IQ points to you, and I'm glad you re-donated them to our daughter. Good work.

*Id.* at 11-13.

Ms. Geis ultimately declined to testify at Respondent's disciplinary trial, noting her fear caused by Respondent's conduct:

At this point he has reached out and intimidated me to the point where I am fearful. I will not attend this trial. His behavior is erratic and he is coming at me and my family. It is in the best interest of my mental health and the safety of my family that I pull away from testifying.

*Id.* at 15.

The Bar alleged that Respondent committed the crimes of assault, harassment, and menacing against Ms. Geis, and the crime of menacing against her mother, Marsha Lyons. In its decision, the Trial Panel noted that in light of Ms. Geis's refusal to testify:

We are unable to find that the Bar proved criminal conduct as to Geis by clear and convincing evidence. The limited testimony presented pertaining to events that happened almost two decades ago was insufficient.

Trial Panel Op. at 21.<sup>2</sup>

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<sup>2</sup> The Trial Panel cited Respondent's harassing messages to Ms. Geis as

In so holding, the Panel did not appear to consider evidence lending support to the Bar’s arguments regarding Respondent’s abuse of Ms. Geis, including her FAPA and stalking order petitions and testimony it received from Ms. Geis’s brother, Nathan Lyons, who also witnessed her physical injuries, the harassing messages sent in 2024, and her considerable fear. Tr. Vol. II, 545:9-12; 549:10-15 (Jan. 22, 2025).

Evidence before the Panel included Nathan Lyons’s testimony that, “[Respondent] grabbed her so violently by the arm and threw her against the wall that she had finger marks on her arm that you could see, bruising all over her.” *Id.* at 545:16-22. Mr. Lyons was also asked to serve a restraining order on Respondent on behalf of his sister. He learned that Respondent had shown up at Ms. Geis’s apartment and ended up having to chase him: “[W]e both caught up to Mr. Best as he was trying to get to his car to leave which, when I yelled ‘Stop. You’re being served with a restraining order,’ he turned back and yelled at me about how I was wasting my life at which I point I reminded him I’m not the one who was beating women.” *Id.* at 546:14-20.

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providing support for its finding that Respondent has not adequately expressed remorse for his actions. *Id.* at 35.

## **B. Evidence Before the Trial Panel Regarding Respondent's Relationship with Adrienne Foushee**

Respondent and Adrienne Foushee (f/k/a Adrienne Cutler) were domestic partners from 2007-2013. Tr. Vol. I, 114:3-6. They have two children together. *Id.* at 140:8-9. Ms. Foushee testified that during their relationship Respondent punched, choked, headbutted, and slammed her head and body on the ground. *Id.* at 115:3-17. Ms. Foushee felt unsafe and threatened. *Id.* at 115:18-25. Ms. Foushee testified that police were called to their home approximately six or seven times during the relationship. *Id.* at 124:19-22. She also testified that Respondent physically assaulted her at least twelve times over a five-year period. *Id.* at 143:12-15.

Incidents included ones in which Respondent locked Ms. Foushee in the closet, punched her while she was pregnant, threw items at her, and headbutted her. *Id.* at 145:23-146:14. There was also evidence presented that Respondent isolated Ms. Foushee from her friends and had full financial control over her.<sup>3</sup> *Id.* at 128:6-9, 15-22. Ms. Foushee testified about the impacts of Respondent's emotional and psychological abuse of her:

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<sup>3</sup> Ms. Foushee testified that “[i]t’s [sic] classic narcissistic, you know, behavior of isolation, of being financially dependent, you know, the vehicle being dependent; not having many friends. I was basically backed into a corner very methodically. . . . anything that you read about, everything that I learned and tried to educate myself in the last few years. It’s textbook isolation for abuse in every way.” *Id.* at 128:15-22.

I would say the emotional and psychological abuse is much more damaging than the physical abuse. I remember times of just wishing – while he’s berating me verbally, I was just wishing he would hit me and get it over with because it was easier to swallow.

*Id.* at 130:6-11.

Respondent, in his testimony, either denied committing the abuse or blamed Ms. Foushee’s alleged infidelity for each violent incident.<sup>4</sup> Tr. Vol. II, 581:6-23; 580:21-23; Ex. 18. Ms. Foushee testified that she did not report to law enforcement consistently because she was afraid of losing her children given the disparity in income and power between her and Respondent. Tr. Vol. I, 129:12-17. Ms. Foushee testified that she broke her foot running away from Respondent at some point. *Id.* at 135:12-15. Ms. Foushee also testified that it was hard to know what would precipitate the abuse: “it never really had any merit to anything, so it didn’t matter what it was. There wasn’t really any rhyme or reason is what it seemed like.” *Id.* at 126:3-6. Ms. Foushee explained that most of the physical abuse occurred when Respondent had been drinking, but that the emotional and psychological abuse continued when he was sober. *Id.* at 210:15-211:3.

The Trial Panel also heard evidence regarding an August 9, 2010

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<sup>4</sup> Resp. Hrg Memo. 5 Cause No. ER13040059, Clackamas County Circuit Court (Aug. 22, 2016) (“Respondent has never hit, hurt, injured, maimed, assaulted, or abused Petitioner at any time.”).

incident, where a neighbor called the police after hearing a female voice yelling and crying from inside an apartment. Ex. 9 at 1; Tr. Vol. I, 119:23-120:22. The caller reported “that a man in the apartment appeared to be raping the female.” Ex. 9 at 1. Officers responded and observed broken glass on the kitchen floor, a tipped over purse, and a telephone on the hallway floor near the bedroom. *Id.* at 1-2, 8.

Law enforcement interviewed Ms. Foushee, who claimed that everything was fine and the couple was having an argument. *Id.* at 2. One officer explained to Ms. Foushee what the 911 caller had said was occurring, and “her bottom lip started to tremble and her eyes started to fill with tears... [She] placed her hand over her mouth and then her whole face and started to cry uncontrollably.” *Id.* Ms. Foushee explained that on this evening, Respondent was angry and “kept trying to come at her and she would move away from him and that’s probably why the neighbors heard running around in the apartment.” *Id.* She then shared that in the past, Respondent would get physically abusive with her and would pin her down. *Id.* She agreed with law enforcement that she needed to leave Respondent but felt “stuck” and “feared what Respondent could do as a lawyer if they ended up in court.” *Id.* at 3. Later, Ms. Foushee testified at the disciplinary hearing that “I remember trying to get away from him and being so loud that the neighbors

ended up calling the police.” Tr. Vol. I, 120:20-22.

Evidence was also heard regarding an incident in September 2010 when Ms. Foushee called 911. She told responding law enforcement that Respondent punched her in the stomach and pushed her against a wall while taking her phone away. *Id.* at 125:19-23; Ex. 10 at 7. She also told the responding officers that she noticed an increase in the frequency and severity of violence. Tr. Vol. I, 125:6-10; Ex. 10 at 7. All three children were in the home when this incident occurred. Ex. 10 at 7. Respondent was arrested and during his arrest, told an officer “Your probable cause for this whole thing can change and you can just take me back home.” *Id.* at 6.

For this incident, Respondent was charged with fourth degree assault, harassment, and interference with making a police report. Ex. 11 at 1. Respondent pled guilty to fourth degree assault in exchange for dismissal of the other charges. *Id.* Respondent entered into a deferred sentencing agreement after attempting to plead “no contest” (this attempt was denied by the court, which required him to plead guilty). Ex. 13; Tr. Vol. III, 777:20-778:20 (Jan. 23, 2025). Respondent completed batterer’s intervention training but when asked about it at his disciplinary trial he testified “No. I don’t think I needed to take it.” Tr. Vol. III at 578:23-25.

On December 3, 2012, Ms. Foushee’s 8-year-old daughter called 911.

Tr. Vol. I, 134:16-18; Ex. 14 at 9. Ms. Foushee reported to law enforcement that Respondent “was in a rage and throwing clothes around the house.” Ex. 14 at 10. She reported that Respondent had violated restraining orders in the past and threatened her that “something would happen” should she call law enforcement again. *Id.* at 11. She admitted that she was “backed into the corner” in the relationship and that Respondent “has complete control of her actions,” including control over her cell phone, home finances, vehicle titles, and mortgage. *Id.* Ms. Foushee again shared her main reason for remaining in the relationship, which was to protect her children. She was concerned that because Respondent is an attorney, he would gain custody. *Id.* Law enforcement completed the department’s Lethality Assessment Protocol (LAP) and screened her in for risk of future harm. *Id.*

Respondent also scuffled with and threatened law enforcement during this incident. Tr. Vol. II, 521:2-523:8; 524:1-3; 528:5-17. That same night, after his release from jail, Respondent returned to the home and beat on the door. Ms. Foushee allowed Respondent to enter and he started “to ramp up the argument again.” Ms. Foushee ran away from Respondent and called 911. Ex. 14 at 12; Tr. Vol. I, 138:21-24. Ms. Foushee testified about being terrified that Respondent came right back home after being released from the jail. Tr. Vol. I, 138:25-139:1.

Respondent's attempts to control Ms. Foushee continued during their domestic relations parenting plan case. The court had ordered Respondent to pay all of Ms. Foushee's costs and \$55,000 of her attorney's fees in that case, finding that many of Respondent's filings were "unreasonable" and "use[d] the system to this advantage." Further, the court found "Father's conduct gave rise to most of the litigation in this case," as "[f]ather largely chose to proceed to avoid judicial decisions on various issues, and Mother largely chose to defend against Father's aggressive use of the courts and 'win' by increasing attorney fees." Ex. 22, 1-5.

Respondent also sent threatening texts to Ms. Foushee in June 2024, in the lead up to the disciplinary trial. His first text stated:

Your children are lucky they had a mom who found me. Instead of being appreciative of that, your [sic] lying, conniving bitch. Figure it out.

Ex. 25.

Ms. Foushee asked him to stop at least seven times, but he continued to send her threatening messages. Tr. Vol. I, 149:17-150:9; *see also* Ex. 25. These messages intimidated Ms. Foushee and caused her to question her participation in this proceeding "many times." Tr. Vol. I, 149:11-16.

The Bar alleged that Respondent committed the crimes of assault, harassment, and menacing against Ms. Foushee. After consideration of the evidence, the Trial Panel described their relationship as "tumultuous" with

“multiple confrontations.” Trial Panel Op. at 4-5. The Panel also noted that “[n]o police were called, nor were any charges made against Respondent, for the majority of these claimed incidents” despite Ms. Foushee’s testimony that she called the police six or seven times during a six-year relationship. *Id.* at 5; Tr. Vol. I, 124:19-22.

The Trial Panel concluded that the Bar had proven only one assault, which was part of the September 2010 incident where Respondent had pleaded guilty to the charge. The Panel noted that:

We are troubled by the testimony that Respondent committed criminal acts of domestic violence prior to the incident that led to the guilty plea, and we are concerned about the testimony that he continued to commit criminal acts of domestic violence against Cutler after the guilty plea. We are unable to find that these incidents were proved by clear and convincing evidence, however. We have no difficulty finding, though, that the guilty plea is clear and convincing evidence that Respondent committed the criminal acts he admitted to. The fact that the charge was later dismissed per the plea agreement does not controvert the fact that Respondent and his lawyer certified that there was a factual basis for the guilty plea.

Trial Panel Op. at 19.

With respect to the August 9, 2010 incident, the Trial Panel noted that it reviewed the police report, which also described Respondent’s aggression toward law enforcement that evening<sup>5</sup> and observed, “[t]here was no

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<sup>5</sup> Respondent yelled at Ms. Foushee not to tell law enforcement his name; yelled in law enforcement’s face; charged at law enforcement; and told law enforcement he was a lawyer and “we sue fucking asshole cops like you all the

evidence of any physical injury to Cutler during this incident, no arrest was made, and no criminal charges were filed.” *Id.* at 6.

The Trial Panel did conclude that Respondent’s crimes caused Ms. Foushee “physical harm and emotional and psychological trauma” and acknowledged that Ms. Foushee was a vulnerable victim and applied the vulnerability factor “to a limited extent” in its analysis of the ABA aggravating and mitigating circumstances. Trial Panel Op. at 29, 33.

### **C. Evidence Before the Trial Panel Regarding Respondent’s Relationship with Angela Frassetto**

Respondent and Angela Frassetto were in a relationship from 2015 until 2019. Tr. Vol. I, 215:23-216:7. They were married from 2018-2022. *Id.* at 216:3-4. The Bar alleged that Respondent committed the crimes of assault, strangulation, harassment, and menacing against Ms. Frassetto. It also alleged violations of the disciplinary rules based on Respondent’s placement of the tracking device on Ms. Frassetto’s car in violation of the no-contact orders prohibiting contact with her.

Ms. Frassetto testified that she suffered physical, sexual, and emotional abuse throughout their relationship, including being strangled, hit, and shoved. *Id.* at 216:19-217:14. She also testified that Respondent

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time.” Ex. 9 at 3.

manipulated and psychologically controlled her. *Id.* at 223:10-15. She noted that his abuse was different after he had been drinking, but that “he was manipulative[,] sober or not.”<sup>6</sup> *Id.* at 224:5-9. She also testified that Respondent had sex with her while she was sleeping. *Id.* at 279:18-280:16.

Ms. Frassetto testified about a particularly violent incident in January 2019 in which Respondent threw her to the ground, pinned her with his body, placed one hand on her throat, and punched her in the face. *Id.* at 227:6-24. Ms. Frassetto described:

I think the scariest thing in that instance was that it didn’t matter what I was trying to say to him. It didn’t matter what I was doing. He was not there. He wouldn’t respond. I didn’t – I thought he was going to kill me. I literally prayed to my God in that instance thinking I was going to die. In that night I thought I was going to die. And it took – just went on forever.

*Id.* at 228:24-229:7.

The Trial Panel also heard testimony about an incident in April 2019, during which Respondent and Ms. Frassetto got into an argument regarding his compliance with treatment relating to his use of pornography. As his partner, Ms. Frassetto was aware that he was to avoid pornographic materials. *Id.* at 237:3-5; 238:1-11. During the incident, Respondent pushed Ms. Frassetto to the ground. When she stood up, he grabbed her by the neck and applied pressure to

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<sup>6</sup> Ms. Frassetto testified that “he was hard. He could drink a lot of alcohol and pull off a – you know, a very poised look for most of – most of the time, but he would snap.” *Id.* at 224:10-12.

her neck. He attempted to punch her but released her when she tried to back away. *Id.* at 238:17-239:4. Ms. Frassetto testified that she did not call the police when these incidents occurred. *Id.* at 259:14-16.

Respondent denied abusing her. Tr. Vol. III, 700-703, 708-709; Trial Panel Op. at 10. However, the Trial Panel received into evidence a recording of a call between Ms. Frassetto and one of Respondent's law partners, Dan Gatti, during which Mr. Gatti told Ms. Frassetto that Respondent had admitted to him that he had "hit" her and "had been physically – or violent" with her. Ex. 27, 2:23-3:9. Mr. Gatti stated: "He told me all that stuff which was really, really, you know, surprised he said it." *Id.*; Trial Panel Op. at 12.

After the parties' separation, Ms. Frassetto reported to law enforcement that Respondent had hit or strangled her multiple times. Tr. Vol. I, 266:21-25. Ms. Frassetto and her son eventually testified in front of a grand jury, who indicted Respondent on eleven criminal counts related to three separate incidents. *Id.* at 217:15-22. There was a no contact order that prohibited Respondent from having any contact with Ms. Frassetto during the pendency of the criminal case. Ex. 34; Tr. Vol. I, 241:9-11. Ms. Frassetto also applied for a FAPA in October 2019. She obtained that order after a contested hearing and had successfully renewed it multiple times as of January 2025. *Id.* at 239:5-240:3.

The Trial Panel also heard testimony and received evidence regarding Respondent's decision to hire private investigator Duane Thomas to follow, photograph, and surreptitiously track Ms. Frassetto while the divorce was pending. Tr. Vol. II, 395:19-396:25; 405:4-12. Respondent hired Mr. Thomas while he was still subject to court orders prohibiting him from any contact with Ms. Frassetto. Ex. 34. Under Respondent's direction, Mr. Thomas purchased a GPS tracker, placed it on the car that Ms. Frassetto had sole possession of, and tracked her movements through a subscription service. Tr. Vol. II, 408:8-10; 409:2-12. The tracker provided real-time location data for Ms. Frassetto's primary vehicle. *Id.* at 405:5-7.

Mr. Thomas drove to Ms. Frassetto's home and placed the tracker on her personal vehicle at 2:00 or 3:00 a.m. *Id.* at 411:6-8. Mr. Thomas replaced the tracker numerous times, at Ms. Frassetto's house and in public. *Id.* at 411:11-15, 416:8-13, 418:19-22 ("If the vehicle was at Mr. Best's<sup>7</sup> residence, then I would have done it late at night. They have a huge Great Dane, and it's a big mouth. So I would go in as quietly as I could so the dog wouldn't bark."). At one point, Mr. Thomas placed phony beacon lights on his

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<sup>7</sup> Mr. Thomas described Ms. Frassetto's home as "Mr. Best's residence" because Respondent owned the home where Ms. Frassetto lived. Respondent did not live in the home and, in fact, was prohibited from being at the home under the terms of the protective orders.

dashboard and dressed like a utility worker to conceal his identity while surreptitiously changing out the tracker on Ms. Frassetto's vehicle in public. *Id.* at 417:14-24.

He reported the tracker results approximately every week to Respondent. *Id.* at 422:7-18. Mr. Thomas's involvement was revealed when law enforcement followed an anonymous tip and located the tracker on Ms. Frassetto's vehicle. *Id.* at 326:3-327:10. Ms. Frassetto was not aware of the tracker, and expressed relief to law enforcement that it was found. She claimed at the time that she "had this feeling that she was being followed." Tr. Vol 1, 327:11-328:9. She testified later: "I felt completely violated. I was terrified to drive that car. I thought, you know – it just was surreal that he would go to those lengths. And that opens that door of what else, and I think that is something that, after what he did to me, I believe anything is possible from this man." *Id.* at 246:16-20.

For these behaviors, Respondent was eventually charged with eight counts of contempt for violation of a criminal no contact order. Tr. Vol. II, 346:3-9. Respondent resolved his criminal and contempt charges under a global plea agreement in April 2022, and pleaded guilty to two counts of harassment and admitted he unlawfully and intentionally harassed or annoyed Ms. Frassetto by subjecting her to offensive physical contact. All

remaining charges related to physical abuse and stalking were dismissed. Ex. 62.

The Trial Panel also received a Declaration from Nicole Gates, a previous romantic partner of Respondent. Ms. Gates filed a Declaration with more details about Respondent's stalking of Ms. Frassetto.<sup>8</sup> She stated that Respondent "frequently talked with friends and co-workers in her presence . . . about tracking Angie's day-to-day life. Specifically, I remember him talking with others about using the tracking device to track her to Great Wolf Lodge." Ex. 52 at 2. Ms. Gates also detailed the night she bailed Respondent out of jail after his arrest for the tracker. She met Respondent and other friends to discuss Respondent's fears that he "did not want to appear to be tampering with a witness." *Id.* Respondent used a friend to set up a chance meeting with private investigator Mr. Thomas, which Ms. Gates also attended. Ms. Gates observed Respondent's behavior at the meeting:

It appeared to me that Mr. Best was coaching Mr. Thomas in what he should say about their arrangement if asked. Specifically, Mr. Best told Mr. Thomas that Mr. Best never hired Mr. Thomas but that Mr. Best's lawyer hired Mr. Thomas and that Mr. Best never paid Mr. Thomas for his services but that Mr. Best's lawyer did or Mr. Best's firm paid Mr. Thomas.

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<sup>8</sup> Because the Trial Panel did not cite this information in its fact section, mentioning it in passing on page 22 of their 33-page opinion, it is unclear whether or to what degree this evidence was considered.

*Id.* at 2-3.

The Trial Panel also received exhibits and related testimony from Respondent's witnesses, who testified that they witnessed conflict between Ms. Frassetto and Respondent. This evidence included, among other things, Ms. Frassetto yelling at Respondent, reading his text messages, throwing an item at him, and pushing him. Tr. Vol. IV, 973:2-5; 1005:1-18 (Jan. 24, 2025).

As with the allegations pertaining to Respondent's abuse of Ms. Foushee, the Trial Panel concluded that the Bar had proven only the allegations relating to his abuse of Ms. Frassetto where Respondent had formally entered a guilty plea; in this case, it was to charges of harassment as part of his global plea agreement in 2022. Trial Panel Op. at 20.

In evaluating the evidence relating to Respondent and Ms. Frassetto's relationship and the many incidents of abuse, the Trial Panel emphasized that Ms. Frassetto never alleged abuse during the relationship. Trial Panel Op. at 9. The Panel placed significant attention on questioning Ms. Frassetto's character, describing her behavior as "obsessive and bizarre," "unhinged and abusive," that it had to be "seen to be believed," and compared her to "Dr. Jekyll and Mr. Hyde." Trial Panel Op. at 10-12. The Trial Panel refused to consider Ms. Frassetto's testimony from the hearing:

[W]e found that Frassetto could not be trusted as a credible witness. The video evidence of Frassetto's unhinged and abusive behavior contradicted her claims to police that she had been an intimidated victim of abuse. Moreover, the unchallenged testimony of third-party witnesses that Frassetto imposed bizarre restrictions and conditions on Respondent's activities and became unhinged when she thought her rules were violated, even in public (or knowing she was being recorded on video) raises too many questions in our minds about the reliability of her uncorroborated testimony.

*Id.* at 20.

Thus, despite Respondent's pleas to the offenses and confirming testimony and information from Nicole Gates, Duane Thomas, and attorney Dan Gatti, along with additional evidence from other legal tribunals, the Trial Panel determined that Ms. Frassetto was not credible because of its evaluation of her demeanor.

**D. Additional Findings and Conclusions by the Trial Panel  
Regarding Allegations of Respondent's Abuse of Ms. Geis, Ms.  
Foushee, and Ms. Frassetto**

In explaining its decision finding that the Bar proved Respondent's criminal conduct against former partners only when Respondent formally entered a guilty plea in a criminal case, the Trial Panel emphasized that there was

a substantial amount of contradictory testimony. Domestic partners testified to incidents of violence perpetrated against them. Respondent denied that any domestic violence occurred at any point in time. As is typical in cases of domestic violence, neither side was able to produce

eyewitnesses who could corroborate or deny that the incidents occurred.

Trial Panel Op. at 1.

The Panel continued, observing that “marital strife is not necessarily a crime” and that:

If we were faced with a simple ‘he said/she said’ swearing contest it would be difficult to find that the Bar sustained its burden. We do, however, have undisputed evidence that Respondent pleaded guilty to multiple crimes. We find that these pleas constitute clear and convincing evidence that Respondent committed at least some of the criminal acts alleged by the Bar. We find as well that Respondent admitted to one of his law partners that he physically assaulted one of his domestic partners, an admission that was never challenged by Respondent at trial. We reject Respondent’s claim at trial that he really did not commit the acts he pleaded guilty to despite his and his lawyer’s certifications to the contrary.

Trial Panel Op. at 1-2.

## II. ARGUMENT

### A. Introduction

Victims of domestic violence<sup>9</sup> suffer what is often immeasurable harm as a result of the actions taken against them. Although every survivor’s

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<sup>9</sup> Because a common and colloquial use of the term “domestic violence” is to refer specifically to abuse between individuals who have or had an intimate relationship, *Amici*, in this Brief, use both “domestic violence” and “intimate partner violence” interchangeably to refer to this form of abuse. However, *Amici* note that under Oregon law, “domestic violence” is generally more broadly defined to include abuse between family or household members, which includes people who don’t live together but who have or had an intimate relationship within a certain timeframe or who have children together. *See, e.g.*, ORS 107.705(4) (defining “family or household members” for purposes of

circumstances are unique, many experience a range of significant physical and mental health effects as a result of the violence.<sup>10</sup> In addition to these harms, survivors experience significant barriers to reporting and accessing justice systems, including the prevalence of harmful misconceptions and myths about survivor behavior that stigmatize survivors' choices and minimize the harm done to them.

The Trial Panel Opinion adjudicating Respondent's charges of violating certain Oregon Rules of Professional Conduct and Oregon Revised Statutes is replete with examples of systemic biases against survivors and misconceptions and myths about survivors' behavior. The Opinion details harrowing allegations

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Family Abuse Prevention Act (FAPA) Protection Order statutes to include current and former spouses; an adult person related by blood, marriage, or adoption; people who are currently or have cohabitated with each other; people who have been sexually intimate with each other within two years of the filing of a FAPA petition; and the unmarried parents of a child); ORS 135.230 (defining "'domestic violence' to mean[] abuse between family or household members" for purposes of statutes requiring courts to impose certain release conditions on defendants charged with crimes constituting domestic violence and applying a similar definition of "family or household members" as under FAPA). Thus, most accurately described, intimate partner violence is a specific form of domestic violence under Oregon law.

<sup>10</sup> See Obianuju O. Berry, M.D., M.P.H., Am. Psychiatric Ass'n, *Domestic Violence*, [https://www.psychiatry.org/patients-families/domestic-violence#:~:text=Physical%20and%20Mental%20Health%20Consequences,PTSD\)%2C%20depression%20and%20suicide](https://www.psychiatry.org/patients-families/domestic-violence#:~:text=Physical%20and%20Mental%20Health%20Consequences,PTSD)%2C%20depression%20and%20suicide) (last accessed Jan. 20, 2026) (listing potential harms to include stress, fear, isolation, depression and suicidal thoughts and behavior, self-blame, physical injuries and symptoms, as well as death by homicide at the hands of their abuser).

of violence and threats of violence and stalking against multiple women over a period of twenty years. Yet, the Opinion does not give any weight to a number of these allegations and minimizes the severity of others. Indeed, it states that “marital strife is not necessarily a crime.”<sup>11</sup> What the Opinion describes is not “marital strife,” it is a pattern of coercive control, intimidation, and physical abuse with impacts felt by these women to this day. Despite significant evidence to support a finding of a pattern of coercive control and physical abuse, the Trial Panel found that the Respondent committed criminal acts only in the two instances where he pled guilty to charges.<sup>12</sup>

The Trial Panel Opinion harms survivors by relying on misconceptions and myths about survivor behavior and perpetuating outdated understandings of domestic violence as only involving isolated, physical incidents, rather than what we know to be the reality for most victims: a systemic, ongoing pattern of differing forms of abuse using dynamics of power and control. It also harms the administration of justice by communicating to victims that they will not be believed or treated with dignity and respect—no matter how they handled their safety needs in the moment.

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<sup>11</sup> Trial Panel Op. at 1-2.

<sup>12</sup> Respondent claims he was forced to plead guilty and to this day, denies that he committed any acts of intimate partner violence against his partners. Tr. Vol. III, 777:20-778:20; Tr. Vol. II, 580:21-23, 581:6-23; Tr. Vol. III, 700-703, 708-709.

*Amici* ask that the Court consider carefully the Trial Panel’s findings and conclusions detailed herein and in the Bar’s brief that reveal the Panel’s explicit and implicit bias regarding domestic violence survivors and dynamics. *Amici* ask that the Court consider how bias and stereotypes affected the Trial Panel’s credibility assessments of survivors’ accounts of their experiences. *Amici* further ask that the Court consider Respondent’s actions in the context of his demonstrated pattern of coercive control and abuse in reviewing the Panel’s findings and conclusions.

**B. Intimate Partner Violence Often Includes the Use of Coercive Control, Which Is a Pattern of Behavior Where an Abuser Uses Calculated Tactics to Assert and Maintain Influence over Their Partner.**

No community is immune to intimate partner violence—it is a widespread epidemic found in every community and impacts people regardless of their age, income, economic status, education level, gender, race, or sexual identity. In the United States, more than 1 in 3 women have reported physical violence, sexual violence, or stalking by an intimate partner throughout their lifetime.<sup>13</sup> In Oregon, 39% of men and 42% of women reported intimate-partner

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<sup>13</sup> Hui Zhang Kudon, et al., *The National Intimate Partner and Sexual Violence Surv.: 2023/2024 Intimate Partner Violence Data Brief*, Ctrs. for Disease Control & Prevention, Nat’l Ctr. for Injury Prevention & Control (2026).

violence in their lifetime. In the past 20 years, over 50,000 domestic violence related crimes were reported in Oregon.<sup>14</sup>

Intimate partner violence is a broad term for an experience that is very specific to each relationship. Researchers generally define intimate partner violence as a pattern of behavior by an abuser to gain or maintain control over their victim through a variety of tactics, *not limited* to physical violence.<sup>15</sup> Through years of study, researchers have determined that those who commit intimate partner violence use strategies in addition to physical violence—including emotional abuse, psychological abuse, sexual abuse, financial abuse, stalking, and litigation abuse—to assert control over their partners and former partners.<sup>16</sup>

The use of these various forms of abuse to control one's partner is described as “coercive control” and has increasingly been studied by

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<sup>14</sup> Dr. Kathleen Carlson, OHSU Gun Violence Prevention Ctr., OHSU-PSU School of Public Health, *Domestic Violence in Oregon: Understanding the Risks and the Risk Factors*, at 1 (June 2025), <https://www.doj.state.or.us/wp-content/uploads/2025/07/Foci-5-Domestic-Violence-Fact-Sheet-Updated.pdf>.

<sup>15</sup> See Ashley Beeman, *The Need for More States to Adopt Specific Legislation Addressing Abusive Use of Litigation in Intimate Partner Violence*, 20 Seattle J. Soc. Just. 825, 827 (2022); United Nations, *What is Domestic Abuse?*, <https://www.un.org/en/coronavirus/what-is-domestic-abuse> (last accessed Mar. 13, 2026).

<sup>16</sup> Beeman, *supra* note 15, at 827-28; U.N., *What is Domestic Abuse?*, <https://www.un.org/en/coronavirus/what-is-domestic-abuse>.

researchers and recognized in legal systems. While legal definitions vary, coercive control<sup>17</sup> is generally defined as a pattern of behavior using fear, pressure, and shame to control and dominate a partner.<sup>18</sup> Coercive control involves the abuser's creation of a systemic pattern of restrictions designed to strip away the victim's autonomy. It is an intentional, repetitive pattern of acts that lessens the victim's independence, as "individuals experiencing coercive control are often isolated from friends, family, or other support systems; entrapped within the relationship due to financial, logistical, social, or emotional barriers to escaping, and fearful for not only their own safety but that of family members and other people in their network."<sup>19</sup> The controlling actions are unique and intended to intimidate, isolate, and regulate the behaviors of a victim. These actions can include manipulating to ensure that victims doubt their experiences, forcing sex, threatening the victim or their family members,

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<sup>17</sup> Also termed "psychological abuse" and "intimate terrorism." Evan Stark, *From domestic violence to coercive control*, OUPblog, Oxford University Press, <https://blog.oup.com/2016/04/from-domestic-violence-to-coercive-control/> (Apr. 8, 2016).

<sup>18</sup> Womenslaw.org, *Emotional and Psychological Abuse: Coercive Control*, <https://www.womenslaw.org/about-abuse/forms-abuse/emotional-and-psychological-abuse/forms-emotional-and-psychological-abuse-0> (July 14, 2025).

<sup>19</sup> Melissa E. Dichter et al., *Coercive Control in Intimate Partner Violence: Relationship with Women's Experience of Violence, Use of Violence, and Danger*, 8 *Psychol. Violence* 596-604 (2018) (citations omitted).

and attacking or threatening to attack a partner's parenting access.<sup>20</sup> Coercive control leaves survivors feeling unsafe long after the relationship has ended.<sup>21</sup>

Historically, legal frameworks have lagged behind the reality of the range of tactics employed by abusers in these relationships. To this day, legal systems underestimate the severity of domestic abuse by relying on evidence of physical injury or abuse and overlooking the insidious and often devastating pattern of non-physical coercion.<sup>22</sup>

Fortunately, legislatures and courts nationwide are increasingly recognizing that domestic violence is more accurately viewed as a pattern of behavior designed to establish and maintain power and control, and not merely a series of isolated physical incidents. An important example has been the formal recognition of coercive control as a form of domestic violence in some states' laws, most prominently in the context of civil protective order

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<sup>20</sup> Austl. Gov't, Att'y-Gen's Dep't, *Understanding coercive control*, <https://www.ag.gov.au/sites/default/files/2024-09/understanding-coercive-control-factsheet.PDF> (last accessed Mar. 13, 2026).

<sup>21</sup> *Id.*

<sup>22</sup> Leigh Goodmark, *A Troubled Marriage: Domestic Violence and the Legal Sys.* 45-46 (1st ed. 2012) (citing Margaret Johnson, *Redefining Harm, Reimagining Remedies and Reclaiming Domestic Violence Law*, 42 U.C. Davis L. Rev. 1107-1108 (2009)) (“the legal system’s preoccupation with physical violence causes judges to prioritize claims that involve physical violence over other forms of equally damaging abuse and desensitizes judges to claims that do not involve physical violence, preventing women from securing relief through the civil protective order system”).

proceedings seeking protection from abuse; in prosecutions of domestic violence crimes; and in connection with child removal proceedings.<sup>23</sup>

Oregon courts have historically acknowledged similar domestic violence dynamics in a variety of contexts. For example, Oregon law has required courts to consider the “totality of the circumstances” for decades when adjudicating FAPA, Stalking Protective Order (SPO), Elderly Persons and Persons with Disabilities Abuse Prevention Act Restraining Order (EPPDAPA), and even more recently, Sexual Assault Protective Order (SAPO) cases. For example, in *Lefebvre v. Lefebvre*, a FAPA case, the Court of Appeals concluded “that the

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<sup>23</sup> See Lisa A. Tucker, *Domestic Violence as a Factor in Child Custody Determinations: Considering Coercive Control*, 90 Fordham L. Rev. 2673, 2674 (2022). The author describes coercive control as “a pattern of behavior rising to the level of abuse” that is “based upon a ‘systematic, repetitive infliction of psychological trauma’ designed to instill ‘terror and helplessness.’” *Id.* at 2677 (quoting *G.I. v. J.S.*, No. CK16-03072, 2017 WL 4792366, at \*5 (Del. Fam. Ct. May 18, 2017)). The author continues, noting that

[a]lthough the perpetrators and victims may not recognize nonphysical abuse as a form of abuse, over the past decade, multiple countries--including Australia, Canada, France, Ireland, Scotland, the United Kingdom, and Wales--have paid attention to the experts and enacted laws expanding the definition of domestic violence to include coercive control. The United States has been slower to follow suit, but several states have recently joined the trend of legally recognizing nonphysical forms of abuse. Most recently, Arkansas, California, Connecticut, Hawaii, and Mississippi have added coercive control to their statutory definitions of domestic violence, and Illinois, Maryland, Massachusetts, Oklahoma, Oregon, South Carolina, Tennessee, and Washington have attempted to do so.

*Id.* at 2677-2679.

trial court was entitled to rely on the totality of the circumstances that placed [petitioner] in fear in order to uphold the [FAPA] order[.]”<sup>24</sup> In that case, totality of the circumstances included consideration of evidence that respondent—who petitioner did not allege committed any actual or overt threats of violence—had, among other things, screamed obscenities at her in the presence of their child, looked through her drawers and her garbage, made frequent hang-up calls to her house, tapped on her window at 1:30 a.m., and called her late at night describing accurately what she was wearing to bed, in light of evidence that respondent had access to guns and that, nine years earlier, he had been obsessed with the idea of killing his former employer.<sup>25</sup>

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<sup>24</sup> 165 Or. App. 297, 301 (2000).

<sup>25</sup> *Id.* at 301-02. For other FAPA cases, *see, e.g., Holbert & Noon*, 245 Or. App. 328, 331-32, 336-37, 340 (2011) (affirming the trial court’s continuance of a FAPA order where petitioner demonstrated fear of imminent bodily injury under the totality of the circumstances due to respondent’s death threats); *Maffey v. Muchka*, 244 Or. App. 308, 312 (2011) (affirming the decision of the trial court continuing the FAPA order in reliance on, *inter alia*, respondent’s “long history and pattern of intimidation and control”); *Fielder v. Fielder*, 211 Or. App. 688, 694-696 (2007) (reversing and remanding for reinstatement of the FAPA order where petitioner demonstrated that under the totality of the circumstances he was in fear of imminent bodily injury due to “a continuing pattern of respondent’s abusive behavior”). For SPO cases, *see, e.g., P.O.B. v. Harny*, 318 Or. App. 557, 559 (2022) (explaining that in the context of evaluating the trial court’s basis for entering a permanent SPO, “[m]ore generally, ‘unwanted contacts must be considered in the context of the parties’ entire history’”) (quoting *Pinkham v. Brubaker*, 178 Or. App. 360, 372 (2001)); *M.D.O. v. Desantis*, 302 Or. App. 751, 759 (2020) (same); *Pinkham v. Brubaker*, 178 Or. App. 360, 372 (2001) (concluding that “unwanted contacts must be considered in the context of the parties’ entire history” and that “[s]o

Decision-makers who focus on distinct, often physical, incidents rather than the sustained pattern of conduct fail to consider and address important context and fail to recognize the extent of abusive behavior. This approach harms survivors in many ways, including by minimizing the harm perpetrated by the abuser. Adjudicatory bodies can improve their responses to domestic violence by recognizing patterns of psychological and other forms of non-physical abuse, as well as physical violence, in their evaluation of cases.

**C. The Trial Panel Opinion Exhibited a Troubling Lack of Knowledge about Domestic Violence and Coercive Control Dynamics.**

The Trial Panel Opinion failed to recognize the patterns of psychological abuse and coercive control in Respondent’s relationships. A close look at Respondent’s actions reveals patterns of coercive control against multiple partners over a period of more than 20 years that included physical abuse (strangulation,<sup>26</sup> restraint, hitting, pushing), serious threats (to take custody of

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viewed, contacts that ‘might appear innocuous when viewed in isolation often take on a different character’”) (quoting *Weatherly v. Wilkie*, 169 Or. App. 257, 263 (2000)). For SAPO cases, *see, e.g., E.H. v. Byrne*, 311 Or. App. 415, 422 (2021) (concluding that the evidence was legally sufficient for the trial court to continue the SAPO, and explaining that it was not dispositive that there was a single incident of sexual abuse as only one incident is required, and “the totality of the circumstances made it objectively reasonable for petitioner to fear for her physical safety”).

<sup>26</sup> Strangulation is recognized as a significant risk factor for major assault and attempted and completed homicide of women. *See* Nancy Glass et al., *Non-fatal*

children or undermine his partner to system actors), physical intimidation, stalking,<sup>27</sup> and surveillance. The Trial Panel Opinion describes numerous allegations of Respondent's menacing and unrelenting actions against three women, stretching throughout the length of his law school and legal career, continuing to the present. Despite the factual record before it, the Trial Panel does not give sufficient weight to these allegations and repeatedly minimizes their severity. Trial Panel Op. at 1-2. The Trial Panel's choice to characterize these incidents as standalone events, and not as part of Respondent's larger pattern to assert control over his partners, dangerously missed the point.

Respondent's actions did not stop when these relationships ended: Respondent sent numerous abusive and threatening messages to Karen Geis in January 2024, nearly twenty years after their relationship ended. Respondent's most recent actions impacted the Panel's ability to make a determination that included consideration of the testimony of his former partner, as Ms. Geis—who had obtained two FAPA restraining orders and a temporary stalking order against Respondent based on allegations that he was physically violent toward

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*strangulation is an important risk factor for homicide of women*, 35 J. Emerg. Med. 329 (2007).

<sup>27</sup> Stalking increases the risk of intimate partner homicide. *See Stalking & Intimate Partner Violence: Fact Sheet*, Stalking Prevention, Awareness, and Resource Ctr. (2018), <https://www.stalkingawareness.org/wp-content/uploads/2018/11/Stalking-IPV-Fact-Sheet.pdf>.

her and had violent outbursts and threatened her and her mother—refused to testify because of Respondent’s ongoing harassment and threats. Rather than note the terror that those messages must have caused to Ms. Geis, the Trial Panel stated they were unable to find criminal conduct by clear and convincing evidence, because events from two decades ago were “insufficient” information. Trial Panel Op. at 21.

The Trial Panel took a similar tack with Respondent’s abuse of Adrienne Foushee. There was evidence before the Trial Panel that Respondent physically, emotionally, psychologically, and financially abused Ms. Foushee for multiple years. She called law enforcement six or seven times during the relationship, and testified to multiple physical assaults, psychological abuse, isolation, and fear in that home. As with Ms. Geis, this abuse did not end when the relationship did—when Ms. Foushee tried to escape the relationship, Respondent used the legal system against her. The family court judge found that Respondent continued his abusive behavior throughout the dissolution proceedings, calling his actions “unreasonable” and an “aggressive use of the Courts.” Ex. 22. Respondent also sent Ms. Foushee threatening texts in the lead up to this disciplinary trial. Ex. 25. Despite this evidence, the Trial Panel decided it could only find that Respondent committed assault when he pled guilty to a criminal charge (even though to this day he refuses to admit to the

assault). While the Panel noted it was “troubled” by Respondent’s behaviors, their Opinion minimized the impacts of nearly 20 years of abuse on Ms.

Foushee. Trial Panel Op. at 9.

The Trial Panel heard similar testimony related to Respondent’s physical abuse of Ms. Frassetto, that Respondent held Ms. Frassetto down, much like he held Ms. Geis and Ms. Foushee down. He placed his hands on her neck, much like he did with his other partners. He used his physicality to intimate her, like he did with other partners. He kept control of the finances, vehicles, and housing of Ms. Frassetto, as with his other partners. And after the relationship ended, he continued to assert power and control over Ms. Frassetto. The Trial Panel heard verified testimony of the stalking behaviors taken by Mr. Thomas at Respondent’s behest. These actions allowed Respondent to stalk Ms. Frassetto even after they were living separately.

The evidence before the Trial Panel demonstrated a clear pattern of abuse with multiple victims. Despite this, the Trial Panel noted that “[i]f we were faced with a simple ‘he said/she said’ swearing contest it would be difficult to find that the Bar sustained its burden.” *Id.* at 2. Consistent with this framing, the Opinion revealed that in the eyes of the Panel, the testimony and information shared by Respondent’s victims were not enough. The Trial Panel applied the “he said/she said” surface analysis and minimized the full impact of

Respondent's repeated controlling behavior and actions against his ex-partners. It only found Respondent responsible in the two instances where he pled guilty to charges. *Id.* at 31. This framing is deeply concerning because it presumes a lack of credibility or an insufficiency in the testimony of a person with lived experience.

The Trial Panel also relied on the passage of time as yet another reason to not hold Respondent accountable for misconduct.<sup>28</sup> *Id.* at 31. The Trial Panel cited Respondent's guilty plea from 2010 as an adverse impact on his fitness to be a lawyer. However, only four years (at most) separate Respondent's actions against Ms. Geis and against Ms. Foushee. The Trial Panel's statement ignores that Respondent had two victims in the span of four years, and that he exhibited similar tactics: threatening behavior, strangulation, emotional abuse, and physical intimidation. Further, the Trial Panel minimized the fact that Respondent continued to terrorize his ex-partners through 2024, as is common with coercive control.

The Trial Panel in this matter could have acknowledged the harm from Respondent's control of his partners, even if they were unable to hold him

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<sup>28</sup> The Panel explained that although “[t]he Bar argues that Respondent engaged in a pattern of abuse of his domestic partners over decades[,] . . . the Bar was able to prove only two incidents by clear and convincing evidence. They were separated by a number of years. We cannot apply this factor based on the evidence before us[.]”

accountable for the full pattern of his actions. Instead, they made excuses that minimized the serious nature of the abuse, observing that “marital strife is not necessarily a crime.” *Id.* at 1-2. If the Trial Panel had applied the proper coercive control analysis and fully considered all the incidents described by the complaining witnesses, it would have recognized Respondent’s pattern of physical abuse, threats, and controlling behavior as constituting domestic violence and not “marital strife.” This is possible even if the Panel were to determine that some of the Bar’s claims fall short of needed substantiation for sanctions.

**D. The Trial Panel Opinion Minimized the Gravity of Respondent’s Behavior When It Dismissed the Experiences of Survivors of Domestic Violence and Relied on Myths about Survivor Behavior.**

**1. Common misconceptions or myths about survivor behavior persist.**

Despite the previously described advances in the understanding of the dynamics of domestic violence, there remain widespread misconceptions or myths among the public and within legal systems about domestic violence victims, perpetrators, and crimes. Among the myths about survivors are beliefs that victims exaggerate the problem of domestic violence and that victims provoke or deserve the abuse. Decision-makers’ findings and conclusions may also reflect myths that “true” victims timely report the crimes to law

enforcement, immediately and permanently leave abusive partners, and maintain a consistent story without recantation.<sup>29</sup>

However, many domestic violence victims' actions are not consistent with these assumptions. "When this [perceptual conflict] occurs, the public perceives a victim's behavior as 'counterintuitive,' and, therefore, compelling evidence of [their] lack of credibility."<sup>30</sup> These misperceptions and myths are held by members of the public as well as by system actors, including law enforcement, prosecutors, judges, and other adjudicators, and can have profound impacts on how domestic violence victims are treated, as demonstrated in the Trial Panel's Opinion.

**2. The Trial Panel's opinion wrongly failed to acknowledge that survivors commonly do not report or delay reporting for many reasons, while appearing to weigh victims' reporting decisions against them in judging their credibility.**

Survivors choose not to report or delay reporting for varied reasons, including fear of not being believed, retaliation, arrest, and losing custody of

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<sup>29</sup> See *Victims' Rights Compel Action to Counteract Judges' and Juries' Common Misperceptions About Domestic Violence Victims' Behaviors*, Violence Against Women Bull. 1-2, Nat'l Crime Victim Law Inst., Portland, Or. (Sept. 2014), <https://law.lclark.edu/live/files/18123-bulletincountering-common-misperceptions-of-dv>.

<sup>30</sup> *Id.* at 1 (quoting Jennifer G. Long, *Introducing Expert Testimony to Explain Victim Behavior in Sexual Assault and Domestic Violence Prosecutions*, Special Topics Series, Nat'l Dist. Attorneys Ass'n, at 1 (2007), [http://www.ndaa.org/pdf/pub\\_introducing\\_expert\\_testimony.pdf](http://www.ndaa.org/pdf/pub_introducing_expert_testimony.pdf)).

their children.<sup>31</sup> These fears are magnified when abusers who are attorneys threaten to further isolate and harm survivors by weaponizing their understanding of the law and legal systems.<sup>32</sup>

The facts described in the Trial Panel Opinion clearly establish that Respondent relied on and exploited those fears to control his victims' behavior. Ms. Foushee testified that she wanted to leave the relationship but feared what Respondent could do to her as an attorney, including gaining custody of their children. Trial Panel Op. at 5-7. Respondent threatened to sue law enforcement when they investigated reports of domestic violence. *Id.* at 7. Respondent hired

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<sup>31</sup> Thomas L. Hafemeister, *If All You Have Is a Hammer: Society's Ineffective Response to Intimate Partner Violence*, 60 Cath. U.L. Rev. 919, 922-23 (2011) (noting that “[o]ne study found that between 1994 and 2005, only fifty-eight percent of female and about fifty-two percent of male IPV victims reported their attacks to the police” but that “some studies indicate that rates of non-reporting may be even higher[,]” and that common reasons provided for not reporting to law enforcement include that “the matter is private or personal[,] . . . fear of retaliation, a desire to shield the offender, and police ineffectiveness”); *see also* Sandhya Lohani et al., *Underreporting of intimate partner violence against women: An important public health implication*, Eagles Talking About the Public's Health, Jiann-Ping HSU College of Public Health Georgia Southern University, (Fall 2021), <https://digitalcommons.georgiasouthern.edu/cgi/viewcontent.cgi?article=1028&context=etaph> (explaining that “research suggests that while approximately 25% of women will experience IPV, only 2.5 to 15% will report it” and citing reasons for underreporting that include “financial dependence, familial pressure, victim blaming attitudes, patriarchal societal beliefs, fear of embarrassment to the family, fear of losing custody of children, low self-esteem, . . . self-blame” and for those who live in rural areas, “the close-knit culture of rural communities”).

<sup>32</sup> Beeman, *supra* note 15, at 831.

a private investigator to place a tracking device on Ms. Frassetto's vehicle despite the existence of no-contact orders, and enlisted others to conceal this stalking behavior. *Id.* at 12-13, 22. Respondent also terrorized Ms. Geis to the point that she decided not to testify at the Trial Panel proceeding. *Id.* at 15.

The Trial Panel did not meaningfully give weight to the impacts on the victims of Respondent's abuse of his power as an attorney to threaten and coerce them. In contrast, the Trial Panel was quick to note when survivors did not timely report abuse to police without acknowledging that these survivors face numerous barriers to reporting the abuse. *Id.* at 5. For example, the Trial Panel noted that Ms. Foushee did not call police "for the majority of these claimed incidents" even though when she did report to police (six or seven times), she said Respondent had been abusive in the past. *Id.* at 5. Further, the Trial Panel emphasized that "[t]here was no evidence of any physical injury to Cutler during this incident, no arrest was made, and no criminal charges were filed." *Id.* at 6. As to the experience of Ms. Frassetto, the Trial Panel made it a point to note that she had not reported physical abuse prior to her separation from Respondent. *Id.* at 9.

It is important to note, however, that the Trial Panel's assessment of Ms. Foushee's and Ms. Frassetto's choices resulted in essentially the same outcome—when Ms. Foushee did it "right" (reporting to law enforcement on

multiple occasions), the Trial Panel verified the only instance of Respondent's behavior when he pled guilty to the criminal charge. Ms. Frassetto, who apparently did it all "wrong," by delaying her reporting, had the same result. This demonstrates that for many survivors, whether or not their choices conform to common myths and understandings about how "true" victims behave, their experiences will be discounted.

The Trial Panel appears to base its assessment of the veracity of the survivors' claims of abuse on incorrect assumptions about how victims should report and work with law enforcement. These assumptions show in the Trial Panel's comments on the victims' reporting decisions, whether there was evidence of physical abuse associated with each report, and whether criminal charges were brought as a result of reports. Because the Trial Panel relied on misconceptions about how domestic violence victims commonly behave, it wrongly applied less weight to the victims' testimony of their experiences when determining whether the Bar had met its burden of proving the incidents of domestic violence by clear and convincing evidence.

**3. The Trial Panel wrongly concluded that the witnesses were not credible, based upon their apparent reliance on myths about survivor behavior and failure to consider trauma impacts.**

The Trial Panel's approach to weighing testimony and assessing credibility demonstrates additional erroneous assumptions that have long been

used to discount the veracity of survivors' claims of abuse, including as part of their testimony in court proceedings.

Scholars that have studied court proceedings involving domestic violence have identified a pattern of “credibility contrasts” in which abusive partners—typically men—present themselves “as self-confident and in control” and are “adept at manipulation,” leading to the conclusion that they are credible.<sup>33</sup> Dissimilarly, survivors who experience trauma can experience hyperarousal, which can result in unexpected outbursts of rage or behavior that appears paranoid. The impacts of trauma and coercive control can exhibit as hysteria, anger, paranoia, or emotional numbness.<sup>34</sup> Research also shows that gender bias can affect credibility determinations by decision-makers.<sup>35</sup> The neurological and psychological traumatic impacts of abuse often serve to undermine (in the eyes of decision-makers) the veracity of victims' claims.

Decision-makers (particularly non-survivors or those untrained in trauma impacts) may understandably have difficulty placing themselves in the survivors' shoes or relating to their experiences. This leads adjudicators to

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<sup>33</sup> Deborah Epstein & Lisa Goodman, *Discounting Women: Doubting Domestic Violence Survivors' Credibility and Dismissing Their Experiences*, 167 U. Penn. L. Rev. 399, 423 (2019).

<sup>34</sup> *See id.*

<sup>35</sup> *Id.* at 435 (citing Jacklyn E. Nagle et al., *Gender, smiling, and witness credibility in actual trials*, 32 Behav. Sci. & L. 195, 195, 203 (2014)).

reflexively disregard the survivors' experiences and hunt for inconsistencies.<sup>36</sup>

These “credibility discounts” impact survivors' access to justice, safety, protection, and healing.<sup>37</sup> Survivors' own trauma responses—which are evidence that abuse occurred—are perversely turned against them in court:

In other words, once a listener has discounted a woman's trustworthiness, he will be hyperalert for signs of deception, irrationality, or narrative incompetence in her story. He will tend to magnify inconsistencies and overlook the ways in which any inconsistencies might be explained away.<sup>38</sup>

The challenges survivors face are not limited to the sphere of testimonial credibility. All too frequently, system gatekeepers prioritize protecting the abuser from loss over addressing the lived experiences of the victim. For example, in the sexual harassment context:

Even when [a woman survivor] was believed, nothing [a male perpetrator] did to her mattered as much as what would be done to him if his actions against her were taken seriously. His value outweighed her . . . worthlessness. His career, reputation, mental and emotional serenity and assets counted. Hers didn't. In some ways, it was even worse to be believed and not have [his actions] matter. It meant she didn't matter.<sup>39</sup>

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<sup>36</sup> Epstein & Goodman, *supra* note 33, at 420.

<sup>37</sup> *Id.* at 437-438.

<sup>38</sup> *Id.* at 438 (citing Karen Jones, *The Politics of Credibility in A Mind of One's Own: Feminist Essays on Reason and Objectivity* 154, 159 (Louise M. Antony & Charlotte Witt eds., 2002)).

<sup>39</sup> *Id.* (quoting Catharine A. MacKinnon, *#MeToo Has Done what the Law Could Not*, N.Y. Times (Feb. 4, 2018), <https://www.nytimes.com/2018/02/04/opinion/metoo-law-legal-system.html>).

Essentially, decision-makers' own biases and knowledge gaps create blind spots that leave them unable to see the entire picture. For survivors, whose experiences may have been discounted each time they sought help, the repeated invalidation or weighing of their experiences coalesces into a broadly painful experience.<sup>40</sup> This often leads to survivors declining to disclose to obtain services, support, or to access justice via civil or criminal legal systems.<sup>41</sup>

Numerous portions of the Trial Panel Opinion raise significant concerns about its bias against women and survivors of domestic violence. Among the most heinous examples is the inclusion of excessive, embarrassing detail regarding Ms. Frassetto in a lengthy section that attacks her credibility and violates her privacy. Trial Panel Op. at 10-11.<sup>42</sup> Of all the arguments presented, the Trial Panel chose to include this unseemly and sensational characterization of an abusive relationship (from Respondent's brief): "their love was passionate and ran hot, but this led to extreme jealousy from Ms. Frassetto and ultimately false allegations against Mr. Best." *Id.* at 8.

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<sup>40</sup> *Id.* at 446-447.

<sup>41</sup> Violence Against Women Bull., *supra* note 29, at 2-3.

<sup>42</sup> "When Respondent presented his case, Frassetto's credibility was shattered. Respondent described bizarre, possessive, and jealous behavior and documented some of it with videos of her conduct and third party corroboration. The difference between the witness who testified at the hearing and the abusive woman in the videos was the difference between Dr. Jekyll and Mr. Hyde."

The Trial Panel also failed to note the context of the threatening messages sent by Respondent in 2024, which impacted Respondent's ex-partners' ability to engage in the proceedings. It is important to note that Ms. Foushee asked Respondent to stop texting her seven times, which Respondent ignored and the Panel failed to note. Respondent sent numerous messages to Ms. Geis; these messages were aggressive, abusive, and unrelenting. These are the contexts in which survivors will make their decisions. The Trial Panel did not appear to consider that full context.

The Trial Panel further failed to describe in detail or weigh the terrifying actions of Mr. Thomas, which were endorsed and encouraged by Respondent. Mr. Thomas testified in detail about the lengths he went to, at the behest of Respondent, to conceal his identity and surveil Ms. Frassetto: he visited her home between 2:00 – 3:00 a.m., came onto her property, and installed a tracking device on her vehicle. Mr. Thomas drove by her home multiple times. He concealed his identity so that he could change out the batteries on the tracker by pretending to be a utility worker. Mr. Thomas subscribed to a tracking service and reported her movements weekly to Respondent. Respondent knew where Ms. Frassetto was at any given time. These are not neutral actions—these are actions taken by a partner who engaged in menacing behavior, significant physical abuse, threats, and stalking. Ms. Frassetto was terrified knowing this,

yet she attended the disciplinary proceedings to share her story. In response, the Trial Panel used cherry-picked examples of her behavior as a traumatized person to undermine her experience and the severe impacts Respondent's actions had on her.

At various points, Respondent convinced both Ms. Foushee and Ms. Frassetto that his previous partners were "crazy." Tr. Vol. I, 133:6-10; 133:24-134:12; 210:13-25.<sup>43</sup> The Trial Panel endorsed this narrative when it discounted these survivors' stories, particularly as to Ms. Frassetto.

It is a given that any action taken by the Trial Panel will have an impact on Respondent's professional standing, his reputation, and his finances. The Trial Panel had the duty to weigh the impacts of Respondent's actions on his overall ability to practice law and uphold the trust of the community, regardless of that impact. In discounting survivors, the Trial Panel, like so many other decision-makers, imposes further harm on survivors by implicitly or explicitly

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<sup>43</sup> Ms. Foushee testified about how Respondent "talked a lot about how [Ms. Geis] was crazy, how she was the aggressor, how anything bad that had happened was at her hands, and that she was keeping his daughter from him. She was definitely painted to be villain which – which is a great – I will say – I mean, I'll give him credit for this one. It's a great line to, like, unite you against someone else. So it's the only thing you end up having in common is hating this other person who you – you – you then have vilified as well." *Id.* at 133:24-134:12. Ms. Frassetto testified: "he continued to tell me that Adrienne is a crazy bitch . . . he would prepare us for her crazy behavior or telling us that, you know, she's a liar. And both – both the women were liars. But the word 'crazy' was something he threw around pretty frequently." *Id.* at 210:13-25.

calling their trustworthiness and lived experience into question. This acts as a painful reminder of the controlling, cruel behavior common in abusive relationships.<sup>44</sup>

**E. Oregon Senate Bill 710 Demonstrates Oregon’s Recognition that Adjudicatory Bodies Need Specialized Education to Properly Oversee Cases Involving Intimate Partner Violence.**

State and federal bar associations widely agree that disciplinary sanctions for attorney misconduct are necessary to protect the public, maintain the legal profession’s integrity and reputation, and enhance public confidence in lawyers.<sup>45</sup> The fact that the misconduct at issue in this matter is largely within personal relationships does not diminish these vital interests.<sup>46</sup> It is particularly alarming and damaging to the profession that the Respondent purposefully wielded his position as an attorney to silence and control others. Unfortunately,

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<sup>44</sup> Epstein & Goodman, *supra* note 33, at 447.

<sup>45</sup> See generally A.B.A.’s Ann. Standards for Imposing Lawyer Sanctions, Standard 1.1 and Ann. (2d 2019).

<sup>46</sup> Ignascio G. Camarena II, *Domestically Violent Attorneys: Resuscitating and Transforming a Dusty, Old Punitive Approach to Attorney Discipline into a Viable Prescription for Rehabilitation*, 31 Golden Gate U. L. Rev. 155, 164 (2001) (“Although domestic violence is not directly related to the practice of law, courts nevertheless view acts of domestic violence as misconduct deserving of professional discipline for three primary reasons: preserving the integrity of the legal profession, protecting the public, and maintaining public confidence in the law.”).

some abusers use courts as a tool for coercive control,<sup>47</sup> and abusers who are attorneys are well-positioned to threaten or undertake abusive litigation.

It is also important that the public trust adjudicatory bodies to minimize bias, respect witnesses, and properly weigh testimony. The Trial Panel's actions demonstrate to survivors that their testimonies will not be validated and truly heard unless they exhibit certain personality traits, or their perpetrators admit to or are held criminally responsible for the abuse. This outdated approach sends a chilling message to all survivors who might consider reporting and participating in legal proceedings related to their abuse.

Oregon Senate Bill 710, which has been signed into law and is effective as of January 1, 2026, requires the Chief Justice to establish minimum educational standards to ensure state court judges receive adequate training to oversee cases involving domestic and sexual violence. These educational requirements must “include evidence-based and trauma-informed education related to domestic violence, sexual assault, stalking and other matters related to interpersonal violence.” ORS 1.002(9). *Amici* submit that other adjudicatory bodies, including disciplinary trial panel members, may benefit from these or

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<sup>47</sup> See generally David Ward, *In Her Words: Recognizing and Preventing Abusive Litigation Against Domestic Violence Survivors*, 14 Seattle J. Soc. Just. 429 (Fall 2015).

similar trainings to help dismantle myths about survivor behavior and ensure that their decisions are grounded in an accurate understanding of the dynamics of domestic violence and coercive control.

### III. CONCLUSION

The Trial Panel's Opinion reflects common biases against survivors of domestic violence as well as myths about their behaviors, including about survivors' reporting decisions and their demeanor. It also demonstrates outdated understandings of domestic violence, including the focus on individual incidents of physical abuse rather than acknowledging evidence of Respondent's pattern of behavior using fear, pressure, and shame to control and dominate his partners. In so doing, the Trial Panel Opinion failed to treat the survivors with dignity and respect. By minimizing and discounting survivors' experiences and making determinations based on an inaccurate understanding of the dynamics of domestic violence and coercive control, the Trial Panel Opinion sent the message to survivors that their word will not overcome an abuser's denials.

This outcome is not only harmful for the individual survivors impacted in this case, but it also undermines efforts to address the personal and public safety epidemic of domestic violence in Oregon. If survivors know they will be judged

and not supported, vilified rather than taken seriously, they are unlikely to come forward to access resources and justice via our legal systems.

Because of these impacts, and regardless of the Court's determination on Respondent's appeal, *Amici* ask that the Court carefully evaluate the Panel's determinations regarding domestic violence dynamics and credibility assessments. *Amici* ask that the Court consider Respondent's actions in the full context of a pattern of coercive control and abuse.

Date: March 17, 2026

Respectfully submitted,

/s/ Sarah LeClair  
SARAH LECLAIR, OSB No. 023725  
*Attorney for Amici Curiae*  
[sarah@ocvlc.org](mailto:sarah@ocvlc.org)

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SIZE, FILING, AND SERVICE**

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I hereby certify that on March 17, 2026, I directed the foregoing BRIEF OF *AMICI CURIAE* OREGON CRIME VICTIMS LAW CENTER, LEGAL VOICE, FAMILY PEACE CENTER OF WASHINGTON COUNTY, NATIONAL CRIME VICTIM LAW INSTITUTE, OREGON COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE, AND OREGON LAW CENTER IN SUPPORT OF OREGON STATE BAR'S ANSWERING BRIEF to be electronically filed with the Appellate Court Administrator.

I further certify that a service copy of this brief will be accomplished on the following participants in this case, who are registered users of the appellate court's eFiling system, by the appellate courts' eFiling system at the participants' email addresses as recorded this date in the appellate eFiling system:

Attorneys for Respondent

David J. Elkanich, OSB No. 992558  
Leah Lively, OSB No. 962414  
Olivia A. Courogen, OSB No.  
223845  
Buchalter, P.C.  
805 SW Broadway, Suite 1500  
Portland, OR 97205

Attorney for Oregon State Bar

Susan R. Cournoyer, OSB No. 863381  
Oregon State Bar  
16037 SW Upper Boones Ferry Road  
P.O. Box 231935  
Tigard, OR 97281  
Email: [scournoyer@osbar.org](mailto:scournoyer@osbar.org)

Email: [delkanich@buchalter.com](mailto:delkanich@buchalter.com)

Email: [llively@buchalter.com](mailto:llively@buchalter.com)

Email: [ocourogen@buchalter.com](mailto:ocourogen@buchalter.com)

/s/ Sarah LeClair  
Sarah LeClair #023725  
*Attorney for Amici Curiae*  
sarah@ocvlc.org