



**MOORE & MOORE  
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Jed R. Mandel  
Neal, Gerber, & Eisenberg LLP  
Two North LaSalle Street  
Chicago, Illinois 60602-3801

**VIA EMAIL (JMANDEL@NGELAW.COM) & POST**

Re: Your client, the American Veterinary Medical Association and/or The Council on Education

Dear Mr. Mandel,

I am General Counsel for Veterinary Information Network, Inc. ("VIN"). I am in receipt of your letter emailed and posted to Jennifer Fiala, a reporter for the VIN News Service. Please send all future communications directly to me.

We are in the process of reviewing the allegations and threats in your letter, although I must say they are hard to pinpoint.

- You say that VIN "may be" in possession of confidential information. Is this vagueness due to a lack of due diligence on your part, or is it your client's mere supposition ?
- You write that the information includes documents internal to the Council of Education, "or other material." Is it that you do not actually know, and thus are grasping at straws, or perhaps your client has no idea either ?
- You threaten a VIN reporter with law suits and damage claims, and yet you vacillate between making accusations that she either "currently possess" or has "access to" illicit information. So, which one is it ?
- You say that "it appears that" we "have acquired COE's confidential information from a member or other individual who either used improper means to acquire it or is under a

duty not to disclose it.” Not only is your client not sure what the information is, or who has it, but they also don’t know where it came from ?

- And if your letter isn’t overflowing with ambiguity yet, you also toss another accusation that some documents we possess “may be” copyrighted works of the AVMA.

As if to justify your lack of information, or your client’s lack of legitimate claim, you close your letter by saying that “this matter has just been brought to” your attention and that you are “continuing to evaluate” your client’s options. For future reference, we suggest you do your due diligence before you help your clients perpetuate outlandish claims.

And speaking of clients, who is your client ? Is it the AVMA as you represent in your first sentence, or is it the Council of Education, on whose behalf the bulk of your letter appears to be written ? The Code of Federal Regulations, Title 34, Education; Part 602 (The Secretary’s Recognition of Accrediting Agencies) clearly provides that the Council of Education must be independent of the AVMA. Indeed, even AVMA’s own bylaws state that the Council of Education “shall have autonomous authority to evaluate schools and colleges offering a professional degree in veterinary medicine, according to established standards, [and] make accreditation decisions.” (page 10 of the 2009 edition). The decisions made by the Council of Education can have significant effects, and surely you don’t believe that the legal counsel for the AVMA can act for the Council of Education without conflict. Could the decisions of the Council of Education be made independently of the opinions and wishes of the AVMA, if the AVMA’s own legal counsel was advising the Council of Education as to their legal position ? You make accusations about the “proprietary assets” of the Council of Education, and even demand that “all copies of the COE” documents in our possession be returned directly to you. Why again would COE proprietary information be forwarded to the AVMA’s counsel ? I’ll address this conundrum with the Department of Education next week, and perhaps they will help clarify this for me.

Whomever your client is, perhaps they did not clearly tell you what makes us tick. Our goal is to make the veterinary profession better, and one way we do that is through the dissemination of information. In the course of doing so, we may expose matters that may embarrass your client, that may challenge your client’s status-quo, or simply may shed some unwanted attention on it. Or, it may be that none of that will happen, that your client will actively participate in the dialogue taking place on VIN, and that it will help better the profession. Frankly, I don’t know which direction this will take, since I do not control the VIN News Service. They have editorial freedom, as most news agencies do. I can promise you, however, that if you or your client attempt to stifle the free flow of information, to muzzle VIN reporters, or to strong-arm investigative journalism, VIN will spare no expense in defending the rights of the profession to

an open process. Thankfully, the US Constitution, statutory framework throughout the nation, and federal and state case law all provides us plenty of support.

Do we have any of the information you allege in your letter ? You will probably know if/when the VIN News Service concludes its investigation and makes public its findings. In the interim, if your client wishes to have open dialogue, we welcome it. Likewise, if you or your client are able to better identify what proprietary information you believe we have, I will certainly look for it . You and I can then have a collegial discussion on the laws pertaining to freedom of the press, and whether they are affected by allegations of trade secrets.

Sincerely,

Raphael S. Moore, JD, LL.M.  
General Counsel, Veterinary Information Network, Inc.

cc: VIN News Service