



The State Bar  
*of California*

OFFICE OF CHIEF TRIAL COUNSEL

845 S. Figueroa Street, Los Angeles, CA 90017

213-765-1338

bo.yang@calbar.ca.gov

February 19, 2020

Darryl Cotton  
6176 Federal Blvd.  
San Diego, CA 92114

RE: Case Number: 20-O-02546  
Respondent: Tim VandenHeuvel

Dear Mr. Cotton:

The State Bar's Office of Chief Trial Counsel has reviewed your complaint against Tim VandenHeuvel to determine whether there are sufficient grounds to prosecute a possible violation of the State Bar Act and/or Rules of Professional Conduct. Please note that this letter only addresses your complaint against Mr. VandenHeuvel. Your complaints against other attorneys will be reviewed and addressed separately.

In your complaint to the State Bar, you stated that Mr. VandenHeuvel was opposing counsel in a civil law suit that took place in or around 2017. You stated that Mr. VandenHeuvel had filed a motion to dismiss that case. With regards to this motion to dismiss, you alleged that Mr. VandenHeuvel did not address the fraud, abuse of process, civil conspiracy, and malpractice causes of action in your complaint. You alleged that Mr. VandenHeuvel sidestepped these issues in an attempt to protect his law firm from having to disclosed to the court that they had filed a frivolous law suit.

Based on our evaluation of the information provided, we are closing your complaint. Under the laws of California, the facts as you have alleged them would not be grounds for disciplinary action.

You have alleged that the arguments within Mr. VandenHeuvel's motion to dismiss failed to address important causes of action alleged within your complaint for that case. This constitutes a legal dispute between two opposing parties that is best adjudicated by the court with jurisdiction over that case. The State Bar is not a trier of fact or law and cannot overrule or otherwise change the court's decision regarding this dispute.

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Furthermore, as opposing counsel, Mr. VandenHeuvel had a responsibility to pursue his client's best interests, and was entitled to make the legal arguments he deemed appropriate and necessary to protect those interests. This is true even when to do so might directly conflict with your interests, or those of other parties involved. This conflict alone is insufficient to demonstrate misconduct.

For these reasons, the State Bar is closing this matter.

If you have new facts and circumstances that you believe may change our determination to close your complaint, you may submit a written statement with the new information to the Intake Unit for review. If you have any questions about this process, you may call Deputy Trial Counsel Bo Yang at 213-765-1338. If you leave a voice message, be sure to clearly identify the lawyer complained of, the case number assigned, and your telephone number including the area code. We should return your call within two business days.

If you are not aware of new facts or circumstances but otherwise disagree with the decision to close your complaint, you may submit a request for review by the State Bar's Complaint Review Unit, which will review your complaint and the Intake Unit's decision to close the complaint. The Complaint Review Unit may reopen your complaint if it determines that your complaint was inappropriately closed or that you presented new, significant evidence to support your complaint. To request review by the Complaint Review Unit, you must submit your request **in writing**, together with any new evidence you wish to be considered, post-marked within **90 days of the date of this letter**, to:

The State Bar of California  
Complaint Review Unit  
Office of General Counsel  
180 Howard Street  
San Francisco, CA 94105-1617

We would appreciate if you would complete a short, anonymous survey about your experience with filing your complaint. While your responses to the survey will not change the outcome of the complaint you filed against the attorney, the State Bar will use your answers to help improve the services we provide to the public. The survey can be found at <http://bit.ly/StateBarSurvey1>.

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Thank you for bringing your concerns to the attention of the State Bar.

Sincerely,

A handwritten signature in black ink, appearing to be 'Bo Yang', written in a cursive style.

Bo Yang  
Deputy Trial Counsel