



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-02555
Respondent: Jana Mickova Will

Dear Mr. Cotton:

The State Bar's Office of Chief Trial Counsel has reviewed your complaint against Jana Mickova Will 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 addresses only your complaint against Ms. Mickova Will. Your complaints against other attorneys will be reviewed and addressed separately.

In your complaint to the State Bar, you stated that Ms. Mickova Will represented the City of San Diego at a demurrer hearing on or about 11/03/2017 for a civil case between two private parties. You alleged that Ms. Mickova Will knew or should have known that a disputed document dated November 2, 2016 was not an enforceable contract but did not disclose this fact to the court. You expressed your belief that said document was a receipt rather than a contract. You alleged that Ms. Mickova Will breached her ethical duties by proceeding to argue the matter on the assumption that the disputed document was an enforceable contract.

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.

The misconduct you have alleged against Ms. Mickova Will constitutes a legal-factual dispute between parties. Only a court of competent jurisdiction may rule on such disputes. The State Bar is not a trier of fact or law, and cannot overrule or otherwise change the court's decision on this matter.

Furthermore, because Ms. Mickova Will was not your attorney, she did not have an obligation to litigate the case in a manner favorable to you. Rather, it should have been your attorney's

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obligation to zealously advocate your position on your behalf. As you mentioned in your complaint, your attorney did not raise this issue with the court, resulting in the court denying your motion. 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.

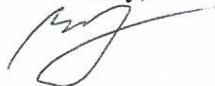
If you are not aware of new facts or circumstances but otherwise disagree with the decision to close your complaint, you may submit a request for review by the State Bar's Complaint Review Unit, which will review your complaint and the Intake Unit's decision to close the complaint. The Complaint Review 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>.

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

Sincerely,



Bo Yang
Deputy Trial Counsel