



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 20, 2020

Darryl Cotton
6176 Federal Blvd.
San Diego, CA 92114

RE: Case Number: 20-O-02569
Respondent: Adam Witt

Dear Mr. Cotton:

The State Bar's Office of Chief Trial Counsel has reviewed your complaint against Adam Witt 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 Adam Witt. The complaints you have made against other attorneys will be reviewed and addressed separately.

In this particular complaint, you alleged that as David Demian's co-counsel, Mr. Witt breached his fiduciary duties to you by failing to stop Mr. Demian's from sabotaging your case. In a separate complaint against Mr. Demian, you alleged that Mr. Demian failed to perform legal services with adequate competence and diligence, and that he intentionally sabotaged your case.

Based on our evaluation of the information provided, we are closing your complaint. In order to investigate allegations of attorney misconduct, the State Bar needs specific facts which, if proved, would establish a violation of the attorney's ethical duties. We have determined that your complaint does not present sufficient facts to support an investigation.

Under the laws of California, a supervising attorney owes a fiduciary duty to his or her client and must protect the client's interests to the extent allowed by law. Here, as explained in my separate letter to you regarding David Demian, Mr. Demian's conduct did not constitute a violation of the applicable rules of professional ethics. Therefore, it appears that Mr. Witt did not breach his duties to you. 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

San Francisco Office
180 Howard Street
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Los Angeles Office
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complained of, the case number assigned, and your telephone number including the area code. We should return your call within two business days.

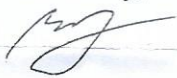
If you are not aware of new facts or circumstances but otherwise disagree with the decision to close your complaint, you may submit a request for review by the State Bar's Complaint Review Unit, which will review your complaint and the Intake Unit's decision to close the complaint. The Complaint Review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