



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL
ENFORCEMENT

845 S. Figueroa Street, Los Angeles, CA 90017

213-765-1205

michelle.king@calbar.ca.gov

June 4, 2020

SENT VIA U.S. MAIL

PERSONAL AND CONFIDENTIAL

Darryl Cotton
6176 Federal Blvd.
San Diego, CA 92114

Re: Respondent: Quintin Shammam
Case Number: 20-O-02528

Dear Mr. Cotton:

I am writing to inform you that the State Bar has decided to close your complaint against Quintin Shammam.

Please understand that the State Bar cannot proceed with disciplinary charges unless we can present evidence and testimony in court sufficient to prove by clear and convincing evidence that the attorney has committed a violation of the State Bar Act or the Rules of Professional Conduct. The violation must be serious enough to support both a finding of culpability and the imposition of professional discipline. In some cases, there may be evidence of attorney malfeasance or negligence, but this evidence may be insufficient to justify the commencement of a disciplinary proceeding or to be successful at a disciplinary trial.

After carefully reviewing the information that you provided in your complaint and interview, this office has concluded that we would not be able to prevail in a disciplinary proceeding.

You alleged that Mr. Shammam had a conflict of interest because he was also the attorney for Ramiz Audish ("Audish"), and as such the advice that he gave you regarding keeping the shop open would have benefitted Audish financially while you shouldered the civil and criminal liability. During your interview with the State Bar, you confirmed that you never hired Mr. Shammam and that there was no attorney-client relationship. You also stated that you did not share any confidential information with Mr. Shammam. Also during the interview, it was explained to you that you were making allegations based on duties owed to a prospective client, which involve the sharing of confidential information. Since your allegation involved you as a prospective client, since no attorney-client relationship was in fact formed, and since you did not share any confidential information, Mr. Shammam's continued representation of Audish was not in violation of the Rules of Professional Conduct.

San Francisco Office
180 Howard Street
San Francisco, CA 94105

www.calbar.ca.gov

Los Angeles Office
845 S. Figueroa Street
Los Angeles, CA 90017

Further, Mr. Shammam did not imply that he was disinterested in the communications with you, as you were aware that he represented Audish, and at the time of the consultation, it could be reasonably inferred that your interests and Audish's interests aligned since you were consulting Mr. Shammam together. Mr. Shammam was not communicating with you on Audish's behalf. Rather, Mr. Shammam shared what he believed to be the legal options concerning your building operations, you declined to agree with him, and Mr. Shammam did not pursue the issue any further.

You further alleged that Mr. Shammam counseled you to violate local, state, and federal law. During your interview with the State Bar, you stated that all of the information that Mr. Shammam gave to you regarding this was verbal. You had no written communication of Mr. Shammam's advice to violate the law, and there were no other witnesses to this conversation besides Audish. Moreover, you did not act in accordance with his alleged advice. As such, we are unable to prove a violation by clear and convincing evidence.

Due to the aforementioned information, we lack clear and convincing evidence to prove that Mr. Shammam violated the Rules of Professional Conduct or the State Bar Act.

If you would like to further discuss this matter or provide additional information or documentation, we request but do not require that you call us or send us the information within ten days of the date of this letter. You may leave a voice mail message with attorney Jessica Jorgensen at (213) 765-1409. In your message, be sure to clearly identify the lawyer complained against, the case number assigned to your complaint, and your name and return telephone number, including area code. The attorney will return your call as soon as possible.

If you have presented all of the information that you wish to have considered, and you disagree with the decision to close your complaint, you may request that the State Bar's Complaint Review Unit review your complaint. The Complaint Review Unit will recommend that your complaint be reopened if it determines that further investigation is warranted. To request review by the Complaint Review Unit, you must submit your request in writing, **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.

If you decide to send new information or documents to this office, the 90-day period will continue to run during the time that this office considers the new material. You may wish to consult with legal counsel for advice regarding any other available remedies. You may contact your local or county bar association to obtain the names of attorneys to assist you in this matter.

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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/StateBarSurvey2>.

Respectfully,

A handwritten signature in black ink, appearing to read "M. King", with a large, sweeping flourish at the end.

Michelle King
Investigator

MK:wss