



The State Bar
of California

OFFICE OF CHIEF TRIAL COUNSEL
ENFORCEMENT

845 S. Figueroa Street, Los Angeles, CA 90017

213-765-1205

mi chelle.king@calbar.ca.gov

June 22, 2020

SENT VIA U.S. MAIL

PERSONAL AND CONFIDENTIAL

Darryl Cotton
6176 Federal Blvd.
San Diego, CA 92114

Re: Respondent: Matthew Shapiro
Case Number: 20-O-02529

Dear Mr. Cotton:

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

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 that Mr. Shapiro takes clients seeking to obtain a CUP knowing fully that the chances are slim at best. You alleged that Mr. Shapiro had a conflict of interest issue arise when he told your then-counsel in the *Geraci v. Cotton* matter in a series of emails that he had nothing to do with a competing CUP with yours, and that should the competitor get to the finish line first, your CUP would be denied.

You alleged that Mr. Shapiro represented Corina Young, a fact witness in the *Geraci v. Cotton* case, but there was a conflict because Mr. Shapiro was representing both Ms. Young and the competitor, Aaron Magagna. As such, Mr. Shapiro would need to distance himself from any representation of Ms. Young in the *Geraci v. Cotton* case. Due to this, Mr. Shapiro hired attorney Natalie Nguyen to appear to act in accordance with your attorney's request that Ms. Young be deposed for your case. You alleged that you had evidence to show that Mr. Shapiro hired Ms. Nguyen and that Mr. Shapiro engaged in witness intimidation/threats in order to keep Ms. Young from testifying.

San Francisco Office

180 Howard Street

San Francisco, CA 94105

Los Angeles Office

845 S. Figueroa Street

Los Angeles, CA 90017

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During your interview with the State Bar, it was explained to you that you were complaining about duties owed to the client and not to you. With this complaint, we do not have a client complainant, and Mr. Shapiro's communications/advice to his client are privileged. As such, we lack clear and convincing evidence to prove a violation.

In addition, during the interview, it was also explained to you that it was opposing counsel's right to try to get Ms. Young's testimony denied if it would hurt their case and in doing so they would have been doing their job. It is not illegal for an attorney to attempt to prevent testimony from being heard by the court through the legal process, as it is their duty to protect their client's interests. You stated that there were threats to Ms. Young and that you would provide the evidence and contact information for Ms. Young. You stated that these issues were specifically addressed to the court. You were given several weeks to produce information that you believed would help the investigation, but you failed to do so. Without proof of the alleged actions by Mr. Shapiro and given that these allegations were addressed to the court with no findings of impropriety, we are unable to prove a violation.

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:

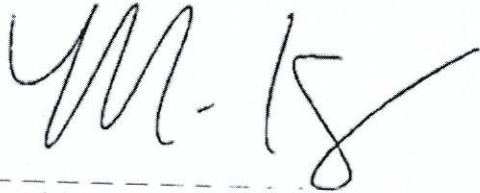
The State Bar of California
Complaint Review Unit
Office of General Counsel
180 Howard Street
San Francisco, CA 94105-1617.

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 'MK-18', written over a horizontal dashed line.

Michelle King
Investigator

MK:wss