

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. Conclusions based on speculation and not supported by facts are insufficient to warrant investigation. While you generally allege Ms. Becton and the Contra Costa County District Attorney's Office are violating your rights by not addressing your complaint against Paul Holes, we have determined that your complaint does not present sufficient facts to support an investigation. Whether Mr. Holes', or any other parties', actions constitute criminal conduct is a question law enforcement and the District Attorney are most qualified to prosecute and investigate.

Prosecutors may rely on information from the enforcement agency who investigates the matter as the basis for a belief that charges are supported by probable cause, or not. A prosecutor may exercise discretion in deciding whether claims are viable and whether sufficient evidence exists. You may also have civil remedies available to you.

The court having jurisdiction over this matter is the appropriate venue for determining the facts and merits of the case, such as whether Mr. Holes or any other party made false statements to the court. However, the State Bar cannot intervene on your behalf, cannot rule upon the merits of your contentions, and must defer to the decisions of the courts on these points. The State Bar cannot offer you legal advice. As a result, you may wish to consult with an attorney to determine what options may be available to you. Our closing of your complaint is not a determination of the validity of any legal dispute you may have, but only that the allegations you have made do not support a finding that the attorney violated the State Bar Act or the Rules of Professional Conduct.

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 Jason J. Kwan at 415-538-2193. 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