

THE STATE BAR
OF CALIFORNIA

1149 SOUTH HILL STREET, LOS ANGELES, CALIFORNIA 90015 299

OFFICE OF THE CHIEF TRIAL COUNSEL
IN TAKE

Dane Dauphine Assistant Chief Trial Counsel

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<http://www.calbar.ca.gov>

December 13, 2013

Tiffany Anderson
2 North Avena Ave.
Lodi, CA 95240

RE: Inquiry Number: 13-31471
Respondent: Christopher Eley

Dear Ms. Anderson:

The State Bar's Office of the Chief Trial Counsel has reviewed your complaint against Christopher Eley to determine whether there are sufficient grounds to prosecute a possible violation of the State Bar Act and/or Rules of Professional Conduct.

You have stated that you filed a grievance against your former employer, and Mr. Eley was assigned to investigate your complaint. You state that there was a conflict of interest for Mr. Eley to investigate your complaint as he was paid by your employer and could not be impartial. You believe he should have removed himself from the matter as his fees were being paid by the company against which you were filing your grievance.

Based on our evaluation of the information provided, we are closing your complaint. You are correct in your belief that Mr. Eley was hired and paid by your former employer. While you may have had the expectation, based upon the company's alleged representations, that your communications with Mr. Eley would be neutral or impartial, Mr. Eley was not your attorney. Your communications with Mr. Eley regarding your matter did not create an attorney-client relationship, and we do not see supporting facts that show that you were misled into believing that you had such relationship. Mr. Eley did not have a duty to act impartially or act in your best interest; but that of the party that hired him: Your former employer. You may wish to hire your own attorney to review your case and pursue your complaint in the proper jurisdiction. You may also raise the issue of your company's alleged unfair grievance practices in that proceeding.

For these reasons, the State Bar is closing this matter.

If you have any questions or disagree with the decision to close your complaint or have new information or other allegations not included in your initial complaint, you have two options. If you have new information about your complaint or additional allegations, you may speak directly with a Complaint Analyst. You may leave a voice message with Complaint Analyst D. Kattan at (213) 765-1377. Be sure to clearly identify the lawyer complained of, the case number assigned, and your telephone number including the area code in your voice message. The Complaint Analyst will return your call within 2 business days.

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Otherwise, you may request the State Bar's Audit & Review Unit to review your complaint. An attorney may re-open your complaint if he or she determines that you presented new, significant evidence about your complaint or that the State Bar closed your complaint without any basis. You must submit your request for review with the new evidence or a showing that closing your complaint was made without any basis. To request review, you must submit your request in writing, together with any new evidence, post-marked within **90 days of the date of this letter**, to:

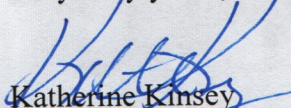
State Bar of California,
Audit & Review Unit,
1149 South Hill Street
Los Angeles, CA 90015-2299.

Please note that telephonic requests for review will not be accepted.

The State Bar cannot give you legal advice. If you wish to consult an attorney about any other remedies available to you, a certified lawyer referral service can provide the names of attorneys who may be able to assist you. In order to find a certified lawyer referral service, you may call our automated Lawyer Referral Services Directory at 1-866-442-2529 (toll free in California) or 415-538-2250 (from outside California) or access the State Bar's website at www.calbar.ca.gov and look for information on lawyer referral services.

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

Very truly yours,


Katherine Kinsey
Deputy Trial Counsel

dk

TA,

Your complaint about Eley will still appear in his file with the CA Bar, despite their dismissing/not following up on this. Eley will be less likely to be the District's "investigator" in the future.



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