



THE STATE BAR
OF CALIFORNIA

OFFICE OF THE CHIEF TRIAL COUNSEL

James E. Towery, *Chief Trial Counsel*

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: (415) 538-2063

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RE: Potential Unlawful Attorney Solicitation of San Bruno Explosion and Fire Victims and Their Families

In response to the San Bruno gas line explosion and subsequent fire that occurred on Thursday, September 9, 2010, the State Bar of California¹ would like to alert accident victims and their families, as well as representatives of local hospitals and care facilities, of the potential criminal and unethical conduct by some attorneys, or those working on their behalf, to sign up the victims and/or their family members as clients.

These individuals may visit the hospitals where victims of the explosion and fire have been taken for care or treatment claiming to be a close relative or family member of the injured person in order to gain access to the victim in the hospital or other restricted location. These individuals may also seek to contact those injured in the explosion and fire, or their families, at home or at work. These individuals may also attempt to make unsolicited contact with potential clients by telephone.

It is both illegal and unethical for an attorney or someone acting on the attorney's behalf to make unsolicited contact with a potential client either in person or by telephone.² Under certain circumstances, the State Bar may also consider unsolicited contact by mail unethical.³ The behavior is especially serious when the contact or solicitation takes place at the scene of the accident or at the hospital where the injured person has been taken for care and treatment. At that time, the injured person and his or her family members are most vulnerable, uncertain about next steps and potentially unable to exercise reasonable judgment.

If an injured person or family member believes that they have been improperly solicited by or on behalf of an attorney, they should immediately report the matter to the State Bar at (800) 843-9053.

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¹ The State Bar acts as an arm of the California Supreme Court in the regulation of the legal profession in California for the protection of the public and in the enforcement of the Rules of Professional Conduct and the provisions of the Business and Professions Code concerning the practice of law.

² Business and Professions Code section 6151 defines a "runner" or "capper" as any person, firm, association, or corporation who is acting, for money or other compensation, in any manner or capacity as an agent for an attorney or law firm in the solicitation or procurement of business for the attorney or firm. Business and Professions Code section 6152 makes it a crime for any person, firm, corporation, partnership or association to act as a runner or capper for any attorney or to solicit business for any attorney at a hospital or any public place, any public street or highway or upon private property. A violation of section 6152 is punishable, upon a first conviction, by up to one year imprisonment in the county jail and/or by a fine of up to \$15,000. Upon a second or subsequent conviction, the defendant can be imprisoned in the state prison for up to four years and/or punished by a fine of \$15,000.

³ It is improper for an attorney to seek employment by mail unless the letter and the envelope containing the letter are clearly labeled as an advertisement. A failure to clearly identify mail as an attorney advertisement seeking employment can result in the advertised attorney being disciplined by the State Bar.

Choosing an Attorney

Someone injured in an accident or an affected family member is most likely to select competent and appropriate legal representation only after careful consideration and thought. A person should not select an attorney based upon an unsolicited contact from the attorney or someone acting on his or her behalf. In many cases, these individuals are motivated primarily by the money they can make and not by what is in the best interests of the client.

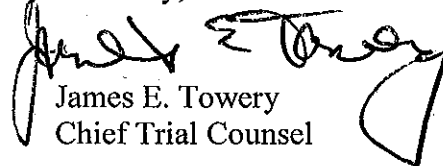
Before selecting an attorney, the injured person or his or her family members should ask about the attorney's experience and background to handle the particular matter. The victim or his or her family may want to consult with several attorneys to find one they feel comfortable with and who will adequately represent their interests. It is important that the attorney and client have the same goals and that the client is comfortable with the lawyer's working style. A prospective client should not rush this process.

A prospective client may select an attorney by obtaining recommendations from family, friends or other attorneys; through the use of a certified lawyer referral service; or through advertisements such as those found in the Yellow Pages, newspaper or the internet. Prior to selecting an attorney, the prospective client should interview the attorney to ensure that the attorney and client can work together well and that the attorney fits the particular needs of the client. The prospective client can also look up the prospective attorney on the "Attorney Search" feature of the State Bar's website (www.calbar.ca.gov) to determine whether the attorney has a public record of discipline for professional misconduct.

Finally, the victims of the San Bruno explosion and fire and their family members should be very cautious about agreeing to "quick settlements" offered by representatives of agencies involved in the accident or by insurance companies or representatives. It is important to take time to recover from the shock and immediate aftermath of the accident and to act with careful thought and the exercise of sound judgment.

We want to work together with law enforcement to protect the public from potential unethical and unlawful conduct by attorneys seeking to take advantage of this tragedy.

Sincerely,



James E. Towery
Chief Trial Counsel