



THE STATE BAR  
OF CALIFORNIA

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OFFICE OF THE CHIEF TRIAL COUNSEL  
INTAKE

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July 5, 2012

Richard Bouskila  
Blvd Mal Franchet D'Esperey  
15 03200  
Vichy, France

RE: Inquiry Number: 12-10767  
Respondent: Jonathan Capp

Dear Mr. Bouskila:

An attorney for the State Bar's Office of the Chief Trial Counsel has reviewed your complaint against Jonathan Capp to determine whether there are sufficient grounds for proceeding to prosecute a possible violation of the State Bar Act and/or Rules of Professional Conduct.

You report that you hired Mr. Capp and paid him a flat fee of \$3,000 for a copyright infringement claim. After Mr. Capp's review and before any position was negotiated with the potential defendant, you claimed that Mr. Capp advised you that there was no viable action and that Mr. Capp took no action, thereby blowing the statute of limitations. You also claimed that the fee was exorbitant for the little work that was done and that Mr. Capp should give you a refund. Additionally, you alleged that Mr. Capp is incompetent and should not have taken the case because he lacked expertise and was negligent.

Based on our evaluation of the information provided, please be advised that we can discipline an attorney only for willful violation of the Rules of Professional Conduct or/and the State Bar Act. In this case, there is insufficient proof of misconduct to warrant discipline. Your dissatisfaction with Mr. Capp's services should be addressed through civil remedies by looking into whether you have a viable and advisable civil malpractice case regarding your claim of negligence against Mr. Capp. As to your dissatisfaction with the attorney fees, you may want to seek mandatory fee arbitration, as indicated below.

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. For immediate assistance, the first option is to speak directly with a Complaint Analyst. You may leave a voice message with Complaint Analyst Carolyn Najera at (213) 765-1241. 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.

The second option is to 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