

[LETTERHEAD]

January 10, 2017

Jack Smith
Investigator
State Bar of California
180 Howard Street
San Francisco, CA 94105

Re: Charles Dodgson, Case No. 16-O-123061 (CW Rachel Jones)

Dear Mr. Smith:

I am in receipt of your letter dated December 10, 2016. This letter and documents Bates numbered CD 00001-00123 are being submitted to you as my written response.

Client Background

The Complaining Witness in this matter, Rachel Jones, is the daughter of my client Michael Haynes.

Identity of Client

Throughout the period that I represented Mr. Haynes, he was at all times my only client related to all matters in which he was involved. At the outset of the representation, Ms. Jones came to me to facilitate retaining me for her father, and she paid the initial fee deposit. However, she was never a client. My retainer agreement with Mr. Haynes includes the required third party payer language relating to Ms. Jones. In the retainer agreement, both of them acknowledged their roles in the representation and my role as the attorney for Mr. Haynes individually.

Privilege Waiver

Ms. Jones is the complaining witness, but Mr. Haynes is my client. I do not believe that Ms. Jones has the authority to waive the attorney-client privilege by virtue of filing the instant complaint. As a result, I respond to your letter as best I can while maintaining Mr. Haynes' privilege. If you are aware of a privilege waiver that I do not know about, please contact me so that I can assess the waiver and perhaps provide additional information.

Mr. Haynes is Competent

Ms. Jones' complaint is premised on the idea that her father is not competent to handle his own legal representation. I respectfully disagree. In my dealings with Mr. Haynes over the past three years, I always found him to be lucid, articulate, and wholly competent to handle his legal affairs.

Contemporaneous Litigation

Currently, Ms. Jones is prosecuting an action against her siblings and Mr. Haynes relating to Mr. Haynes' gifting of certain property to her siblings. I am not representing Mr. Haynes in that matter. The case is pending in Alameda County Superior Court and is captioned *Jones v. Haynes*, Case No. HG15829456. I do not know the exact procedural posture of the case, but I believe that it may be proceeding on appeal. I believe that Ms. Jones lost at trial.

Responses to State Bar Allegations

With this background, I address the State Bar's specific allegations as follows:

1. The State Bar's allegation that I represented Mr. Haynes trust and estate matters starting in or about 2014.

This is correct. I did handle some trust and estate matters for Mr. Haynes, and our attorney-client relationship did begin in approximately May 2014. Ms. Jones is aware of these facts, as she was involved in retaining me, including paying my initial fee deposit.

The scope of my work for Mr. Haynes falls within the attorney-client privilege. I will not elaborate further absent a privilege waiver from Mr. Haynes.

2. The State Bar alleges that Ms. Jones requested Mr. Haynes' file on his behalf and I did not provide it.

This is not correct. I did receive a request from Ms. Jones to provide Mr. Haynes' file. However, I was aware of the contemporaneous litigation and concerned that Ms. Jones did not have authority to request the file. Thus, I contacted Mr. Haynes directly. He and I handled the request, as again, he is my client. I do not owe any file to Mr. Haynes at this time.

3. The State Bar alleges that I failed to account for fees paid on Mr. Haynes behalf and/or return unearned fees.

Again, this is not correct. As noted, when I was retained by Mr. Haynes, Ms. Jones paid the initial fee deposit. My fee agreement is hourly, and the fee deposit paid by Ms. Jones was utilized in paying my fees. Full accountings were provided in the form of invoices each month to Mr. Haynes. Ms. Jones was not entitled to copies of these invoices under the terms of the retainer agreement, and I did not provide them to her.

Response to State Bar's Document Requests

In response to the State Bar's list of document demands, I provide the enclosed production and following explanations.

1. Any retainer/fee agreements with Rachel Jones and/or Michael Haynes.

My single fee agreement is between Mr. Haynes and me. As noted above, Ms. Jones paid the initial fee deposit. In my opinion, this document remains privileged and I will not produce it absent a privilege waiver from Mr. Haynes.

2. All estate/trust documents drafted on behalf of Mr. Haynes.

These documents are privileged and confidential. Mr. Haynes has not authorized me to disclose the contents of his estate plan, and I will not do so absent a written waiver from him.

3. Copies of all billing statements for work performed on behalf of Rachel Jones and/or Michael Haynes.

I performed no work on behalf of Ms. Jones. All billing statements for work performed on behalf of Mr. Haynes are privileged and confidential, as they contain explicit references to privileged information involved in my representation of him. Mr. Haynes has not authorized me to disclose his billing statements, and I will not do so absent a written waiver from him.

4. Copies of all correspondence between you and Rachel Jones or Michael Haynes.

Written correspondence between Ms. Jones and me is provided. Any correspondence between Mr. Haynes and me is privileged and confidential. Mr. Haynes has not authorized me to disclose our correspondence, and I will not do so absent a written waiver from him.

5. All drafts/checks and/or all other financial instruments representing funds of any kind received from Rachel Jones and/or Michael Haynes.

All funds received from Ms. Jones were contained in a single check, a copy of which is enclosed. I assert that any funds received from Mr. Haynes are covered by the attorney-client privilege at this time.

6. Your client trust account monthly bank statements from and including the date(s) any funds of any kind were first received on behalf of Michael Haynes to the present.

I have provided my IOLTA account records from May 2014 to the present. Ms. Jones' advanced fee deposit on behalf of Mr. Haynes was deposited into this account on May 17, 2014 and is reflected on the May 214 statement. All information identifying other clients has been redacted.

7. Your client trust account signature card (front and back sides).

This information is provided.

8. All client trust account ledger cards relating to Rachel Jones and/or Michael Haynes, maintained pursuant to rule 4-100(C), Rules of Professional Conduct.

While I did maintain trust account ledger cards on behalf of Mr. Haynes, the details of his payments are at this time privileged and confidential. Until a waiver is obtained, I do not believe it is appropriate to provide this level of detail regarding our representation. Thus, I have provided the ledger cards reflecting the payment from Ms. Jones, but I have redacted all further information.

9. Your written client trust account journal and each monthly client trust account reconciliation from and including the date(s) any funds of any kind were first received on behalf of Rachel Jones and/or Michael Haynes to the present, maintained pursuant to rule 4-100(C), Rules of Professional Conduct.

While I did maintain trust account journals and monthly reconciliations, the details of Mr. Haynes' payments are at this time privileged and confidential. Until a waiver is obtained, I do not believe it is appropriate to provide this level of detail regarding our representation. Thus, I have provided the requested documents reflecting the payment from Ms. Jones, but I have redacted all further information.

I have at all times been in compliance with the Rules of Professional Conduct with respect to my representation of Mr. Haynes. With this response, I have fully cooperated with the State Bar's investigation into this matter. I respectfully request that this investigation be closed with no further action.

Jack Smith
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If any further information would be helpful, please contact me directly.

Sincerely,

Charles Dodgson