

*Office of the Chief Trial Counsel
The State Bar of California
845 S. Figueroa St.
Los Angeles, California 90017-2515
(213) 765-1000*

STATE BAR OF CALIFORNIA

**COMPLAINT AGAINST NON-ATTORNEY
FOR UNAUTHORIZED PRACTICE OF LAW**

Complaint Against:

DEL BIGTREE

Cinema Libre Studios

120 S. Victory Blvd.,

Burbank, Calif. 91502

(818) 588-3033

Complaining Party:

T. Matthew Phillips, Esq.

(Calif. State Bar No. 165833)

10040 W. Cheyenne Ave., #170

Las Vegas, Nev. 89129

(323) 314-6996

☞ COMPLAINT for UNAUTHORIZED PRACTICE of LAW ☞

- (1) My name is T. MATTHEW PHILLIPS, ESQ. I am a licensed California attorney, (State Bar No. 165833; in good standing since 1993). I have personal knowledge of the facts herein alleged. If called upon to testify, I could and would give competent and truthful evidence.
- (2) I make this complaint, for unauthorized practice of law, against DEL BIGTREE, a resident of Los Angeles County. DEL BIGTREE is an actor and celebrity. He is not a licensed attorney.
- (3) On or about Oct. 12, 2017, DEL BIGTREE—purportedly representing the *Informed Consent Action Network*, (“ICAN”)—gave notice of “intent to sue”—under 42 U.S.C. § 300aa-31(b)—on behalf of the ICAN entity, (a Texas entity)—concerning ICAN’s intent to sue the U.S. Dept. of Health & Human Services. Most significantly, the notice is signed by DEL BIGTREE. No attorney’s name appears on the notice.
- (4) Exhibit “A” is a true and correct copy of the aforesaid notice of intent to sue, dated Oct. 12, 2017, signed (and presumably authored) by DEL BIGTREE and addressed to the U.S. Dept. of Health & Human Services.
- (5) The *Informed Consent Action Network*, (“ICAN”), is a business entity of unknown form. ICAN’s website address, (icandecide.com), provides a street address for ICAN at 10200 W. US Highway 290, Suite 301, Austin, Texas.
- (6) B&P Code §6125 provides that: “no person shall practice law in California unless the person is an active member of the State Bar.” And B&P Code §6126(a) provides that: “any person advertising or holding himself or herself out as practicing or entitled to practice law or otherwise practicing law who is not an active member of the State Bar, or otherwise authorized pursuant to statute or court rule to practice law in this state at the time of doing so, is guilty of a misdemeanor.” [See B&P Code §§6125–6126]

(7) I believe that DEL BIGTREE engages in the unauthorized practice of law, (misdemeanor), by doing all of the following acts:

- (a) by issuing a legal notice of intent to sue purportedly on behalf of the ICAN entity;
- (b) by purportedly having the authority to speak on behalf of the ICAN entity as their legal representative; (notably, in the notice, DEL BIGTREE, makes conspicuous use of the pronoun “we”—*i.e.*, speaking for himself and the entity);
- (c) by threatening to sue the U.S. Dept. of H&HS on behalf of the ICAN entity;
- (d) by signing his name and holding himself out as the author of the legal notice, on behalf of the ICAN entity;
- (e) by inviting the U.S. Dept. of H&HS to negotiate the causes of action alleged in the notice of intent to sue;
- (f) if it turns out that DEL BIGTREE did author the notice of intent to sue—highly unlikely, but if he did—then his drafting of the notice, on behalf of the ICAN entity, also gives rise to culpability for unauthorized practice of law.

(8) By giving notice of intent to sue, federal attorneys are required to contact the complaining party to attempt informal claims resolution; however, DEL BIGTREE is unqualified to negotiate legal claims with government attorneys—because, of course, DEL BIGTREE is not a lawyer. DEL BIGTREE wrongfully compromises the legal rights of the ICAN entity and further causes prejudice to its 55 member groups—consisting of 5 million people—who may not know or understand that it is improper to use actors/celebrities to practice law.

(9) The notice of intent to sue, [*see* Ex. “A”], was obviously drafted by lawyer, but the mystery lawyer who drafted it is improperly “ghostwriting.” (And the question arises—why would a lawyer not sign his or her name to such a notice?)

(10) It is likely that the mystery lawyer—who authored the notice of intent to sue on behalf of the ICAN entity—is licensed in a jurisdiction *other* than Texas.

Notably, the ICAN entity is a Texas entity; and, if it turns out that the mystery lawyer is licensed in a jurisdiction other than Texas, it may explain why the notice lacks a lawyer’s signature claiming authorship.

(11) If it turns out that the mystery lawyer—who authored the notice of intent to sue on behalf of the ICAN entity—is licensed, *e.g.*, in Wyoming, New York, or North Carolina, then that attorney is guilty of practicing law without a license—because the ICAN entity is a Texas entity, and only a Texas lawyer can threaten to sue on its behalf. In addition, the mystery lawyer—who authored the notice—accrues liability in his or her home state, for practicing law outside that state, and also accrues liability in Texas, for practicing law in Texas without a Texas law license.

(12) Even if DEL BIGTREE offers-up the name of the mystery lawyer, DEL BIGTREE is still guilty of misdemeanor—because, as a California resident, he has already engaged in acts that constitute practicing law without a license in the State of California, [*see* ¶7, *supra*]; further, DEL BIGTREE also accrues liability for practicing law in Texas without a Texas law license.

I hereby declare under penalty of perjury under the laws of the State of California, the foregoing is both true and correct.

Dated: **Nov. 7, 2017**

LAW OFFICES OF T. MATTHEW PHILLIPS



T. Matthew Phillips, Esq.
Complainant