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8 **Exempt from Filing Fees Pursuant to**
Government Code Section 6103

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO

12
13 THE STATE BAR OF CALIFORNIA,

14 Plaintiff,

15 v.

16 LEGALMATCH.COM, a corporation; and
17 DOES 1-10, inclusive,

18 Defendants.
19

Case No.

**COMPLAINT FOR INJUNCTIVE RELIEF
PURSUANT TO BUSINESS &
PROFESSIONS CODE § 6155**

1 Plaintiff the State Bar of California (“State Bar” or “Plaintiff”), brings this suit and
2 hereby alleges the following on information and belief:

3 **PARTIES AND VENUE**

4 1. The authority of the State Bar to bring this action is derived from the statutory law of
5 California, specifically Business & Professions Code section 6155.

6 2. Defendant LEGALMATCH.COM (“LegalMatch” or “Defendant”) is a California
7 corporation with its headquarters and principal place of business located in California at 395
8 Oyster Point Blvd, Suite 309, South San Francisco, CA 94080.

9 3. The true names and capacities, whether individual, corporate, associate, or otherwise,
10 of the defendants sued herein under the fictitious names of DOES 1 through 10, inclusive, are
11 unknown to Plaintiff, who therefore sues said defendants by such fictitious names. Each
12 fictitiously named defendant is responsible in some manner for the violations of law herein
13 alleged. Plaintiff will amend its complaint to show the true names and capacities of such
14 defendants, as well as the manner in which each fictitious defendant is responsible for the
15 violations of law of LegalMatch herein alleged, when these facts are ascertained.

16 4. Whenever in this complaint reference is made to any act of any corporate defendant,
17 such allegation shall be deemed to mean that such corporate defendant did the acts alleged in
18 the complaint through its officers, directors, agent, employees, and/or representatives while they
19 were acting within the actual ostensible scope of their authority.

20 5. The defendants at all times mentioned herein have transacted business within the City
21 and County of San Francisco and throughout the State of California. The violations of law
22 herein described have been committed within and from the City and County of San Francisco,
23 and elsewhere within the State of California.

24 6. The actions of Defendant, as hereinafter set forth, are in violation of the laws and
25 public policies of the State of California and are inimical to the rights and interests of the general
26 public as consumers and citizens. Unless the State Bar is granted the remedies sought herein,
27 including injunctive relief by order of this Court, the Defendant will continue to engage in the
28

1 unlawful acts and practices set forth below and will continue to cause injury and harm to the
2 general public.

3 INTRODUCTION

4 7. The State Bar is charged with protecting consumers by ensuring that only lawyer
5 referral services that are registered with and certified by the State Bar as meeting minimum
6 standards set forth by the State Bar are permitted to operate. (Cal. Bus. & Prof. Code § 6155,
7 subd. (a)(1), (f).)The Legislature has clearly made unlawful solicitation for or on behalf of an
8 attorney except when done in a manner that is regulated and compliant with state standards. (Cal.
9 Bus. & Prof. Code §§ 6152, subd. (a)(1), 6155, subd. (a)(1).) Moreover, attorneys are not
10 permitted to accept referrals of potential clients unless the lawyer referral service has met those
11 standards. (Cal. Bus. & Prof. Code § 6155, subd. (a)(1).)

12 8. A certified lawyer referral service must, for example, only recommend attorneys who
13 meet the State Bar's standards of practice and experience related to the client's legal needs.
14 Lawyers who participate in a certified lawyer referral service must also carry malpractice
15 insurance, which means that they have the ability to pay if they are successfully sued for
16 malpractice. These requirements are designed to protect the public from unqualified and
17 unscrupulous lawyers. Members of the public are often unable to assess the qualifications and
18 integrity of a lawyer on their own.

19 9. LegalMatch provides an online lawyer referral service that connects individuals
20 seeking legal assistance to lawyers who purchase a subscription from LegalMatch. It operates
21 across the United States, including in California.

22 10. LegalMatch has never been certified to operate as such by the State Bar. Its
23 operations therefore violate Business & Professions Code Section 6155. Attorneys who accept
24 or have accepted referrals from LegalMatch also violate Business and Professions Code 6155.

25 ///

26 ///

27 ///

28 ///

1 **FACTUAL BACKGROUND**

2 **Lawyer Referral Services Are Governed By Bus. & Prof. Code § 6155.**

3 11. Section 6155 provides that an entity may not operate as a lawyer referral service
4 unless it is registered with the State Bar and is operated in conformity with minimum standards
5 for a lawyer referral service established by the State Bar. (Section 6155, subd. (a)(1)). The
6 Statute specifically provides that the State Bar “shall formulate and enforce rules and regulations
7 for carrying out this section ...,” which includes requiring a lawyer referral service to “register
8 with the state Bar and obtain from the State bar a certificate of compliance with the minimum
9 standards for lawyer referral services.” (Cal. Bus. & Prof. Code § 6155, subd. (f)(2).)

10 12. In order to operate, a lawyer referral services must first submit an application for a
11 certificate of compliance; and, it is only issued by the State Bar if the record demonstrates that
12 the applicant meets all of the State Bar’s requirements. A lawyer referral service is deemed
13 registered with the State Bar when it has been certified.

14 13. The Rules of the State Bar provide that certification is mandatory for a lawyer referral
15 service. “An individual or organization that refers prospective clients to attorneys must comply
16 with minimum standards and be certified by the State Bar of California as a lawyer referral
17 service ...” (Rules of the State Bar, Title 3, Div. 5, Art. I, Rule 3.800 *et seq.*). LegalMatch is
18 therefore required to obtain certification from the State Bar that it complies with the minimum
19 standards to operate as a lawyer referral service.

20 **LegalMatch Operates an Online Lawyer Referral Business.**

21 14. LegalMatch operates an online service that connects individuals seeking legal
22 assistance to lawyers who purchase a subscription from LegalMatch. According to the
23 LegalMatch website, www.legalmatch.com, in 1999, the Online Legal Matching (OLM) concept
24 was developed by LegalMatch founding lawyers “with a goal to provide a Web-based exchange
25 to help individuals and small businesses make educated decisions when choosing a lawyer.”
26 LegalMatch.com went live in 2000.

27 15. LegalMatch claims that it is the industry leader in attorney/client matching services
28 and is “the best way to find the right lawyer.” Its website notes that as of 2014, three million

1 cases had been posted to LegalMatch and the website hit 25 million-page views.
2 (<https://www.legalmatch.com/attorneys/companyinfo.html>.) Presently, the home page notes that
3 LegalMatch has increased its business to four million total posted cases.
4 (<https://www.legalmatch.com/>).

5 16. In *Jackson v. LegalMatch.com* (2019) 42 Cal.App.5th 760, 764, review denied (Mar.
6 11, 2020)) (“*Jackson*”), the California Court of Appeal determined that LegalMatch engages in
7 referral activity for purposes of California Business & Professions Code section 6155 which
8 regulates lawyer referral services.

9 17. The *Jackson* court looked to language included on the LegalMatch website to
10 determine that, as a matter of law, LegalMatch operates as an attorney referral service. “Indeed,
11 LegalMatch states that it “connect[s] people in immediate need of legal services with the right
12 attorneys,” and admits that consumers’ inquiries are “automatically sent” to subscribing
13 attorneys. (*Jackson, supra*, 42 Cal.App.5th at 778).

14 **LegalMatch Has Not Received Certification from the State Bar to Operate a Lawyer**
15 **Referral Service.**

16 18. LegalMatch has not been certified by the State Bar to operate a lawyer referral
17 service.

18 19. On March 20, 2020, shortly after the *Jackson* decision was issued, the State Bar wrote
19 to LegalMatch to demand that LegalMatch “immediately cease operations until such time as it is
20 duly certified as a lawyer referral service under section 6155 and State Bar Rules.” (See attached
21 as Exhibit A the State Bar’s March 20, 2020 letter to LegalMatch).

22 20. LegalMatch has failed to respond to the State Bar’s March 20, 2020 directive that it
23 cease and desist all operations until it is duly certified as a lawyer referral service.

24 **LegalMatch Continues To Operate Without State Bar Certification.**

25 21. Upon information and belief, LegalMatch remains in operation despite its lack of
26 certification. LegalMatch’s website, www.legalmatch.com, indicates that LegalMatch is
27 operating as a lawyer referral service despite its lack of certification. The website currently
28 contains statements that are very similar to the phrases on which the *Jackson* court relied in

1 holding that LegalMatch engages in referral activity within the meaning of Section 6155 of the
2 Business and Professions Code.

3 22. For example, LegalMatch describes its business as a “legal service” that “matches
4 you with highly rated, licensed lawyers near you—for free.” LegalMatch’s website currently
5 states:

6 “When you need to find a lawyer, our no-cost system provides you with
7 access to pre-screened lawyers through a quick and painless process.
8 Immediately after you present your case, email notifications are sent to
9 lawyers that match the geographic location and legal practice area you
10 specify. Within 24 hours, your case is reviewed, evaluated, and when a
11 lawyer is interested in taking your case, you’ll receive a full attorney
12 profile and their background information.”

13 “Within a few hours after you submit your case, you may receive
14 responses from local attorneys by phone or email.”

15 (www.legalmatch.com/ - last accessed April 27, 2020. See attached as Exhibit B screen shots
16 from the LegalMatch website.)

17 23. LegalMatch also maintains LinkedIn and Facebook pages with information about its
18 service and on which it solicits attorneys to become panel members. (See Exhibits C and D
19 screen shots from Facebook and LinkedIn.)

20 24. There are no disclaimers on the LegalMatch website, Facebook or LinkedIn, stating
21 that LegalMatch is not certified to operate in California as a lawyer referral service, or that it
22 cannot make referrals or legally operate until it is duly certified. Thus, lawyers who accept
23 referrals LegalMatch do so unlawfully. Members of the public who use LegalMatch to retain an
24 attorney do so without the client protections provided by the State Bar’s certification standards
25 described above.

26 25. LegalMatch’s continued operations violate Bus. & Prof. Code section 6155, and the
27 State Bar should be granted an order enjoining such violation.

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1 **FIRST CAUSE OF ACTION**

2 **Violation of Business & Professions Code § 6155**

3 **(Against Defendant LegalMatch)**

4 26. Plaintiff realleges and incorporates by reference the allegations set forth in each
5 preceding paragraph of this complaint.

6 27. Business and Professions Code section 6155 governs the regulation of lawyer referral
7 services by ensuring that they comply with certain minimum standards formulated and enforced
8 by the State Bar. Section 6155, subd. (a)(1) provides in relevant part:

9 a. An individual, partnership, corporation, association, or any other entity
10 **shall not operate** for the direct or indirect purpose, in whole or in part, of
11 referring potential clients to attorneys, and no attorney shall accept a
12 referral of such potential clients, unless all of the following requirements
13 are met:

13 (1) The service is registered with the State Bar of California and
14 (a) on July 1, 1988 is operated in conformity with minimum
15 standards for a lawyer referral service established by the State Bar
16 ... (emphasis added.)

16 28. Business and Professions Code section 6155, subd. (f) provides in relevant part:

17 (f) With the approval of the Supreme Court, the State Bar shall formulate and
18 enforce rules and regulations for carrying out this section, including rules and
19 regulations that do the following:

20 (1) Establish minimum standards for lawyer referral services. The minimum
21 standards shall include provisions ensuring that panel membership shall be
22 open to all attorneys practicing in the geographical area served who are
23 qualified by virtue of suitable experience, and limiting attorney registration
24 and membership fees to reasonable sums that do not discourage widespread
25 attorney membership.

24 (2) Require that an entity seeking to qualify as a lawyer referral service register
25 with the State Bar and obtain from the State Bar a certificate of compliance
26 with minimum standards for lawyer referral services.

26 (3) Require that the certificate may be obtained, maintained, suspended, or
27 revoked pursuant to procedures set forth in the rules and regulations. ...

27 29. As alleged above, LegalMatch operates an online lawyer referral service for the
28 direct purpose of referring potential clients to attorneys in California who subscribe to

1 LegalMatch's services. LegalMatch thus operates a lawyer referral service within the meaning
2 of Section 6155. LegalMatch is not registered as a lawyer referral service with the State Bar in
3 violation of Bus. & Prof. Code § 6155, subd. (a)(1).

4 30. The State Bar has demanded that LegalMatch refrain from operating as an unlicensed
5 lawyer referral service to no avail. On information and belief, LegalMatch continues to operate
6 as an uncertified and unregistered lawyer referral service in violation of Bus. & Prof. Code §
7 6155.

8 31. Continuing commission by Defendant of the acts alleged above will irreparably harm
9 the citizens of the State of California, for which harm they have no plain, speedy, or adequate
10 remedy at law.

11 Wherefore, Plaintiff prays for judgment against Defendant, as set forth hereafter.

12 **PRAYER FOR RELIEF**

13 **WHEREFORE**, Plaintiff prays for the Court to enter judgment and for relief as follows:

- 14 1. That the Court issue an order pursuant to Bus. & Prof. Code § 6155, subd. (e)
15 preliminarily and permanently enjoining LegalMatch from engaging in the unlawful operation of
16 an uncertified lawyer referral service in violation of Bus. & Prof. Code § 6155.
- 17 2. For an order awarding the State Bar civil penalties against LegalMatch as provided
18 for in Bus. & Prof. Code § 6156, subd. (a), in an amount as specified in the statute.
- 19 3. For an order awarding the State Bar its reasonable expenses as provided for in Bus. &
20 Prof. Code § 6156, subd. (b), in an amount to be awarded at trial.
- 21 4. For such other and further relief as the Court deems just and proper.

22 Dated: May 4, 2020

23 STATE BAR OF CALIFORNIA
24 OFFICE OF THE GENERAL COUNSEL
25 VANESSA L. HOLTON
26 General Counsel
27 ROBERT G. RETANA
28 Deputy General Counsel

By: 

ALISON V. LIPPA
Assistant General Counsel
Attorneys for Plaintiff
STATE BAR OF CALIFORNIA

EXHIBIT A



The State Bar of California

OFFICE OF GENERAL COUNSEL

180 Howard Street, San Francisco, CA 94105

alison.lippa@calbar.ca.gov

March 20, 2020

Via E-mail anna.ostrovsky@legalmatch.com

Ms. Anna Ostrovsky
Chief Operating Officer
LegalMatch.com
395 Oyster Point Blvd, Suite 309
South San Francisco, CA 94080

RE: LegalMatch.com Application for LRS Certification

Dear Ms. Ostrovsky:

Following the California Supreme Court's March 11, 2020 denial of review in *Jackson v. LegalMatch.com* (2019) 42 Cal.App.5th 760 ("*Jackson*"), the California Court of Appeal's opinion is final that LegalMatch.com ("*LegalMatch*") engaged in referral activity for purposes of Business & Professions Code section 6155 ("*section 6155*").

Since the *Jackson* opinion was issued on November 26, 2019, the California State Bar ("*State Bar*") has sent LegalMatch several communications inquiring about the timing of your submission for certification under section 6155. On December 12, 2019, per your request, the State Bar sent you an application for certification as a lawyer referral service ("*LRS*"). You inquired at that time whether the State Bar would give assurances that no attorneys who subscribe to your service would be disciplined for accepting referrals from LegalMatch. On January 3, 2020, the State Bar's former Executive Director, Leah T. Wilson, informed you that the State Bar could not offer assurances that attorney subscribers to LegalMatch would not be disciplined for their participation in your service.

You also requested "temporary registration" for your services. Ms. Wilson's January 3 letter explained that the State Bar would be willing to work with LegalMatch throughout the certification process, but that there is no procedure available for "temporary registration." You were notified that LegalMatch must meet the minimum certification requirements for an LRS before State Bar certification would be granted. Ms. Wilson further outlined the LRS application process and provided copies of the relevant sections of the Business and Professions Code and Rules of the State Bar.

Anna Ostrovsky
Re: LegalMatch.com LRS certification application
March 20, 2020
Page 2

On January 17, 2020, you emailed Christal Bundang of the State Bar's Office of Access & Inclusion a list of questions concerning, among other things, the certification process. In that email you asked about "flexibility" of the rule that LRS panel members carry malpractice insurance. On January 30, 2020, Randall Difuntorum, Program Director of the Office of Professional Competence, responded in a detailed letter that explained, again, that the LRS requirements set forth in the Business & Professions Code and the State Bar Rules and all legal requirements, including the requirement for attorneys to carry malpractice insurance, must be met and cannot be waived. Mr. Difuntorum explained that "LegalMatch must become certified by the State Bar and comply with the minimum standards set forth in section 6155 and the Rules of the State Bar in order to continue operating."

On February 24, 2020, upon receiving no response to his January 30, 2020 letter, Mr. Difuntorum wrote to you again to remind you that LegalMatch must obtain certification to operate as an LRS. He requested that you provide him with an update on the status of LegalMatch's submission of its certification application as soon as possible.

On February 28, 2020, you responded via email that you were "close to finalizing the initial draft" of your application. You asserted that LegalMatch had difficulty in complying with the requirement that LRS panel members must carry malpractice insurance, and you indicated LegalMatch's interest in avoiding any final action on their members in the weeks before the Supreme Court issued its response to your petition for review of the *Jackson* opinion. You requested a telephone call to discuss these issues with the State Bar.

On March 6, 2020, Mr. Difuntorum responded to your February 28, 2020 email. He reiterated that the malpractice insurance requirement is mandated by statute and the Rules of the State Bar and therefore cannot be waived. He also reiterated that because LegalMatch has been deemed to be a lawyer referral service, it must be certified by the State Bar. He explained that a "grace period" could not be granted for your application. He reminded you that LegalMatch would be in knowing violation of the law if it continues to operate without certification. He agreed to a call but only after LegalMatch has submitted its application. He informed you again that LegalMatch may be operating in violation of Section 6155, and therefore liable for civil penalties. He again requested that you submit LegalMatch's application forthwith.

On March 11, 2020, the California Supreme Court denied your petition for review. On that same date, you wrote to Mr. Difuntorum stating that you would be making "internal modifications to meet the new requirements" so that you could submit LegalMatch's application.

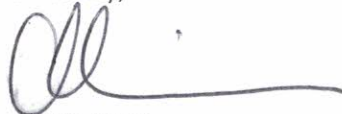
It has now been over three months since LegalMatch obtained the LRS certification application in December, 2019. While you indicated in late February that an initial draft is close to final, it is now almost one month later and we have not received your application. You have asserted that you are working on "getting an application filed before the end of this month." We still do not have your completed application nor do we have a date certain by which you intend to submit the application.

Anna Ostrovsky
Re: LegalMatch.com LRS certification application
March 20, 2020
Page 3

Please be advised that the State Bar requires that LegalMatch submit its completed application for LRS certification no later than Tuesday March 31, 2020. As LegalMatch is currently operating as an uncertified lawyer referral service, it must immediately cease operations until such time as it is duly certified as a lawyer referral service under section 6155 and State Bar Rules. Otherwise the State Bar will take all appropriate action, including but not limited to the commencement of a civil enforcement action against LegalMatch and any person having an ownership interest in the lawyer referral service, pursuant to Business & Professions Code section 6030. LegalMatch may be subject to civil penalties and reimbursement to the State Bar of the reasonable costs of its investigation and prosecution of any civil action pursuant to Business & Professions Code section 6156.

If you would like to discuss this matter, you may contact me at (415) 538-2333 or alison.lippa@calbar.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alison Lippa', with a long horizontal flourish extending to the right.

Alison Lippa
Assistant General Counsel

cc: Randall Difuntorum, Program Director, Office of Professional Competence
The State Bar of California

EXHIBIT B



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I needed assistance with some legal matters and didn't know where to go. I found LegalMatch and decided to give it a try. Instantly after filling out their questionnaire, I started receiving calls from the exact lawyers I needed for my legal matters.

— Diana, United States

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LegalMatch

March 18 ·

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LegalMatch

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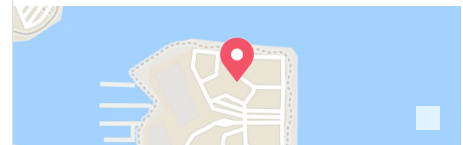
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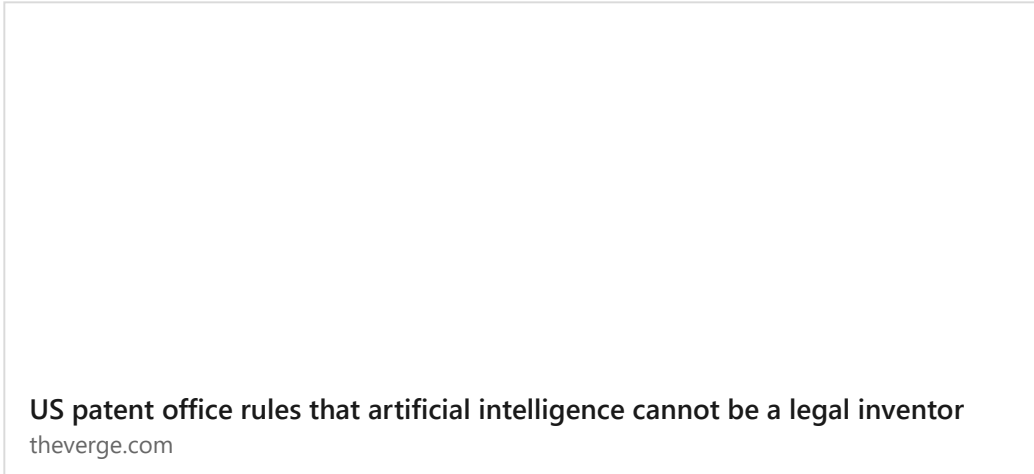
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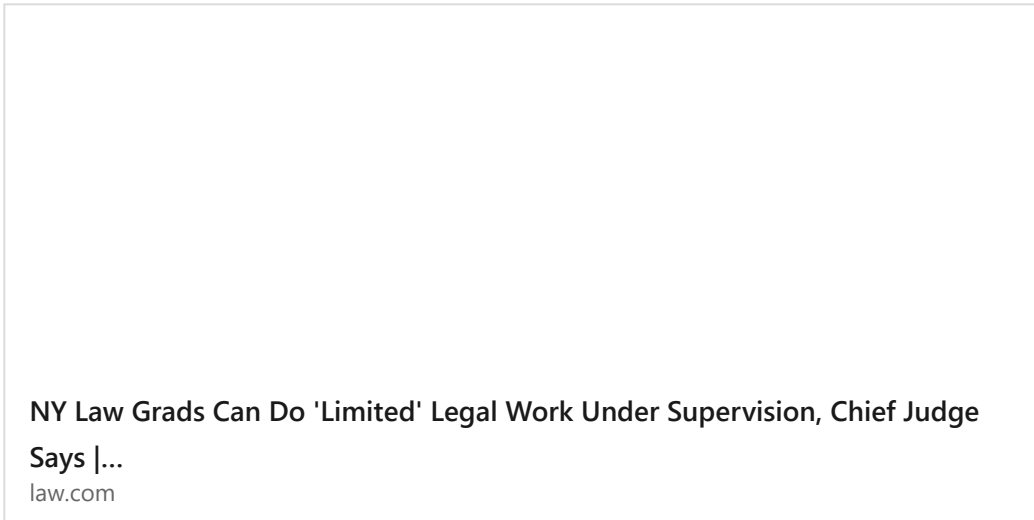


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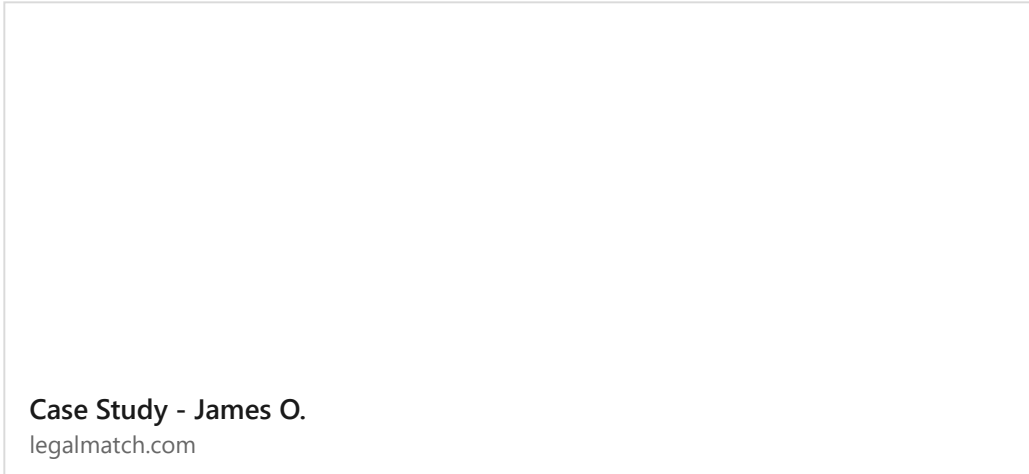


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