



# The State Bar *of California*

OFFICE OF CHIEF TRIAL COUNSEL

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October 28, 2024

**PERSONAL AND CONFIDENTIAL**

**VIA EMAIL ONLY: [Amyjsherlock@gmail.com](mailto:Amyjsherlock@gmail.com)**

Amy Sherlock  
[REDACTED]  
[REDACTED]

**Re: Case Number: 24-O-13601  
Respondents: William Miltner**

**Dear Amy Sherlock:**

The State Bar has decided to close your complaint against **WILLIAM MILTNER**.

Please understand that the State Bar cannot proceed with disciplinary charges unless we can present evidence and testimony in court sufficient to prove by clear and convincing evidence that the attorney has violated the State Bar Act or the Rules of Professional Conduct. The violation must be serious enough to support both a finding of culpability and the imposition of professional discipline. In some cases, there may be evidence of attorney malfeasance or negligence, but this evidence may be insufficient to justify the commencement of a disciplinary proceeding or to be successful at a disciplinary trial.

In your complaint, you state you recently learned from your attorney, Andrew Flores, and his investigator that Mr. Miltner created a conflict waiver form bearing your signature in a legal matter in 2017 that you have no information about. Specifically, you state that you found a copy of the May 15, 2017, waiver in certain documents obtained involving certain pending litigation you are involved in.

You allege you never signed this waiver and never retained Mr. Miltner for any legal services. You allege he was responsible for the forgery and represented you without authorization in an unspecified matter.

You provided, along with your complaint, a copy of the waiver, copies of documents related to communications with Mr. Miltner regarding this issue, additional written statements, and documents regarding the underlying litigation that you described as ongoing since 2021. The information you provided further indicates that Mr. Miltner is neither counsel nor a party in your present litigation.

You did not include any court orders or other judicial finding from this pending litigation indicating a judicial determination has been made that Mr. Miltner either forged this waiver or knew at the time he received the waiver that your signature had been forged.

In one March 2024 email you provided, Mr. Miltner explained to your attorney that he destroyed his file after five years and had no copies that you were seeking. He also states to his recollection that the representation that occurred in 2017 pertained to setting up an LLC for the clients.

In addition to the information you provided, the State Bar obtained additional documents, information, and Mr. Miltner's response to your allegations.

The investigation found that Miltner & Merck APC was retained by a group of investors, including Bradford Harcourt, to set up a limited liability corporation named Anomar Management LLC to operate a cannabis-related business. Mr. Miltner recollects that some of the other members of the group wished to give you a share of the LLC based on the recent death of your husband. Mr. Miltner's associate Autumn Frye prepared the Conflict-of-Interest Waiver under Mr. Miltner's direction.

On May 10, 2017, Mr. Harcourt emailed Mr. Miltner with the executed Conflict of Interest waiver and represented to Mr. Miltner that all parties executed the document, including you. Mr. Harcourt's email to Mr. Miltner was also copied to Steven Lake, Renny Bowden, and Golden View Consulting. After that, Mr. Miltner filed the necessary documents to form an LLC on behalf of Anomar Management on or about September 27, 2017, with the Secretary of State.

Mr. Miltner states that he was unaware at the time he received the waiver that your signature was forged and had a reasonable and good faith belief that he was authorized to provide legal services to you related to the formation of Anomar Management as an LLC based on Mr. Harcourt's representations. Mr. Miltner does not recall providing any direct legal services to you or at the request of any other member of the LLC.

You did not provide, and the State Bar did not find during the investigation, any evidence indicating Mr. Miltner was involved in obtaining a forged signature or knew, at the time he represented these clients in 2017, that the signature was forged.

With respect to your allegation that Mr. Miltner either forged the waiver or knowingly relied on a forged waiver bearing your signature to perform legal services, there lacks clear and convincing evidence that Mr. Miltner's actions obtained a forged signature or relied on a waiver he knew at the time included a forged signature.

In sum, based on the preceding there lacks clear and convincing evidence that Mr. Miltner engaged in conduct that violated any rule under the State Bar Act or California Rules of Professional Responsibility.

Should a criminal or civil court in any jurisdiction find any impropriety by Mr. Miltner with respect to this waiver and signature, please forward such written findings to our office for review.

If you would like to provide additional information or documentation, we request but do not require that you call us or send us the information within ten days of the date of this letter. If you have presented all of the information that you wish to have considered, and you disagree with the decision to close your complaint, you may request that the State Bar's Complaint Review Unit review your complaint. The Complaint Review Unit will recommend that your complaint be reopened if it determines that further investigation is warranted. To request review by the Complaint Review Unit, you must submit your request in writing, either:

- 1) Via email: Within 90 days of the date of this letter, by email to: [CRU@calbar.ca.gov](mailto:CRU@calbar.ca.gov) or
- 2) Via United States Mail: Post-marked within 90 days of the date of this letter, by United States Mail to:

**The State Bar of California  
Complaint Review Unit  
Office of General Counsel  
180 Howard Street  
San Francisco, CA 94105-1617**

If you decide to send new information or documents to this office, the 90-day period will continue to run during the time that this office considers the new material. You may wish to consult with legal counsel for advice regarding any other available remedies. You may contact your local or county bar association to obtain the names of attorneys to assist you in this matter.

We would appreciate if you would complete a short, anonymous survey about your experience with filing your complaint. While your responses to the survey will not change the outcome of the complaint you filed against the attorney, the State Bar will use your answers to help improve the services we provide to the public. The survey can be found at <https://www.surveymonkey.com/r/HJGKWY7>.

Sincerely,



Lori Wallerstein  
Investigator II

LRW/mtf