FILED OCTOBER 19, 2009

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of **JOSEPH MEIR RIBAKOFF,** **Member No. 146573,** A Member of the State Bar.	)	Case No.: **06-O-10034 -- RAH** **06-O-15110** **DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT**

1. INTRODUCTION AND PROCEDURAL MATTERS

The trial in this matter commenced on February 9, 2009, and was completed on June 9, 2009. The Office of the Chief Trial Counsel of the State Bar of California was represented by Melanie J. Lawrence. Respondent represented himself. This matter was submitted for decision on July 22, 2009, following post-trial briefing.

The Office of the Chief Trial Counsel seeks to disbar respondent. For the reasons set forth below, and, in particular, because of respondent's extensive record of prior misconduct, this court agrees that disbarment is the appropriate level of discipline.

The parties stipulated that the following portions of the Notice of Disciplinary Charges (NDC) are deleted: paragraph 22; subparagraphs (a) through (e) contained in paragraph 31; and the allegation of misappropriation in paragraph 32. In addition, the NDC is amended according

to proof at trial as follows: the reference in paragraph 4 to the account number should reflect that number as "536821-02".

2. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Jurisdiction

Respondent was admitted to the practice of law in the State of California on June 11, 1990, and since that time has been an attorney at law and a member of the State Bar of California.

B. Facts of Charged Matters

1. Case No. 06-O-10034

Beverly Lee was a medical doctor in China, specializing in heart surgery. She moved to the United States to study English, and she received a license to be a nurse. Later, she obtained a license to administer IV nutrition.

Lee contacted respondent on September 5, 2005 by telephone to defend her in a civil lawsuit entitled *Lai v. Lee*, Los Angeles County Superior Court, case no. BC335180, filed on June 16, 2005 ("the Lai Matter.") Respondent told her that he would need a $3,000.00 retainer. She offered to come into his office the following week. Respondent told her that he would come by her house to pick up the check on the evening of September 9, 2005. She told him she thought it was too late. Nevertheless, on September 9, 2005, at approximately 10:45 p.m., respondent drove to her house and she wrote him a check for $3,000 as an advanced retainer, to be billed against an hourly rate of $150.00. Lee also wrote a check for $296.20 in costs. Respondent promised to file an answer to the complaint and a cross-complaint on Lee's behalf.

Respondent deposited both checks into a personal savings account at the Orange County Teachers Federal Credit Union (OCTFCU), account number 536821-2.[1] The account was "named" by respondent as "Attorney Client Trust Account", although it was not a true client trust account. Members of this credit union are free to call their accounts by any name they choose, but this name does not change the character of the account. The credit union did not treat this account as anything other than a regular savings account. It did not withhold interest and remit it to the State Bar, as it would in an IOLTA[2] account. Rather, the interest earned was redeposited into the account. Although not a proper client trust account, respondent honestly believed that it was a proper client trust account.

Respondent prepared an answer and cross-complaint, but did not file either pleading. The following week, in late September 2005, Lee terminated respondent. Respondent received a letter dated September 20, 2005, from Carl Osborne, Lee's new attorney. In his letter, Osborne demanded that respondent refund unearned fees to Lee.

On October 5, 2005, respondent sent Lee a fax transmission containing a letter and a billing invoice for services, amounting to $1,530.00. In the fax transmission cover letter, respondent unilaterally gave Lee five days to object to the bill. On October 11, 2005, Lee wrote to respondent and advised him that she objected to the billing statement and demanded a refund of all money she had paid him. Respondent promptly responded to the letter from Lee, explaining the nature of the charges and the purpose and nature of the cost payment. He also suggested fee arbitration as a means of resolving the dispute.

[1] OCTFCU's practice is to designate a single account number to each member, and then distinguish different share accounts by adding a numerical suffix. In this case, the deposit was made to "share 2", and this subaccount will be so identified in this decision.

[2] Interest on Lawyer Trust Accounts.

On November 13, 2005, Lee sent a fax to respondent, with a demand of $2,696.29, representing $2,400.00 in fees and $296.20 in costs. In that fax, she referenced the "many times" she had called him where he had agreed to that amount.

After learning of the disputed nature of the funds he held, respondent did not deposit these funds into a proper client trust account. Further, respondent continued to deposit personal funds into the share 2 account.

On June 1, 2006, respondent finally obtained a money order from share 2 in the amount of $1,766.29 payable to Lee, containing a memo indicating "fee refund". However, this money order was never sent to Lee. Respondent did not refund to Lee any portion of the $3,296.20 received from Lee. Respondent never paid any amount for costs from the $296.20 received from Lee for that purpose. In fact, respondent later located the unmailed money order for $1,766.29, stopped payment on the check, and deposited it into his personal share account (i.e., not the share 2 account.)

During the period from October 11, 2005 to June 2006, when his refund money order was purchased, the balance in respondent's share 2 account fell below $1766.29, the amount of funds that even respondent admits was owed to the client (i.e., $1470.00 fees plus $296.20 in unused costs.)

On September 9, 2006, respondent issued a check from share 2 in the amount of $785, payable to "Adat Noar – Bureau of Jewish Education" for payment to a religious school for his son. This payment was not made on behalf of Lee or any other client, but was for respondent's own use and benefit.

Conclusions of Law -- Case No. 06-O-10034 [Lee Matter]

a. Count One – Rule 4-100(A)[3] of the Rules of Professional Conduct of the State Bar of California[4] [failure to deposit client funds in trust account.]

With certain exceptions not applicable here, attorneys are required to deposit client funds into an IOLTA account designated as a "client trust account" or words to that effect, as such accounts are defined in Business and Professions Code section 6211[5], 6212, and rule 4-100(A) (See also Rules of State Bar, tit. 3, Div. 2, Ch. 1, former rule 1 [in effect March 15, 2002 through January 11, 2008]).

The account used by respondent was a typical credit union share account. Respondent denominated the account as a "client trust account," but that was insufficient to transform this account into the type of account recognized as an IOLTA client trust account under section 6211. While respondent's actions may have been carried out through ignorance of the law, he nevertheless willfully violated the provisions of rule 4-100(A) by depositing the $296.20 in advanced costs in an account that was not a proper client trust account. The Office of the Chief Trial Counsel proved this violation set forth in count 1 of the NDC by clear and convincing evidence.[6]

---

[3] Rule 4-100(A) requires an attorney to deposit funds received for the benefit of a client, and to maintain those funds, in a bank account labeled "Trust Account" or "Client Trust Account" or words of similar import. The trust account must comply with Business and Professions Code sections 6211 and 6212.

[4] Unless otherwise noted, references to "rule(s)" are to this source.

[5] Unless otherwise noted, references to "section(s)" are to this source.

[6] Although respondent's share 2 account was not a proper client trust account, respondent honestly believed that it was a proper client trust account. As such, he was required to comply with the rules and duties pertaining to client trust accounts and client trust account funds. Respondent cannot avoid his responsibilities and duties as they pertain to client trust accounts and client trust account funds merely because his share 2 account, which he used and considered a proper client trust account, was not technically a proper client trust account.

b. Count Two – Rule 4-100(A) [failure to maintain client funds in trust account.]

As noted above, respondent failed to deposit the disputed portion of the advanced fees into a proper trust account. After Lee's October 11, 2005 fax, respondent was aware that the advanced fees he held on behalf of Lee were disputed. In fact, in respondent's October 12, 2005 fax in response to this letter, he even suggested fee arbitration as a means of resolution. Nevertheless, respondent failed to maintain the disputed funds in a proper client trust account. As such, the Office of the Chief Trial Counsel has met its burden of proving a willful violation of rule 4-100(A) as charged in count 2 of the NDC.

c. Count Three – Section 6106[7] [moral turpitude.]

On the motion of the Office of the Chief Trial Counsel, and by stipulation of counsel, subparagraphs (a) through (e) of paragraph 31 of the NDC were deleted. In addition, the allegation of misappropriation was also deleted. What remained in the count was a charge of commingling. The basis of this charge is that respondent continued to deposit personal funds into the share 2 account.

While in a proper pleading alleging a rule 4-100(A) violation, the Office of the Chief Trial Counsel could have perhaps proved that comingling occurred, the facts presented do not prove moral turpitude. Count three is dismissed with prejudice.

d. Count Four – Rule 3-700(D)(2)[8] [failure to refund unearned fees.]

Respondent was put on notice that he was terminated as Lee's attorney shortly after September 20, 2005. Lee and her new attorney demanded a refund of unearned fees. At the

[7] Section 6106 provides that the commission of any act involving moral turpitude, dishonesty or corruption constitutes a cause for suspension or disbarment.

[8] Rule 3-700(D)(2) requires an attorney whose employment has been terminated to promptly refund any part of a fee paid in advance that has not been earned.

time, respondent had an outstanding bill for $1,530 in fees, leaving at least $1,470 of the original $3,000 as belonging to the client.

Respondent never gave Lee a refund. The money order he obtained seven months later as a "fee refund" was never sent and was later deposited back into his account.

The Office of the Chief Trial Counsel has proved by clear and convincing evidence a willful violation of rule 3-700(D)(2), as alleged in count four of the NDC.

2. Case No. 06-O-15110

On March 1, 2002, the Hearing Department of the State Bar Court filed the stipulation and accompanying order in case nos. 01-O-00897, 01-O-02301, 01-O-02587, and 01-O-05198. The Supreme Court filed disciplinary order S106184 on July 1, 2002 approving the Hearing Department's recommendation in these cases. The Supreme Court suspended respondent from the practice of law for two years and until he had shown rehabilitation, stayed, and placed respondent on probation for four years on the condition that he actually be suspended for nine months. The Supreme Court's order also required respondent to comply with other conditions of probation set forth in the stipulation, including quarterly reporting during the period of probation, payment of restitution to three individuals, the completion of ten hours of "live instruction" continuing legal education, and continued compliance with all provisions of the State Bar Act and the Rules of Professional Conduct during the period of probation. The Supreme Court's order became effective on July 31, 2002.

Respondent failed to file with the Office of Probation those quarterly reports which were due in January 2004, January 2006, April 2006, and July 2006, and the final report due July 31, 2006.[9] Further, respondent admitted that the quarterly reports marked as exhibits 20, 21, 22, 23,

[9] Respondent testified that he filed most of these reports with Charles Murray, the Deputy Trial Counsel in his case currently in the Alternative Discipline Program. Mr. Murray denied

24, 25, 27, 28, 29, 30, and 31 were all filed late. His explanation was that he "wasn't very good at calendaring these things."[10]

Respondent also failed, by his own admission, to comply with the restitution requirement for two of the three individuals mentioned in the Supreme Court order (Taller and Zweiback). As to the third individual (LaRoche), he "may have made payment, but doesn't know for sure." Maricruz Farfan of the Office of Probation credibly testified, and the court so finds, that proof of the LaRoche restitution was not timely filed.

Finally, respondent failed to provide timely proof of 10 hours of "live instruction" continuing legal education. Rather, much of his CLE was in the form of on-line instruction.

Respondent sought to blame the Office of Probation for many of his failures to comply with probation. Respondent feels that it was the Office of Probation's responsibility to remind him of his failure to comply, or to correct his insufficient compliance. The court finds that the Office of Probation acted reasonably in attempting to work with respondent, but that he simply failed to pay attention to his responsibilities to which he stipulated.

Conclusions of Law -- Case No. 06-O-15110 [Probation Violation Matter]

a. Count Five – Section 6068, subdivision (k)[11] [failure to comply with conditions of probation.]

Respondent failed to file or timely file quarterly reports as ordered by the Supreme Court. He also failed to provide proof of payment of restitution and proof of completion of his CLE

---

that he received these reports. The court finds that respondent's testimony on this issue lacks credibility.

[10] Some of these reports were sent by fax. The policy of the Office of Probation is that such filings will be deemed filed as of the date of the receipt of the fax, if timely original signatures follow by regular mail. Otherwise, the filing will be deemed late.

[11] Section 6068, subdivision (k) provides that it is an attorney's duty [t]o comply with all conditions attached to any disciplinary probation . . . ."

requirement. The Office of the Chief Trial Counsel has proved by clear and convincing evidence violations of section 6068, subdivision (k) as alleged in count five of the NDC.

b. Count Six – Section 6068, subdivision (k) [failure to comply with conditions of probation.]

Respondent's probation conditions also required him to comply with the State Bar Act and the Rules of Professional Conduct during his probation. His probation period was from July 2002 to July 2006. By committing the acts set forth above in counts one through four, respondent violated this condition of probation. The Office of the Chief Trial Counsel has met its burden of proof as to this violation of section 6068, subdivision (k).

3. LEVEL OF DISCIPLINE

A. Factors in Aggravation

It is the prosecution's burden to establish aggravating circumstances by clear and convincing evidence. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(b).)

Respondent has an extensive prior record of discipline. (Std. 1.2(b)(i).) This is a very serious aggravating factor.

1. On August 7, 2001, the Supreme Court issued order S097916 (State Bar Court Case No.(s) 00-O-10770; 00-O-11069 (Cons.)) suspending respondent from the practice of law for one year; staying execution of that suspension; and placing respondent on probation for four years on conditions including that he be actually suspended for 60 days and payment of restitution. Discipline was imposed based on a stipulation entered into by respondent and the Office of the Chief Trial Counsel and filed with the court on February 9, 2001. Respondent stipulated that he: (1) recklessly or intentionally failed to perform, with competence, the legal services for which he had been employed in violation of rule 3-110(A) in two client

matters; (2) failed to promptly return an unearned fee in two client matters in willful violation of rule 3-700(D)(2); (3) failed in two client matters to either inform his client of significant developments in a matter with regard to which he had agreed to provide legal services and/or failed to respond to reasonable client status inquiries in violation of section 6068, subdivision (m); and (4) in one client matter, committed an act of moral turpitude, dishonesty or corruption by misleading the court and misrepresentation to his client in violation of section 6106. In aggravation, respondent's misconduct evidenced multiple acts or demonstrated a pattern of misconduct. In mitigation, respondent displayed spontaneous cooperation and candor to the State Bar during disciplinary proceedings.[12]

2. On July 1, 2002, the Supreme Court issued order S106184 (State Bar Court Case No.(s) 01-O-00897; 01-O-02301; 01-O-02587; 01-O-05198 (Cons.)) suspending respondent from the practice of law for two years and until respondent complied with standard 1.4(c)(ii); staying execution of that suspension; and placing respondent on probation for four years on conditions including nine months actual suspension and restitution. Discipline was imposed based on a stipulation entered into by respondent and the Office of the Chief Trial Counsel and filed with the court on March 1, 2002. Respondent stipulated that he: (1) recklessly, repeatedly or intentionally failed to perform legal services with competence in willful violation of rule 3-110(A) in two client matters; (2) failed to promptly return an unearned fee in three client matters in willful violation of rule 3-700(D)(2); (3) failed in two client matters to keep his client informed of significant developments in a matter in which he had agreed to provide legal services and failed to promptly respond to reasonable client status inquiries in violation of section 6068, subdivision (m); (4) in three matters, failed to cooperate in a

[12] It was also noted that respondent suffered from severe financial hardships which caused him to be unable to repay unearned fees to clients upon demand. In addition, respondent was distracted from the performance of his legal duties as a result of an undiagnosed illness.

disciplinary investigation in violation of section 6068, subdivision (i); (5) failed to promptly release all client papers to a client at the client's request in two client matters in willful violation of rule 3-700(D)(1); (6) in one client matter, failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to a client in willful violation of rule 3-700(A)(2); (7) in one client matter, committed an act of moral turpitude, dishonesty or corruption by making misrepresentations to his clients in violation of section 6106; and (8) failed to account in one client matter for client funds in willful violation rule 4-100(B)(3). In aggravation, respondent had a prior record of discipline, as noted above. In mitigation, respondent suffered from severe financial stress at the time of the misconduct which resulted from circumstances which were not reasonably foreseeable or which were beyond his control and were directly responsible for the misconduct.

3. In addition, although not yet a prior record of discipline, the court notes that a third disciplinary matter is currently in the State Bar Court's Alternative Discipline Program (ADP) before a different judge in the Hearing Department. In that matter, which has not yet resulted in a formal recommendation to, or order from, the Supreme Court, the parties have stipulated as to culpability, and respondent has agreed to the alternative levels of discipline for either termination from, or successful completion of, the ADP. The Hearing Judge has approved the parties' stipulation as to culpability.

Respondent's multiple acts of misconduct are an aggravating factor. (Std. 1.2(b)(ii).)

In addition, respondent's misconduct includes other violations of the State Bar Act or Rules of Professional Conduct. (Std. 1.2(b)(iii).) As noted earlier, during the period from October 11, 2005 to June 2006, when respondent purchased a money order for Lee, the balance in respondent's share 2 account fell below $1,766.29, the amount of funds that even respondent admits was owed to the client (i.e., $1,470.00 in fees plus $296.20 in unused costs.) Thus, the

court finds that respondent engaged in an uncharged act of moral turpitude, dishonesty or corruption in violation of section 6106 by misappropriating client funds.[13] Further, the court also finds an uncharged willful violation of rule 4-100(A) for respondent's improper use of his client trust account to pay personal expenses. As noted earlier, on September 9, 2006, respondent issued a check from share 2 in the amount of $785, payable to "Adat Noar – Bureau of Jewish Education" for payment to a religious school for his son. Thus, the court finds that the payment of this check from this account constitutes further uncharged misconduct.[14]

B. Factors in Mitigation

Respondent presented two character witnesses, neither of whom was aware of the current charges pending against respondent. Both gave very favorable comments, but because of their lack of understanding of the current matter, their testimony was not helpful to the court. As such, the court declines to consider their testimony in mitigation.

Respondent has helped various worthy causes in his career. Among those are various human rights organizations, including the Southern California Council for Soviet Jews. He has acted as a human rights monitor in Armenia. He has often represented claimants seeking benefits under their ERISA plans, many of whom would not have been able to protect their rights without his assistance. He has also represented several consumers in debt collection scams. These activities substantially help the public and are a significant mitigating factor. (Std. 1.2(e)(vi).)

---

[13] Although the misappropriation charge in count three was deleted and thus was not contained in the final NDC, the court notes that the original NDC alleged the misappropriation of Lee's funds. Thus, the court finds that respondent had sufficient notice of this allegation and an opportunity to defend against it.

[14] Respondent was also put on notice of the allegation of the misuse of his client trust account by the payment of personal expenses from the account, as such was originally alleged in count three of the NDC. However, after the allegations of count three were amended at trial, the inartfully pled NDC failed to support the charged violation. Nevertheless, the court finds that respondent had sufficient notice of this allegation and an opportunity to defend against it.

Respondent also claims to suffer from depression and is under a doctor's care. No medical testimony was offered on this point, and no evidence was offered that respondent no longer suffers from this mental health issue. (See Std. 1.2(e)(iv).) Rather, the court takes judicial notice of the fact that respondent is currently a participant in the ADP in a separate case. As such, the court gives no mitigating weight to respondent's claim of depression.

4. DISCUSSION

Standard 1.3 provides that the primary purposes of discipline are to protect the public, the courts, and the legal profession; to maintain the highest possible professional standards for attorneys; and to preserve public confidence in the legal profession. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate level of discipline, this court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) Second, the court looks to decisional law. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.)

Standard 1.6 provides that the appropriate sanction for the misconduct found must be balanced with any mitigating or aggravating circumstances, with due regard for the purposes of imposing discipline. If two or more acts of professional misconduct are found in a single disciplinary proceeding, the sanction imposed shall be the most severe of the applicable sanctions. (Std. 1.6(a).)

Standards 2.2(b), 2.6 and 2.10 apply in this matter. Standard 1.7(b), which provides that if an attorney has two prior records of discipline, the degree of discipline in the current proceeding must be disbarment unless the most compelling mitigating circumstances clearly predominate, also applies in this matter.

In this case, respondent has been found culpable of two violations of rule 4-100(A) and one violation of rule 3-700(D)(2). Aggravating factors include two prior records of discipline,[15] multiple acts of misconduct, and uncharged violations of section 6106 based on the misappropriation of client funds and rule 4-100(A) for using his client trust account to pay personal expenses. In mitigation, respondent engaged in significant community service over many years of practice.

The Supreme Court gives the standards "great weight" and will reject a recommendation consistent with the standards only where the court entertains "grave doubts" as to its propriety. (*In re Silverton* (2005) 36 Cal.4th 81, 91, 92; *In re Naney* (1990) 51 Cal.3d 186, 190.) The standards are not mandatory; they may be deviated from when there is a compelling, well-defined reason to do so. (*Bates v. State Bar* (1990) 51 Cal.3d 1056, 1061, fn. 2; *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291.) There is no reason, however, to deviate from the standards in this case.

Respondent's misconduct was very serious and was surrounded by significant aggravating circumstances. In particular, the court notes that respondent again failed to promptly return unearned fees although he had previously been disciplined twice for such misconduct. Furthermore, the court is particularly troubled by the fact that respondent engaged in misconduct while on probation for earlier misconduct.

The State Bar recommends disbarment and the court agrees. The court finds respondent's prior discipline to be compelling. The weight accorded to respondent's prior discipline should not be diminished. (*In the Mattter of Tenner* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr. 688.)

[15] Respondent also awaits the imposition of discipline in a matter now pending in the State Bar Court's ADP.

Lesser discipline than disbarment is not warranted because there are no extenuating circumstances that clearly predominate in this case. (Std. 1.7(b).) Moreover, it is evident that prior discipline, coupled with his prior probation, has not served to rehabilitate respondent or to deter him from further misconduct. In such circumstances, disbarment is appropriate. (*In the Matter of Rose* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 646, 653-655.)

Having considered the evidence, the standards and other relevant law, the court believes that disbarment is the only adequate means of protecting the public from further wrongdoing by respondent. Accordingly, the court so recommends.

5. RECOMMENDED DISCIPLINE

This court recommends that respondent JOSEPH MEIR RIBAKOFF be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys in this state.

It is also recommended that respondent make restitution to Beverly Lee in the amount of $2,696.29 plus 10 percent interest per year from November 13, 2005 (or reimburse the Client Security Fund, to the extent of any payment from the fund to Beverly Lee, in accordance with Business and Professions Code section 6140.5) and furnish proof to the State Bar's Office of Probation in Los Angeles. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

6. RULE 9.20

It is also recommended that the Supreme Court order respondent to comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that

rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's final disciplinary order in this matter.[16]

7. COSTS

Finally, the court recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

8. ORDER OF INACTIVE ENROLLMENT

It is ordered that respondent be transferred to involuntary inactive status pursuant to section 6007, subdivision (c)(4). The inactive enrollment will be effective three days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, as provided for by rule 490(b) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.[17]

Dated: October _____, 2009

RICHARD A. HONN
Judge of the State Bar Court

[16] Respondent is required to file a rule 9.20(c) (formerly rule 955) affidavit even if he has no clients. (*Bercovich v. State Bar* (1990) 50 Cal.3d 116, 130.)

[17] Only active members of the State Bar may lawfully practice law in California. (Bus. & Prof. Code, § 6125.) It is a crime for an attorney who has been enrolled inactive (or disbarred) to practice law, to attempt to practice of law, or to even hold himself or herself out as entitled to practice law. (Bus. & Prof. Code, § 6126, subd. (b).) Moreover, an attorney who has been enrolled inactive (or disbarred) may not lawfully represent others before any state agency or in any administrative hearing even if laypersons are otherwise authorized to do so. (*Ibid.*; *Benninghoff v. Superior Court* (2006) 136 Cal.App.4th 61, 66-73.)