FILED JULY 23, 2014

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of **CARLA RUTH McBEATH,** **Member No. 106047,** A Member of the State Bar.	))))))))	**Case Nos.: 13-N-10681-DFM** **DECISION INCLUDING DISBARMENT RECOMMENDATION AND INVOLUNTARY INACTIVE ENROLLMENT ORDER**

INTRODUCTION

Respondent **Carla Ruth McBeath** (Respondent) is charged here with a single count of willfully violating California Rules of Court, rule 9.20(c)[1] [failure to file timely compliance affidavit]. The State Bar had the burden of proving the above charges by clear and convincing evidence. The court finds culpability and recommends discipline as set forth below.

PERTINENT PROCEDURAL HISTORY

On October 31, 2012, the Supreme Court issued an order (S184624) in case No. 12-PM-14820, suspending Respondent for a minimum of one year after August 26, 2012, and until she satisfies certain specified restitution obligations. In addition, the court required Respondent to comply with rule 9.20, subdivisions (a) and (c), within 30 and 40 calendar days, respectively, after the effective date of the order. The deadline for Respondent's compliance with rule 9.20, subdivision (c), was January 9, 2013.

[1] Unless otherwise noted, all future references to rule(s) will be to the California Rules of Court.

On June 3, 2013, a Notice of Disciplinary Charges (NDC) was filed in this matter by the State Bar of California, alleging that Respondent had wholly failed to comply with rule 9.20, subdivision (c). The NDC was served on Respondent by certified mail at her official membership address in Fort Lee, New Jersey.

Pursuant to written notice by the court, dated June 7, 2013, and served on all parties, an initial status conference was held in this matter on July 15, 2013. Despite this court's prior notice, Respondent did not participate in the status conference. Nor had she filed a response to the NDC at that time, although the 20-day period for her to do so had expired. At that status conference, the case was given a trial date of October 1, 2013, with a one-day trial estimate.

On July 25, 2013, Respondent still had neither filed a response nor made an appearance in the action. As a result, a motion for entry of Respondent's default was filed on that date by the State Bar. A copy of that motion was sent to Respondent by certified mail. Respondent did not file any opposition to motion; nor did she respond to the NDC.

On August 27, 2013, this court denied the State Bar's request to enter Respondent's default due to the fact that a copy of the Supreme Court's order had not been attached to the NDC as required by rule 5.334 of the Rules of Procedure of the State Bar. The State Bar immediately served and filed an Amended NDC on that same day, attaching a copy of the Supreme Court order to its pleading.

A State Bar representative contacted Respondent by telephone in September 2013 regarding the pendency of this disciplinary proceeding. As a result of that contact, a status conference was held by this court at the request of the parties on September 16, 2013, at which Respondent appeared by telephone. During that status conference, at Respondent's request the court agreed to move the scheduled pretrial conference to the time that the case was scheduled to

commence trial on October 1, 2013, and delay the deadline for the filing of pretrial conference statements. In response to Respondent's oral request for a continuance of the scheduled October 1 trial, the court indicated that the request would be considered only after Respondent had filed a response to the amended NDC and had made a written request for a continuance. Those requirements were confirmed in an order filed on September 17, 2013.

On September 19, 2013, Respondent filed her response to the amended NDC. In addition, she filed a written request for a continuance of the October 1, 2013 trial date. The stated basis for that request was "to allow respondent time to prepare evidence, and to arrange for travel from New Jersey to California, during proceedings."

On September 27, 2013, the State Bar filed a statement of non-opposition to the continuance request. The matter was then continued by the court to January 29, 2014, with a pretrial conference scheduled on January 21, 2014.

At the January 21, 2014 pretrial conference, Respondent requested that the trial date again be continued due to her stated need to have time to consult and seek treatment from a therapist for possible post-traumatic stress syndrome (PTSS). Respondent indicated that she needed a continuance so that her therapist would have sufficient time to form expert opinions to be offered by Respondent at trial. As a result of that request, the court again continued the trial, this time to April 8, 2014. At the same time, the court issued a schedule for the disclosure of any experts and the taking of expert depositions.

On March 14, 2014, Respondent filed a new request for another trial continuance, alleging that she had been unable to schedule her first session with a therapist until March 12, 2014, and, therefore, needed additional time for this therapist to be able to develop a professional assessment of whether Respondent's PTSS had caused her failure to comply with rule 9.20. The

motion was heard at the pretrial conference on April 1, 2014, with the State Bar indicating that it was taking no position on the requested continuance. The court agreed to continue the trial date until May 2, 2014. In addition, the deadlines for the disclosure and depositions of any experts were also rescheduled by the court.

When it subsequently became apparent that this court would not available to commence trial on May 2, 2013, a status conference was held, at which Respondent appeared by telephone. During that status conference, Respondent requested to participate in the trial by telephone. The State Bar was given until May 5, 2014, to respond to that request. In the interim, a new trial date of May 14, 2014, was scheduled. When the State Bar did not subsequently object to the request, the trial commenced on May 14, 2014, with Respondent participating by telephone.

At the time trial was called on May 14, 2014, Respondent orally requested that the trial again be continued. In support of that request, she stated that she needed more time to obtain medical records regarding her current therapy efforts. That continuance request was opposed by the State Bar and denied by the court.

Trial was then commenced and completed on May 14, 2014. During the trial, no expert testimony or exhibits were proffered by Respondent. The State Bar was represented at trial by Deputy Trial Counsel Lara Bairamian. Respondent represented herself.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The following findings of fact are based on Respondent's response to the NDC, the brief stipulation of undisputed facts filed by the parties, and the documentary and testimonial evidence admitted at trial.

Jurisdiction

Respondent was admitted to the practice of law in California on December 3, 1982, and has been a member of the State Bar at all relevant times.

Case No. 12-N-10681 [Non-compliance with Rule 9.20, subd. (c)]

On April 15, 2010, Respondent executed a Stipulation re Facts, Conclusions of Law and Disposition in case No. 09-O-12473. In that stipulation, she agreed that she had failed to perform legal services with competence, failed to keep a client reasonably informed of significant developments, and failed to refund an unearned fee in a single-client matter. Respondent also agreed in the stipulation to a one-year stayed suspension and a three-year probation, including numerous conditions of probation. That stipulation was subsequently approved by this court on May 4, 2010. A copy of the stipulation and this court's order approving same were properly served on Respondent on May 4, 2010.

On September 15, 2010, the California Supreme Court filed order No. S184624 in case No. 09-O-12473, approving and ordering the discipline and probation set forth in the above stipulation. This order was properly served on Respondent and became effective on October 15, 2010.

Although Respondent had agreed to the conditions of probation, and was reminded on them in writing by the State Bar's Office of Probation after the Supreme Court's order was issued, Respondent failed to comply with the following conditions:

> Respondent was ordered to contact the Office of Probation within 30 days from the effective date of her discipline, by November 14, 2010, to schedule a meeting to discuss the terms and conditions of her probation. Respondent did not contact the Office of Probation to schedule her meeting until February 7, 2011.
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> During the period of probation, Respondent was required to submit written quarterly reports to the Office of Probation on January 10, April 10, July 10, and October 10 of each year, or part thereof during which the probation was in effect,

> stating under penalty of perjury that she had complied with all provisions of the State Bar Act and Rules of Professional Conduct during said period. Respondent filed her January 10, 2011 quarterly report 43 days late; filed her July 10, 2011 quarterly report 1 day late; and has never filed her April 10, 2012 quarterly report.
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> Respondent was ordered to provide the Office of Probation satisfactory proof of completion of six hours of MCLE approved courses in legal ethics within one year of the effective date of her discipline, by October 15, 2011. This condition was subsequently extended to April 15, 2012. Despite the extension, Respondent did not provide the Office of Probation proof of completion of her MCLE hours by April 15, 2012.
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> During the period of probation, Respondent was to pay restitution to Ali B. Zoumari (or the Client Security Fund) in the amount of $2,600, plus interest accruing from March 1, 2006. Respondent was ordered to pay a minimum of $300 quarterly and provide satisfactory proof of payment to the Office of Probation with each quarterly report. Respondent filed her April 10, 2011 proof of payment 16 days late, her July 10, 2011 proof of payment 58 days late, and her January 10, 2012 proof of payment 24 days late. In addition, Respondent has never filed her January 10, 2011 or April 10, 2012 proof of payment.

On June 28, 2012, the Office of Probation filed a motion to revoke the probation of Respondent in State Bar case No. 12-PM-14820. Although Respondent was properly served with the motion to revoke probation by certified mail, return receipt requested, and by regular mail at her State Bar membership records address, Respondent did not participate in the proceeding.

On August 23, 2012, this court issued an order recommending that Respondent's probation be revoked; that the previous stay of execution of the suspension be lifted; and that Respondent be suspended from the practice of law for one year, and that she remain suspended until she makes restitution to Ali B. Zoumari in the amount of $2,600 plus 10% interest per annum from March 1, 2006 (or to the Client Security Fund to the extent of any payment from the fund to Ali B. Zoumari, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnishes satisfactory proof thereof to the State Bar's Office of Probation. It was further recommended, inter alia, that Respondent be placed on probation for

three years, with various conditions of probation. Those conditions of probation obligated Respondent to contact her assigned probation deputy to schedule a meeting to discuss the terms and conditions of her probation within 30 days from the effective date of discipline (i.e., on or before December 30, 2012); (2) to submit to the Office of Probation written quarterly reports each January 10, April 10, July 10 and October 10 of the three-year probationary period, stating under penalty of perjury whether she had complied with the State Bar Act, the Rules of Professional Conduct, and all probationary conditions during the preceding calendar quarter or part thereof covered by the report; and (3) to submit to the Office of Probation satisfactory proof of completion of no less than six hours of Minimum Continuing Legal Education (MCLE) approved courses in general legal ethics within one year of the effective date of discipline (i.e., no later than November 30, 2013). In addition, the recommended discipline required that Respondent comply with rule 9.20(a) of the California Rules of Court within 30 calendar days after the effective date of the Supreme Court order in that proceeding and file the rule 9.20(c) affidavit, showing Respondent's compliance with said order, within 40 calendar days after the effective date of the Supreme Court's order. Finally, this court ordered that Respondent be enrolled involuntarily inactive under Business and Professions Code section 6007, subdivision (d)(1).[2] That inactive enrollment order became effective on August 26, 2012, and Respondent has remained enrolled inactive to the present.

On October 31, 2012, the Supreme Court issued order No. S184624, accepting this court's discipline recommendations in State Bar case No. 12-PM-14820. That order placed Respondent on probation for three years, with conditions of probation, and suspended Respondent for a minimum of one year after August 26, 2012, and until she satisfied certain

[2] Any period of involuntary inactive enrollment will be credited against the period of actual suspension ordered. (Bus. & Prof. Code, § 6007, subd. (d)(3).)

specified restitution obligations. Finally, the Supreme Court required Respondent to comply with rule 9.20, subdivisions (a) and (c), within 30 and 40 calendar days, respectively, after the effective date of the order. A copy of the Supreme Court Order was properly served by the Clerk of the Supreme Court on October 30, 2012,[3] and was received by Respondent.

The order became effective on November 30, 2012, thirty days after it was filed. As a result, Respondent was obligated to comply with rule 9.20(a) no later than December 30, 2012, and to file a rule 9.20(c) compliance affidavit no later than January 9, 2013. She was also obligated as a condition of her probation to contact the Office of Probation on or before December 30, 2012, and schedule a meeting with her assigned probation deputy to discuss the terms and conditions of her probation.

On November 6, 2012, the Office of Probation sent a reminder letter to Respondent regarding the Supreme Court's order. This letter included a recitation of the various obligations that Respondent was obligated to fulfill, a listing of the deadlines for compliance, and copies of the various forms to be used to comply with those obligations. The letter was received by Respondent but not opened by her until September of the next year.

Respondent did not contact her probation deputy to schedule a meeting prior to December 30, 2012. As a result, on January 2, 2013, Respondent's probation deputy, May Ling Fernandez, sent Respondent a letter, reminding her of the probation condition and encouraging her to promptly comply. Probation Deputy Fernandez included with this letter a copy of her prior November 6, 2012 letter, which had listed all of Respondent's other obligations.

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[3] In the absence of evidence to the contrary, the court finds that the Clerk of the Supreme Court performed his or her duty by transmitting a copy of the Supreme Court's order to Respondent immediately after its filing. (Rule 8.532(a), Cal. Rules of Court; Evid. C. §664; *In Re Linda D.* (1970) 3 Cal.App.3d 567, 571.)

Notwithstanding the efforts by the Office of Probation to secure Respondent's compliance with the obligations created by the Supreme Court's order, Respondent did nothing to notify anyone of her suspension pursuant to rule 9.20(a) on or before the December 30, 2012 deadline; nor did she seek to file a compliance affidavit pursuant to rule 9.20(c) on or before the January 9, 2013 deadline.

On January 14, 2013, Probation Deputy Fernandez wrote a letter to Respondent regarding her failure to file the required 9.20(c) compliance affidavit. On the same day, Probation Deputy Fernandez telephoned Respondent at Respondent's official membership telephone number and left a voice mail message regarding Respondent's need and failure to file the compliance affidavit. In both the letter and the voicemail message, Respondent was asked to call the Office of Probation. She did not do so. The matter was then referred by the Office of Probation to the Office of the Chief Trial Counsel for enforcement.

On June 3, 2013, the State Bar filed the NDC in this matter. Despite all of the written communications by the State Bar and this court to Respondent, Respondent did not appear in the action until September 2013.

On September 17, 2013, after being told in September 2013 by the State Bar of this disciplinary action and of her need to file a 9.20(c) Compliance Declaration, Respondent executed a form 9.20 Compliance Declaration and forwarded it to the State Bar Court, where it was filed on September 19, 2013. That declaration, however, did not mark any of the printed responses in categories 1 and 4 in the form. Those categories addressed whether efforts had been made to notify clients and opposing counsel of Respondent's suspension. Instead, Respondent attached a declaration which stated:

> As to items 1 and 4: I did not discover that I had been suspended until September 16, 2013. As of September 17, 2013, I have only one case that was pending on

> October 31, 2012, in immigration court. I will notify the client, the Office of Chief Counsel and the Court of my suspension, and comply with Rule 9.20 of the California Rule of Court.

On September 24, 2013, the Office of Probation sent a letter to Respondent, informing her that the compliance affidavit was being rejected as deficient, since it explicitly stated that Respondent, at that time, had not yet complied with rule 9.20(a). This letter provided Respondent with a new compliance affidavit for possible future use.

At the time of the trial of this matter, Respondent had not sought to file a new compliance affidavit.

Count 1 - Rule 9.20(c) [Failure to File Timely Compliance Affidavit]

A member, ordered by the Supreme Court to comply with rule 9.20, subdivision (c), must file with the Clerk of the State Bar Court, within 40 days after the effective date of the Supreme Court's order, an affidavit showing that he or she has fully complied with the provisions of the rule. Respondent was required to have filed her rule 9.20(c) affidavit no later than January 9, 2013. She did not file any affidavit of compliance within the time that she was required to do so. In fact, she did not seek to file any purported compliance affidavit until September 2013, well after this disciplinary action had been filed and after being told to do so by the Office of Probation. Worse, that affidavit was explicit in stating that Respondent had actually not complied with rule 9.20(a). Since that time, Respondent has not sought to file any subsequent compliance declaration or affidavit. This failure by Respondent constitutes a willful violation by her of rule 9.20 and the Supreme Court Order.

Respondent seeks to explain and justify her lack of compliance with the Supreme Court's order by stating that she was unaware of the Supreme Court's order until she was reached by phone in September 2013 by the State Bar. Respondent does not deny having received the

Supreme Court's October 2012 order; the subsequent reminder letters from the Office of Probation, described above; or the NDC and subsequent papers and orders in this disciplinary matter, all sent to her well before September 2013. Instead, she states that she just did not open them when they were received. According to Respondent, beginning in mid-2012, she would leave mail at her post office box for weeks without picking it up. "I only picked my mail up a few times during 2013, and it was given to me in a bag. I never looked at it or opened it." (Response, p. 6, ¶ 34.) At trial, she attributed this lack of interest in her affairs to post-traumatic stress syndrome caused by Hurricanes Irene (August 2011) and Sandy (October 29, 2012). In her response to the Amended NDC, she also cited as contributing factors to her claimed inability to focus (1) the health problems of her friend Anika; (2) the death of one of her dogs in September 2011; (3) Respondent's bout with pneumonia in March 2012; (4) her friend's vision and dental problems; and (5) the poor health of her friend's parents. At trial, she also intimated that it was not possible for her to collect her mail after Hurricane Sandy came ashore on October 29, 2012, until February 2013, hereby justifying her failure to comply with her 9.20 obligations prior to January 9, 2013.

These claimed justifications lack factual and legal merit.

Respondent's contention, that the physical damage of Hurricane Sandy on October 29, 2012, made it physically impossible for her to collect her mail in time to comply with her 9.20 obligations before January 9, 2013, was unpersuasive at trial and belied by her response to the Amended NDC, filed with this court on September 19, 2013. In that response, she stated, "From the time of the storm, <u>for a month</u>, I was not able to pick up my mail, and I was so stressed, and upset about everything around, [sic] me that I was not able to focus." (Response, p. 6, ¶32; underlining added.) Since the Supreme Court order was issued several days after Hurricane

Sandy occurred and was not effective for an additional 30 days, Respondent was able to, and apparently did, pick up her mail at about the time the order became effective in November and well prior to the deadline for compliance with rule 9.20(c) in January 2013.

Similarly, this court is not persuaded that Respondent's non-compliance with the Supreme Court's order results from the many other alleged contributing factors. Throughout that same time period and all of 2013, Respondent was admittedly working successfully with various attorneys and on various others matters in New Jersey.

Aggravating Circumstances

The State Bar bears the burden of proving aggravating circumstances by clear and convincing evidence. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.5.)[4] The court finds the following with regard to aggravating factors.

Prior Discipline

As noted above, Respondent has been disciplined by the Supreme Court on two prior occasions, the second discipline including an actual suspension of a minimum of one year. Respondent's prior record of discipline is a significant aggravating circumstance. (Std. 1.5(a).)

Continued Indifference to the Disciplinary Process

Respondent has demonstrated a continued indifference to the State Bar's disciplinary process and the obligations imposed on her by that process. This indifference resulted in the revocation of her probation in 2012; was reflected in her indifference to this proceeding until September 2013; and, as demonstrated by her continued failure to file an amended 9.20 compliance affidavit, has not been abated by the threat of a third discipline.

[4] All further references to standards are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct, and reflect the modifications to the standards effective January 1, 2014. Since this case was submitted for ruling in 2014, the new standards apply, and they do not conflict with the relevant former standards.

Respondent's indifference to the disciplinary process and her demonstrated unwillingness or inability to comply with the obligations imposed on her by it, is a significant aggravating factor.

Mitigating Circumstances

Respondent bears the burden of proving mitigating circumstances by clear and convincing evidence. (Std. 1.6.) The court finds the following with regard to mitigating factors.

No Harm

The court declines to find that Respondent's failure to comply with rule 9.20 resulted in no harm. Having indicated that she did not notify at least one unnamed client of her suspended status before the deadline for doing so, it cannot be concluded that no harm resulted from her failure to comply with the Supreme Court's order.

Physical/Emotional

As noted, Respondent claims that her lack of attention to her professional obligations resulted from Post-Traumatic Stress Disorder caused by Hurricanes Irene and Sandy. The court declines to find that such is a mitigating factor. Standard 1.6(d) provides that "extreme emotional difficulties or physical or mental disabilities suffered by the member at the time of the misconduct" may be a mitigating circumstance if "established by expert testimony as directly responsible for the misconduct, provided that such difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the member established by clear and convincing evidence that the difficulties or disabilities no longer pose a risk that the member will commit misconduct." Respondent falls far short of meeting the requirements of this standard. Respondent offered no medical evidence or expert testimony to corroborate her self-diagnosis of PTSD. Moreover, her testimony makes clear that her claimed

impairment has not been resolved. For example, she indicated that, as recently as several weeks before trial, she was still in the process of convincing herself to open mail sent by the State Bar in 2012 and that she was doing so only with the aid by her therapist. In addition, of course, she still has not sought to file a revised 9.20 compliance statement, despite her statement in September 2013 that she would be doing so.

DISCUSSION

The purpose of State Bar disciplinary proceedings is not to punish the attorney, but to protect the public, preserve public confidence in the profession, and maintain the highest possible professional standards for attorneys. (Std. 1.3; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.) In determining the appropriate level of discipline, the 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.) Although the standards are not binding, they are to be afforded great weight because "they promote the consistent and uniform application of disciplinary measures." (*In re Silverton* (2005) 36 Cal.4th 81, 91-92.) Nevertheless, the court is not bound to follow the standards in talismanic fashion. As the final and independent arbiter of attorney discipline, the court is permitted to temper the letter of the law with considerations peculiar to the offense and the offender. (*In the Matter of Van Sickle* (2006) 4 Cal. State Bar Ct. Rptr. 980, 994; *Howard v. State Bar* (1990) 51 Cal.3d 215, 221-222.) In addition, the court considers relevant decisional law for guidance. (See *Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Frazier* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 676, 703.) Ultimately, in determining the appropriate level of discipline, each case must be decided on its own facts after a balanced consideration of all relevant factors. (*Connor*

v. State Bar (1990) 50 Cal.3d 1047, 1059; *In the Matter of Oheb* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 920, 940.)

Standard 1.7(a) provides that, when two or more acts of misconduct are found in a single disciplinary proceeding and different sanctions are prescribed for those acts, the recommended sanction is to be the most severe of the different sanctions.

The standard for assessing discipline for a violation of rule 9.20 is set out, in the first instance, in the rule itself. Rule 9.20(d) states, in pertinent part: "A suspended member's willful failure to comply with the provisions of this rule is a cause for disbarment or suspension and for revocation of any pending probation." Respondent's willful failure to comply with rule 9.20 is extremely serious misconduct for which disbarment is generally considered the appropriate sanction. (*Bercovich v. State Bar* (1990) 50 Cal.3d 116, 131.) That said, both this court and the Supreme Court have, on occasion, imposed lesser discipline in situations where there has been timely compliance with subdivision (a) and the violation merely arises from a late submission of the compliance affidavit mandated by subdivision (c). (See, e.g. *Shapiro v. State Bar* (1990) 51 Cal.3d 251; *Durbin v. State Bar* (1979) 23 Cal.3d 461; *In the Matter of Rose* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 192; *In the Matter of Friedman* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 527.) In those cases, however, the courts emphasized the respondent's good faith, the presence of significant mitigating circumstances, and the absence of substantial aggravating circumstances. Respondent does not fall within the aegis of the above cases.

In addition, Standard 1.8(a) provides that disbarment is appropriate in instances where the respondent has had two or more prior records of discipline, including a period of actual suspension, unless the most compelling mitigating circumstances clearly predominate or the

misconduct underlying the prior discipline occurred during the same time period as the current misconduct. Neither of the above exceptions applies to Respondent.

Respondent's failure to comply with rule 9.20 is only one of the many instances during the last several years where she has ignored the efforts of the State Bar's disciplinary process to conform her conduct to that required of a member of the bar. Because she has demonstrated her complete lack of interest in participating successfully in the rehabilitation efforts of the State Bar's disciplinary efforts, there is no reason for this court to conclude that she has any new-found commitment to complying with those obligations. Under such circumstances, a recommendation of disbarment is both necessary and appropriate to protect the public, the profession, and the courts. (*In the Matter of Snyder* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 593, 599-601.)

RECOMMENDED DISCIPLINE

Disbarment

The court recommends that respondent **Carla Ruth McBeath,** Member No. 106047, be disbarred from the practice of law in the State of California and that her name be stricken from the Roll of Attorneys of all persons admitted to practice in this state.

Rule 9.20

The court further recommends that Respondent be ordered to comply with California Rules of Court, rule 9.20 and to 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 order in this matter.

Costs

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and that such costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Respondent must also reimburse the Client Security Fund to the extent that the misconduct in this matter results in the payment of funds, and such payment is enforceable as provided under Business and Professions Code section 6140.5.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), it is ordered that **Carla Ruth McBeath,** Member No. 106047, be involuntarily enrolled as an inactive member of the State Bar of California, effective three calendar days after service of this decision and order by mail. (Rules Proc. of State Bar, rule 5.111(D)(1).)[5]

Dated: August _____, 2014.

DONALD F. MILES
Judge of the State Bar Court

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