

FILED

JUL 20 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - LOS ANGELES

PUBLIC MATTER

In the Matter of

KEITH GOFFNEY,

Member No. 175821,

A Member of the State Bar.

Case No. 15-AE-12883-DFM

**ORDER GRANTING MOTION FOR
INVOLUNTARY INACTIVE
ENROLLMENT [Bus. & Prof. Code,
§ 6203, subd. (d); Rules Proc. of State Bar,
rule 5.360, et seq.]**

INTRODUCTION

This matter is before the court on motion filed by Kenneth E. Bacon, Presiding Arbitrator of the Mandatory Fee Arbitration Program of the State Bar of California (State Bar), seeking the involuntary inactive enrollment of award debtor **Keith Goffney** (Award Debtor), pursuant to Business and Professions Code section 6203, subdivision (d), and rule 5.360, et seq., of the Rules of Procedure of the State Bar of California (Rules of Procedure) due to his failure to pay a post-arbitration judgment. Based on the State Bar's motion and supporting documents, the court finds that Award Debtor has failed to comply with the judgment and has not produced a payment plan acceptable to either the client or the State Bar.

SIGNIFICANT PROCEDURAL HISTORY

On June 16, 2015, the State Bar filed a motion seeking the involuntary inactive enrollment of Award Debtor. (Bus. & Prof. Code, § 6203, subd. (d), Rules of Procedure, rule 5.360, et seq.) A copy of this motion was properly served at Award Debtor's official membership records address, by certified mail, return receipt requested, and by regular mail. Award Debtor failed to timely respond to the State Bar's motion or request a hearing. (Rules of Procedure, rule 5.362.)

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On June 23, 2015, the court filed a Notice of Assignment. That same day, a copy of said notice was properly served on Award Debtor by first-class mail, postage fully prepaid at his official membership records address. The copy of said notice was not returned to the State Bar Court by the U.S. Postal Service as undeliverable or for any other reason.

This matter was submitted for decision on July 2, 2015. That same day, a copy of the Submission Order was properly served on Award Debtor at his official address and has not since been returned to the State Bar Court by the U.S. Postal Service as undeliverable or for any other reason.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Award Debtor was admitted to the practice of law in California on November 18, 1987, and has been a member of the State Bar at all times since.

Facts

On October 28, 2010, Ashley Jackson (Jackson) requested mandatory fee arbitration with the San Fernando Valley Bar Association to resolve a fee dispute with Award Debtor. On February 28, 2011, the San Fernando Valley Bar Association served a non-binding arbitration award on the parties. It awarded Jackson a refund in the amount of \$9,183 in attorneys' fees and filing fees. This award was non-binding, and Award Debtor filed a lawsuit challenging the arbitration award in the Los Angeles County Superior Court. (See Bus. & Prof. Code, § 6203, subd. (b).)

Unaware of the lawsuit, Jackson sent an email to Award Debtor on April 20, 2011, demanding payment of the award. On June 10, 2011, Jackson filed a request for enforcement of the arbitration award (request for enforcement) with the State Bar pursuant to Business and Professions Code section 6203, subdivision (d).

On June 20, 2011, the State Bar served the request for enforcement on Award Debtor by regular and certified mail.¹ Included in this mailing was a cover letter from the State Bar

¹ All letters from the State Bar to Award Debtor were sent to his official State Bar membership records address.

advising Award Debtor of the potential consequences for: (1) failing to comply with the arbitration award; and (2) failing to respond to the client's enforcement request by July 20, 2011.

Award Debtor subsequently communicated with the State Bar, indicating that he had filed a lawsuit in the Los Angeles County Superior Court. The State Bar then abated its proceedings until the Los Angeles County Superior Court issued a judgment.

On January 18, 2013, the Los Angeles County Superior Court returned a judgment in Jackson's favor, granting her the \$9,182 refund, plus \$1,768.75 in interest, for a total judgment of \$10,950.75. On March 22, 2013, the State Bar wrote to Award Debtor, seeking proof of satisfaction of the judgment, a proposal for a payment plan, or a statement that he could not pay the award. On April 5, 2013, the State Bar received Award Debtor's reply, stating that a second judgment in Jackson's favor existed, but in a different case and amount. Ultimately, that second judgment was vacated on Jackson's request.

On June 27, 2013, the State Bar wrote to Award Debtor and advised him that the second judgment had been vacated and that the State Bar intended to proceed with enforcement of the original judgment. On multiple occasions the State Bar requested that Award Debtor provide proof of satisfaction of the judgment, a proposal for a payment plan, or a statement that he could not pay the award. Instead, Award Debtor repeatedly asserted that the Los Angeles Superior Court judgment was not enforceable.

On May 12, 2014, Award Debtor filed an appeal of the Los Angeles Superior Court judgment. As of June 12, 2015, Award Debtor has not perfected that appeal and has not posted a bond to stay the money judgment against him during the appeal. As of June 12, 2015, Award Debtor has not paid any portion of the judgment.

Conclusions of Law

The court finds that the State Bar has met the burden of demonstrating by clear and convincing evidence that Award Debtor has failed to comply with a judgment following a post-arbitration proceeding and has not proposed a payment plan acceptable to the client or the State Bar. (Bus. & Prof. Code, § 6203, subd. (d)(2); Rules of Procedure, rule 5.360, et seq.)

Since Award Debtor did not participate in this proceeding, the court finds that he has not met his burden of demonstrating by clear and convincing evidence that he is not personally responsible for making or ensuring payment of the award; that he is unable to pay the award; or that he has proposed and agrees to comply with a payment plan which the State Bar has unreasonably rejected as unsatisfactory. (Bus. & Prof. Code, § 6203, subd. (d)(2); Rules of Procedure, rule 5.365(B).)

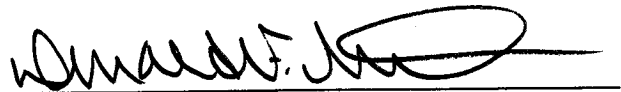
ORDER

IT IS ORDERED that Award Debtor **Keith Goffney**, State Bar number 175821, be enrolled as an inactive member of the State Bar of California pursuant to Business and Professions Code section 6203, subdivision (d)(1), effective five days after the date of service of this order. (Rules of Procedure, rule 5.368(B)(1).)

IT IS FURTHER ORDERED that Award Debtor **Keith Goffney** must remain involuntarily enrolled as an inactive member of the State Bar until: (1) he has paid the judgment to Ashley Jackson in the amount of \$10,950.75, plus interest at the rate of ten percent per annum from January 18, 2013, the date the judgment was entered; (2) he has paid reasonable costs, if any; and (3) the court grants a motion to terminate the inactive enrollment pursuant to rule 5.370(A) of the Rules of Procedure of the State Bar of California.

Reasonable costs are awarded to the State Bar upon the Presiding Arbitrator's submission of a bill of costs. (Bus. & Prof. Code, § 6203, subd. (d)(3); Rules Proc. of State Bar, rule 5.368(B)(2).)

Dated: July 20, 2015



DONALD F. MILES
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 20, 2015, I deposited a true copy of the following document(s):

**ORDER GRANTING MOTION FOR INVOLUNTARY INACTIVE
ENROLLMENT [Bus. & Prof. Code, §6203, subd. (d); Rules Proc. of State Bar, rule
5.360, et seq.]**

in a sealed envelope for collection and mailing on that date as follows:


- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**KEITH GOFFNEY
LAW OFFICES OF KEITH GOFFNEY
333 S HOPE ST
PO BOX 86563
LOS ANGELES, CA 90086 - 0563**

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

KENNETH BACON, Fee Arbitration, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 20, 2015.



Tammy Cleaver
Case Administrator
State Bar Court