



PUBLIC MATTER

FILED
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**STATE BAR COURT
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LOS ANGELES**
P.B.

**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES**

In the Matter of)	Case No.: 16-AE-10508-WKM
)	
STEVEN JEFFREY HOFFMAN,)	ORDER OF INVOLUNTARY
)	INACTIVE ENROLLMENT
Member No. 53763,)	(Bus. & Prof Code, § 6203, subd. (d)(1).)
)	
<u>A Member of the State Bar.</u>)	

In this fee-arbitration-award-enforcement proceeding, the Presiding Arbitrator of the State Bar of California's Mandatory Fee Arbitration Program, Kenneth E. Bacon, requests an order involuntarily enrolling Attorney **STEVEN JEFFREY HOFFMAN**¹ as an inactive member of the State Bar of California because Attorney Hoffman failed to pay a \$2,694.25 fee arbitration award in favor of his former client Margarita Villareal. (Bus. & Prof. Code, § 6203, subd. (d); Rules Proc. of State Bar, rule 5.360 et seq.)² For the reasons set forth *post*, the court will grant the Presiding Arbitrator's request and order that Attorney Hoffman be involuntarily enrolled inactive until he, inter alia, fully complies with the award.³

¹ Attorney Hoffman was admitted to the practice of law in the State of California on December 14, 1972, and has been a member of the State Bar of California since that time.

² Except where otherwise indicated, all further statutory references are to the Business and Professions Code. All further references to rules are to the Rules of Procedure of the State Bar.

³ Of course, only active members of the State Bar of California may lawfully practice law in this state. (§ 6125.) An attorney commits a criminal act where an attorney, who has been enrolled inactive, practices or even attempts to practice law, or advertises or otherwise holds himself or herself out to be an attorney, lawyer, counselor at law, or otherwise entitled to practice

Relevant Procedural History

On January 29, 2016, the Presiding Arbitrator properly served his inactive enrollment motion on Attorney Hoffman at Attorney Hoffman's latest address shown on the official membership records of the State Bar of California by certified mail, return receipt requested. (§ 6002.1, subd. (c); rules 5.25, 5.361(B).) That service was deemed complete when mailed even if Attorney Hoffman did not receive it. (§ 6002.1, subd. (c); *Bowles v. State Bar* (1989) 48 Cal.3d 100, 107-108; but see *Jones v. Flowers* (2006) 547 U.S. 220, 224-227, 234.) Thereafter, on February 1, 2016, the Presiding Arbitrator filed his inactive enrollment motion in the State Bar Court. The motion was timely filed.⁴

Attorney Hoffman failed to file a response to the inactive enrollment motion, and the time for him to do so has now expired. (Rules 5.28(A), 5.362(A).) Furthermore, Attorney Hoffman did not otherwise appear or participate in this proceeding. By failing to timely file a response to the motion and to request a hearing, Attorney Hoffman waived his right to a hearing on his involuntary inactive enrollment. (Rule 5.364.) The court took the inactive enrollment motion under submission for decision without a hearing on February 23, 2016.

Findings

In light of the inactive enrollment motion and its supporting documents, the court makes the following findings. On September 1, 2013, an arbitrator from the Committee of Arbitration of the Los Angeles County Bar Association Dispute Resolution Services, which is a State Bar approved fee arbitration program, signed an fee arbitration award requiring Attorney Hoffman to

law in this state. (§ 6126, subd. (b).) Moreover, an attorney who has been involuntarily enrolled inactive may not lawfully represent others before any state agency or in any state administrative hearing, even if laypersons are authorized to do so. (*Ibid.*; *Benninghoff v. Superior Court* (2006) 136 Cal.App.4th 61, 66-73.)

⁴ The motion was filed more than 100 days after the award was served on Attorney Hoffman by mail, but within four years after the award was served on Attorney Hoffman by mail. (§ 6203, subd. (d)(5).)

pay Villareal \$2,694.25 (\$2,531.25 in previously paid, but unearned attorney's fees plus \$163 for one-half of the arbitration filing fee that Villareal paid to the Los Angeles County Bar Association) together with 10 percent interest per annum thereon from October 5, 2013, until paid. (§ 6203, subd. (d)(1).)

The award, which was properly served on Attorney Hoffman by mail on September 5, 2013, is binding under a written stipulation signed by Villareal and Attorney Hoffman on June 13, 2013.⁵ (§ 6204, subd. (a).) Moreover, no petition to confirm, correct, or vacate the award was filed under Code of Civil Procedure section 1285, et seq., and the award is now final.

Attorney Hoffman has not paid any portion of the award.⁶ (§ 6203, subd. (d)(2)(A).) Also, Attorney Hoffman has not proposed a payment plan to Villareal or to the State Bar. (§ 6203, subd. (d)(2)(B).) Furthermore, Attorney Hoffman has not demonstrated that he is not personally responsible for making or ensuring payment of the refund or that he lacks the ability to pay the refund award. (§ 6203, subd. (d)(2).) In sum, the court finds that the statutory requirements for involuntary inactive enrollment under section 6203, subdivision (d) are satisfied. Accordingly, the court will grant the Presiding Arbitrator's inactive enrollment motion and order Attorney Hoffman's involuntary inactive enrollment.

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⁵ The Presiding Arbitrator did not attach a copy of this stipulation to his motion for involuntary inactive enrollment. Nonetheless, the court will not deny the motion because the arbitrator stated in her September 1, 2013, statement of decision and award, which is both binding and final: "Petitioner [Villareal] and Respondent [Hoffman] agreed to binding arbitration and each signed a Stipulation for binding arbitration on June 13, 2013, the original of which is submitted with the decision and award." In the future, the Presiding Arbitrator should attach, to his motions for involuntary inactive enrollment, copies of any written stipulations/agreements by the parties to be bound by the arbitration award (§ 6204, subd. (a)).

⁶ However, on June 29, 2015, Attorney Hoffman paid \$500 in administrative penalties, which the Presiding Arbitrator imposed on him on March 26, 2014, under section 6203, subdivision (d)(3) for failing to comply with the arbitration award.

Order of Involuntary Inactive Enrollment

The Presiding Arbitrator's February 1, 2016, inactive enrollment motion is GRANTED.


In accordance with Business and Professions Code section 6203, subdivision (d), the court orders that **STEVEN JEFFREY HOFFMAN**, State Bar number 53763, be involuntarily enrolled as an inactive member of the State Bar of California effective five calendar days after the service of this order by mail (Rules Proc. of State Bar, rule 5.368(B)(1)).

Steven Jeffrey Hoffman will remain involuntarily enrolled inactive under this order until (1) he has fully complied with the September 1, 2013, arbitration award by paying Margarita Villareal \$2,694.25 together with 10 percent interest per annum thereon from October 5, 2013, until paid; (2) he pays the reasonable costs awarded to the State Bar *post*; and (3) he makes, and the State Bar Court grants, a motion to terminate his involuntary inactive enrollment. (Bus. & Prof. Code, § 6203, subd. (d)(4); Rules Proc. of State Bar, rule 5.370.)

Reasonable Costs

Upon the Presiding Arbitrator's *prompt* submission of a bill of costs, reasonable costs are awarded to the State Bar under Business and Professions Code section § 6203, subdivision (d)(3). (Rules Proc. of State Bar, rule 5.368(B)(2).) Any costs not paid are to be added to Steven Jeffrey Hoffman's State Bar membership fee for the year 2017 in accordance with Business and Professions Code section § 6203, subdivision (d)(3).

Dated: March 1, 2016.


W. KEARSE MCGILL
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 March 1, 2016, I deposited a true copy of the following document(s):

**ORDER OF INVOLUNTARY INACTIVE ENROLLMENT (Bus. & Prof Code,
§ 6203, subd. (d)(1).)**

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:

**STEVEN JEFFREY HOFFMAN
LAW OFC STEVEN J HOFFMAN
8301 E FLORENCE AVE STE 200
DOWNEY, CA 90240**

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

KENNETH ERIC BACON, Fee Arbitration, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 1, 2016.



Paul Barona
Case Administrator
State Bar Court