



1 Kenneth Bacon, dated September 23, 2015, offering suggestions to resolve the arbitration matter  
2 which underpins Respondent's inactive status. The Arbitrator has not responded despite the  
3 passage of a year.)

4 **II. STATEMENT OF FACTS.**

5 The State Bar opened this investigation based upon a complaint from a judge in  
6 the Los Angeles Superior Court on or after December 3, 2015.

7 In or about September 2008, Respondent agreed to represent Ashley Jackson  
8 pursuant to a Contingent Fee Agreement to provide legal services. Respondent litigated the  
9 matter over a period of approximately 18 months that culminated with a successful trial judgment  
10 favoring Ms. Jackson in March 2010. There arose a dispute with Ms. Jackson over the  
11 percentage of the monetary recovery due to Respondent for legal fees pursuant to the contingent  
12 fee agreement. A fee arbitration was held in which Ms. Jackson obtained an award. Respondent  
13 rejected the non-binding arbitration award and filed a lawsuit for a trial *de novo*, pursuant to  
14 Business & Professions Code Section 6200 et seq. A judgment after a full trial (LASC  
15 #11K05909) determined this Respondent was the prevailing party since the arbitration award was  
16 reduced; but, a money judgment was still due to Ms. Jackson (the award creditor). That  
17 judgment was not timely challenged or appealed, and became final. Despite the trial judgment  
18 after arbitration, Ms. Jackson filed a later lawsuit (LASC 11E10436) to confirm the earlier  
19 arbitration award, without advising the court of the trial judgment regarding the same fee dispute.  
20 A default judgment in her favor resulted from that second lawsuit which she filed. The State Bar  
21 Arbitrator recognized there were now two opposing judgments for the same fee dispute: the first  
22 a judgment following a full trial; the second, a default judgment. Upon Ms. Jackson's request by  
23 *ex parte* motion, a judge granted her *ex parte* application to dismiss only the default judgment  
24 **(#11E10436), but the court mistakenly dismissed the trial judgment (#11K05909) instead.**  
25 (See State Bar Investigation File at pages 444-452, (Ex Parte Application and Minute Order  
26 dated June 4, 2013. The Investigation File is attached to the draft NDC filed in this case.)  
27 Although the trial court purported to dismiss the trial judgment (#11K05909), it lacked  
28 jurisdiction to do so since that judgment had become final. **As a result of the court's error,**

1 Respondent became and is now subject to two different judgments stemming from the  
2 single arbitration award. Respondent is currently pursuing appeals to the Appellate Division of  
3 the Los Angeles Superior Court (and ultimately to the Court of Appeals) to have the default  
4 judgment (#11E10436) dismissed so that there will not remain two judgments based upon the  
5 single arbitration award. During the pendency of the appeal to the Appellate Division to have the  
6 default judgment dismissed, the State Bar Arbitrator proceeded with its motion to place  
7 Respondent in "Not Entitled" status. Respondent received the State Bar Arbitrator's complaint  
8 (sent by certified mail) after a response to it was due. A default, therefore, was taken against  
9 Respondent, and on July 20, 2015, the State Bar Court issued an Order against Respondent,  
10 granting the State Bar Arbitrator's motion for involuntary inactive enrollment. On July 25, 2015,  
11 Respondent was placed on "Not Entitled" status.

12           Between July 10<sup>th</sup> and October 9<sup>th</sup>, 2015, Respondent filed with the State Bar  
13 Court and Review Department several pleadings and correspondences to inform about the  
14 anomaly presented by the existence of two different judgments, as well as the denial of  
15 Respondent's due process rights when served with the State Bar Arbitrator's complaint on a date  
16 beyond that set for a timely response. Respondent's pleadings and correspondences to the State  
17 Bar Court Hearing and Review Departments were to no avail, despite the late delivery of the  
18 Arbitrator's complaint.

19           Since the date of Respondent's Inactive Enrollment as of July 25, 2015,  
20 Respondent has not represented Osborn LaRay Fowler, the former client who is mentioned in  
21 this State Bar investigation. Respondent has not been able to practice law for more than a year  
22 since that time.

23           On September 29, 2015, Respondent sought to simply inform the Los Angeles  
24 Superior Court of his "Not Entitled" status and unavailability for an upcoming evidentiary  
25 hearing on October 6, 2015. Respondent had an ethical obligation and duty to either appear for  
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1 the evidentiary hearing or at least notify the court that he would not be appearing.<sup>1</sup> To that end,  
2 Respondent employed the only mechanism at his disposal so to directly inform the judge of his  
3 Not Entitled status and inability to appear, which was to file an *ex parte* request. (The court clerk  
4 had instructed Respondent that an *ex parte* application was necessary to advise the judge of  
5 Respondent's inability to appear..) Respondent purposely did not file an "ex parte motion", as  
6 he was mindful of the intent not to make an unpermitted "Appearance". Respondent was  
7 likewise mindful to make certain that the Court was not misled to think that he possessed any  
8 capacity to make an Appearance as an attorney, or not to believe he had any intent to deceive the  
9 court to believe that he was licensed to make an Appearance. For those reasons, Respondent's *ex*  
10 *parte* request expressly stated in multiple places, including in an accompanying declaration, that  
11 he could not "appear" on October 6<sup>th</sup>, 2015, due to his Not Entitled status. Respondent advised  
12 the court that he would attempt to resolve his administrative issue with the State Bar Arbitrator  
13 during the period of a 60-day continuance, through December 8<sup>th</sup>, 2015, and that he would be  
14 assisting Mr. Fowler to obtain alternative counsel. Mr. Fowler had been unable to hire alternate  
15 counsel up to that time because of the cost to do so and he had insufficient funds to hire anyone  
16 else. Respondent had represented Mr. Fowler over the course of a year, up until being inactively  
17 enrolled, even though he had been unable to maintain payments for legal services.

18 The *ex parte* Request which Respondent filed with the Court, in the caption area,  
19 purposely omitted the "Esq." which typically followed Respondent's name. Also omitted was  
20 any State Bar Number which is required of anyone holding him/herself out as a practicing  
21 attorney. Respondent allowed to remain the words "Law Offices of Keith Goffney" on a  
22 different line from his name since that phrase was a part of his address and has been used by non-  
23 lawyer temporary staff persons whom Respondent has employed from time to time. Respondent

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25 <sup>1</sup> As the California Supreme Court has established, an attorney may be held in contempt of  
26 court for failure to appear when an attorney is aware that he is required to appear, but knowingly and  
27 intentionally does not appear, or fails to at least notify the court that he will not appear. (See *In re*  
28 *Aguilar* (2004) 34 Cal.4th 486 at p.487). The evidentiary hearing was a special hearing which had  
been specifically set before the presiding judge for Family Law matters, to establish whether the  
court had gained jurisdiction over defendant Mr. Fowler in 2003 before a default judgment was  
entered.

1 identified Mr. Fowler as a Respondent in the caption, but he purposely removed the word  
2 "Attorneys" from the line that typically would read "Attorneys for Respondent" The line was left  
3 purposely incomplete and read only ". for Respondent".

4 In the signature block, Respondent purposely removed any reference to himself as  
5 a lawyer by removing the "Esq." designation which is normally included. The second line of the  
6 signature block typically reads "Attorneys for [name of Client]"; however, Respondent removed  
7 the word "Attorneys".

8 In the declaration which accompanied Respondent's Request to the Los Angeles  
9 Superior Court, he expressly stated that he had been "recently declared by the State Bar to be not  
10 entitled to practice law pending resolution of an arbitration matter within the State Bar  
11 Arbitrator's office. For that reason, I am currently not licensed to appear on October 6, 2015, for  
12 the scheduled hearing in the above referenced litigation."

13 The Transcript of the September 29, 2015 proceeding demonstrates that  
14 Respondent was conscious not to make an "appearance" and refused to do so when the court  
15 asked for an appearance.<sup>2</sup> Instead, Respondent offered only his name. The Judge then  
16 considered the Request *sua sponte*, and continued the hearing to December 8, 2015.

17 On December 3, 2015, as the December 8, 2015 evidentiary hearing date  
18 approached and Mr. Fowler (Respondent's former client) had been still unable to hire alternate  
19 counsel, Respondent sought to advise the court that he remained in "Not Entitled" status so that  
20 the court might, *sua sponte*, extend the previous continuance. Respondent explained again that  
21 he could not make the scheduled appearance on December 8th, and that Mr. Fowler had still been  
22 unable to hire alternate counsel during the period of the Continuance. To advise the court that  
23 Respondent's Not Entitled status had not changed, it was again necessary to file an Ex Parte

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25 <sup>2</sup> See State Bar Investigator's File at p.53, lines 16-26 (Transcript of 9-29-15 Hearing).

26 The Court: May I have an appearance, please.

27 Mr. Koffney: Yes, Your honor. For reasons that are stated in that --

28 The Court: May I have an appearance, please.

Mr. Koffney: Yes, I wanted to explain that. I'm not allowed to make an appearance.

The Court: May I have your name, please.

Mr. Koffney: I'm Keith Koffney.

1 Request. The 2<sup>nd</sup> Request was nearly identical to the first with only the dates changed. The  
2 representations made in the 2<sup>nd</sup> Request echoed those of the first: namely, that Respondent was  
3 Not Entitled to practice law; that Respondent could not make an appearance on behalf of  
4 Mr. Fowler; and that Mr. Fowler would need a second continuance since he had not been able to  
5 hire alternate counsel in the prior two months, and he likely would not have new counsel by the  
6 hearing date on December 8, 2015.

7 Judge Maren Nelson, who had previously granted a continuance on the court's  
8 own prerogative (*sua sponte*) and with Respondent refusing to announce an appearance, was  
9 absent on December 3, 2015. Judge Thomas Lewis was substituting in her stead on that day.  
10 When the Court (Judge Lewis) asked for "appearances", Respondent stated immediately that "I  
11 am not making an appearance"<sup>3</sup>. Judge Trent interrupted by saying "Hold on. Yes, you are."  
12 With a demanding tone, he instructed "Raise your right hand. Face the clerk". Respondent did  
13 so, not wanting to disobey or be held in contempt. Respondent was sworn by the clerk. The  
14 judge demanded that Respondent state his name for the record, which was done. The judge then  
15 admonished Respondent of his right to silence, that anything said by Respondent could be used  
16 in State Bar proceedings against him. The judge then asked why Respondent, as a suspended  
17 lawyer, was making a court appearance. In reply, Respondent said "Your honor, I'm trying  
18 very hard not to make a court appearance". Judge Lewis interrupted with "You are making  
19 one, dude. Sorry to put it in such blunt terms, but there is no way around it." Respondent stated  
20 "Your honor, I needed to bring to the court's attention ...." [that I cannot represent Mr. Fowler  
21 because I am declared Not Entitled by the State Bar]. Judge Lewis interrupted mid-sentence so  
22 that Respondent was unable to finish his sentence with the bracketed text. Respondent  
23 attempted to withdraw the Request by stating "Your honor, at this time —", but he was again  
24 interrupted by Judge Lewis who stated "If you wish to waive your right to remain silent — I'm  
25 going to advise you that you should invoke and make no further statements ...." Respondent

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27 <sup>3</sup> The quoted text may be viewed in the Transcript of the December 3, 2015 proceeding in  
28 the State Bar Investigator's File at pgs. 113-115.

1 stated "I'd like to invoke my right to remain silent your honor." The judge then proceeded to  
2 deny the Request for a continuance without prejudice. He stated that he would direct the clerk to  
3 make a copy of the minute order of the proceedings alleging that Respondent had "appeared",  
4 that Respondent was sworn, and had stated his name. The copy of the Minute Order, he said,  
5 would be given to court counsel Brett Bianco for transmission to the State Bar.

6 Despite Respondent's stated intention at the outset to not make an appearance,  
7 these facts demonstrate Judge Lewis' compulsory effort to construe Respondent's presence as an  
8 appearance, despite that Respondent objected strenuously to making an appearance. It was not  
9 possible to state a withdrawal of the Request (even after Respondent stated at the outset that he  
10 was not making an appearance) due to Judge Lewis' instructions and interruptions. However,  
11 Respondent effectively withdrew the Request by invoking his right to remain silent after being  
12 forcibly sworn.

13 Respondent had advised his former client, Mr. Fowler, immediately at the time he  
14 was notified of his Not Entitled status in late July that Respondent was thereby prevented from  
15 representing him and that he would need to find alternate counsel. Respondent also advised him  
16 that Respondent intended to file appropriate motions in the State Bar Court to try and have his  
17 license restored to active status at the earliest possible time. Mr. Fowler's concern was that his  
18 case would be dismissed if he was unable to find and afford alternate counsel before the date of  
19 his upcoming hearing on October 6, 2015, and later on December 8, 2015.

20 Respondent's efforts to notify the Court of his Not Entitled status consisted of the  
21 statements made in the two *ex parte* Requests, both of which were made several days before the  
22 scheduled hearings on Mr. Fowler's case, particularly so as not to be construed as appearances on  
23 behalf of Mr. Fowler. To further reinforce the fact that Respondent intended not to make an  
24 appearance, Respondent did not allow Mr. Fowler to accompany him when either Request was  
25 made.

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**SPECIFIC DENIAL OF COUNT ONE**

Business and Professions Code, Section 6068(a)

[Alleged Failure to Comply With Laws - Unauthorized Practice of Law]

**Respondent Notified the Court and Counsel In Writing Of His Ineligible Status On September 29, 2015 and Undertook Substantial Efforts To Avoid Making An Appearance; Conduct Comprising UPL Under Sections 6125 and 6126 Must Be Willful.**

On September 29, 2015, Respondent did not hold himself out as entitled to practice law. Indeed, he filed an *ex parte* Request that day which specifically stated multiple times that we was NOT ENTITLED to practice law. Respondent exhibited no conduct that would deceive the court into believing he was entitled to practice law. The court could not have been deceived in this regard given that Respondent wrote in the Request:

“The reason for the requested Continuance is that this counsel was recently declared by the State Bar to be not entitled to practice law pending resolution of an arbitration matter within the State Bar Arbitrator’s office. For that reason, I am currently not licensed to appear on October 6, 2015, for the scheduled hearing in the above referenced litigation. ....”

Neither did Respondent actually practice law on September 29, 2015, since Respondent did not make an appearance. When the Court requested “appearances”, Respondent was careful to indicate that he could not make an appearance by actually stating to Judge Nelson, when asked for an appearance, “I’m not allowed to make an appearance”.

The *Ex Parte* Request filed by Respondent on September 29, 2015, was not filed as a motion, but rather a request (for a continuance) in light of the circumstances that prevented Respondent from making an appearance or practicing law. The continuance was not for the benefit of Respondent, but rather to enable Mr. Fowler to try and find another attorney.

The Request papers purposely did not list Respondent’s State Bar Number (SBN) behind his name, and his name did not contain the appendage “Esq.” which is typically used by

1 someone who holds him/herself out as an attorney. The word "Attorneys" was stricken from the  
2 line in the caption that would usually state "Attorneys for [name of Client]. "Law Offices of  
3 Keith Goffney" was left in the caption since that describes the office itself, not whether the  
4 person named is eligible to practice law. (Non-lawyers consisting of occasionally hired staff in  
5 the office have been allowed to place their names over the name of the office without giving the  
6 impression they are lawyers.)

7           The mere filing of the Ex Parte Request should not constitute practicing law since  
8 Respondent refused to offer any oral argument in support of the Request. Finally, the fact that  
9 Respondent did not bring Mr. Fowler along on September 29, 2015, in support of the Request is  
10 further evidence that it was not filed on his behalf. The purpose of these unique circumstances  
11 (created where Respondent made efforts to avoid making an appearance, while yet proposing the  
12 requested continuance) was to benefit the court, all parties and counsel involved with the  
13 litigation, as well as the efficient administration of justice. (See *In re Aguilar, supra*, (2004)  
14 34 Cal.4th 386 at p.387).

15           There is no evidence to suggest that Respondent did anything to purposefully  
16 create the impression that he was entitled to represent Mr. Fowler as his attorney. (See *In the*  
17 *Matter of Thomason* (Review Dept.2006) 4 Cal. State Bar Ct. Rptr.302, 309). If Respondent did  
18 not hold himself out as a lawyer, and did make known to the court that he was ineligible to  
19 practice law, and refused even to make an appearance in the court, there could be no violation of  
20 Sections 6125, 6126 and 6068(a) and the State Bar Court should not so find.

21           Moreover, the State Bar Court should find that OCTC cannot meet the "clear and  
22 convincing" standard required to demonstrate that Respondent practiced law when he sought to  
23 simply inform the court of his ineligible status and refused to make an appearance. The proper  
24 standard of proof is the "clear and convincing" showing. (Rules of Procedure of State Bar, Rule  
25 5.103.) This evidentiary showing requires there be no substantial doubt and must be sufficiently  
26 strong to command the unhesitating assent of every reasonable mind. (*Conservatorship of*  
27 *Wendland* (2001) 26 Cal.4th 519, 552.). (See *In re Margaret Seltzer* (2012) State Bar Review  
28 Department, #08-O-13227 and #09-O-12258, modified on June 19, 2012.) Respondent submits

1 that the "clear and convincing" standard cannot be met where the evidence (ex parte application  
2 that was submitted as well as transcript of the interaction) all demonstrate that Respondent was  
3 mindful not to make an appearance, refused to do so when requested by the judge, and told the  
4 judge that his State Bar status was "Not Entitled" and therefore he was unable to make an  
5 appearance. The State Bar Court should, and is asked to, conclude that Respondent did not  
6 wilfully appear for the purpose of practicing law on September 29, 2015.

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8 **SPECIFIC DENIAL OF COUNT TWO**

9 **Business and Professions Code, Section 6106**

10 [Alleged Moral Turpitude]

11 **Respondent Was Not Deceptive Or Dishonest To The Court And Counsel**  
12 **About His Ineligible Status to Practice Law on September 29, 2015.**

13 Respondent did not wilfully, on September 29, 2015, violate Section 6106 (Moral  
14 Turpitude). There is unimpeachable evidence that Respondent was not deceptive or dishonest to  
15 the court and counsel about his Ineligible status; Respondent refused to make or state an  
16 appearance; and, any colloquy with the Superior Court was brief and only to enable the setting of  
17 a new date satisfactory to other parties in the action.

18 Given the brevity of Respondent's interaction with the court, the issue is whether  
19 Respondent practiced law with the requisite level of intent, guilty knowledge, or, at a minimum,  
20 gross negligence to prove moral turpitude. (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal.  
21 State Bar Ct. Rptr. 602, 620 [no clear and convincing evidence of knowing UPL when suspended  
22 attorney appeared at proceeding solely to advise court he followed its instructions about resolving  
23 client's case].) " ... [T]he Supreme Court has always required a certain level of intent, guilty  
24 knowledge or wilfulness before placing the serious label of moral turpitude on the attorney's  
25 conduct. [Citations.] At the very least, gross negligence has been required. [Citations.] " (*In the*  
26 *Matter of Respondent H* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 234, 241.) In this case, a  
27 hearing judge must assess the issues of Respondent's actions, intent, state of mind and reasonable  
28 beliefs bearing on whether moral turpitude was involved in this matter. Respondent readily told

1 the court and parties that he was Ineligible to practice law when he wrote that information into  
2 the Ex Parte Request, among other indications that he was insistent on avoiding making an  
3 appearance.

4 It is well settled that all reasonable doubts must be resolved in favor of the  
5 respondent. (*In the Matter of Respondent H, supra*, 2 Cal. State Bar Ct. Rptr. at p.240.) This  
6 Respondent submits that it would be manifestly unjust to find him culpable of moral turpitude.  
7 (*See In the Matter of Tishgart* (Review Dept.2014) 5 Cal. State Bar Ct. Rptr.338, 343-344  
8 [intentional concealment of suspension is at of moral turpitude].

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10 **SPECIFIC DENIAL OF COUNT THREE**

11 **Business and Professions Code, Section 6068(a)**

12 **[Alleged Failure to Comply With Laws - Unauthorized Practice of Law]**

13 **Respondent Notified the Court and Counsel In Writing Of His Ineligible**  
14 **Status On December 3, 2015 and Undertook Substantial Efforts To Avoid**  
15 **Making An Appearance; Conduct Comprising UPL Under Sections 6125**  
16 **and 6126 Must Be Willful.**

17 On December 3, 2015, Respondent did not hold himself out as entitled to practice  
18 law. He filed an ex parte Request that day, almost identical to the one filed on September 29,  
19 2015 (discussed above) which specifically stated multiple times that we was NOT ENTITLED to  
20 practice law. Again, Respondent exhibited no conduct that would deceive the court into  
21 believing he was entitled to practice law. The court could not have been deceived in this regard  
22 given that Respondent wrote in the Request:

23 "The reason for the requested Continuance is that this counsel is  
24 attempting to resolve with the State Bar Arbitrator an  
25 administrative matter which has presently caused him to be  
26 declared by the State Bar to be "not entitled" to practice law. I am  
27 currently not licensed to appear next week on December 8, 2015,  
28 for the scheduled evidentiary hearing in the above referenced

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litigation. ....”

Neither did Respondent actually practice law on December 3, 2015, since Respondent did not make an appearance. When the Court requested “Appearances, please”, Respondent was careful to indicate that he could not make an appearance by actually stating to Judge Lewis, “I’m Keith Goffney, but I am not making an appearance”. Judge Lewis interrupted and said “Hold on. Yes, you are. Raise your right hand. Face the clerk.” The clerk then proceeded to swear in this Respondent. Judge Lewis then asked Respondent to state his name for the record. Respondent did because Judge Lewis was acting aggressively and Respondent feared being held in contempt. Respondent had determined, based upon Judge Lewis’ aggressive posture, and apparent mis-apprehension of the reason Respondent was there, to simply withdraw. Respondent did withdraw when he was able to declare “I’d like to invoke my right to remain silent, your honor.”

The *Ex Parte* Request filed by Respondent on December 3, 2015, was not filed as a motion, but rather a request for a continuance, *sua sponte*, in light of the circumstances that prevented Respondent from making an appearance or practicing law. The continuance was not for the benefit of Respondent, but rather to enable Mr. Fowler to try and find another attorney.

The Request papers purposely did not list Respondent’s State Bar Number (SBN) behind his name, and his name did not contain the appendage “Esq.” which is typically used by someone who holds him/herself out as an attorney. The word “Attorneys” was stricken from the line in the caption that would usually state “Attorneys for [name of Client]. “Law Offices of Keith Goffney” was left in the caption since that describes the office itself, not whether the person named is eligible to practice law. (Non-lawyers consisting of occasionally hired staff in the office have been allowed to place their names over the name of the office without giving the impression they are lawyers.)

The mere filing of the *Ex Parte* Request should not constitute practicing law since Respondent refused to offer any oral argument in support of the Request. Finally, the fact that Respondent did not bring Mr. Fowler along on December 3, 2015, in support of the Request is further evidence that nothing was not filed on his behalf. The purpose of these unique

1 circumstances (created where Respondent made efforts to avoid making an appearance, while yet  
2 proposing the requested continuance) was to benefit the court, all parties and counsel involved  
3 with the litigation, as well as the efficient administration of justice. (See *In re Aguilar, supra*,  
4 (2004) 34 Cal.4th 386 at p.387).

5           There is no evidence to suggest that Respondent did anything to purposefully  
6 create the impression that he was entitled to represent Mr. Fowler as his attorney. (See *In the*  
7 *Matter of Thomason* (Review Dept.2006) 4 Cal. State Bar Ct. Rptr.302, 309). If Respondent did  
8 not hold himself out as a lawyer, and did state that he was not eligible to practice law, and stated  
9 to the court that he was not making an appearance, and ultimately withdrew, there could be no  
10 violation of Sections 6125, 6126 and 6068(a) and the State Bar Court should not so find.

11           Moreover, the State Bar Court should find that OCTC cannot meet the "clear and  
12 convincing" standard required to demonstrate that Respondent practiced law when he sought to  
13 simply inform the court of his ineligible status and refused to make an appearance. The proper  
14 standard of proof is the "clear and convincing" showing. (Rules of Procedure of State Bar, Rule  
15 5.103.) This evidentiary showing requires there be no substantial doubt and must be sufficiently  
16 strong to command the unhesitating assent of every reasonable mind. (*Conservatorship of*  
17 *Wendland* (2001) 26 Cal.4th 519, 552.). (See *In re Margaret Seltzer* (2012) State Bar Review  
18 Department, #08-O-13227 and #09-O-12258, modified on June 19, 2012.) Respondent submits  
19 that the "clear and convincing" standard cannot be met where the evidence (ex parte application  
20 that was submitted as well as transcript of the interaction) all demonstrate that Respondent was  
21 mindful not to make an appearance, refused to do so when requested by the judge, and told the  
22 judge that his State Bar status was "Not Entitled" and thereby he was unable to make an  
23 appearance. The State Bar Court should, and is asked to, conclude that Respondent did not  
24 wilfully appear for the purpose of practicing law on December 3, 2015.

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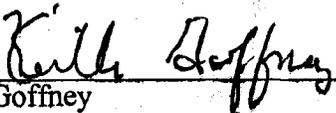
1 (See *In the Matter of Tishgart* (Review Dept.2014) 5 Cal. State Bar Ct. Rptr.338, 343-344  
2 [intentional concealment of suspension is at of moral turpitude],  
3

4 **PRAYER**

5 **WHEREFORE**, Respondent KEITH GOFFNEY, prays as follows:

- 6 1. That Petitioner OCTC takes nothing by reason of the Complaint filed herein;  
7 2. For judgment in favor of Respondent KEITH GOFFNEY and against Petitioner  
8 on its causes of action in the Complaint;  
9 3. Respondent KEITH GOFFNEY's costs of suit incurred herein; and  
10 4. For such other relief as the State Bar Court may deem fair and equitable.  
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12 Dated: September 5, 2016  
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15 \_\_\_\_\_  
16 Keith Goffney  
17 Respondent/Petitioner  
18 (Not entitled to practice as of 07-25-15)  
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**PROOF OF SERVICE**  
**In the Matter of Keith Goffney, State Bar Court #16-O-10016-YDR**

I am a citizen of the United States and employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within action or proceeding (or I am an attorney). My name and business address is Raynaz Joseph, Box 86134, Los Angeles, California 90086.

On September 6, 2016, I served the within

**ANSWER TO NOTICE OF DISCIPLINARY CHARGES**

on the interested parties in said action (x) by placing a true copy thereof enclosed in a sealed envelope addressed (x) as follows: ( ) as shown on the attached mailing list.

Kimberly G. Anderson, Esq. (Senior Trial Counsel)  
Office of Chief Trial Counsel  
STATE BAR OF CALIFORNIA  
845 South Figueroa Street  
Los Angeles, California 90017-2515

(BY MAIL) I caused such envelope with postage thereon, fully prepaid, to be placed in the United States mail at Los Angeles, California.

(BY CERTIFIED MAIL) # \_\_\_\_\_

(BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

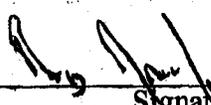
(BY FACSIMILE) to phone number 213-765-1318

(BY FACSIMILE) to phone number 562-420-7380

Executed on September 6, 2016, at Los Angeles, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare under penalty of perjury under the laws of the United States that the above is true and correct.

  
\_\_\_\_\_  
Signature of Declarant