PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of	)	Case No. 17-O-04749-YDR
	)	
ERNEST LINFORD ANDERSON,	)	DECISION AND ORDER OF
	)	INVOLUNTARY INACTIVE
State Bar No. 44784.	)	ENROLLMENT
	)	

Introduction[1]

Respondent Ernest Linford Anderson (Respondent) is charged with five counts of failing to obey a court order and one count of improperly withdrawing from employment in a single client matter. The Office of Chief Trial Counsel of the State Bar of California (OCTC) has the burden of proving these charges by clear and convincing evidence.[2] Based on the stipulated facts and the evidence admitted at trial, this court finds by clear and convincing evidence that Respondent is culpable of the misconduct alleged in all six counts and recommends that Respondent be disbarred.

Significant Procedural History

On July 19, 2018, OCTC initiated this proceeding by filing a Notice of Disciplinary Charges (NDC). Respondent filed a response to the NDC on August 13, 2018. Thereafter, on

[1] Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

[2] Clear and convincing evidence leaves no substantial doubt and is sufficiently strong to command the unhesitating assent of every reasonable mind. (*Conservatorship of Wendland* (2001) 26 Cal.4th 519, 552.)

November 13, 2018, OCTC filed a First Amended Notice of Disciplinary Charges (Amended NDC). One day later on November 14, 2018, the parties filed a Stipulation as to Facts and Admission of Documents.

A two-day trial was held on November 15, 2018, and November 16, 2018. OCTC was represented by Senior Trial Counsel Maria Oropeza, and Respondent represented himself. OCTC timely filed its closing brief on December 5, 2018, and the case was submitted for decision on that same date. Respondent belatedly filed his closing brief on December 18, 2018.

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on January 15, 1970, and he has been a licensed attorney of the State Bar of California at all times since that date.

The following findings of fact and conclusions of law are based on the November 14, 2018 stipulation and the evidence admitted at trial.

Case No. 17-O-04749 – The Russo Matter

Facts

On February 24, 2014, Respondent became attorney of record for Wayne Russo in a matter venued in Tuolumne County Superior Court entitled *Russo v. San Martin*, case No. CV55289 (the *Russo* case). On August 21, 2015, the court set a mandatory settlement conference for November 20, 2015. On August 27, 2015, the clerk properly served Respondent with notice of the mandatory settlement conference, which Respondent received. On November 20, 2015, Respondent contacted the superior court to request a telephonic appearance by Court Call. Although the superior court did not allow for telephonic settlement conference appearances, the court did attempt to reach Respondent by phone but was unsuccessful.

Respondent failed to appear at the November 20, 2015 mandatory settlement conference so the court issued an order to show cause (OSC) why sanctions should not be imposed for

Respondent's failure to appear. The order was properly served on Respondent. The court scheduled the OSC hearing for December 7, 2015. Respondent appeared at the December 7, 2015 OSC hearing and explained that he was ill on November 20, 2015. Respondent asserted that he had asked his secretary to call and inform the court about his medical condition. After hearing Respondent's explanation, the court sanctioned Respondent $944, payable to opposing counsel Scott Lyon and continued the trial date to March 21, 2016.

On December 14, 2015, the court issued its sanctions order requiring Respondent to pay the sanctions within 10 days of the date of the order. Respondent was served with, and received, the superior court's sanctions order, which required payment no later than December 24, 2015. Respondent did not pay the $944 in sanctions until December 27, 2016, a full year and three days after they were due.

On March 21, 2016, the superior court held a status conference. The court set a settlement conference for September 30, 2016, and set a jury trial for October 17, 2016. Respondent was properly served with, and received, a copy of the minute order.

On September 30, 2016, Respondent's office notified the superior court that he was ill and was unable to attend the settlement conference. On the same date, the court issued an order confirming that the trial would begin on October 17, 2016.

On October 17, 2016, Respondent failed to appear for the pretrial conference and for trial. That day, the court issued an OSC why monetary sanctions should not be imposed for Respondent's failure to appear at the pretrial conference and set the OSC hearing for November 18, 2016. Respondent was properly served with, and he received, notice of the order to show cause hearing set for November 18, 2016.

On November 18, 2016, the court imposed monetary sanctions against Respondent in the amount of $400 and ordered Respondent to pay the sanctions immediately. The *Russo* trial was

reset to commence on April 17, 2017. The November 18, 2016 sanctions order was properly served on Respondent, and he received the order.

On December 27, 2016, Respondent paid opposing counsel the $944 in sanctions that the superior court ordered on December 14, 2015, and he also paid the $400 in sanctions as ordered on November 18, 2016.

By April 12, 2017, the attorney-client relationship between Respondent and Russo had deteriorated to the point that Russo would not speak to Respondent. Respondent knew he would have to terminate his representaton of Russo, who he also represented in a second matter. Respondent was aware that Russo had a severe reading impairment due to dyslexia so he would sometimes communicate with Russo by forwarding emails to Russo's friend, K.E. After informing Russo that he was forwarding a substitution of counsel form to K.E. for Russo's signature, on April 13, 2017, Respondent emailed a partially completed substitituon of counsel form to K.E. Russo neither signed nor filed the substitution of counsel form as Respondent expected. In addition, Russo did not return the substiution of counsel form to Respondent or his office.

Before the April 17, 2017 trial date, the superior court sent an e-mail to both Respondent and opposing counsel regarding their failure to comply with the court's trial management orders. Respondent advised the court that he was substituting out of the case. Respondent also informed the court that the parties were working on a settlement and that he was not going to appear at trial. On April 15, 2017, Respondent flew to Mexico for a scheduled vacation.

On April 17, 2017, Respondent failed to appear at trial and failed to file a substitution of counsel. However, Russo was in attendance and he informed the superior court that he did not have a substitution of counsel form to file and that he was not able to represent himself. Russo expected Respondent to appear at trial or to send another attorney in his place. The superior

court issued an OSC why monetary sanctions should not be imposed against Respondent for failing to appear at trial and for failing to file a substitution of attorney. The court set an OSC hearing for May 19, 2017. Respondent was properly served with, and received, the court's order setting the OSC for May 19, 2017.

On May 19, 2017, when Respondent appeared for the OSC, Russo refused to execute a substitution of counsel form because, as Russo stated to this court, "he wanted to make things as difficult as possible for Respondent." The superior court ordered Respondent to file a motion to be relieved as counsel of record no later than May 26, 2017. The OSC order regarding the imposition of monetary sanctions filed April 17, 2017, (with a May 19, 2017 hearing date) was continued to June 16, 2017.

On May 31, 2017, Respondent filed his motion to be relieved as counsel of record, but the motion did not comply with the superior court's local rules. On June 16, 2017, the court found that Respondent had not timely filed his motion to be relieved as counsel of record and failed to use the judicial council form. The court continued the April 17, 2017 OSC hearing to July 21, 2017. The trial was continued to August 25, 2017.

On July 6, 2017, Respondent filed a second motion to be relieved as counsel of record utilizing a judicial council form. Respondent was properly served with the Court's July 21, 2017 order, which Respondent received. As to the second motion to be relieved as counsel, the court ruled that Respondent's motion was again defective for several reasons, including Respondent's failure to serve a proof of service. The April 17, 2017 OSC and motion to be relieved as counsel hearings were continued to August 25, 2017.

On August 3, 2017, Respondent filed his third motion to be relieved as counsel of record. This motion was granted on August 25, 2017, and the superior court discharged the April 17, 2017 OSC.

Conclusions

Count One - (§ 6103 [Failure to Obey a Court Order])[3]

OCTC charged Respondent with willfully violating section 6103 by failing to comply with the superior court's August 21, 2015 order to appear at a mandatory settlement conference on November 20, 2015 in the *Russo* matter. To establish a violation of section 6103, OCTC must prove by clear and convincing evidence that the attorney willfully disobeyed a court order and that the order required the attorney to do or forbear an act in the course of his profession "which he ought in good faith to have done or not done." (*In the Matter of Respondent X* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 592, 603.) In addition, the attorney must have knowledge of the court order. (See *In the Matter of Hindin* (Review Dept. 1997) 3 Cal. State Bar Ct. Rptr. 657, 666 [Review Department adopted hearing judge's finding that attorney's failure to obey court order did not violate section 6103 because attorney did not receive notice of the order in time to comply with it]; *In the Matter of Respondent Y* (Review Dept. 1998) 3 Cal. State Bar Ct. Rptr. 862, 867-868 [Review Department agreed with hearing judge that, because attorney clearly knew of the relevant court order, the only issue regarding the charged violation of section 6103 was whether attorney had a reasonable time to comply with the order].)

Respondent received notice of the superior court's August 21, 2015 order directing him to appear at a November 20, 2015 mandatory settlement conference, but Respondent did not attend. Thus, Respondent is culpable of willfully violating section 6103.

Count Two - (§ 6103 [Failure to Obey a Court Order])

In Count Two, OCTC charged Respondent with willfully violating section 6103 by failing to comply with the superior court's December 14, 2015 order to pay $944 in sanctions

[3] Section 6103 provides, in pertinent part, that a willful disobedience or violation of a court order requiring an attorney to do or forbear an act connected with or in the course of the attorney's profession, which an attorney ought in good faith to do or forbear, constitutes cause for suspension or disbarment.

within 10 days in the *Russo* case. Respondent stipulated that although he was served with the order and understood it, he paid the $944 sanctions order on December 27, 2016, over a year after the order was issued. Respondent is culpable of willfully violating section 6103.

Count Three - (§ 6103 [Failure to Obey a Court Order])

In Count Three, OCTC charged Respondent with willfully violating section 6103 by failing to comply with the court's September 30, 2016 trial setting order when Respondent failed to appear for trial on October 17, 2016. Respondent contends that he failed to appear due to illness, but he offered no evidence of his medical condition or that he was ill on the date that he failed to appear. Respondent received and understood the order to appear at trial, but he failed to do so. Thus, Respondent is culpable of willfully violating section 6103 as alleged.

Count Four - (§ 6103 [Failure to Obey a Court Order])

OCTC charged Respondent with willfully violating section 6103 by failing to comply with the superior court's November 18, 2016 sanctions order. Respondent received notice of the court's order to pay $400 in sanctions forthwith and to appear at trial on April 17, 2017. Respondent failed to pay the sanctions for over a month, and he did not appear at trial as ordered. As such, Respondent is culpable of willfully violating section 6103.

Count Five - (§ 6103 [Failure to Obey a Court Order])

In Count Five, Respondent is charged with willfully violating section 6103 by failing to comply with the superior court's May 19, 2017 order for Respondent to file a motion to be relieved as counsel of record by May 26, 2017. Respondent appeared in court on May 19, 2017, when the court ordered him to file the motion to be relieved as counsel of record by May 26, 2017. Respondent stipulated that he filed his motion to be relieved as counsel on May 31, 2017. Thus, the court finds clear and convincing evidence that Respondent is culpable of willfully violating section 6103.

Count Six - (Rule 3-700(A)(2) [Improper Withdrawal from Employment])

The Amended NDC alleged that Respondent willfully violated rule 3-700(A)(2) by constructively terminating his employment after April 12, 2017, without taking reasonable steps to avoid reasonably foreseeable prejudice to Russo. Rule 3-700(A)(2) prohibits an attorney from withdrawing from employment until the attorney has taken reasonable steps to avoid reasonably foreseeable prejudice to the client's rights, including giving due notice to the client, allowing time for the employment of other counsel, and complying with rule 3-700(D) and other applicable rules and laws. The duty to take reasonable steps to avoid foreseeable prejudice to the rights of the client when an attorney withdraws from employment continues until the court grants leave to withdraw and applies whether or not prejudice actually occurs. (*In the Matter of Wolff* (Review Dept. 2006) 5 Cal. State Bar Ct. Rptr. 1, 12.)

The evidence demonstrates that Respondent willfully violated rule 3-700(A)(2). The attorney-client relationship between Respondent and Russo deteriorated by April 12, 2017, and although Respondent intended to withdraw, Respondent's duty to avoid reasonable prejudice to Russo remained. Respondent did not give Russo adequate notice of his intent to withdraw. It was unreasonable for Respondent to attempt to withdraw by emailing the substitution of counsel form to a third party, K.E.; expecting her to read and give the substitution to Russo; and then expecting Russo, who was disgruntled, to file the substitution of counsel form with the court. Moreover, instead of representing Russo at trial on April 17, 2017, Respondent abandoned his client and went on vacation. Although he emailed the court that he was substituting out of the case, Respondent knew that he had not filed a substitution of counsel form prior to trial and had not been relieved as counsel. Thus, Respondent willfully violated rule 3-700(A)(2).

Aggravation[4]

The State Bar bears the burden of proving aggravating circumstances by clear and convincing evidence. (Std. 1.5.) The court finds the following with regard to aggravating circumstances.

Prior Record of Discipline (Std. 1.5(a).)

Respondent has four prior records of discipline.

Anderson I

On January 26, 1983, Respondent received a private reproval for misconduct in a single client matter. Respondent's misconduct arose from his representation of a client in a construction dispute in 1977. After Respondent performed initial services and conducted legal research, he abandoned his client. Respondent stipulated that he failed to perform with competence and that he failed to communicate. The aggravating factors were Respondent's failure to respond to a local bar association client relations committee inquiry and his failure to promptly respond to the State Bar's initial inquiries about the disciplinary investigation. Respondent received mitigating credit for agreeing to refund the attorney's fees he received from his client and that he offered to prove that he improved his office procedures.

Anderson II

On August 8, 1984, Respondent received a public reproval for misconduct in a single client matter. In 1979, Respondent began representing clients in a debt collection action. Again, Respondent performed initial services and conducted research, but then he abandoned his clients. Respondent stipulated that he was culpable of failing to perform with competence, failing to communicate, improperly withdrawing from employment and that he violated his oath and duties as an attorney. *Anderson I* was an aggravating factor. Respondent's attempts to assist his clients

[4] All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

by offering them information about the individual who owed them money and Respondent's change in office practices were mitigating factors.

Anderson III

On May 19, 1993, the Supreme Court filed an order suspending Respondent from the practice of law for one year, execution stayed, and placed him on probation for three years, subject to conditions including a 60-day actual suspension. Respondent's discipline was based on four convictions – speeding in 1979[5] and driving under the influence in 1983 (two counts), 1985 and 1989. Respondent's prior discipline record was an aggravating factor, but his efforts toward overcoming an alcohol addiction was a mitigating circumstance.

Anderson IV

On September 28, 2017, the Supreme Court filed an order suspending Respondent from the practice of law for three years, execution stayed, and placed him on probation for three years, subject to conditions including a two-year actual suspension and until he complied with standard 1.2(c)(1). In *Anderson IV*, Respondent was disciplined for misconduct in two client matters. In the first matter, Respondent was hired to represent a client regarding a conservatorship issue. Before Respondent performed any legal services in the matter, his client's conservator requested a refund. Respondent stipulated that he failed to promptly refund unearned fees upon Respondent's termination of employment, and he failed to render an accounting to his client or to his client's conservator. Respondent's misconduct was aggravated by his prior discipline record and multiple acts of misconduct but mitigated by good character and his stipulation to facts and culpability. Respondent's misconduct took place in October 2016.

In the second client matter, Respondent was hired in May 2015 to represent a client concerning the client's will and trust. After meeting with his client to discuss her trust matter

[5] Respondent was arrested and charged with driving under the influence, but he pleaded guilty to speeding.

and performing preliminary legal services, Respondent abandoned his client. Respondent stipulated that he failed to: 1) perform legal services with competence; 2) respond to reasonable status inquiries; 3) release his client's file upon request; 4) promptly refund unearned fees; and 5) render an appropriate accounting. Respondent's misconduct occurred between May 2015 and October 2016.

Respondent's prior misconduct is a significant aggravating factor. While not a pattern, Respondent's past misconduct involves repeated client abandonment. Moreover, his misconduct in *Anderson II* is similar to his wrongdoing in the current matter; both involving the improper withdrawal from employment. The court is mindful that the aggravating force of prior discipline is generally diminished if the misconduct occurred during the same time period as the current misconduct. (*In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602, 619.) Here, most of the misconduct in the present matter overlapped with the misconduct in *Anderson IV*, but the principle in S*klar* does not apply under the current circumstances because Respondent committed half of his current misconduct either after the NDC was filed or after he signed the stipulation in *Anderson IV*.

Multiple Acts (Std. 1.5(b).)

Respondent did not comply with five court orders and he improperly withdrew from representation. He did not appear at two hearings and failed to timely pay the sanctions that were imposed for repeatedly failing to appear as ordered. In addition, Respondent failed to timely file a motion to be relieved as counsel of record. Although Respondent's ethical violations involved a single case, Respondent's violations of court orders were repeated, varied in scope, and he improperly withdrew from Russo's representation. As such, the court affords significant weight to Respondent's multiple acts of misconduct.

Vulnerable Victim (Std. 1.5(n).)

Respondent's misconduct involved a highly vulnerable victim. Russo had such a severe form of dyslexia that he was unable to read or write. Respondent knew that Russo had a severe reading impairment, yet he relied on Russo's friend to read and explain the substitution of attorney form to him and expected Russo to file the form with the superior court. The court assigns moderate weight to this aggravating factor because although Russo was vulnerable, no significant harm was caused.

Mitigation

It is Respondent's burden to prove mitigating circumstances by clear and convincing evidence. (Std. 1.6.) The court finds the following with regard to mitigating circumstances.

Candor/Cooperation to Victims/State Bar (Std. 1.6(e).)

Respondent demonstrated cooperation with the State Bar by entering into a stipulation as to facts and admission of documents. The stipulated facts established Respondent's culpability; thus, his cooperation is a significant mitigating factor. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [mitigation credit given for entering into stipulation as to facts and culpability].)

Good Character (Std. 1.6(f).)

Respondent presented good character testimony from five individuals, including two attorneys,[6] a real estate agent and golf buddy, a software engineer who is a former client, and a nurse who is a former client. Respondent was described as an honest attorney with integrity who is dedicated to his clients. All of his former clients indicated that Respondent is a skilled lawyer who competently handled their cases. Respondent is only entitled to moderate mitigation credit,

[6] Serious consideration is given to the testimony of attorneys because they have a "strong interest in maintaining the honest administration of justice." (*In the Matter of Brown* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 309, 319.)

however, as most of his witnesses did not know the full nature or extent of his misconduct in this matter, and some of them did not know that Respondent had four prior discipline records and were unaware of the extent of Respondent's prior misconduct.

Overall, Respondent's mitigating circumstances do not outweigh the aggravating factors.

Discussion

The purpose of attorney discipline is not to punish the attorney, but to protect the public, the courts, and the legal profession; to preserve public confidence in the profession; and to maintain high professional standards for attorneys. (Std. 1.1.) In determining the 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.) While they are guidelines for discipline and are not mandatory, they are given great weight to promote consistency. (*In re Silverton* (2005) 36 Cal.4th 81, 91-92.) Moreover, the Supreme Court has instructed that the standards should be followed "whenever possible." (*In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.)

Respondent disobeyed five superior court orders; thus, standard 2.12(a) is applicable to Respondent's misconduct. The standard provides that the presumed sanction for "disobedience or violation of a court order related to the . . . practice of law" is disbarment or actual suspension. (Std. 2.12(a).)

Since Respondent has four prior records of discipline, the court must also consider standard 1.8(b). Standard 1.8(b) provides that, if an attorney has two or more prior records of discipline, disbarment is appropriate if: (1) an actual suspension was ordered in any of the prior matters; (2) the prior and current matters demonstrate a pattern of misconduct; or (3) the prior and current matters demonstrate an unwillingness or inability to conform to ethical responsibilities. Respondent's case meets at least two of these criteria. In *Anderson III*,

Respondent was actually suspended for 60 days, and in *Anderson IV*, he was actually suspended for two years and until he complied with standard 1.2(c)(1). Additionally, Respondent failed to obey a court order 15 days after he signed the stipulation in *Anderson IV*. This demonstrates his inability or unwillingness to conform to ethical responsibilities.[7]

The court is mindful that disbarment is not mandatory in every case of two or more prior disciplines, even where compelling mitigating circumstances do not clearly predominate. (*Conroy v. State Bar* (1991) 53 Cal.3d 495, 506-507 [disbarment is not mandatory in every case of two or more prior disciplines, even where no compelling mitigating circumstances clearly predominate].) But, Respondent has provided no reason for this court to depart from the standards. (See *Blair v. State Bar* (1989) 49 Cal.3d 762, 776 [if the court deviates from the presumptive discipline, the court must explain the reasons for doing so].)

Disbarment is the appropriate sanction in this matter. Respondent is culpable of violating five court orders, which is serious misconduct. "Other than outright deceit, it is difficult to imagine conduct in the course of legal representation more unbefitting an attorney." (*Barnum v. State Bar* (1990) 52 Cal.3d 104, 112.) Respondent has been involved with the disciplinary system three times before, and it is particularly troubling that Respondent committed wrongdoing in this matter just 15 days after he signed the stipulation in *Anderson IV*. Disbarment is both necessary and appropriate since Respondent's current violations, when considered with his prior misconduct, evidences a continuing disregard for his ethical responsibilities. The court has determined that the risk of recurrence of professional misconduct is high and therefore, the court concludes that Respondent is not a good candidate for further

[7] Section 1.8(b) provides for a departure from the presumptive discipline of disbarment, where "the most compelling mitigating circumstances clearly predominate or the misconduct underlying the prior discipline occurred during the same time period as the current misconduct." The exceptions do not apply to this case because the significant aggravating factors outweigh Respondent's mitigation, and the prior and current misconduct did not occur during same time period.

suspension and probation. Moreover, the court can find no reason to depart from the presumed discipline of disbarment as outlined in standards 1.8(b) and 2.12(a). This disbarment recommendation is necessary to ensure adequate protection of the public, the profession, and the administration of justice, and is supported by the standards and the decisional law.[8]

RECOMMENDATIONS

Discipline - Disbarment

It is recommended that Ernest Linford Anderson, State Bar Number 44784, be disbarred from the practice of law in California and that his name be stricken from the roll of attorneys.

California Rules of Court, Rule 9.20

It is further recommended that Respondent be ordered to comply with the requirements of 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 days, respectively, after the effective date of the Supreme Court order imposing discipline in this matter.[9]

Costs

It is further recommended 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

---

[8] *Arden v. State Bar* (1987) 43 Cal.3d 713, 728 (disbarment imposed on attorney with three priors that indicated unwillingness to conform conduct to ethical strictures); and *In the Matter of Hunter* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 63, 80 (disbarment recommended where attorney had two priors and was unable to conform conduct to ethical norms).

[9] For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c) affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to subdivision (c) of section 6086.10, costs assessed against an attorney who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.

Order of Involuntary Inactive Enrollment

In accordance with Business and Professions Code, section 6007(c)(4), it is ordered that Ernest Linford Anderson, State Bar Number 44784, be involuntarily enrolled as an inactive attorney of the State Bar of California, effective three calendar days after service of this decision and order by mail. (Rules of Proc. of State Bar, rule 5.111(D)(1).[10] Respondent's inactive enrollment will terminate upon (1) the effective date of the Supreme Court's order imposing discipline; (2) as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar, or (3) as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Dated: March 4, 2019

YVETTE D. ROLAND
Judge of the State Bar Court

[10] An inactive attorney 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.)

CERTIFICATE OF SERVICE

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

I am a Court Specialist 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 5, 2019, I deposited a true copy of the following document(s):

DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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:

ERNEST LINFORD ANDERSON
LAW OFFICES OF ERNEST L. ANDERSON
22693 HESPERIAN BLVD STE 210
HAYWARD, CA 94541-7046

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

MARIA J. OROPEZA, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 5, 2019.

Angela Carpenter
Court Specialist
State Bar Court