

FILED *YJC*
AUG 23 2012

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES **PUBLIC MATTER**

In the Matter of)	Case Nos.:11-O-14891
)	
ENID BALLANTYNE)	DECISION INCLUDING DISBARMENT
)	RECOMMENDATION AND
Member No. 84279)	INVOLUNTARY INACTIVE
)	ENROLLMENT ORDER
<u>A Member of the State Bar.</u>)	

INTRODUCTION

Respondent **Enid Ballantyne** (Respondent) is charged here with willfully violating:

(1) rule 4-100(A) of the Rules of Professional Conduct¹ [failure to deposit client funds in trust account]; (2) section 6106 of the Business and Professions Code² [moral turpitude-misappropriation]; (3) rule 4-100(B)(3) [failure to render accounting of client funds]; and (4) rule 4-100(B)(4) [failure to pay client funds promptly]. The evidence is undisputed that Respondent by November 2007 had misappropriated more than \$14,000 of funds entrusted by a client to her for safekeeping in her client trust account and that Respondent has yet to repay more than \$11,000 of those funds. In view of Respondent's misconduct and the aggravating factors, the court recommends, *inter alia*, that Respondent be disbarred from the practice of law.

¹ Unless otherwise noted, all future references to rule(s) will be to the Rules of Professional Conduct.

² Unless otherwise noted, all future references to section(s) will be to the Business and Professions Code.



PERTINENT PROCEDURAL HISTORY

The Notice of Disciplinary Charges (NDC) was filed in this matter by the State Bar of California on April 18, 2012. On May 29, 2012, Respondent filed her response to the NDC, denying any culpability in the matter and denying most of the factual allegations of the NDC. On May 29, 2012, an initial status conference was held in the matter at which time the case was scheduled to commence trial on August 15, 2012, with a one-day trial estimate.

Trial was commenced as scheduled and completed on August 20, 2012. The State Bar was represented at trial by Deputy Trial Counsel Mia Ellis. Respondent acted as counsel for herself.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The following findings of fact are based on a stipulation of facts filed by the parties and on the documentary and testimonial evidence admitted at trial.

Jurisdiction

Respondent was admitted to the practice of law in California on November 29, 1978, and has been a member of the State Bar at all relevant times.

Case No. 11-O-14891

In or about 2005, Joyce Mitchell ("Mitchell") employed Respondent to represent her in various legal matters. In June of 2006, Mitchell inherited \$259,000. Mitchell and Respondent then discussed what Mitchell should do with the money, with Respondent initially recommending that Mitchell invest it in a Schwab account. In response, Mitchell stated that she felt unable to do that because she owed money to the IRS. As a result, Mitchell wanted to have the funds held by Respondent in Respondent's client trust account (CTA). After telling Mitchell that Mitchell would not earn interest on the deposited funds and advising her of the potential

criminal consequences of not filing federal tax returns, Respondent agreed to hold the \$259,000 in Respondent's CTA.

On or about June 22, 2006, the \$259,000 was deposited in Respondent's CTA on behalf of Mitchell. Respondent and Mitchell agreed that Respondent would obtain Mitchell's consent to disburse any of the funds. In a written agreement signed by both parties on June 22, 2006, Respondent also agreed to "disburse funds to Ms. Mitchell when asked" and to "account for the funds every three months starting September 1, 2006." (Exh. A.)

In 2007 Respondent was diagnosed with breast cancer and was unable to work until March 2008. During that time she underwent both chemotherapy and radiation therapy and was often heavily medicated. Because Respondent was not able to work, she soon encountered financial difficulties. At some point during this illness, she began taking Mitchell's money from the CTA to cover Respondent's own expenses.

Respondent testified in this proceeding that she asked Mitchell sometime during 2007 whether she could "borrow" up to \$10,000 of Mitchell's funds in the CTA and that Mitchell agreed that she could. That testimony, however, was not credible. There is no paperwork documenting this claimed agreement, there was no apparent agreement or deadline for the funds to be repaid, and there was no apparent obligation of Respondent to pay interest on the funds. Further, Respondent testified at trial that she was aware in 2007 that the requirements of Rule 3-300 would have needed to be satisfied in order to go forward with obtaining a loan from Mitchell and that she made no effort to satisfy those requirements.

More significantly, Respondent agreed at trial that she ultimately used more than \$10,000 of Mitchell's money for her own purposes and that she did so without Mitchell's approval. In a very terse accounting provided by Respondent to Mitchell for the month of November 2007, Respondent wrote that Mitchell was owed \$22,425 on November 9, 2007; that payments totaling

\$8,000 had been made to Mitchell during the remaining portion of that month; and that the balance still owed to Mitchell by Respondent at the end of November was \$14,425. (Exh. 15.)

On July 15, 2008, Mitchell's new attorney, Ron Lane (Lane), sent a letter to Respondent on Mitchell's behalf, inquiring about the funds that Respondent had withdrawn from the trust account, requesting an accounting, and asking about Respondent's "plans on restoring the funds." (Exh. 6.) When Respondent did not respond to the letter, Lane sent another letter on August 13, 2008, again requesting an accounting. Respondent did not respond to this letter either.

On or about January 23, 2009, Respondent sent Mitchell a letter acknowledging that she had made a mistake and needed to repay Mitchell. In this letter, Respondent indicated that her health was again good, reported that she was back at work full-time, and promised to start making monthly payments of \$500 to Mitchell as soon as Respondent had made the last of five payments owed to the IRS.

Approximately seven months later, on August 21, 2009, Lane sent Respondent another letter demanding an accounting. In the letter Lane noted that Respondent had "now paid \$300 to [Mitchell] in two separate checks." (Exh. 9.) The balance in Respondent's CTA on that date was \$81.48. (Exh. 16, p. 309.)

On or about August 24, 2009, Respondent sent a reply letter to Lane. (Exh. 10.) In the letter, Respondent acknowledged that she owed Mitchell money and promised to repay her:

I appreciate the fact that Miss Mitchell wants to be repaid the money I owe her. I have no problem repaying her, but it will take time. Two years ago I almost died, and when I returned to work my savings were exhausted and my practice was moribund.

I am working very hard to rebuild my practice, but the economy is such that people who need lawyers cannot always afford to pay them so it's a slow time.

I will not in any way try to dissuade Miss Mitchell from reporting me to the State Bar; that is her right. I will, however, point out that if I

lose my license to practice law I will also lose my ability to repay her. I have no other assets but my law practice and a heavily mortgaged house.

I have been completely candid with her and with you. I reported to her my errors and promised immediately to repay her. I will continue to make payments to her.

Lastly I am enclosing the accounting that I had previously sent to Miss Mitchell. The last page shows the amount I owed her on 11/9/07 and three subsequent payments to her of \$8,000.00. This does not show the two recent payments I made to her.

The accounting enclosed with this August 24, 2009 letter consisted of four pages and was dated March 14, 2008. (Exh. 14, pp. 3-6.) This purported accounting is a nonsensical document that completely fails to provide anything close to an accurate accounting whatsoever of Respondent's handling of the Mitchell funds deposited in Respondent's CTA. Instead, the accounting shows a balance in the CTA in February 2005 of \$293,587.18, which was before the inherited funds had even been deposited into the account. It then reports no transactions in the CTA between February 2005 and July 2006, and makes no mention of the deposit of the \$259,000 into the account on June 22, 2006.³ The accounting indicates that the balance of the CTA account at the end of July 2006 was \$292,887.18. According to the bank statements it was \$256,708.62, an overstatement in the account of \$36,178.56. The accounting also provides a listing of purported disbursements of Mitchell's funds, but fails to specify the dollar amount of each of those disbursements. The check numbers listed for the disbursements bear no resemblance to the checks and reports of disbursements contained in the actual bank statements for the account. Finally, the last account balance provided in this accounting, said to be the balance of the CTA on November 30, 2007, was \$24,506.06. This is a different account balance than that which Respondent had previously provided to Mitchell in her earlier one-page accounting. (see Exhibit 15, described above). More significantly, the actual bank statements

³ While the purported accounting seems to indicate that there was \$293,587 in the CTA account, which then remained in the account until the end of July 2006 (minus only a reported disbursement of \$435), the actual bank statement reveals that the balance of the CTA at the beginning of June 2006 (before the deposit of \$259,000) was **\$348.62**. (Exh. 16, p. 239.)

for Respondent's CTA reveal that the balance of the CTA on November 30, 2007, was actually \$4,919.98. (Exh. 16, pp. 274-275.)

At trial, Respondent said that the above accounting was not limited to Mitchell's funds but instead included money of other clients that was deposited in her CTA. However, when Respondent was asked at trial how Ms. Mitchell would have been able to tell from this accounting how much money was owed to her, Respondent stated that she would not have been able to do so.

On or about October 15, 2009, Respondent sent Mitchell another letter. In that letter Respondent stated that she had paid Mitchell \$900 of the \$14,425 that Respondent had previously acknowledged was owed Mitchell. Using that payment to reduce her indebtedness, Respondent then represented to Mitchell in her letter that she then only owed Mitchell "\$13,225." (Exh. 11.) The parties have stipulated that the correct amount of the indebtedness on October 15, 2009, was \$13,525. On that same date, the actual balance in Respondent's CTA, according to the bank statement, was \$565.07.

Since October 2009, Respondent has repaid an additional \$1,800 to Mitchell, the last payment occurring on September 29, 2010. Hence the balance of funds owed to Mitchell, on that date and still, is \$11,725.

On February 24, 2011, attorney Jeanne Karaffa, who had been hired by Mitchell to handle various other matters for Mitchell, wrote a letter to Respondent demanding that Mitchell's funds be returned. When Respondent failed to respond to the letter, Karaffa recommended to Mitchell that she file a complaint with the State Bar. On April 7, 2011, the account balance of Respondent's CTA was \$17.87.

Count 1 – Rule 4-100(A) [Failure to Maintain Client Funds in Trust Account]

Rule 4-100(A) requires that “funds received or held for the benefit of clients” shall be deposited and maintained in a client trust account. It is well-established that “an attorney has a ‘personal obligation of reasonable care to comply with the critically important rules for the safekeeping and disposition of client funds.’ [Citation.] These duties are non-delegable. [Citation.]” (*In the Matter of Blum* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 403, 411.) Under this non-delegable duty, an attorney must maintain client funds in the client trust account until outstanding balances are settled. (*In the Matter of Bleecker* (Review Dept. 1990) 1 Cal State Bar Ct. Rptr. 113, 123.)

Respondent has acknowledged taking funds out of her client trust fund to use for her own purposes without any authority from Mitchell to do so. That fact, coupled with the fact that the balance of Respondent’s CTA has fallen and remained below the amount required to be held in trust for Ms. Mitchell, supports a finding of willful misappropriation in violation of rule 4-100(A). (*Palomo v. State Bar* (1984) 36 Cal.3d 785, 795-796.)

Count 2 – Section 6106 [Moral Turpitude – Misappropriation]

Section 6106 of the Business and Professions Code prohibits an attorney from engaging in conduct involving moral turpitude, dishonesty or corruption. “[A]n attorney’s failure to use entrusted funds for the purpose for which they were entrusted constitutes misappropriation. [Citation.]” (*Baca v. State Bar* (1990) 52 Cal.3d 294, 304.)

The NDC charges that Respondent misappropriated \$12,959.93 of funds belonging to Mitchell. The evidence is clear and convincing that Respondent misappropriated at least that amount. As previously noted, Respondent has acknowledged that she intentionally withdrew Mitchell’s funds from her client trust account without Mitchell’s knowledge or permission and

that she then used those funds for her own purposes. She has also acknowledged owing Mitchell \$22,000 in November 2007.

Respondent's conduct constitutes a willful and intentional act of moral turpitude, in violation of section 6106.

Count 3 – Rule 4-100(B)(3) [Failure to Render Accounts of Client Funds]

Rule 4-100(B)(3) requires a member to “maintain complete records of all funds, securities, and other properties of a client coming into the possession of the member or law firm and render appropriate accounts to the client regarding them[.]”

Respondent was repeatedly requested to provide an accounting to Mitchell of the funds that had been deposited for safekeeping in Respondent's CTA. On most occasions, she chose to ignore these requests. On the one occasion where she purported to provide a full accounting, it was a sham.

Respondent's ongoing failure to provide an accounting to her client constituted an ongoing and willful violation of her duties under rule 4-100(B)(3). (See also *In the Matter of Brockway* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 944, 952 [culpability established for failure to account despite lack of formal demand for accounting].)

Count 4 – Rule 4-100(B)(4) [Failure to Pay Client Funds Promptly]

Rule 4-100(B)(4) of the Rules of Professional Conduct requires attorneys to “[p]romptly pay or deliver, as requested by the client, any funds, securities, or other properties in the possession of the member which the client is entitled to receive.”

Respondent failed to repay to Mitchell the funds that had been entrusted to Respondent and that Mitchell was entitled to receive. Respondent continues to owe Mitchell more than

\$11,000. This failure clearly violated rule 4-100(B)(4). (*In the Matter of Hagen* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 153, 170 [two-month delay violated rule].)⁴

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. 1.2(b).)⁵ The court makes the following findings with regard to possible aggravating factors.

Multiple Acts of Misconduct

Respondent's multiple acts of misconduct are an aggravating factor. (Std. 1.2(b)(ii).) In addition to violating several different professional obligations, as noted above, Respondent described her misappropriation of Mitchell's funds as occurring over time. Each time that Respondent elected to dip inappropriately into her client's money constituted a separate act of misconduct.

Significant Harm

Respondent's misconduct significantly harmed her client. (Std. 1.2(b)(iv).) She continues to owe Mitchell more than \$11,000. Moreover, Mitchell has used at least two separate attorneys to seek to obtain an accounting and/or the return of her funds.

Dishonesty

In addition to the dishonesty inherent in Respondent's decision to misappropriate the money of her client, there was additional dishonesty associated with her activities. In the first instance, Respondent freely testified at trial that the reason why she was even holding the funds was because her client wanted to conceal them from the IRS by having Respondent deposit them

⁴ Once again, because of the overlap between the conduct underlying this violation and the violation of section 6106, no significant additional weight will be given to this violation, other than in treating the resulting harm as an aggravating factor.

⁵ All further references to standard(s) or std. are to this source.

in Respondent's CTA. This is an inappropriate use of a client trust account and Respondent's knowing agreement to participate in this scheme was a violation of her professional responsibilities. (See, e.g., *Coppock v. State Bar* (1988) 44 Cal.3d 665; *Townsend v. State Bar* (1948) 32 Cal.2d 592; and *In the Matter of Bleecker*, supra, 1 Cal. State Bar Ct. Rptr. 113, 125;)

Further, as noted above, in response to the demands for an accounting, Respondent provided a purported accounting that was a complete fabrication. It neither disclosed the true amount of money held in Respondent's client trust account nor gave an honest report of what had happened to the funds. This effort by Respondent to conceal the magnitude of her misconduct is an aggravating factor.

Mitigating Circumstances

Respondent bears the burden of proving mitigating circumstances by clear and convincing evidence. (Standard 1.2(e).) The court makes the following findings with regard to possible aggravating factors.

No Prior Discipline

Respondent was admitted to practice in 1978 and has never been previously disciplined. That record is considered by this court to be a mitigating factor. (*In the Matter of Stamper* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 96, 106, fn. 13.) However, the weight to be given to that fact is reduced greatly by the fact that the misconduct here is serious. (Std. 1.2(e)(i); *In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32, 44; *In the Matter of Riley* (Review Dept. 1994) 3 Cal. State Bar Ct. Rptr. 91, 116.)

Cooperation

Respondent did not admit culpability in the matter but entered into an extensive stipulation of facts, thereby assisting the State Bar in the prosecution of the case. For such conduct Respondent is entitled to some mitigation. (Std. 1.2(e)(v); see also *In the Matter of*

Riordan (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, 50; see, however, *In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190 [credit for stipulating to facts is “very limited” where culpability is denied].)

Restitution/Acknowledgement of Misuse of Funds

Although Respondent misappropriated the funds of her client for her personal use, she acknowledged that fact to her client and repaid some of the funds prior to any complaint to the State Bar or the initiation of these disciplinary proceedings. For that, she is entitled to some mitigating credit. (*In the Matter of Mapps* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 1, 13 *Lawhorn v. State Bar* (1987) 43 Cal.3d 1357, 1366-1367; *Waysman v. State Bar* (1986) 41 Cal.3d 452.) The weight of that mitigation credit, however, is impaired by Respondent’s inappropriate response to the client’s subsequent request for a full accounting of the extent of the misappropriation and her failure to make full restitution to date.

Physical/Emotional/Medical Problems

Extreme emotional difficulties or physical disabilities may be considered mitigating where it is established by expert testimony that they were “directly responsible” for the attorney’s misconduct. (Std. 1.2(e)(iv); *In the Matter of Frazier* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 676, 701-702.) In addition, it must be established that the attorney no longer suffers from such difficulties or disabilities.

Respondent testified in passing that her misconduct resulted during the time that she was dealing with the problems related to her breast cancer and while she was taking various unspecified drugs/medications for her condition. She also alluded to emotional problems that she has suffered since that time. However, there was no expert testimony, or other convincing evidence, showing the required nexus between Respondent’s claimed physical and emotional problems and her misconduct. Nor was there sufficient evidence for this court to conclude that

the emotional or physical problems suffered by Respondent in the past have now been satisfactorily resolved. To the contrary, Respondent described during her testimony the recurrence of various physical/emotional problems on three separate occasions during the current year. On that record, no mitigation credit can be given for Respondent's prior medical, physical, or emotional problems.

DISCUSSION

The purpose of State Bar disciplinary proceedings is not to punish the attorney but to protect the public, the courts, and the legal profession; to maintain the highest possible professional standards for attorneys; and to preserve public confidence in the legal profession. (Std. 1.3; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate level of discipline, this court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1095, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) The court then looks to the decisional law. (*Snyder v. State Bar* (1990) 49 Cal.3d 1302, 1310-1311; *In the Matter of Taylor* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 563, 580.) As the Review Department noted more than 18 years ago in *In the Matter of Bouyer* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 404, 419, even though the standards are not to be applied in a talismanic fashion, they are to be followed unless there is a compelling reason that justifies not doing so. (Accord, *In re Silvertown* (2005) 36 Cal.4th 81, 91; *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291.) 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.)

The State Bar contends that disbarment of Respondent is called for by both the case law and the standards and that such is necessary to protect both the public and the profession. This court agrees.

Standard 1.6(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. In the present proceeding, the most severe sanction for Respondent's misconduct is found in standard 2.2(a) which recommends disbarment for willful misappropriation of entrusted funds unless the amount misappropriated is insignificantly small or the most compelling mitigating circumstances clearly predominate. The amount of funds misappropriated here is not insignificantly small and the mitigating circumstances do not predominate.

Turning to the case law, misappropriation of client funds has long been viewed by the courts as a particularly serious ethical violation. Misappropriation breaches the high duty of loyalty owed to the client, violates basic notions of honesty, and endangers public confidence in the profession. (*McKnight v. State Bar* (1991) 53 Cal.3d 1025, 1035; *Kelly v. State Bar* (1988) 45 Cal.3d 649, 656.)

The Supreme Court has consistently stated that misappropriation generally warrants disbarment in the absence of clearly mitigating circumstances. (*Kelly v. State Bar, supra*, 45 Cal.3d at p. 656; *Waysman v. State Bar, supra*, 41 Cal.3d at p. 457; *Cain v. State Bar* (1979) 25 Cal.3d 956, 961.) The Supreme Court has also imposed disbarment on attorneys with no prior record of discipline in cases involving a single misappropriation. (See, e.g., *In re Abbott* (1977) 19 Cal.3d 249 [taking of \$29,500, showing of manic-depressive condition, prognosis uncertain].) In *Kaplan v. State Bar* (1991) 52 Cal.3d 1067, an attorney with over 11 years of practice and no prior record of discipline was disbarred for misappropriating approximately \$29,000 in law firm

funds over an 8-month period. In *Chang v. State Bar* (1989) 49 Cal.3d 114, an attorney misappropriated almost \$7,900 from his law firm, coincident with his termination by that firm, and was disbarred. (See also *In the Matter of Blum, supra*, 3 Cal. State Bar Ct. Rptr. 170 [no prior record of discipline, misappropriation of approximately \$55,000 from a single client]; *In the Matter of Spaiith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr 511 [misappropriation of nearly \$40,000, misled client for a year, no prior discipline]; *Kennedy v. State Bar* (1989) 48 Cal.3d 610 [disbarment for misappropriation in excess of \$10,000 from multiple clients and failure to return files with no prior misconduct in eight years]; and *Kelly v. State Bar, supra*, 45 Cal.3d 649 [disbarment for misappropriation of \$20,000 and failure to account with no prior discipline in seven years].)

Respondent's decision to misappropriate Mitchell's funds was intentional and recurring over a period of time. When called on to account for the funds, she first ignored the requests and then provided a misleading document. While she now attributes her past misconduct to her health problems and medications, she testified during trial that certain of those problems are ongoing. It is this court's conclusion that the protection of the public requires that she be removed from the practice of law.

RECOMMENDED DISCIPLINE

Disbarment

The court recommends that respondent **Enid Ballantyne**, Member No. 84279, 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.

Restitution

It is further recommended that Respondent make restitution to Joyce Mitchell in the amount of \$11,725, plus 10% interest per annum from November 30, 2007 (or to the Client

Security Fund to the extent of any payment from the fund to Mitchell, plus interest and costs, in accordance with Business and Professions Code section 6140.5).

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 **Enid Ballantyne**, Member No. 84279, be involuntarily enrolled as an inactive

///

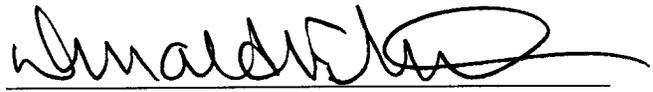
///

///

///

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).)⁶

Dated: August 23, 2012.



DONALD F. MILES
Judge of the State Bar Court

⁶ 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 even to 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. (*Ibid.*; *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 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 August 23, 2012, I deposited a true copy of the following document(s):

DECISION INCLUDING DISBARMENT RECOMMENDATION AND INVOLUNTARY INACTIVE ENROLLMENT ORDER

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:

**ENID GRACE BALLANTYNE
137 N MARENGO AVE
PASADENA, CA 91101**

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

MIA ELLIS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on August 23, 2012.



Tammy Cleaver
Case Administrator
State Bar Court