•	PUBLIC MATTER	
1	FILED	
2	MAR 05 2004	
3	STATE BAR COURT CLERK'S OFFICE	
4	THE STATE BAR COURT LOS ANGELES	
5	HEARING DEPARTMENT - LOS ANGELES	
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8	In the Matter of) Case No. 04-AE-10470-RAH	
9	LIZBETH A. CANIZALES,) ORDER GRANTING MOTION FOR) INACTIVE ENROLLMENT [Bus. & Prof.	
10	Member No. 181438,) Code, § 6203(d); Rules Proc. of State Bar, rules 700, et seq.]	
11	A Member of the State Bar.	
12		
13	INTRODUCTION	
14	On February 5, 2004, the Presiding Arbitrator of the State Bar's Mandatory Fee	
15	Arbitration Program filed a motion seeking the involuntary inactive enrollment of Award Debtor	
16	Lizbeth A. Canizales, pursuant to Business and Professions Code section 6203(d) ¹ due to her	
17	failure to pay a fee arbitration award. The motion was served at her official membership records	
18	address on February 4, 2004, by certified mail, return receipt requested, and by regular mail.	
19	The Court's notice of assignment and status conference was properly served on Award	
20	Debtor at her official address on February 11, 2004. It was not returned as undeliverable to the	
21	Court.	
22	Award Debtor did not file a response to the motion or request a hearing. (Rules 702 (a)	
23	and (b) and 704.)	
24	The matter was submitted for decision on February 23, 2004.	
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27	¹ All future references to "section" are to the Business and Professions Code and to "rule"	
28	are to the Rules of Procedure of the State Bar unless otherwise stated.	
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FINDINGS OF FACT AND CONCLUSIONS OF LAW

Jurisdiction

Award Debtor was admitted to the practice of law in California on January 5, 1996, and has been a member of the State Bar at all times since.

Facts

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On January 3, 2003, the San Diego County Bar Association served a binding fee
arbitration award directing Lizbeth A. Canizales to refund to her former client Pedro Estrada, the
sum of \$1850 in attorney fees. (*Estrada v. Canizales*, case no. 25966.) No request to correct or
vacate the award was filed, and the award became final by operation of law.

10 On June 14, 2003, Estrada sent Award Debtor a letter demanding payment of the
11 arbitration award. The letter was sent to her official address. Award Debtor did not respond to
12 the demand.

13 On July 7, 2003, Estrada submitted a request for enforcement of the arbitration award 14 pursuant to section 6203(d) to the State Bar's Office of Mandatory Fee Arbitration ("State Bar"). 15 On July 9, 2003, the enforcement request was served on Award Debtor by certified mail, return 16 receipt requested, and by regular mail at her official membership records address. Award Debtor 17 also was notified of the consequences of failing to comply with the award or to respond to the 18 enforcement request by August 8, 2003. The receipt of the United States Postal Service 19 indicates Award Debtor received the correspondence on July 11, 2003. However, she did not 20 respond to the letter.

By letter dated August 11, 2003, the State Bar advised Award Debtor that the matter was
being forwarded to the Presiding Arbitrator to issue an order imposing administrative penalties in
the sum of \$1000. The letter was sent to Award Debtor's official membership records address,
and was not returned by the postal service as undeliverable. Award Debtor did not respond to the
letter.

On September 12, 2003, the State Bar served an order imposing \$1000 in administrative
penalties on Award Debtor and staying their imposition for 14 days to allow her to provide proof
of compliance with the arbitration award. Copies of the order were served on Award Debtor at

her official membership records address by certified mail and by regular mail. The return receipt
 indicates that the correspondence was received on September 15, 2003. Since Award Debtor did
 not respond to the order, administrative penalties were imposed and added to her membership
 dues for the following calendar year.

Award Debtor has not paid the award as of February 5, 2004, the date of the filing of this
motion. The State Bar has not received any communication from Award Debtor regarding this
matter and no evidence that she has paid the award.

8 Legal Conclusions

9 The Court finds that the Presiding Arbitrator has met the burden of demonstrating by
10 clear and convincing evidence that Award Debtor has failed to comply with the arbitration award
11 and has not proposed a payment plan acceptable to the client or to the State Bar. (Section
12 6203(d)(2)(a); Rule 705(a).)

The Court also finds that Award Debtor has not met the burden of demonstrating by clear and convincing evidence that she is not personally responsible for making or ensuring payment of the award; that she is unable to pay it; or that she has proposed and agrees to comply with a payment plan which the State Bar has unreasonably rejected as unsatisfactory. (Section 6203(d)(2)(B); Rule 705(b).)

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<u>ORDER</u>

IT IS ORDERED that Award Debtor, Lizbeth A. Canizales, be enrolled as an inactive
member of the State Bar of California pursuant to Business and Professions Code section
6203(d)(1), effective five days from the date of service of this order. (Rules Proc. of State Bar,
rule 708(b)(1).)

IT IS FURTHER ORDERED that Award Debtor shall remain involuntarily enrolled as an
inactive member of the State Bar until 1) she has paid the arbitration award and judgment to
Pedro Estrada, in the amount of \$1850, plus interest at the rate of ten percent per annum from
January 3, 2003, the date the award was served; 2) she has paid the administrative penalty of
\$1000 assessed by the presiding arbitrator's order filed September 12, 2003; and 3) the court
grants a motion to terminate the inactive enrollment pursuant to Rule 710, Rules Proc. of State

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1	Bar.
2	Reasonable costs are awarded to the State Bar upon the Presiding Arbitrator's submission
3	of a bill of costs. (Bus. & Prof. Code, § 6203(d)(3); Rules Proc. of State Bar, rule 708(b)(2).)
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5	Pitto
6	Dated: March <u>5</u> , 2004 RICHARD A. HONN
7	Judge of the State Bar Court
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CERTIFICATE OF SERVICE [Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. 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, 2004, I deposited a true copy of the following document(s):

ORDER GRANTING MOTION FOR INACTIVE ENROLLMENT, filed March 5, 2004

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

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

LIZBETH A CANIZALES ATTORNEY AT LAWJOHN S CHANG ESQ#5102600 MISSION ST #1002683 VIA DE LA VALLE STE GSAN MARINO, CA 91108DEL MAR, CA 92014SAN MARINO, CA 91108

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

Jill Sperber, Fee Arbitration, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 5, 2004.

Iulieta E. Gonzales

Case Administrator State Bar Court