

**PUBLIC MATTER
FILED**

MAR 05 2004
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

**THE STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES**

In the Matter of
LIZBETH A. CANIZALES,
Member No. 181438,
A Member of the State Bar.

Case No. 04-AE-10470-RAH
**ORDER GRANTING MOTION FOR
INACTIVE ENROLLMENT [Bus. & Prof.
Code, § 6203(d); Rules Proc. of State Bar,
rules 700, et seq.]**

INTRODUCTION

On February 5, 2004, the Presiding Arbitrator of the State Bar's Mandatory Fee Arbitration Program filed a motion seeking the involuntary inactive enrollment of Award Debtor Lizbeth A. Canizales, pursuant to Business and Professions Code section 6203(d)¹ due to her failure to pay a fee arbitration award. The motion was served at her official membership records address on February 4, 2004, by certified mail, return receipt requested, and by regular mail.

The Court's notice of assignment and status conference was properly served on Award Debtor at her official address on February 11, 2004. It was not returned as undeliverable to the Court.

Award Debtor did not file a response to the motion or request a hearing. (Rules 702 (a) and (b) and 704.)

The matter was submitted for decision on February 23, 2004.

¹All future references to "section" are to the Business and Professions Code and to "rule" are to the Rules of Procedure of the State Bar unless otherwise stated.



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

5 Award Debtor has not paid the award as of February 5, 2004, the date of the filing of this
6 motion. The State Bar has not received any communication from Award Debtor regarding this
7 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).)

13 The Court also finds that Award Debtor has not met the burden of demonstrating by clear
14 and convincing evidence that she is not personally responsible for making or ensuring payment
15 of the award; that she is unable to pay it; or that she has proposed and agrees to comply with a
16 payment plan which the State Bar has unreasonably rejected as unsatisfactory. (Section
17 6203(d)(2)(B); Rule 705(b).)

18 **ORDER**

19 IT IS ORDERED that Award Debtor, Lizbeth A. Canizales, be enrolled as an inactive
20 member of the State Bar of California pursuant to Business and Professions Code section
21 6203(d)(1), effective five days from the date of service of this order. (Rules Proc. of State Bar,
22 rule 708(b)(1).)

23 IT IS FURTHER ORDERED that Award Debtor shall remain involuntarily enrolled as an
24 inactive member of the State Bar until 1) she has paid the arbitration award and judgment to
25 Pedro Estrada, in the amount of \$1850, plus interest at the rate of ten percent per annum from
26 January 3, 2003, the date the award was served; 2) she has paid the administrative penalty of
27 \$1000 assessed by the presiding arbitrator's order filed September 12, 2003; and 3) the court
28 grants a motion to terminate the inactive enrollment pursuant to Rule 710, Rules Proc. of State

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Bar.

Reasonable costs are awarded to the State Bar upon the Presiding Arbitrator's submission of a bill of costs. (Bus. & Prof. Code, § 6203(d)(3); Rules Proc. of State Bar, rule 708(b)(2).)

Dated: March 5, 2004



RICHARD A. HONN
Judge of the State Bar Court

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:

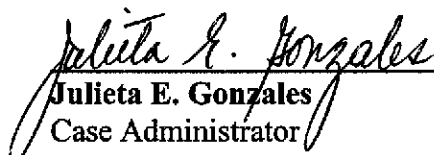
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

LIZBETH A CANIZALES ATTORNEY AT LAW	JOHN S CHANG ESQ
#510	2600 MISSION ST #100
2683 VIA DE LA VALLE STE G	SAN MARINO, CA 91108
DEL MAR, CA 92014	

- [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**.



Julieta E. Gonzales
Case Administrator
State Bar Court