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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELAINE K. VILLAREAL,

Plaintiff,

v.

COUNTY OF FRESNO AND SHERIFF
MARGARET MIMS,

Defendants.

Case No. 1:15-cv-01410-DAD-JDP (PC)

ORDER TO SHOW CAUSE WHY COURT
SHOULD NOT TAKE ACTION BASED ON
APPARENT UNAUTHORIZED PRACTICE
OF LAW

ORDER DIRECTING CLERK TO SEND
FRESNO COUNTY COUNSEL DANIEL
CEDERBORG A COPY OF THIS ORDER

As a general matter, attorneys practicing in the Eastern District of California must be members of the Bar of this Court and active members in good standing of the State Bar of California. *See* Local Rule 180(a), (b); *see also* State Bar of California Rule 1-300 (prohibiting unauthorized practice of law). Additionally, employers who are members of the State Bar of California are prohibited from employing suspended or involuntarily inactive bar members to engage in the practice of law, if the employer knows or reasonably should know about the suspension or involuntary inactivation. *See* State Bar of California Rule 1-311(B) (“A member shall not employ, associate professionally with, or aid a person the member knows or reasonably should know is a disbarred, suspended, resigned, or involuntarily inactive member to . . . [a]ppear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer. . . [or to e]ngage in activities which constitute the practice of law.”).

1 Scott C. Hawkins has appeared in this case on behalf of Defendants. The attorney
2 directory of the State Bar of California appears to indicate that Mr. Hawkins was not authorized
3 to practice law in California during the one-month period from July 3, 2018, to August 3, 2018.¹
4 During this period, Mr. Hawkins filed a reply to Plaintiff's opposition to Defendants' motion to
5 dismiss (ECF No. 118) and appeared at a hearing on Defendants' motion to dismiss (ECF No.
6 119).

7 The undersigned is concerned that an individual may have engaged in unauthorized
8 practice of law before this Court. By September 26, 2018, Fresno County Counsel Daniel
9 Cederborg and Mr. Hawkins shall show cause why this Court should not take action based on the
10 apparent unauthorized practice of law. The response to this order should address: (1) whether
11 Mr. Hawkins has engaged in unauthorized practice of law; (2) the measures employed by Fresno
12 County Counsel to prevent unauthorized practice of law by its employees; (3) whether the Court
13 should report this matter to the State Bar of California or other entity; and (4) whether the Court
14 should impose penalties. The Court will determine at a later point whether a hearing is
15 warranted.

16 Accordingly, IT IS ORDERED THAT:

- 17 1. Attorneys Daniel Cederborg and Scott Hawkins must submit separate, written
18 responses to this order in compliance with the directions above by September 26,
19 2018; and

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25 ¹ See STATE BAR OF CALIFORNIA, *Attorney Search Bar No. 207236*,
26 <http://members.calbar.ca.gov/fal/Licensee/Detail/207236> (last visited Sep. 11, 2018) (stating,
27 alongside the entry 7/3/2018, "Not Eligible To Practice Law in California" and "Admin
28 Inactive/MCLE noncompliance"). Mr. Hawkins appears to have re-entered Active status on
August 3, 2018; an entry alongside 8/3/2018 states "Active." *Id.*

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2. The Clerk of Court is directed to serve a copy of this order on Daniel Cederborg,
Fresno County Counsel, 2220 Tulare St, 5th Floor, Fresno, CA 93721.

IT IS SO ORDERED.

Dated: September 11, 2018

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE