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California Appellate Report

Thoughts on recent Ninth Circuit and California appellate cases from Professor Shaun Martin at the University of San Diego School of Law.

About Me

Name: Shaun Martin
Location: San Diego, California, United States

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Benninghoff v. Superior Court (Cal. Ct. App. - Jan. 30, 2006)

Don't be a sleazeball. Don't be a lawyer and be found guilty of conspiring to defraud the United States as well as multiple other federal felonys. Don't resign the State Bar of California with disciplinary charges pending against you and thereafter attempt to ply your legal trade by acting as a "lay advocate" providing legal advice to prisoners and people before administrative tribunals. That's the practice of law. It's illegal. And it's wrong.

That's the basic message that I garnered from this opinion, which concerns the stellar career of former California attorney (and outstanding USC Law graduate) Charles Benninghoff. Check out his impressive disciplinary record. Check out his (wonderfully unsuccessful) effort to get people to petition the Court of Appeal to decide in his favor.

This honestly isn't the best opinion I've ever read from Justice Ikola. But I'm hardly inclined to reach out to help Mr. Benninghoff, and doubt that Justice Ikola was either. Sometimes your desire to just get rid of a case that has a foul stench as soon as possible leads one to jam out an opinion that isn't your best. I think that's at least in part what happens here.

- posted by Shaun Martin @ 10:54 AM

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