



THE STATE BAR
OF CALIFORNIA

1149 SOUTH HILL STREET, LOS ANGELES, CALIFORNIA 90015-2299

OFFICE OF THE CHIEF TRIAL COUNSEL
INTAKE

Russell G. Weiner, Interim Chief Trial Counsel

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<http://www.calbar.ca.gov>

August 19, 2009

Susan Klat
P.O. Box 1442
Poway, CA 92074

RE: Inquiry Number: 09-11938
Respondent: Cathy Bencivengo

Dear Ms. Klat:

Your complaint against Cathy Bencivengo, received on June 25, 2009, has been reviewed by a staff attorney to determine whether she violated the State Bar Act and/or the Rules of Professional Conduct and whether there is a basis for investigation for prosecution of her alleged conduct.

You complained that Ms. Bencivengo, who was the magistrate judge assigned to your matter, continued to practice law during the litigation of your case.

After careful review and after taking into consideration all relevant factors, the State Bar has concluded that the matter does not warrant action. In order to seek discipline against an attorney, the State Bar must present clear and convincing evidence of willful misconduct. There is insufficient evidence of an improper agreement to restrict Ms. Bencivengo's law practice or that she engaged in prohibited discriminatory conduct in her practice of the law. There is no evidence of any law violation. We are closing our file at this time.

You may wish to consult with other legal counsel regarding your available civil remedies. You may contact your local or county bar association to obtain the names of attorneys to assist you in this matter. The local bar association or county bar association in your area is: Lawyer Referral And Information Service of the San Diego County Bar Association, 1333 Seventh Avenue, San Diego, CA 92101-4309 (619) 231-8585.

If you do not agree with the decision to close your complaint, you may request a review, **in writing**, within **three (3) months** of the date of this letter. Telephonic requests cannot be accepted. Include with your request any additional or new evidence and **copies** of documents which you believe should be considered. You may make your request to: Audit and Review, Office of the Chief Trial Counsel, State Bar of California, 1149 South Hill Street, Los Angeles, California 90015.

Very truly yours,

K. Johnson
Complaint Analyst

THE STATE BAR OF CALIFORNIA

Wednesday, August 26, 2009

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ATTORNEY SEARCH

Cathy Ann Bencivengo - #138791

*Currently Employed as a
Magistrate Judge.*

Current Status: Active

This member is active and may practice law in California.

*Violates 28 U.S. Code
Section
454*

See below for more details.

Profile Information

Bar Number	138791	Phone Number	(619) 557-7688
Address	United States District Court 940 Front St San Diego, CA 92101	Fax Number	(619) 702-9991
		e-mail	Cathy_Ann_Bencivengo@casd.uscourts.gov
District	District 9	Undergraduate School	Rutgers Univ; NJ
County	San Diego	Law School	Univ of Michigan Law Sch; Ann Arbor MI
Sections	None		

*(see next
page.)*

Status History

Effective Date	Status Change
<i>Present</i>	Active
12/7/1988	Admitted to The State Bar of California

Explanation of member status

Actions Affecting Eligibility to Practice Law

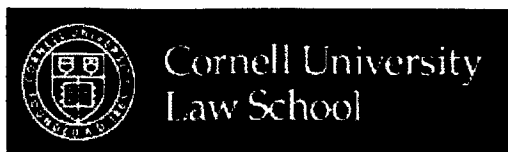
Disciplinary and Related Actions

This member has no public record of discipline.

Administrative Actions

This member has no public record of administrative actions.

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U.S. Code collection

TITLE 28 > PART I > CHAPTER 21 > § 454

§ 454. Practice of law by justices and judges

Any justice or judge

appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor.

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