

(Do not write above this line.)

State Bar Court of California		
Hearing Department <input type="checkbox"/> Los Angeles <input checked="" type="checkbox"/> San Francisco		
Counsel for the State Bar Wonder J. Liang Deputy Trial Counsel 180 Howard Street San Francisco, California 94105 (415) 538-2372 Bar # 184357	Case number(s) 03-0-04678 PUBLIC MATTER	(for Court's use) FILED DEC 27 2005 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<input checked="" type="checkbox"/> Counsel for Respondent <input type="checkbox"/> In Pro Per, Respondent Lindsay K. Slatte 369 Pine Street, Suite 627 San Francisco, California 94104 (415) 403-1302 Bar # 72692	Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING REPROVAL <input type="checkbox"/> PRIVATE <input checked="" type="checkbox"/> PUBLIC <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of MORGAN HOWARD DEAN KING Bar # 50887 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted January 5, 1972
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation, and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consist of 13 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.

(Stipulation form approved by SBC Executive Committee 10/14/2000. Revised 12/16/2004.)

Revised



(Do not write above this line.)

(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- (a) ☒ costs added to membership fee for calendar year following effective date of discipline (public reproof)
(b) ☐ case ineligible for costs (private reproof)
(c) ☐ costs to be paid in equal amounts for the following membership year:

(wardship, special circumstances or other good cause per rule 284, Rules of Procedure)

- (d) ☐ costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
(e) ☐ costs entirely waived

(9) The parties understand that:

- (a) ☐ A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
(b) ☐ A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
(c) ☒ A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts Supporting Aggravating Circumstances are required.

(1) ☒ Prior record of discipline [see standard 1.2(f)]

(a) ☒ State Bar Court case # of prior case 96-0-01925 [96-0-01722]

(b) ☒ Date prior discipline effective February 23, 2000

(c) ☒ Rules of Professional Conduct/ State Bar Act violations: Two counts of violating section 6068 of the Business and Professions Code

(d) ☒ Degree of prior discipline Private Reproof

(Do not write above this line.)

- (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline".

- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances are involved.**

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.

(Stipulation form approved by SBC Executive Committee 10/16/2003. Revised 12/16/2004.)

Revised

(Do not write above this line.)

- (5) ☐ Restitution: Respondent paid \$ _____ on _____ in
restitution to _____ without the threat or force of disciplinary, civil or
criminal proceedings.
- (6) ☐ Delay: These disciplinary proceedings were excessively delayed. The delay is not attributable to
Respondent and the delay prejudiced him/her.
- (7) ☐ Good Faith: Respondent acted in good faith.
- (8) ☐ Emotional/Physical Difficulties: At the time of the stipulated act or acts of professional
misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert
testimony would establish was directly responsible for the misconduct. The difficulties or disabilities
were not the product of any illegal conduct by the member, such as illegal drug or substance abuse,
and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ Severe Financial Stress: At the time of the misconduct, Respondent suffered from severe financial
stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control
and which were directly responsible for the misconduct.
- (10) ☐ Family Problems: At the time of the misconduct, Respondent suffered extreme difficulties in his/her
personal life which were other than emotional or physical in nature.
- (11) ☐ Good Character: Respondent's good character is attested to by a wide range of references in the
legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ Rehabilitation: Considerable time has passed since the acts of professional misconduct occurred
followed by convincing proof of subsequent rehabilitation.
- (13) ☒ No mitigating circumstances are involved.

Additional mitigating circumstances:

(Do not write above this line.)

D. Discipline:

- (1) ☐ Private reproof (check applicable conditions, if any, below)
- (a) ☐ Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) ☐ Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) ☒ Public reproof (check applicable conditions, if any, below)

E. Conditions Attached to Reproval:

- (1) ☒ Respondent must comply with the conditions attached to the reproof for a period of
ONE (1) YEAR
- (2) ☒ During the condition period attached to the reproof, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within 30 days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the condition period attached to the reproof. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of the reproof during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State Bar Court and, if so, the case number and current status of that proceeding. If the first report would cover less than thirty (30) days, that report must be submitted on the next following quarter date and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the condition period and no later than the last day of the condition period.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish such reports as may be requested, in addition to quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the monitor.

(Do not write above this line.)

- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the conditions attached to the reproof.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance of the Ethics School and passage of the test given at the end of that session.
- ☐ No Ethics School ordered. Reason: _____
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report required to be filed with the Office of Probation.
- (10) ☐ Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year of the effective date of the reproof.
- ☒ No MPRE ordered. Reason: Not required in this case for the protection of the public or the interests of the respondent.
- (11) ☒ The following conditions are attached hereto and incorporated:
- | | |
|---|--|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

(Do not write above this line.)

In the Matter of MORGAN HOWARD DEAN KING SBN 50887	Case Number(s): 03-0-04678
--	-------------------------------

Law Office Management Conditions

- a. ☐ Within ___ days/ ___ months/ ___ years of the effective date of the discipline herein, Respondent must develop a law office management/ organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. ☒ Within 0 days/ 0 months any years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than 3 hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. ☐ Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for ___ year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: MORGAN HOWARD DEAN KING, SBN 50887

CASE NUMBER(S): 03-O-04678

FACTS AND CONCLUSIONS OF LAW.

Facts:

1. On or about June 17, 1998, Maurice and Roselyn Chester ("the Chesters") each signed a notarized Post Nuptial Agreement. Under the terms of the agreement the Chesters retained their separate properties. Specifically, Maurice Chester retained his business known as Bay Area Lease, and Roselyn Chester retained her business P&R Financial Systems, Inc. (d.b.a. Cal-State Funding).

2. On or about December 23, 2002, Wallace Rosenberg ("the Rosenberg matter") filed a Complaint for Breach of Contract against Maurice Chester and Roselyn Chester, in a matter entitled *Rosenberg v. Chester*, in the San Mateo County Superior Court, case no. CLJ427633. The Complaint was served on Roselyn Chester on or about December 18, 2002.

3. On or about January 15, 2003, Kenneth Brehnan ("the Brehnan matter") filed a Complaint for Breach of Contract/Warranty, Fraud, Conversion, Statutory Violations and Relief, and Equitable Relief against Maurice Chester and Roselyn Chester, in a matter entitled *Kenneth Brehnan, as trustee of the Kenneth & Ilanka Brehnan Living Trust vs. Maurice Chester, individually and d.b.a. Bay Area Lease, Roselyn Irene Chester (a.k.a. Rose I Chester), Marcia L. Chester (a.k.a. Marcia L. Riner), P&R Financial Systems, Inc. et al.*, in the San Mateo County Superior Court, case no. CIV428591.

4. In or about January 2003, Maurice Chester employed respondent to file a Chapter 7 Bankruptcy Petition on his behalf and on the behalf of his business, Bay Area Lease.

5. On or about January 24, 2003, respondent filed Maurice Chester's Chapter 7 Bankruptcy Petition in the United States Bankruptcy Court, Northern District of California (Oakland), case no 03-40453. The Chapter 7 Bankruptcy was discharged.

6. On or about February 6, 2003, default was entered against Roselyn Chester in the Rosenberg matter.

7. On or about February 13, 2003, Roselyn Chester employed respondent to represent her in the Rosenberg and Brehnan matters. She paid Respondent \$5,000 to represent her in both civil matters.

8. On or about March 5, 2003, the Rosenberg matter was heard. Neither respondent nor Roselyn Chester appeared at the hearing. The Court entered judgment against Roselyn Chester for the total amount of \$21,037.79.

9. On or about March 19, 2003, Kevin Frederick ("Frederick"), attorney in the Rosenberg matter served respondent with an Application and Order for Appearance and Examination for Enforcement of Judgment ("OEX"), scheduled for April 10, 2003.

10. On or about April 1, 2003, Roselyn Chester was served with the OEX

11. On or about April 9, 2003, respondent wrote Frederick a letter acknowledging that he represented Roselyn Chester in the Rosenberg matter, that respondent would be filing a Motion to Set Aside Default, and respondent took the blame for not filing an answer to the complaint in a timely manner. Respondent also confirmed Frederick's agreement to take the OEX off calendar.

12. On or about April 17, 2003, respondent sent Frederick a draft of the Motion to Set Aside Default. However, respondent did not file the Motion to Set Aside Default with the Court in April, May, June or July 2003.

13. On or about May 28, 2003, Frederick wrote respondent a letter informing him that if he did not receive the moving papers to set aside the judgment (including a hearing date) in the Rosenberg matter by close of business on June 4, 2003, he would reschedule the OEX of Roselyn Chester.

14. On or about June 25, 2003, having not filed his motion to set aside, respondent was served with notice of the OEX set for July 30, 2003.

15. Between on or about June 25, 2003 to on or about July 29, 2003, respondent advised Roselyn Chester that there was no need for her to appear at the OEX.

16. On or about July 30, 2003, Roselyn Chester and respondent did not to appear at the OEX.

17. On or about August 12, 2003, respondent filed a Motion to Set Aside Default but did not include a proposed answer.

18. On or about August 26, 2003, Frederick filed an Opposition to Motion to Set Aside Default and Default Judgment.

19. On or about September 4, 2003, Respondent and Roselyn Chester appeared at the OEX.

20. On or about September 15, 2003, respondent filed a proposed answer for Roselyn Chester via facsimile with the Court.

21. On or about September 16, 2003, a hearing on the Motion for Relief from Default and Judgment was held. Respondent failed to appear. The Court denied Roselyn Chester's Motion for Relief from Default and Judgment.

22. On or about October 2, 2003, Roselyn Chester's bank, California Bank and Trust, informed her that her account had been debited in the amount of \$21,096.72, plus a \$50 processing fee.

Conclusions of Law:

By failing to exercise due diligence in determining the status of the proceedings in the Rosenberg matter, by failing to promptly file the motion to set aside default and by failing to appear at the July 30, 2003 OEX, respondent recklessly failed to perform legal services with competence in wilful violation of rule 3-110(A) of the Rules of Professional Conduct.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(7), was November 7, 2005.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of November 7, 2005, the estimated prosecution costs in this matter are approximately \$1,983.00. Respondent acknowledges that this figure is an estimate only which will be included in any final cost assessment. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 1.7(a) of the Standards for Attorney Sanctions for Professional Misconduct provides that "if a member is found culpable of professional misconduct in any proceeding in which discipline may be imposed and the member has a record of one prior imposition of discipline as defined by standard 1.2(f), the degree of discipline imposed in the current proceeding shall be greater than that imposed in the prior proceeding unless the prior discipline imposed was so remote in time to the current proceeding and the offense for which it was imposed was so minimal in severity that imposing greater discipline in the current proceeding would be manifestly unjust."

Standard 2.4(b) of the Standards for Attorney Sanctions for Professional Misconduct provides that "culpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client."




Respondent admits that the above facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

(Do not write above this line.)

In the Matter of MORGAN HOWARD DEAN KING SBN 50887	Case number(s): 03-0-04678
--	-----------------------------------

SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law and Disposition.

11/28/05		MORGAN D. KING <small>Print name</small>
11-28-05		FISHKIN & SLATTER LLP LINDSAY K. SLATTE <small>Print name</small>
11/29/05		WONDER J. LONG <small>Print name</small>
11-29-05	Lindsay K. Slatte counsel for Respondent	LINDSAY K. SLATTER <small>Print name</small>

(Do not write above this line.)

In the Matter of MORGAN HOWARD DEAN KING	Case number(s): 03-O-04678
---	-------------------------------

ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☒ The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- ☐ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- ☒ All Hearing dates are vacated.

On page 2, under section B(1)(b), the court notes that respondent's prior record of discipline was effective March 16, 2000.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

Date

12/27/05

JOANN M. REMKE

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 of California. 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 San Francisco, on December 27, 2005, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING**

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

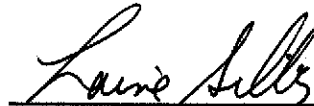
- [X]** by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**LINDSAY K. SLATTER
FISHKIN & SLATTER LLP
369 PINE ST #627
SAN FRANCISCO CA 94104**

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

WONDER LIANG, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **December 27, 2005.**



Laine Silber
Case Administrator
State Bar Court