

PUBLIC MATTER

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT - LOS ANGELES

FILED

DEC 01 2008

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

In the Matter of

MARY PATRICIA MARRISON,

Petitioner for Reinstatement.

Case No. 07-R-13531 – RAH

DECISION

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I. INTRODUCTION

Petitioner Mary Patricia Marrison was admitted to the practice of law in California on June 23, 1978. She was admitted to the Bar of the State of Colorado in April 1991, and moved there with her family. She voluntarily resigned the California Bar on October 21, 2001. On September 5, 2007, she filed this petition for reinstatement after resignation without disciplinary charges pending (petition).

Michael J. Glass and Jean Cha appeared on behalf of the Office of the Chief Trial Counsel of the State Bar of California. Petitioner appeared on her own behalf. On March 11, 2008, the parties filed a joint pretrial stipulation as to facts, which, among other things, deemed all the facts in the petition to be true.

Petitioner has demonstrated, by clear and convincing evidence, that she has satisfied the requirements for reinstatement to the practice of law. Therefore, the court recommends that she be reinstated to the practice of law in California.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. California Rules of Court, Rule 9.10(f); Rules of Procedure of State Bar, Rule 665(c)

To be reinstated to the practice of law, a petitioner who resigned without charges pending must establish by clear and convincing evidence that he or she has passed a professional

responsibility examination, has present moral qualifications for reinstatement and has present ability and learning in the general law. (Cal. Rules of Court, rule 951(f); Rules of Proc. of State Bar, rule 665(c).)

B. Petitioner's Moral Qualifications and Character

By stipulation of the parties, petitioner offered five letters from those who were aware of her good moral character. **The Rev. Dayle Casey** is the Rector of the Chapel of Our Saviour Episcopal Church in Colorado Springs, Colorado. Rev. Casey has known petitioner for over 17 years, during which time petitioner has been a parishioner at this church. Petitioner is currently on the vestry, serving as chair of the newcomer incorporation commission. Rev. Casey has had regular contact with petitioner throughout her time in the parish, and notes that "she has without fail demonstrated those qualities of 'honesty, fairness, candor, trustworthiness, observance of fiduciary responsibility, respect for and obedience to the laws of the state and the nation and respect for the rights of others' which the State Bar Court of California requires." Rev. Casey believes that petitioner is a person of integrity and responsibility.

The remaining witnesses who filed declarations on petitioner's behalf were lawyers and, in one case, a judge.¹ The lawyers uniformly were very complimentary of petitioner's honesty, integrity, and skill as a lawyer. **Patric J. LeHouillier** often meets with petitioner to "brainstorm" on his client matters, and has referred a number of clients to her. He notes her "moral character is beyond reproach." **Michael Lassota** is a senior associate in petitioner's firm. He has been an attorney for 13 years and similarly feels strongly regarding petitioner's excellent moral character. He notes that when handling the firm's cases, she always makes the ethical choices when faced with dilemmas presented by conflicting client needs. He notes she is honest, fair, and trustworthy. **Stephen H. Swift** met petitioner in the early 1990's. He became very well acquainted with her, since they shared offices and worked together on cases. He notes that she lives the principles of fairness, honesty and integrity "as part of her daily creed." He has absolutely no reservation in recommending petitioner for reinstatement.

¹Included among this group are Patric J. LeHouillier, Michael Lassota, Stephen H. Swift, and Judge Rebecca Snyder Bromley.

Judge Rebecca Snyder Bromley is a District Judge in the Fourth Judicial District of Colorado, located in Colorado Springs. Petitioner has appeared before her "many, many times" over the past 15 years. Judge Bromley has observed that petitioner is temperate, well mannered, and respectful of the bench. She has never had any concerns about her honesty and integrity, and would rate her very high in both categories.

The petition reveals a single prior case of misconduct in Colorado involving an improperly drawn retainer agreement in a contingency fee case in which she charged interest on an account without an agreement allowing her to do so. In that matter, it was also found that she tried to collect a contingent fee after her representation was terminated. Finally, in that matter, she was also found to have improperly withdrawn from the case. For this misconduct, she received a private censure, requiring her to attend eight hours of continuing legal education and to go through all of her current contingency fee agreements with an experienced lawyer to determine if they all were in accord with the Colorado Rules of Professional Conduct. The private censure was not published by the Supreme Court of Colorado. It was ordered on April 18, 1998. As of August 10, 2007, petitioner had not received any public discipline in Colorado nor were there any pending matters against her.

As to moral qualifications, the question before the court is "whether petitioner is a fit and proper person to practice law at this time." (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041.) Further, "letters of recommendation and the favorable testimony, especially that of employers and attorneys, are entitled to considerable weight. [Citations.]" (*Feinstein v. State Bar* (1952) 39 Cal.2d 541, 547.) Here, petitioner presented evidence from several character witnesses, primarily lawyers and a judge, as well as her minister, who attested to her high moral character. The Office of the Chief Trial Counsel offered no evidence that would contradict or challenge any of the opinions of the witnesses that filed declarations in support of the petition. The Colorado private censure was a minor matter that occurred 10 years ago with no reoccurrence and after nearly 13 years of blemish-free practice in California at the time of her resignation.

Based on the foregoing, the court finds that petitioner has met her burden by clear and

convincing evidence that she currently has the present moral qualifications for reinstatement as a member of the Bar of the State of California.

C. Petitioner's Present Learning and Ability in the Law

Throughout the period of time since her resignation in California, petitioner had actively practiced law in the State of Colorado in her own firm. Further, by all accounts, she has practiced at an outstanding level of quality and professionalism. Each of the lawyers and the judge who acted as character witnesses testified to the excellent quality of petitioner's legal work. In addition, her petition reveals that she has taken extensive continuing legal education while a Colorado lawyer. She has always completed at least 30 hours of general continuing education, and seven hours of ethics education every three years.

She now is the principal in The Marrison Law Firm, the largest family law firm in Colorado Springs. In practicing family law, she has maintained a working knowledge of many other disciplines, including business and corporate law; real estate; tax; securities; estate and trust law, and criminal law.

The Office of the Chief Trial Counsel offered no evidence that would contradict or challenge any of the opinions of the witnesses that filed declarations in support of the petition. In addition, as noted above, the Office of the Chief Trial Counsel has admitted that the matters contained in the petition, including those demonstrating her present ability and learning in the law, were true.

Based on the foregoing, the court finds that petitioner has met her burden by clear and convincing evidence that she has demonstrated the present ability and learning in the general law to qualify her for reinstatement as a member of the Bar of the State of California.

D. Passage of the Multistate Professional Responsibility Examination

Petitioner has complied with California Rules of Court, rule 9.10(f), by taking and passing the Multistate Professional Responsibility Examination in August 2008.


IV. RECOMMENDATION

For the foregoing reasons, the court concludes that petitioner has sustained her burden by

clear and convincing evidence by establishing: (1) that she passed the Multistate Professional Responsibility Examination; (2) that she possesses present moral qualifications; and (3) that she has present learning and ability in the general law for reinstatement to the practice of law in California.

Accordingly, it is recommended that petitioner **MARY PATRICIA MARRISON** be reinstated to the practice of law in the State of California upon payment of all applicable fees and the taking of the oath required by law.

Dated: December 1, 2008



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 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 Los Angeles, on December 1, 2008, I deposited a true copy of the following document(s):

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

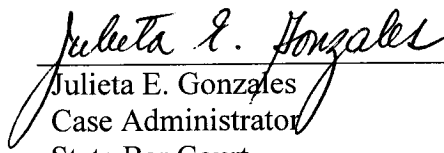
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

MARY PATRICIA MARRISON
225 E. CHEYENNE MTN. BLVD., SUITE 100
COLORADO SPRINGS, CO 80906

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Jean H. Cha and
Michael J. Glass, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 1, 2008.



Julieta E. Gonzales
Case Administrator
State Bar Court