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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>STAYED SUSPENSION</b>		
<p>Counsel For The State Bar</p> <p>Hugh G. Radigan Deputy Trial Counsel 1149 South Hill Street Los Angeles, Ca. 90015 213-765-1206</p> <p>Bar # 94251</p>	<p>Case Number(s): 10-O-11143</p> <p style="text-align: center; font-size: 1.2em;"><b>PUBLIC MATTER</b></p>	<p>For Court use only</p> <p style="text-align: center; font-size: 1.5em;"><b>FILED</b></p> <p style="text-align: center; font-size: 1.2em;"><b>FEB 28 2012</b></p> <p style="text-align: center;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Jahzeel Osejo Law Office of Robert Little 10201 Trademark Street, Suite C Rancho Cucamonga, Ca. 91730-5850 909-297-1700</p> <p>Bar # 279483</p>	<p>Submitted to: <b>Settlement Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p>	
<p>In the Matter of: Geoffrey C. Morrison</p> <p>Bar # 172059</p> <p>A Member of the State Bar of California (Respondent)</p>	<p><b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	

**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 December 1, 1994.
- (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 consists of 13 pages, not including the order.



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- (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.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
  - Costs are added to membership fee for calendar year following effective date of discipline.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: 2013 and 2014. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

**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
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (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. Despite defaulting within a non-binding fee arbitration and

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representing to the client his intent to refund the fees in dispute, Respondent has yet to pay this same award.

- (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.
- (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.

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(Effective January 1, 2011)

Stayed Suspension

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(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**

Respondent has no record of prior discipline since his admission to practice in 1994.

#### D. Discipline:

(1)  **Stayed Suspension:**

(a)  Respondent must be suspended from the practice of law for a period of two years.

i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

iii.  and until Respondent does the following:

The above-referenced suspension is stayed.

(2)  **Probation:**

Respondent is placed on probation for a period of two years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

#### E. Additional Conditions of Probation:

(1)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

(2)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar 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.

(3)  Within thirty (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.

(4)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. 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 probation during the preceding calendar quarter. Respondent must also state 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 30 days, that report must be submitted on the next 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 period of probation and no later than the last day of probation.

(5)  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 to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.

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- (6)  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 probation conditions.
- (7)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .
- (8)  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 to be filed with the Office of Probation.
- (9)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input checked="" type="checkbox"/> Financial Conditions  |

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** 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. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason: .
- (2)  **Other Conditions:**

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In the Matter of: Geoffrey C. Morrison	Case Number(s): 10-O-11143
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### Financial Conditions

#### a. Restitution

- Respondent must pay restitution (including the principal amount, plus interest of 10% per annum) to the payee(s) listed below. If the Client Security Fund ("CSF") has reimbursed one or more of the payee(s) for all or any portion of the principal amount(s) listed below, Respondent must also pay restitution to CSF in the amount(s) paid, plus applicable interest and costs.

Payee	Principal Amount	Interest Accrues From
Steven Pham	\$3150.00	May 27, 2011

- Respondent must pay above-referenced restitution and provide satisfactory proof of payment to the Office of Probation not later than

#### b. Installment Restitution Payments

- Respondent must pay the above-referenced restitution on the payment schedule set forth below. Respondent must provide satisfactory proof of payment to the Office of Probation with each quarterly probation report, or as otherwise directed by the Office of Probation. No later than 30 days prior to the expiration of the period of probation (or period of reprobation), Respondent must make any necessary final payment(s) in order to complete the payment of restitution, including interest, in full.

Payee/CSF (as applicable)	Minimum Payment Amount	Payment Frequency

- If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

#### c. Client Funds Certificate

1. If Respondent possesses client funds at any time during the period covered by a required quarterly report, Respondent must file with each required report a certificate from Respondent and/or a certified public accountant or other financial professional approved by the Office of Probation, certifying that:
- Respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";

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- b. Respondent has kept and maintained the following:
    - i. A written ledger for each client on whose behalf funds are held that sets forth:
      - 1. the name of such client;
      - 2. the date, amount and source of all funds received on behalf of such client;
      - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
      - 4. the current balance for such client.
    - ii. a written journal for each client trust fund account that sets forth:
      - 1. the name of such account;
      - 2. the date, amount and client affected by each debit and credit; and,
      - 3. the current balance in such account.
    - iii. all bank statements and cancelled checks for each client trust account; and,
    - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
  - c. Respondent has maintained a written journal of securities or other properties held for clients that specifies:
    - i. each item of security and property held;
    - ii. the person on whose behalf the security or property is held;
    - iii. the date of receipt of the security or property;
    - iv. the date of distribution of the security or property; and,
    - v. the person to whom the security or property was distributed.
2. If Respondent does not possess any client funds, property or securities during the entire period covered by a report, Respondent must so state under penalty of perjury in the report filed with the Office of Probation for that reporting period. In this circumstance, Respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.

**d. Client Trust Accounting School**

- Within one (1) year of the effective date of the discipline herein, Respondent must supply to the Office of Probation satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.



**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:                      Geoffrey C. Morrison

CASE NUMBER(S):                      10-O-11143

**FACTS AND CONCLUSIONS OF LAW.**

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

Case No. 10-O-11143 (Complainant: Pham)

**FACTS:**

1. On June 30, 2008, Sunroad KMI Auto, Inc. ("KMI") sued Steve Pham in San Diego Superior Court, *Sunroad KMI Auto v. Steve Pham*, case no. 37-2008-00086744-CL-BC-CTL, ("*KMI v. Pham*"). The suit was based upon a breach of contract involving a new car sale.
2. Pham never filed an answer to the complaint. KMI obtained a default judgment against Pham, and in or about September 2009, KMI began to garnish Pham's wages.
3. In December 2009, Pham hired an attorney and, through counsel, filed a motion to set aside the default. The Superior Court denied Pham's motion to set aside the default.
4. On June 30, 2010, Pham, through counsel, filed an appeal of the order denying his motion to set aside the default. The court denied the appeal.
5. By August 2010, KMI had set several debtors examinations and Pham had failed to appear at the examinations. Because Pham had not appeared at the examinations, the Superior Court had issued a bench warrant for Pham. In addition, KMI had filed a motion seeking to collect its costs and attorney fees from Pham.
6. On August 31, 2010, Pham hired Respondent to represent him in *KMI v. Pham*. Specifically, Pham hired Respondent to address the pending bench warrant and to oppose KMI's motion for costs and attorney fees.
7. On September 1, 2010, Pham paid Respondent \$3,000 as an advance fee for his legal services.

8. On September 23, 2010, Respondent spoke to Pham and told him that Respondent was setting up a meeting with KMI's counsel on or about October 6, 2010. Respondent never met with KMI's counsel.

9. From September 22, 2010, through November 1, 2010, Pham sent multiple e-mails to Respondent seeking an update on his case. Respondent received the e-mails. Respondent failed to respond to Pham's repeated e-mails.

10. From October 10, 2010, through November 1, 2010, Pham called Respondent on multiple occasions seeking an update on his case. Each time he called he left a message asking Respondent to call him back. Respondent received the messages. Respondent failed to respond to Pham's phone calls.

11. From October 27, 2010, through November 1, 2010, Pham sent multiple text messages to Respondent seeking an update on his case. Respondent received the text messages. Respondent failed to respond substantively to the text messages.

12. Respondent failed to take any action to address the pending bench warrant for Mr. Pham, or to oppose KMI's motion for costs and attorney fees.

13. On November 1, 2010, Pham sent a letter to Respondent informing him that Respondent needed to contact Pham immediately regarding *KMI v. Pham*, or refund Pham's entire \$3,000.

14. Respondent failed to respond to Pham's letter.

15. In November 2010, Pham hired new counsel to represent him in *KMI v. Pham*.

16. Respondent performed no legal services for Pham that were of any value to Pham.

17. In May 2011, Pham submitted a claim to fee arbitration seeking an award of the entire \$3,000 that he paid Respondent.

18. On May 27, 2011, a fee arbitration hearing was scheduled.

19. On May 27, 2011, the arbitrator called Respondent shortly before the arbitration hearing was scheduled to begin. Respondent told the arbitrator that Respondent was not going to appear at the arbitration and that Respondent had decided to refund Pham's entire \$3,000 advance fee.

20. Due to Respondent's failure to appear at the arbitration, a non-binding default award was issued on Pham's behalf in the amount of \$3,000.

21. To date, Respondent has failed to refund any money to Pham.

22. On November 30, 2010, Steve Pham filed a complaint with the State Bar. Pursuant to Mr. Pham's complaint, the State Bar opened investigation case no. 10-O-11143.

23. On March 1, 2011, and on March 15, 2011, a State Bar investigator mailed letters to Respondent at his membership records address regarding the allegations in case no. 10-O-11143. Respondent received the letters.

24. The investigator's letters requested that Respondent respond in writing to specified allegations of misconduct being investigated by the State Bar in case no. 10-O-11143.

25. Respondent had until March 15, 2011, and until March 29, 2011, respectively, to respond to the investigator's letters.

26. On April 21, 2011, Respondent sent a letter to the investigator requesting an extension of time to respond to the investigator's letters. The investigator gave Respondent until May 2, 2011, to respond.

27. On May 23, 2011, the investigator left a voice mail for Respondent informing him that Respondent had until May 27, 2011, to provide a written response to the investigator's letters.

28. On May 24, 2011, Respondent left a voice mail for the investigator informing him that Respondent was busy and requesting another extension.

29. On May 25, 2011, the investigator left a voice mail for Respondent informing him his request for another extension was denied and that Respondent had until May 27, 2011, to provide a written response to the investigator's letters.

30. Respondent has not communicated with the investigator since May 24, 2011, and has never provided a written response to investigator's letters.

#### CONCLUSIONS OF LAW:

31. By failing to address the pending bench warrant for Mr. Pham, and by not opposing KMI's motion for costs and attorney fees, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in willful violation of rule 3-110(A) of the Rules of Professional Conduct.

32. By failing to respond to Pham's multiple attempts to contact him, Respondent failed to respond promptly to reasonable status inquiries of a client in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code section 6068(m).

33. By failing to refund Pham's \$3,000 advance fee, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in willful violation of rule 3-700(D)(2) of the Rules of Professional Conduct.

34. By not providing a written response to the allegations in case no. 10-O-11143 or otherwise cooperating in the investigation of the matter, Respondent failed to cooperate in a disciplinary investigation in willful violation of Business and Professions Code section 6068(i).

#### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was January 3, 2012..

#### **AUTHORITIES SUPPORTING DISCIPLINE.**

Standard 2.4(b) provides for reproof or suspension for a failure to perform in an individual matter not demonstrating a pattern of misconduct, depending upon the degree of harm to the client and extent of the misconduct.

Standard 2.6(a) provides for disbarment or suspension depending upon the gravity of the harm to the victim or gravity of the offense for violation of B&PC sections 6068(i) and (m).

Standard 2.10 provides for reproof or suspension depending upon the gravity of the offense or harm to the victim for violation of rule 3-700(D).

In consideration of the facts and circumstances surrounding Respondent's misconduct, and the aggravating and mitigating circumstances present, the parties submit that the intent and goals of the Standards are met in this matter by the imposition of a two year stayed suspension, and two years probation.

#### **COSTS OF DISCIPLINARY PROCEEDINGS.**

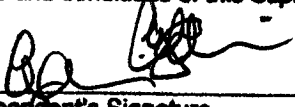
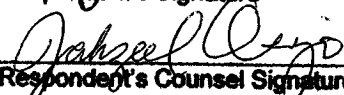

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 3, 2012, the prosecution costs in this matter are approximately \$6779.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: Geoffrey C. Morrison	Case number(s): 10-O-11143
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### 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.

<u>1/3/12</u> Date	 Respondent's Signature	<u>Geoffrey C. Morrison</u> Print Name
<u>1/3/2012</u> Date	 Respondent's Counsel Signature	<u>Jahzeel Oscjo</u> Print Name
<u>January 27 '12</u> Date	 Deputy Trial Counsel's Signature	<u>Hugh G. Radigan</u> Print Name

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In the Matter of: Geoffrey C. Morrison	Case Number(s): 10-O-11143
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### STAYED SUSPENSION ORDER

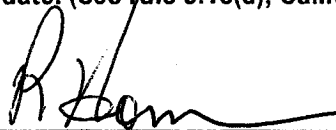
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

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 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

2-24-12

Date



Judge of the State Bar Court

**CERTIFICATE OF SERVICE**

[Rules Proc. of State Bar; Rule 5.27(B); 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 February 28, 2012, 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:


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

JAHZEEL OSEJO  
10201 TRADEMARK ST SUITE C  
RANCHO CUCAMONGA CA 91730

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

HUGH RADIGAN , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 28, 2012.

  
\_\_\_\_\_  
Angela Carpenter  
Case Administrator  
State Bar Court