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**STATE BAR COURT CLERK'S OFFICE
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**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES**

In the Matter of)	Case Nos.: 12-O-10959-LMA
)	(12-O-13917; 12-O-14404);
GEOFFREY CARL MORRISON,)	12-O-16859 (13-O-11923);
)	12-C-17628 (Cons.)
Member No. 172059,)	
)	DECISION AND ORDER SEALING
A Member of the State Bar.)	CERTAIN DOCUMENTS
_____)	

Introduction

In this consolidated original disciplinary proceeding, respondent Geoffrey Carl Morrison (respondent) was accepted for participation in the State Bar Court’s Alternative Discipline Program (ADP). As the court has now terminated respondent from the ADP, the court will recommend to the Supreme Court that respondent be suspended from the practice of law in California for two years, that execution of that period of suspension be stayed, and that he be placed on probation for three years subject to certain conditions, including a minimum period of actual suspension of two years and until he makes restitution and provides proof to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law.

Pertinent Procedural History

The Office of the Chief Trial Counsel of the State Bar of California (State Bar) filed a Notice of Disciplinary Charges (NDC) against respondent on March 15, 2013, in case nos.

12-O-10959 (12-O-13917; 12-O-14404). In or about May 2013, this matter was referred to the State Bar Court's ADP. In furtherance of his participation in the ADP, respondent signed a long-term Participation Plan with the Lawyer Assistance Program (LAP) in June 2013. Respondent submitted a declaration to the court on June 4, 2013, which established a nexus between respondent's mental health and substance abuse issues and his misconduct in these matters.

The parties entered into a Stipulation Re Facts and Conclusions of Law in case nos. 12-O-10959 (12-O-13917; 12-O-14404) on May 31, 2013. The stipulation set forth the factual findings, legal conclusions, and mitigating and aggravating circumstances. The stipulation was received by the court on May 31, 2013.

Thereafter, the court advised the parties of (1) the discipline which would be recommended to the Supreme Court if respondent successfully completed the ADP and (2) the discipline which would be recommended if respondent failed to successfully complete, or was terminated from, the ADP. After agreeing to those alternative possible dispositions, respondent executed the Contract and Waiver for Participation in the State Bar Court's ADP (contract), and the court executed a Confidential Statement of Alternative Dispositions and Orders (confidential statement) formally advising the parties in writing of the alternative discipline recommendations in this matter; the court accepted respondent for participation in the ADP; and respondent's period of participation in the ADP began on October 15, 2013.

The State Bar filed a second NDC against respondent in case nos. 12-O-16859 (13-O-11923) on March 26, 2014. In addition, the State Bar, in case no. 12-C-17628, transmitted evidence of respondent's conviction for driving under the influence of alcohol and driving with a suspended license to the Review Department on June 27, 2014. On July 10, 2014, the Review Department referred that matter to the Hearing Department for a hearing and

decision recommending the discipline to be imposed in the event that the facts and circumstances surrounding the conviction involved moral turpitude or other misconduct warranting discipline.

The second NDC and conviction matter were ultimately referred to ADP. Respondent submitted an amended declaration to the court on July 28, 2014, which established a nexus between respondent's mental health and substance abuse issues and his misconduct in these matters.

The parties entered into a Stipulation Re Facts and Conclusions of Law in consolidated case nos. 12-O-16859 (13-O-11923); 12-C-17628 on August 4, 2014. The stipulation set forth the factual findings, legal conclusions, and mitigating and aggravating circumstances. The stipulation was received by the court on August 4, 2014.

Thereafter, the court again advised the parties of (1) the discipline which would be recommended to the Supreme Court if respondent successfully completed the ADP and (2) the discipline which would be recommended if respondent failed to successfully complete, or was terminated from, the ADP. After agreeing to those alternative possible dispositions, respondent executed an amended contract, and the court executed an amended confidential statement including all of the aforementioned matters.¹ The amended confidential statement formally advised the parties in writing of the alternative discipline recommendations in this matter; the court accepted respondent for participation in the ADP; and respondent's period of participation in the ADP stemming from the amended confidential statement began on September 22, 2014.

Respondent thereafter participated in both the LAP and the State Bar Court's ADP. Effective September 26, 2014, this matter was reassigned to the undersigned judge. Finding it appropriate to require respondent to commence paying restitution during his period of

¹ All of respondent's matters were consolidated.

participation in the ADP, the court, on January 6, 2015, lodged an agreement and order amending the amended contract to include restitution payments.

On or about April 15, 2015, the Office of Probation of the State Bar of California submitted a report indicating that respondent had failed to provide proof of payment of his first two restitution payments. On or about April 23, 2015, the LAP submitted a report stating that respondent had three unexcused lab test absences and one unexcused LAP group/Therapy Session absence. On or about April 20, 2015, respondent requested to be terminated from the ADP. On April 27, 2015, the court filed an order terminating respondent from the ADP.

Findings of Fact and Conclusions of Law

The parties' October 15, 2013 and September 22, 2014 stipulations, including the court's orders approving the stipulations, are attached and hereby incorporated by reference, as if fully set forth herein.

In case no. 12-O-10959, respondent stipulated that he willfully: (1) failed to competently perform legal services by not appearing at an early neutral evaluation conference and failing to file a response on his client's behalf in violation of rule 3-110(A) of the Rules of Professional Conduct of the State Bar of California;² (2) failed to keep his client reasonably informed of significant developments in violation of Business and Professions Code section 6068, subdivision (m);³ (3) failed to take reasonable steps to avoid foreseeable prejudice to his client upon termination of employment in violation of rule 3-700(A)(2); (4) failed to refund unearned advanced fees in violation of rule 3-700(D)(2); and (5) failed to provide his client with an accounting in violation of rule 4-100(B)(3).

² Unless otherwise indicated, all further references to rule(s) refer to the Rules of Professional Conduct of the State Bar of California.

³ Unless otherwise indicated, all further references to section(s) refer to provisions of the Business and Professions Code.

In case no. 12-O-13917, respondent stipulated that he willfully: (1) failed to competently perform legal services by abandoning a client's criminal action and failing to appear at three hearings in violation of rule 3-110(A); (2) failed to take reasonable steps to avoid foreseeable prejudice to his client upon termination of employment in violation of rule 3-700(A)(2); (3) failed to refund unearned advanced fees in violation of rule 3-700(D)(2); and (4) failed to provide his client with an accounting in violation of rule 4-100(B)(3).

In case no. 12-O-14404, respondent stipulated that he willfully: (1) failed to take reasonable steps to avoid foreseeable prejudice to his client upon termination of employment in violation of rule 3-700(A)(2); (2) failed to refund unearned advanced fees in violation of rule 3-700(D)(2); and (3) failed to provide his client with an accounting in violation of rule 4-100(B)(3).

In case no. 12-O-16859, respondent stipulated that he willfully: (1) failed to refund unearned advanced fees in violation of rule 3-700(D)(2); and (2) failed to provide his client with an accounting in violation of rule 4-100(B)(3).

In case no. 13-O-11923, respondent stipulated that he willfully: (1) failed to competently perform legal services by failing to appear at three hearings in violation of rule 3-110(A); (2) failed to provide his client with an accounting in violation of rule 4-100(B)(3); and (3) failed to keep his client reasonably informed of significant developments in violation of section 6068, subdivision (m).

In case no. 12-C-17628, respondent stipulated that his January 7, 2014 conviction did not involve moral turpitude, but did involve other misconduct warranting discipline. Respondent's January 7, 2014 conviction stemmed from respondent's guilty plea on the following two counts:

(1) driving under the influence with a blood alcohol level of 0.08% or higher (Vehicle Code⁴ section 23152, subdivision (b));⁵ and (2) driving on a suspended license (Vehicle Code section 14601.5, subdivision (a)).

In aggravation, respondent had a prior record of discipline,⁶ engaged in multiple acts of misconduct, caused significant harm to his clients, and demonstrated indifference toward rectification of or atonement for the consequences of his misconduct. No mitigating factors were involved.

Discussion

The purpose of State Bar disciplinary proceedings is not to punish the attorney but, rather, to protect the public, preserve public confidence in the legal profession, and maintain the highest possible professional standards for attorneys. (*Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate alternative discipline recommendations if respondent successfully completed the ADP or was terminated from, or failed to successfully complete, the ADP, the court considered certain standards and case law. In particular, the court considered standards 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 2.2(b), 2.5(b), 2.12(b), and 2.15⁷ and *Bernstein v. State Bar* (1990) 50 Cal.3d 221; and *In the Matter of Sklar* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 602.

⁴ The parties' stipulation contains a typographical error identifying this as a Penal Code section.

⁵ This charge was enhanced by the fact that respondent was driving under the influence with a blood alcohol level of 0.15% or higher. (Vehicle Code section 23578.)

⁶ Respondent's prior record of discipline became effective on August 15, 2012. He was suspended for two years, stayed, with two years' probation for failing to perform legal services with competence, failing to refund unearned fees, failing to respond to client inquiries, and failing to cooperate in a disciplinary investigation.

⁷ The standards were revised on July 1, 2015. All references to the standards in this decision refer to the standards in effect prior to July 1, 2015.

Because respondent has now been terminated from the ADP, this court, in turn, now recommends to the Supreme Court the imposition of the higher level of discipline, set forth more fully below.

Recommended Discipline

It is hereby recommended that respondent Geoffrey Carl Morrison, State Bar Number 172059, be suspended from the practice of law in California for two years, that execution of that period of suspension be stayed, and that he be placed on probation⁸ for a period of three years subject to the following conditions:

1. Respondent is suspended from the practice of law for a minimum of the first two years of probation, and respondent will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Robert Jensen in the amount of \$15,000 plus 10 percent interest per year from December 15, 2011;
 - (2) Martin Alvarez in the amount of \$10,000 plus 10 percent interest per year from December 1, 2011; and
 - (3) Maximiano Mendoza in the amount of \$15,000 plus 10 percent interest per year from October 21, 2011.
 - ii. Respondent must provide satisfactory proof to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law before his actual suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all of the conditions of respondent's probation.
3. Within 10 days of any change in the information required to be maintained on the membership records of the State Bar pursuant to Business and Professions Code section 6002.1, subdivision (a), including respondent's current office address and

⁸ The probation period will commence on the effective date of the Supreme Court order imposing discipline in this matter. (See Cal. Rules of Court, rule 9.18.)

telephone number, or if no office is maintained, the address to be used for State Bar purposes, respondent must report such change in writing to the Membership Records Office and the State Bar's Office of Probation.

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 of the conditions of respondent's probation during the preceding calendar quarter. In addition to all quarterly reports, a final report, containing the same information, is due no earlier than 20 days before the last day of the probation period and no later than the last day of the probation period.
5. Subject to the assertion of applicable privileges, respondent must answer fully, promptly, and truthfully, any inquiries of the Office of Probation or any probation monitor that are directed to respondent personally or in writing, relating to whether respondent is complying or has complied with respondent's probation conditions.
6. Within 30 days after 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.
7. Within one year after the effective date of the discipline herein, respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar's Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and respondent will not receive MCLE credit for attending Ethics School. (Rules Proc. of State Bar, rule 3201.)
8. Respondent must comply with all conditions of respondent's criminal probation and must so declare under penalty of perjury in any quarterly report required to be filed with the Office of Probation. If respondent has completed probation in the underlying criminal matter, or completes it during the period of his disciplinary probation, respondent must provide to the Office of Probation satisfactory documentary evidence of the successful completion of the criminal probation in the quarterly report due after such completion. If such satisfactory evidence is provided, respondent will be deemed to have fully satisfied this probation condition.
9. If respondent has not been terminated from the LAP, respondent must comply with all provisions and conditions of his Participation Agreement/Plan with the LAP and must provide the Office of Probation with certification of completion of the LAP. Respondent must immediately report any non-compliance with any provision(s) or condition(s) of his Participation Agreement/Plan to the Office of Probation. Respondent must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and

conditions of respondent's participation in the LAP and his compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. Respondent will be relieved of this condition upon providing to the Office of Probation satisfactory certification of completion of the LAP.

If respondent has been terminated from the LAP prior to his successful completion of the LAP, respondent must obtain an examination of his mental and physical condition with respect to his mental health and substance abuse issues pursuant to rule 5.68 of the Rules of Procedure from a qualified practitioner approved by the Office of Probation and must comply with any treatment/monitoring plan recommended following such examination. The examination and any further help/treatment/monitoring recommended by the examining practitioner will be at respondent's own expense. The examination must be conducted no later than 30 days after the effective date of the Supreme Court's final disciplinary order in this matter. Help/treatment/monitoring should commence immediately after said examination and, in any event, no later than 30 days after said examination. With each quarterly report, respondent must furnish to the Office of Probation sufficient evidence, as specified by the Office of Probation, that he is so complying with this condition of probation. Treatment/monitoring must continue for the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the examining or treating practitioner determines that there has been a substantial change in respondent's condition, respondent or the State Bar's Office of Probation or the Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 5.300 of the Rules of Procedure. The motion must be supported by a written statement from the examining or treating practitioner, by affidavit or under penalty of perjury, in support of the proposed modification.

Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical and confidentiality waivers and access to all of respondent's medical records necessary to monitor this probation condition. Revocation of any medical/confidentiality waiver is a violation of this condition. Any medical records obtained by the Office of Probation will be confidential and no information concerning them or their contents will be given to anyone except members of the Office of the Chief Trial Counsel, the Office of Probation, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

At the expiration of the probation period, if respondent has complied with all conditions of probation, respondent will be relieved of the stayed suspension.

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Multi-State Professional Responsibility Examination

It is recommended that respondent be ordered to take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

California Rules of Court, Rule 9.20

It is further recommended that respondent be ordered to comply with the requirements of rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court order in this proceeding. Failure to do so may result in disbarment or suspension.

Costs

It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with respondent's membership fees for each of the years 2017, 2018, and 2019. 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.

Direction Re Decision and Order Sealing Certain Documents

The court directs a court case administrator to file this Decision and Order Sealing Certain Documents. Thereafter, pursuant to rule 5.388 of the Rules of Procedure of the State Bar of California (Rules of Procedure), all other documents not previously filed in this matter are ordered sealed pursuant to rule 5.12 of the Rules of Procedure.

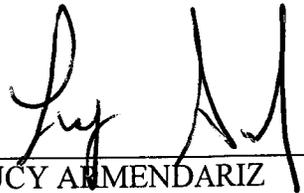
It is further ordered that protected and sealed material will only be disclosed to:

(1) parties to the proceeding and counsel; (2) personnel of the Supreme Court, the State Bar Court, and independent audiotope transcribers; and (3) personnel of the Office of Probation when

necessary for their duties. Protected material will be marked and maintained by all authorized individuals in a manner calculated to prevent improper disclosures. All persons to whom protected material is disclosed will be given a copy of this order sealing the documents by the person making the disclosure.

IT IS SO ORDERED.

Dated: July 9, 2015



LUCY ARMENDARIZ
Judge of the State Bar Court

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State Bar Court of California
Hearing Department Los Angeles **PUBLIC MATTER**
ALTERNATIVE DISCIPLINE PROGRAM

<p>Counsel For The State Bar</p> <p>Michael J. Glass Senior Trial Counsel 1149 South Hill Street Los Angeles, California 90015</p> <p>Bar # 102700</p>	<p>Case Number(s): 12-O-10959-RAP 12-O-13917 12-O-14404</p>	<p>For Court use only</p> <p>FILED</p> <p>OCT 15 2013</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Geoffrey Carl Morrison 1286 University Ave., #317 San Diego, CA 92103 (619) 277-8822</p> <p>Bar # 172059</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p> <p>ALTERNATIVE DISCIPLINE PROGRAM</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: GEOFFREY CARL MORRISON</p> <p>Bar # 172059</p> <p>A Member of the State Bar of California (Respondent)</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 (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 5.386(D)(2) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 12 pages, excluding the order.

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5/31/13

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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) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

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 10-O-11143 (\$201800)
 - (b) Date prior discipline effective August 15, 2012
 - (c) Rules of Professional Conduct/ State Bar Act violations: rules 3-110(A) and 3-700(D)(2); Business and Professions Code sections 6068(i) and 6068(m). See attachment page 6.
 - (d) Degree of prior discipline Two years stayed suspension, two years probation with conditions, including restitution.
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below:
- (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. See attachment page 6.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct. See attachment page 6.
- (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.

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- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See attachment page 7.
- (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.
- (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:

8. In late December 2011, Jensen repeatedly attempted to contact Respondent by phone to obtain a status update, but was unable to speak with Respondent or leave voice mail messages because Respondent's voice mailbox was full.

9. On January 7, 2012, Jensen retained new counsel in the civil lawsuit. On January 9, 2012, Jensen's new counsel filed a Motion to Substitute Attorney in the civil lawsuit.

10. Respondent failed to provide any legal services of value to Jensen in the civil lawsuit.

11. On or about May 10, 2012, Jensen sent a letter to Respondent requesting a detailed accounting of all work in the civil lawsuit, and a full refund of the \$15,000 in advanced fees paid by Jensen. Respondent received the letter.

12. To date Respondent has failed to refund any portion of the \$15,000 in unearned advanced fees paid by Jensen.

13. Respondent did not earn any portion of the \$15,000 in advanced fees.

14. To date, Respondent has failed to provide Jensen with an accounting for the \$15,000 in fees Jensen advanced to him.

CONCLUSIONS OF LAW:

15. By failing to appear at the ENEC, failing to file a response on behalf of Jensen in the civil lawsuit, and failing to provide any legal services of value to Jensen, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of Rules of Professional Conduct, rule 3-110(A).

16. By failing to inform Jensen that Respondent did not attend the ENEC, and failing to inform Jensen that Respondent did not comply with the December 15, 2011, court order by filing a response on Jensen's behalf on or before December 30, 2011, Respondent failed to keep a client reasonably informed of significant developments, in a matter in which Respondent had agreed to provide legal services, in violation of Business and Professions Code section 6068(m).

17. By failing to provide any representation to Jensen in the civil lawsuit, failing to attend the ENEC in the civil lawsuit on December 15, 2011, failing to file a response on behalf of Jensen in the civil lawsuit on or before December 30, 2011, and failing to inform Jensen that he had stopped working for his benefit in the civil lawsuit, Respondent constructively terminated his employment with Jensen, without any notice to Jensen, and Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client in violation of Rules of Professional Conduct, rule 3-700(A)(2).

18. By failing to refund \$15,000 in advanced fees to Jensen, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned in violation of Rules of Professional Conduct, rule 3-700(D)(2).

19. By failing to provide Jensen with an accounting for the \$15,000 in advanced fees that Jensen paid Respondent, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession, in violation of Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 12-O-13917 (Complainant: Salvador Martinez)

FACTS:

20. On September 19, 2011, pursuant to a written fee agreement, Salvador Alvarez Martinez ("Martinez") employed Respondent to represent Martinez in a criminal case entitled *People v. Salvador Martinez Alvarez*, Orange County Superior Court Case No. 11CF2508 F A ("criminal action").

21. On September 19, 2011, Martin Alvarez, Martinez's brother, paid Respondent \$5,000 in advanced fees, on behalf of Martinez, pursuant to the written fee agreement, to represent Martinez in the criminal action. At all times mentioned herein, Martinez was incarcerated in connection with the criminal action.

22. On September 27, 2011, Respondent appeared at an arraignment hearing in the criminal action. At the September 27, 2011, hearing, the court set a "Pre-Trial Hearing" on October 4, 2011, and a preliminary hearing on October 21, 2011. Respondent was present in court and had knowledge of the October 4 and October 21 hearings.

23. On October 4, 2011, Respondent failed to appear at the "Pre-Trial Hearing". Attorney Fred McBride made a special appearance for Respondent at the October 4, 2011, hearing. The court took the "Pre-Trial Hearing" off calendar.

24. On October 21, 2011, Respondent appeared at the preliminary hearing in the criminal action. At the October 21, 2011, hearing, the court set a "Pre-Trial Hearing" on December 1, 2011. Respondent was present in court and had knowledge of the December 1, 2011, hearing.

25. In November 2011, Martin Alvarez paid Respondent an additional \$5,000 in advanced fees, on behalf of Martinez, pursuant to the written fee agreement, to represent Martinez in the criminal action.

26. On December 1, 2011, Respondent failed to appear at the "Pre-Trial Hearing" in the criminal action. Deputy District Attorney Elisabeth McKinley and the court clerk were unable to contact Respondent. At the December 1, 2011, hearing, the court continued the "Pre-Trial Hearing" to December 2, 2011. The court clerk left Respondent a voice mail message regarding the continuance. Respondent received the voice mail message. On or about December 1, 2011, Martinez's brother, Martin Alvarez, also repeatedly attempted to contact Respondent by phone, but only reached an answering machine.

27. On December 2, 2011, Respondent failed to appear at the continued "Pre-Trial Hearing" in the criminal action. Deputy District Attorney McKinley and Martinez were unable to contact Respondent. At the December 2, 2011, hearing, the court continued the "Pre-Trial Hearing" to December 5, 2011.

28. On December 5, 2011, Respondent failed to appear at the continued "Pre-Trial Hearing" in the criminal action. Deputy District Attorney McKinley was unable to contact Respondent. At the December 5, 2011, hearing, the court continued the "Pre-Trial Hearing" to December 12, 2011.

29. On December 12, 2011, Respondent failed to appear at the continued "Pre-Trial Hearing" in the criminal action. The court continued the "Pre-Trial Hearing" to December 16, 2011. The court clerk left Respondent a voice mail message regarding the December 16, 2011, "Pre-Trial Hearing". Respondent received the message.

30. On December 16, 2011, Respondent failed to appear at the continued "Pre-Trial Hearing" in the criminal action. The court made a final finding that Respondent had abandoned Martinez, relieved Respondent as counsel of record, and appointed Public Defender Jennifer Ryan to represent Martinez in the criminal action.

31. To date, Respondent has failed to refund any portion of the \$10,000 in unearned advanced fees paid by Martinez's family.

32. Respondent did not earn any portion of the \$10,000 in advanced fees.

33. To date, Respondent has failed to provide Martinez with an accounting for the \$10,000 in fees Martinez's family advanced to him.

CONCLUSIONS OF LAW:

34. By abandoning Martinez's criminal action, and failing to appear at hearings in the criminal action on or about December 1, 2011, December 2, 2011, and December 16, 2011, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in violation of Rules of Professional Conduct, rule 3-110(A).

35. By failing to attend the October 4, 2011, December 1, 2011, December 2, 2011, and December 16, 2011, hearings, and failing to inform Martinez that he had stopped working for his benefit in the criminal action, Respondent constructively terminated his employment with Martinez, without any notice to Martinez, and Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client in violation of Rules of Professional Conduct, rule 3-700(A)(2).

36. By failing to refund any unearned portion of the \$10,000 in advanced fees paid by Martinez's family, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in violation of Rules of Professional Conduct, rule 3-700(D)(2).

37. By failing to provide Martinez with an accounting for the \$10,000 in advanced fees that Martinez's family paid Respondent, Respondent failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession, in violation of Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 12-O-14404 (Complainant: Maximiano Mendoza)

FACTS:

38. In July 2011, Maximiano Mendoza ("Mendoza") employed Respondent to represent him in a federal criminal action entitled *U.S.A. v. Mendoza, et al.*, U.S. District Court for the Southern District of California, Case No. 3:11-cr-02652-BTM-2 ("criminal action").

39. On July 29, 2011, Respondent filed a motion to substitute into the criminal action as Mendoza's attorney of record.

40. In August 2011, Mendoza's family paid Respondent \$15,000 in advanced fees, on behalf of Mendoza, to represent Mendoza in the criminal action.

41. On August 26, 2011, the court held a hearing in the criminal action, in which it granted Respondent's motion to substitute into the criminal action as Mendoza's attorney of record. At the August 26, 2011, hearing, the court set a motion and trial-setting hearing on October 21, 2011. Respondent was present in court and had knowledge of the October 21, 2011, hearing.

42. On October 21, 2011, Respondent failed to appear at the hearing in the criminal action. At the October 21 hearing, the court set a discovery motion and status hearing on December 16, 2011.

43. On December 16, 2011, Respondent failed to appear at the hearing in the criminal action. At the December 16, 2011, hearing, the court set a motion hearing on February 17, 2012.

44. On February 17, 2012, Respondent failed to appear at the hearing in the criminal action. At the February 17, 2012, hearing, the court relieved Respondent as attorney of record for Mendoza in the criminal action, and appointed Jeremy D. Warren to represent Mendoza.

45. On April 18, 2012, Mendoza sent Respondent a letter requesting a detailed accounting of all work performed in the criminal action, and a full refund of all unearned advanced fees paid by Mendoza's family. Respondent received the letter.

46. To date, Respondent has failed to refund any portion of the \$15,000 in unearned advanced fees paid by Mendoza's family.

47. Respondent did not earn any portion of the \$15,000 in unearned advanced fees.

48. To date, Respondent has failed to provide Mendoza with an accounting for the \$15,000 in fees Mendoza's family advanced to him.

CONCLUSIONS OF LAW:

49. By failing to attend the October 21, 2011, hearing in the criminal action, abandoning Mendoza's criminal action, and failing to inform Mendoza that he had stopped working for his benefit in the criminal action, Respondent constructively terminated his employment with Mendoza, without notice to Mendoza, and Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client, in violation of Rules of Professional Conduct, rule 3-700(A)(2).

50. By failing to refund any unearned portion of the \$15,000 in advanced fees paid by Mendoza's family, Respondent failed to refund promptly any part of a fee paid in advance that has not been earned, in violation of Rules of Professional Conduct, rule 3-700(D)(2).

51. By failing to provide Mendoza with an accounting for the \$15,000 in advanced fees that Mendoza's family paid Respondent, at any time between August 2011 and the present, Respondent

failed to render appropriate accounts to a client regarding all funds coming into Respondent's possession, in violation of Rules of Professional Conduct, rule 4-100(B)(3).

ADDITIONAL FACTS RE AGGRAVATING CIRCUMSTANCES.

Prior Record of Discipline (Std. 1.2(b)(i)): Under standard 1.2(b)(i), Respondent has a prior record of discipline. In this regard, on July 16, 2012, in Supreme Court Case No. S201800 (State Bar Court Case No. 10-O-11143) the Supreme Court filed its order, effective August 15, 2012, imposing discipline as to Respondent consisting of a two year stayed suspension, two years probation with conditions. The conditions of Respondent's probation included restitution of \$3,150.00 to client Steven Pham.

In the underlying matter, on August 31, 2010, Steven Pham ("Pham") employed Respondent to represent him in a civil matter in which a judgment creditor was seeking enforcement of default judgment against Pham. Specifically, Pham employed Respondent to address a pending bench warrant against Pham, due to Pham's failure to appear at a judgment debtor examination, and to oppose the Judgment Creditor's motion for costs and attorneys fees. On September 1, 2010, Pham paid Respondent \$3,000.00 as an advanced legal fee for Respondent's legal services. Thereafter, Respondent failed to take any action to address the pending bench warrant for Pham, or to oppose the judgment creditor's motion for costs and attorneys fees. Between September 22, 2010 and November 1, 2010, Respondent failed to respond to Pham's telephone calls, e-mails, and text messages, requesting a status update on Pham's case. On November 1, 2010, Pham sent Respondent a letter requesting a full refund. Respondent received the letter but failed to provide a refund. On November 30, 2012, Pham filed a State Bar Complaint against Respondent. On March 1, 2011, and March 15, 2011, Respondent failed to provide a written response to the State Bar Investigator's letters. In or about May 27, 2011, Pham received a non-binding fee arbitration award of \$3,000.00.

In a Stipulation Re Facts, Conclusions of Law and Disposition and Order Approving Stayed Suspension; No Actual Suspension, filed February 28, 2012, Respondent stipulated to the following violations: rule 3-110(A) [Failure to Perform Legal Services with Competence]; Business and Professions Code section 6068(m) [Failure to Promptly Respond to Reasonable Status Inquiries of a Client]; rule 3-700(D)(2) [Failure to Promptly Refund Unearned Fees]; and Business and Professions Code section 6068(i) [Failure to Cooperate in a State Bar Disciplinary Investigation].

Harm (Std. 1.2(b)(iv)): Under standard 1.2(b)(iv), Respondent's misconduct has resulted in harm to the clients as in Case No. 12-O-10959, due to Respondent's misconduct, client Jensen had to employ new counsel to represent him in the civil lawsuit. *In the Matter of Casey* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 117, 126.

Indifference (Std. 1.2(b)(v)): Under standard 1.2(b)(v), in Case Nos. 12-O-10959 (CW Jensen), 12-O-13917 (CW Martinez), and 12-O-14404 (CW Mendoza) Respondent has demonstrated indifference toward rectification of or atonement for the consequences of his misconduct by failing to pay restitution in the amount of \$15,000 to client Jensen, \$10,000 to client Martinez, and \$15,000 to client Mendoza. (*See In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 913 [failure to refund the fees and costs an attorney wrongfully collected demonstrates indifference toward rectification of or atonement for the consequences of his or her misconduct].)

Multiple Acts of Misconduct (Std. 1.2(b)(ii)): Under standard 1.2(b)(ii), as indicated above, Respondent has engaged in multiple acts of misconduct. In this regard, in Case No. 12-O-10959, Respondent failed to appear at the ENEC and file a new motion to dismiss on behalf of client Jensen in the civil lawsuit, failed to inform Jensen of significant developments in the civil lawsuit, improperly withdrew from employment, failed to refund unearned legal fees in the amount of \$15,000.00, and failed to provide an accounting. In Case No. 12-O-13917, Respondent failed to appear at multiple hearings on behalf of client Martinez in the criminal action, improperly withdrew from employment, failed to refund \$10,000.00 in unearned legal fees, and failed to provide an accounting. In Case No. 12-O-14404, Respondent failed to appear at the October 21, 2011, hearing on behalf of client Mendoza, improperly withdrew from employment, failed to refund unearned legal fees in the amount of \$15,000.00, and failed to provide an accounting.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of May 22, 2013, the prosecution costs in this matter are \$5,564.11. 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.

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In the Matter of: Geoffrey Carl Morrison Member # 172059	Case Number(s): 12-O-10959-RAP; 12-O-13917; and 12-O-14404
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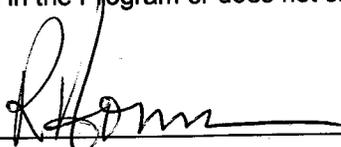
ALTERNATIVE DISCIPLINE PROGRAM ORDER

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 stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

10/15/13
Date



Judge of the State Bar Court

RICHARD A. HONN

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 October 16, 2013, I deposited a true copy of the following document(s):

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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

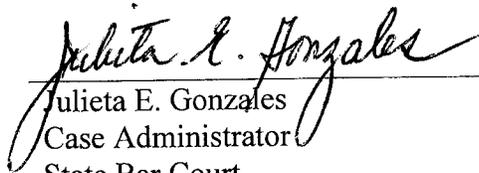
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

GEOFFREY C MORRISON
1286 UNIVERSITY AVE #317
SAN DIEGO, CA 92103

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

Michael J. Glass, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 16, 2013.



Julieta E. Gonzales
Case Administrator
State Bar Court

State Bar Court of California

Hearing Department

Los Angeles

PUBLIC MATTER

ALTERNATIVE DISCIPLINE PROGRAM

<p>Counsel For The State Bar</p> <p>Michael J. Glass Supervising Senior Trial Counsel 1149 South Hill Street Los Angeles, California 90015 (213) 765-1254</p> <p>Bar # 102700</p>	<p>Case Number (s) 12-O-16859 RAH 13-O-11923 12-C-17628</p>	<p>(for Court's use)</p> <p>FILED SEP 22 2014 P.B. STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Susan L. Margolis Margolis & Margolis LLP 2000 Riverside Drive Los Angeles, California 90039 (323) 953-8996</p> <p>Bar # 104629</p>	<p>Submitted to: Program Judge</p> <p>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of: GEOFFREY CARL MORRISON</p> <p>Bar # 172059</p> <p>A Member of the State Bar of California (Respondent)</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 (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **10** pages, excluding the order.
- (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."

(Do not write above this line.)

- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [see Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case **10-O-11143 (S201800)**
- (b) Date prior discipline effective **August 15, 2012**
- (c) Rules of Professional Conduct/ State Bar Act violations: **rules 3-110(A); 3-700(D)(2); Business and Professions Code sections 6068(i) and 6068(m). See attachment page 9.**
- (d) Degree of prior discipline **Two year stayed suspension, two years' probation with conditions, including restitution**
- (e) If Respondent has two or more incidents of prior discipline, use space provided below:
- (2) **Dishonesty:** Respondent's misconduct was intentional, 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. **See attachment page 9.**
- (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. **See attachment page 9.**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. 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, the public, or the administration of justice.
- (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 with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental 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 the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (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 extraordinarily 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:

7. On September 7, 2012, Respondent sent Cunningham a letter in which Respondent offered to provide Cunningham with a partial refund of \$5,000. Respondent also enclosed a Request for Fee Arbitration with the San Diego County Bar Association. Respondent did not enclose any funds in his letter, provide Cunningham with any refund, or provide Cunningham with an accounting.

8. On October 1, 2012, Cunningham initiated Fee Arbitration Proceedings against Respondent through the San Diego County Bar Association.

9. On May 6, 2013, a Fee Arbitration Hearing was held. Cunningham and Respondent appeared and the parties agreed to binding fee arbitration.

10. On July 7, 2013, the Arbitrator issued his Arbitration Award in favor of Cunningham in the amount of \$5,000 in unearned attorney fees, and \$200 in costs, for a total award of \$5,200.

11. On May 30, 2014, Respondent paid Cunningham \$5,200 in satisfaction of the Arbitration Award.

CONCLUSIONS OF LAW

12. By failing to promptly refund \$5,000 in unearned fees to Cunningham, Respondent failed to refund promptly any part of a fee paid in advance that had not been earned in willful violation of Rules of Professional Conduct, rule 3-700(D)(2).

13. By failing to provide an accounting to Cunningham for the \$10,000 paid as advanced fees, after termination of employment, Respondent failed to render an appropriate accounting, upon termination of employment, in willful violation of Rules of Professional Conduct, rule 4-100(B)(3).

Case No. 13-O-11923 (Complainant: Wendy Antisdel Bothell)

FACTS

14. On June 20, 2011, pursuant to a written fee agreement, Wendy Antisdel¹ employed Respondent to represent her in a criminal matter involving negligent vehicular manslaughter, entitled *People v. Wendy Antisdel*, San Diego County Superior Court Case No. C317501 ("the criminal matter"). Antisdel paid Respondent a total of \$7,000 in advanced fees.

15. On April 17, 2012, Respondent failed to appear at a court hearing on behalf of Antisdel in the criminal matter. Respondent had notice of the hearing. Respondent also failed to inform Antisdel of the April 17, 2012, court hearing. On April 18, 2012, the court issued a bench warrant for Antisdel's arrest.

16. On August 1, 2012, Respondent appeared at a court hearing on behalf of Antisdel in the criminal matter. The court recalled the April 18, 2012, bench warrant for Antisdel's arrest.

¹ Ms. Antisdel subsequently married and is presently known as Wendy Antisdel Bothell.

17. On August 15, 2012, Respondent failed to appear at a court hearing on behalf of Antisdel in the criminal matter. Respondent had notice of the hearing. Respondent also failed to inform Antisdel of the August 15, 2012, court hearing. On August 16, 2012, the court issued a bench warrant for Antisdel's arrest.

18. On September 5, 2012, Respondent appeared at a court hearing on behalf of Antisdel in the criminal matter. The court recalled the August 16, 2012, bench warrant for Antisdel's arrest.

19. On October 17, 2012, Respondent failed to appear at a court hearing on behalf of Antisdel in the criminal matter. Respondent had notice of the hearing. Respondent also failed to inform Antisdel of the October 17, 2012, court hearing. On October 18, 2012, the court issued a bench warrant for Antisdel's arrest.

20. On November 28, 2012, Antisdel employed Elliot Kanter as her new counsel in the criminal matter. Antisdel paid Mr. Kanter a total of \$5,000.

21. On November 28, 2012, Attorney Elliot Kanter appeared at a court hearing on behalf of Antisdel in the criminal matter. The court recalled the October 18, 2012, bench warrant for Antisdel's arrest.

22. On December 7, 2012, Attorney Kanter appeared at a court hearing on behalf of Antisdel in the criminal matter. The court issued its order relieving Respondent as Antisdel's counsel in the criminal matter.

23. In May 2013, Antisdel sent a letter to Respondent requesting a partial refund of \$5,000. Respondent received the letter. Respondent did not provide Antisdel with any refund.

24. On June 9, 2013, Respondent sent a letter to Antisdel stating that Respondent believed that Antisdel was not entitled to any refund in the criminal matter. Respondent also enclosed a Request for Fee Arbitration with the San Diego County Bar Association. Respondent did not provide Antisdel with any refund or provide Antisdel with an accounting.

25. On October 2, 2013, Antisdel initiated Binding Fee Arbitration proceedings against Respondent through the San Diego County Bar Association.

26. On March 12, 2014, the San Diego County Bar Association sent Respondent a letter advising Respondent that Antisdel had initiated Binding Fee Arbitration proceedings against Respondent.

27. On April 22, 2014, Respondent agreed to Binding Fee Arbitration through the San Diego County Bar Association.

28. The Binding Fee Arbitration proceeding between Antisdel and Respondent is currently scheduled for August 21, 2014.

CONCLUSIONS OF LAW

29. By failing to appear at court hearings on behalf of Antisdel on April 17, 2012, August 15, 2012, and October 17, 2012, Respondent intentionally, recklessly, or repeatedly failed to perform with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

30. By failing to provide an accounting to Antisdel for the \$7,000 in advanced fees, after termination of employment, Respondent failed to render an appropriate accounting, upon termination of employment, in willful violation Rules of Professional Conduct, rule 4-100(B)(3).

31. By failing to inform Antisdel that she was required to appear in court at court hearings on April 17, 2012, August 15, 2012, and October 17, 2012, Respondent failed to keep a client reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services in willful violation of Business and Professions Code, section 6068(m).

Case No. 12-C-17628 (Conviction Proceedings)

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offenses for which he was convicted involved other misconduct warranting discipline.

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

32. This is a proceeding pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

33. On April 18, 2013, the San Diego County District Attorney filed a criminal complaint in the San Diego County Superior Court, Case No. S261034, charging Respondent with one count of violation of Vehicle Code section 23152(a) (Driving Under the Influence With a Prior DUI Conviction Within the Previous 10 Years), a misdemeanor, one count of violation of Vehicle Code section 23152(b) (Driving Under the Influence With a Blood Alcohol Level of 0.08% or Higher With a Prior DUI Conviction Within the Previous 10 Years), a misdemeanor, one count of violation of Vehicle Code section 14601.1(a) (Driving a Vehicle When Driving Privilege Suspended or Revoked For Other Reason), a misdemeanor, and one count of violation of Vehicle Code section 14601.5(a) (Driving a Vehicle When Driving Privilege Suspended-Test Refusal/Blood Alcohol), a misdemeanor.

34. On January 7, 2014, Respondent pled guilty to a count of violation of Penal Code section 23152(b) (Driving Under the Influence With a Blood Alcohol Level of 0.08% or Higher) enhanced by a violation of Vehicle Code section 23578 (Driving Under the Influence With a Blood Alcohol Level of 0.15% or higher), a misdemeanor, and a count of violation of Vehicle

Code section 14601.5(a) (Driving a Vehicle When Driving Privilege Suspended-Test Refusal/Blood Alcohol), a misdemeanor. The remaining counts were dismissed as part of a plea bargain.

35. On January 7, 2014, the court suspended imposition of sentence and placed Respondent on summary probation for a period of five years. The court ordered that Respondent, among other things, abstain from use of alcohol, pay a fine of \$2,133 which Respondent is allowed to pay at a rate of \$25.00 per month, complete the Mothers Against Drunk Driving Program by November 2014, complete 160 hours of community service by February 2015, and complete the Multiple Conviction Program.

36. On July 10, 2014, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offenses for which Respondent was convicted involved moral turpitude or other misconduct warranting discipline.

FACTS:

37. On October 18, 2012, at approximately 1:47 p.m., Respondent was driving his vehicle and stopped at the border in a line of vehicles at the San Ysidro port of entry into the United States. When Respondent reached the point of inspection, with slurred speech, Respondent told the border guard that Respondent did not have his driver's license. The border guard smelled alcohol on Respondent's breath. The border guard felt that Respondent was inebriated and escorted Respondent to the security office for further evaluation by the California Highway Patrol.

38. When the California Highway Patrol officer arrived, the officer detected a strong odor of alcohol on Respondent's breath. Respondent refused all field sobriety tests except the preliminary alcohol screening device. Respondent provided two samples for the preliminary alcohol screening device which came back with blood alcohol results of 0.242% and 0.243%.

39. Respondent was then placed under arrest for violations of Vehicle Code sections 23152(a) (Driving Under the Influence) and 23152(b) (Driving Under the Influence with a Blood Alcohol Level of 0.08% or higher), and transported to the San Diego County Jail.

40. Upon arrival at the County Jail, Respondent was administered a breathalyzer test. However, the breathalyzer malfunctioned and Respondent requested a blood test. Respondent was then booked for violations of Vehicle Code sections 23152(a) and 23152(b) and taken into custody.

CONCLUSIONS OF LAW

41. The facts and circumstance surrounding the above-described violations did not involve moral turpitude but did involve other misconduct warranting discipline.

AGGRAVATING CIRCUMSTANCES

Prior Record of Discipline (Std. 1.5(a)): Under standard 1.5(a), Respondent has a prior record of discipline in two State Bar disciplinary matters. On July 16, 2012, in Case No. 10-O-11143, discipline was imposed upon Respondent consisting of a two-year stayed suspension, two year probation with conditions, including restitution of \$3,150 to the client. In the underlying matter, on August 31, 2010, Respondent was employed to represent client Stephen Pham in a civil matter in which a judgment creditor was seeking enforcement of a default judgment against Pham. Respondent was paid \$3,000 in advanced legal fees and thereafter failed to take any action to address a pending bench warrant for Pham, failed to oppose the judgment creditor's motion for attorney fees and costs, failed to respond to Pham's requests for status reports, failed to respond to Pham's request for a refund, and failed to cooperate with the State Bar investigation. Respondent stipulated to misconduct consisting of violations for failure to perform, failure to respond to client inquiries, failure to refund unearned fees, and failure to cooperate in a State Bar investigation.

Multiple Acts of Misconduct (Std. 1.5(b)): As indicated above, Respondent has engaged in multiple acts of misconduct in Case No. 12-O-16859, consisting of failure to promptly refund unearned fees and failure to render accounts of client funds, and in Case No. 13-O-11923, consisting of failure to perform, failure to render accounts of client funds, and failure to inform client of significant development. In Case No. 12-C-17628, Respondent was also convicted of violating Vehicle Code section 23152(b) (Driving Under the Influence With a Blood Alcohol Level of 0.15% or higher), a misdemeanor, and Vehicle Code section 14601.5(a) (Driving a Vehicle When Driving Privilege Suspended-Test Refusal/Blood Alcohol), a misdemeanor.

Harm (Std. 1.5(f)): Under standard 1.5(f), Respondent's misconduct has resulted in harm to client Wendy Antisdell in Case No. 13-O-11923 as Antisdell had to employ new counsel to represent her in the criminal matter. *In the Matter of Casey* (Review Dept. 2008) 5 Cal. State Bar Ct. Rptr. 117, 126.

COSTS OF DISCIPLINARY PROCEEDINGS

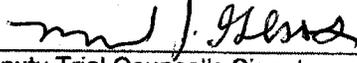
Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of August 1, 2014, the prosecution costs in this matter are \$6,879. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: Geoffrey Carl Morrison	Case number(s): 12-O-16859 RAH; 13-O-11923; 12-C-17628
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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.

August 2, 2014 Date	 Respondent's Signature	Geoffrey Carl Morrison Print Name
August 4, 2014 Date	 Respondent's Counsel Signature	Susan L. Margolis Print Name
August 4, 2014 Date	 Deputy Trial Counsel's Signature	Michael J. Glass Print Name

(Do not write above this line.)

In the Matter of: Geoffrey Carl Morrison	Case Number(s): 12-O-16859 RAH; 13-O-11923; 12-C-17628
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ALTERNATIVE DISCIPLINE PROGRAM ORDER

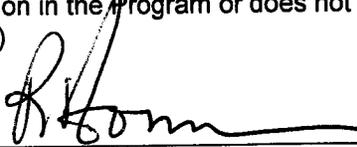
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulation as to facts and conclusions of law is APPROVED.
- The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- All court dates in the Hearing Department 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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 5.58(E) & (F) and 5.382(D), Rules of Procedure.)

9/22/14

Date



RICHARD A. HONN
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 September 23, 2014, I deposited a true copy of the following document(s):

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

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:

**SUSAN LYNN MARGOLIS
MARGOLIS & MARGOLIS LLP
2000 RIVERSIDE DR
LOS ANGELES, CA 90039**

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

Michael John Glass, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 23, 2014.



Paul Barona
Case Administrator
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 San Francisco, on July 10, 2015, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING CERTAIN DOCUMENTS

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 San Francisco, California, addressed as follows:

GEOFFREY C. MORRISON
GEOFFREY C. MORRISON
4522 NEW HAMPSHIRE ST
SAN DIEGO, CA 92116

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

MICHAEL J. GLASS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 10, 2015.



Bernadette C.O. Molina
Case Administrator
State Bar Court