

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

PUBLIC MATTER

<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)</p> <p>12-O-16859 RAH 13-O-11923 12-C-17628</p>	<p>(for Court's use)</p> <p style="text-align: center; font-size: 1.2em; font-weight: bold;">FILED</p> <p style="text-align: center; font-size: 1.1em;">SEP 22 2014 P.B.</p> <p style="text-align: center; font-size: 0.9em;">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 style="text-align: center; font-weight: bold;">STIPULATION RE FACTS AND CONCLUSIONS OF LAW</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter Of:</p> <p>GEOFFREY CARL MORRISON</p> <p>Bar # 172059</p> <p>A Member of the State Bar of California (Respondent)</p>	<p style="text-align: right; font-size: 0.8em;">kwiktag® 183 821 088</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."

MJ

(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

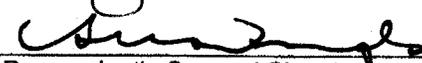
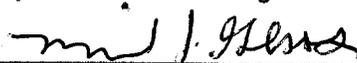
Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of August 1, 2014, the prosecution costs in this matter are \$6,879. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs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

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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

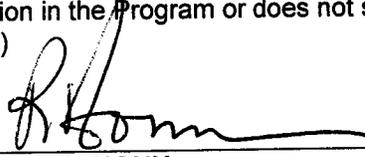
Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- 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