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STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 14-Q-05963
)	
EDWARD AUSTIN MORRIS,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 72014.)	
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On November 13, 2014, Respondent Edward Austin Morris filed his resignation with disciplinary charges pending. In light of the grounds set forth in the California Rules of Court, rule 9.21(d),¹ we recommend respondent's resignation be accepted because: (1) he has no prior record of discipline in 38 years of practice; (2) he cooperated in this proceeding by complying with rule 9.20, stipulating as to facts and conclusions of law, and tendering an authorization for public disclosure of pending complaints, investigations and proceedings; (3) he has two State Bar cases pending at the time his resignation was filed but neither involve clients; (4) he owes no restitution; and (5) he is 63 years old and willing to forfeit his license. We see no harm to the public under the circumstances presented here, and we conclude that the acceptance of respondent's resignation would be consistent with the need to protect the public, the courts, and the legal profession.

¹ All further references to rules are to this source unless otherwise noted.



I. BACKGROUND AND PENDING DISCIPLINE

Respondent was admitted to practice law in California on December 22, 1976, and has no prior record of discipline. In February 2015, the parties stipulated to the following facts in respondent's two pending cases; it was also stipulated that the facts and circumstances surrounding the crimes do not involve moral turpitude, but do involve other misconduct warranting discipline.

A. Case No. 14-C-04001 (Conviction Proceeding)

On September 13, 2011, respondent picked up his 17-year-old son and his son's friend from school. While in the car, a verbal altercation began and resulted in respondent threatening to shoot his son, the friend, and the friend's father. Respondent stopped the car and the minors got out. That same day, respondent reported that his son had threatened to kill him. The officers responded to respondent's home and found him sitting in the backyard with a knife nearby. Respondent informed the officers that his son had threatened to kill him; he said he would kill his son. He admitted he had consumed alcohol. The officers found a butcher knife, out of the sheath, in a nearby black plastic bag, and took respondent into custody because they believed he was a danger to others. He was released the next day. Following his arrest, respondent received treatment at two mental health facilities and participated in two rehabilitation programs to treat his alcoholism.

On May 3, 2012, respondent pled nolo contendere to one misdemeanor count of violating Penal Code section 422 (criminal threats) and one misdemeanor count of violating Penal Code section 415.1 (fighting words). Respondent's sentence was suspended and he was placed on probation for two years with several conditions including that he surrender or sell any firearms, not possess deadly or dangerous weapons, obey two protective orders, attend 26 weeks of anger

management counseling and 26 weeks of Alcoholics Anonymous meetings twice per week, complete 240 hours of community service, and have no new arrests or convictions. The court further ordered that if respondent complied with these conditions, he would be allowed to withdraw his plea to the Penal Code section 422 violation and a sentence would be imposed only for his violation of Penal Code section 415.1. The court scheduled a sentencing hearing for May 5, 2014.

By the end of the year, respondent was arrested again for making criminal threats (as discussed below in connection with State Bar case number 14-C-04002). On January 14, 2013, the court dismissed the Penal Code section 415.1 violation pursuant to plea negotiations. As to the Penal Code section 422 violation, the court ordered that respondent's probation be denied and sentenced him to serve 180 days in jail, concurrently with the other conviction (related to State Bar case number 14-C-04002).

On August 20, 2014, we referred the matter to the Hearing Department for hearing and decision recommending that discipline be imposed if the facts and circumstances surrounding the conviction involved moral turpitude or other misconduct warranting discipline.

B. Case No. 14-C-04002 (Conviction Proceeding)

On November 10, 2012, respondent was involved in an altercation with his wife while he was inebriated. He shoved and punched her, but his son intervened. Thereafter, he threatened to kill them both. The police were called and when they responded to the home, respondent was holding two knives and refused to put them down. An officer shot respondent with taser darts and handcuffed him. Respondent again threatened to kill his wife. He was taken to the hospital where he had a blood alcohol level of 0.235 per cent, and was thereafter arrested.

On November 14, 2012, respondent was charged with spousal battery, criminal threats, and resisting a public officer. On January 14, 2013, he pled nolo contendere to one felony count

of criminal threats in violation of Penal Code section 422; the remaining charges were dismissed. The court sentenced respondent to sixteen months in state prison. Respondent was incarcerated in prison from November 10, 2012 to June 10, 2013, when he was released and placed on parole for 36 months.

Since his release from custody, respondent has been in a sober living facility where he is medically supervised. Since April 2, 2012, he has been under the care of a licensed psychologist, who diagnosed him as having major depressive disorder, recurrent moderate post-traumatic stress disorder, and alcohol dependence which, according to the psychologist, was in sustained remission by October 7, 2014. Since August 16, 2013, respondent also has been under the care of a psychiatrist who diagnosed him as having alcohol dependence in sustained full remission for an unspecified period of time. Respondent remains under the psychiatrist's care.

On October 2, 2014, we referred the matter to the Hearing Department for hearing and decision recommending that discipline be imposed if the facts and circumstances surrounding the conviction involved moral turpitude or other misconduct warranting discipline. Respondent submitted his resignation to the State Bar on November 13, 2014.

C. Office of the Chief Trial Counsel's (OCTC) Recommendation

On February 12, 2015, OCTC filed an amended report recommending that the resignation be accepted based on application of the factors listed in rule 9.21(d). On March 20, 2015, we ordered OCTC to provide a supplemental report explaining why, in light of the seriousness of the pending cases, acceptance of respondent's resignation would be consistent with the need to protect the public, the courts, and the legal profession.

On March 25, 2015, OCTC filed its supplemental report confirming its recommendation that respondent's resignation be accepted. OCTC cited several factors in support of its recommendation. In addition to the grounds set for the in rule 9.21(d), discussed below, OCTC

stated that respondent has represented that his underlying criminal conduct was caused by alcohol and depression, from which he has been rehabilitated by receiving psychological treatment. Further, respondent is currently at a sober living facility, is under medical supervision, regularly attends AA meetings, continues to receive psychological treatment, and has completed an anger management/domestic abuse program. Respondent has not practiced law since 1981, has been retired from working since 2010, and has advised the State Bar he has no intention of ever practicing law again. He is willing to forfeit his license to practice law in California.

Given these circumstances, OCTC advises that there is “no reason to believe that public confidence in the discipline system or in the legal profession will be undermined in any way by acceptance of Mr. Morris’s resignation.” OCTC explains that rejecting the resignation, which would require hearings in the State Bar Court, would afford no greater protection of the public, the courts, and the legal profession than would acceptance of the resignation even if the result were disbarment. OCTC concluded: “Such litigation would gain nothing and would simply serve to delay the time when Mr. Morris is disciplined or his name is removed from the roster of attorneys in this state. Litigation would only utilize limited State Bar time and resources in the process.”

II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered respondent’s resignation under the grounds set forth in rule 9.21(d). We summarize below the relevant information for each ground:

1. Whether the preservation of testimony is complete.

OCTC reports that “[t]here is no need for perpetuation of the evidence.”

2. Whether after transfer to inactive status, Respondent has practiced law or has advertised or held himself out as entitled to practice law.

OCTC reports that it “is not aware that respondent has practiced law or held himself out as entitled to practice law since he submitted his resignation with charges pending on November 13, 2014.”

3. Whether Respondent performed the acts specified in rule 9.20(a)-(b).

On November 13, 2014, respondent filed a rule 9.20 declaration stating that he had no clients, no client papers or other property to return, no unearned fees, and no pending client matters.

4. Whether Respondent provided proof of compliance with rule 9.20(c).

Respondent’s rule 9.20 compliance declaration was filed on November 13, 2014.

5. Whether the Supreme Court has filed a disbarment order.

The Supreme Court has not filed a disbarment order.

6. Whether the State Bar Court has filed a decision recommending disbarment.

The State Bar Court has not filed a decision recommending respondent’s disbarment.

7. Whether Respondent previously resigned or has been disbarred and reinstated to the practice of law.

Respondent has not previously resigned or been disbarred in California.

8. Whether Respondent entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.

On February 12, 2015, the parties filed a Stipulation as to Facts and Conclusions of Law regarding the pending disciplinary matters.

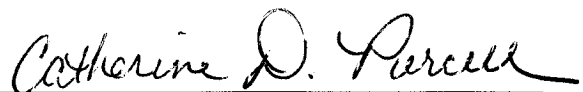
9. Whether accepting Respondent's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.

We recommend accepting respondent's resignation. He cooperated with OCTC by entering into a stipulation regarding the facts and conclusions of law, submitting a rule 9.20 compliance declaration, and tendering an authorization for public disclosure of pending complaints, investigations and proceedings. The stipulation provides a complete account of his misconduct and is available to the public and any licensing agency or other jurisdiction.

Further, respondent is 63 years old, willing to relinquish his license, and has advised the State Bar that it is unlikely that he would seek reinstatement in the future. As noted, he is currently seeking treatment for his emotional and substance abuse problems. He would be at least 68 years old before he is eligible to seek reinstatement. (Rules Proc. of State Bar, rule 5.442(B) [earliest reinstatement petition after resignation with charges pending is five years after filing date of resignation].) No other unresolved discipline matters or investigations are pending against him and there are no outstanding issues concerning clients, restitution or unearned fees. Under these circumstances, we do not believe that public confidence in the discipline system will be undermined by accepting respondent's resignation. Permitting him to resign would be consistent with the need to protect the public, the courts and the legal profession.

III. RECOMMENDATION

We recommend that the Supreme Court accept the resignation of Edward Austin Morris, State Bar number 72014. We further recommend that costs be awarded to the State Bar in accordance with Business and Professions Code section 6068.10, and that such costs be enforceable both as provided in section 6140.7 and as a money judgment.



Presiding Judge

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. 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 May 15, 2015, I deposited a true copy of the following document(s):

**RECOMMENDATION ON RESIGNATION
FILED MAY 15, 2015**

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


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

**EDWARD A. MORRIS
1267 N GARFIELD AVE
PASADENA, CA 91104**

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

JAMIE J. KIM, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 15, 2015.



Jasmine Guladzhyan
Case Administrator
State Bar Court