

PUBLIC MATTER

FILED

DEC 14 2016

STATE BAR COURT
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LOS ANGELES

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES

In the Matter of

GEOFFREY CARL MORRISON,

Member No. 172059

A Member of the State Bar.

Case No. 16-AE-16880

**ORDER GRANTING MOTION FOR
INVOLUNTARY INACTIVE
ENROLLMENT [Bus. & Prof. Code,
§ 6203, subd. (d); Rules Proc. of State Bar,
rule 5.360, et seq.]**

INTRODUCTION

This matter is before the court on a motion filed by Kenneth E. Bacon, Presiding Arbitrator of the Mandatory Fee Arbitration Program of the State Bar of California (State Bar), seeking the involuntary inactive enrollment of **Geoffrey Carl Morrison** (Award Debtor), pursuant to Business and Professions Code section 6203, subdivision (d), and rule 5.360, et seq., of the Rules of Procedure of the State Bar of California (Rules of Procedure). The State Bar is seeking Award Debtor's involuntary inactive enrollment due to Award Debtor's failure to pay a fee arbitration award. Based on the State Bar's motion and supporting documents, the court finds that Award Debtor has failed to comply with the arbitration award and has not produced a payment plan acceptable to the client or the State Bar.

SIGNIFICANT PROCEDURAL HISTORY

On October 14, 2016, the State Bar filed a motion seeking the involuntary inactive enrollment of Award Debtor. (Bus. & Prof. Code, section 6203, subd. (d), Rules of Procedure, rule 5.360, et seq.) A copy of this motion was properly served at Award Debtor's official membership records address, by certified mail, return receipt requested, and by regular mail.



Award Debtor failed to respond to the State Bar's motion or request a hearing (Rules of Procedure, rule 5.362).

On October 18, 2016, the court filed a Notice of Assignment. That same day, a copy of said notice was properly served on Award Debtor by first-class mail, postage fully prepaid at his official membership records address. The copy of said notice was not returned to the State Bar Court by the U.S. Postal Service as undeliverable or for any other reason.

This matter was submitted for decision on November 17, 2016. That same day, a copy of the Submission Order was properly served on Award Debtor at his official address and has not since been returned to the State Bar Court by the U.S. Postal Service as undeliverable or for any other reason.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Award Debtor was admitted to the practice of law in California on December 1, 1994, and has been a member of the State Bar at all times since.

Facts

On September 5, 2014, the San Diego County Bar Association served a binding¹ arbitration award on the parties (Arbitration Award). It awarded Award Debtor's former client, Wendy Bothell (Bothell), a refund in the amount of \$5,000 in unearned attorneys' fees. Neither party sought to vacate the Arbitration Award.

On or about September 14, 2014, Bothell sent a letter to Award Debtor demanding payment of the Arbitration Award plus interest. On January 30, 2015, Bothell submitted a request for enforcement of the award (request for enforcement) with the State Bar pursuant to Business and Professions Code section 6203, subdivision (d).

On February 5, 2015, the State Bar served the request for enforcement on Award Debtor by regular and certified mail.² Included in this mailing was a cover letter from the State Bar advising Award Debtor of the potential consequences for: (1) failing to comply with the

¹ Pursuant to agreement of the parties, the arbitration award was binding.

² All letters from the State Bar to Award Debtor were properly sent to his official State Bar membership records address.

Arbitration Award; and (2) failing to respond to the client's enforcement request by March 7, 2015.

On March 3, 2015, Award Debtor called the State Bar. Award Debtor advised the State Bar that he did not have the financial wherewithal to pay the Arbitration Award. The State Bar provided Award Debtor with a financial status form to substantiate his claim. On March 3, 2015, the State Bar received an email from Award Debtor, acknowledging receipt of the Attorney's Statement re: Financial Status form.

The State Bar finally received Award Debtor's completed financial status form on April 13, 2015. After reviewing the financial status form and other documentation, the Presiding Arbitrator granted Award Debtor's request for temporary abatement. By letter dated May 11, 2015, the State Bar advised Award Debtor that by November 13, 2015, Award Debtor must provide the State Bar proof of full payment of the award, a proposed payment plan or a renewed request for abatement. Award Debtor did not provide proof of payment, a proposed payment plan or a request to renew the abatement. Neither the State Bar nor Bothell have had any communications with Award Debtor since he submitted his completed financial status form on April 13, 2015.

Accordingly, on May 26, 2016, the Presiding Arbitrator issued an Order re Administrative Penalties against Award Debtor in the amount of \$500. This order was served on Award Debtor by regular and certified mail on May 26, 2016. This order was stayed for fourteen days to give Award Debtor an opportunity to comply with the Arbitration Award or to communicate with the State Bar. Award Debtor subsequently failed to comply with the Arbitration Award or to communicate with the State Bar and the \$500 penalty was added to his 2017 State Bar membership dues.

Conclusions of Law

The court finds that the State Bar has met the burden of demonstrating by clear and convincing evidence that Award Debtor has failed to comply with the Arbitration Award and has

not proposed a payment plan acceptable to the client or the State Bar. (Bus. & Prof. Code, § 6203, subd. (d)(2); Rules of Procedure, rule 5.360, et seq.)

Since Award Debtor did not participate in this proceeding, the court finds he has not met his burden of demonstrating by clear and convincing evidence that he is not personally responsible for making or ensuring payment of the judgment; that he is unable to pay it; or that he has proposed and agrees to comply with a payment plan which the State Bar has unreasonably rejected as unsatisfactory. (Bus. & Prof. Code, § 6203, subd. (d)(2); Rules of Procedure, rule 5.365(B).)

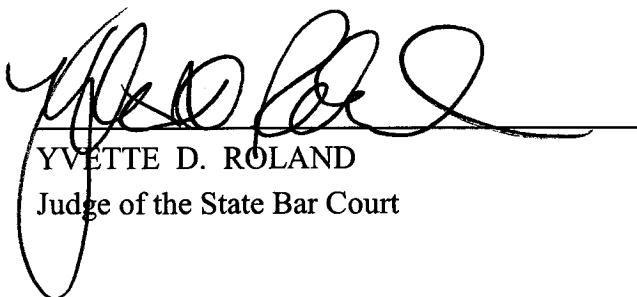
ORDER

IT IS ORDERED that Award Debtor **Geoffrey Carl Morrison**, be enrolled as an inactive member of the State Bar of California pursuant to Business and Professions Code section 6203, subdivision (d)(1), effective five days after the date of service of this order. (Rules of Procedure, rule 5.368(B)(1).)

IT IS FURTHER ORDERED that Award Debtor **Geoffrey Carl Morrison**, must remain involuntarily enrolled as an inactive member of the State Bar until: (1) he has paid the Arbitration Award to Wendy Bothell in the amount of \$5,000.00 plus interest at the rate of ten percent per annum from October 5, 2014, thirty days after service of the Arbitration Award; (2) he has paid reasonable costs, if any; and (3) the court grants a motion to terminate the inactive enrollment pursuant to rule 5.370(A) of the Rules of Procedure of the State Bar of California.

Reasonable costs are awarded to the State Bar upon the Presiding Arbitrator's submission of a bill of costs. (Bus. & Prof. Code, § 6203, subd. (d)(3); Rules Proc. of State Bar, rule 5.368(B)(2).)

Dated: December 14, 2016


YVETTE D. ROLAND
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 December 14, 2016, I deposited a true copy of the following document(s):

ORDER GRANTING MOTION FOR INVOLUNTARY INACTIVE ENROLLMENT

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

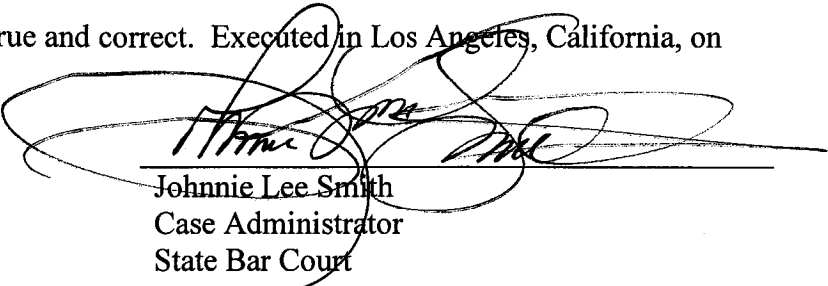
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**GEOFFREY C. MORRISON
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:

KENNETH BACON, FEE ARBRITRATION/SF

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 14, 2016.



Johnnie Lee Smith
Case Administrator
State Bar Court