

PUBLIC MATTER

FILED 
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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 No. 16-N-11047-LMA
)	
GEOFFREY CARL MORRISON,)	DECISION AND ORDER OF
)	INVOLUNTARY INACTIVE
A Member of the State Bar, No. 172059.)	ENROLLMENT
_____)	

Respondent Geoffrey Carl Morrison (respondent) was charged with wilfully violating California Rules of Court, rule 9.20. He failed to participate in this proceeding, either in person or through counsel, and his default was entered. The Office of Chief Trial Counsel of the State Bar of California (State Bar) filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the State Bar.¹

Rule 5.85 provides the procedure to follow when an attorney fails to participate in a disciplinary proceeding after receiving adequate notice and opportunity. The rule provides that, if an attorney's default is entered for failing to respond to the notice of disciplinary charges (NDC) and the attorney fails to have the default set aside or vacated within 90 days, the State Bar will file a petition requesting the court to recommend the attorney's disbarment.²

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¹Unless otherwise indicated, all references to rules are to this source.

²If the court determines that any due process requirements are not satisfied, including adequate notice to the attorney, it must deny the petition for disbarment and take other appropriate action to ensure that the matter is promptly resolved. (Rule 5.85(F)(2).)

In the instant case, the court concludes that the requirements of rule 5.85 have been satisfied and, therefore, grants the petition and recommends that respondent be disbarred from the practice of law.³

FINDINGS AND CONCLUSIONS

Jurisdiction

Respondent was admitted to practice law in this state on December 1, 1994, and has been a member since then.

Procedural Requirements Have Been Satisfied

On June 15, 2016, the State Bar properly filed and served the NDC on respondent by certified mail, return receipt requested, at his membership records address. The NDC notified respondent that his failure to participate in the proceeding would result in a disbarment recommendation. (Rule 5.41.) The State Bar received the return receipt on June 29, 2016. The return receipt appeared to be signed, in cursive, "G."

Thereafter, Deputy Trial Counsel Jamie Kim (DTC Kim) contacted respondent by telephone at his membership records telephone number. DTC Kim advised respondent that the NDC in this matter had been filed and mailed to respondent on June 15, 2016. She notified respondent that the State Bar still did not have a record of a resignation being submitted by him.⁴ DTC Kim also advised respondent that his response to the NDC was overdue, and the State Bar would file a motion for default if he did not soon file a response. DTC Kim further advised

³ This matter was originally assigned to the Honorable W. Kearse McGill. However, effective October 24, 2016, this matter was reassigned to the undersigned judge.

⁴ On May 3, 2016, a few days after an Early Neutral Evaluation Conference letter was mailed to respondent by first-class mail, postage prepaid, to his membership records, and prior to the filing of the NDC, respondent contacted DTC Kim. DTC Kim advised respondent as to the nature of his matter. Respondent represented to DTC Kim that he believed that he had resigned as a member of the State Bar. DTC Kim advised respondent that his membership records did not reflect a resignation, and respondent stated he would resubmit a resignation form.

respondent that an initial status conference was scheduled for July 22, 2016, in the State Bar Court, and that if he did not submit a response by that date, the court would likely order the State Bar to file a motion for default. Respondent represented to DTC Kim that he had submitted his resignation, and that he would not submit a response to the NDC or participate in the status conference in light of his belief as to his resignation. Respondent requested that a copy of the filed NDC be e-mailed to him and confirmed his e-mail address.⁵

The State Bar e-mailed respondent a copy of the NDC to his membership records e-mail address on July 11, 2016.

Respondent did not attend the July 22, 2016 status conference.

Nevertheless, despite having actual knowledge of this matter, respondent failed to file a response to the NDC. On July 27, 2016, the State Bar filed and properly served a motion for entry of respondent's default. The motion complied with all the requirements for a default, including a supporting declaration of reasonable diligence by the assigned deputy trial counsel. (Rule 5.80.) The motion notified respondent that, if he did not timely move to set aside his default, the court would recommend his disbarment. Respondent still did not file a response to the motion, and his default was entered on August 16, 2016. The court also ordered respondent's involuntary inactive enrollment as a member of the State Bar pursuant to section 6007, subdivision (e), effective three days after service of the order, and he has remained inactively enrolled since that time. The order entering the default and enrolling respondent inactive was served on respondent at his membership records address by certified mail, return receipt requested. The return receipt was returned to the State Bar Court bearing a signature of someone other than respondent and reflects an August 18, 2016 delivery date.

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⁵ Effective February 1, 2010, all attorneys are required to maintain a current e-mail address to facilitate communications with the State Bar. (Cal. Rules of Court, rule 9.7(a)(2).)

Respondent did not seek to have his default set aside or vacated. (Rule 5.83(C)(1) [attorney has 90 days to file motion to set aside default].) On December 2, 2016, the State Bar filed and properly served on respondent a petition for disbarment. As required by rule 5.85(A), the State Bar reported in the petition that: (1) Neither DTC Kim nor the State Bar has received any contact from respondent since the entry of his default; (2) there are no other investigations or disciplinary charges pending against respondent; (3) respondent has a record of prior discipline; and (4) the Client Security Fund has not paid out any claims as a result of respondent's current misconduct. Respondent did not respond to the petition for disbarment or move to set aside or vacate the default. The case was submitted for decision on December 28, 2016.

Prior Record of Discipline

Respondent has two prior records of discipline.⁶ Pursuant to an order of the Supreme Court filed on July 16, 2012, respondent was suspended for two years, the execution of which was stayed, and he was placed on probation for two years subject to probation conditions. Respondent stipulated in that matter that he willfully violated (1) rule 3-110(A) of the State Bar Rules of Professional Conduct by recklessly, intentionally, or repeatedly failing to perform legal services with competence; (2) Business and Professions Code section 6068, subdivision (m), by failing to promptly respond to reasonable client status inquiries; (3) rule 3-700(D)(2) of the Rules of Professional Conduct by failing to promptly refund any part of an advanced fee that had not been earned; and (4) Business and Professions Code section 6068, subdivision (i), by not providing a written response to the allegations or otherwise cooperating in a disciplinary investigation.

Pursuant to an order of the Supreme Court filed on November 17, 2015, respondent was suspended for two years, the execution of which was stayed, and he was placed on probation for

⁶The court admits into evidence the certified copies of Respondent's prior record of discipline attached to the December 2, 2016 petition for disbarment.

three years subject to conditions of probation, including that he be suspended from the practice of law for a minimum of the first two years of probation and that he remain suspended until he makes specified restitution and provides proof of his rehabilitation, fitness to practice, and present learning and ability in the general law. Respondent stipulated in that consolidated Alternative Discipline Program (ADP) matter⁷ that he willfully violated (1) rule 3-110(A) of the Rules of Professional Conduct by failing to competently perform legal services (three matters); (2) Business and Professions Code section 6068, subdivision (m), by failing to keep his client reasonably informed of significant developments (two matters); (3) rule 3-700(A)(2) of the Rules of Professional Conduct by failing to take reasonable steps to avoid foreseeable prejudice to his client upon termination of employment (three matters); (4) rule 3-700(D)(2) of the Rules of Professional Conduct by failing to refund unearned advanced fees (four matters); and (5) rule 4-100(B)(3) by failing to provide his client with an accounting (five matters). He also stipulated that his conviction of violating Vehicle Code sections 23152, subdivision (b) [driving under the influence with a blood alcohol level of 0.08% or higher] and 14601.5, subdivision (a) [driving on a suspended license] did not involve moral turpitude, but did involve other misconduct warranting discipline.

The Admitted Factual Allegations Warrant the Imposition of Discipline

Upon entry of a respondent's default, the factual allegations in the NDC are deemed admitted and no further proof is required to establish the truth of such facts. (Rule 5.82(2).) As set forth below in greater detail, the factual allegations in the NDC support the conclusion that respondent is culpable as charged and, therefore, violated a statute, rule, or court order that would warrant the imposition of discipline. (Rule 5.85(F)(1)(d).)

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⁷ Respondent requested that he be terminated from the ADP, and the court thereafter filed an order terminating respondent from the ADP.

Case Number 16-N-11047 (Rule 9.20 Compliance Matter)

Respondent wilfully violated California Rules of Court, rule 9.20, by failing to file a declaration of compliance with rule 9.20 with the clerk of the State Bar Court in conformity with the requirements of rule 9.20(c) by January 26, 2016, as required by Supreme Court order.

Disbarment is Recommended

Based on the above, the court concludes that the requirements of rule 5.85(F) have been satisfied, and respondent's disbarment is recommended. In particular:

- (1) the NDC was properly served on respondent under rule 5.25;
- (2) reasonable diligence was used to notify respondent of the proceedings prior to the entry of his default, and respondent had actual notice of the proceeding;
- (3) the default was properly entered under rule 5.80; and
- (4) the factual allegations in the NDC, deemed admitted by the entry of the default, support a finding that respondent violated a statute, rule or court order that would warrant the imposition of discipline.

Despite actual and adequate notice and opportunity, respondent failed to participate in this disciplinary proceeding. As set forth in the Rules of Procedure of the State Bar, the court recommends disbarment.

RECOMMENDATIONS

Disbarment

The court recommends that respondent Geoffrey Carl Morrison, State Bar number 172059, be disbarred from the practice of law in the State of California and that his name be stricken from the roll of attorneys.

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California Rules of Court, Rule 9.20

The court also recommends that respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20 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.

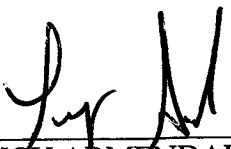
Costs

The court further recommends that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, such costs being enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

In accordance with Business and Professions Code section 6007, subdivision (c)(4), the court orders that Geoffrey Carl Morrison, State Bar number 172059, be involuntarily enrolled as an inactive member of the State Bar of California, effective three calendar days after the service of this decision and order. (Rule 5.111(D).)

Dated: February 3, 2017



LUCY ARMENDARIZ
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 San Francisco, on February 3, 2017, I deposited a true copy of the following document(s):

DECISION AND ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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

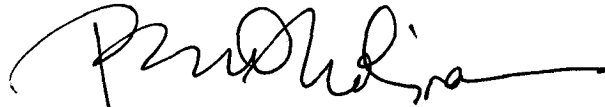
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

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:

JAMIE J. KIM, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 3, 2017.



Bernadette Molina
Case Administrator
State Bar Court