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SEP 24 2004

STATE BAR COURT
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THE STATE BAR COURT
HEARING DEPARTMENT - LOS ANGELES

In the Matter of
STEVEN JAMES FOSTER,
Petitioner for Reinstatement.

Case No. 04-R-11905-RAH
**DECISION ON PETITION FOR
REINSTATEMENT**

I. INTRODUCTION

This matter came before the Court on a petition for reinstatement to the practice of law filed by Petitioner, Steven James Foster (Petitioner). The Court finds that Petitioner has demonstrated by clear and convincing evidence that he possesses present moral qualifications for reinstatement and present ability and learning in the general law. Therefore, the Court recommends that Petitioner be reinstated to the practice of law in the State of California.

II. PERTINENT PROCEDURAL HISTORY

Petitioner initiated this proceeding on April 30, 2004, by filing a Petition for Reinstatement with the State Bar Court.

The State Bar of California (State Bar) was represented in this matter by Deputy Trial Counsel Eli D. Morgenstern of the Office of the Chief Trial Counsel. Petitioner represented himself.

Petitioner supplemented his petition by filing on September 17, 2004, proof of passage of the Multi-State Professional Responsibility Exam.

The State Bar filed a Non-Opposition to Petitioner's Petition for Reinstatement on September 20, 2004.

The Court took this matter under submission immediately thereafter.



1 **III. FINDINGS OF FACT**

2 The following factual findings are based on the Petition and Supplement to Petition.

3 **A. Background**

4 Petitioner was admitted to the practice of law in California on December 11, 1987.¹ Effective
5 April 1, 2001, Petitioner resigned from the State Bar of California without charges pending.²

6 Petitioner was admitted to the practice of law in the State of Colorado on May 9, 1991.

7 **B. Passage of the Multistate Professional Responsibility Examination**

8 Petitioner took and passed the Multistate Professional Responsibility Examination ("MPRE")
9 on August 13, 2004.

10 **C. Present Learning and Ability in the General Law**

11 From February 26, 2001, to the date he filed his petition for reinstatement, Petitioner had
12 been self-employed as an attorney in Boulder, Colorado.

13 Petitioner has also complied with continuing legal education requirements of the Colorado
14 Supreme Court. Between April 2001 through July 2003, Petitioner has taken more than 69 credit
15 hours of CLE courses covering a variety of topics, including professional ethics, estate planning,
16 appellate practice, and client relations.

17 **D. Present Moral Qualifications**

18 **1. Employment Subsequent to Resignation**

19 Since the effective date of his resignation to the date of filing his petition for
20 reinstatement, Petitioner has been the president of Steven J. Foster, P.C., an entity providing legal
21 services. At no time has the Colorado State Bar disciplined Petitioner.

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24 ¹On its own motion the Court takes judicial notice, in accordance with Evidence Code
25 section 452(h), of State Bar Membership Records which reflect Petitioner's date of admission to
26 the California State Bar.

27 ²The Petition for Reinstatement incorrectly states the effective date as March 2, 2001. On
28 its own motion the Court takes judicial notice, in accordance with Evidence Code section 452(h),
of State Bar Membership Records which reflect April 1, 2001, as the effective date of
Petitioner's resignation without charges pending.

1 **2. Character Statement**

2 Petitioner states in his petition that he is honest, trustworthy, loyal and obeys the
3 law.

4 **IV. CONCLUSIONS OF LAW**

5 Petitioner has the burden of establishing by clear and convincing evidence that he has passed
6 a professional responsibility examination, has present ability and learning in the general law, and has
7 present moral qualifications for readmission. (Rules Proc. of State Bar, rule 665.)

8 **A. Present Learning and Ability in the General Law**

9 Petitioner has passed the MPRE and has completed over 69 hours of continuing legal
10 education courses in a variety of legal areas. Additionally, since resigning, Petitioner has been the
11 president of a professional corporation which provides legal services.

12 Based on these facts, the Court finds that Petitioner has demonstrated by clear and convincing
13 evidence that he has present learning and ability in the general law.

14 **B. Present Moral Character**

15 Petitioner's assertion that he is honest and trustworthy is uncontradicted. Furthermore, the
16 fact that Petitioner has worked as the president of a professional corporation providing legal services
17 for approximately four years in Colorado without discipline is also uncontradicted.

18 Based on these facts, the Court finds that Petitioner has demonstrated by clear and convincing
19 evidence that he has present moral qualifications for reinstatement.

20 **V. RECOMMENDATION**

21 For the foregoing reasons, the Court concludes that Petitioner has sustained his burden of
22 demonstrating the requirements necessary for reinstatement by clear and convincing evidence.
23 Therefore, the Court recommends that the petition for reinstatement be GRANTED and that
24 Petitioner, STEVEN JAMES FOSTER, be reinstated as a member of the State Bar of California
25 upon payment of the required fees and taking the oath required by law.

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27 Dated: September 24, 2004

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28 _____
RICHARD A. HONN
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; 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 September 24, 2004, I deposited a true copy of the following document(s):

DECISION ON PETITION FOR REINSTATEMENT, filed September 24, 2004

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

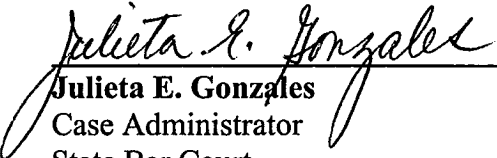
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

STEVEN J FOSTER
550 MOHAWK DRIVE #57
BOULDER, CO 80303

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

Eli D. Morgenstern, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **September 24, 2004**.



Julieta E. Gonzales
Case Administrator
State Bar Court