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State Bar Court of California
Hearing Department
Los Angeles
STAYED SUSPENSION

<p>Counsel For The State Bar</p> <p>Alex Hackert Deputy Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1498</p> <p>Bar # 267342</p>	<p>Case Number(s): 14-O-02695-CV, 16-O-11535 16-O-14242</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p><i>✓</i></p> <p>APR 11 2017</p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>In Pro Per Respondent</p> <p>Debbie Lee Morawski 255 Townsend Ln Santa Maria, CA 93455-3126 (805) 622-3004</p> <p>Bar # 248466</p>	<p>Submitted to: Settlement Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of: DEBBIE LEE MORAWSKI</p> <p>Bar # 248466</p> <p>A Member of the State Bar of California (Respondent)</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 **February 26, 2007**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (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. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **16** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."



B.S. 3.9.

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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) 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.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs are added to membership fee for calendar year following effective date of discipline.
 - Costs are to be paid in equal amounts prior to February 1 for the following membership years: **Three billing cycles immediately following the effective date of the Supreme Court order in this matter.** (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure). If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by misrepresentation.
- (4) **Concealment:** Respondent's misconduct was surrounded by, or followed by concealment.
- (5) **Overreaching:** Respondent's misconduct was surrounded by, or followed by overreaching.
- (6) **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) **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..

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- (8) **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See page 12.
- (12) **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) **Restitution:** Respondent failed to make restitution.
- (14) **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) **No aggravating circumstances** are involved.

Additional aggravating circumstances

C. Mitigating Circumstances [see standards 1.2(i) & 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 likely to recur.
- (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 or to the State Bar during disciplinary investigations and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps demonstrating spontaneous 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 objectively 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.

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- (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 subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances

Pretrial Stipulation, see page 12.

No Prior Record of Discipline, see page 12.

Good Character, see page 12.

Pro Bono Work and Community Service, see page 12-13.

Family Difficulties, see page 13.

D. Discipline:

- (1) **Stayed Suspension:**
- (a) Respondent must be suspended from the practice of law for a period of **one year**.
- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following:

The above-referenced suspension is stayed.

- (2) **Probation:**

Respondent is placed on probation for a period of **two years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

E. Additional Conditions of Probation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

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- (2) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (3) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (4) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (5) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (6) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.

No Ethics School recommended. Reason: .

- (8) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) The following conditions are attached hereto and incorporated:
- | | |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE**

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results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.

No MPRE recommended. Reason:

(2) **Other Conditions:**

9. On August 26, 2015, respondent left a voicemail message on the investigator's work voicemail stating that she had been in San Diego and just returned to Santa Maria. Respondent stated that she understood that the investigative letters were at the Santa Maria location, although she had not yet had a chance to review them. Respondent stated that she would provide her written response shortly.

10. On August 26, 2015 the investigator returned respondent's phone call and left a voicemail message, requesting a written response from respondent by August 28, 2015. Respondent never responded to this message and never responded to the three investigative letters.

11. To resolve the misconduct arising out of respondent's failure to cooperate in the State Bar investigation, on April 1, 2016, respondent and State Bar of California, through the Office of Chief Trial Counsel, entered into a Stipulation as to Facts and Agreement in Lieu of Discipline ("ALD"), pursuant to Business and Professions Code sections 6068(l) and 6092.5(i), regarding case no. 14-O-02695. Conditions of the ALD included that respondent schedule a required meeting with her assigned Probation Deputy with the State Bar's Office of Probation within the first 30 days of the effective date of the ALD and submit quarterly reports to the Office of Probation. Respondent received a copy of the executed ALD.

12. On April 19, 2016, the Office of Probation sent a letter to respondent's membership record address reminding respondent of the terms of the ALD. The letter explicitly listed the above-mentioned conditions of the ALD, and the deadlines for each condition's completion. Respondent received this letter.

13. Respondent was to contact the Office of Probation to schedule her required meeting by May 1, 2016, but she did not do so.

14. On May 4, 2016, the Office of Probation sent a letter to respondent's membership record address, with a copy sent via e-mail, stating that respondent was late in contacting the Office of Probation to schedule her required meeting. Respondent received this letter.

15. Respondent called the Office of Probation on May 5, 2016, to schedule her required meeting with her assigned Probation Deputy.

16. On May 11, 2016 respondent held her required meeting with the Probation Deputy via telephone. During the meeting, the Probation Deputy reviewed the conditions of respondent's ALD with respondent, and the deadlines for the completion of each condition.

17. Respondent did not submit the quarterly report due by July 10, 2016 to the Office of Probation.

18. On August 12, 2016, the Office of Probation sent a letter to respondent's membership record address, with a copy sent via e-mail, regarding respondent's failure to submit the quarterly report due by July 10, 2016. Respondent received this letter.

19. As of September 2016, the Office of Chief Trial Counsel took over the function of monitoring respondent's ALD conditions from the Office of Probation. On September 15, 2016, the Office of Chief Trial Counsel sent a letter to respondent's membership record address notifying her of this change, and to whom correspondence, including her quarterly reports, should be directed. Respondent received this letter.

20. Respondent did not submit the quarterly report due by October 10, 2016 to the Office of Chief Trial Counsel.

CONCLUSIONS OF LAW:

21. By failing to provide a response to the State Bar's investigative letters of July 15, 2015, July 29, 2015, and August 14, 2015, which respondent received, and which requested respondent's response to the allegations of misconduct being investigated in case no. 14-O-02695, and failing to otherwise cooperate in the State Bar investigation, respondent willfully violated Business and Professions Code section 6068(i).

22. By failing to contact the Office of Probation to schedule a meeting within 30 days from the effective date of the ALD, failing to timely submit the quarterly report due by July 10, 2016 to the Office of Probation and failing to timely submit the quarterly report due by October 10, 2016 to the Office of Chief Trial Counsel, respondent failed to comply with conditions attached to the ALD in case no. 14-O-02695, in willful violation of Business and Professions Code section 6068(l).

Case No. 16-O-11535 (Complainant: James Phillips)

FACTS:

23. On July 19, 2013, James Phillips hired respondent to substitute into Phillips' pending marital dissolution case, *In the Marriage of Phillips*, Los Angeles County Superior Court case no. GD045701.

24. On July 22, 2013, Phillips paid respondent an advanced fee of \$3,500. Respondent never provided Phillips with an accounting for this advanced fee.

25. Respondent substituted into the case as Phillips' attorney of record on November 21, 2013.

26. On February 20, 2014, the opposing counsel sent respondent a letter enclosing the necessary proposed judgment for her and Phillips to sign in order to resolve the case. On March 6, 2014, opposing counsel sent respondent another letter with an updated proposed judgment due to some necessary revisions with the pleadings. Respondent received both letters.

27. On April 14, 2014, the parties participated in a settlement conference and thereafter filed a Settlement Agreement at Time of Trial, which required the terms to the settlement to be included in a judgment to be filed later.

28. Phillips met with respondent to sign the final dissolution and settlement documents on May 30, 2014. However, these documents were not returned to opposing counsel, which he and his client still needed to sign before they could be filed with the court, and after this time respondent has no further substantial contacts with respondent.

29. In June 2014, Phillips attempted to contact respondent about the status of the judgment, but did not received a response. Phillips continued to attempt to contact respondent through January 2015 about the status of this issue, but again he never received a substantive response from respondent about his inquiries.

30. On August 18, 2014, opposing counsel sent respondent an e-mail regarding the outstanding settlement and judgment documents and requested that they be returned to him by August 29, 2014. Respondent received this e-mail, but respondent did not reply. Respondent did not return the requested documents to opposing counsel.

31. Thereafter, Phillips attempted to have respondent substituted out of the case, so he could proceed in pro per. He sent respondent a substitution of attorney form, but when it was not returned promptly, Phillips attempted to file a substitution of attorney form with the court, but it was rejected because respondent did not sign it. Respondent eventually filed the signed substitution on April 1, 2016.

32. On April 13, 2016, a State Bar investigator sent an investigative letter to respondent at her current membership records address via U.S. Mail, requesting that respondent respond in writing by April 27, 2016 to the allegations of misconduct being investigated in case no. 16-O-11535. The letter was not returned as undeliverable.

33. On April 13, 2016, a State Bar investigator sent a copy of the investigative letter to respondent via e-mail. This e-mail was not returned as undeliverable.

34. On April 13, 2016, respondent replied to the investigator's e-mail, stating she needed additional time to respond to the investigator's letter. The investigator replied to respondent's e-mail, stating that respondent now had through May 11, 2016 to respond. Respondent received the investigator's reply e-mail.

35. Respondent received the April 13, 2016 letter, but did not provide a response thereto.

CONCLUSIONS OF LAW:

36. By failing to provide opposing counsel with the proposed judgment executed by respondent and her client, so opposing counsel and his client could sign the judgment and have it filed with the court, thus completing the matter for which Phillips hired respondent, and thereafter effectively abandoning Phillips in June 2014, respondent intentionally failed to perform legal services with competence in willful violation of Rules of Professional Conduct, rule 3-110(A).

37. By failing to respond to Phillips' inquires about the status of the judgment between July 2014 through January 2015, respondent failed to respond to a client's reasonable status inquires in matter in which she had agreed to provide legal services, in willful violation Business and Professions Code, section 6068(m).

38. By failing to render an appropriate accounting of the \$3,500 in advanced fees paid by Phillips to respondent after respondent's effective termination from representation of Phillips in June 2014, respondent willfully violated Rules of Professional Conduct, rule 4-100(B)(3).

39. By failing to provide a response to the State Bar's investigative letter of April 13, 2016, which respondent received, and which requested respondent's response to the allegations of misconduct being investigated in case no. 16-O-11535, and failing to otherwise cooperate in the State Bar investigation, respondent willfully violated Business and Professions Code section 6068(i).

Case No. 16-O-14242 (State Bar Investigation)

FACTS:

40. On December 3, 2010, respondent substituted into *Estate of Margaret Chavez*, Riverside County Superior Court case no. HEP000264, as counsel for the executor, Natalie Perches.

41. On March 15, 2016, the court issued an Order to Show Cause for the executor's failure to file an accounting for the estate and whether the executor should be removed and the public administrator appointed to the case, with a hearing set for April 29, 2016. Respondent received notice of the April 29, 2016 Order to Show Cause hearing, for which she was required to appear.

42. On April 29, 2016, the Order to Show Cause was held, but respondent did not appear due to a medical emergency. The court received a voicemail from respondent's office stating that respondent could not appear due to the medical emergency, and requesting that the hearing be continued. At this hearing, the court set a further Order to Show Cause as the executor should be removed and the public administrator appointed to the case, with a hearing set for June 15, 2016. Respondent received notice of the June 15, 2016 Order to Show Cause hearing, for which she was required to appear.

43. Respondent did not appear at the June 15, 2016 hearing. While respondent was still recovering from her medical issues at this time, she failed to notify the court or any of the parties that she could not appear for the Order to Show Cause hearing, nor did she make arraignments to appear at the hearing via telephone.

44. On August 25, 2016, a State Bar investigator sent an investigative letter to respondent at her current membership records address via U.S. Mail, requesting that respondent respond in writing by September 9, 2016 to the allegations of misconduct being investigated in case no. 16-O-14242. The letter was not returned as undeliverable.

45. On August 25, 2016, the State Bar investigator sent a copy of the investigative letter to respondent via e-mail. This e-mail was not returned as undeliverable.

46. Respondent received the August 25, 2016 letter, but did not provide a response thereto.

47. On September 20, 2016, the State Bar investigator sent an investigative letter to respondent at her current membership records address via U.S. Mail, requesting that respondent respond in writing by October 4, 2016 to the allegations of misconduct being investigated in case no. 16-O-14242. The letter was not returned as undeliverable.

48. On September 20, 2016, the State Bar investigator sent a copy of the investigative letter to respondent via e-mail. This e-mail was not returned as undeliverable.

49. Respondent received the September 20, 2016 letter, but did not provide a response thereto.

CONCLUSIONS OF LAW:

50. By failing to comply with an order dated April 29, 2016, requiring respondent to appear for the June 15, 2016 Order to Show Cause hearing in *In the Estate of Margaret S. Chavez*, Riverside

County Superior Court case no. HEP000264, in that respondent failed to appear at said hearing, respondent disobeyed or violated an order of the court requiring respondent to do or forbear an act connected with or in the course of respondent's profession which respondent ought in good faith to do or forbear, in wilful violation of Business and Professions Code, section 6103.

51. By failing to provide a response to the State Bar's investigative letters of August 25, 2016 and September 20, 2016, which respondent received, and which requested respondent's response to the allegations of misconduct being investigated in case no. 16-O-14242, and failing to otherwise cooperate in the State Bar investigation, respondent willfully violated Business and Professions Code section 6068(i).

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent committed eight acts of misconduct, which constitutes multiple acts of misconduct.

MITIGATING CIRCUMSTANCES.

Pretrial Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

No Prior Record of Discipline: Respondent had been in practice for over seven years at the time of the misconduct, which is worth slight weight in mitigation. (*In the Matter of Aguiluz* (Review Dept. 1992) 2 Cal. State Bar Ct. Rptr. 32, 44.)

Good Character: In her ALD, respondent received mitigation for evidence of good character via letters from 10 witnesses who stated their belief in respondent's good character and her ability as an attorney. These references have known respondent for between just few years to over twenty years, and include several former clients, two paralegals, friends, a pediatric nurse practitioner and a Naval Criminal Investigative Service special agent.

Of those 10 witnesses, seven have provided additional letters indicating that they are familiar with all the misconduct at issue in the current cases, and that such has not changed their opinion of respondent's good character.

Respondent has also provided letters from two additional witnesses, an attorney who has known respondent since respondent was a child, and a colleague who works with respondent in several community organizations. Both have stated their belief in respondent's good character and ability as an attorney. These nine character references entitle respondent to significant mitigation. (See *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 912-913 [respondent entitled to significant mitigation for marital problems and testimony of eight character witnesses].)

Community Service and Pro Bono Work: Several of respondent's references also attested to her volunteer and pro bono work. In September 2016, respondent began serving on an assignment panel for the family law court in northern Santa Barbara County, representing indigent parties in juvenile

dependency cases for only a nominal fee. During this time, respondent began providing pro bono services in domestic violence, child welfare and juvenile delinquency cases. Respondent currently carries a caseload of between 15 to 25 of these pro bono and appointment cases. Respondent works part time and these matters make up half of her practice.

In this same time frame, respondent has become increasingly active with many local community organizations, including her church, school organizations, youth sports leagues, agricultural organizations, a fundraising committee for a senior citizen organization, and a foster care organization. Even before this, respondent has volunteered with her son's school, the Cub Scouts and other local civic organizations. Civic service and volunteer work is worth "considerable weight" in mitigation. (*Calvert v. State Bar* (1991) 54 Cal.3d 765, 785.)

Family Difficulties: In January 2015, respondent's husband was involved in a near fatal motorcycle accident and sustained major injuries. Through August 2015, the husband required subsequent hospitalizations and follow-up surgeries. Respondent was the primary care-taker during her husband's recovery.

Around the same time, respondent went through her own medication problems, and presented to the emergency room on several occasions in May and June 2015. Shortly after the ALD was executed, respondent underwent emergency surgery in April 2016. She has since recovered from her medical issues.

Respondent is also the primary caretaker for her nine-year-old son who suffers from cystic fibrosis and related conditions, which she had to manage on top of her and her husband's medical problems. Respondent recently moved to be closer to family to provide a better support network, which should reduce the possibility of any future issues impacting respondent's practice.

While these circumstances do not mitigate respondent's misconduct that occurred through 2014 regarding her representation of James Phillips, the time they consumed and the distractions they caused do offer a partial explanation for respondent's failure to respond to the State Bar investigations, her failure to attend the court hearing, and her failure to comply with her ALD. Thus, respondent is entitled to some mitigating weight under this factor. (See *In the Matter of Wells, supra*, 4 Cal. State Bar Ct. Rptr. at 912-913.)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the Standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re Brown* (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the Standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney

misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter respondent is alleged to have committed eight acts of professional misconduct. Standard 1.7(a) requires that where a respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.” The most severe sanction applicable to respondent’s misconduct is found in Standard 2.12(a), whereby disbarment or actual suspension is the presumed sanction for disobedience or violation of a court order related to the attorney’s practice of law.

Standard 2.12(a) applies to respondent’s failure to appear in court for an Order to Show Cause hearing after the court properly noticed the hearing, which calls for a disbarment to actual suspension. Respondent’s misconduct also includes failing to competently perform legal services in James Phillips’ divorce proceeding wherein respondent failed to see the case through to finality, in addition to her failures to communicate with and provide an accounting to Phillips. Respondent failed to cooperate with the instant State Bar investigations and failed to abide by the terms of her ALD.

However, considering that respondent is entitled to mitigation for family problems, lack of prior discipline, for entering into a pretrial stipulation, and significant mitigation for good character, pro bono and community service, a downward deviation from Standard 2.12(a) to a period of stayed suspension is justified when weighing these factors against the misconduct and aggravation for multiple acts of misconduct. While respondent’s misconduct occurred over a period between 18 and 24 months, it nonetheless appears to be aberrational, in light of unforeseen events in respondent’s personal life during this period, and from respondent’s evidence of good character that spans two decades. With these unfortunate events now past, further misconduct would seem unlikely to reoccur. Therefore, the recommended level of discipline is a one year stayed suspension, with two years of probation.

Case law supports this result. In *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41, the attorney received a stayed suspension regarding his misconduct in handling a criminal appeal. The attorney was culpable of failing to competently perform legal services, failing to obey court orders concerning the filing deadline for an appellate brief and failing to report judicial sanctions. Aggravating factors included committing multiple acts of misconduct and harm to the administration of justice. The attorney received mitigation for 17 years of discipline free practice and cooperation with the State Bar for entering into a stipulation of facts, in addition to diminished mitigation for character references.

While respondent’s misconduct is different from *Riordan* as it involves more than a single client matter, the misconduct is generally similar to *Riordan*, as this case includes a failure to perform legal services and a failure to obey a court order. Respondent’s misconduct is similarly aggravated by her commission of multiple acts of misconduct. Respondent’s mitigation is also similar to *Riordan*, if not greater, as while she does not have 17 years of discipline free practice, the weight of her character references is

greater, and she is entitled to mitigation for family problems, pro bono work and community service, and for entering into a pretrial stipulation. Similar to *Riordan*, a stayed suspension is appropriate.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of March 9, 2017, the discipline costs in this matter are \$9,162. 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. This stipulation does not preclude respondent from seeking relief from discipline costs at a future time, or from the State Bar Court granting such relief, if appropriate. (See e.g. Rules Proc. of State Bar, rules 5.129, 5.130 and 5.132, and Bus. & Prof. Code § 6086.10(c).)

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION (“MCLE”) CREDIT

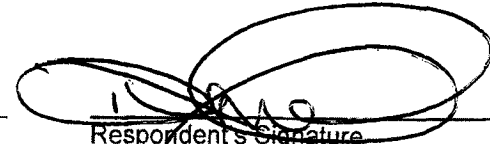
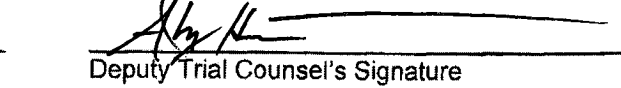
Respondent may not receive MCLE credit for completion of State Bar Ethics School. (Rules Proc. of State Bar, rule 3201.)

(Do not write above this line.)

In the Matter of Debbie Lee Morawski	Case number(s): 14-O-02695-CV, 16-O-11535 and 16-O-14242
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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 Fact, Conclusions of Law and Disposition.

<u>3/9/2017</u> Date	 Respondent's Signature	<u>Debbie Lee Morawski</u> Print Name
<u>3/14/2017</u> Date	 Deputy Trial Counsel's Signature	<u>Alex Hackert</u> Print Name

(Do not write above this line.)

In the Matter of: Debbie Lee Morawski	Case Number(s): 14-O-02695-CV, 16-O-11535 and 16-O-14242
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STAYED SUSPENSION 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:

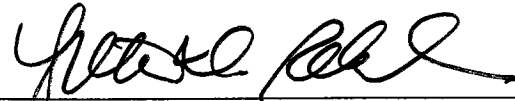
- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

Page 9, paragraph 28, line 4, "respondent" is deleted and ""Phillips" is inserted in its place.

Page 10, paragraph 36, "and thereafter effectively abandoning Phillips" is deleted.

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. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

April 10, 2017
Date


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 April 11, 2017, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING

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

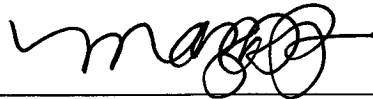
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DEBBIE L. MORAWSKI
255 TOWNSEND LN
SANTA MARIA, CA 93455 - 3126

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

ALEX J. HACKERT, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 11, 2017.



Mazie Yip
Case Administrator
State Bar Court