


**State Bar Court of California
Hearing Department
San Francisco
ALTERNATIVE DISCIPLINE PROGRAM**

Counsel For The State Bar Office of the Chief Trial Counsel Maria J. Oropeza 180 Howard Street San Francisco, CA 94105 (415) 538 2569 Bar # 182660	Case Number (s) 06-O-15337	(for Court's use) <div style="text-align: center;">PUBLIC MATTER FILED <i>pm</i> APR 26 2010 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</div>
Counsel For Respondent Jerome Sapiro Jr. The Sapiro Law Firm 711 Van Ness Avenue, Suite 440 San Francisco, CA 94102 (415) 771-0100 Bar # 40068	Submitted to: Program Judge STIPULATION RE FACTS AND CONCLUSIONS OF LAW <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter Of: Christina Johnson Bar # 114232 A Member of the State Bar of California (Respondent)	<div style="text-align: right;">kwiktag * 078 540 815</div> 	

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 August 13, 1984.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, except as otherwise provided in rule 804.5(c) of the Rules of Procedure, if Respondent is not accepted into the Alternative Discipline Program, this stipulation will be rejected and will not be binding on the Respondent or the State Bar.
- (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, except for Probation Revocation proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 10 pages, excluding the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."

- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) 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.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline [see standard 1.2(f)]**
 - (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:
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **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.
- (4) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances are involved.**

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☒ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating 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 in good faith.
- (8) ☒ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical 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.
- (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 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 convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances are involved.**

Additional mitigating circumstances:

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Christina Johnson

CASE NUMBER(S): ET AL. 06-O-15337

Respondent admits that the following facts are true and that she is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

FACTS AND CONCLUSIONS OF LAW.

Statement of Facts: Count One (Case No. 06-O-15337)

1. Christina Johnson ("respondent") was admitted to the practice of law in the State of California on August 13, 1984, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.
2. Respondent willfully violated Rules of Professional Conduct, rule 3-110(A), by intentionally, recklessly, or repeatedly failing to perform legal services with competence, as follows:
3. On April 13, 2005, Michelle Haselip ("Haselip") hired respondent to represent her in a medical malpractice claim due to an injury to Haselip's eye.
4. On May 31, 2005 respondent filed a complaint on behalf of Haselip, entitled *Haselip v. Jansson*, case no. DR050324, filed in Superior Court, County of Humboldt.
5. Thereafter, respondent failed to perform in the case, by failing to timely comply with court rules; by failing to correct defects in her pleadings; by failing to appear at court hearings and comply with court orders, and by failing to respond to defense discovery.
6. On July 14, 2005, respondent failed to timely meet the requirements of Humboldt County Local Rule 5.3, in that she did not issue a Notice of Inclusion (hereinafter, "NOI") in the Delay Reduction Program. Respondent also failed to timely respond to defense interrogatories as required by local Court Rule 5.4. On July 14, 2005, the court ordered respondent to comply with the local court rules.
7. On November 29, 2005, respondent filed a defective First Amended Complaint on behalf of her client. In her First Amended Complaint, respondent sought punitive damages on behalf of Haselip. However, respondent failed to comply with the provisions of the Medical Injury Compensation Reform Act (California Code of Civil Procedure, Section 425.13) because she failed to obtain a court order permitting her to make a claim for punitive damages.
8. Respondent failed to respond to the defense's Amended Motion to Strike a portion of her complaint, regarding the punitive damage claim. On January 3, 2006, the defense filed an Amended Motion to Strike, with a noted court date of January 18, 2006. Respondent was timely served with the Amended Motion to Strike and she received it. Respondent failed to file a response to the Amended Motion to Strike. Respondent failed to appear at the January 18, 2006 hearing on the Amended Motion to Strike. On February 2, 2006 the Court granted the defense's Amended Motion to Strike, with prejudice.
9. Respondent failed to respond to the defense's pleadings regarding discovery. On June 9,

2006, the defense filed an Ex Parte Application for Order Shortening Notice for Hearing on Defendant's Motion to Continue Trial and Discovery Cutoff. This Motion was served on respondent in a timely manner and she received it. The hearing on the Motion was June 26, 2006. Respondent failed to respond to the Motion and respondent failed to appear at the hearing on the Motion. On June 30, 2006 the Court granted the Motion, vacated the trial dates and set the matter for further case management conference on July 26, 2006.

10. Respondent failed to cooperate in the defense's deposition of her client. Haseslip's deposition was duly noticed and scheduled for July 6, 2006. On July 5, 2006, respondent called and cancelled the deposition.

11. Respondent failed to abide by a court order that ordered Haselip's deposition. On July 13, 2006, the defense moved to compel Haselip's deposition. Respondent received the Motion to Compel and appeared at the hearing on August 10, 2006, regarding the Motion to Compel on behalf of Haselip. On August 10, 2006, the Court granted the defense's Motion to Compel and ordered Haselip to appear for a deposition on August 31, 2006. Respondent received the Court's August 10, 2006 Order. On August 31, 2006, respondent and Haselip failed to appear for the deposition.

12. Respondent failed to abide by a second court order, ordering Haselip's deposition. On September 6, 2006, the defense filed a second Motion to Compel Haselip's deposition, with a hearing date of September 19, 2006. The defense served respondent with the Motion and she received it. Respondent also spoke to the defense counsel, Michael Morrison, and agreed to the September 19, 2006 court date. On September 19, 2006, the Court heard the hearing on the Motion to Compel. Respondent failed to appear. The Court granted the defense Motion to Compel, and ordered Haselip's deposition to take place on September 20, 2006. Respondent was served with the Court's September 19, 2006 order and was aware of its contents. Respondent failed to appear for Haselip's deposition on September 20, 2006.

13. Respondent failed to appear at the mandatory settlement conference that was scheduled to take place on September 20, 2006. Respondent failed to file a settlement conference statement for the September 20, 2006 settlement conference. Respondent had notice of the settlement conference, because on July 25, 2006, respondent was present in court at a case management conference, and at that time she was duly notified of the mandatory settlement conference scheduled for September 20, 2006. In addition, on July 25, 2006, the Court served her with a copy of the notes from the case management conference, advising her of the mandatory settlement conference scheduled for September 20, 2006.

14. Respondent failed to respond to a defense Motion for Terminating Sanctions. On September 25, 2006, the defense filed a Motion for Terminating Sanctions. The defense duly served respondent with a copy of the Motion for Terminating Sanctions with a hearing date of October 2, 2006. Respondent received the Motion for Terminating Sanctions and failed to respond or appear at the hearing on the Motion.

15. On October 25, 2006, the Court issued an Amended Sanctions Order against respondent, ordering respondent to pay the defendant \$1,125.00 in monetary sanctions. Respondent received the October 25, 2006 Sanctions Order and failed to pay it as ordered by the Court.

16. On November 14, 2006, the Court issued an OSC against respondent for a failure to appear on November 14, 2006 and ordered her to personally appear on December 4, 2006 for the OSC and a further case management conference. Respondent received notice of the Court's November 14, 2006 OSC and Order to appear. On December 4, 2006, respondent failed to appear at the OSC and further case management conference as ordered by the Court.

Conclusions of Law: Count One (Case No. 06-O-15337)

17. By failing to timely comply with court rules; by failing to correct defects in her pleadings resulting in the loss of the punitive damage claim; by failing to appear at court hearings and conferences on the aforementioned dates; by failing to submit a settlement conference statement and appear at the settlement conference of September 20, 2006; by failing to comply with court orders ordering Haselip's deposition on August 31, 2006 and September 20, 2006, respondent failed to perform, in willful, reckless, and repeated violation of Rules of Professional Conduct, rule 3-110(A).

Statement of Facts: Count Two (Case No. 06-O-15337)

18. Respondent wilfully violated Business & Professions Code § 6068(m), by failing to keep a client reasonably informed of significant developments in a matter in which respondent had agreed to provide legal services, as follows:

19. The allegations of Count One are hereby incorporated by reference, as if they were set forth in full.

20. Respondent failed to notify Haselip of the scheduled deposition of July 6, 2006 and the court ordered depositions of August 31, 2006 and September 20, 2006.

21. Respondent failed to advise Haselip of the Court's orders of August 10, 2006 compelling Haselip to appear at a deposition on August 31, 2006.

22. Respondent failed to advise Haselip of the Notice of Trial of October 10, 2006. Respondent received the Notice of Trial from the defense, who duly served the Notice of Trial upon her on September 18, 2006. Respondent also received the Court's case management order of July 25, 2006 which also notified her of the trial date of October 10, 2006.

23. Respondent failed to advise Haselip of the mandatory settlement conference scheduled for September 20, 2006.

24. Respondent failed to advise Haselip of the Court's sanction against respondent for \$1,125.00 imposed (but stayed) on September 20, 2006 and the Amended Sanctions Order of October 25, 2006 ordering her to pay \$1,125.00. Respondent failed to advise Haselip of the Motion for Sanctions filed against her on September 6, 2006. Respondent was timely served with the Motion for Sanctions and the Court's order of sanctions of September 20, 2006 and October 25, 2006 and respondent received them.

25. Respondent failed to advise Haselip of the defense's Motion for Terminating Sanctions filed on September 25, 2006. These were served by mail on respondent and respondent received the Motion for Terminating Sanctions.

Conclusions of Law: Count Two (Case No. 06-O-15337)

26. By failing to advise Haselip of the aforementioned matters, respondent failed to keep her client reasonably informed of significant developments in a matter in which she agreed to provide legal services, in willful violation of Business & Professions Code § 6068(m).

Statement of Facts: Count Three (Case No. 06-O-15337)

27. Respondent wilfully violated Rules of Professional Conduct, rule 3-700(D)(1), by failing to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property, as follows:

28. The allegations of Counts One and Two are hereby incorporated by reference, as if they were set forth in full.

29. In September, 2006, Haselip requested the return of her complete file from respondent.
30. On September 27, 2006, respondent gave Haselip a portion of the file, by delivering the portion of the file to Haselip's mother.
31. Haselip did not receive from respondent, as part of the September 27, 2006 return of a portion of the file, the following documents:
- a) The August 10, 2006 Order Granting the Motion to Compel, which was served on respondent via fax and first class mail on or about September 5, 2006;
 - b) The September 19, 2006 Order imposing sanctions;
 - c) The Ex Parte Application for Order Shortening Notice for Hearing on Defendant's Motion for Terminating Sanctions, the Notice of Motion and Motion for Terminating Sanctions, and the Declaration of Michael Morrison in Support of Notice of Motion and Motion for Terminating Sanctions, which was served on respondent on September 25, 2006 via overnight mail;
 - d) The September 26, 2006 Notice of Entry of Order, setting the Motion for Terminating Sanctions for hearing on October 2, 2006, which was served on respondent via fax on September 26, 2006 and via first class mail;
 - e) Notice of Trial, setting trial for October 10, 2006;
 - f) Interrogatories or interrogatory responses. Respondent prepared the interrogatory responses on or about August 5, 2006, but did not provide them to Haselip.
32. After September 27, 2006, respondent received, but failed to provide to Haselip, the following additional documents:
- a) The October 6, 2006 Minute Order setting a hearing for October 11, 2006, to modify the sanctions, which was served on respondent by the Court on October 6, 2006;
 - b) The October 25, 2006 sanction order.

Conclusions of Law: Count Three (Case No. 06-O-15337)

33. By providing Haselip with an incomplete copy of the file, and failing to provide Haselip with the additional documents she received after September 27, 2006, respondent willfully failed to release promptly, upon termination of employment, to the client, at the request of the client, all the client papers and property in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

Statement of Facts: Count Four (Case No. 06-O-15337)

34. Respondent willfully violated Rules of Professional Conduct, rule 3-700(A)(2), by failing, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his client, as follows:
35. The allegations of Counts One through Three are hereby incorporated by reference, as if they were set forth in full.
36. Respondent took no action on Haselip's behalf after September, 2006.
37. Respondent failed to file a Motion to Withdraw until December, 2006.
38. Between September 2006, and December 2006, respondent failed to respond to the reasonable status inquiries of Haselip, she failed to notify Haselip of the events on the case, including the pending Motion for Terminating Sanctions, and she failed to provide Haselip with a complete copy of the client file.

Conclusions of Law: Count Four (Case No. 06-O-15337)

39. By failing to notify Haselip of the sanctions and the Notice of Motion for Terminating Sanctions, and by failing to provide Haselip with a timely return of the full and complete file, respondent willfully failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to her client, in willful violation of Rules of Professional Conduct, rule 3-700(A)(2).

Statement of Facts: Count Five (Case No. 06-O-15337)

40. Respondent willfully violated Business & Professions Code § 6103, by wilfully disobeying or violating an order of the court requiring her to do or forbear an act connected with or in the course of respondent's profession which she ought in good faith to do or forbear, as follows:

41. The allegations of Counts One through Four are hereby incorporated by reference, specially noting the allegations of paragraphs eleven, twelve, and thirteen of Count One regarding the duly noticed Court hearing dates, as if they were set forth in full.

42. On September 19, 2006, the Court issued a sanctions order against respondent in the sum of \$1,125.00, but stayed the order. Respondent was duly notified of the hearing on the sanctions and failed to appear. Respondent was duly served with a copy of the Court's September 19, 2006 sanctions order, which issued the sanctions, but stayed them.

43. On October 6, 2006, the Court issued a minute order placing the sanctions order on calendar for modification for with a hearing date of October 11, 2006. The Court notified respondent of this hearing by telephoning respondent and leaving her a message regarding this appearance.

44. On October 25, 2006, the Court issued an Amended Sanctions Order against respondent, ordering respondent to pay the defendant \$1,125.00 in monetary sanctions. On or about October 27, 2006, the defense duly served a true and correct copy of the Amended Order Granting Defendant's Motion for Court Order Compelling Deposition and Sanctions on respondent, and respondent received the October 27, 2006 order of the Court.

45. Respondent failed to pay the sanctions as ordered by the Court.

46. On November 14, 2006, respondent failed to appear at a case management conference. On November 14, 2006, the Court issued an OSC against respondent for her failure to appear and ordered her to personally appear on December 4, 2006 for the OSC and a further case management conference. Respondent received notice of the Court's November 14, 2006 OSC and Order to appear.

47. On December 4, 2006, respondent failed to appear at the OSC and further case management conference as ordered by the Court.

Conclusions of Law: Count Five (Case No. 06-O-15337)

48. By failing to appear at the court ordered depositions of Haselip on August 31, 2006 and September 20, 2006; by failing to appear at the mandatory settlement conference on September 20, 2006, by failing to pay the October 27, 2006 sanctions as ordered by the Court, and by failing to appear at the December 4, 2006 OSC and further case management conference, respondent disobeyed or violated orders of the court requiring her to do or forbear an act connected with or in the course of respondent's profession which she ought in good faith to do or forbear, in willful violation of Business & Professions Code § 6103.

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(6), was February 5, 2010.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of December 30, 2009, the prosecution costs in this matter are \$2,296.00. 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.

AGGRAVATING CIRCUMSTANCES.

Respondent's misconduct involves multiple acts of misconduct.
Respondent's misconduct harmed her client, by losing the ability to assert her claim.

MITIGATING CIRCUMSTANCES.

Respondent has no prior history of discipline over many years of practice.
Respondent suffered from physical/mental/emotional difficulties during a portion of the misconduct.
Respondent was taking prescription medication(s) and had an adverse reaction to the medication(s).

STATE BAR ETHICS SCHOOL.

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

(Do not write above this line.)

In the Matter of
Christina Johnson, Bar No. 114232

Case number(s):
06-O-15337

SIGNATURE OF THE PARTIES

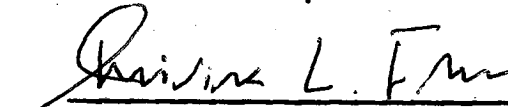
By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, this Stipulation will be filed and will become public. Upon Respondent's successful completion of or termination from the Program, the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Confidential Statement of Alternative Dispositions and Orders shall be imposed or recommended to the Supreme Court.

19 Feb. 2010
Date


Respondent's Signature

Christina Johnson
Print Name

Feb 24, 2010
Date


Respondent's Counsel Signature / GA

Jerome Sapiro Jr.
Print Name

3/3/10
Date


Deputy Trial Counsel's Signature

Maria J. Oropeza
Print Name

(Do not write above this line.)

In the Matter Of
Christina Johnson, Bar No. 114232

Case Number(s):
06-O-15337

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 stipulation as to facts and conclusions of law is APPROVED.
- ☐ The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- ☒ All court dates in the Hearing Department are vacated.

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; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(a), Rules of Procedure.)

Apr. 1 26, 2010
Date

Lucy Armendariz
Judge of the State Bar Court
Lucy Armendariz

CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; 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 April 26, 2010, I deposited a true copy of the following document(s):

STIPULATION RE FACTS AND CONCLUSIONS OF LAW

☒ By personal service addressed as follows:

MARIA OROPEZA
180 HOWARD ST, 6TH FL
SAN FRANCISCO, CA 94105

JEROME SAPIRO JR.
180 HOWARD ST, 6TH FL
SAN FRANCISCO, CA 94105

CHRISTINA JOHNSON
180 HOWARD ST, 6TH FL
SAN FRANCISCO, CA 94105

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on April 26, 2010.



Bernadette C.O. Molina
Case Administrator
State Bar Court