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4 Newport Beach, CA 92660  
5 (949) 729-8014/8050 Fax

**FILED**

**JAN 10 2014**

6 Attorney for Respondent,  
7 Kelly S. Johnson

**STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO**

**RECEIVED**

STATE BAR COURT

**JAN 10 2014**

HEARING DEPARTMENT - LOS ANGELES

**STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO**

12 In the Matter of: ) CASE NO. 13-0-11690  
13 )  
14 KELLY SCOTT JOHNSON, ) RESPONDENT'S ANSWER TO  
15 No. 134520, ) DISCIPLINARY CHARGES  
16 )  
17 )  
18 )  
19 A Member of the State Bar. )  
20 )

21 The Respondent herein, Kelly S. Johnson, hereby Answers The  
22 State Bar of California's Disciplinary Charges (hereinafter  
23 "Charges") as follows:

24 1. In response to paragraph 1 of the Charges regarding  
25 Jurisdiction, Respondent admits the allegations contained therein.

26 2. In response to paragraph 2 of the Charges re Count One,  
27 Respondent is without is currently without knowledge or  
28 information sufficient to enable him to respond to the allegation  
of the exact amount paid by William Ellis as compensation for  
representing his daughter, Stacey Ellis. However, it is



1 Respondent's understanding and belief that both Mr. Ellis and  
2 Stacey Ellis had provided what may be considered sufficient  
3 informed written consent based on the totality of the  
4 circumstances, including emails and possibly other writings  
5 exchanged by and between the three (3) parties.  
6

7 3. In response to paragraph 3 of the Charges re Count Two,  
8 Respondent may not have properly or fully reported the subject  
9 sanctions, which the Respondent contends that Stacey Ellis  
10 improperly caused to be imposed upon him wherein the Motion for  
11 Sanctions was directed solely to actions and conduct undertaken by  
12 successor counsel, William Suojanen, and Ms. Ellis in a subsequent  
13 action brought on behalf of Ms. Ellis by Mr. Suojanen. Moreover,  
14 Respondent filed a Declaration in the case with relation thereto,  
15 however, a false representation was made to the Court by and/or on  
16 behalf of Ms. Ellis that caused the Court to also impose sanctions  
17 on Respondent in addition to Mr. Suojanen and Ms. Ellis in the 2<sup>nd</sup>  
18 case filed by Mr. Suojanen on behalf of Ms. Ellis. Thereafter,  
19 Respondent attempted to file a Notice of Motion and Motion for  
20 Reconsideration that was timely submitted but not accepted by the  
21 Superior Court for filing based on a claim that the case had  
22 already been closed (ie. although the Sanctions Motion had just  
23 been recently held).  
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1           4. In response to paragraph 4 of the Charges re Count Three,  
2 an as more fully set forth in the response to paragraph 3 above,  
3 there were two other parties (ie. successor counsel, William  
4 Suojanen, and Ms. Ellis), who were directly and solely involved  
5 with bringing the 2<sup>nd</sup> case that Respondent was not even listed as  
6 counsel on the Compliant, and who were also found liable for the  
7 subject sanctions that were later contested by Respondent by way  
8 of a Motion for Reconsideration that was timely submitted but not  
9 accepted by the Superior Court for filing based on a claim that  
10 the case had already been closed (ie. although the Sanctions  
11 Motion had just been recently held). Moreover, the Respondent  
12 contends that Stacey Ellis improperly caused the sanctions to be  
13 imposed upon him wherein the Motion for Sanctions was directed  
14 solely to actions and conduct undertaken by successor counsel,  
15 William Suojanen, and Ms. Ellis in a subsequent action brought on  
16 behalf of Ms. Ellis by Mr. Suojanen. Moreover, Respondent filed a  
17 Declaration in the case with relation thereto, however, a false  
18 representation was made to the Court by and/or on behalf of Ms.  
19 Ellis that caused the Court to also impose sanctions on Respondent  
20 in addition to Mr. Suojanen and Ms. Ellis in the 2<sup>nd</sup> case filed by  
21 Mr. Suojanen on behalf of Ms. Ellis.  
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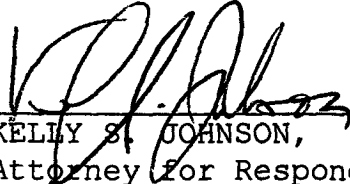
26           5. In response to paragraph 5 of the Charges re Count Four,  
27 Respondent at all times made the voluminous filed available to  
28

1 both Ms. Ellis and successor counsel, William Suojanen, as needed  
2 at his offices while the files were copied and prepared for  
3 turnover to Ms. Ellis. In addition, Respondent's office was short-  
4 staffed during this time period that made it difficult for  
5 Respondent to fully review and copy the voluminous file.  
6

7  
8 In addition, there may also be other basis for defense and/or  
9 affirmative or other equitable defenses not currently set forth,  
10 and Respondent hereby retains the right to supplement or amend  
11 this Answer as is just and proper and in the interests of justice.  
12  
13

14 LAW OFFICES OF KELLY S. JOHNSON

15  
16 DATED: 12/16/2013

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18 \_\_\_\_\_  
19 KELLY S. JOHNSON,  
20 Attorney for Respondent,  
21 Kelly S. Johnson,  
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**FILED**

FEB 10 2014

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

**STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – SAN FRANCISCO**

In the Matter of	)	Case No.: 12-C-12050 (S213210)
	)	
<b>MICHAEL KENT JOHNSON,</b>	)	<b>ORDER RE PETITIONER'S RENEWED</b>
	)	<b>MOTION TO ELIMINATE OR REDUCE</b>
<b>Member No. 210069,</b>	)	<b>STATE BAR'S RECOVERABLE COSTS</b>
	)	
<u>A Member of the State Bar.</u>	)	

On January 10, 2014, petitioner Michael Kent Johnson (petitioner) filed a renewed motion to eliminate or reduce the Office of the Chief Trial Counsel's (State Bar) recoverable costs due to financial hardship.<sup>1</sup> The State Bar did not file a timely response.

Having considered petitioner's moving papers, the court issues the following orders:

1. Petitioner's request for full relief from costs is **DENIED**, no good cause having been shown;

2. Petitioner's request for partial relief from costs is **GRANTED**, in part, as follows.

Good cause having been shown, it is hereby **ORDERED** that petitioner be relieved from payment of one third of the disciplinary costs awarded in State Bar Court case no. 12-C-12050

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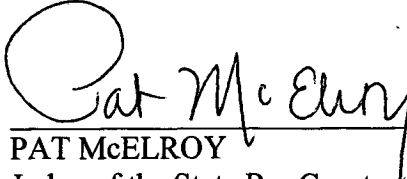
<sup>1</sup> On January 2, 2014, the court filed an order denying petitioner's prior motion to eliminate or reduce the State Bar's recoverable costs. In this order, the court denied petition motion without prejudice due to the fact that the motion failed to show hardship under State Rules of Procedure, rule 5.130(B).

(S213210). Accordingly, the amount of the State Bar's recoverable costs to be paid by petitioner is reduced from \$13,548.32 to \$9,032.22;<sup>2</sup> and

3. On its own motion, the court **GRANTS** an extension of time for petitioner to comply with the order to pay disciplinary costs. The court orders that petitioner's time to pay the remaining disciplinary costs associated with case no. 12-C-12050 (S213210) be extended and that one-fifth of said costs is to be paid with petitioner's annual State Bar membership fees for the years 2015, 2016, 2017, 2018, and 2019. The court further **ORDERS** that, if petitioner fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 5.134). The payment of costs remains enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**IT IS SO ORDERED.**

Dated: February 10, 2014

  
PAT McELROY  
Judge of the State Bar Court

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<sup>2</sup> Petitioner's request that the costs be reduced to \$2,392 is **DENIED**, no good cause having been shown.

## 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 10, 2014, I deposited a true copy of the following document(s):

ORDER RE PETITIONER'S RENEWED MOTION TO ELIMINATE OR REDUCE  
STATE BAR'S RECOVERABLE COSTS

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:

HOWARD RICHARD MELAMED  
319 LENNON LN  
WALNUT CREEK, CA 94598 - 2418

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- by overnight mail at , California, addressed as follows:

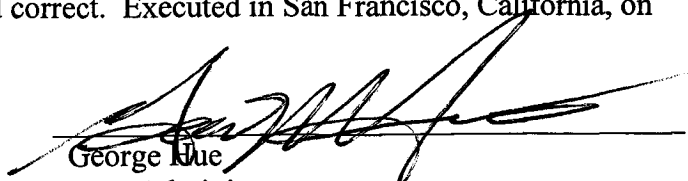
- by fax transmission, at fax number . No error was reported by the fax machine that I used.

- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Treva R. Stewart, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on February 10, 2014.

  
George Rue  
Case Administrator  
State Bar Court