



ORIGINAL

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State Bar Court of California
Hearing Department
San Francisco
ACTUAL SUSPENSION

Counsel For The State Bar Robert A. Henderson Supervising Senior Trial Counsel 180 Howard St. San Francisco, CA 94105 Telephone: (415) 538-2385 Bar # 173205	Case Number(s): 14-O-01590	For Court use only PUBLIC MATTER FILED DEC 02 2014 STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
In Pro Per Respondent Stephen Joseph Johnson 13620 Lincoln Way, Suite 220 Auburn, CA 95603 Telephone: (530) 823-3655 Bar # 88888	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: STEPHEN JOSEPH JOHNSON Bar # 88888 A Member of the State Bar of California (Respondent)		

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 **November 29, 1979**.
- (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 **12** 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."

(Effective January 1, 2014)

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Actual Suspension



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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):
 - ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: **two billing cycles following the effective date of the Supreme Court Order imposing discipline.** (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(f) & 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.
- (2) ☐ **Dishonesty:** Respondent's misconduct was intentional, 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. **See Attachment to Stipulation at p. 9.**
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (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. **See Attachment to Stipulation at p. 9.**
- (8) ☐ **Restitution:** Respondent failed to make restitution.
- (9) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 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 deemed serious.
- (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 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 with a good faith belief that was honestly held and 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. **See Attachment to Stipulation at p. 9.**
- (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. **See Attachment to Stipulation at p. 9.**
- (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. **See Attachment to Stipulation at p. 9.**
- (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 convincing proof of subsequent rehabilitation.

(13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pre-Filing Stipulation - See Attachment to Stipulation at p. 10.

No Prior Record of Discipline - See Attachment to Stipulation at p.10.

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 present fitness to practice and present learning and ability in the 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:

(b) ☒ The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent must be 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)

(3) ☒ **Actual Suspension:**

(a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of **90 days**.

i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the 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:

E. Additional Conditions of Probation:

(1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.

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- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ 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.
- (4) ☒ 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.
- (5) ☒ 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.

- (6) ☐ 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.
- (7) ☒ 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.
- (8) ☐ 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 Ethics School, and passage of the test given at the end of that session.
- ☒ No Ethics School recommended. Reason: **On December 5, 2013, respondent voluntarily attended Ethics School and passed the exam.**
- (9) ☐ 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.
- (10) ☐ 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:

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- (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 during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE 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) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: STEPHEN JOSEPH JOHNSON

CASE NUMBER: 14-O-01590

FACTS AND CONCLUSIONS OF LAW.

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

Case No. 14-O-01590 (State Bar Investigation)

FACTS:

1. Respondent owned property at 395 Crother Way, Meadow Vista, CA 95722 ("Crother Way"). Respondent encountered financial difficulties and in an effort to retain control of Crother Way filed a series of bankruptcy petitions, first as an individual and later for an entity to which he transferred title.
2. On January 16, 2011, respondent filed a Chapter 13 petition, case no. 11-20408. On January 19, 2011, case no. 11-20408 was dismissed ("Petition #1").
3. On March 16, 2011, respondent filed a Chapter 13 petition, case no. 11-26466. Respondent failed to disclose his prior Bankruptcy petition on the form as required by law. On May 3, 2011, case no. 11-26466 was dismissed ("Petition #2").
4. On March 16, 2011, respondent in error filed a duplicate Chapter 13 petition, case no. 11-26467. On April 4, 2011, this case was dismissed ("Petition #3").
5. On August 19, 2011, respondent transferred title to the property located at Crother Way to Pacific Asset Management ("PAM").
6. On September 2, 2011, respondent caused to be filed a Chapter 11 petition on behalf of PAM, case no. 11-41496 ("Petition #4").
7. On November 8, 2012, the court in Petition #4 issued an *in rem* order, pursuant to Bankruptcy Code section 362(d)(4), removing the automatic stay for Crother Way ("*in rem* order"). The *in rem* order, pursuant to Bankruptcy Code section 362(b)(20), removed the automatic stay for Crother Way in the pending proceeding, as well as any Bankruptcy filed within 2 years of the order. Respondent received actual notice of the order.
8. The court in Petition #4 found that the filing in Petition #4 was part of a scheme to delay and hinder the movant as it related to Crother Way.
9. On November 21, 2012, PAM consented to the dismissal of Petition #4.

10. On March 19, 2013, respondent filed a Chapter 7 petition on behalf of PAM, case no. 13-23621 ("Petition #5"). Respondent failed to disclose PAM's Petition #4.

11. On April 12, 2013, Crother Way was sold at a trustee's sale.

12. On April 18, 2013, Petition #5 was dismissed.

13. On April 19, 2013, the purchaser of Crother Way, Granite Ranch Opportunities, LLC ("Granite Ranch"), notified PAM of the sale.

14. Subsequent to receiving notice of the sale, respondent claimed that the trustee's sale was an act against the property in violation of the automatic stay, and thus void. Respondent also threatened Granite Ranch with litigation. Respondent did so despite his actual notice of the *in rem* order and its legal effect for the property.

15. As a result of respondent's claims to Granite Ranch, regarding the automatic stay and sale, Granite Ranch filed a Motion for Determination of No Automatic Stay and for sanctions.

16. On June 15, 2013, the court in Petition #5 found that respondent's fifth Bankruptcy filing and his claim that the automatic stay had effect for Crother Way, violated a specific order of the court in Petition #4, the November 8, 2012 *in rem* order, removing the automatic stay for Crother Way. The court found as a matter of law that the automatic stay in Petition #5 was never in effect for Crother Way. The court sanctioned respondent \$1,250.

17. On June 20, 2013, the court issued an Order to Show Cause, set for hearing on January 8, 2014, regarding respondent's conduct in Petitions 1 through 5. The Order to Show Cause required respondent to address 20 issues by July 19, 2013. Respondent did not respond to the Order to Show Cause prior to July 19, 2013.

18. Between July 19, 2013 and January 16, 2014, respondent filed multiple requests to continue the hearing on the Order to Show Cause.

19. On January 16, 2014, the court sanctioned respondent an additional \$1,500 and ordered him to report the OSC and the sanctions resulting from the OSC to the State Bar within 20 days.

20. On October 29, 2013, respondent reported the June 15, 2013 sanction in Petition #5 to the State Bar.

21. On May 13, 2014, respondent reported the January 16, 2014 sanction and OSC in Petition #5 to the State Bar.

CONCLUSIONS OF LAW:

22. By asserting the application of the automatic stay for Crother Way in Petition #5, respondent violated the November 8, 2012 *in rem* order in Petition #4, disobeying an order of the court requiring him to do or forbear an act connected with or in the course of his profession, in wilful violation of Business and Professions Code section 6103.

23. By failing to report the \$1,250 sanction ordered on June 15, 2013, to the State Bar until October 29, 2013, respondent failed to report within 30 days the imposition of non-discovery judicial sanctions against the attorney of \$1,000 or more, in wilful violation of Business and Professions Code section 6068(o)(3).

24. By failing to report the January 16, 2014 OSC and sanction to the State Bar within 20 days as ordered by the court in Petition #5, respondent disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of his profession, in wilful violation of Business and Professions Code section 6103.

25. By failing to report the \$1,500 sanction ordered on January 16, 2014, to the State Bar until May 13, 2014, respondent failed to report within 30 days the imposition of non-discovery judicial sanctions against the attorney of \$1,000 or more, in wilful violation of Business and Professions Code section 6068(o)(3).

26. By filing five Bankruptcy petitions in an effort to thwart creditors, by failing to disclose the prior bankruptcy petitions on the subsequent bankruptcy petitions and by claiming the automatic stay continued after the November 8, 2012 *in rem* order lifted the stay, respondent committed acts of moral turpitude, dishonesty or corruption in wilful violation of Business and Professions Code section 6106.

AGGRAVATING CIRCUMSTANCES.

Harm (Std. 1.5(f)): Respondent's multiple bankruptcy filings delayed the transfer of Crother Way, which caused harm to the creditor and eventual purchaser of the property by causing them to lose time and incur unnecessary costs.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent's conduct resulted in five violations of the Business and Professions Code, which constitutes multiple acts of misconduct.

MITIGATING CIRCUMSTANCES.

Emotional/Physical Difficulties (Std. 1.6(d)): Respondent has provided evidence from a medical professional of his Major Depressive Disorder, which contributed to the misconduct. With proper treatment his disorder will become manageable.

Severe Financial Stress: Respondent suffered severe financial stress at the time of the misconduct, which led to his abuse of the Bankruptcy Court. The financial stress was a result of the financial downturn, and not reasonably foreseeable. (See *Grim v. State Bar* (1991) 53 Cal.3d 21, 31.)

Family Problems: During the period of misconduct, respondent was experiencing marital difficulties, in part related to the property. His effort to save the property by misusing the Bankruptcy Court was in part related to the marital difficulties he experienced at the time. (See *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 519.)

Additional Mitigating Circumstances:

Prefiling Stipulation: Respondent is entitled to mitigation for entering into a full stipulation with the Office of Chief Trial Counsel prior to the filing of a Notice of Disciplinary Charges, thereby saving State Bar Court time and resources. (*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].)

Absence of Prior Record of Discipline: Respondent has no prior record of discipline in thirty-five years of practice. Although the misconduct is serious, the absence of a prior record of discipline is a mitigating factor. (See *Hawes v. State Bar* (1990) 51 Cal.3d 587, 596.)

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 admits to committing five 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 2.7, which applies to respondent’s act of moral turpitude in his misuse of the bankruptcy system and multiple bankruptcy filings. Disbarment or actual suspension is appropriate for an act of moral turpitude, dishonesty, fraud, corruption or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct and the extent to which the misconduct harmed or misled the victim and related to the member’s practice of law. Here, the bankruptcy filings were not on behalf of a client, but rather related to respondent’s personal asset. However, the filings were a significant abuse of the bankruptcy process.

Also, the filings caused harm to the creditor by forcing it to fight the improper application of the automatic stay and by delaying its access to the property. On balance, an actual suspension at the lower end of the range is appropriate, when considered in light of the mitigation and aggravation. As there is harm, an actual suspension 90 days is warranted, but the harm is not so significant so as to require disbarment.

In *In the Matter of Regan* (Review Dept. 2005) 4 Cal. State Bar Ct. Rptr. 844, the attorney received a 75 day actual suspension for appearing on behalf of a client without authority, failing to communicate, failing to return a client file and committing an act of moral turpitude and attempting to mislead a judge. *Regan* had a single factor in mitigation, no prior discipline. The conduct of respondent in the current matter is more pervasive than that of *Regan*, in that respondent abused the bankruptcy system, so a higher level of discipline is appropriate. However, respondent has also provided evidence of his diagnosed Major Depressive Disorder, which although he has not shown is in complete control, is still worthy of some mitigation. Additionally, respondent should receive some mitigation for the financial stress, family problems and 34 years of practice with no prior discipline. Balancing the mitigating and aggravating factors and the seriousness of the misconduct, it appears that slightly more discipline than that in *Regan* is appropriate. On balance a 90-day actual suspension and a rule 9.20 requirement, would adequately protect the public and the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed Respondent that as of October 27, 2014, the prosecution costs in this matter are \$2,992. 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.

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In the Matter of:
STEPHEN JOSEPH JOHNSON

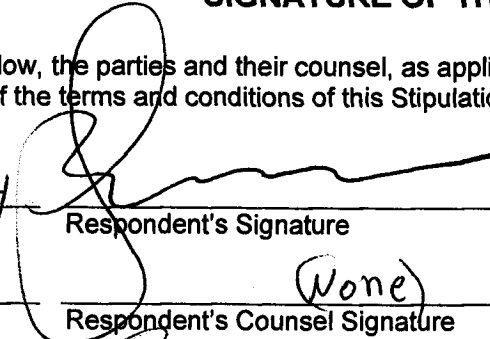
Case number(s):
88888

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, Conclusions of Law, and Disposition.

November 2, 2014

Date


Respondent's Signature

Stephen J. Johnson

Print Name

Date

(None)
Respondent's Counsel Signature

Print Name

November 7, 2014

Date


Deputy Trial Counsel's Signature

Robert A. Henderson

Print Name

(Do not write above this line.)

In the Matter of: STEPHEN JOSEPH JOHNSON	Case Number(s): 88888
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ACTUAL 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.
1. On p. 10, second paragraph re absence of prior record of discipline – Delete “thirty-five” and put in its stead “32” as respondent has no prior record of discipline in 32 years of practice since his misconduct began in 2011.
 2. On p. 11, second paragraph, delete “34” and put in its stead “32” as respondent has 32 years of practice with no prior discipline.

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.)**

Dec. 1, 2014
Date


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 December 2, 2014, 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:

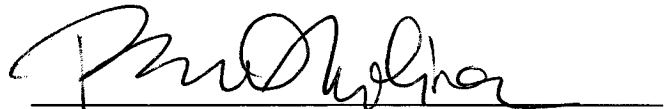
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

STEPHEN JOSEPH JOHNSON
LAW OFFICES OF STEPHEN JOHNSON
13620 LINCOLN WAY STE 220
AUBURN, CA 95603

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

ROBERT A. HENDERSON, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on December 2, 2014.



Bernadette C.O. Molina
Case Administrator
State Bar Court