

<p>Counsel for the State Bar</p> <p>MARK HARTMAN, No. 114925 The State Bar of California 180 Howard Street San Francisco, CA 94105 Telephone: (415)538-2000</p>	<p>Case number(s)</p> <p>00-0-12703 02-0-15151</p> <p>kwiktag® 035 117 041</p> 	<p>(for Court's use)</p> <p>PUBLIC MATTER</p> <p>FILED <i>LDS</i></p> <p>MAR 26 2004</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>Counsel for Respondent</p> <p>JOHNNIE S. HARRISON, JR. No. 64179 1940 Embarcadero Cove Oakland, CA 94606 Telephone: (510) 434-0140</p>	<p>Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In Propria Persona</p> <p>In the Matter of</p> <p>JOHNNIE S. HARRISON, JR.</p> <p>Bar # 64179</p> <p>A Member of the State Bar of California (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted July 1, 1975
 (date)
- (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 and order consist of 11 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts." See Facts and Conclusions of Law, pages 7 to 10.
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law." See Facts and Conclusions of Law, pages 7 to 10.
- (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. See page 10.
- (7) 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 284, Rules of Procedure.
 - costs to be paid in equal amounts prior to February 1 for the following membership years:

 (hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - costs waived in part as set forth under "Partial Waiver of Costs"
 - costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

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 or under "Prior Discipline".
- (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) ^{Acts} 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, ~~coupled with present misconduct which is not deemed serious.~~
- (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 to 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 ~~the full amount of the fine~~ **full restitution.** ~~in restitution to the State Bar without the threat of criminal proceedings 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, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (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:

Respondent has done extensive community service and pro bono work.

D. Discipline

1. Stayed Suspension.

A. Respondent shall be suspended from the practice of law for a period of three (3) years

- 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 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- iii. and until Respondent does the following: _____

B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of three (3) years, which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

3. Actual Suspension.

A. Respondent shall be actually suspended from the practice of law in the State of California for a period of eighteen (18) months

- 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 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount of _____, plus 10% per annum accruing from _____ and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- 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 shall remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent shall report to the Membership Records Office of the State Bar and to the Probation Unit, 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) Respondent shall submit written quarterly reports to the Probation Unit on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, respondent shall 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. If the first report would cover less than 30 days, that report shall 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 shall be assigned a probation monitor. Respondent shall 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 shall furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Probation Unit. Respondent shall cooperate fully with the probation monitor.
- (6) Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel 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 shall provide to the Probation Unit 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.
- (8) Respondent shall comply with all conditions of probation imposed in the underlying criminal matter and shall so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Probation Unit.
- (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 checked="" type="checkbox"/> Financial Conditions |
- (10) Other conditions negotiated by the parties:
- Multistate Professional Responsibility Examination: Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel 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 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.
- No MPRE recommended.
- Rule 955, California Rules of Court: Respondent shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- Conditional Rule 955, California Rules of Court: If Respondent remains actually suspended for 90 days or more, he/she shall comply with the provisions of subdivisions (a) and (c) of rule 955, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.
- Credit for Interim Suspension [conviction referral cases only]: Respondent shall be credited for the period of his/her interim suspension toward the stipulated period of actual suspension.

In the Matter of	Case Number(s):
JOHNNIE S. HARRISON; JR., No. 64179,	00-0-12703
A Member of the State Bar	02-0-15151

Financial Conditions

- a. Respondent shall pay restitution to _____ [payee(s)] (or the Client Security Fund, if appropriate), in the amount(s) of _____, plus 10% interest per annum accruing from _____, and provide proof thereof to the Probation Unit, Office of the Chief Trial Counsel,
- no later than _____
- or
- on the payment schedule set forth on the attachment under "Financial Conditions, Restitution."
- b. 1. If respondent possesses client funds at any time during the period covered by a required quarterly report, respondent shall file with each required report a certificate from respondent and/or a certified public accountant or other financial professional approved by the Probation Unit, certifying that:
- a. respondent has maintained a bank account in a bank authorized to do business in the State of California, at a branch located within the State of California, and that such account is designated as a "Trust Account" or "Clients' Funds Account";
 - b. respondent has kept and maintained the following:
 - i. a written ledger for each client on whose behalf funds are held that sets forth:
 - 1. the name of such client;
 - 2. the date, amount and source of all funds received on behalf of such client;
 - 3. the date, amount, payee and purpose of each disbursement made on behalf of such client; and,
 - 4. the current balance for such client.
 - ii. a written journal for each client trust fund account that sets forth:
 - 1. the name of such account;
 - 2. the date, amount and client affected by each debit and credit; and,
 - 3. the current balance in such account.
 - iii. all bank statements and cancelled checks for each client trust account; and,
 - iv. each monthly reconciliation (balancing) of (i), (ii), and (iii), above, and if there are any differences between the monthly total balances reflected in (i), (ii), and (iii), above, the reasons for the differences.
 - c. respondent has maintained a written journal of securities or other properties held for clients that specifies:
 - i. each item of security and property held;
 - ii. the person on whose behalf the security or property is held;
 - iii. the date of receipt of the security or property;
 - iv. the date of distribution of the security or property; and,
 - v. the person to whom the security or property was distributed.
2. If respondent does not possess any client funds, property or securities during the entire period covered by a report, respondent must so state under penalty of perjury in the report filed with the Probation Unit for that reporting period. In this circumstance, respondent need not file the accountant's certificate described above.
3. The requirements of this condition are in addition to those set forth in rule 4-100, Rules of Professional Conduct.
- c. Within one (1) year of the effective date of the discipline herein, respondent shall supply to the Probation Unit satisfactory proof of attendance at a session of the Ethics School Client Trust Accounting School, within the same period of time, and passage of the test given at the end of that session.

<p>In the Matter of</p> <p>JOHNNIE S. HARRISON, JR., No. 64179,</p> <p>A Member of the State Bar.</p>	<p>Case Nos. 00-O-12073 02-O-15151</p> <p>STIPULATION RE FACTS, CONCLUSION OF LAW, AND DISPOSITION</p>
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FACTS AND CONCLUSIONS OF LAW

Count One

Case No. 00-O-12703

1. Respondent wilfully violated section 6106 of the Business and Professions Code by committing acts involving moral turpitude and dishonesty as follows:

2. On May 1, 1998, Ms. Jasmine Brown ("Brown") hired respondent to represent her in a personal injury case ("the Brown case").

3. On October 8, 1998, respondent settled the first part of the Brown case for \$15,000.

4. On October 14, 1998, respondent received a \$15,000.00 settlement check and deposited it in his client trust account number 0359543782 at Wells Fargo Bank ("the CTA"). He disbursed \$10,000.00 to Brown and \$4,000.00 to his law office for attorney fees. On December 1, 1998, he disbursed the last \$1,000.00 of the \$15,000.00 settlement funds to his law office for attorney fees.

5. On December 2, 1998, respondent settled the second part of the Brown case for \$85,000.00. Respondent received an \$85,000.00 settlement check and deposited it in the CTA. He disbursed \$20,000.00 to Brown and \$15,000.00 to his law office for attorney fees. At this time, he was owed \$427.15 for costs and was obligated to hold the balance of \$49,572.85 (i.e., \$50,000.00 minus \$427.15) in the CTA to pay those who had provided medical services to Brown ("medical providers").

6. On December 28, 1998, respondent disbursed \$88.61 to a medical provider. This disbursement left a balance of \$49,484.24 (i.e., \$49,572.85 minus \$88.61) which respondent was obligated to hold in the CTA for the other medical providers.

7. From December 28, 1998, onwards, respondent knew that he was obligated to retain \$49,484.24 in the CTA for the other medical providers.

8. Between January 9 and August 26, 1999, respondent took for his own personal use the \$49,484.24 which he was obligated to hold in the CTA for the other medical providers.

9. Respondent wilfully committed acts involving moral turpitude and dishonesty by taking client funds for his own personal use.

Count Two

Case No. 00-O-12703

10. Respondent wilfully violated rule 3-110(A) of the Rules of Professional Conduct by intentionally, recklessly, and repeatedly failing to perform legal services with competence, as follows:

11. The facts of count one are incorporated by reference.

12. On December 2, 1998, Brown authorized respondent to pay to the medical providers the amounts owed to them from the funds in the CTA.

13. For more than 11 months, respondent delayed paying \$7,842.24 to Accent Insurance Recovery Solutions, a medical provider. On November 4, 1999, respondent paid \$7,842.24 to Accent Insurance Recovery Solutions.

14. For more than 20 months, respondent delayed paying \$21,139.17 to Federal Express Corporate Group Health Plan, a medical provider. On August 22, 2000, respondent paid \$21,139.17 to Federal Express Corporate Group Health Plan.

15. For more than 20 months, respondent delayed paying \$18,000.00 to Integrated Health Care Recovery Services, a medical provider. On August 22, 2000, respondent paid \$18,000.00 to Integrated Health Care Recovery Services.

16. Respondent intentionally, recklessly, and repeatedly failed to perform legal services with competence by failing to pay the \$7,842.24 owed to Accent Insurance Recovery Solutions for more than 11 months, the \$21,139.17 owed to Federal Express Corporate Group Health Plan for more than 20 months, and the \$18,000.00 owed to Integrated Health Care Recovery Services for more than 20 months.

Count Three
Case No. 02-O-15151

17. Respondent wilfully violated rule 3-110(A) of the Rules of Professional Conduct by repeatedly failing to perform legal services with competence, as follows:

18. On November 6, 2001, Ms. Angelica Mendoza (“Mendoza”) was driving an unmarked City of Oakland police car in Oakland. Mendoza’s car hit a para-transit vehicle driven by Ms. Erica Allen (“Allen”), who was hurt. Ms. Lisa Soriano (“Soriano”) was driving another car involved in the accident.

19. On November 13, 2001, Allen hired respondent to represent her in a personal injury case (“the Allen case”) against the City of Oakland.

20. Respondent had six months after the accident (i.e, until May 6, 2002) to file a claim against the City of Oakland. He failed to file a claim against the City of Oakland by May 6, 2002. This failure prevented Allen from obtaining any funds from the City of Oakland.

21. On or about May 7, 2002, respondent sent Allen a letter stating that he was withdrawing from representing her. In this letter, he incorrectly asserted that Allen had until November 6, 2002, to file a claim against the City of Oakland. The letter was correctly addressed, but Allen did not receive it.

22. Respondent repeatedly failed to perform legal services with competence as follows:

(1) He did not file a claim against the City of Oakland by the deadline of May 6, 2002.

(2) He incorrectly asserted in his withdrawal letter that Allen had until November 6, 2002, to file a claim against the City of Oakland.

DATE OF DISCLOSURE OF ANY PENDING INVESTIGATION/PROCEEDING

On February 3, 2004, the State Bar advised respondent by a faxed letter of any pending investigation or proceeding not resolved by this stipulation. Respondent received this letter.

ESTIMATED PROSECUTION COSTS OF THE CURRENT CASE

The estimated prosecution costs of case number 00-O-12073 and case number 02-O-15151 ("the current cases") are \$2,602.00. This sum is only an estimate and does not include any State Bar Court costs in a final cost assessment. If this stipulation is rejected or if relief from this stipulation is granted, the prosecution costs of the current cases may increase because of the costs of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE

The Rules of Procedure of the State Bar, Title IV, Standards for Attorney Sanctions for Professional Misconduct, standards 1.3, 1.6, 2.1, 2.2, and 2.3 support the discipline in this stipulation.

2-25-04
Date

Johnnie S. Harrison, Jr.
Respondent's signature

JOHNNIE S. HARRISON, JR.
print name

Date

Respondent's Counsel's signature

print name

2/25/04
Date

Mark Hartman
Deputy Trial Counsel's signature

MARK HARTMAN
print name

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.

See attached Modifications.

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 135(b), 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 953(a), California Rules of Court.)

3/26/04
Date

Jodi M. Benke
Judge of the State Bar Court

In the Matter of Johnnie S. Harrison, Jr.
Case Nos. 00-O-12703; 02-O-15151-JMR

COURT'S MODIFICATIONS TO STIPULATED FACTS,
CONCLUSIONS OF LAW AND DISPOSITION

The stipulated facts, conclusions of law and disposition are modified as follows:

1. At page 1, par. A.(3), regarding the number of pages of the stipulation and order, change "11" to "12."
2. At page 3, delete the "x" in the box indicating that there was "No harm" as a mitigating circumstance. On the stipulated facts, the court cannot make a finding of no harm.
3. At page 5, delete the "x" in the box indicating that "No MPRE recommended," and insert an "x" in the box indicating that Respondent shall provide proof of the MPRE. Based on the recommended degree of discipline, Respondent must provide proof of passage of the Multistate Professional Responsibility Examination to the Office of Probation during the period of actual suspension.

Date: March 26, 2004


JOANN M. REMKE
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on March 26, 2004, 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:

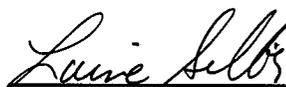
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

**JOHNNIE S. HARRISON JR.
HARRISON TAYLOR LAW GROUP
1940 EMBARCADERO
OAKLAND CA 94606 5213**

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

MARK HARTMAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **March 26, 2004.**



Laine Silber
Case Administrator
State Bar Court