



SUPREME COURT OF ARIZONA

IN THE MATTER OF A MEMBER
OF THE STATE BAR OF ARIZONA

STEPHEN M. JOHNSON,
Bar No. 015831

RESPONDENT.

) Supreme Court
) No. SB-03-0120-D
)
) Disciplinary Commission
) Nos. 00-1856, 00-2468, 00-2481,
) 01-0895, 01-1835, 01-1903,
) 01-2191, 02-0217, 02-0227,
) 02-0500, 02-0860, 03-0376,
) 03-0394, 03-0472

) **JUDGMENT AND ORDER**

This matter having come on for hearing before the Disciplinary Commission of the Supreme Court of Arizona, it having duly rendered its decision and no discretionary or *sua sponte* review occurring,

IT IS ORDERED, ADJUDGED AND DECREED that **STEPHEN M. JOHNSON**, a member of the State Bar of Arizona, is hereby suspended from the practice of law for a period of six (6) months and one (1) day, effective thirty (30) days from the date of this order, for conduct in violation of his duties and obligations as a lawyer, as disclosed in the commission report.

IT IS FURTHER ORDERED that **STEPHEN M. JOHNSON** shall be placed on probation for a period of two (2) years, upon reinstatement, under the following terms and conditions:

- 1) Respondent shall participate in the Law Office Management Assistance Program (LOMAP) in accordance with his current voluntary contract signed on September 16, 2002. Within thirty (30) days of reinstatement, Respondent shall sign a non-voluntary contract for LOMAP including any additional terms necessary to be consistent with the terms set forth in the tender of admissions and agreement for discipline by consent dated April 28, 2003.
- 2) Respondent shall participate in the Member Assistance Program (MAP) in accordance with his current voluntary contract signed on September 16, 2002. Within thirty (30) days of reinstatement, Respondent shall sign a non-voluntary contract for MAP including any additional terms necessary to be consistent with the terms set forth in the tender of admissions and agreement for discipline by consent dated April 28, 2003.
- 3) Respondent shall be assigned a practice monitor for the period of probation. The reporting terms shall be developed by the Director of LOMAP and included in a Memorandum of Understanding.

- 4) Respondent shall also be required to participate in the State Bar Trust Account Ethics Enhancement Program (TAEEP). Respondent shall complete this requirement within six (6) months from the date of the judgment and order reinstating him to the practice of law.
- 5) In the event Respondent fails to comply with any of the foregoing terms, and information thereof is received by the State Bar of Arizona, Bar Counsel shall file a Notice of Non-Compliance with the imposing entity pursuant to Rule 51(a)(6)(C), Ariz.R.S.Ct. The matter may be referred to a hearing officer to conduct a hearing at the earliest practical date, but in no event later than thirty (30) days following receipt of said Notice. If the matter is referred to a hearing officer, the hearing officer shall determine whether the terms of probation have been breached and, if so, to recommend an appropriate action and response to such a breach.
- 6) If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove non-compliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that Respondent shall pay in full any and all claims paid by the Client Protection Fund, not to exceed the maximum permissible payment of \$100,000.00.

IT IS FURTHER ORDERED that Respondent shall comply with all the provisions of Rule 63, Rules of the Supreme Court of Arizona, including, but not limited to, Rule 63(a), which requires that Respondent notify all of his clients, within ten (10) days from the date hereof, of his inability to represent them and that he should promptly inform this Court of his compliance with this Order as provided in Rule 63(d).

IT IS FURTHER ORDERED that Respondent shall comply with all rule provisions regarding reinstatement proceedings.

IT IS FURTHER ORDERED that pursuant to Rule 52(a)8, the State Bar of Arizona is granted judgment against **STEPHEN M. JOHNSON** for costs and expenses of these proceedings in the amount of \$2,111.05, together with interest at the legal rate from the date of this judgment.

DATED this 11th day of September, 2003.



NOËL K. DESSAINT, Clerk

The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST

Noël K. Dessaint, Clerk of the Supreme Court
State of Arizona

By Karen Gibson Deputy

TO:

Stephen M. Johnson, Respondent (Certified Mail, Return Receipt)

Stephen G. Montoya, Respondent's Counsel

Maret Vessella, Deputy Chief Bar Counsel

Martin Lieberman, Hearing Officer 7W

Douglas M. Brooks, Clerk, Disciplinary Commission (Cert. Copy)

Dee Steadman, Lawyer Regulation Records Manager, State Bar of Arizona (Cert. Copy)

Cathy Catterson, Clerk, United States Court of Appeals for the Ninth Circuit (Cert. Copy)

Richard Weare, Clerk, United States District Court, District of Arizona (Cert. Copy)

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