

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
JOHNNIE LOUIS JOHNSON, JR.

VS. DOCKET NO. 23-000-127359

RECIPROCAL MEMORANDUM ORDER OF REVOCATION

THIS MATTER came to be heard on December 16, 2022, before a panel of the Virginia State Bar Disciplinary Board (the “Board”) consisting of Kamala H. Lannetti, Chair, Adam M. Carroll, Stephanie G. Cox, Bretta M.Z. Lewis, and Elisabeth Martingayle, Lay Member. The Virginia State Bar (the “VSB”) was represented by Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel. Johnnie Louis Johnson, Jr., (the “Respondent”) appeared by video conference, *pro se*. The Chair polled the members of the Board Panel as to whether any of them was conscious of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative. Lisa A. Wright, court reporter, P.O. Box 9349, Richmond, Virginia 23227, after being duly sworn, reported the hearing and transcribed the proceedings.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System (“Clerk”) in the manner prescribed by the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13 of the Rules of the Supreme Court of Virginia (the “Rules”).

The matter came before the Board on the Rule to Show Cause and Order of Summary Suspension and Hearing entered on November 18, 2022 (the “Rule to Show Cause”) to which was appended the District of Columbia Court of Appeals opinion dated May 26, 2022 ordering that the Respondent be disbarred from the practice of law in the District of Columbia.

In accordance with Part 6, Section IV, Paragraph 13-24 of the *Rules*, the purpose of the hearing was to provide the Respondent with an opportunity to show cause, if any, by clear and convincing evidence, as to why the same or equivalent discipline that was imposed upon him by the District of Columbia Court of Appeals should not be imposed by the Board. The Board took Judicial Notice of the Rule to Show Cause and Summary Suspension and Notice of Hearing and

the attachments thereto, and of the Clerk's notice letter, and received them into evidence as Board Exhibit 1.

As a preliminary matter, the Chair asked the Respondent to clarify his correct name for the record. He was identified as "Johnnie Louis Johnson, III," by the District of Columbia Court of Appeals and Board of Professional Responsibility, though he is licensed and registered with the Virginia State Bar under the name of "Johnnie Louis Johnson, Jr." Under oath, the Respondent confirmed that his correct name is Johnnie Louis Johnson, Jr., that he practices under the Law Office of Johnnie Louis Johnson III, LLC, and that he is the same person who is the subject of the District of Columbia Court of Appeals opinion disbaring him from the practice of law in that jurisdiction.

Prior to taking evidence, the Board took up the issue of whether to accept Respondent's responsive pleading (the "Late Answer") to the Show Cause and Order of Summary Suspension, which was filed late and in improper form, over the objection of the VSB. Pursuant to Paragraph 13-24.C, Respondent was required to file his response within 14-days of the date of mailing of the Board's order. By rule, Respondent's response was due on December 2, 2022. Respondent submitted the unsigned Late Answer minutes before the prehearing Conference Call on December 12, 2022. Respondent stated, under oath, that he was hospitalized through the Southeast Georgia Health System from December 1 until December 4, 2022, and unable to timely file his response. Bar Counsel conceded that: i) it received and reviewed Respondent's Late Answer prior to the hearing; ii) the VSB would not be prejudiced by allowing the Late Answer to be filed; and iii) the VSB would not seek a continuance if the Late Answer was permitted to be filed out of time. After private deliberation, the Board allowed the Respondent's Late Answer to be filed.

VSB Exhibits 1-9 were admitted into evidence by the Chair, without objection from the Respondent. Respondent did not timely file a list of exhibits or witnesses and did not seek to introduce any evidence beyond his own sworn testimony. The Bar cross examined the Respondent but did not call any witnesses.

FINDINGS OF FACT AND RULING OF THE BOARD

1. At all times relevant hereto, the Respondent, has been an attorney licensed to practice law in the Commonwealth of Virginia and his address of record with the Virginia State Bar has been Law Offices of Johnnie Louis Johnson, III, LLC, Second Level, 101 Bryce Ryan Circle, Kingsland, GA 31548-7812. The Respondent received proper notice of this proceeding as required by Part 6, Section IV, Paragraph 13-12 and 13-24 of the *Rules*.

2. By Order dated May 26, 2022, the District of Columbia Court of Appeals disbarred Respondent from the practice of law in the District of Columbia for violations of the DC Rules of Profession Conduct (DCRPC) 1.4(b) for failing to inform his client of the rules governing attorney's fees in worker's compensation claims; DCRPC 1.5(a) for charging the client excessive fees over the 20% statutory cap, excessive fees not warranted by the work performed, and fees charged for work not actually performed; DCRPC 3.3(a)(1) for making knowingly false statements to a Tribunal by submitting a fee petition based on false assertions; DCRPC 8.4(c) for multiple enumerated acts constituting "flagrant dishonesty"; DCRPC 8.1(b) for providing evasive and dishonest statements during the disciplinary proceedings by failing to disclose that Respondent had obtained over \$19,000 in fees from the client leaving the misapprehension by the Disciplinary Council that he had received no fees at all; DCRPC 8.1(d)¹ for conduct seriously interfering with the Administration of Justice in his mishandling of the client's workers' compensation claim, resulting in wasted time and expense for the client and creating an administrative burden on the Administrative Law Judge.

3. Paragraph 13-24.C sets forth the four grounds under which the Board may decline to impose reciprocal discipline or may impose lesser discipline than that which was imposed by the original jurisdiction; one of the grounds must be shown by clear and convincing evidence to allow the Board to decline to impose reciprocal discipline:

a) The record of the proceedings in the District of Columbia would clearly show that such

¹ The provisions of DCRPC 8.1(d), while not mirrored under the Virginia Rules of Professional Conduct, are covered under 8.4(b) of the Virginia Rules prohibiting "deliberately wrongful acts that reflect adversely on the lawyer's honesty, trustworthiness or fitness to practice law."

proceeding was so lacking in notice or opportunity to be heard as to constitute a denial of due process;

b) The imposition by the Board of the same or equivalent discipline upon the same proof would result in an injustice;

c) The same conduct would not be grounds for disciplinary action or for the same or equivalent discipline in Virginia; or

d) The misconduct found in the District of Columbia would warrant the imposition of substantially lesser discipline in the Commonwealth of Virginia.

4. The Respondent did not present evidence addressing any of the four grounds required under Paragraph 13-24.C.

The Board considered the exhibits introduced by the Bar and the testimony of the Respondent; heard arguments of counsel and the Respondent; and recessed to deliberate and determine whether the Respondent had proven by clear and convincing evidence any of the four grounds set forth in Paragraph 13-24.C. After due deliberation, the Board reconvened and stated its findings that the Respondent had failed to prove by clear and convincing evidence any of the four grounds set forth in Paragraph 13-24 as to why the Board should not impose the same or substantially similar discipline as that imposed by the District of Columbia Court of Appeals. Having so found, the Board concludes that Respondent was afforded due process by the District of Columbia and the findings of the District of Columbia Court of Appeals are conclusive of all matters for purposes of this proceeding before the Board pursuant to Paragraph 13-24.G.

Accordingly, it is ORDERED that the Respondent's license to practice law in the Commonwealth of Virginia, is revoked as of December 16, 2022.

It is further ORDERED that Respondent must comply with the requirements of Part 6, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, of the revocation of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing Attorneys and presiding Judges in pending litigation. The Respondent shall also make

appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his client. Respondent shall give such notice immediately and in no event later than 14 days of the effective date of the revocation, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the revocation. The Respondent shall also furnish proof to the Clerk of the Disciplinary System of the Virginia State Bar within 60 days of the effective date of the Revocation or Suspension that such notices have been timely given and such arrangements have been made for the disposition of matters.

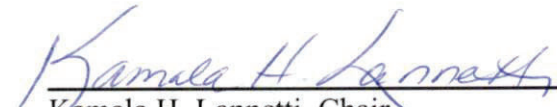
It is further ORDERED that if the Respondent is not handling any client matters on the effective date of revocation, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar within 60 days of the effective day of the revocation. The Board shall decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof shall be on the Respondent to show compliance. If the Respondent fails to show compliance, the Board may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of subparagraph 13-29.

It is further ORDERED that pursuant to Part 6, Section IV, Paragraph 13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to the Respondent by certified mail, return receipt requested, and by regular first-class mail and to his address of record with the Virginia State Bar, being Law Offices of Johnnie Louis Johnson, III, LLC, Second Level, 101 Bryce Ryan Circle, Kingsland, GA 31548-7812, and a copy by email to Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

ENTERED this 5th day of January, 2023.

VIRGINIA STATE BAR DISCIPLINARY BOARD


Kamala H. Lannetti, Chair