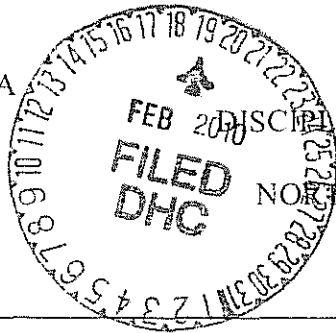


NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
09 DHC 1

THE NORTH CAROLINA STATE BAR,)
Plaintiff)

v.)

CHRISTOPHER DEAN JOHNSON,)
Attorney,)
Defendant)

CONSENT ORDER OF
DISCIPLINE

This matter came before a Hearing Panel of the Disciplinary Hearing Commission composed of C. Colon Willoughby, Jr., Chair, M. H. Hood Ellis, and Karen B. Ray. Leonor Bailey Hodge represented Plaintiff. Defendant was represented by Alan M. Schneider. Defendant waived a formal hearing. The parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order. The parties consent to the discipline imposed by this order. Defendant also stipulates that he waives his right to appeal the consent order or to challenge in any way the sufficiency of the findings by consenting to the entry of this order.

Based on the foregoing and on the consent of the parties, the Hearing Panel hereby makes by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereinafter "State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. Defendant, Christopher Dean Johnson, was admitted to the North Carolina State Bar on March 22, 2003 and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During the times relevant herein, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in the city of Charlotte, Mecklenburg County, North Carolina.

4. In October 2004, Defendant agreed to represent Jordan Hill (hereinafter "Hill") in matters of divorce, alimony, post-separation support, and equitable distribution.

5. During his representation of Hill, Defendant failed to respond to Hill's requests for information and status updates about her case.

6. Defendant prepared a motion for contempt on behalf of Hill against her husband on April 6, 2005.

7. Defendant did not file the motion for contempt until October 10, 2005.

8. In July 2005, Defendant informed Hill that she needed to attend a scheduled hearing on the motion for contempt.

9. Just prior to the purported hearing date, Defendant told Hill that the hearing had been continued by opposing counsel and rescheduled for August 28, 2005.

10. The court had never scheduled a hearing on a motion for contempt.

11. In fact, Defendant had not yet filed the motion for contempt at the time of his representations to Hill about a scheduled hearing on the motion for contempt.

12. Defendant falsely represented to Hill that an Order for Arrest (hereinafter "OFA") had been entered for her husband when no such Order was ever entered.

13. Defendant knew when he represented to Hill that an OFA had been entered for her husband that the representation was false.

14. Defendant falsely represented to Hill that an OFA had been entered in an effort to cover his neglect of the Hill matter.

15. When Hill requested that she be provided with a copy of the OFA and any related documents, Defendant failed to provide the requested documentation to Hill.

16. Defendant represented the wife of Phillip Stanley (hereinafter "Stanley") in a domestic matter.

17. On February 24, 2006, Defendant filed a complaint for equitable distribution, child support, alimony and custody on behalf of his client in the Stanley matter.

18. The Union County local rules required that Defendant file an equitable distribution affidavit on behalf of his client within ninety (90) days of the filing of the equitable distribution complaint.

19. Defendant failed to file the equitable distribution affidavit on his client's behalf for more than 10 months after filing the equitable distribution complaint – well beyond the ninety (90) day filing period required by the Union County local rules.

20. After making several promises to provide discovery, Defendant failed to provide discovery requested by Stanley's attorney for 2 ½ months. Defendant did not provide the discovery until after Stanley's attorney filed a motion to compel.

21. Defendant failed to prepare the written order of the court until approximately 2 months after the judgment was announced.

22. Defendant filed a last minute motion to continue a status conference on the morning of the conference and then failed to appear for the conference.

23. Defendant was retained to represent Craig Cousino (hereinafter "Cousino") on August 19, 2006 in domestic matters.

24. Defendant represented Cousino at a hearing regarding post-separation issues held on October 24, 2006.

25. Defendant failed to advise Cousino of the outcome of the hearing and failed to provide him with the order from the post-separation hearing.

26. After falsely informing Cousino that mediation had been scheduled for February 15, 2007, Defendant informed Cousino that the mediation had been cancelled because mediator Richard Long (hereinafter "Long") had been in a car accident.

27. Mediator Long had not been in a car accident in February 2007.

28. Defendant falsely informed Cousino that mediation had been rescheduled for May 21, 2007.

29. No mediation had been scheduled for May 21, 2007.

30. Defendant knew when he made the representations that Long had been in a car accident and that mediation was rescheduled that these statements were false.

31. Defendant later falsely informed Cousino that the mediation had been cancelled again because the opposing party was ill.

32. The opposing party was not ill.

33. Defendant knew when he made the representations that the opposing party was ill and that mediation was cancelled that these statements were false.

34. Defendant falsely represented that mediation had been scheduled and subsequently cancelled in an effort to cover his neglect of the Cousino matter.

35. Mediator Long's office called Defendant attempting to schedule a date for mediation.

36. Defendant did not respond to Mediator Long's telephone calls.

37. Cousino tried unsuccessfully to contact Defendant on numerous occasions between mid-February 2007 and late-May 2007.

38. Defendant failed to respond to Cousino's calls and messages.

39. In 2007, Defendant was retained to represent Darrell Moore (hereinafter "Moore") in a child and spousal support matter.

40. On May 3, 2008, Defendant appeared in court for a post-separation and temporary child support hearing.

41. Moore was not present at this hearing.

42. At the May 3rd hearing, Defendant provided the court and opposing counsel with the required financial affidavit containing a verification page purportedly signed by Moore.

43. Moore had originally signed a verification page with the understanding that Defendant would attach the verification to the financial affidavit after Defendant made revisions.

44. Moore did not review the financial affidavit before its submission to the court and he did not sign the verification page submitted to the court by Defendant.

45. Between the date Moore signed the verification page and the May 3rd hearing, Defendant did not present the final version of the financial affidavit to Moore for review and lost the verification page signed by Moore.

46. Instead of asking Moore to sign a replacement verification page, Defendant prepared the affidavit using the information Moore provided and signed Moore's name to the verification page, without Moore's knowledge or consent.

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant and over the subject matter of this proceeding.

2. Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. §84-28(b)(2) in that he violated one or more of the Rules of Professional Conduct in effect at the time of the actions as follows:

- (a) By failing to promptly file the motion for contempt on Hill's behalf, Defendant failed to act with reasonable diligence and promptness in representing his client in violation of Rule 1.3 and failed to expedite the litigation consistent with the interests of his client in violation of Rule 3.2;
- (b) By failing to respond to Hill's requests for information, Defendant failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3);
- (c) By falsely informing Hill that he filed a contempt motion on her behalf, falsely stating that a hearing had been scheduled and falsely stating that an OFA had been issued for her husband, Defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c) and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d);
- (d) By failing to file the financial affidavit and discovery in the Stanley matter in a timely manner, and failing to prepare and submit for comment the temporary child support order, Defendant failed to act with reasonable diligence and promptness in representing his client, in violation of Rule 1.3, failed to make reasonable efforts to expedite litigation consistent with the interests of his client in violation of Rule 3.2, and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d);
- (e) By failing to attend a required status conference on behalf of Cousino, Defendant engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d) and failed to act with reasonable diligence and promptness in representing his client in violation of Rule 1.3;
- (f) By failing to respond to requests to schedule mediation in the Cousino matter, Defendant failed to act with reasonable diligence and promptness in representing his client in violation of Rule 1.3 and failed to make reasonable efforts to expedite litigation consistent with the interests of his client in violation of Rule 3.2;

- (g) By failing to respond to Cousino's requests for information, Defendant failed to keep his client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3);
- (h) By falsely informing Cousino that mediation had been scheduled when it had not and then falsely informing Cousino that the purported mediation was cancelled, Defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c); and
- (i) By signing Moore's signature to the verification page without Moore's knowledge or consent Defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c) and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d).

Based upon the foregoing Findings of Fact and the consent of the parties, the Hearing Panel makes by clear, cogent, and convincing evidence the following:

FINDINGS REGARDING DISCIPLINE

1. Defendant is suffering from alcohol addiction.
2. Since the acts giving rise to Defendant's misconduct Defendant has sought treatment for his alcohol addiction.
3. Defendant receives regular counseling from an addictions counselor for treatment of his alcoholism.
4. Defendant has chosen to voluntarily participate in Alcoholics Anonymous ("AA") meetings and participates regularly in these meetings.
5. Defendant has not engaged in professional misconduct since beginning treatment for his alcoholism.
6. Defendant has made satisfactory rehabilitative progress.
7. Defendant has no prior discipline.

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it and has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(3) of the Rules and Regulations of the North Carolina State Bar.

2. Defendant has engaged in multiple acts misrepresentation, including one act of fabrication to cover his neglect.

3. Defendant's conduct negatively impacted the administration of justice in his clients' domestic cases.

4. Defendant's actions resulted in potential significant harm to his clients, the administration of justice and the legal profession.

5. The misconduct at issue in this case occurred when Defendant was not in treatment for his alcoholism. Defendant has since begun treatment for alcoholism and has made satisfactory rehabilitative progress.

6. Suspension is appropriate and lesser discipline is insufficient to adequately protect the public from any future misconduct by Defendant.

7. Stayed suspension is necessary to ensure that Defendant continues receiving treatment for his alcoholism which will help ensure that he does not engage in further professional misconduct.

Based upon the foregoing Findings of Fact, Conclusions of Law, and Findings Regarding Discipline, and by consent of the parties, the Hearing Panel hereby enters the following:

ORDER OF DISCIPLINE

1. The law license of Christopher Dean Johnson is hereby suspended for 3 years.

2. The suspension is stayed as long as Defendant complies and continues to comply during the stay with the following conditions.

a. Abstain from the consumption of any alcohol during the period of the stay.

b. Abstain from the consumption of any controlled substance other than as expressly authorized by a treating physician during the period of stay.

c. Register for random alcohol screens with a monitoring service agreed to by the parties. Such monitoring will include twelve alcohol screens per year and will be at Defendant's expense. The monitoring agreement will require the monitoring service to report to the State Bar any failure of Defendant to take or pay for the test and any positive test result. Defendant will enter into a monitoring program within thirty days of the date of this order. Defendant will sign all necessary releases or documents to authorize such reporting and shall not revoke such release(s) during the period of stay.

d. Attend AA meetings weekly beginning upon entry of this order and work with a sponsor who is willing to make reports of Defendant's attendance to the State Bar. Within ten days of the date of this order, Defendant will notify the State Bar of the identity and contact information for the AA sponsor with whom he will be working. Defendant will detail his AA meeting attendance to this sponsor in any manner required by the sponsor. Defendant will authorize and instruct his sponsor to provide quarterly written reports to the State Bar of the dates on which the sponsor is confident that Defendant attended AA meetings. The first such report shall be submitted to the State Bar thirty days from the date of this order. Subsequent reports shall be submitted on the first day of the first month of each quarter thereafter. Any cost associated with the attendance or report shall be borne by Defendant.

e. Defendant will provide the Office of Counsel with his current street address (not at P.O. Box) and will advise the State Bar in writing of any changes in his address within 10 days of such change(s).

f. Defendant will respond to all letters of notice and requests for information from the State Bar by the deadlines stated in the communication.

g. Defendant will timely pay all State Bar membership dues and Client Security Fund assessments.

h. Defendant will timely comply with his State Bar continuing legal education requirements and will pay all fees and costs assessed by the applicable deadline.

i. Defendant will not violate any federal or state laws.

j. Defendant will not violate any provision of the North Carolina Rules of Professional Conduct.

3. Defendant shall pay the costs of this proceeding within 30 days of service of the statement of costs upon him by the Secretary of the State Bar.

4. If the stay of the suspension is lifted at any time and the suspension of Defendant's law license is activated for any reason, before seeking reinstatement of his license to practice law, Defendant must show by clear, cogent and convincing evidence that he has complied with each of the following conditions:

a. Submitted his license and membership card to the Secretary of the State Bar within 30 days after the effective date of the order suspending his law license;

b. Complied with all provisions of 27 N.C.A.C. Chapter 1, Subchapter B, Section .0124 of the State Bar Discipline & Disability Rules on a timely basis;

c. Demonstrated that at the time of his application for reinstatement he is not suffering from any addiction, disability or condition that would impair his current ability to competently engage in the practice of law;

d. Demonstrated that he has abstained from all alcohol and illicit drug use or consumption and has not taken any prescription drugs or controlled substances other than as authorized by his treating physician for at least one year next preceding the filing of his petition for reinstatement. This requirement will apply regardless of when the stay is lifted and regardless of whether enforcement of this provision would extend the period of suspension of Johnson's law license beyond the three year stay period set out herein;

e. Provided the Office of Counsel with releases authorizing and instructing his medical, psychological and mental health care providers to provide to the Office of Counsel all medical records relating to his evaluation, prognosis, care or treatment, including psychological and mental health evaluations, and authorizing and instructing such providers to submit to interviews by the Office of Counsel; and

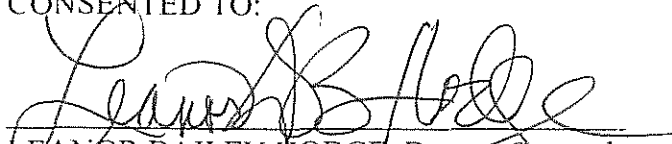
f. Paid all outstanding membership fees, Client Security Fund assessments and costs assessed by the DHC or the State Bar and complied with all continuing legal education requirements imposed by the State Bar.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Panel, this the 17 day of February, 2010.

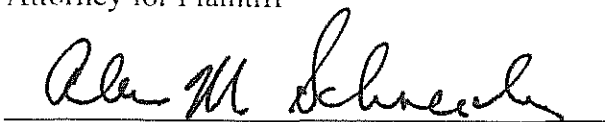


C. COLON WILLOUGHBY, Jr., Chair
Hearing Panel

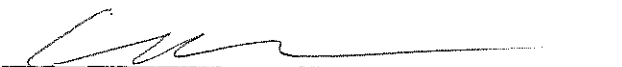
CONSENTED TO:



LEANN BAILEY HODGE, Deputy Counsel
Attorney for Plaintiff



ALAN M. SCHNEIDER
Attorney for Defendant



CHRISTOPHER DEAN JOHNSON, Defendant