

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF THOMAS LEROY JOHNSON, JR.

VSB DOCKET NO. 04-000-3403

ORDER OF SUSPENSION

On June 25, 2004, this matter came on for a hearing upon the Show Cause Order and Order of Suspension and Hearing dated June 25, 2004, before a panel of the Virginia State Bar Disciplinary Board consisting of Karen A. Gould, Chair, David R. Schultz, John A. Dezio, Deborah A. J. Wilson, Chester J. Cahoon, Jr., Lay Member. The Virginia State Bar was represented by Linda M. Berry. The Respondent, Thomas Leroy Johnson, Jr., did not appear nor was he represented at the hearing, by counsel. 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. Theresa M. Griffith, court reporter, Chandler & Halasz, P.O. Box 9349, Richmond, VA 23227, (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

I. FINDINGS OF FACT

Having considered VSB Exhibits one through seven entered into evidence by Bar Counsel, the Board unanimously found by clear and convincing evidence as follows:

1. At all times relevant hereto, Thomas Leroy Johnson, Jr., hereinafter the “Respondent”, has been an attorney licensed to practice law in the Commonwealth of Virginia on October 11, 1995, and his address of record with the Virginia State Bar has been The Gee Law Firm, 5900 Midlothian Tnpk., Richmond, VA 23225. The Respondent received proper notice of this proceeding as required by Part Six, § IV, Paragraph 13(E) and (I)(a) of the Rules of the Virginia Supreme Court.
2. On May 7, 2004 the United States Court of Appeals for the Fourth Circuit suspended the Respondent from practice before such Court until such time as he is reinstated to the practice of law in the United States District Court for the Eastern District of Virginia, Richmond Division, and petitions the Court of Appeals for reinstatement.
3. Pursuant to a Rule to Show Cause, the United States District Court for the Eastern District of Virginia, Richmond Division, entered an order effective April 27, 2004 disbaring Respondent from the practice of law before such Court for engaging in the following conduct:
 - (a) Knowingly and intentionally filing a voucher dated August 4, 2003 for payment pursuant to the Criminal Justice Act, containing a material false statement, namely that Thomas L. Johnson, Jr. had not received payment or compensation from anyone else in connection with his representation in the case of Travis Williams, when in truth and in fact Johnson had received a cash payment of \$1,000.00; and soliciting payment over and

above the standard Criminal Justice Act court-appointed counsel fee, in the case of Curtis Dickerson, by representing that Thomas L. Johnson, Jr. would more zealously represent Mr. Dickerson if he were paid an additional sum of money, in violation of Virginia Rules of Professional Conduct 8.4(b) & (c), as well as 18 U.S.C. Section 1001.

(b) Submitting a letter to the Honorable James R. Spencer, United States District Judge, which included a knowing and intentional falsehood in Mr. Johnson's explanation of the above-described voucher for payment, in violation of Virginia Rules of Professional Conduct 3.3(a)(1).

4. By Rule to Show Cause and Order of Suspension and Hearing dated May 27, 2004, Respondent's license to practice law in Virginia was immediately suspended pursuant to the Rules of Court, Part Six, § IV, Paragraph 13(I)(7) and the Respondent was ordered to appear before the Virginia State Bar Disciplinary Board at 9:00 a.m. on June 25, 2004, to show cause why his license to practice law within the Commonwealth of Virginia should not be further suspended.

II. DISPOSITION

Paragraph 13(I)(7)(e), Part Six, § IV of the Rules of the Supreme Court of Virginia, entitled "Disbarment or Suspension in Another Jurisdiction" provide in relevant part:

(c) The Respondent shall have the burden of proof, by a clear and convincing evidentiary standard. . .and shall be limited to at the hearing to proof of the specific contentions raised in any written response. . . .Except to the extent the allegations of the written response are established, the findings in the other jurisdiction shall be conclusive of all matters for the purposes of the Proceeding before the Board.

(d) If the Respondent has not filed a timely written response, or does not appear at the hearing or if the Board, after a hearing, determines that the Respondent has failed to establish the contentions of the written response by clear and convincing evidence, the Board shall impose the same discipline as was imposed in the other jurisdiction. . . .

The Board finds that Respondent has not furnished any evidence or reasons as to why it should not impose the same discipline as was imposed in the United States District Court for the Eastern District of Virginia, Richmond Division.

It is therefore ORDERED pursuant to Paragraph 13(I)(7)(f) of the Rules of the Supreme Court of Virginia that the license of the Respondent, Thomas Leroy Johnson, Jr. to practice law in the Commonwealth of Virginia be, and the same is hereby suspended for a period of four (4) years, effective May 27, 2004.

It is further ORDERED that, as directed in the Board's June 25, 2004, Summary Order in this matter, Respondent must comply with the requirements of Part Six, § IV, Paragraph 13(M) of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the suspension 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 the client. Respondent shall give such notice within 14 days of the effective date of the suspension order, and make such arrangements as are required herein within 45 days of the effective date of the Summary Order. The Respondent shall also furnish proof to the Bar within 60 days of the effective date of the Summary Order that such notices have been timely given and such arrangements made for the disposition of matters. Issues concerning the adequacy of the notice and arrangements required herein shall be determined by the Disciplinary Board, which may impose a sanction of revocation or suspension for failure to comply with the requirements

of this subparagraph, unless the Respondent makes a timely request for a hearing before a three-judge court.

It is further ORDERED that if the Respondent is not handling any client matters on the effective date of suspension, he shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to Respondent, Thomas Leroy Johnson, Jr., at his address of record with the Virginia State Bar, The Gee Law Firm, 5900 Midlothian Tnpk., Richmond, VA 23225, by certified mail, return receipt requested, and a copy sent via first class mail to his counsel, Thomas O. Bondurant, Jr. at 3600 Douglasdale Road, Richmond, VA 23221-3831, and a copy hand-delivered to Linda M. Berry, Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219,

It is further ORDERED that pursuant to Part Six, § IV, Paragraph 13(B)(8)(c) of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the Respondent.

ENTERED this 1st day of July, 2004

Karen A. Gould, Chair
VIRGINIA STATE BAR DISCIPLINARY BOARD