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NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
00G0355

IN THE MATTER OF)

Van H. Johnson)
Attorney At Law)

REPRIMAND

On April 25, 2001 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Ami Pearse.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required, and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure to the respondent attorney.

A reprimand is a written form of discipline more serious than an admonition issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure.

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand, and I am certain that you will understand fully the spirit in which this duty is performed.

On or about May 14, 1998, you began representing Ami Pearse in a domestic case. You and Ms. Pearse had sexual relations on the same day that you first conferred with her. Your sexual relationship with Ms. Pearse, which you contend was consensual, continued throughout your representation of Ms. Pearse in her domestic action.

Your sexual relationship with Ms. Pearse during the time you represented her was in violation of Rule 1.18(a) of the Revised Rules of Professional Conduct. The prohibition upon representing a client with whom a sexual relationship develops applies regardless of whether the relationship is consensual. Indeed the comment to Rule 1.18(a) indicates that an impermissible conflict of interest is created when a lawyer has a sexual relationship with a client and that conflict of interest cannot be ameliorated by the client's consent.

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

In accordance with the policy adopted October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this the 11 day of May, 2001.


Calvin E. Murphy, Chair
Grievance Committee

CEM/swe