

IN THE SUPREME COURT OF THE STATE OF MONTANA

**FILED**  
Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA  
Case Number: PR 16-0238

PR 16-0238

MAY 16 2017

IN THE MATTER OF ROY W. JOHNSON, JR.,  
a Suspended Attorney at Law,*Ed Smith*  
CLERK OF THE SUPREME COURT  
O R D E R STATE OF MONTANA

Respondent.

On April 20, 2016, a formal disciplinary complaint was filed in this matter against Montana attorney Roy W. Johnson, Jr. The disciplinary complaint may be reviewed by any interested persons in the office of the Clerk of this Court.

The Commission on Practice held a hearing on the complaint on October 21, 2016, at which hearing Johnson was present and testified on his own behalf. On March 30, 2017, the Commission submitted to this Court its Findings of Fact, Conclusions of Law, and Recommendation for discipline. Johnson, who is presently suspended from the practice of law as a result of a prior disciplinary proceeding, filed written objections. The Office of Disciplinary Counsel (ODC) filed a brief in response to Johnson's objections.

The Commission has concluded, based on the allegations of the complaint and the evidence produced at the hearing, that Johnson violated Rules 8.1(b) and 8A(6) of the Montana Rules of Professional Conduct (MRPC) by failing to respond to lawful demands by ODC for responses to informal complaints filed with ODC by two former clients of Johnson. Johnson testified at the hearing before the Commission that he did not respond to those matters because he was on suspension and had not decided whether he would seek reinstatement of his law license. Taking notice of Johnson's disciplinary history, including five admonitions, two public censures, and three suspensions, the Commission recommends that Johnson be disbarred from the practice of law in Montana.

In his objections to the Commission's findings, conclusions, and recommendation, Johnson sets forth responses to the underlying complaints against him, and asks the Court to

spare him the “public shaming” and perceived elimination of employment opportunities that will be caused by a disbarment. In response, ODC states that Johnson’s willful failure, despite numerous opportunities afforded by ODC and the Commission, to respond to the grievances filed in this case, along with his lengthy disciplinary history, justifies his disbarment.

The Court has reviewed the record in this matter. Based upon the foregoing,  
IT IS HEREBY ORDERED:

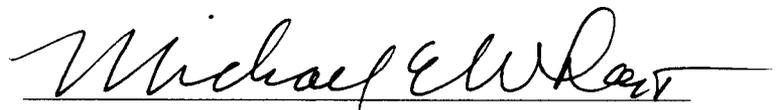
1. The Commission’s Findings of Fact, Conclusions of Law, and Recommendation are ACCEPTED and ADOPTED.

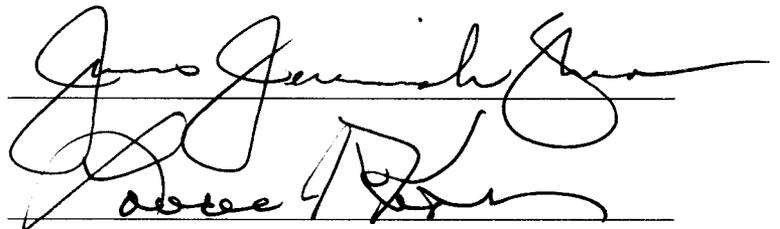
2. Roy W. Johnson, Jr., is hereby disbarred from the practice of law in Montana, effective as of the date of this Order.

The Clerk of this Court is directed to serve a copy of this Order of Discipline upon the Respondent at his last known address and to provide copies to Disciplinary Counsel; the Office Administrator for the Commission on Practice; the Clerks of all the District Courts of the state of Montana; each District Court Judge in the state of Montana; the Clerk of the Federal District Court for the District of Montana; the Clerk of the Circuit Court of Appeals of the Ninth Circuit; and the Executive Director of the State Bar of Montana.

DATED this 16<sup>th</sup> day of May, 2017.

  
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Chief Justice

  
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*John M. Loh*

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*Jim Rice*

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Justices