

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

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|---------------------------------|---|-------------------------------------|
| OFFICE OF DISCIPLINARY COUNSEL, | : | No. 137 DB 2016 |
| Petitioner | : | |
| | : | File Nos. C1-14-141, C1-14-621, C1- |
| | : | 15-229, C1-15-48 & C1-15-1113 |
| v. | : | |
| | : | Attorney Registration No. 210082 |
| SHAKA MZEE JOHNSON, | : | |
| Respondent | : | (Philadelphia) |

ORDER

AND NOW, this 7th day of September, 2016, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that Shaka Mzee Johnson of Philadelphia be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(b) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

IT IS FURTHER ORDERED that Respondent shall be placed on PROBATION for a period of two (2) years, subject to the following Conditions:

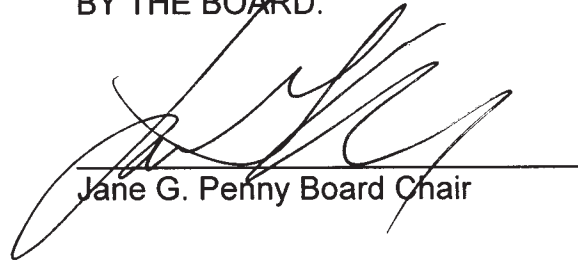
Conditions of Probation:

1. Respondent shall not commit any violations of the Rules; and
2. Respondent shall file semi-annual reports with the Office of the Secretary, with a copy to the Office of Disciplinary Counsel.

Failure to abide by and comply with the terms of Probation shall be grounds
for further action pursuant to Enforcement Rule 208(h).

Costs shall be paid by the Respondent.

BY THE BOARD:



Jane G. Penny Board Chair

TRUE COPY FROM RECORD

Attest:



Marcee D. Sloan, Assistant Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

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| | : | Attorney Registration No. 210082 |
| SHAKA MZEE JOHNSON | : | |
| Respondent | : | (Philadelphia) |

PUBLIC REPRIMAND

Shaka Mzee Johnson, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a Public Reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline.

Mr. Johnson, you are being reprimanded for your misconduct in four client matters. In general, this misconduct reflects your lack of competence, lack of diligence, reckless misstatements to a tribunal, mishandling of third party funds, and engaging in conduct prejudicial to the administration of justice.

You represented Emmanuel Cassis in a criminal matter. Your client appeared before the Honorable Chris Wogan, during which time Judge Wogan accepted your client's negotiated guilty plea and sentence. Pursuant to your request, Judge Wogan agreed to defer the date that Mr. Cassis was to begin his sentence, and ordered Mr. Cassis to appear on June 20, 2011. On June 20, 2011, you appeared before Judge Wogan, but Mr. Cassis failed to surrender. Judge Wogan commenced a violation of

probation hearing *in absentia*, found Cassis in violation of probation and resentenced him. Thereafter, you spoke with Mr. Cassis' mother, wrote a letter to Mr. Cassis about the resentencing, and wrote to Judge Wogan about your efforts to locate your client. Following your June 27, 2011 letter to Judge Wogan, you took no further action in your client's matter, you did not investigate whether your client was in state or county custody prior to his apprehension by the Sheriff on the bench warrant, file a Notice of Appeal to preserve your client's appellate rights, communicate with your client after he was apprehended to advise him of the resentencing and determine whether your client wanted to seek reconsideration of sentencing, or communicate with Mr. Cassis after he was apprehended to determine whether he wanted to file an appeal.

You made misstatements on the signed PCRA Affidavit as well as during your testimony at Mr. Cassis' PCRA hearing. On June 20, 2011, following Judge Wogan's resentencing of your client, you told Judge Wogan that you would make an effort to reach out to your client's mother and would let the Court know of your findings. In your June 27, 2011 letter to the Judge, you wrote that you had made every attempt in your power to contact your clients. You detailed your efforts and added that you made your client aware of his appellate rights. In contrast, in your signed August 8, 2013 Affidavit attached to your client's Amended PCRA Petition, you wrote that you had no contact with Mr. Cassis or his mother after the June 20, 2011 sentencing hearing. You explained that you made no effort to advise them of the new sentence. On cross-examination at the PCRA hearing, you then contradicted your signed Affidavit and attempted to justify your false statements.

You represented Thomas Clark in a criminal matter and entered your appearance on February 25, 2014. While Mr. Clark was imprisoned awaiting trial in the criminal matter, he was personally served with a complaint in a civil matter. You agreed

to represent Mr. Clark in the civil matter, in addition to the criminal matter. You failed to provide Mr. Clark with a written fee agreement in both matters. Thereafter, you failed to act with reasonable diligence and ensure that Mr. Clark's answer to the civil complaint was timely filed. As a result of your lack of diligence, a default judgment was entered and damages of \$50,000 were assessed against Mr. Clark.

You represented Khalil Stroud in a criminal matter. Around February 19, 2014, you spoke with Charles Weiner, the employer of Mr. Stroud's girlfriend. During the telephone conversation, you were advised by Mr. Weiner that he had agreed to lend Mr. Stroud's girlfriend the \$5,000 needed to post Mr. Stroud's bail, but he did not want to entrust the girlfriend with funds without somehow ensuring that the money would be applied to Mr. Stroud's bail. The only way to ensure the return of Mr. Weiner's funds was to personally obtain the bail receipt from the girlfriend at the Bail Unit. However, you failed to obtain the bail receipt. Your failure to properly safeguard the Rule 1.15 Funds enabled Mr. Stroud's girlfriend to obtain the bail receipt and assign the bail money to Mr. Stroud's new attorney. Mr. Weiner did not receive his funds upon the termination of Mr. Stroud's criminal case.

You represented William Jones in a criminal matter. You failed to keep your client informed about the status of his criminal case, timely respond to your client's reasonable requests for information, and explain your client's matter to him to the extent necessary to enable Mr. Jones to make informed decisions regarding his case, which resulted in Mr. Jones' writing to various government offices and the sentencing judge to obtain documents and information about the status of his matter. Mr. Jones' complaint to the trial judge about your lack of communication prompted the judge to remove you from Mr. Jones' case.

Your conduct in this matter has violated the following Rules of Professional Conduct:

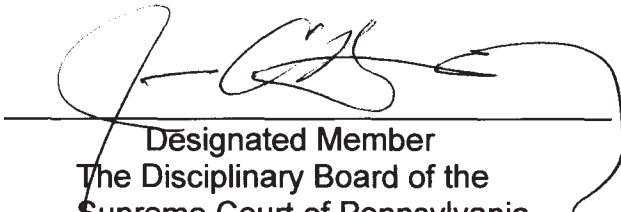
1. RPC 1.1 – A lawyer shall provide competent representation to a client.
2. RPC 1.3 – A lawyer shall act with reasonable diligence and promptness in representing a client.
3. RPC 1.4(a)(3) – A lawyer shall keep the client reasonably informed about the status of the matter.
4. RPC 1.4(a)(4) – A lawyer shall promptly comply with reasonable requests for information.
5. RPC 1.4(b) – A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
6. RPC 1.5(b) – When the lawyer has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, in writing, before or within a reasonable time after commencing the representation.
7. RPC 1.15(b) – A lawyer shall hold all Rule 1.15 Funds and property separate from the lawyer's own property. Such property shall be identified and appropriately safeguarded.
8. RPC 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
9. RPC 8.4(d) - It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

In connection with this Public Reprimand, you must serve a period of probation for two years. As conditions to the probation, you must not commit any further violations of the Rules, and you are directed to file semi-annual reports with the Office of the Secretary, with a copy to the Office of Disciplinary Counsel. Please be aware that failure to abide by and comply with the terms of probation shall be grounds for further disciplinary action.

Mr. Johnson, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record.

As you stand before the Board today, we remind you that you have a continuing obligation to abide by the Rules of Professional Conduct and Rules of Disciplinary Enforcement. This Public Reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. Be mindful that any future dereliction will subject you to disciplinary action.

This Public Reprimand shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.



Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on January 4, 2017.

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in his presence and in the presence of the designated panel of The Disciplinary Board at 1601 Market Street, Suite 3320, Philadelphia, Pennsylvania, on January 4, 2017.



Shaka Mzee Johnson