

JAN 22 2007

IN THE SUPREME COURT OF THE STATE OF KANSAS

CAROL G. GREEN
CLERK OF APPELLATE COURTS

IN THE MATTER OF THE PETITION OF)
)
 IAN BRUCE JOHNSON) Docket No. 12,320
)
 FOR ADMISSION TO THE BAR OF THE STATE OF KANSAS)
 BY WRITTEN EXAMINATION PURSUANT TO RULE 704)

TO THE HONORABLE JUSTICES OF THE SUPREME COURT:

On December 11, 2006, pursuant to the petition of Ian Bruce Johnson filed with the Clerk of the Appellate Courts on March 15, 2006, and referred to the Kansas Board of Law Examiners for investigation of the character and fitness of the applicant, the Board held a hearing and made inquiry into the character and fitness of the applicant to practice law in Kansas. Applicant appeared in person. Gayle B. Larkin, Admissions Attorney, appeared for the Board of Law Examiners.

After hearing the sworn testimony of Reverend Phillip Hollis, Dr. Leonel Urdaneta, Wesley A. Weathers, Dr. George Hough and Ian B. Johnson, and having considered the documentary evidence admitted by stipulation and during the hearing, the Board finds as follows:

1. Applicant first applied to take the Kansas Bar Examination on November 29, 1984. That application was deemed abandoned and denied.
2. Applicant next applied to take the Kansas Bar Examination on May 8, 1992. Following a hearing before the Board of Law Examiners, the Board recommended to the Kansas Supreme Court that the applicant be denied permission to sit. The Supreme Court accepted the Board's recommendation by order dated February 10, 1993.
3. Applicant's third petition to take the Kansas Bar Examination was filed on March 15, 2006. Pursuant to Supreme Court Rule 704(k) (2006 Kan. Ct. R. Annot. 633), the Board held a hearing on December 11, 2006, "upon the issue of moral character and fitness to practice." See Supreme Court Rule 702 (2006 Kan. Ct. R. Annot. 625).
4. Pursuant to Supreme Court Rule 704(c) and (k) (2006 Kan. Ct. R. Annot. 627-633), it was the applicant's burden to establish by clear and convincing evidence his eligibility to sit for the Kansas Bar Examination.

5. Because the March 16, 2006, petition was filed after a previous denial, the Board considered the applicant's progression over a number of years. The Board's inquiry focused equally on the applicant's current fitness to practice law.
6. Testimony established that there have been no additional criminal charges since 1985, and that the risk of the applicant's re-offending is not as high as it was twenty years ago. The risk that currently exists results from the fact that the core sexual fantasy remains.
7. Conflicting testimony was presented as to whether the applicant suffers from bipolar disorder, but Dr. Urdaneta and Dr. Hough agreed that he suffers from Asperger's Syndrome. At the present time, applicant's condition is stable.
8. As evidenced by the sworn testimony of Wesley A. Weathers, a Kansas-admitted attorney who has employed the applicant since 1991, the applicant has performed successfully as a paralegal.
9. Testimony from Mr. Weathers, Dr. Urdaneta, and Dr. Hough acknowledged the supportive and protected environment in which Mr. Johnson has worked as a paralegal. That environment does not parallel the stress placed on a practicing attorney. Dr. Urdaneta testified that stress exacerbates the applicant's symptoms. Dr. Hough testified that increased stress would affect his evaluation of protective and risk factors for the applicant.
10. Dr. Hough recommended that the applicant continue individual maintenance therapy with Dr. Urdaneta and seek group therapy, concluding "I think he [Mr. Johnson] is rehabilitated to the best that can be expected at this point. But I think it would be a mistake to assume that therefore he's free to walk out the door without ongoing monitoring and treatment."
11. This Board is not authorized to grant a conditional license or to monitor an attorney's ongoing treatment.

Based on the evidence presented and the unconditional nature of the license to be granted, the Board voted seven to two to recommend to the Supreme Court that applicant Ian Bruce Johnson has failed to show by clear and convincing evidence that he is "mentally and emotionally fit to engage in the active and continuous practice of law" as required by Supreme Court Rule 702 (2006 Kan. Ct. R. Annot. 625). Charles S. (Terry) Arthur III, Hon. Stephen D. Hill, Marta Fisher Linenberger, Terry L. Mann, Kevin F.

Mitchelson, Thomas V. Murray and Dana P. Niceswanger supported the motion. A.J. (Jack) Focht and Kenneth L. Cole opposed the motion. Michaela M. Warden was unable to participate.

Dated: January 19, 2007

KANSAS BOARD OF LAW EXAMINERS

A handwritten signature in black ink that reads "Thomas V. Murray". The signature is written in a cursive style with a prominent underline at the end.

Thomas V. Murray, Chairman