IN THE SUPREME COURT OF THE STATE OF KANSAS

In the Matter of the Application of

Ian Bruce Johnson

Docket No. 12320

For Admission to the Bar of the State of Kansas

PETITIONER'S EXCEPTIONS TO THE REPORT OF THE BOARD OF LAW EXAMINERS

Petitioner, Ian Bruce Johnson, hereby submits pursuant to Supreme Court Rule 704(k) the following Exceptions to the Report of the Kansas Board of Law Examiners dated January 19, 2007:

INTRODUCTION

As an introduction to my exceptions to the Board's findings, I will address two general matters that impact all of my specific exceptions: first, the observation that the Board's findings were limited to issues of mental and emotional fitness rather than moral character; and second, the observation that the Board, though stating the correct burden of proof, actually applied a much stricter burden of proof to me.

On the first point, the Minority Dissenting Report of Mr. Focht notes that the Board majority's exclusive "focus on 'current fitness to practice law' is by implication an acknowledgement that there was no dispute that the applicant's evidence established his good moral character." (Minority Dissenting Report, p. 1). The Board's failure to include any findings regarding the issue of my good moral character should not be read as an indication that no evidence was presented on this issue. At the beginning of the hearing, I introduced certificates of character and fitness from a long-time co-worker and three long-time friends, each attesting to the affiant's belief that I possess good moral

character. (Exhibits B-E). I also introduced the responses of my character affiants, of the three attorneys who employ me and of the character references listed in my Petition to interrogatories sent them by the Admissions Attorney (Exhibits 19-23, 27, 31-34). Each of these responses also indicated the respondent's belief that I am presently a person of good moral character. Finally, every witness at the hearing in this matter who has known me for any appreciable period of time likewise testified that they believe me to presently possess good moral character. (Transcript of hearing, pp. 19, 21-23, 25-26, 60, 90, 128-129, 135-139, 150-152). This shifted to the Admissions Attorney the burden of going forward with evidence to rebut my showing of good moral character. (See, Petitioner's Hearing Brief[1], pp. 19-24; Petitioner's Reply Brief, pp. 6-8; and the authorities cited therein).

The Admissions Attorney attempted to rebut this showing with evidence of my criminal history. However, she also stipulated that she had no evidence of any offenses committed in the last 21 years. (Stipulation, p. 19, ¶3). She further conceded in her hearing brief that misdemeanor sex offenses of the type I committed in the past are not the kinds of serious offenses which courts have held to generally preclude a subsequent finding of rehabilitation and consequent good moral character. (Admissions Attorney's Brief, p. 21, first full paragraph; compare, Petitioner's Hearing Brief, p. 27-31 and Petitioner's Reply Brief, pp. 12-13). Thus, the Board's failure to make any findings on the issue of my moral character is properly read as a finding that there was no dispute that my showing on this issue was adequate, exactly as stated in Mr. Focht's dissenting report.

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[1] In the proceedings before the Board that preceded the hearing on December 11, 2006, the parties were invited to submit hearing briefs. I submitted a hearing brief (the "Petitioner's Hearing Brief"), the Admissions Attorney responded ("Admissions Attorneys' Brief"), and I closed the briefing with a Reply Brief. These briefs are, presumably, in the record before the Court.

The only issue remaining for the Court's determination is the issue of my mental and emotional fitness to practice law.

On the issue of my mental and emotional fitness to practice law, the Board has correctly stated that my burden of proof is to demonstrate my fitness by "clear and convincing evidence" (Board's Report, finding number 4), but the Board appears instead to have applied to the facts a "beyond any doubt" standard. That is, whereas all of the testimony at the hearing showed that my condition is stable and has not relapsed in many years, the Board has insisted that I must further prove that there is absolutely *no risk* of a relapse under any future conditions the Board may posit. (See, the Board's findings number 6, 7, 9 and 10). As long as there remains any doubt at all—reasonable or unreasonable—regarding the possibility of a relapse, the Board would recommend that the Court reject my application.

However, the standard to be applied to a bar admissions case under Supreme Court Rule 704(k) is proof by "clear and convincing evidence." This is an intermediate standard of proof, more demanding than proof by a preponderance of the evidence, but less demanding than proof beyond a reasonable doubt, and certainly less demanding than the proof beyond *any* doubt standard apparently applied by the Board. *Ortega v. IBP, Inc.*, 255 Kan. 513, 527-528, 874 P.2d 1188 (1995); *Matter of Yandell*, 244 Kan. 709, 712, 772 P.2d 807 (1989). The "clear and convincing evidence" standard applicable under Rule 704(k) is also, by its plain language, a less demanding standard than the "*substantial* clear and convincing evidence" standard applied in attorney reinstatement cases under Rule 219(a). Yet I note that attorneys who have suffered serious mental illnesses are generally *not* required to prove the impossibility of a relapse beyond any

doubt as a condition of reinstatement or of continued practice. (See, Petitioner's Hearing Brief, 22-24 and 31-34, and the authorities cited therein). Thus, it appears the Board applied the wrong standard of proof to my case on the issue of mental and emotional fitness.

Many of the Board's findings also raise issues under the First and/or Fourteenth Amendments to the Constitution of the United States, and under the Americans with Disabilities Act (ADA), which were briefed for the Board but not addressed by the Board, as set forth in several of the specific exceptions below.

SPECIFIC EXCEPTIONS TO THE BOARD'S FINDINGS

I submit the following exceptions to the Board of Law Examiners' numbered findings:

Exception to Finding Number 5:

1. This finding states that the Board focused "equally" on my "progression over a number of years" and my "current fitness to practice law." The only issue before the Board was my *current* fitness, under the plain language of Rules 702(a) and 704(k) (both of which state the proposition which must be proved in the present tense). It was improper for the Board to recommend against my admission because I was unfit at some time in the distant past (my "progression over a number of years"). (See, Petitioner's Hearing Brief, pp. 22-27; Petitioner's Reply Brief, pp. 7-8).

Exceptions to Finding Number 6:

2. As was pointed out by the Minority Dissenting Report, at pages 1-2, the reports and testimony of the psychological experts at the hearing agreed that, given the 21 years that have transpired since the last offense and the continuous and successful

treatment I have received during that time, my risk of re-offending is "low." (Exhibit F; Transcript of Hearing, pp. 49-52, 57-60, 95-97, 105-106, 119-120, 157-158, 204-205, 256-258). The witnesses did not say merely that my risk of re-offending is "lower" than it was 21 years ago—they both characterized it as "low." Indeed, Dr. Urdaneta believes it to be so low that I am not presently at any greater risk than any male in the general population. (Transcript of Hearing, p. 96, lines 6-11). In its Report, the Board has exaggerated the risk level supported by the expert testimony.

3. In Finding No. 6, the Board states that "the risk that currently exists results from the fact that the core sexual fantasy remains." The "core sexual fantasy" concept came in through the report and testimony of Dr. Hough, who testified, among other things, that he could elicit a "core sexual fantasy" system on his psychological tests, but had no evidence that these fantasies presently dominate my thinking. (Transcript of Hearing, pp. 203, 240-241; Exhibit 17, p. 30). I doubt that one of the standards for admission to the Bar in Kansas is a requirement that every successful applicant must be totally free of sexual fantasies, although I am able to find no Kansas case law on point. Very few applicants—male or female—could pass this test. (See, Exhibit CC; the bibliographies to Exhibits 17 and 35; and Transcript of Hearing, pp. 103, 232 and 246-247). Moreover, the concept of privacy incorporated in the First and Fourteenth Amendments prohibits states from penalizing persons for the content of their thought life, even when that content is sexual. *Stanley v. Georgia*, 394 U.S. 557, 565-566 (1969). This constitutional guarantee of "freedom of thought" or "freedom of the mind" has also been specifically applied by the United States Supreme Court to a bar admissions case, though in the context of officially disapproved political beliefs. *Baird v. State Bar of*

Arizona, 401 U.S. 1, 6 (1971). Mere fantasies, without corresponding actions, are within the protection of the right of privacy protected by the United States Constitution. (See, Petitioner's Hearing Brief, p. 51; Petitoner's Reply Brief, pp. 15-17).

4. I note that, in this finding and in Findings 7, 9 and 10, the Board engages in speculation, unsupported by evidence in the record. Specifically, the Board speculates that: 1) I still have a significant probability of re-offending (this finding); 2) I presently suffer from active Bipolar Disorder, which increases this risk (Finding Number 7); 3) I need a "protected environment" to survive without re-offending and my present "protected environment" will cease to exist promptly upon my admission to the Bar (Finding Number 9); 4) I will be placed in a stress scenario sufficient to cause relapse at some time after my admission to the Bar (Finding Number 9); and 5) I am likely to discontinue the recommended psychiatric treatment thus exacerbating the risk (Finding Number 10). However, courts have held that disqualification from admission to the Bar must be based on evidence. *Konigsberg v. State Bar of California*, 353 U.S. 252, 262 (1957); *Willner v. Committee on Character and Fitness*, 373 U.S. 96, 107 (1963) (Goldberg, J., concurring). Such disqualification may not be based on suspicion or speculation, consistent with Fourteenth Amendment due process. *Matter of Rogers*, 297 N.C. 48, 58-59, 253 S.E.2d 912, 919 (1979); *Coleman v. Watts*, 81 So.2d 650, 655 (Fla. 1955). (See, Petitioner's Reply Brief, pp. 6-8).

5. Denial of my application based in part upon the Board's fear-driven speculations concerning the future course of my illness would also violate the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, *et seq.*, and the regulations promulgated thereunder, particularly 28 C.F.R. 35.130(b)(6), (7) and (8). In my hearing briefs before

the Board of Law Examiners, I argued at some length that ADA applies to attorney licensure proceedings and that I fall within the definition of an "individual with a disability" pursuant to 42 U.S.C. §§ 12102(2)(B) and (C) because of the grounds upon which my 1992 application for admission was denied. (See, Petitioner's Hearing Brief, pp. 54-66, relying primarily upon *Bartlett v. New York State Board of Law Examiners*, 226 F.3d 69 (2nd Cir. 2000); *Re Petition and Questionnaire for Admission to the Rhode Island Bar*, 683 A.2d 1333 (RI 1996); and *Doebele v. Sprint/United Management Co.*, 342 F.3d 1117 (10th Cir. 2003)). In her responsive brief, the Admissions Attorney agreed that the ADA and its implementing regulations apply to state attorney licensure programs, and argued that ADA applied to my condition directly under 42 U.S.C. § 12102(2)(A) rather than indirectly under 42 U.S.C. § 12102(2)(B) or (C). (Admissions Attorneys' Brief, pp. 22-23). Then, significantly, the Admissions Attorney agreed with me that the test to be applied is whether my "mental condition poses a 'direct threat' to the health and safety of others," and that this is to be determined using the test explained in 28 C.F.R. 35.104, App. A. (Compare, Admissions Attorneys' Brief, pp. 24-25 with Petitioner's Hearing Brief, pp. 69-73). As the Admissions Attorneys' brief notes, the determination whether a person's mental condition poses a direct threat "may not be based upon generalizations or stereotypes" but instead must be "based on reasonable judgment that relies on *current medical evidence* or on the best available *objective evidence* to determine: the nature, duration and severity of the risk; the probability that potential injury will actually occur; and whether reasonable modification of policies, practices and procedures will mitigate the risk." Admissions Attorneys' Brief, pp. 24-25, quoting 28 C.F.R. 35.104, App. A (emphasis added). This emphasis on objective

evidence obviously excludes reliance on "speculation, stereotypes, or generalizations." 29 C.F.R. 35.130, App. A to § 35.130(b)(8), as quoted in Petitioner's Brief, p. 70.

Exception to Finding Number 7:

6. As was also pointed out by the Minority Dissenting Report, at pages 2-4, the Board's Finding Number 7 ignores the testimony of both psychological experts to find "conflicting testimony" about whether I presently suffer from Bipolar Disorder. In fact, Dr. Urdaneta consistently testified that he now believes his former diagnosis of Bipolar Disorder was simply wrong, although he agrees that his own 1992 report justified Dr. Hough in including "Bipolar Disorder, **NOS**... in full remission" in his formal diagnosis. (Exhibit F, compare Exhibit 17, pp. 23, 29; Transcript of Hearing, pp. 41-47, 59-60, 104-105). Thus, he now testifies that I *never* suffered from Bipolar Disorder. For his part, Dr. Hough testified that the historical diagnosis of bipolarity was correct. But he also testified clearly, that he believes my bipolar condition to be in a complete, stable, long-term remission. (Exhibit 17, pp. 23, 29-30; Transcript of Hearing, pp. 193-194, 201-202). Thus, both doctors agreed that I do not *presently* suffer from active Bipolar Disorder, and have not in many years (if I ever did).

Exception to Finding Number 8:

7. I join the Minority Dissenting Report in the observation, made on page 6 of that Dissenting Report, that the Board significantly understated the evidence received by the Board regarding the level of complexity and supervision involved in the work I do at Weathers, Riley & Sheppeard, my interactions with people outside the firm, and the quality of my work. (See, Transcript of Hearing, pp. 127-155).

Exceptions to Finding Number 9:

8. I join the Minority Dissenting Report, at pages 7-8, in the observation that, in this finding, the Board appears to be requiring me to prove that I would survive a hypothetical future "worst case" stress scenario without any possibility of a relapse. This presents both an unnatural standard that is not applied to other applicants for the Bar examination and a requirement that I make a proof that would be *impossible* for *any* applicant to make. The testimony of both of the medical experts was that they can "never say never" (in Dr. Urdaneta's words), that they could never testify that any mere mortal will, with certainty, never in the future develop active mental illness or engage in improper sexual behavior. (Exhibit 35, pp. 2-3; Transcript of Hearing, pp. 59, 254-255). Both doctors testified that relapse in my case was unlikely, as previously noted.

9. The Board also improperly speculated in this finding that, if admitted to the Bar, I would promptly lose the "protected environment" which it believes necessary to prevent a relapse. In so doing, it ignored the letters from all three partners in Weathers, Riley & Sheppeard indicating that I would be permitted to retain my employment with that firm upon my admission to the bar. (Exhibits 19, 20, 21). The Board also ignored Mr. Weathers' testimony that I would remain employed at Weathers, Riley & Sheppeard after my admission, initially in essentially my present position, but might thereafter have the opportunity to gradually earn more independence. (Transcript of Hearing, pp. 134-135). Mr. Weathers further testified that any new attorney hired by the firm would likewise be required to earn independence. (Transcript of Hearing, p. 135). Furthermore, the Board ignored my testimony that I planned to remain at Weathers, Riley & Sheppeard and to develop my practice at whatever rate they believed me able to do so. (Transcript of Hearing, p. 268). My employers have been working with me for 16 years, and

certainly understand my capabilities and weaknesses better than does the Board. Thus, the *evidence* before the Board indicated that I was unlikely to lose my "protected environment" as a result of my admission. It should not have based its recommendation on mere speculation that I would lose it.

10. This Finding Number 9, read with the Board's Findings Numbers 6 and 10, appears to revive the requirement of proof of a "cure" first announced to me informally during the proceedings on my 1992 application to take the bar examination. During that proceeding, the Disciplinary Administrator stated to me his belief—subsequently confirmed by the questions of one of the members of the Board in the 1992 hearing—that the Court would not permit any applicant with a history of bipolar disorder to sit for the bar examination absent proof that his or her bipolar condition was totally and permanently "cured." (Exhibit G, pp. 4-5, ¶¶10-12). In its findings in the present proceeding, the Board appears to revive this requirement of a "cure" (though without using this term) by recommending denial of my application because I failed to prove that 1) I no longer have any sexual fantasies (Finding No. 6), 2) there is absolutely no possibility of a future relapse, even under a speculative "worst case" scenario (Finding No. 9), 3) my condition so stable that further treatment would be of no benefit to me (Finding No. 10) *and* 4) therefore I am no longer receiving treatment (Finding No. 10). However, ADA prohibits the application of a "completely cured" standard, for all of the reasons set forth in my Petitioner's Hearing Brief, at pages 54 through 73. Indeed, in her hearing brief before the Board, the Admissions Attorney conceded that the ADA generally prohibits a regulated entity from applying a "must be cured" or "100% healed" policy to screen out individuals with disabilities. (Admissions Attorneys' Brief, pp. 25-

26). The Board should not have applied a standard that, when read together, is the equivalent of requiring a complete "cure."

11. Moreover, by requiring me to abjure further psychiatric treatment as a condition of licensure, the application of a "completely cured" standard violates the right of medical privacy under the Fourteenth Amendment announced by this Court in *State v. Hughes*, 246 Kan. 607, Syl. 2 and at 617-619, 792 P.2d 1023 (1990). This argument was set forth at length in my Petitioner's Hearing Brief, at pages 44-53, but was ignored by both the Admissions Attorney and the Board.

Exceptions to Finding Number 10:

12. The Board's Finding Number 10 presents me with a logically impossible, mutually-contradictory set of official expectations. It faults me for still needing any treatment at all (even "maintenance psychotherapy") and in the same sentence faults me for not spontaneously recognizing that I need "group psychotherapy" I am not presently receiving. Thus, to prove my fitness to the satisfaction of the Board, I would have had to simultaneously prove that I was receiving appropriate group psychotherapy and that I was receiving *no* psychotherapy at all. Of course, such a contradictory proof is impossible.

13. In finding me not mentally and emotionally fit to practice law because I failed to recognize that I need group psychotherapy, the Board ignored the evidence before it that no medical provider had ever prescribed, recommended, or even mentioned, group psychotherapy for me prior to Dr. Hough's testimony before the Board. (See, Transcript of Hearing, pp. 229-231). Group therapy was not mentioned anywhere in Dr. Urdaneta's 1992 or 2006 reports submitted to the Board (Exhibits 14 and F). It is also not mentioned anywhere in Dr. Urdaneta's clinical psychotherapy notes (Exhibit 15), or in his testimony

before the Board, either in 1992 (Exhibit 3, pp. 27-60) or in 2006 (Transcript of Hearing, pp. 26-126). Furthermore, the group therapy option is not mentioned anywhere in either of Dr. Hough's written reports (Exhibits 17 and 35). I also testified that the suggestion of group psychotherapy had not been brought to my attention at any time prior to the Board's hearing on December 11, 2006. (Transcript of Hearing, p. 269). Thus, the Board seems to fault me for not knowing what treatment I need better than my own psychiatrist does.

14. In finding that I need formal "group psychotherapy," the Board ignored much of the testimony of Dr. Hough on which it based this finding. Dr. Hough did not recommend formal "group psychotherapy." Instead, in responding to a question by the Admissions Attorney, Dr. Hough stated that his primary recommendation was that I continue my individual "maintenance psychotherapy" with Dr. Urdaneta, and that I might also consider adding to that individual maintenance psychotherapy an *informal* support group, that could be provided through my church or through a group modeled after Alcoholics Anonymous, in which I may freely discuss my sexual issues with other men:

> Well, my treatment—my best recommendation for Mr. Johnson would be, first of all, to continue on with *maintenance* therapy with Doctor Urdaneta. I think they have a very solid working relationship. They've been together for a number of years. I think Mr. Johnson trusts Dr. Urdaneta, is confident in his skills. I think he has benefited from being in treatment with Dr. Urdaneta. And the notes—the treatment notes from Dr. Urdaneta reflect that Mr. Johnson has been cooperative with the treatment and that he's been responsive. He's a responder. He's done well with the treatment. So that I would certainly like to see in place. I guess if I were going to add another component it might be *something like* a group therapy *of some sort. Perhaps this can even be done through church, I mean it doesn't have to be a clinical setting.* But I mean something—some setting where he, with other men, could talk about—in an open candid way, confidentially talk about sexual urges, fantasies, preoccupations, behaviors... *It's the same idea that alcoholics might use with AA.* It's an ongoing *support and monitoring* mechanism that the AA people will say this should be done for the rest of their life. I don't see any problems

> or I don't see any downside for Mr. Johnson being involved in something like that. And now there are in SA, sexual addiction, groups that are run on the AA model and that it's the same idea. And you work with the group and you get support and benefits and it does reduce recidivism. It helps. Anything you can throw into the treatment mix that's going to keep the likelihood of reoffending down in my view is worth doing. So I would add that. *But the main thing I would add would be to stay with Dr. Urdaneta.*

(Transcript of Hearing, pp. 229-231).

15. In finding me mentally and emotionally unfit to practice law because I am still receiving needed psychiatric treatment and because I am not receiving group psychotherapy which my treating psychiatrist has not prescribed for me, the Board applied to me a much stricter standard than is generally applied to attorneys who are disciplined for disciplinary offenses committed under the influence of a major mental illness. Such attorneys are generally encouraged to receive needed treatment; they are not removed from practice until they can prove they no longer need treatment. See, *e.g.*, *In re Ketter,* 268 Kan. 146, 992 P.2d 205 (1999), *discharged from probation*, 276 Kan. 2 (2003); *In re Herman*, 254 Kan. 908, 869 P.2d 721 (1994), *discharged from probation*, 266 Kan. 497 (1999); *compare* Kansas Supreme Court Rules 203(a)(5) and 206. Moreover, with regard to the group psychotherapy issue, I have not been able to find any Kansas Bar disciplinary cases in which it was held that an attorney facing discipline for acts committed under the influence of a mental illness was required have knowledge of his own psychiatric treatment needs superior to that of his treating psychiatrist. This gross disparity between the standard the Board asks the Court to apply to me and the standard that would be applied to an otherwise similarly situated licensed attorney facing the disciplinary process violates the equal protection of the laws guaranteed by the Fourteenth Amendment. *Miller v. Carter*, 547 F.2d 1314, 1316 (7th Cir. 1977) *aff'd per curiam sub nom. Carter v. Miller*, 434 U.S. 356 (1978); *Hallmark Cards, Inc. v. Kansas*

Department of Commerce and Housing, 32 Kan. App.2d 715, Syl. 7-9, 88 P.3d 250 (2004). (See, Petitioner's Hearing Brief, pp. 24-27, 31-34; Petitioner's Reply Brief, pp. 8-11).

Exceptions to Finding Number 11:

16. The Board's present perceived inability to grant a conditional license or to monitor an attorney's ongoing treatment is not valid grounds for denial of my application on factual grounds. I did not request conditional or probationary licensure. At the hearing in this matter, I stated that I did not believe that conditional licensure or monitoring was necessary, but expressed my willingness to submit to monitoring, if the Board or the Court were to deem it necessary. (Transcript of Hearing, p. 277, ll. 13-20). In fact, I would submit that, since the denial of my last application, I have successfully completed a 14-year probationary period as a paralegal at Weathers, Riley & Sheppeard. No additional period of probation should be necessary.

17. The Board's present perceived inability to grant a conditional license or to monitor an attorney's ongoing treatment is also not valid grounds for denial of my application as a matter of law. As noted above, I did not request conditional or probationary licensure. But if the Court believes that conditional admission or some form of monitoring is necessary, and will mitigate some "direct threat" that would otherwise be created by my admission, regulations implementing Title II of the ADA require the Court to modify its policies, procedures and practices to accommodate that conditional admission or monitoring unless it can show that "making the modifications would *fundamentally alter* the nature of" the attorney licensing program. 28 C.F.R. 35.130(b)(7). Since there are presently attorneys who are practicing on probation, subject

to monitoring requirements and practice restrictions, as a result of disciplinary proceedings, it would not "fundamentally alter" the Court's overall attorney licensing program to permit me to practice on probation or with some monitoring requirements. The Court already has mechanisms in place for supervising probationary attorneys. It becomes, then, merely a matter of making a reasonable modification to the Court's policies, practices and procedures to permit application of those existing mechanisms to a newly-admitted attorney in order accommodate a disability. ADA requires the Court to make such reasonable modifications to its rules, policies and practices. 42 U.S.C. §§ 12131(2) and 12132. Thus, the Board's Finding Number 11 does not state valid grounds for denying my application as a matter of fact or law.

SUGGESTION FOR THE FUTURE COURSE OF THIS CASE

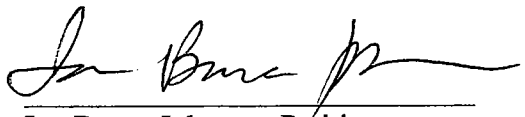
At this time, I would suggest that the Court treat my application as an application to take the **July** 2007 Kansas Bar Examination, rather than the February examination. This delay will permit the Court sufficient time 1) to obtain input from the relevant committees of the Kansas Bar Association regarding the application of the ADA to bar admission proceedings and regarding the underlying policy question presented concerning the standards for admission of applicants who present with histories of mental illness; 2) to solicit amicus briefs, if it wishes to do so, from the United States Department of Justice (which is responsible for regulatory interpretation and enforcement of Title II of the ADA as applied to activities of state courts, 28 C.F.R. 35.190(a)(6)), organizations dealing with mental health and disability issues, and from other relevant interest groups, regarding the legal and policy issues presented in these Exceptions; and 3) to determine, based upon the above input from outside sources and further consultation

with me, whether some reasonable accommodation is needed and, if so, what accommodation would adequately address the Court's concerns. The Court now has a perfect opportunity to establish clear and well-reasoned policy in this area.

CONCLUSION

For the reasons stated above, I urge the Court to grant my application for admission to the Bar, after taking sufficient time to allay any concerns raised by the Board of Law Examiners' report.

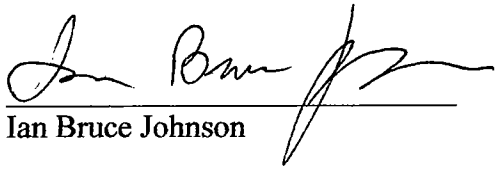
Respectfully Submitted,



Ian Bruce Johnson, Petitioner
1601 S.E. Maryland Ave.
Topeka, KS 66607
Dated January 29, 2007.

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2007, I hand delivered a copy of the foregoing Petitioner's Exceptions to the Report of the Board of Law Examiners to Ms. Gayle B. Larkin, Admissions Attorney, 701 S.W. Jackson, First Floor, Topeka, Kansas 66603



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