

NOTICE OF SUSPENSION AND RESTITUTION WITH CONDITIONS
(By Consent)

Case No. 04-113-GA

Notice Issued: July 29, 2005

James P. Lavender, P 52590, Bingham Farms, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #84.

1. Suspension - 180 Days
2. Effective July 29, 2005

The respondent and the Grievance Administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5) and MCR 9.121(C), containing respondent's plea of no contest to the allegations that in his representation of four clients, he neglected the legal matters entrusted to him; failed to keep his clients reasonably informed about the status of their matter; failed to refund the unearned portion of the advanced fees upon termination of his representation; and failed to answer four requests for investigation served by the Grievance Administrator. Respondent also pled no contest to the allegation that he falsely stated to his client that he had entered a stipulated order to amend custody and improperly marked a purported copy of the order as a "true copy," although the order had not been signed and entered. Finally, respondent pled no contest to the allegation that he is incapacitated and unable to continue the practice of law.

Respondent was charged with violations of MCR 9.104(A)(1) and (7); MCR 9.113(A) and (B)(2); MCR 9.121(B); and Michigan Rules of Professional Conduct 1.2(a); 1.3; 1.4(a); 1.16(d); and 8.4(b) and (c).

The parties agreed that respondent's license to practice law in Michigan should be suspended for 180 days, to run concurrently with the 180 day suspension ordered in Grievance Administrator v James P. Lavender, Case No. 04-54-MZ (Ref. 03-33-GA), also effective July 29, 2005. The parties also agreed that respondent shall be subject to certain conditions relevant to the alleged misconduct, including the payment of restitution in the aggregate amount of 5,200.00.

Additionally, based on respondent's plea of no contest to the allegation that he is incapacitated from the practice of law, the panel ordered that respondent's reinstatement to the practice of law shall be subject to the provisions of MCR 9.121(E). Costs were assessed in the amount of \$933.35.