

NOTICE OF SUSPENSION

and

AUTOMATIC REINSTATEMENT
(Pending Appeal)

Case No. 01-174-GA

Notice Issued: October 9, 2003

Bertram L. Johnson, P 46646, Michigan, by the Attorney Discipline Board, reducing Tri-County Hearing Panel #5's suspension of 180 days to 120 days.

1. Suspension - 120 Days;
2. Effective May 31, 2003;

and

3. Automatic Reinstatement;
4. Effective October 7, 2003

The hearing panel found, by default, that respondent violated his duties to the court, as well as the opposing party and his counsel, by failing to appear for a show cause hearing and ignoring two court orders imposing monetary sanctions against respondent in the total sum of \$2,385.00. Respondent's conduct was found to be in violation of MCR 9.104(A) (1) - (4); and Michigan Rules of Professional Conduct 3.4(c); and 8.4(a) and (c). The hearing panel ordered that respondent's license to practice be suspended for 180 days and also ordered respondent to attend an ethics course.

Respondent filed timely petitions for review and stay of discipline. The Attorney Discipline Board denied the stay of discipline and respondent then filed a motion for reconsideration of the order denying stay of discipline. The Attorney Discipline Board denied respondent's motion for reconsideration and, on upon review, issued an order vacating the panel's finding that respondent violated MRPC 3.4(c) and reducing discipline in this matter from a 180 day suspension to a 120 day suspension, commencing May 31, 2003 and until the respondent's compliance with MCR 9.123(A). Since the 120 day suspension period has already expired, the Attorney Discipline Board issued a supplemental order giving their October 1, 2003 order immediate effect for purposes of allowing the respondent to file the requisite affidavit in compliance with MCR 9.123(A).

On October 7, 2003, in accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit of compliance with the clerk of the Michigan Supreme Court.

The Grievance Administrator has filed a motion for reconsideration which is currently pending before the Board