

CORRECTED NOTICE OF PROBATION
(By Consent)

Case No. 98-210-GA

Issued: November 10, 2000

James R. Johnson, P-37936, Saginaw, Michigan, by the Attorney Discipline Board Midland County Hearing Panel #1.

1. Probation - 2 Years;
2. Effective October 11, 2000.

The respondent and the Grievance Administrator filed a stipulation for a consent order of discipline in accordance with MCR 9.115(f)(5) which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Respondent offered a plea of no contest to the charges of misconduct contained in Counts One through Four of Formal Complaint 98-210-GA, to wit: That in one tax matter, respondent failed to file a petition and other required pleadings with the Michigan Tax Tribunal; that in another tax matter, respondent failed take further action on his client's behalf after filing an appearance; that in both matters, respondent failed to maintain reasonable communications; and that respondent failed to perform services for which he was retained and failed to return the unearned fees. Respondent's conduct was alleged to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 1.4; 1.5(a); 1.15(b); 1.16(d); 3.2; and 8.4(a) and (c).

During the proceedings before the panel, respondent asserted his eligibility for an order of probation under MCR 9.121(C) on the grounds that the health-related impairment was the cause of or substantially contributed to his conduct. By stipulation, the parties agreed that Count Five of Formal Complaint 98-210-GA should be dismissed and that respondent should be placed on probation for a period of two years. Fees paid to respondent were voluntarily repaid, plus interest, during the discipline proceedings. Costs were assessed in the amount of \$615.17.