

NOTICE OF REPRIMAND

Case No. 97-172-GA

James D. O'Connell, P-18397, Highland Park, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #5.

- 1) Reprimand;
- 2) Effective February 25, 1999.

Respondent represented the defendant in a criminal matter. Respondent admitted that he participated in an ex-parte contact with the presiding judge in which the merits of his client's pending criminal case were discussed. After his ex-parte contact with the judge, respondent told his client that the judge had offered to sentence him as if the offense were a Felonious Assault if the defendant would agree to waive his right to a jury trial on the offense of Assault with Intent to Murder. Respondent further admitted that he counseled his client to deny, when questioned by the judge, that any promise had been made to him to induce his waiver of the jury trial; and failed to correct his client's false statement that no promise was made to induce his waiver of his right to a jury trial. In his defense, respondent asserted that events described in the Formal Complaint reflected the standard and practice in that court at the time the events occurred.

The panel concluded that respondent's conduct violated MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.2(c); 3.3(a)(2); 3.4(b); 3.5(b) and 8.4(a)-(c).

The panel ordered that respondent be reprimanded. Costs were assessed in the amount of \$1,110.98.