

## NOTICE OF SUSPENSION WITH CONDITIONS

Case No. 96-124-GA; 97-147-FA; 96-176-GA

John H. Holmes, Jr., P-25446, Southfield, Michigan, by the Attorney Discipline Board vacating Tri-County Hearing Panel #54's Order of Probation.

- 1) Suspension - Sixty (60) Days;
- 2) Effective September 18, 1997.

Respondent was retained to defend the first complainant in a law suit for unpaid attorney fees. During the divorce case, the complainant had given that attorney three diamond rings to hold as security for the unpaid legal fees. The attorney later entrusted respondent with the diamond rings. The panel found, by default, that respondent failed to file a timely appearance and answer, resulting in the entry of a default judgment; failed to inform the complainant that his attempt to have the default set aside was unsuccessful; falsely informed the complainant that the matter was successfully concluded in her favor; failed to take appropriate steps to safeguard the rings and ensure their return to the complainant; and failed to timely answer the Formal Complaints.

Respondent was retained to represent the second complainant in a personal injury matter. Respondent admitted that he failed to take any action on the complainant's behalf for over two years.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4) and (7); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4(a) and (b); 1.15(a); 8.1(b) and 8.4(a)-(c).

On December 2, 1996, the panel entered an Order of Probation. The Grievance Administrator filed a petition for review. In an order issued August 27, 1997, the Attorney Discipline Board vacated the Order of Probation and imposed a sixty-day suspension with conditions relevant to the established misconduct. Costs were assessed in the total amount of \$1252.69.

